

NORWICH LIVESTOCK MARKET BILL

BUNDLE OF EXHIBITS
FOR UNOPPOSED BILL COMMITTEE
IN THE HOUSE OF COMMONS
2 JULY 2025

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Norwich Livestock Market Bill
Unopposed Bill Committee
Summary of Case for the Bill

1 Introduction

- 1.1 This document sets out a summary of the case for the Norwich Livestock Market Bill (2024-2025) (the ‘**Bill**’). It has been prepared to assist the Unopposed Bill Committee in its consideration of the Bill.

2 The Bill’s provisions

- 2.1 The Promoter, Norwich City Council, is the district council for the area in which the Norwich Livestock Market (the ‘**Market**’) is located. The Promoter’s power to hold a livestock market is conferred by section 4 of the Norwich City Council Act 1984 [**Tab 6 of the Bundle of Exhibits**]. Subsection (1) confers a power on the Promoter to ‘hold markets and fairs within the city’ (emphasis added). ‘The city’ is defined in section 2(1) of the Act as ‘the City of Norwich’. The Promoter requires additional statutory powers to relocate the Market to a location outside the City of Norwich. The Bill would confer this power on the Promoter. For example –
- 2.1.1 Clause 3 enables the Council to relocate the Market from time to time subject to certain conditions.
- 2.1.2 Clause 4 provides a power for the Council to determine that land forming any part of a new site which is not required for the purposes of the Market should no longer form part of a new site and fix a date when this is to happen; and from that date the land is released from any restriction, right or obligation due to its status or use as a market. However, this is subject to subsection (2), which provides that this must not result in the area occupied by the market facility at a new site being smaller than 5.5 acres, taking into account any land incorporated under clause 5.
- 2.1.3 Clause 5 provides a power for the Council to incorporate adjoining land into a new site.
- 2.1.4 Clause 6 provides the Council with powers to operate and regulate a new site. Subsection (1) provides that the Council’s rights in relation to the existing site shall have effect in relation to a new site. Subsection (2) provides that Part III of the Food Act 1984 [**Tab 5**] (which provides for the general operation of markets) is to apply to a new site. Subsection (3) provides the Council with powers to develop a new site. It also allows the Council to grant leases or licences in respect of a new site or sell or otherwise dispose of a new site and enter into a composition with any person with respect to the payment of any charges due under Part III of the Food Act 1984. Subsection (4) gives the Council power to

appoint another person to operate or manage a new site, and to delegate in writing functions consequential on such an appointment, to such extent and subject to any conditions or restrictions that the Council considers appropriate. Clause 6 is substantially based on section 3 of the Hereford Markets Act 2003 [Tab 7].

- 2.1.5 Clause 7 provides a power for an authorised person (including a constable or a person authorised by the Council) to give directions as to the use of a new site to ensure the safe and efficient operation of the Market. Subsection (2) provides that a fine may be issued for any failure to comply with a direction under clause 7.
- 2.1.6 Clause 8 provides a power to issue fixed penalty notices for traffic offences on roads within a new site or for breach of any byelaws made under the Food Act 1984, with certain notice requirements detailed in subsections (3)-(5). Subsection (6) provides that no proceedings may be taken against a person to whom a fixed penalty notice is issued within 14 days of the notice being issued and that such a person cannot be convicted if a fixed penalty is paid before the end of that period. Subsection (7) provides that the amount of the fixed penalty is to be prescribed by the Council and subsection (8) prescribes the form of evidence applicable to the proceedings.
- 2.1.7 Clause 9 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of committing an offence under section 7 or acting in breach of byelaws made under the Food Act 1984, to give their name and address so that enforcement action may be taken against the person. Subsection (2) provides that it is an offence to fail, without reasonable excuse, to provide such information.
- 2.1.8 Clause 10 provides that nothing in sections 4 and 8 of the Norwich City Council Act 1984 affects the operation of the Bill and that the provisions of that Act are to have effect subject to the Bill. The clause ensures that a relocation undertaken under clause 3 is not treated as a relocation for the purposes of the Norwich City Council Act 1984.

3 Summary of case for the Bill

The need for change

- 3.1 The Market has been located at its current site near Hall Road [Tab 3] in Norwich (the ‘Existing Site’), since the 1960s. The Promoter considers that facilities at the Existing Site are outdated and no longer fit for purpose. The Promoter has commissioned detailed survey work which has concluded that extensive repair works are required to update the current Market facilities and ensure the Market can continue to meet modern biosecurity and animal welfare standards. The required works include –
 - 3.1.1 demolishing a former auction building and removing asbestos,
 - 3.1.2 removal of asbestos and re-roofing the current auction building,

- 3.1.3 providing new electrical services to the current auction building,
 - 3.1.4 refurbishing the interiors of offices, café, and welfare facilities and creation of new accessible facilities,
 - 3.1.5 redesigning and repairing weighing scales,
 - 3.1.6 replacing a substantial number of the animal pens,
 - 3.1.7 extending roofs above animal pens for improved protection from the sun,
 - 3.1.8 installing a new water supply and providing water tanks for wash-down after sales, and providing new washdown facilities for vehicles, and
 - 3.1.9 relaying parts of the existing concrete roadway and hardstanding for vehicles.
- 3.2 The Existing Site is also subject to operational restrictions which control the activities which can be undertaken there. For example, the current headlease with the landowner limits the frequency of sales during the year and the use of the market to the sale of cattle and sheep. This has been the position since 2010. Before 2010, the Market – like similar ones around the UK – sold other animals including pigs, rare breeds, fur and feather (poultry, rabbits, birds) and provided for the sale and storage of plant and machinery.
- 3.3 The extent of the required works, the need for additional parking, and operational restrictions mean that further investment in the Existing Site would not deliver any economic return on public investment. The Promoter therefore proposes to move the Market to a new site.

Alternatives considered

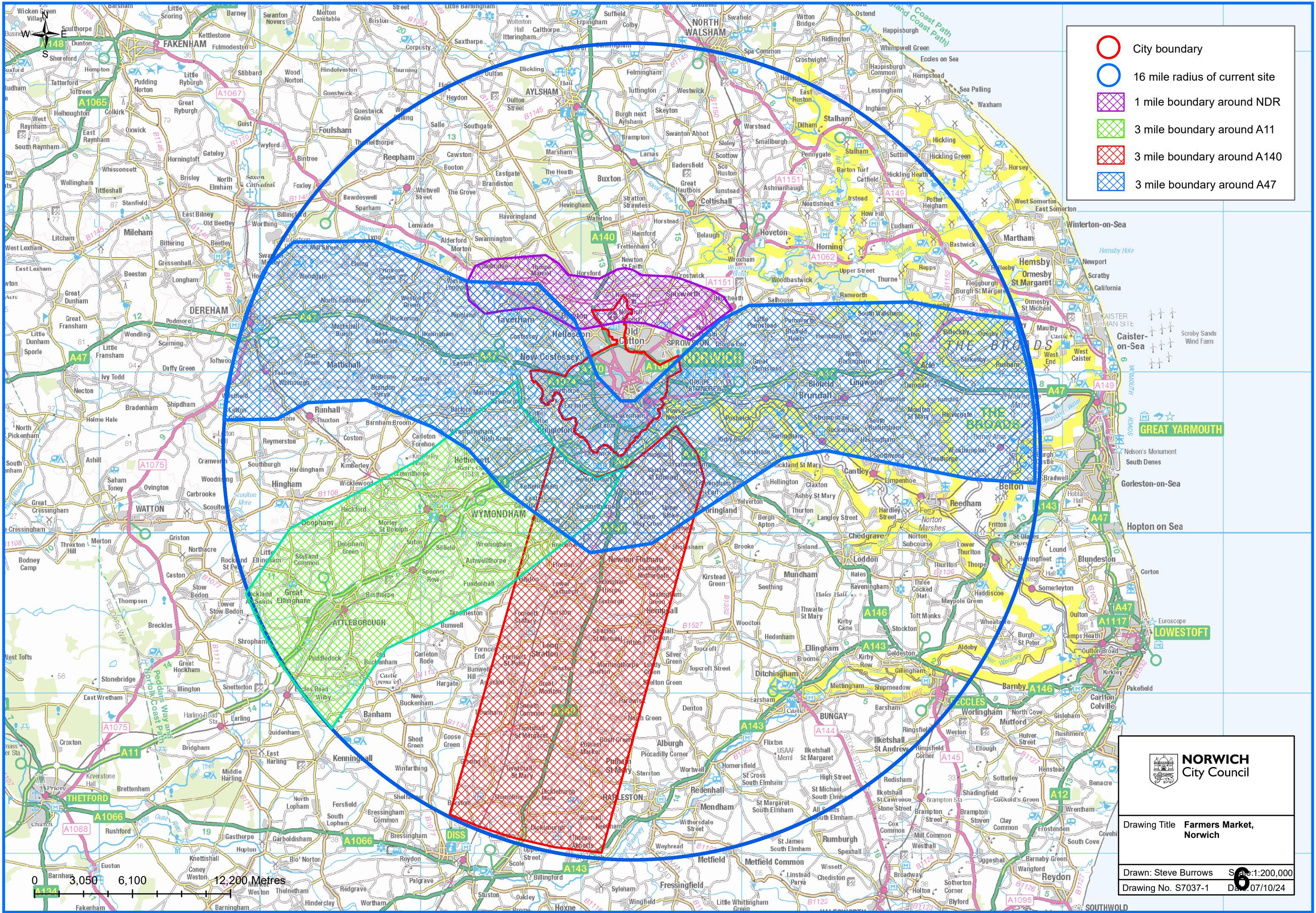
- 3.4 The Market is one of the last trading markets in East Anglia (the last trading store market) and as such provides farmers with an alternative to having to enter into direct contracts with supermarkets. Markets generally feed into a wider positive narrative about food miles, food security and provenance. Markets give the opportunity for farmers to meet to discuss the trade and current issues in farming, providing a vital link for people involved in a vocation that is often lonely due to the nature of the work. The Promoter therefore considers it is vital to retain an operational market in the local area.
- 3.5 As mentioned, the Promoter's power to hold the Market is conferred by section 4 of the Norwich City Council Act 1984. This Act also enables the Promoter to relocate the market but only within the boundary of the City of Norwich. The viability of relocating the Market within that boundary has been explored but higher land values and the proximity to existing commercial and residential uses mean this is not feasible.
- 3.6 Furthermore, consultees have indicated that, in line with other market relocations around the country, market users would prefer a relocation outside the City boundary with improved transport links, more parking for larger vehicles, improved welfare facilities for staff and market users, better bio-security measures for vehicles and animals and an opportunity to see a range of associated businesses which support the livestock sector. For example, other markets host veterinary services, agricultural

suppliers, rural land agents, and insurance brokers. The Existing Site's constraints prevent similar services being hosted at the Market.

Consultation and support for the Bill

- 3.7 The Promoter consulted on the Bill over a 5-week period between 18 July and 26 August 2024. Details of this consultation are set out in the Consultation Summary Report **[Tab 4]**. It will be noted that 73% of respondents supported the proposal to relocate the market outside the City boundary. Moreover, the landowner and key stakeholders, including the market operator and the National Farmers Union, all support the Bill's proposals.

Mark Fitzsimmons
Norwich City Council
30 June 2025



- City boundary
- 16 mile radius of current site
- 1 mile boundary around NDR
- 3 mile boundary around A11
- 3 mile boundary around A140
- 3 mile boundary around A47



NORWICH
City Council

Drawing Title **Farmers Market,
Norwich**

Drawn: Steve Burrows Scale: 1:200,000
Drawing No. S7037-1 Date: 07/10/24



Consultation Summary Report

Norwich Livestock Market

1. Context and objectives

Norwich City Council have a statutory duty to provide and maintain a livestock market within the city boundaries by virtue of the Norwich City Council Act 1984. The Norwich Livestock Market has been trading on a site close to Hall Road since the 1960s and plays a vital role in East Anglia's agricultural sector.

Detailed survey work has shown that the repair work is extensive, reflecting the age of the facility and the need to introduce modern biosecurity and animal welfare standards. Work includes the demolition of a former auction building, removal of asbestos across the site, refurbishment of the current auction building and major work to the parking areas and roadways. The extent of this work, the operational restrictions which control what the market can undertake on the site and the lack of parking for large agricultural vehicles means further investment in the site would not provide value for money. The viability of relocating the market elsewhere within the city boundary has also been considered but higher land values and its potential proximity to existing commercial and residential uses means this is not feasible in a manner consistent with delivering value for money.

