

CHELTENHAM BOROUGH COUNCIL (MARKETS) BILL

BUNDLE OF EXHIBITS
FOR UNOPPOSED BILL COMMITTEE
IN THE HOUSE OF COMMONS
24 MARCH 2026

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Cheltenham Borough Council (Markets) Bill
Unopposed Bill Committee
Summary of Case for the Bill

Introduction

1. This document sets out a summary of the case for the Cheltenham Borough Council (Markets) Bill (2024-2026) (the “**Bill**”). It has been prepared to assist the Unopposed Bill Committee in its consideration of the Bill.

The Bill’s provisions

2. The Promoter of the Bill is Cheltenham Borough Council (“**the Council**”), a non-metropolitan district with borough status in Gloucestershire.
3. Clause 1 gives the short title of the Bill and provides for the date on which the Bill, if enacted, comes into force. Clause 2 defines certain expressions used in the Bill.
4. Clause 3 repeals section 83 of the Cheltenham Improvement Act 1852 (“**the 1852 Act**”) [tab no.2].
5. Clause 4 provides a power to issue fixed penalty notices for breach of any byelaws made under the Food Act 1984 (“**the 1984 Act**”) [tab no.4], 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 (but may not exceed £200) and subsection (8) prescribes the form of evidence applicable to the proceedings. This clause is preceded in section 8 of the Norwich Livestock Market Act 2025 (“**the 2025 Act**”) [tab no.5].
6. Clause 5 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of acting in breach of byelaws made under the 1984 Act [tab no.4], 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. This clause is preceded in section 9 of the 2025 Act **[tab no.5]**.

Summary of case for the Bill

7. For the best part of two decades, Cheltenham has had a vibrant street trading scene. Street trading takes place on the pedestrianised Promenade twice a month and at the Suffolks, on Sundays, several times a year. Other occasional street trading events take place throughout the year. The table in the Appendix to this document provides an overview of street trading operating in Cheltenham, including the time of year in which it takes place, the year in which the trading started, and the number of traders working at each event. It will be noted that the street trading events listed in the Appendix are referred to as “markets” though, as explained below, this is not correct.

8. There is a strong desire among Council members, officers and traders for street trading to continue given the economic and other benefits it brings to Cheltenham; however, owing to section 83 of the 1852 Act **[tab no.2]**, it is an offence for a “Fair, Market, Hop or Hiring” and other related activities to be held upon the High Street or any other “street” with the Borough of Cheltenham. Owing to this, the “markets” referred to in the Appendix are provided under the Council’s power to authorise street trading pursuant to its powers under Schedule 4 to the Local Government Miscellaneous Provisions Act 1982 (“**the 1982 Act**”), which is administratively burdensome and expensive. It would be preferable if the Council could use the less burdensome regime under section 50 of the 1984 Act to create street markets; however, to do so, section 83 needs to be repealed. The Council therefore seeks the repeal of that section.

Legislative position

9. Section 83 of the 1852 Act **[tab no.2]** states –

“... no Person shall hold any **Fair, Market, Mop or Hiring in, upon, or about the High Street or any other Street within the Borough**, nor elect or place

in, upon, or about the same or any of them any Stall, Standing, Booth, Carriage, or Thing whatsoever, for the Purpose of selling or exposing to Sale any Goods, Wares, or Merchandises, Articles or Things usually sold in Fairs or Markets, or under any other Pretence whatsoever ..." [Emphasis added].

10. An effect of section 83 is to prohibit markets on streets within the borough of Cheltenham. By section 83, it is also an offence to contravene this prohibition (... "and all Persons ... who shall sell or expose for Sale any Goods, Wares, or Merchandises, or any Article or Thing usually sold in Fairs or Markets ... in, upon, or about the High Street, or any other Street ... shall forfeit for every such Offence any Sum not exceeding Ten Pounds ..."). Any person operating a market stall on the highway would be committing a criminal offence under section 83.

Practical implications of section 83 of the 1852 Act

11. Section 83 of the 1852 Act [**tab no.2**] has a direct and significant impact on the Council's ability to hold and promote markets in the Borough of Cheltenham. The mischief that section 83 seeks to address is set out in the preamble to that provision, which states –

"Whereas certain Fairs, Markets, Mops and Hirings have heretofore been held in the High Street and other Streets and Places within the Town of Cheltenham, and such Fairs, Markets, Mops, and Hirings are a great Nuisance, Obstruction, and Inconvenience to such Streets and Places, and to the Inhabitants thereof and the Public in general, and it is expedient that the same should be prevented, and removed from and out of such Streets and Places ..."

12. While, in the mid-nineteenth century, the holding of "Fairs, Markets, Mops and Hirings" on "the High Street and other Streets and Places" constituted "a great Nuisance, Obstruction, and Inconvenience to such Streets and Places", that is no longer the case and the Council is keen for the legislation to catch up with life in the twenty-first century.

13. Large parts of Cheltenham High Street along with the Promenade and other roads off the High Street are now pedestrianised, except when deliveries and collections take place at certain allocated times. This presents a substantially different use of

the town centre from that of the time of the 1852 Act **[tab no.2]** and the harm and nuisance it sought to address. Today, these pedestrianised areas are extensively used for street trading, particularly the Promenade.

14. Street trading plays an important role in the cultural life of Cheltenham, making a substantial contribution to its economic growth, helping to drive footfall to the High Street and elsewhere in the town, and benefitting the general wellbeing of the town.

15. Because the prohibition under section 83 of the 1852 Act **[tab no.2]** remains in force, as mentioned, the Council authorises street trading pursuant to its powers under the 1982 Act. A consequence of this is that, under the 1982 Act, the Council cannot issue a single trading consent which covers markets. Instead, traders are individually licensed as street traders. This places a significant administrative burden on the Council's licensing section and imposes a substantial logistical burden on market operators and market traders. This can be seen by the increase in the number of licenses which have been issued by the Council for street trading in recent years, rising from 12 in 2017 to more than 400 in 2024.

16. Individually licensing traders as street traders places a significant burden on the Council's team small team of licensing officers and the time saved could be spent on other activities which fall within its duties. In addition to the burden on the Council, the implications of operating under the 1982 Act **[tab no.3]** are also felt by the street traders themselves. The regime under the 1984 Act **[tab no.4]** is more straightforward and less burdensome for all concerned.

The Council's solution

17. In the light of the above, the Council seeks the repeal of section 83 of the 1852 Act.

Cheltenham Borough Council
17 March 2026

Appendix

Table – street trading in Cheltenham

Name of “market”	Time of year held	When trading started	Number of stalls (approx.)
Suffolk Street Market	May, July, August, October and November	Since 2007	60 stalls
Montpellier Street Market	June and November/December	Since 2014	70 stalls
Farmers Market	Every other Friday	Since 2007	40 stalls
Arts and Crafts Market	December annually	Since 2008	40 stalls
Christmas Market	December annually	Since 2009	60 stalls (More than 90 stalls in 2021)
International Market	May and October	Since 2008	40 stalls
Fine Food Market	May and October	Since 2015	40 stalls
Local Produce	December annually	Since 2009	40 stalls

The Cheltenham Improvement Act, 1852.

without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act
1 & 2 G. 4.
c. 121. re-
pealed.

All Books
kept under
26G.3.c.116.,
46G.3.c.117.,
and 1 & 2 G. 4.
c. 121. to be
still Evi-
dence.

Arrears of
Rates to be
paid.

Collectors,
&c. to ac-
count for and
deliver over
Property to
Commis-
sioners
under this
Act.

Existing
Contracts to
subsist,

I. That from and after the passing of this Act the said recited Act of the First and Second Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed: Provided always, that all Books of the Commissioners for executing a certain Act of Parliament passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for paving the Footways and Passages in the Town of Cheltenham in the County of Gloucester, and for better cleansing and lighting the said Town, for taking down certain old Buildings now standing therein, and for removing and preventing other Encroachments, Nuisances, and Annoyances*, and an Act passed in the Forty-sixth Year of the same Reign, intituled *An Act for amending and enlarging the Powers of an Act passed in the Twenty-sixth Year of His present Majesty, for paving the Footways and Passages in the Town of Cheltenham in the County of Gloucester, and for better cleansing and lighting the said Town, and for removing and preventing Nuisances and Annoyances therein*, and the said recited Act hereby repealed, or either of them, and all Entries therein made, according to the Directions or Provisions of the said Acts or either of them, and made Evidence thereby, shall and may be given and admitted in Evidence in all Courts, and by all Judges, Justices, and others; and that all Persons from or by whom any Rates or any Arrears of Rates laid or assessed by virtue of the said recited Act hereby repealed are due or unpaid at the Time of passing this Act shall be liable to the Payment thereof to the Commissioners for executing this Act, and such Rates may be recovered from such Persons in the same Manner as the Rates by this Act granted may be recovered by virtue of this Act; and that each and every Treasurer, Clerk, Collector, or other Person in whose Custody or Control any Money received or collected under the said recited Act hereby repealed, or any Books, Papers, Documents, Materials, or Things of the Commissioners acting thereunder, are at the Time of passing this Act, shall be liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if such Money or Property had come to his Hands by virtue of this Act; and that all Contracts, Stipulations, or Agreements, Mortgages and Charges, given or entered into by the Commissioners acting under the said recited Act hereby repealed, with any Person or Persons whomsoever, or by any Person or Persons with such Commissioners, shall, notwithstanding the Repeal of the said Act, subsist and continue for such Term or Terms and in such Manner

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Manner as the same would have subsisted and continued in case the said recited Act had not been repealed; and that the Repeal of the said recited Act shall not extend to prevent the suing for or Recovery of any Penalty incurred in respect of any Offence committed against the Provisions of the said Act so repealed previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence, but all Penalties which shall have been incurred before the passing of this Act under the Provisions of the said hereby repealed Act may be sued for and recovered under the Provisions of this Act, and all Offences committed before the passing of this Act against the Provisions of the said hereby repealed Act may be prosecuted under the Provisions of this Act; and all Byelaws, Rules, or Orders made under or by virtue of the said hereby repealed Act for the Regulation of Hackney, Fly, and other Carriages, Pony or Donkey Carts or Gigs, Sedan and Wheel Chairs and Fly Carriages drawn by Men, and now in force, shall continue in force for the Space of One Year after the passing of this Act, or until other Byelaws are sooner made, and shall come in force in the above Behalf under the Powers of this Act.

and Penalties incurred recoverable under this Act.

Byelaws for Hackney Carriages to continue for One Year or till others made.

II. That in this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Terms.

Words importing Individuals shall include Corporations:

“Borough” or “Parish” shall mean the Borough and Parish of *Cheltenham*:

“Commissioners” shall mean the Commissioners under this Act:

“Justice or Justices” shall mean Justice or Justices of the Peace for the County of *Gloucester*, and “Two Justices” shall mean Two or more Justices met and acting together:

“Occupier” shall not include a Lodger, or Person in the Occupation as Tenant of a furnished House, but shall include the Person by whom such furnished House is so let:

“Owner” shall mean the Person for the Time being receiving the Rackrent of the Lands and Premises in connexion with which the said Word is used, whether on his own Account or as a Mortgagee or Incumbrancer in possession, or as Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at Rackrent:

To “pave” shall include the making or forming of a hard Surface to a Roadway, or generally repairing the same by broken Stone or other Material, as well as pitching:

“Quarter Sessions” shall mean the Quarter Sessions of the County of *Gloucester*:

“Arbitrators,”

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“ Arbitrators,” “ Drain,” “ Lands,” “ Month,” “ Premises,” “ Rack-rent,” “ Sewer,” “ Slaughter-house,” “ Street,” “ Superior Court,” “ Waterworks Company,” and “ Waterworks ” shall have the several Meanings assigned to them in the Public Health Act, 1848; and the Words “ Sewers and Drains,” when used with reference to Streets, shall include Gutters and Channels running in or through the Streets; and the Word “ Street ” shall include a Turnpike Road, notwithstanding anything in the said Public Health Act to the contrary :

And when any Distance from or around the Borough of *Cheltenham* is referred to in this Act, the same shall be measured in a direct Line from *Cheltenham* Parish Church :

And where any Act or Thing is by this Act required to be done or performed on any certain Day of the Month, and the same shall happen to fall on a *Sunday*, or any Day appointed for Public Fast or Thanksgiving, then such Act or Thing shall be done or performed on the following Day, or if that Day should also happen to fall on *Sunday* or a Public Fast or Thanksgiving Day, then on the Day following it.

11 & 12 Vict.
c. 63.,
12 & 13 Vict.
c. 94.,
10 & 11 Vict.
cc. 16. 34. 89.
& 65. incor-
porated with
this Act.