To address these issues, the council is proposing to amend the existing Act through a private bill. This would allow the council to consider the relocation of the market to a new site outside the city boundary. The relocation would also enable the construction of a modern and efficient facility that better services livestock farmers and adheres to current regulations. The private bill process includes a public consultation to ensure that proposed changes are in the public interest. As such, the objectives of this consultation are:

- To clearly communicate the proposed legislative change to the public and relevant stakeholders.
- To actively seek feedback and input from a range of stakeholders including residents, farmers, market customers, relevant authorities, special interest groups and organisations.
- To gather additional information to support project decision making, including addressing stakeholder concerns and identifying potential benefits and challenges.

2. The consultation

Norwich City Council ran this consultation over a 5-week period between 18 July and the 26 August 2024. The consultation was hosted on the council's consultation and engagement platform, Get Talking Norwich (<https://gettalking.norwich.gov.uk/>). The council conducted an online survey to capture feedback that was open to all stakeholders and members of the public.

To maximise participation and feedback the consultation was actively promoted through various channels. This included a public notice in the local paper, social media promotion, a feature in Citizen magazine, targeted emails to relevant stakeholders and in person promotion at the market. A summary of promotion and a breakdown of response sources is provided below:

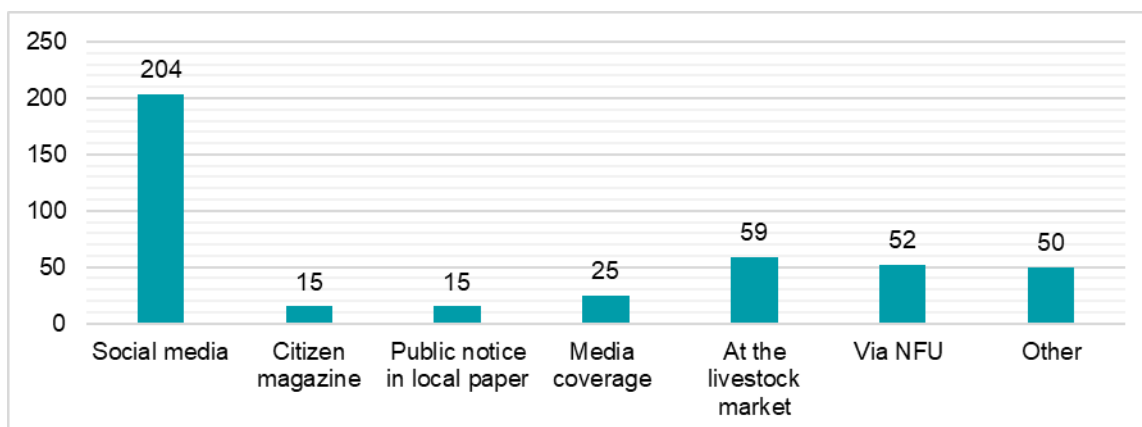


Figure 1: A summary of communication methods and response sources.

3. Analysis and responses

The responses to the consultation were collated and analysed. An inductive thematic analysis was used, whereby codes are generated from a large body of data to allow patterns and themes to emerge. This is a simple and flexible form of qualitative analysis commonly used in social research. Each of the qualitative question responses were read, analysed, coded and assigned to a theme or themes relevant to the question asked. The percentage figures have been rounded to the nearest whole number and as a result not all responses may equal 100%. The response rates to each question varied and therefore figures for each question have been included.

4. Responses to the questions

In total the consultation received 354 responses. 335 were received online and 19 were received as paper copies. As of 02/09/2024, there have been 1,400 visits to the Get Talking Norwich project page. 50% of responses (176) came from customers of the market. The next largest groups were farmers and members of the NFU with 115 responses and residents with 114 responses.

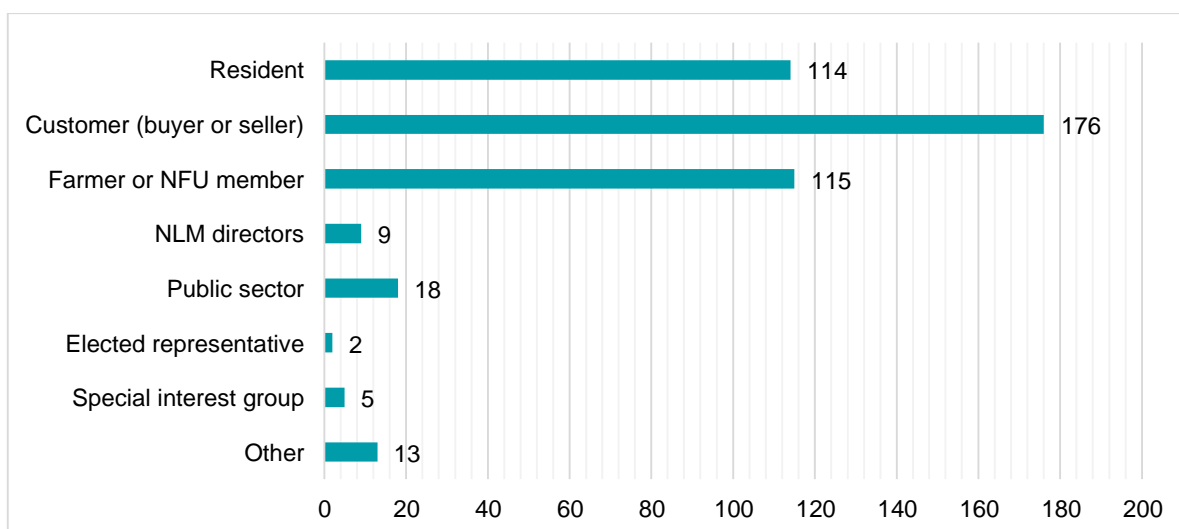


Figure 2: Response rates per stakeholder group.

Demographic data on age, gender and ethnicity was not collected. Respondents that identified as 'other' included customers of British farms, supporters of local agriculture, sheep keepers, Norfolk County Council trading standards and other interested parties.

344 responses provided partial postcodes. The following chart is a breakdown of responses received by district based on the available data:

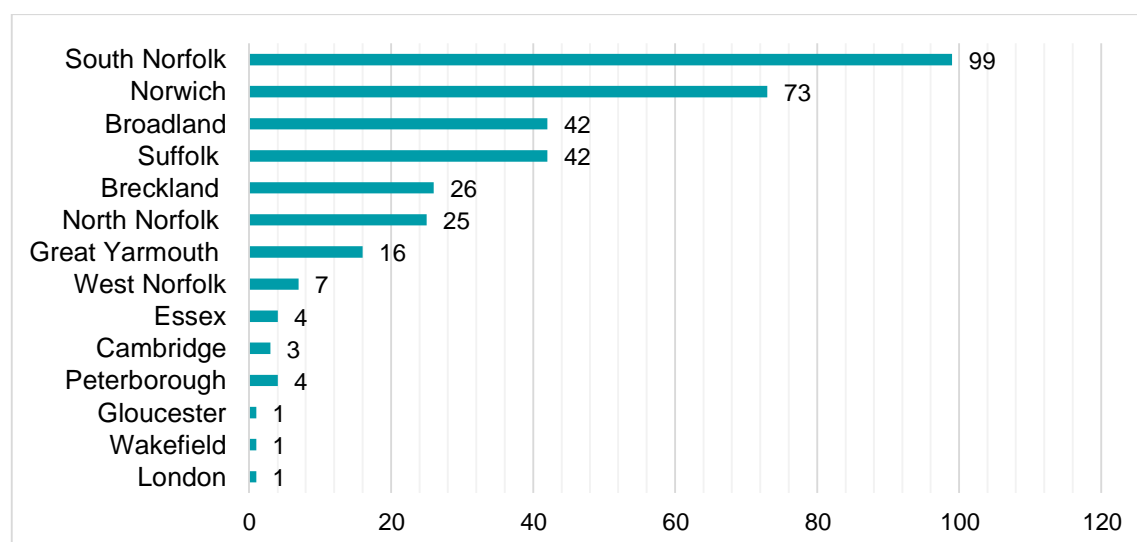


Figure 3: A breakdown of responses by district based on partial postcodes.

5. Key findings

A. Public awareness of the current market and the legal obligations of the council

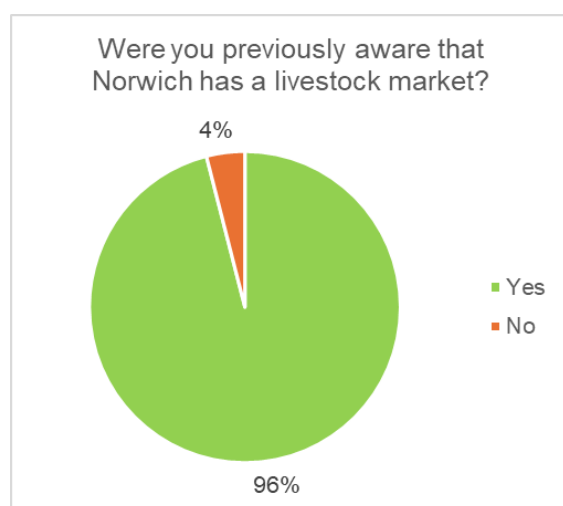


Figure 4: Previous awareness of the market

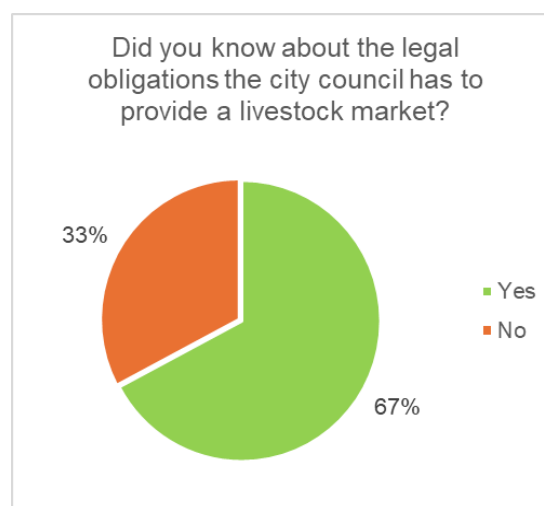


Figure 5: Previous awareness of legal obligations

96% of respondents (337) were previously aware of Norwich's livestock market, while 4% (14) were previously unaware. 67% of respondents (236) were aware of

the City Council's legal obligation to provide and maintain a livestock market and 33% (115) were unaware.

B. Levels of support for the proposal

73% of respondents (258) support the proposal for the council to seek legal permission to be able to relocate the market outside the city boundary. 16% were in opposition (55) and 11% (39) were unsure.

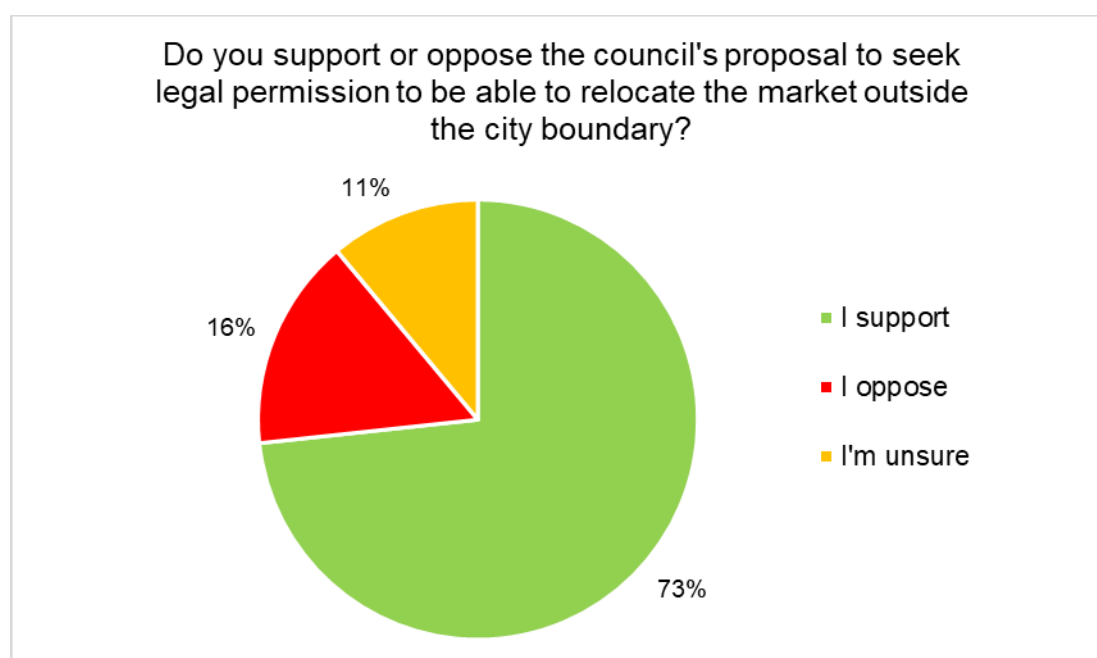


Figure 5: Public sentiment of the proposal to relocate the market

C. Reasons for support

Respondents primarily supported the proposal due to the potential benefits of a 'new, modern, accessible and fit-for-purpose facility'. Key reasons centred around the current facility's shortcomings in terms of accessibility, animal welfare, and economic benefits. 248 comments were received and are summarised below:

Accessibility and transport

- **Urban location:** The current facility's urban location poses significant accessibility challenges, impacting both market users and surrounding businesses.
- **Limited space:** Insufficient parking and space for the current demand, coupled with high traffic levels, create bottlenecks and inconveniences.
- **Vehicle access:** Larger vehicles face difficulties due to limited space and access points, hindering market operations.
- **Environmental impact:** The market's location contributes to traffic congestion, noise, odour, and pollution, negatively affecting the surrounding area.