III. That the several Provisions of “ The Public Health Act, 1848,” and “ Public Health Supplemental Act, 1849,” “ The Commissioners Clauses Act, 1847,” “ The Towns Improvement Clauses Act, 1847,” “ The Town Police Clauses Act, 1847,” and “ The Cemeteries Clauses Act, 1847,” herein-after particularized under the Subjects to which they respectively relate, shall be incorporated with this Act as Part thereof, subject to the several Modifications in extension, limitation, or explanation of such Provisions hereunder mentioned in connexion therewith, and the Words herein used as introductory to Enactments, Clauses, and Provisions shall not be construed to restrain the same;

And by the Words “ Local Board of Health ” or “ Local Board ” used in the said Provisions incorporated from the Public Health Acts shall be understood the Commissioners under this Act;

And by the Words “ District ” or “ Non-corporate District,” therein used, shall be understood the Borough of *Cheltenham* ;

And by any Terms denoting the Public Health Act, 1848, or the Application of that Act, therein used, shall be understood this Act or the passing of this Act ;

And in the Provisions incorporated from “ The Commissioners Clauses Act, 1847,” “ The Town Improvement Clauses Act, 1847,” “ The Town Police Clauses Act, 1847,” and “ The Cemeteries Clauses Act, 1847,” the Words “ the Special Act ” or “ this Act ” there used shall mean this Act, and the Words “ Limits of the Special Act ” shall mean the Borough of *Cheltenham* ; and in the said Cemeteries Clauses Act the Word “ Company ” shall mean “ Commissioners ” under this Act.

IV. That

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IV. That in citing this Act in other Acts of Parliament, and in legal or other Proceedings or Instruments, it shall be sufficient to use the Expression "The *Cheltenham* Improvement Act, 1852."

Short Title of Act.

V. That this Act shall apply to and be in force within and throughout the entire Area comprised within the Boundaries of the Borough and Parish of *Cheltenham* in the County of *Gloucester*.

Limits of the Act.

VI. That the Number of Persons for executing this Act shall be Thirty, and they shall be called "The *Cheltenham* Improvement Commissioners," and such Commissioners shall be qualified as herein-after mentioned; and the Persons named in the Schedule (A.) to this Act annexed shall be the First Body of Commissioners, and shall go out of Office in manner herein-after mentioned, and in their Stead the future Commissioners for executing this Act shall be elected in manner herein-after also mentioned.

Number of Commissioners, their Style.

VII. That for the Purpose of the Representation by Commissioners under this Act, the Borough shall be divided into Five Wards; namely, East Ward, North Ward, West Ward, Middle Ward, and South Ward, severally described in the Schedule (A.) to this Act annexed; and each of the said Wards shall be considered as a separate Election District, and the First Body of Commissioners shall represent the Wards under which their Names are respectively set in the said Schedule, and of the future Commissioners Six shall be elected for each Ward.

Division into Wards, and Number of Commissioners for each Ward.

And with respect to the Rotation of the Commissioners, be it enacted,

Rotation of Commissioners.

VIII. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act:

Sections 17, 18, 19, & 20 of 10 & 11 Vict. c. 16. incorporated with this Act.

The Section numbered 17 of the said Act:

And the Time of first going out of Office shall be the Twentieth Day of *November* One thousand eight hundred and fifty-three, and the Day of subsequent going out of Office shall be the Twentieth Day of *November* in each Year:

Also the Section numbered 18 of the said Act:

Also the Section numbered 19 of the said Act:

Also the Section numbered 20 of the said Act.

And with respect to the Election of Commissioners, be it enacted,

Election of Commissioners.

IX. That at every Election of Commissioners the Persons rated under this Act to the Borough Rate as the Occupiers of Premises in the Borough, and the Persons named in such Rate as the Owners of such Premises, shall be entitled to vote:

Owners and Occupiers constituted Electors.

[*Local.*]

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The Cheltenham Improvement Act, 1852.

As to Occu-
piers Quali-
fication to
vote.

Provided always, That no Person rated as Occupier shall be entitled to vote as such at the First Election, unless he has been rated as Occupier to the Borough Rate for the Period from the Commencement of such Rate being made to the Tenth Day of *November* One thousand eight hundred and fifty-three, nor at any subsequent annual Election unless he has been rated to the Borough Rate for the Period of One whole Year immediately preceding the Sixth Day of *November* in each Year, and have paid all Borough Rates made upon him for the respective Periods aforesaid, except such as have been made or become due within the Six Months immediately preceding the Sixth Day of *November* yearly; nevertheless the Premises in respect of the Occupation of which any Person has been so rated need not be the same Premises or in the same Ward, but may be different Premises in the Borough :

Paupers not
to vote.

Provided also, That no Person shall be entitled to vote as Occupier or Owner in any One Year who within Twelve Calendar Months next preceding the Sixth Day of *November* in such Year shall have received Relief from any Parish or Union :

Occupiers to
vote if Rates
paid by them
or by
Owners.

Notwithstanding the charging of Owners under this Act with Rates in respect of any Premises, such rating or charging shall not in any Manner affect or prejudice the Right of Persons to vote as Occupiers of such Premises under this Act, provided that such Owners or Occupiers have paid the Amount of Rate payable in respect of the Premises for which such Occupiers shall claim to vote.

Sections 21,
22, 23, & 24
of 10 & 11
Vict. c. 16.
incorporated
with this
Act.

X. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act :

The Section numbered 21 of the said Act :

And the Day of the First Election shall be the Twentieth Day of *November* One thousand eight hundred and fifty-three, and the Day of subsequent Election shall be the Twentieth Day of *November* in each succeeding Year :

Also the Section numbered 22 of the said Act :

Also the Section numbered 23 of the said Act :

Also the Section numbered 24 of the said Act :

As to joint
rating and
Ownership.

Where Two or more Persons are jointly rated as Occupiers, or named in the Rate as Owners of Premises in respect of which One Vote only is given, the Occupier or Owner first named in the Rate Book shall give such single Vote; and so when the Number of joint Occupiers or Owners so rated or named in the Rate is greater than the Number of Votes given, such Number of such Occupiers or Owners as is equal to the Number of Votes given shall give each One Vote in the Order their Names stand in the Rate Book; and where the Number of Votes is equal to the Number of such Persons, they shall all vote single; and where the Number of Votes given exceeds the

Number

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Number of such Persons, they shall all have One Vote, and the Person first named in the Rate Book shall have the remaining Vote or Votes :

Any Person who is Owner and also *bonâ fide* Occupier of the same Premises shall be entitled to vote in respect both of such Ownership and of such Occupation. Compound Vote, Owner and Occupier.

XI. That no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to have given if the Borough had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Premises in that Ward; and unless such Person should by Notice in Writing delivered to the Commissioners Clerk in each Year Fourteen Days at least before the Day of Election elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, he shall be entitled to vote only in One Ward. Case of Electors having Property in several Wards.

XII. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act : Sections 26 to 35 of 10 & 11 Vict. c. 16. incorporated with this Act.
 The Section numbered 26 of the said Act :
 Also the Section numbered 27 of the said Act :
 Also the Section numbered 28 of the said Act :

Provided always, that the presiding Officer may vary the Form of the First of the Questions contained in the said Section so as to suit the Case of a Change in the Occupation of Premises by the Voter : Variation of Question to suit Change of Occupation.

Provided also, that if in answer to the Question put to any Voter at the Election whether he has already voted at such Election for Commissioners to be elected in any Ward, he shall say he has so voted in some Ward, he may be asked to name the Ward or Wards in which he has voted, and the Number of Votes he has given in such Ward or respective Wards : And voting in several Wards.

Provided also, that every Female entitled to vote as Owner or Occupier under this Act shall be at liberty to vote by Proxy, and every Male Person entitled to vote as Owner shall also be at liberty to vote as Owner as aforesaid by Proxy : Provided that in either Case the Proxy shall be appointed by Writing, and the Writing shall be signed within Ten Days next before the Day of Election, and the Owner or Occupier shall make a solemn Declaration before a Justice of the Peace of the Jurisdiction wherein he or she may be, stating the Day of the Execution of such Appointment of Proxy; and the Commissioners shall furnish to any Person entitled to vote applying to them in Person, by Letter, or by Agent for the same, Forms of such Appointment of Proxy and Declaration by the Appointer to the Effect contained in Schedule B. No. 2. and No. 3. hereunto annexed, on Payment Female Owners and Occupiers and Male Owners may vote by Proxy.

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ment of One Shilling for each Set of such Forms besides the Stamp ; and no Appointment of Proxy or Declaration made in any other than the Papers so furnished by the Commissioners shall be received at any such Election ; and every Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor :

Corporations
and Com-
panies to
vote by
Proxy.

Provided also, that every Corporation, Joint Stock or other Company or Body of Proprietors or Undertakers, shall be deemed to be but One Occupier or One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under their Common Seal (in case of a Corporation), or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern ; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Occupier or Owner in respect of such Premises :

Appoint-
ment of
Proxy to be
exhibited to
the Return-
ing Officer.

In every Case of voting by Proxy the Appointment of Proxy, and in the Case where a solemn Declaration is herein-before required, together with such Declaration, shall be exhibited to the Returning Officer at the Time of Election ; and instead of the Questions herein-before prescribed the following Questions may be put to such Proxy on voting ; that is to say,

Questions to
be put.

1. Is the Party for whom your Name is signed as Proxy assessed as *C. D.* on the Borough Rate in respect of Property described to be situate, &c. [*here specify the Street, &c. as described in the Rate.*] [*Or if the Voter claim to vote as Proxy for an Owner of Property*] Is the Party for whom your Name is signed as Proxy the Party described as *C. D.*, Owner of Property mentioned in the Borough Rate, and described as being situate in [*here describe the Street, &c. as described in the Rate.*]

And this Question may be varied to meet the Case of Change of Occupation as aforesaid :

2. Have you already voted as Proxy for [] for Commissioners to be elected for this or any other Ward at the present Election [*and if the Proxy say he has so voted in some Ward, he may be asked to name the Ward or Wards in which he has so voted, and the Number of Votes he has given in such Ward or respective Wards as such Proxy*] :

False An-
swers a Mis-
demeanor.

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he has answered the same ; and if any Person wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly :

Also the Section numbered 29 of the said Act :

Also the Section numbered 30 of the said Act :

Also the Section numbered 31 of the said Act :

Also

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Also the Section numbered 32 of the said Act :

Also the Section numbered 33 of the said Act :

Also the Section numbered 34 of the said Act :

Also the Section numbered 35 of the said Act.

XIII. That if any presiding Officer shall neglect or refuse to comply with any of the Provisions of this Act in respect to such Election, he shall be liable to a Penalty of Fifty Pounds, recoverable by any Person, with Costs of Suit, by Action of Debt in any competent Court ; and any Person employed by or under the presiding Officer who shall be guilty of any such Neglect or Refusal shall be liable for every such Offence to a Penalty not exceeding Three Pounds :

Penalty upon Officers misconducting Elections.

And if any Elector or other Person wilfully, fraudulently, and with Intent to affect the Result of the Election, fills up, or signs, or delivers in at the Election, or in any way falsifies any Voting Paper, contrary to the Provisions of this Act, or obstructs or prevents any Voter from voting, or obstructs or prevents the Persons taking or assisting in taking the Votes, he shall for every such Offence forfeit the Sum of Twenty Pounds, recoverable by any Person by Action of Debt in any competent Court, with full Costs of Suit.

Penalty for falsifying Voting Paper.

And with respect to the Qualification, Disqualification, and Declaration of Commissioners, be it enacted,

Commissioners Qualification, &c.

XIV. That every Male Person of full Age, having his usual Place of Residence in the Borough or within Five Miles thereof, and either being in his own Right or in Right of his Wife seised or possessed of Real or Personal Estate, or both, to the Value or Amount of One thousand Pounds over and above what will pay all his Debts, or being rated to the Relief of the Poor of the Parish upon a net annual Value of Forty Pounds or upwards, and not being an uncertificated Bankrupt or undischarged insolvent Debtor, shall be qualified to be elected a Commissioner under this Act, and no other Person shall be eligible to that Office.

What necessary to render Persons eligible to the Office of Commissioner.

XV. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act :

The Section numbered 6 of the said Act :

And if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them or among them, qualify each to be elected, each of the Persons so jointly seised or possessed may be elected :

Sections 6, 7, 9, 10, 12, 13, 14, 15, & 16 of 10 & 11 Vict. c. 16. incorporated with this Act.

Also the Section numbered 7 of the same Act :

Also the Section numbered 9 of the same Act :

[*Local.*]

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Also

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Also the Section numbered 10 of the same Act :
 Also the Section numbered 12 of the same Act :
 Also the Section numbered 13 of the same Act :
 Also the Section numbered 14 of the same Act :
 Also the Section numbered 15 of the same Act :
 Also the Section numbered 16 of the same Act.

*Meetings of
 Commis-
 sioners.*

And with respect to the Meetings of the Commissioners, be it enacted,

*First
 Meeting.*

XVI. That the Commissioners shall hold their First Meeting at the Public Office in *Cheltenham* on the Second *Monday* after the passing of this Act, at the Hour of Eleven o'Clock in the Forenoon.