Animal welfare and biosecurity

- **Declining conditions:** The lack of investment in the current facility has led to deteriorating conditions, negatively impacting both users and animals.
- **Outdated facilities:** Participants expressed concerns about the outdated infrastructure, overcrowding, and potential disease risks.
- **Enhanced biosecurity:** A new location with improved biosecurity measures was seen as crucial for safeguarding animal welfare.

Economic and community benefits

- **Revitalisation:** Respondents emphasised the potential for a new market to revitalise related businesses and create a thriving social and agricultural trade hub.
- **Economic growth:** This would not only benefit the local farming community but also generate economic growth and community development.
- **Social connectivity:** The market could be designed to foster stronger social connections within the farming community, recognising its role as a valuable gathering space.

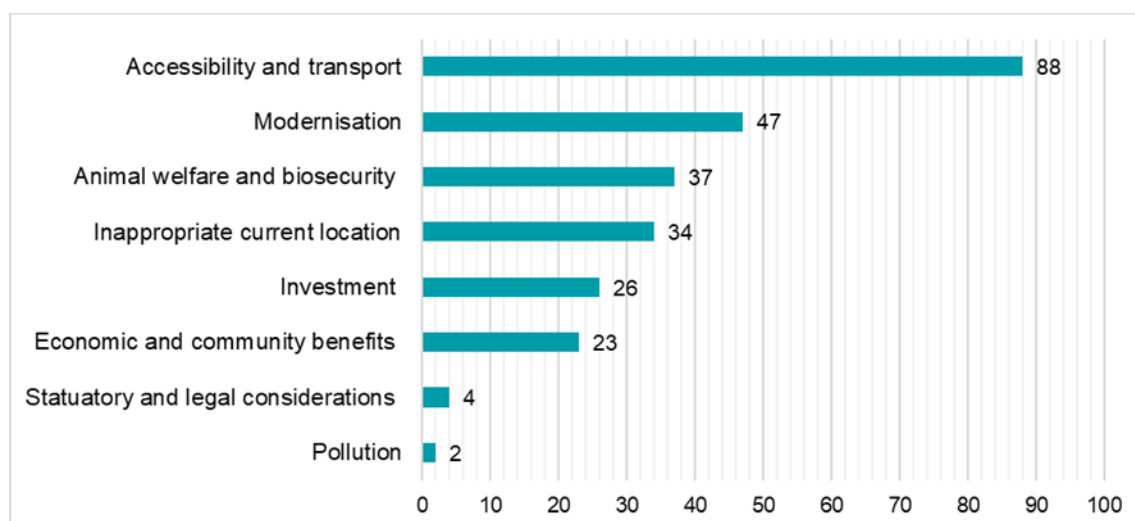


Figure 6: Coding categories and frequency of codes assigned

D. Reasons for opposition

Respondents presented key concerns and arguments against the potential relocation of the livestock market in Norwich. The analysis is structured around the three most prominent themes: accessibility and inconvenience, heritage and tradition and economic and community impact 53 comments were received and are summarised below:

Accessibility and convenience

- **Current location:** Respondents generally agreed that the market's current location is accessible and convenient due to its proximity to major roads.
- **Disruption and increased travel time:** Relocating the market could lead to disruptions and increased travel times for farmers, market users, and nearby residents.

Heritage and tradition

- **Historical significance:** Respondents highlighted the historical and cultural importance of the livestock market within Norwich. Some argued that relocation would result in a loss of tradition and identity.

Economic and community impact

- **Upgrading the current site:** Some believed that the current site could be upgraded and maintained at a lower cost.
- **Relocation costs:** Respondents expressed concerns about the high cost of relocation, arguing that it would burden Norwich residents and disrupt residents and businesses. Increased costs for farmers and job losses in the city were also noted.
- **Shift of responsibility:** Some argued that relocation would transfer the responsibility for maintaining the market to another authority, reducing local control. The legal obligation to maintain a market within the city boundary was emphasised.
- **Infrastructure, facilities and impact:** Concerns were raised about the availability of suitable infrastructure and facilities at potential new locations. Some respondents expressed concerns about potential noise, smell, and traffic issues if the market were relocated to a residential area.

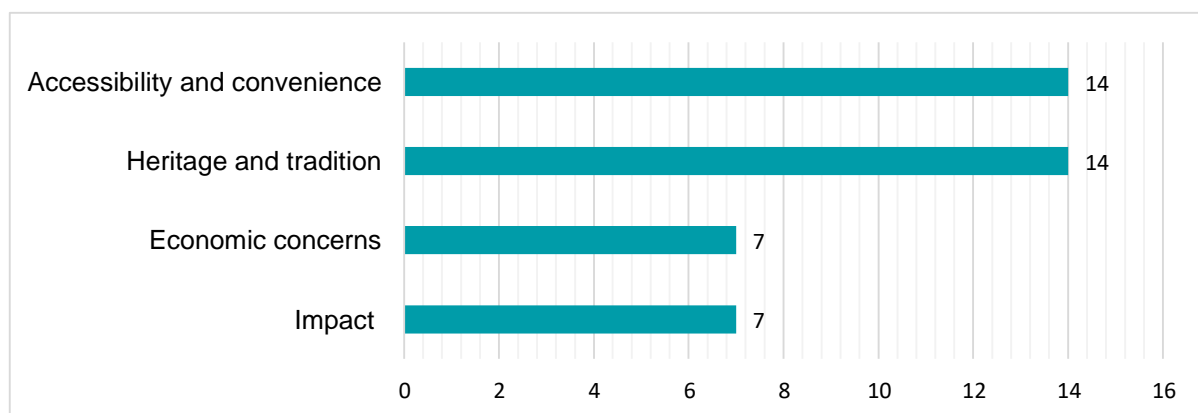


Figure 7: Coding categories and frequency of codes assigned

36 comments were also received to provide reasons for being unsure on the proposal. Many respondents expressed uncertainty about the proposed relocation due to a lack of specific details regarding the new location, potential costs, and the impact on the market's operations.

C. Benefits, challenges and preferred distances.

The proposed relocation of the livestock market offers significant potential benefits, including improved access, facilities, and animal welfare, as well as reduced environmental impact and conflicts. 331 comments were received and are summarised below:

Improved access and transportation

- **Easier access:** A new location could provide better access for farmers and buyers, potentially reducing travel times and improving efficiency.
- **Reduced traffic congestion:** Relocating the market outside the city could alleviate traffic congestion and reduce disruptions to local residents.

Enhanced facilities and animal welfare

- **Modern facilities:** A new market could be constructed with modern facilities, including improved pens, loading areas, and auction rings.
- **Improved animal welfare:** Updated facilities can help to enhance animal welfare by providing more comfortable and hygienic conditions.

Environmental and community benefits

- **Waste management:** A new market could implement better waste management practices to minimise environmental impact.
- **Community benefits:** A suitable and practical space for farmers to meet and connect as outlined previously.

Cost and reduced conflicts

- **Fewer complaints:** Relocating the market to a less populated area could reduce the number of complaints related to noise, traffic, and odours.
- **Reduced legal issues:** A new location may help to avoid or mitigate potential legal disputes with local residents or businesses.
- **Long-term viability:** A new market could be designed to be more cost-effective in the long term, reducing operating expenses and ensuring the market's sustainability. Acquiring land outside the city may be more cost-effective than expanding the current market site.

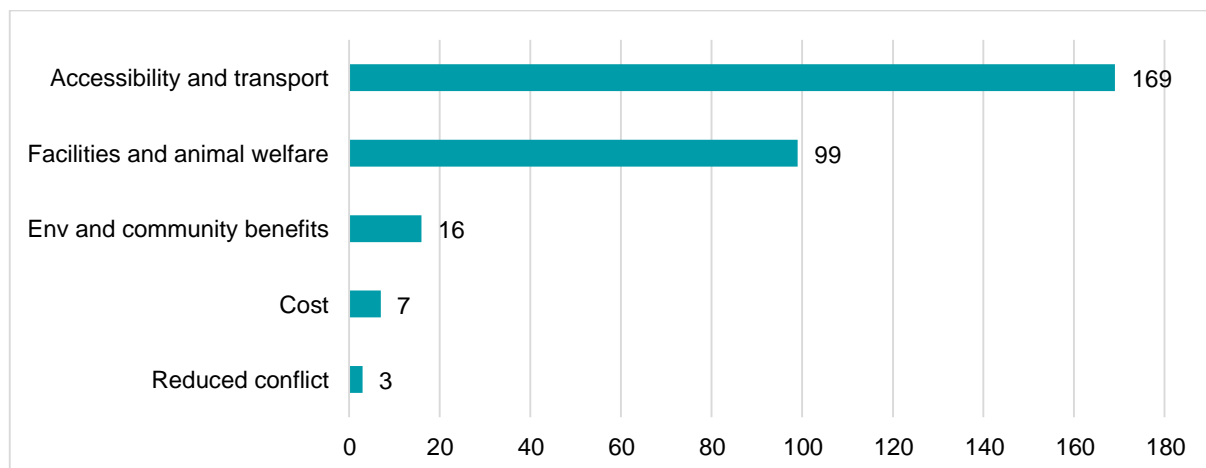


Figure 8: Coding categories and frequency of codes assigned

While the proposed relocation of the livestock market offers significant benefits, it is essential to carefully consider and address the potential challenges outlined in the consultation feedback. 315 comments were received, and the following key challenges identified are below:

Disruption and transition

- **Economic impact:** The relocation may have economic implications for businesses and jobs associated with the current market location.
- **Opposition:** Opposition from special interest groups could hinder the progress of the project and potentially halt its implementation.
- **Planning process:** A thorough planning process will be necessary to address potential issues and ensure the successful implementation of the project. The relocation may face regulatory challenges, such as zoning restrictions, environmental permits, and heritage preservation requirements.
- **Communication and stakeholder engagement:** Effective communication and engagement with stakeholders, including farmers, residents, and local businesses, will be crucial during the transition period to address concerns and build support.

Cost and funding

- **Financial burden:** The relocation project may involve significant costs, including land acquisition, infrastructure development, and construction.
- **Funding sources:** Identifying appropriate funding sources to support the project will be essential.

Finding a new site

- **Infrastructure requirements:** The new location may require significant infrastructure investments, such as improved roads, utilities, and waste management facilities.
- **Separation from the community:** The relocation could lead to a sense of separation from the wider community, particularly if the new market is located in a more remote area.
- **Cultural heritage:** There may be concerns about preserving the cultural heritage associated with the existing market.

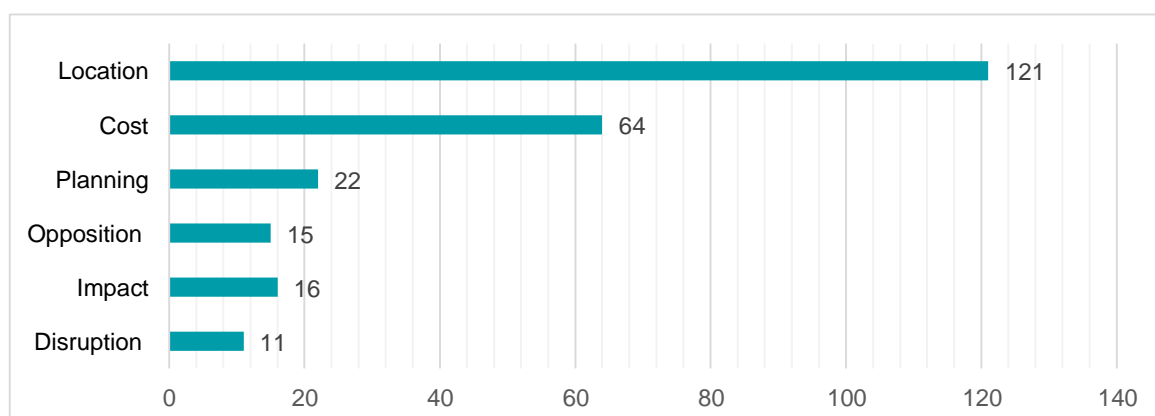


Figure 9: Coding categories and frequency of codes assigned

Preferred distance from the current facility

290 respondents provided a preferred distance in miles from the current facility. The majority preferred a relocation within a reasonable distance from the current market, with a mean distance of 10.7 miles.

Accessibility from major roads and the welfare of livestock were key factors in determining the preferred distance. While some respondents wanted to maintain the market's close proximity to Norwich, others were more focused on ensuring accessibility for farmers from across the region. The key themes are summarised below:

- **Accessibility:** Respondents prioritised accessibility from major roads (A47 and A11) to ensure ease of access across the region.
- **Proximity to Norwich:** Many respondents preferred a relocation within a reasonable distance from the current market, emphasising the importance of maintain its connection to the city.
- **Livestock welfare:** Concerns about the welfare of livestock during transportation influenced the preferred distance. Many wanted to minimise travel time to reduce stress on animals.
- **Market identity:** Some expressed a desire to maintain the markets association with Norwich, suggesting that relocation should not be too far away from the current location.

Food Act 1984 c. 30

s. 50 Establishment or acquisition.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Local government

Keywords

Acquisition of property; Local authorities' powers and duties; Markets

50.— Establishment or acquisition.

(1) [A local authority]¹ may—

- (a) establish a market within [their area]¹;
- (b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within [their area]¹, and any rights enjoyed by any person within [their area]¹ in respect of a market and of tolls,

and, in either case, may provide—

- (i) a market place with convenient approaches to it;
- (ii) a market house and other buildings convenient for the holding of a market.

(2) A market shall not be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within [the authority's area]² in respect of a market by any person, without that person's consent.

[

(3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority's area by reason only of the fact that they maintain within their own area a market which has been established under paragraph(a) of subsection (1) or under the corresponding provision of any earlier enactment

] ^{3 4}

Notes

- 1 Words substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 2(1)
- 2 Words substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 2(2)
- 3 S. 50(3) substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 2(3)
- 4 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 50 Establishment or acquisition.

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s. 51 Power to sell to local authority.



Law In Force With Amendments Pending

Version 2 of 3

1 October 2007 - Present

Subjects

Local government

Keywords

Local authorities; Markets; Power of sale

51.— Power to sell to local authority.

(1) The owner of a market undertaking, or of any rights in respect of a market and of tolls, whether established under, or enjoyed by virtue of, statutory powers or not, may sell or lease to a local authority the whole or any part of his market undertaking or rights, but subject to all attached liabilities.

(2) A sale by a [...] ¹ company under this section must be authorised—

(a) if the company is a company within the meaning of the Companies Act [1985] ², [by special resolution] ³ ;

(b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

Notes

1 Word repealed by Food Safety Act 1990 (c.16), ss. 52, 54, 59(4), Sch. 2 para. 3, Sch. 5

2 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c.9), s. 30, Sch. 2

3 Words substituted by Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007/2194 Sch.4(3) para.37 (October 1, 2007)

Part III MARKETS > s. 51 Power to sell to local authority.

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s. 52 Market days and hours.



Law In Force With Amendments Pending

Version 1 of 2

26 September 1984 - Present

Subjects

Local government

Keywords

Local authorities' powers and duties; Markets; Time

52. Market days and hours.

A market authority may appoint the days on which, and the hours during which, markets are to be held.

1

Notes

- 1 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 52 Market days and hours.

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s. 53 Charges.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Local government

Keywords

Fees; Local authorities' powers and duties; Markets

53.— Charges.

(1) A market authority may demand in respect of the market, [...] ¹ such charges as they may from time to time determine.

[

(2) A market authority who provide—

(a) a weighing machine for weighing cattle, sheep or swine; or

(b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,

may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.

] ²

(3) The authority—

(a) shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several charges payable under this Part; and

(b) shall keep so much of the tables as relates to charges payable[...] ³ in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose.

(4) A person who demands or accepts a charge greater than that for the time being authorised shall be liable to a fine not exceeding level 2 on the standard scale.

(5) Nothing in this section applies in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

4

Notes

- 1 Words repealed by Food Safety Act 1990 (c.16), ss. 52, 54, 59(4), Sch. 2 para. 4, Sch. 5
2 S. 53(2) substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 4(2)
3 Words repealed by Food Safety Act 1990 (c.16), ss. 52, 54, 59(4), Sch. 2 para. 4(3), Sch. 5
4 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 53 Charges.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 54 Time for payment of charges.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Agriculture; Local government

Keywords

Fees; Livestock; Markets; Payments

54.— Time for payment of charges.

(1) Charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.

[

(2) Charges payable in respect of the weighing of cattle, sheep or swine shall be paid in advance to an authorised market officer by the person bringing the animals to be weighed.

] ¹

(3) Charges payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer—

(a) as soon as the animals in respect of which they are payable are brought into the market place, and

(b) before they are put into any pen, or tied up in the market place,

but further charges shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

2

Notes

- 1 S. 54(2) substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 5
- 2 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 54 Time for payment of charges.

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s. 55 Recovery of charges.



Law In Force With Amendments Pending

Version 1 of 2

26 September 1984 - Present

Subjects

Local government

Keywords

Civil proceedings; Debts; Distress; Fees; Livestock; Local authorities' powers and duties; Markets

55. Recovery of charges.

If a person liable to pay any charge authorised under this Part does not pay it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress—

- (a) of all or any of the animals, poultry or other articles in respect of which the charge is payable, or
- (b) of any other animals, poultry or articles in the market belonging to, or in the charge of, the person liable,

and any such charge may also be recovered either summarily as a civil debt or in any court of competent jurisdiction.

¹

Notes

- 1 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State

Notes

for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 55 Recovery of charges.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 56 Prohibited sales in market hours.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Criminal law; Local government

Keywords

Fines; Food sales; Hours; Illegality; Markets; Offences

56.— Prohibited sales in market hours.

(1) A person (other than a pedlar holding a certificate under the Pedlars Act 1871) who on a market day and during market hours sells or exposes for sale any articles—

(a) which are specified in a byelaw made by the market authority, and

(b) which are commonly sold in the market,

and such sale or exposure for sale—

(i) is in any place within the authority's [area]¹, and

(ii) is within such distance from the market as the authority may by byelaw declare,

is liable to a fine not exceeding level 2 on the standard scale. This subsection does not apply to a sale or exposure for sale in a person's own dwelling place or shop, or in, or at the door of, any premises to a person resident in those premises.

(2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

Notes

- 1 Words substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 6
- 2 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 56 Prohibited sales in market hours.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 57 Weighing machines and scales.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Local government

Keywords

Livestock; Local authorities' powers and duties; Markets; Weighing equipment

57.— Weighing machines and scales.

[...] ¹

(2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister declaring that the circumstances are such as to render compliance with this subsection unnecessary—

- (a) provide to that Minister's satisfaction one or more weighing machines adapted for weighing such animals; and
- (b) appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section 1 of the Markets and Fairs (Weighing of Cattle) Act 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act referred to in that Act of 1926.

2

Notes

- 1 Repealed by Food Safety Act 1990 (c.16), ss. 52, 54, 59(4), Sch. 2 para. 7, Sch. 5
- 2 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7)(a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act

Notes

1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 57 Weighing machines and scales.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 57A Provision of cold stores.



Law In Force With Amendments Pending

Version 1 of 2

Date not available - Present

Subjects

Food; Local government

Keywords

Food preservation; Local authorities' powers and duties; Markets; Refrigerators

[

57A.— Provision of cold stores.

- (1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.
- (2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.
- (3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.
- (4) Subsections (1) to (5) of section 250 of the Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.

] ^{1 2}

Notes

- 1 S. 57A inserted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 8
- 2 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act

Notes

1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 57A Provision of cold stores.

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s. 58



Repealed

Version 1 of 1

Date not available - Present

Subjects

Agriculture; Food; Local government

[...] ¹ ²

Notes

- 1 Repealed by Food Safety Act 1990 (c.16), ss. 52, 54, 59(4), Sch. 2 para. 9, Sch. 5
- 2 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 58

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s. 59 Information for market officer.



Law In Force With Amendments Pending

Version 1 of 2

26 September 1984 - Present

Subjects

Local government

Keywords

Information; Livestock; Local authorities' powers and duties; Local government officers; Markets; Products; Vehicles

59. Information for market officer.

The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information—

(a) as to their number and kind, or

(b) in the case of articles on which charges are made by reference to weight, as to their weight,

as that officer may require.

1

Notes

- 1 Act amended (E.W.S) by National Health Service (Amendment) Act 1986 (c.66), s. 1(1)(7) (a)(ii)(8) (which said s. 1 is repealed (1.4.91) by National Health Service and Community Care Act 1990 (c.19), s. 66(2), Sch. 10); Power to modify or exclude Act conferred by Weights and Measures Act 1976 (c.77), s. 12, Sch. 6 paras. 1, 2 (as amended by Food Act 1984 (c.30), s. 134(a), Sch. 10 paras. 29, 30 (which said Sch. 10 was repealed (E.W.S.) by Food Safety Act 1990 (c.16), ss. 54, 59(4), Sch. 5)) Functions of the Secretary of State for Social Services under the Act transferred to the Secretary of State for Health by S.I. 1988/1843, art. 2, Sch. 2 Pt. I

Part III MARKETS > s. 59 Information for market officer.

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s. 60 Market byelaws.



Law In Force With Amendments Pending

Version 4 of 5

1 October 2006 - Present

Subjects

Local government

Keywords

Byelaws; Local authorities' powers and duties; Markets

60. Market byelaws.

A local authority who maintain a market, whether or not they are a market authority within the meaning of this Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings in that market place;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches to it;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles from the market within the district.

[

- (d) after consulting the [fire and rescue authority]² [...] ³, for preventing the spread of fires in the market.

]¹

Notes

1 S. 60(d) inserted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 10

Notes

- 2 Words substituted by Fire and Rescue Services Act 2004 c. 21 Sch.1 para.56(2) (November 10, 2004 as SI 2004/2917)
 - 3 Words repealed by Regulatory Reform (Fire Safety) Order 2005/1541 Sch.4 para.1 (October 1, 2006 as amended by SI 2006/484 art.2)
-

Part III MARKETS > s. 60 Market byelaws.

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s. 61 Interpretation of Part III, and exclusion of City of London.



Law In Force With Amendments Pending

Version 5 of 6

1 October 2006 - Present

Subjects

Local government

Keywords

Interpretation; Markets

61. Interpretation of Part III, and exclusion of City of London.

In this Part, unless the context otherwise requires—

“authorised market officer” means an officer of a market authority specially authorised by them to collect charges in their market,

“charges” includes stallage or tolls,

[[

“fire and rescue authority” in relation to a market, means—

(a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the market, the enforcing authority within the meaning given by article 25 of that Order; or

(b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the market is situated.

]²

“food” has the same meaning as in the Food Safety Act 1990;

“local authority” means a district council, a London borough council or a parish [council but, in relation to Wales, means a county council, county borough council]³ or community council;

“market authority” means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.

] ¹

[...] ⁴

Notes

- 1 Definitions substituted by Food Safety Act 1990 (c.16), ss. 52, 54, Sch. 2 para. 11
- 2 Definition substituted by Regulatory Reform (Fire Safety) Order 2005/1541 Sch.2 para.32(3) (October 1, 2006 as amended by SI 2006/484 art.2)
- 3 Words inserted into definition by Local Government (Wales) Act 1994 c. 19 Sch.9 para.14 (April 1, 1996)
- 4 Definition substituted by Fire and Rescue Services Act 2004 c. 21 Sch.1 para.56(3) (November 10, 2004 as SI 2004/2917)

Part III MARKETS > s. 61 Interpretation of Part III, and exclusion of City of London.