*Sections 37
 to 45 and
 Sections 47
 and 48 of
 10 & 11 Vict.
 c. 16. incor-
 porated with
 this Act.*

XVII. That the following Sections of the "Commissioners Clauses Act, 1847," shall be incorporated with this Act :

The Section numbered 37 in the said Act :

And the Commissioners shall also elect from their Body a Vice-Chairman to preside in the Absence of the Chairman, and may from Time to Time fill up any Vacancy in the Office of Vice-Chairman :

Also the Section numbered 38 in the same Act :

Also the Section numbered 39 in the same Act :

Also the Section numbered 40 in the same Act :

And the First Annual Meeting of the Commissioners shall be held on the Twenty-seventh Day of *November* One thousand eight hundred and fifty-two, and subsequent Annual Meetings on the Twenty-seventh Day of *November* yearly ; and at every Annual and Monthly Meeting of the Commissioners any Ratepayers or Owners of Property may be present, but they shall not take part in the Business of such Meetings ; and any Ratepayer or Owner present at any Meeting who, in the Judgment of the major Part of the Commissioners then present, and voting on the Question, misbehaves himself, may be summarily removed by the verbal Order of the Chairman of such Meeting ; and the Commissioners shall from Time to Time make Byelaws with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by the Commissioners under this Act :

Also the Section numbered 41 in the said Act :

Also the Section numbered 42 in the said Act :

And by the Words "inferior Officers" in the said Section shall be understood Officers other than the Clerk, Surveyor, Treasurer, Officer of Health, and Inspector of Nuisances ; which said excepted Officers shall be appointed and removed at Special Meetings of the Commissioners :

Also the Section numbered 43 in the said Act :

And

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And the Section numbered 44 in the said Act :

And the Section numbered 45 in the said Act :

And in case of Emergency Special Meetings of the Commissioners may be held upon One Day's Notice, but the Resolutions of every such Meeting on Emergency shall depend for their Validity on the Confirmation of a subsequent regular Meeting :

Also the Section numbered 47 in the said Act :

Also the Section numbered 48 in the said Act.

And with respect to the general Proceedings of the Commissioners, be it enacted, *General Proceedings.*

XVIII. That the following Sections of the "Commissioners Clauses Act, 1847," shall be incorporated with this Act :

The Section numbered 49 in the said Act :

Also the Section numbered 50 in the said Act :

But the Acts of every Committee appointed by the Commissioners shall be approved by the Commissioners before the same are deemed valid ; and no such Acts shall extend to the Payment of or Engagement to pay Money, except to an Amount to be limited by Resolution of the Commissioners, and in no Case to exceed the Sum of Twenty Pounds : Provided always, that any Committee appointed for the Removal of Nuisances, or the Prevention of contagious or epidemic Diseases, may receive Notices and make Complaints under the "Nuisances Removal and Diseases Prevention Act, 1849," or any Public Act of Parliament passed or to be passed for the like Purpose, and may proceed upon such Notices or Complaints pursuant to the Powers of any such Act, without further Authority from the Commissioners than is conferred by the Appointment of such Committee :

Also the Section numbered 51 in the said Act :

Also the Section numbered 52 in the said Act :

And the said Section shall extend to cure Defects in Proceedings by reason of Informalities in the Appointment of any Person acting under the Authority of the Commissioners :

And the Section numbered 53 in the said Act :

And the said Section shall extend to enable the Commissioners to provide Yards and Buildings for keeping the Stores, Implements, and Materials of the Commissioners :

Also the Section numbered 54 in the said Act :

Also the Section numbered 55 in the said Act.

XIX. That the Commissioners shall, at their Office, during all Days of Business, keep open a Book, in which shall be entered the reasonable Complaints made orally or by Letter by any Inhabitant or any Owner or Occupier of Premises within the Borough, of any Matter cognizable by the Commissioners ; and the Surveyor or other proper

Sections 49 to 55 of 10 & 11 Vict. c. 16. incorporated with this Act.

Limit to the Power of Committees.

Book for Complaints.

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proper Officer of the Commissioners shall forthwith inquire into the Truth of all such Complaints, and report thereon to the Commissioners Clerk, and such Report shall be entered in the said Book, and a proper Reference be thereon made from the Complaint to the Report; and such Book shall be open, at all reasonable Times, to any Inhabitant or Owner or Occupier of Premises within the Borough.

Liabilities and Protection and legal Proceedings.

And with respect to the Liabilities and Protection of the Commissioners and their Officers, and legal Proceedings by and against them, be it enacted,

Sections 138, 139, 140, 148, and 150 of 11 & 12 Vict. c. 63. incorporated with this Act.

XX. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 138 of the said Act:

Also the Section numbered 139 of the same Act:

Also the Section numbered 140 of the same Act:

Also so much of the Section numbered 148 of the same Act as relates to obstructing the Commissioners and their Officers, or Persons employed by them, or to defacing or injuring Boards of Byelaws:

Also so much of the Section numbered 150 of the same Act as relates to the Service of Notices and Proceedings on the Commissioners:

And the Notices required to be given to Commissioners individually shall be sufficiently given if directed to them by Name, and transmitted through the Post to their usual Place of Abode or Place of Business (if any) within the Borough.

Officers.

And with respect to the Appointment and Accountability of Officers of the Commissioners, be it enacted,

Sections 37 to 40 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 37 of the said Act:

Also the Section numbered 38 of the same Act:

Also the Section numbered 39 of the same Act:

And the Commissioners may accept the Security of any Guarantee Society for the Fidelity of any Officer:

Also the Section numbered 40 of the same Act.

Paviors, &c. may be appointed.

XXII. That the Commissioners may from Time to Time appoint such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, and also purchase or hire such Waggons, Carts, or other Carriages, Machinery, and Implements, as they judge necessary for carrying this Act into execution.

And

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And with respect to the Contracts, Deeds, Notices, and Documents by and to the Commissioners, be it enacted,

Contracts.

XXIII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

Sections 85, 149, and 151 of 11 & 12 Vict. c. 63. incorporated with this Act.

The Section numbered 85 of the said Act :

Provided always, that the Commissioners may undertake any Work without Estimate, Contract, or other Proceeding herein required, when from urgent Cause the Commissioners deem it necessary that the Delay occasioned by such Proceedings be avoided :

Every Contract, Deed, Bond, Security, or other Instrument in Writing required or authorized under this Act may be entered into or executed by the Commissioners, or given to or accepted by them, in and by their Name of the *Cheltenham* Improvement Commissioners, and, unless otherwise specially directed in this Act, shall be sufficiently authenticated if signed by any Two of the Commissioners acting by the Direction and on behalf of the Commissioners ; and all Contracts to which the Commissioners are Parties, or in which they are interested, may be varied and discharged by them in the same Manner as they can be entered into :

Also the Section numbered 149 of the same Act :

And every Notice, Summons, Demand, Consent, Sanction, Approval, or Authority of or by the Commissioners under this Act, may be given or made on their Behalf by any of their Officers, and may and shall be sufficiently authenticated if signed by the Officer by whom the same is given or made, or by the Commissioners Clerk.

Also the Section numbered 151 of the same Act, as to Exemption from Stamp Duty, but the same shall apply only to Instruments and Writings executed or made exclusively under the Provisions herein incorporated from the said Public Health Acts.

XXIV. That the Commissioners shall cause a Seal to be made for their Use in executing this Act, and Documents or Copies of Documents purporting to proceed from the Commissioners, and to be signed by any Two or more of them, and to be sealed or stamped with such Seal, shall be received as Evidence in all Courts and Places whatsoever.

Common Seal.

And with respect to the making of Byelaws, be it enacted,

Byelaws.

XXV. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

Sections 115 and 116 of 11 & 12 Vict. c. 63., incorporated with this Act.

The Section numbered 115 of the said Act :

Provided also, that no such Byelaw shall be made unless the same shall have been proposed and formed at a Meeting of the Commissioners held at some Time not less than One Calendar Month before the

[*Local.*]

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making

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making of such Byelaw, and shall have been publicly made known, and Notice of the Day of Meeting for making the same shall have been given in some or One of the Newspapers published or circulated within the Borough, Three Weeks before the holding of the Meeting at which such Byelaw shall be finally made and agreed on :

Also the Section numbered 116 of the same Act :

And Copies of all Byelaws in force shall be hung up at the Magistrates Office and in the Market Place of *Cheltenham* ; and a Copy of such Byelaws shall be given to every Officer and Servant of and Person licensed by the Commissioners affected thereby ; and the Copies hereby required to be hung up of such Byelaws shall be renewed from Time to Time, when necessary, so that the same shall be always clear and legible.

Lands, Purchase of and Entry on.

And with respect to the Commissioners Purchase and taking of and Entry on Lands, and the Compensation to be paid by the Commissioners for Damage done by them in execution of the Powers of this Act, be it enacted,

Sections 84, 143, 144, and 71 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXVI. That the following Sections of " The Public Health Act, 1848," shall be incorporated with this Act :

The Section numbered 84 of the said Act :

Also the Section numbered 143 of the same Act :

Also the Section numbered 144 of the same Act :

Also the Section numbered 71 of the same Act :

As to Alteration of Sewers.

And this Section shall extend to authorize the Commissioners to require the Alteration and to alter the Line, Level, or Situation of any of the Drains or Sewers saved from vesting in the Commissioners under this Act: Provided always, that no such Alteration shall be required or made as would permanently prevent the Sewage from flowing as freely and conveniently as usual in and along any such Drain or Sewer; and that during the Progress of the Works of such Alteration adequate Means shall be provided by the Commissioners for the Discharge or Passage of Sewage in lieu of the Drain or Sewer so altered.

Depositing Materials.

XXVII. That during the Time any Street is new paving, flagging, or repairing, or any Sewers or Drains or Pipes therein are under Construction, placing, or Reparation, the Commissioners may order the Materials necessary for such Purposes to be lodged in that or any adjoining Street, according to their Discretion, and may also stop the Way through that or any adjacent Street so long as they judge necessary.

Power to Commissioners to

XXVIII. That the Commissioners are empowered to take and use, for the Purpose of making and constructing the Tanks and Works connected

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connected therewith, and Sewers especially authorized to be made by this Act, all or any of the Lands described in the Plans and Book of Reference as to such Works deposited with the Clerk of the Peace for the County of *Gloucester*, or any Easement or Right therein, with or without the Consent of the Owners and Occupiers thereof; and the Commissioners shall make to the Owners and Occupiers of and all other Persons interested in such Lands, when taken or used, full Compensation for the Value of the Land, Easement, or Right taken, and for all Damage sustained by such Owners and Occupiers or other Persons by reason of the Exercise by the Commissioners of this Power; and as to such Lands, Easements, and Rights, the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act, as well as those Provisions of the said Act already herein incorporated by Reference to Section 84 of "The Public Health Act, 1848:" Provided always, that no more than Two Acres and a Half of Land shall at any Time be taken for the Tank at the *Moor's Farm* herein-after mentioned, and the Works connected therewith, exclusive of the Road to be made therefrom to the *Arle Highway*.

take and use
Lands de-
scribed in
Plans, &c.
for con-
structing
Works, &c.

XXIX. That if any Omission, Mis-statement, or wrong Description be made of any Lands, or of the Owners, Lessees, and Occupiers of any Lands described on the Plans or Books of Reference so deposited as aforesaid, it shall be lawful for the Commissioners, after giving Ten Days Notice to the Owners and Occupiers of the Land affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Gloucester*, and shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works according to such Certificate.

Errors or
Omissions in
Plans may
be corrected
by Justices,
who shall
certify the
same.

Certificate
to be de-
posited.

XXX. That it shall be lawful for the Commissioners to deviate from the Levels of such Works respectively as shown on the said deposited Plans and Sections to the Extent of Five Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made; and it shall be lawful for the Commissioners to deviate from the Lines of such Works as delineated on the said Plans to the Extent shown thereon,

Power to de-
viate from
the Line and
Levels
shown on
Plan and
Sections.

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thereon, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend, provided that the Works shall not by means of any such Deviation as herein-before authorized be made to extend unto the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeds from Mistake shall have been certified in the Manner provided for by this Act in Cases of unintentional Errors in the said Books of Reference.

Maps.

And with respect to the Maps or Plans of the Borough, and of the underground Works therein, and Works to be executed by virtue of this Act, be it enacted,

Section 41 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

XXXI. That the Section numbered 41 of "The Public Health Act, 1848," shall be incorporated with this Act; and on the Map made under the said Section shall be marked as well the Course of the Commissioners Sewers and other Sewers, as of Water and Gas Pipes and other underground Works, so far as the same can be traced:

And the Commissioners may, if they think fit, cause such Map or Plan to be copied, engraved, and published:

And in the Survey may also be included any Places adjoining the Borough which the Commissioners may think necessary to include for the Purpose of exhibiting the Boundaries and Precincts thereof:

And the Commissioners may also cause Lines of equal Altitude to be marked on such Plan at proper Intervals, and may also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places at the Corners of Streets, and on Posts, Houses, and other prominent Objects in the Borough:

And the Section numbered 42 of the same Act shall be incorporated with this Act.