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Norwich City Council Act 1984

CHAPTER xxiii

ARRANGEMENT OF SECTIONS

PART I

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2. Interpretation.

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3. Definitions of markets.
4. Power to maintain markets and fairs.
5. Part III of Food Act 1984 to apply to markets undertakings.
6. Power to restrict traffic.
7. As to fairs.
8. Closure of markets and fairs.

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- 9. Improvement of river.
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- 11. Powers as to moorings, etc.

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- 16. Conservators to act gratuitously.
- 17. Validity of acts done by unqualified person.
- 18. Power of conservators to execute works.
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- 25. Sheriff.
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- 27. Arbitration.
- 28. Restriction on right to prosecute.
- 29. Liability of directors, etc.
- 30. Penalty for obstruction.
- 31. Application of general provisions of Act of 1936.
- 32. Transitional provisions and repeals.
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Part I—Local Acts.

Part II—Confirmation Acts and Orders.

Schedule 5—Enactment continued.

ELIZABETH II



1984 CHAPTER xxiii

An Act to re-enact with amendments and to extend certain local enactments in force within the city of Norwich; to confer further powers on the Council of the city of Norwich; to make further provision with regard to the regulation and maintenance of Mousehold Heath and to confer powers on the Mousehold Heath Conservators to conduct the regulation and maintenance thereof; to provide for the operation and control of markets and the environment; and for other purposes.

[31st October 1984]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as “the Act of 1972”) the city of Norwich was constituted on 1st April 1974, comprising the former county borough of Norwich and the area in the former administrative county of Norfolk identified in Ordnance Survey plans as the parish of Thorpe St. Andrew (Det. No. 1):

(2) Numerous local enactments were in force in the said former county borough and by section 262 of the Act of 1972 it

was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

(3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984 which date has been postponed to 31st December 1986, by order made by the Secretary of State for the Environment:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the city of Norwich:

(5) It is expedient that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

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

PART I

PRELIMINARY

Citation and
commence-
ment.

1.—(1) This Act may be cited as the Norwich City Council Act 1984.

(2) This Act shall come into operation on 1st January 1985.

Interpretation.

1936 c. 49.

1972 c. 70.

2.—(1) In this Act unless the context otherwise requires—

“the Act of 1936” means the Public Health Act 1936;

“the Act of 1972” means the Local Government Act 1972;

“the city” means the city of Norwich;

“the Council” means the City Council of Norwich;

“contravention” includes a failure to comply and
“contravene” shall be construed accordingly;

“owner” has the meaning given by section 343 of the Act
of 1936;

“the river” means the river Wensum.

(2) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

PART II

MARKETS AND FAIRS

3. In this Part—

Definitions of
markets.

“the Cattle Market” means the market situate at Harford in the city;

“the Fish Market” means the market situate at Rose Lane in the city;

“the Provision Market” means the market within the city the limits whereof are shown within the red lines delineated on the market plan;

“the market plan” means the plan marked “Market Plan” and prepared in triplicate, one copy of which has been deposited in each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons;

(c) the principal office of the Council.

4.—(1) Subject to the provisions of this Part the Council may hold markets and fairs within the city.

Power to
maintain
markets and
fairs.

(2) The Cattle Market, the Provision Market and the Fish Market as they exist at the commencement of this Act shall continue vested in the Council and subject to the provisions of this Part the Council shall continue to be empowered to provide, regulate, maintain and enlarge the Cattle Market, the Provision Market and the Fish Market or any alternative market required as a result of a resolution passed in accordance with section 8 (Closure of markets and fairs) of this Act, within the city.

5. Any market carried on by the Council within the city which was not established or acquired under section 50 of the Food Act 1984 or any of the enactments mentioned in subsection (3) of that section shall be deemed to have been acquired by the Council under the said section 50.

Part III of
Food Act 1984
to apply to
markets
undertakings.
1984 c. 30.

6.—(1) During any time in which a fair maintained under section 4 (Power to maintain markets and fairs) above is held on land in the city adjacent to Bell Avenue and Market Avenue the Council may by notice restrict or prohibit the use of Bell Avenue and Market Avenue or any part thereof by vehicles or by vehicles of any class to such extent and subject to such conditions or exceptions as they may consider necessary.

Power to
restrict traffic.

PART II
—cont.

(2) When issuing a notice under this section the Council shall have regard to the existence of alternative routes suitable for traffic which will be affected by the notice.

(3) Before issuing a notice under this section, the Council shall notify the highway authority and the chief officer of police in writing of their intention to issue such a notice.

(4) A notice issued under this section shall not continue in force for a longer period than 14 days from the date thereof.

(5) So long as any notice made under subsection (1) above is in force, a notice stating the effect of the notice, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the notice relates, and at the points at which it will be necessary for vehicles to diverge from the road.

1984 c. 27.

(6) Where a notice is posted under and in accordance with subsection (5) above it shall be a traffic sign, and the erection and display of the notice by the Council shall be subject to and in conformity with directions given under section 65 (1) of the Road Traffic Regulation Act 1984; and for the purposes of this section the expression "traffic sign" shall have the meaning given to it by section 64 of the Road Traffic Regulation Act 1984.

(7) Nothing in this section shall prevent the British Gas Corporation or the Eastern Electricity Board from obtaining access to any apparatus belonging to or maintainable by them nor prejudice or affect the right of the Corporation or the Board—

(a) to lay, erect, maintain, inspect, repair, renew or remove any such apparatus in, under, upon, over, along or across any highway; or

(b) for the purposes of such laying, erection, maintenance, inspection, repair, renewal or removal, to enter upon or break open that highway.

As to fairs.

7. The Council may by resolution appoint as places for fairs any vacant spaces in their ownership within the city.

Closure of
markets and
fairs.

8.—(1) The Council may, after consultation with such associations as appear to them to represent the interests of those trading or providing entertainments at any market place, market house or place of fair in the ownership of the Council by resolution prescribe the discontinuance of that market place, market house or place of fair as a place for either a market or a fair.

(2) A resolution shall not be passed under subsection (1) above unless the Council, after such consultation as is referred

to in that subsection, have previously provided another market place or market house or place of fair under section 4 (Power to maintain markets and fairs) of this Act in lieu of the one discontinued.

(3) Subsection (2) above shall not apply in respect of the Fish Market.

PART III

RIVER

9.—(1) For the purpose of improving the amenity and recreational facilities of the river within the city the Council may within the city widen, straighten and strengthen the banks of the river. Improvement of river.

(2) The Council shall not under subsection (1) above undertake any work which the Anglian Water Authority have powers to carry out under the Land Drainage Act 1976 or any other improvement which might affect the powers of that authority under the said Act, except with the consent of that authority (which consent shall not be unreasonably withheld) and in accordance with plans and sections approved by that authority, such consent and approval being subject to reasonable conditions as to the design of any work or part thereof and as to the manner in which and the time when the work shall be executed. 1976 c. 70.

(3) Where the river passes under, through or within a distance of 15 metres from any protected work the powers of subsection (1) above shall be exercised subject to the following conditions:—

(a) the Council shall not commence to widen, straighten or strengthen the banks of the river unless 28 days' previous notice shall have been given to the appropriate engineer of the protected party;

(b) all such widening, straightening or strengthening shall be done under the superintendence (if given) and to the reasonable satisfaction of the appropriate engineer of the protected party and shall be done so as not to cause any injury to the protected work and if any injury shall arise to the protected work in consequence of such widening, straightening or strengthening the Council shall make compensation to the protected party in respect of such injury.

(4) In subsection (3) above—

“appropriate engineer of the protected party” means, in the case of the Eastern Electricity Board, an engineer appointed by that board, in the case of the British Gas

PART III
—cont.

Corporation, the engineer of that corporation for the time being responsible for the region in which the protected work is situated, in the case of the British Railways Board, the chief civil engineer of that board for the time being responsible for the area in which the protected work is situated and in the case of the Secretary of State, an engineer appointed by him;

“protected party” means the Eastern Electricity Board, the British Railways Board, the British Gas Corporation or the Secretary of State, as the case may be;

“protected work” means any works, apparatus or submarine cable of the Eastern Electricity Board, any railway or work of the British Railways Board, any works or apparatus of the British Gas Corporation and any road for which the Secretary of State is the highway authority.

(5) (a) The powers of this section shall not be exercised in respect of so much of the river as lies within the jurisdiction of the Great Yarmouth Port and Haven Commissioners without their consent.

(b) The Commissioners’ consent under this subsection shall not be unreasonably withheld and may be granted subject to such reasonable conditions for the prevention of obstruction of or danger to navigation or requiring the Council to remove any materials excavated under the powers of this section as may be necessary.

(6) Any difference arising under this section shall be settled by arbitration.

Building line
by river.

10.—(1) In relation to the river the Council may, within the city, prescribe, at a distance not more than 8 metres from the foot of the bank of the river, a line between which and the river a building shall not be erected or re-erected; and no person shall erect or re-erect a building nearer to the river than the line so prescribed.

(2) Any person who contravenes the provisions of subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In proceedings for an offence under this section it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) The Council shall pay compensation to any person whose interest in any land is injuriously affected by the prescription of a line under this section.

(5) Where in the opinion of the Council a line prescribed by them under this section, or any part of such a line, is no longer necessary or desirable and should be revoked, they may revoke the line or that part of it.

(6) Schedule 1 to this Act has effect in relation to the prescription of a line made under this section and to the revocation of such a line or any part of it.

(7) A person shall not be entitled to compensation under the last foregoing subsection—

(a) unless he made a claim within six months from the date on which the frontage line was prescribed; or

(b) on account of any thing done by him after the date on which a notice of the proposal to prescribe the line was served on him, not being a thing done for the purpose of finishing a building the erection of which had begun before that date, or of carrying out a contract made before that date.

(8) A line prescribed under this section shall be a local land charge.

(9) This section shall not apply to any building erected or re-erected by the Anglian Water Authority or by the Great Yarmouth Port and Haven Commissioners or by the Eastern Electricity Board, to any building erected or re-erected by the British Railways Board for the purposes of their undertaking or to any bridge carrying a highway for which the Secretary of State is the highway authority.

(10) (a) Any dispute arising on a claim for compensation under this section shall be determined by the Lands Tribunal.

(b) For the purposes of any reference to the Lands Tribunal under this section, section 4 of the Land Compensation Act 1961 (costs) has effect with the substitution, for references to the 1961 c. 33. acquiring authority, of references to the Council.

(c) In determining the amount of compensation payable under subsection (10) (a) above, the Lands Tribunal shall take into account any benefit accruing to the claimant by reason of any improvement made or about to be made to the river under section 77 (Improvement of River Wensum) of the Norwich Corporation Act 1920 or section 9 (Improvement of river) of 1920 c. xcv. this Act in relation to which a building line has been prescribed under this section.

11.—(1) The Council may provide, place, lay down, Powers as to maintain, use and have moorings on land owned or leased by moorings, etc. them, or in which they hold an appropriate interest, and on any

PART III
—*cont.*

other land with the consent in writing of the owner and lessee thereof, in the river or on banks adjoining the river.

(2) The Council may recover in respect of any vessel or houseboat using any of the moorings provided by the Council under subsection (1) above or moored to land owned or leased by the Council in or adjoining the river such reasonable charges as they may from time to time prescribe.

(3) The Council may compound with any person with respect to the payment of the charges prescribed under this section.

(4) This section shall not extend to land downstream of Trowse Eye.

(5) The Council shall not exercise the powers of subsection (1) above so as to cause obstruction of navigation in the river except with the consent of the Great Yarmouth Port and Haven Commissioners, which consent shall not be unreasonably withheld, and any difference arising between the Council and the Great Yarmouth Port and Haven Commissioners under this section shall be settled by arbitration.

PART IV

MOUSEHOLD HEATH

Interpretation
of Part.

1884 c. iii.

12. In this Part and in Schedule 2 to this Act—

“the Act of 1884” means the City of Norwich, Mousehold Heath, Scheme Confirmation Act 1884;

“appointing authority” means each of the persons by whom the conservators are appointed in accordance with subsection (2) of section 13 (Constitution of conservators) of this Act;

“the conservators” means the conservators of the heath constituted by the Act of 1884 and this Act;

“the heath” means the tract of waste land the limits whereof are shown within the green line delineated on the heath plan;

“the heath plan” means the plan marked “Heath Plan” and prepared in triplicate, one copy of which has been deposited in each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons;

(c) the principal office of the Council.

13.—(1) Notwithstanding the repeal of the Act of 1884 the conservators in office at the commencement of this Act shall continue in office until 30th June 1985, the management of the heath shall continue vested in the conservators and they shall exercise the functions assigned to them by this Act.