Sewers.

And with respect to making and maintaining the Public Sewers, be it enacted,

Sections 43
and 44 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

XXXII. The Section numbered 43 of "The Public Health Act, 1848," shall be incorporated with this Act:

And with regard to the Sewers excepted in that Section, the Commissioners shall nevertheless have Power to cause Sewers and Drains to open into and communicate with any of such Sewers, on paying the Owners thereof full gross annual or other

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other Compensation, to be settled in case of Dispute by Arbitration, under this Act :

Also the Section numbered 44 of the same Act shall be incorporated with this Act :

And the said Section shall extend to the Purchase by the Commissioners of the Sewers, Works, Rights, Privileges, and Authorities vested in or belonging to the Company established by a Local Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act for the better Sewage, cleansing, and draining of the Town of Cheltenham in the County of Gloucester*, anything in the said Act contained to the contrary notwithstanding ; and in case of any such Purchase being made, all Privileges, Rights, Powers, and Authorities to make Sewers under the said Local Act shall thereafter cease ; and in case the said Company should be dissolved or cease to exist, all the Sewers and Works made by virtue of that Act shall thenceforth vest in the Commissioners for the Purposes of this Act.

Provision in case of Purchase of Sewers of the Cheltenham Sewers Company, 3 W. 4. c. xxi. (Local.)

XXXIII. That the following Sections of " The Public Health Act, 1848," shall be incorporated with this Act :

Sections 45 to 48 of 11 & 12 Vict. c. 63. incorporated with this Act.

The Section numbered 45 of the said Act ; and this Section shall extend to the Works of Reconstruction, Reparation, Discontinuance, Improvement, Diversion, or Alteration of Sewers or Drains by the Commissioners, as and when authorized by this Act, whether such Sewers or Drains may or may not be vested in the Commissioners or made or acquired by them under this Act :

Also the Section numbered 46 of the same Act ; and this Section shall extend to the Maintenance and Reparation by the Commissioners of their Sewers, Tanks, and Works :

Also the Section numbered 47 of the same Act :

Also the Section numbered 48 of the same Act.

XXXIV. That for the Purpose of the Sewerage and Drainage of the Town the Commissioners shall make and construct the following Works ; (that is to say,)

Power to Commissioners to construct the Works herein mentioned.

A Main Sewer commencing at or near a Point situate near the River *Chelt* adjoining the *Old Bath Road* in the said Parish, and terminating in the Reservoir or Tank first herein-after mentioned ;

And also a Main Sewer commencing at or near a Point situate in the *Evesham Road* near the *Pittville Bridge* in the said Parish, and terminating in a Junction with the Main Sewer before described at or near a Point situate in a Field also in the said Parish on the North Side of the River *Chelt* near the *Lower Alstone Mill*, and in the Occupation of Mr. *John Davis* ;

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And

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And also a Reservoir or Tank, Overflow Drain, and Works connected therewith, at or near the River *Chelt* on the North Side thereof in a Field near the *Moor's Farm* in the Parish of *Cheltenham*, in the Occupation of Mr. *John Yearsley*, for the Purpose of receiving the Sewage of the said Two Main Sewers ;

And also a Main Sewer commencing at or near a Point situate in a Field on the South Side of *Hatherley Court* in the said Parish, and in the Occupation of *James Webster* Esquire, and terminating in the Reservoir or Tank next herein-after mentioned ;

And also a Reservoir or Tank, Overflow Drain, and Works connected therewith, at or near the *Hatherley Brook* on the South Side thereof in a Field adjoining the *Bristol and Birmingham* Railway, and in the Occupation of Mr. *Hawkins*, for the Purpose of receiving the Sewage and Drainage now running in the said *Hatherley Brook* ;

As delineated and shown in the Plan and Section which, together with a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in, through, or upon which the same are intended to be made or executed, have been deposited with the Clerk of the Peace for the County of *Gloucester*.

Commissioners to construct Tanks, &c., and to keep in repair Works for Accommodation of Lands adjoining.

XXXV. That the Commissioners shall construct and place the said Tanks and Reservoirs, and make and for ever maintain and keep in repair Works for the Accommodation of the Lands adjoining the same Works, as herein-after mentioned ; (that is to say,)

For the Tank at the *Moor's Farm* and the Works connected therewith (exclusive of the Road intended to be made therefrom to the *Arle* Highway), the Land shall be taken from the Field marked 4 on the said Plan in such Manner as to leave a Piece of Land not purchased in the said Field of at least Eighteen Feet on the East Side of the Land purchased, and another Piece of Land not purchased in the said Field of at least Two hundred and thirty Feet on the West Side of the Land purchased, and adjoining and running by the Side of the Brook to the Western Hedge of the said Field ; nevertheless the Commissioners shall be at liberty to carry the Overflow Drain from the said Tank under the Surface of the said last-mentioned Part of the said Field ; and the Land so taken shall be fenced from the adjoining Land on the North and West Sides with a Fourteen-Inch Brick Wall of the Height of Eight Feet above the Surface of the Ground, and on the other Sides by a like Wall or by a Quickset Hedge raised on a Mound Five Feet high ; the Road from the Tank to the *Arle* Highway

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way shall be made on and along the Eastern Side or Extremity of the Field marked 2 on the said Plan, and shall not be more than Thirty Feet in Width between the Fences, and such Fences shall be a double Quickset Hedge on either Side thereof, the Proprietors and Occupiers of the Land Part of the *Moor's Farm* lying on either Side of the Tank Inclosure to have the Right of using at all Times and for all Purposes the said Road; the Commissioners shall put up and for ever maintain a substantial Gate and Posts at the Northern Extremity of the said Strip of Land of Eighteen Feet in Width, for the Use of the Owners and Occupiers of the said Farm:

In the *Hatherley Brook* Tank, and the Works connected therewith, the Land shall be taken from the Field marked 8 in the said Plan, in such Manner as to leave a Space not purchased of One hundred and thirty Feet adjoining and by the Side of the *Hatherley Brook* on the West Side of the Land taken; nevertheless the Commissioners shall be at liberty to carry the Overflow Drain from the Tank under the Surface of the last-mentioned Part of the said Field, such Overflow Drain to be carried on to the Arch or Culvert belonging to the Railway Company, the Land to be so taken to be fenced from the adjoining Parts of the said Field with a double Quickset Hedge; the Road from the said Tank to *Hatherley Lane* to be made of such Width as the Commissioners determine, such Road not to be fenced in whole or in part on either Side unless the Proprietor of the Land on One Side or both Sides of the said Road shall by Writing under his Hand require the Commissioners to fence the same; and if any Fence should be so required, the same shall be a double Quickset Hedge; and Gates shall be placed in such Fences on either Side, so as to give free Access for Cattle and Carriages across the said Road from One Part of the said Field to the other; and the Proprietor and Occupier for the Time being of the said Land on either Side of the said Road shall have the Use of the same Road at all Times and for all Purposes; the Quickset Hedges herein-before specified to be protected by Wooden Posts and Rails until the same be grown up:

The aforesaid Tanks to be covered Tanks, and no open Tank or Reservoir to be allowed at any Time; and the best and most effectual Means shall be taken by the Commissioners at all Times to prevent Nuisance and Annoyance to the adjoining Land belonging to the same Proprietors respectively, and the Owners and Occupiers thereof for the Time being; and the Soil taken out of the Tanks and placed upon the Land to be purchased to be removed therefrom from Time to Time by the Commissioners with all practicable Expedition.