PART IV
—cont.
Constitution
of
conservators.

(2) There shall be 12 conservators, appointed as follows:—

(a) 9 by the Council, of whom not less than 7 shall be members of the Council;

(b) three appointed by organisations appearing to the Council to be representative of persons interested in the conservation of the environment in the city:

Provided that so long as the Mousehold Heath Defenders are in existence they shall appoint one of the conservators appointed under this paragraph, and so long as the Norwich Society is in existence it shall appoint one of the conservators appointed under this paragraph.

(3) The incidental provisions set out in Schedule 2 to this Act shall apply in relation to the conservators.

14.—(1) Each appointing authority shall not later than 1st June 1985 and not later than 1st June in each third year thereafter make their respective appointments in accordance with subsection (2) of section 13 (Constitution of conservators) of this Act.

Appointment
of
conservators.

(2) Each conservator so appointed shall (unless he shall previously die or resign)—

(a) continue in office from 1st July next following his appointment for a term of three years;

(b) be eligible for re-appointment:

Provided that where a conservator becomes unable or unfit to discharge his functions because of physical or mental incapacity or neglects to discharge his functions, the authority which appointed him may remove him and appoint another person in his stead for the remainder of his term of office.

15.—(1) A person appointed as a conservator may at any time resign his office by written notice given to the clerk to the conservators.

Casual
vacancies.

(2) Where any person who is a conservator dies or ceases to be a conservator by reason of resignation, the conservators shall forthwith declare his office to be vacant and notify the appointing authority.

(3) A casual vacancy occurring in the office of conservator shall be filled by the appointing authority by whom the conser-

PART IV
—cont.

vator was appointed by the appointment of another person to fill the vacancy.

(4) A person appointed under subsection (3) above to fill any casual vacancy shall hold office until the date upon which the person in whose place he is appointed would have retired pursuant to section 14 (2) (a) above, but he shall be eligible for re-appointment.

Conservators
to act
gratuitously.

16. No conservator shall receive any remuneration nor hold office of profit under this Part.

Validity of
acts done by
unqualified
person.

17. The validity of any proceedings of the conservators shall not be affected by any defect in the appointment of members, or by reason of any member acting while disqualified for membership or by reason of any vacancy in the membership of the conservators.

Power of
conservators
to execute
works.

18.—(1) The conservators shall have a duty to maintain and preserve the heath.

(2) The conservators may for the purpose of this Part—

- (a) execute works of drainage and improvement of the heath;
- (b) ornament the heath, plant trees and enclose them with fences of a character not likely to injure animals turned out on the heath;
- (c) maintain footpaths and provide seats for the public on the heath;
- (d) enclose portions of the heath for periods not exceeding six days at a time for the protection and renewal of the herbage thereon.

(3) The conservators shall not execute any works under paragraph (a), (b) or (c) of subsection (2) above within three metres of any gas main or apparatus of the British Gas Corporation without the previous consent of the British Gas Corporation but such consent shall not be unreasonably withheld.

Access to
heath.

19. The inhabitants of the city shall have free access to and a privilege at all times of playing and attending games and of enjoying recreation upon the heath without payment but subject to such byelaws and regulations as are hereinafter mentioned and with power for the conservators as they consider expedient—

- (1) to set apart any part of the heath for cricket, football or other games;

- (2) to form any cricket, football or other ground and to enclose the same with posts and chains or with open fences so as to prevent cattle straying thereon; and
- (3) to prohibit the playing of cricket, football or other games on any such ground except by such persons as the conservators may prescribe, and to prescribe times when other persons may not use the same for any purpose.

PART IV
—cont.

20.—(1) The conservators shall maintain the heath free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit. Heath to be preserved from encroachment.

(2) It shall not be lawful for any persons other than the conservators without the consent of the conservators in writing to make any temporary or other enclosure of any part of the heath or to put any tents, kiosks, fences, posts, rails or other matter or thing thereon or to make any road or footpath.

(3) Nothing in this section shall prejudice or affect the rights of the British Gas Corporation under paragraphs 1 and 2 of Schedule 4 to the Gas Act 1972. 1972 c. 60.

21.—(1) The conservators may make byelaws under this Part for all or any of the following purposes:— Power to make byelaws.

- (a) for the improvement and management of the heath and the preservation of good order and conduct among persons frequenting it;
- (b) for the prevention of nuisances, annoyances, obstructions and encroachments;
- (c) for the regulation of sports and games;
- (d) for the prevention of vehicles, including bicycles, being parked or driven or horses being exercised on any part of the heath not set apart by the conservators for the purpose;
- (e) for the prevention of the posting of bills or placards on any wall, railing, fence, tree, lamp-post, walk, pavement or seat or elsewhere and the prevention of the removal of any such wall, railing, fence, tree, lamp-post, walk, pavement or seat;
- (f) for the prevention of all acts and things tending to the injury or disfigurement of the heath or the interference with the use thereof by the persons frequenting it for purposes of exercise and recreation.

PART IV
—cont.

(2) Any person who without reasonable excuse contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

(3) Subsections (3) to (9) and (11) of section 236 and section 238 of the Act of 1972 (which deal with procedures for and evidence of local authority byelaws) shall apply and have effect with respect to byelaws made by the conservators under this section as they apply to byelaws made by a district council, as if references—

- (a) to the authority by whom the byelaws are made, to a district council or to the local authority were in each case to the conservators;
- (b) to the area to which the byelaws are to apply were to the heath or any part thereof;
- (c) to the proper officer of a district council were to the clerk to the conservators.

Saving as to highways.

22. Nothing in this Part shall be construed as placing under the care of the conservators any highway on or across the heath.

Expenses of conservators.

23.—(1) The Council shall pay yearly to the conservators the requisite sum to enable the conservators to defray the expense of discharging their functions under this Part.

1967 c. 9.

(2) Before 1st January in each year the conservators shall issue to the council a precept for the requisite sum required for the financial year beginning 1st April next following and subsections (4) and (5) of section 12 of the General Rate Act 1967 shall apply to any such precept as though the conservators were a precepting authority for the purposes of that section.

(3) The requisite sum shall be payable half-yearly by equal instalments on 1st July and 1st January in each financial year.

(4) In this section—

“financial year” means a period of 12 months ending on 31st March;

“the requisite sum” means the sum estimated by the conservators to be the sum required to meet their expenditure under this Part in the financial year following the issue of a precept made under subsection (2) above after taking into consideration any money in the hands of the conservators or likely to come into the hands of the conservators during that financial year but that sum shall not in any financial year exceed the product of a rate of 0.5 pence in the

pound or such greater sum as the Council may by resolution approve.

PART IV
—cont.

24.—(1) The conservators shall cause to be kept proper Accounts and accounts of all sums received or paid by them and proper audit. records in relation to those accounts.

(2) The provisions of sections 12 to 25 and 28 to 30 of the Local Government Finance Act 1982 (which deals with local 1982 c. 32. authority accounts and the requirements for the audit thereof) shall with all necessary modifications extend and apply to the conservators as if—

- (a) the conservators were a parish council;
- (b) references in those sections to “the body concerned” were references to the conservators;
- (c) references to “any area to which those accounts relate”, to “the area of that body” and to “the area of a body whose accounts are required to be audited in accordance with this Part of this Act” were references to the city; and
- (d) the reference in section 19 (2) (b) and 20 (4) of the said Act of 1982 to “a member of a local authority” were references to “a conservator”.

PART V

MISCELLANEOUS AND GENERAL

25.—(1) The Council may pay to the sheriff of the city such Sheriff. payment by way of allowance for the performance of an approved duty as the Council may reasonably determine.

(2) An approved duty under subsection (1) above shall be such duty as the Council determine.

26. A Minister of the Crown may cause such local inquiries Local to be held as he may consider necessary for the purpose of any inquiries. of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

27. Where under this Act any question or dispute is to be Arbitration. referred to or determined by an arbitrator or arbitration the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed on the application of either party to the dispute after notice in writing to the other by the President of the Institution of Civil Engineers.

PART V

—cont.

Restriction on
right to
prosecute.

28. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, the council or a police officer.

Liability of
directors, etc.

29.—(1) Where an offence under this Act, or against any byelaw made under this Act, committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalty for
obstruction.

30. Any person who intentionally obstructs any officer of the Council or of the conservators acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Application of
general
provisions of
Act of 1936.

31. The sections of the Act of 1936 mentioned in Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

Transitional
provisions and
repeals.

32.—(1) The Acts specified in column (2) of Part I of Schedule 4 to this Act, the Acts and Orders specified in column (2) of Part II of that Schedule and the confirmation Acts relating to any of those Orders specified in that Part are hereby repealed to the extent specified in column (3) of Part I and column (3) of Part II respectively of that Schedule.

(2) (a) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(b) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

(3) References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment

in force in any area which is repealed by this Act and any enactment in this Act relating to the same matter in the same area be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

PART V
—cont.

(4) Nothing in this section shall affect the operation of the Interpretation Act 1978 or of section 254 of the Act of 1972. 1978 c. 30.

33.—(1) The enactment specified in column (2) of Schedule 5 to this Act shall continue to have effect to the extent specified in column (3) of that Schedule and to that extent section 262 (9) of the Act of 1972 shall not apply to that enactment.

(2) Where any enactment referred to in Schedule 4 to this Act is material for the purposes of interpreting any enactment referred to in subsection (1) above the repeal of the first-mentioned enactment shall not affect the interpretation of the other enactment.

Section 10.

SCHEDULES

SCHEDULE 1

BUILDING LINES BY RIVER

1. A line which the Council propose to prescribe shall be shown on a plan to be signed by the proper officer of the Council.

2. The plan shall be deposited at the offices of the Council and may be inspected by any person free of charge at all reasonable hours during a period of one month from the day on which it is so deposited.

3. As soon as the plan has been so deposited the Council shall give notice of the proposal to prescribe the line and of the times and place at which the plan may be inspected, and of the effect of section 10 (Building line by river) of this Act and of paragraph 4 below to every owner, lessee and occupier of land affected.

4. The Council shall consider any objection to the proposed line made within six weeks from the date on which the notices aforesaid were given and may then by resolution prescribe the line.

5. Not later than six weeks after the date on which the Council prescribe the line they shall prepare a plan, duly sealed and authenticated, on which the line shall be shown and shall give notice of the prescribing of the line and of the time and place at which the said plan may be inspected to every owner, lessee and occupier of land affected.

6. If the Council revoke the line, they shall—

- (a) give notice of the revocation to every owner, lessee or occupier of land affected; and
- (b) indicate on the plan prepared in accordance with paragraph 1 above the extent to which the line has been revoked.

Section 13.

SCHEDULE 2

PROVISIONS APPLYING TO THE CONSERVATORS

1. The conservators shall in every year hold not less than two business meetings.

2.—(a) At the first meeting of the conservators held on or after 1st July 1985 and on or after 1st July in each year thereafter the conservators present at the meeting shall appoint one of their number to act as chairman and the chairman shall, unless he shall die, resign or become disqualified, continue in office until the next annual appointment of a chairman.

(b) The chairman shall preside at all meetings at which he is present but in case he shall be absent from any meeting at the time appointed for holding the same, the meeting shall appoint one of the conservators then present to be chairman of such meeting.

3. No business shall be transacted at any meeting unless five conservators at least are present thereat.

SCH. 2
—cont.

4. All questions shall be decided by a majority of the conservators present and voting and in case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

5. Until the contrary be proved a copy of a resolution of the conservators signed and certified by the clerk to the conservators to be a true copy shall be sufficient evidence of the passing of such resolution without further or other proof of the signature of the said clerk or of the said resolution having been duly passed.

6.—(1) Minutes of the proceedings of a meeting of the conservators shall be drawn up and entered in a book kept for that purpose and if approved by a majority of the conservators present and voting shall be signed at the same or next following meeting of the conservators by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a meeting of the conservators a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

(3) Until the contrary is proved, where a minute of any meeting of the conservators has been made and signed in accordance with sub-paragraph (1) above the meeting shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

7. Subject to the provisions of this Schedule the procedure and business of the conservators shall be regulated in such manner as the conservators may from time to time determine.

8.—(1) The conservators shall appoint—

- (a) a clerk;
- (b) a treasurer; and
- (c) such other officers as they may think necessary for the proper discharge of their functions.

(2) A clerk, treasurer or other officer appointed under sub-paragraph 8 (1) above shall hold office on such reasonable terms and conditions including conditions as to remuneration as the conservators think fit.

9. The conservators may provide and maintain such offices as may be necessary for transacting their business and that of their officers.

Section 31.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

Sections 32 and 33.

SCHEDULE 4

ENACTMENTS REPEALED

PART I

LOCAL ACTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
12 Geo. 1. c. 15. (1725)	An Act for Repairing the Walls, Gates, and other Publick Works in the City of Norwich, and several Bridges in and near the said City, and for Amending the Roads therein mentioned.	The whole Act.
30 Geo. 3. c. 21. (1790)	An Act for better supplying the City of Norwich and the Parts adjacent, with Water.	The whole Act.
46 Geo. 3. c. lxxvii. (1806)	An Act for better paving, lighting, cleansing, watching, and otherwise improving, the City of Norwich.	The whole Act.
49 Geo. 3. c. lxxxv. (1809)	An Act for building a Bridge over the River Wensum, between the Scite where the Gates called King-Street Gates formerly stood, and Carrow Abbey, to the Hamlet of Thorpe, in the County of the City of Norwich.	The whole Act.
50 Geo. 3. c. xxxix. (1810)	An Act for building a Bridge over the River Wensum, in the City of Norwich, to the Hamlet of Thorpe, in the County of the said City.	The whole Act.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1 Geo. 4. c. li. (1820)	An Act for building a Bridge over the River Wensum, in the City of Norwich, at or near the Duke's Palace in the said City.	The whole Act.
6 Geo. 4. c. lxxviii. (1825)	An Act for amending and enlarging an Act of His late Majesty, for better paving, lighting, cleansing, watching, and otherwise improving the City of Norwich.	The whole Act.
11 Geo. 4. & 1 Will. 4. c. lxxvii. (1830)	An Act for building a Bridge over the River Wensum, in the Hamlet of Heigham and the Parish of Saint Clement, in the County of the City of Norwich.	The whole Act.
2 & 3 Vict. c. lxxii. (1839)	An Act to repeal so much of an Act passed in the Twelfth Year of the Reign of His Majesty King George the First, for repairing the Walls, Gates, and other public Works in the City of Norwich, and several Bridges in and near the said City, and for amending the Roads therein mentioned, as relates to the Application of the Tolls and Duties thereby authorized to be raised; and to provide a new Mode of Application thereof.	The whole Act.
13 & 14 Vict. c. lii.	The City of Norwich Waterworks Act 1850.	The whole Act.
16 & 17 Vict. c. xxxviii.	The City of Norwich Waterworks (Amendment) Act 1853.	The whole Act.
22 Vict. c. xv.	City of Norwich Waterworks Act 1859.	The whole Act.
23 & 24 Vict. c. xxxiv.	The Norwich Corporation Markets Act 1860.	The whole Act.
25 & 26 Vict. c. iii.	The Norwich Corporation Markets Act 1862.	The whole Act.
30 & 31 Vict. c. cii.	City of Norwich Act 1867.	The whole Act except sections 21 and 57.
39 & 40 Vict. c. lxxx.	The City of Norwich Waterworks Act 1876.	The whole Act.

SCH. 4
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
42 & 43 Vict. c. cxxv.	Norwich Improvement Act 1879.	The whole Act.
52 & 53 Vict. c. clxxxvii.	Norwich Corporation Act 1889.	The whole Act except paragraphs 1 and 6 to 13 of section 24.
61 & 62 Vict. c. cxlviii.	City of Norwich Waterworks Act 1898.	The whole Act.
2 Edw. 7. c. cliii.	Norwich Corporation (Electricity &c.) Act 1902.	The whole Act.
4 Edw. 7. c. x.	City of Norwich Waterworks Act 1904.	The whole Act.
10 & 11 Geo. 5. c. xcv.	Norwich Corporation Act 1920.	The whole Act except sections 56 to 59, 61 (1) and (3) (A) and 89 (2) to (8).
23 & 24 Geo. 5. c. xxvii.	Norwich Corporation Act 1933.	The whole Act.
14 Geo. 6. c. xliii.	Norwich Extension Act 1950.	The whole Act.
1970 c. xxvii.	Norwich Corporation Act 1970.	The whole Act

PART II

CONFIRMATION ACTS AND ORDERS

Chapter, S.R. & O. and S.I. number (1)	Title or short title (2)	Extent of repeal (3)
14 & 15 Vict. c. 98.	The Public Health Supplemental Act 1851, No. 2.	The Order relating to Norwich.
40 & 41 Vict. c. ccxli.	Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1877.	The Order relating to Norwich.
47 & 48 Vict. c. iii.	City of Norwich, Mousehold Heath, Scheme Confirmation Act 1884.	The whole Act.

SCH. 4
—cont.

Chapter, S.R. & O. and S.I. number (1)	Title or short title (2)	Extent of repeal (3)
50 & 51 Vict. c. clxxix.	Local Government Board's Pro- visional Orders Confirmation (No. 5) Act 1887.	The Order relating to Norwich.
57 & 58 Vict. c. xxii.	Local Government Board's Pro- visional Orders Confirmation (No. 4) Act 1894.	The Order relating to Norwich.
57 & 58 Vict. c. xlvii.	Local Government Board's Pro- visional Orders Confirmation (No. 8) Act 1894.	The Order relating to Norwich.
7 Edw. 7. c. clxiii.	Local Government Board's Pro- visional Orders Confirmation (No. 13) Act 1907.	The Order relating to Norwich.
25 & 26 Geo. 5. c. lxxvi.	Ministry of Health Provisional Order Confirmation (Norwich) Act 1935.	The whole Act.
S.R. & O. 1935/1341.	County of Norfolk Review Order 1935.	That part of the Order which relates to Norwich.
3 & 4 Geo. 6. c. xxvi.	Ministry of Health Provisional Order Confirmation (Norwich) Act 1940.	The whole Act.
9 & 10 Geo. 6. c. lviii.	Ministry of Health Provisional Order Confirmation (Norwich) Act 1946.	The whole Act.
S.I. 1949/802.	Wild Birds Protection (Norwich) Order 1949.	The whole Order.
S.I. 1956/809.	City of Norwich (Food) Order 1956.	The whole Order.
S.I. 1957/535.	Norwich Water Order 1957.	The whole Order.
S.I. 1966/1613.	Norwich (Thorpe Pumping Station) Water Order 1966.	The whole Order.
S.I. 1966/1614.	Norwich (Colney Pumping Station) Water Order 1966.	The whole Order.
S.I. 1966/1615.	Norwich (Caistor St. Edmund Pumping Station) Water Order 1966.	The whole Order.
S.I. 1968/569.	Norwich (Aylsham Pumping Station) Water Order 1968.	The whole Order.

SCH. 4
—cont.

Chapter, S.R. & O. and S.I. number (1)	Title or short title (2)	Extent of repeal (3)
S.I. 1969/714.	Norwich (Ketteringham Water-works) Order 1969.	The whole Order.
S.I. 1970/291.	Norwich Water (Charges) Order 1970.	The whole Order.
S.I.1973/1184.	Norwich (Sheringham Borehole) Water Order 1973.	The whole Order.

Section 33.

SCHEDULE 5
ENACTMENT CONTINUED

Chapter (1)	Enactment (2)	Extent of provisions saved (3)
10&11Geo.5. c. xcv.	Norwich Corporation Act 1920.	Sections 56 to 59, 61 (1) and (3) (A).

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Hereford Markets Act 2003

2003 CHAPTER iv

An Act to make new provision for markets in the district of Herefordshire. [30th October 2003]

WHEREAS—

- (1) The County of Herefordshire District Council (“the Council”) was established under the Local Government Act 1992 (c. 19) as a unitary district council for the district of Herefordshire which includes the city of Hereford (“the city”):
- (2) In its capacity as the successor to former local authorities for the city, the Council is empowered to hold and regulate markets in the city by virtue of a Royal Charter granted by Elizabeth I in 1597 and powers granted through subsequent local legislation:
- (3) In exercise of these powers, various markets are held in the city, including livestock and general markets held at a market site off New Market Street, the livestock market principally taking place on Wednesdays and general markets on Wednesdays and Saturdays, a general market held in the Butter Market, High Town, daily except Sundays, and a farmers' market held in High Town on a monthly basis:
- (4) The location, condition and physical constraints of the existing market site off New Market Street, together with the application of modern regulatory requirements, render that site ill-suited for the purposes of the livestock market:
- (5) A redevelopment of that site would also facilitate the proper planning and redevelopment of the city centre:
- (6) Existing local legislation relating to the Council’s markets is now out-dated and ought to be replaced with modern provisions:
- (7) The purposes of this Act cannot be effected without the authority of Parliament:
- (8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) (powers of joint and local authorities to apply for further powers, etc.) have been observed:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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

1 Citation and commencement

This Act may be cited as the Hereford Markets Act 2003 and shall come into force three months from the date on which it is passed.

2 Interpretation

In this Act—

“the Council” means the County of Herefordshire District Council;

“the district” means the district of Herefordshire; and

“the markets” means the markets now operated by or on behalf of the Council in the city of Hereford or any of them, including—

- (a) the livestock market and general markets currently held at a site off New Market Street;
- (b) the general market held in the Butter Market, High Town; and
- (c) the farmers' market held in High Town.

3 Operation and regulation of markets

- (1) Subject to the provisions of this Act, the markets, and all rights in relation to them which are now vested in the Council, shall continue to be vested in the Council.
- (2) Part III of the Food Act 1984 (c. 30) shall apply to the markets as if the markets had been established under section 50 of that Act.
- (3) Without prejudice to any other powers available to it, the Council may—
 - (a) maintain and hold the markets;
 - (b) provide, maintain, alter or improve any market facility;
 - (c) permit any market facility belonging to it to be used for such purposes as it sees fit;
 - (d) let for any period upon such terms and conditions as it determines—
 - (i) the markets or any part of the markets (including any market facility belonging to it); or
 - (ii) the right of selling or holding sales of things authorised to be sold in the markets;
 - (e) where such a letting is entered into, transfer to the lessee, on such terms as it sees fit, any functions of the Council or of any of its officers in relation to the markets; and
 - (f) enter into a composition with any person with respect to the payment of any charges which it may demand under Part III of the Food Act 1984 (c. 30).
- (4) In this section, “market facility” means any market place, market house, building, land or other facility used or intended to be used for the purposes of the markets.

***Status:** This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

4 Relocation of markets

- (1) The Council may from time to time—
 - (a) relocate the markets to any place or places within the district, and
 - (b) in connection with the relocation, terminate the use of any land for the purposes of the markets.
- (2) If the proposed relocation of a market under subsection (1) is such that the market would interfere with any rights, powers or privileges enjoyed by any person in respect of another market within the district, the Council shall not relocate the market without the consent of that person.
- (3) The Council shall not relocate a market under subsection (1) without first consulting with the market traders, and other interests, that appear to the Council to be likely to be affected by the proposed relocation.

5 Repeals

The enactments specified in the Schedule to this Act are repealed to the extent specified in that Schedule.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULE

Section 5

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Hereford Improvement Act 1854 (c. xxxi)	Sections XXI, and XXVIII to XXXI.
Hereford Improvement Act 1872 (c. cxix)	Section 24.
Ministry of Health Provisional Orders Confirmation (No.9) Act 1927 (c. xxxviii)	The Hereford Order 1927.
Hereford Corporation Act 1936 (c. cxiii)	Section 3(1)(vi) and Part IV.

Norwich Livestock Market Bill [HL]

[AS BROUGHT FROM THE LORDS]

EXPLANATORY MEMORANDUM

This Bill is promoted by Norwich City Council (“the Council”).

This Bill provides for the relocation of Norwich Livestock Market (“the Market”) to a new site and for connected purposes.

Clause 1 gives the short title of the Bill and provides for the date on which the Act comes into force.

Clause 2 defines certain expressions used in the Bill.

Clause 3 enables the Council to relocate the Market from time to time subject to certain conditions. Clause 3 is partially based on section 4 of the Hereford Markets Act 2003.

Clause 4 provides a power for the Council to determine that land forming any part of a new site which is not required for the purposes of the Market should no longer form part of a new site and fix a date when this is to happen; and from that date the land is released from any restriction, right or obligation due to its status or use as a market. However, this is subject to *subsection (2)*, which provides that this must not result in the area occupied by the market facility at a new site being smaller than 5.5 acres, taking into account any land incorporated under clause 5.

Clause 5 provides a power for the Council to incorporate adjoining land into a new site.

Clause 6 provides the Council with powers to operate and regulate a new site. *Subsection (1)* provides that the Council’s rights in relation to the existing site shall have effect in relation to a new site. *Subsection (2)* provides that Part III of the Food Act 1984 (which provides for the general operation of markets) is to apply to a new site. *Subsection (3)* provides the Council with powers to develop a new site. It also allows the Council to grant leases or licences in respect of a new site or sell or otherwise dispose of a new site and enter into a composition with any person with respect to the payment of any charges due under Part III of the Food Act 1984. *Subsection (4)* gives the Council power to appoint another person to operate or manage a new site, and to delegate in writing functions consequential on such an appointment, to such extent and subject to any conditions or restrictions that the Council considers appropriate. Clause 6 is substantially based on section 3 of the Hereford Markets Act 2003.

Clause 7 provides a power for an authorised person (including a constable or a person authorised by the Council) to give directions as to the use of a new site to ensure the safe and efficient operation of the Market. *Subsection (2)* provides that a fine may be issued for any failure to comply with a direction under clause 7.

Clause 8 provides a power to issue fixed penalty notices for traffic offences on roads within a new site or for breach of any byelaws made under the Food Act 1984, with certain notice requirements detailed in *subsections (3)-(5)*. *Subsection (6)* provides that no proceedings may be taken against a person to whom a fixed penalty notice is issued within 14 days of the notice being issued and that such a person cannot be convicted if a fixed penalty is paid before the end of that period. *Subsection (7)* provides that the amount of the fixed penalty is to be prescribed by the Council and *subsection (8)* prescribes the form of evidence applicable to the proceedings.

Clause 9 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of committing an offence under section 7 or acting in breach of byelaws made under the Food Act 1984, to give their name and address so that enforcement action may be taken against the person. *Subsection (2)* provides that it is an offence to fail, without reasonable excuse, to provide such information.

Clause 10 provides that nothing in sections 4 and 8 of the Norwich City Council Act 1984 affects the operation of the Bill and that the provisions of that Act are to have effect subject to the Bill. The clause ensures that a relocation undertaken under clause 3 is not treated as a relocation for the purposes of the Norwich City Council Act 1984.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of Norwich City Council the provisions of Norwich Livestock Market Bill [HL] are compatible with the Convention rights.

Norwich Livestock Market Bill [HL]

[AS BROUGHT FROM THE LORDS]

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[AS BROUGHT FROM THE LORDS]

A

B I L L

TO

Make provision for the relocation of Norwich Livestock Market; and for connected purposes.

WHEREAS –

- (1) Norwich City Council (“the Council”) is empowered to hold and regulate markets in Norwich City (“the City”):
- (2) The Council is responsible for markets and fairs in the City pursuant to the Norwich City Council Act 1984:
- (3) In exercise of these powers, various markets are held in the City, including a livestock market held at Hall Road, Norwich, Norfolk, NR4 6DW (“the Market”), principally taking place on Saturdays: 5
- (4) The location and physical constraints of the existing site of the Market render that site ill-suited for the purposes of the Market:
- (5) It is expedient that the Market should be relocated to a new site where facilities that meet modern market needs and practices can be provided: 10
- (6) The location of transport connections and the availability of suitable alternative sites means it is expedient to relocate the Market outside of the City:
- (7) The Council’s power to hold markets under the Norwich City Council Act 1984 is, under section 4 of that Act, limited to markets within the City: 15
- (8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (powers of joint and local authorities to promote Bills) have been observed:
- (9) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:— 20

1 Citation and commencement

This Act may be cited as the Norwich Livestock Market Act 202[] and comes into force at the end of 28 days beginning with the day on which this Act is passed.

2 Interpretation

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In this Act—

“animal welfare officer” means an officer of a local authority who executes and enforces the provisions of the Welfare of Animals at Markets Order 1990 (SI 1990/2628) (or any substituted Order for equivalent purposes);

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“authorised person” means—

(a) a person acting in the course of that person’s duties who is authorised by the Council to exercise one or more of the functions under **sections 7, 8 and 9** of this Act; or

(b) a constable, a Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004, a person accredited under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, a traffic officer or an animal welfare officer, each acting in the course of that person’s duties;

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“the City” means the city of Norwich which is administered by the Council for the purposes of the Local Government Act 1972 from time to time;

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“the Council” means Norwich City Council;

“existing site” means the site of the Market;

“lease” means the grant of a right to the exclusive possession of land for a determinable period of time;

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“the Market” means the livestock market (which is the “Cattle Market” as referred to in the Norwich City Council Act 1984) which—

(a) at the time of the passing of this Act and before the first relocation in accordance with **section 3** is held at Hall Road, Norwich, Norfolk, NR4 6DW; or

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(b) following the passing of this Act, is held at a site to which that market is relocated in accordance with **section 3**;

“the Market Act” means the Norwich City Council Act 1984;

“market facility” means any market place, market house, building, land or other facility used or intended to be used for the purposes of agriculture and associated services (including the Market); and

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“new site” means a site to which the Market is relocated in accordance with **section 3** and includes any land incorporated into a site under **section 5** but excludes land which is the subject of a resolution made under **section 4**.

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3 Relocation of the Market

- (1) Subject to the conditions in subsections (2) and (3), the Council may from time to time—
 - (a) relocate the Market to a new site at any place outside or inside the City; and 5
 - (b) in connection with the relocation, discontinue the use of any land for the purposes of the Market.
- (2) A new site must—
 - (a) be at least 5.5 acres in size;
 - (b) provide a market facility equivalent to that provided at the existing site; and 10
 - (c) either be—
 - (i) within 16 miles of the site at which the Market is situated at the time of the passing of this Act and within 3 miles by road of the A11, A47 or A140, or 15
 - (ii) within 1 mile by road of the A1270.
- (3) The Council must not relocate the Market under this section—
 - (a) without first consulting the market traders at the existing site, and any other person that appears to the Council to be likely to be affected by the proposed relocation; 20
 - (b) until the new site is laid out for the purposes of the Market and available for use as a livestock market ensuring the continuity of the provision of the market facility; and
 - (c) unless it has fixed by resolution a date on which the Market is to be relocated and that date must be at least 90 days after the date of that resolution. 25

4 Power to determine that land is not to be part of a new site

- (1) Subject to subsection (2), the Council may determine by resolution that any part of a new site which the Council considers is not required for the purposes of the Market is to cease to be a part of that new site from such date as it determines. 30
- (2) A resolution may not be made under subsection (1) where it would, taking into account any land incorporated into a new site by way of determination under section 5, mean that the land made available for the market facility is less than 5.5 acres in size. 35
- (3) From such date as the Council determines under subsection (1)—
 - (a) any restriction, right or obligation that attaches or relates to the land to which the determination relates, ceases to apply, and
 - (b) that land ceases to be part of the new site.
- (4) In subsection (3), “any restriction, right or obligation”— 40
 - (a) means any restriction, right or obligation that attaches or relates to the land by virtue of this Act or any other enactment, or otherwise, by reason of the land’s status or use as a market facility, but

- (b) does not include such a restriction, right or obligation imposed or conferred by a lease.

5 Power to incorporate land into a new site

- (1) The Council may determine by resolution that designated land will form part of a new site from such date as it determines. 5
- (2) From such date as the Council determines under subsection (1), the designated land to which the determination relates will form part of the new site.
- (3) In this section “designated land” means land—
 - (a) which adjoins a new site, and
 - (b) in respect of which the Council has— 10
 - (i) a legal estate, or
 - (ii) the written agreement of any person who has a legal estate in the land and whose agreement is necessary to operate a market facility on that land, that the new land will form part of the new site. 15

6 Operation and regulation of the market facility at a new site

- (1) Subject to the provisions of this Act, where the Market is relocated to a new site in accordance with **section 3**, all rights and privileges vested in the Council in relation to the Market at the existing site (excluding any lease, tenancy at will or licence at the existing site) are vested in the Council in respect of the Market at the new site. 20
- (2) Following relocation of the Market to a new site in accordance with **section 3**, Part III of the Food Act 1984 applies to the Market at that new site as if the Market had been established at that site under section 50 of that Act.
- (3) Without prejudice to any other powers available to it, the Council may— 25
 - (a) use, lay out, maintain, hold and develop a new site for the purposes of a market facility, or for any other purpose that is consistent with the operation of a market facility in accordance with section 3(2)(b) of this Act;
 - (b) provide, maintain, alter or improve any market facility belonging to the Council at a new site; 30
 - (c) permit the new site to be used for such purposes as it sees fit (without prejudice to section 3(2)(b) of this Act);
 - (d) grant a lease or licence for any period upon such terms and conditions as it determines in respect of— 35
 - (i) a new site or any part of a new site (including any market facility belonging to the Council); or
 - (ii) the right of selling or holding sales of things authorised to be sold at a new site;
 - (e) where such a lease or licence is entered into, transfer to the lessee, on such terms as it sees fit, any functions of the Council or of any of its officers in relation to a new site; 40

- (f) sell, lease, exchange or otherwise dispose of a new site, or part of it, in such manner and for such consideration as it determines (without prejudice to the rights of any other person over the land); and
 - (g) enter into a composition with any person with respect to the payment of any charges which the Council may demand under Part III of the Food Act 1984. 5
- (4) The Council may—
 - (a) appoint another person to operate a market facility on a new site or manage a new site, and
 - (b) delegate in writing any of its functions consequential on such an appointment to that person, 10
 to such extent, and subject to such conditions and restrictions, as the Council considers appropriate.

7 Directions in relation to the use of the site

- (1) Any authorised person may, for the purposes of ensuring the safe and efficient operation of a market facility, give directions as to the use of a new site by members of the public or as to the movement, stopping, parking or placing for loading or unloading of any vehicle at a new site, on production of that person's authority if required by any member of the public or driver of a vehicle being so directed. 15 20
- (2) Any person who fails without reasonable excuse to comply with a direction given under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8 Fixed penalty notices

- (1) An authorised person may issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence under **section 7** or contrary to byelaws made under section 60 of the Food Act 1984. 25
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to be convicted of the offence to which the notice relates by payment of a fixed penalty to the Council. 30
- (3) A fixed penalty notice must be in writing and state—
 - (a) the particulars of the circumstances alleged to constitute the offence to which the notice relates;
 - (b) the amount of the fixed penalty;
 - (c) the effect of subsection (6); 35
 - (d) the name and address of the person to whom payment of the fixed penalty may be sent; and
 - (e) the permissible methods of payment.
- (4) A fixed penalty notice may be issued in person or by post and must identify by name the person to whom it is issued, unless the authorised person cannot reasonably ascertain the person's name. 40

- (5) Where a fixed penalty notice is issued by post, it is deemed to have been issued to the person to whom it relates on the second business day after it was posted.
- (6) Where a person is issued with a fixed penalty notice—
 - (a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days, beginning with the date on which the notice was issued; and 5
 - (b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period. 10
- (7) The amount specified under subsection (3)(b) is to be an amount prescribed by the Council, which—
 - (a) may prescribe different amounts in relation to different classes of cases, but
 - (b) may not prescribe an amount exceeding level 1 on the standard scale. 15
- (8) In any proceedings, a certificate that—
 - (a) purports to be signed by or on behalf of the officer responsible for the Council's financial affairs; and
 - (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate; 20
 is evidence of the facts stated.

9 Power to require name and address

- (1) An authorised person who has reason to believe that a person ("P") has committed an offence under **section 7**, or contrary to byelaws made under section 60 of the Food Act 1984, may require P to give P's name and address with a view to— 25
 - (a) the service of a summons on P, or
 - (b) the issuing of a fixed penalty notice to P under **section 8**.
- (2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 30

10 Application of the Market Act

- (1) Nothing in sections 4 or 8 of the Market Act affects the operation of this Act and without limitation the provisions of Part II of the Market Act have effect subject to this Act. 35
- (2) Without limitation to subsection (1)—
 - (a) a market held at a new site is not to be construed as being held under section 4(1) of the Market Act; and
 - (b) a relocation under this Act is not to be construed as a closure or discontinuance under section 8 of the Market Act. 40

Norwich Livestock Market Bill [HL]

[AS BROUGHT FROM THE LORDS]

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B I L L

TO

Make provision for the relocation of Norwich Livestock Market; and for connected purposes.

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Mark Fitzsimmons
NORWICH CITY COUNCIL
St Peters Street
Norwich
Norfolk NR27 1NH
Project Manager (Property)

SHARPE PRITCHARD LLP
Elm Yard
10-16 Elm Street
London WC1X 0BJ
Parliamentary Agents

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