XXXVI. That

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Power to
Commis-
sioners to
construct
Branch
Drains and
new Outlets.

Provision for
Protection
of Chelten-
ham Sewers
Company.

Penalty for
sewering
into Brooks
after Sewers
are con-
structed.

Power for
the Chelten-
ham Sewers
Company to

XXXVI. That the Commissioners shall make all proper Sewers and Drains to communicate with the said intended Main Sewers, and stop up the present Outlet of the Main Sewer of the *Cheltenham Sewers Company*, and any other Sewers or Drains which at present open or discharge their Contents into the said Brook or River *Chelt*, *Wyman's Brook*, and *Hatherley Brook*, or either of them, and shall divert the Course thereof, and make new Outlets thereto, so that the same shall open or discharge their Contents mediately or immediately into one or other of the said intended Main Sewers or Tanks as completely and effectually as they are now discharged into the said Brooks; and as well for the Purpose of the aforesaid Works as for making any Communication whatever at any Time or Times hereafter to the said intended Main Sewers, the Commissioners may lay or carry any Trunks, Syphons, or Pipes across, under, or over the said Brooks: Provided, that if at any Time hereafter it shall appear that the Sewers and Works of the Commissioners hereby authorized are not sufficient to allow good and sufficient Outlets for the Drainage and Sewerage of the Main Sewer of the *Cheltenham Sewers Company*, then the Commissioners shall make and execute further and other Sewers, Drains, and Works, so as to allow the Main Sewer of the said Company to communicate with and discharge its Contents through the Main Sewers of the Commissioners, and effectually to carry off the Drainage and Sewerage from the Sewers of the said Company; and that during the Progress of such new or further Works adequate Means shall be provided by the Commissioners for the Discharge of the Sewerage of the Company at the Outlet of their Main Sewer; and if any Questions shall arise between the *Cheltenham Sewers Company* and the Commissioners as to the Sufficiency and Efficacy of the Works of the Commissioners for effecting the Purposes of Drainage and Sewerage as aforesaid, or as to the Construction of new or further Works for the Purpose, the Question shall be referred to Arbitration in the Manner provided by the Public Health Act, 1848, with respect to the Settlement of Disputes by Arbitration.

XXXVII. That if at any Time after a Main or other Sewer is made, instead of either of the said Brooks, any Person shall sewer or drain, or cause or permit to be sewered or drained, any Premises into any Part of such Brooks whereunto or along which such Main or other Sewer shall extend, or in any Manner pollute or contaminate the Waters of the same Part of such Brooks, he shall for every Day during which or any Part of which such sewerage or draining, Pollution or Contamination continues, forfeit a Penalty not exceeding Forty Shillings:

And it shall be lawful for the *Cheltenham Sewers Company* established by the aforesaid Local Act of the Third Year of King *William* the Fourth to cause any of their present or future Main Sewers to open

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open and discharge their Contents into any of the Main Sewers of the Commissioners made in lieu of the Brooks, and for that Purpose at all Times to make such Communications as may be proper and requisite, and from Time to Time to repair and amend the same, the said Sewers Company giving to the Commissioners Six Days Notice in Writing of their Intention to make or alter any such Communication, and describing in such Notice, or by some Plan annexed thereto, the Mode in which such Communication or Alteration is proposed to be made, and the said Company making the same to the Satisfaction of the Commissioners Surveyor, and the said Company also making good any Damage which may thereby be occasioned to any of the Sewers or Works of the Commissioners: Provided always, that no Communication or Alteration shall be required by the said Company which would prevent the Sewage from flowing as freely and conveniently as usual along the Sewers of the Commissioners.

make Communications with the Sewers of the Commissioners.

XXXVIII. That it shall be lawful for the Commissioners from Time to Time to cleanse the said Brook or River *Chelt, Wyman's Brook*, and *Hatherley Brook*, and any other Brook, Rivulet, or Stream within the Borough or bounding the same; and the Commissioners may from Time to Time enter into and upon any Premises, in the Daytime, to do all necessary Acts for any of the Purposes aforesaid, so that the same be executed with all convenient Dispatch, and without injuring or endangering the Foundation or Wall of any Building now erected or to be hereafter lawfully erected adjoining or upon such Brook, Rivulet, or Stream; and the Commissioners may from Time to Time lay any Scourings or Refuse collected by them from the said Brooks, Rivulets, or Streams in or upon any adjoining Premises, for the Purpose of temporary Deposit, until the same can be conveniently removed.

Power to cleanse Brooks.

XXXIX. That if any Person shall lay or throw into any Sewer of the Commissioners any Cinders, Ashes, Bricks, Stone, Earth, or hard Rubbish, or shall lay or throw into any of the said Brooks any Ashes, Rubbish, Dust, Filth, or Annoyance whatsoever, he shall forfeit to the Commissioners a Sum not exceeding Forty Shillings for every such Offence.

Penalty on throwing Rubbish, &c. into Sewers or Brooks.

XL. That in case any private Sewer (meaning thereby any of the Sewers saved from vesting in the Commissioners, other than the Sewers of the *Cheltenham Sewers Company*,) requires to be cleansed, reconstructed, or repaired, the Commissioners shall cause a written Notice requiring the Proprietor of such Sewer (by Name or Description) to do the Works required within a Time to be fixed, and containing an Estimate of the Expense of executing such Works, to be advertised

Power to Commissioners to enforce the Repair of private Sewers.

[Local.]

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twice

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twice consecutively in some Newspaper published and circulated in the Borough ; and in case the Proprietor of such Sewer shall refuse or neglect to comply with such Notice, the Commissioners shall execute the required Works, and if the Expenses incurred by them in so doing be not forthwith repaid by the Proprietor of such Sewer, they shall be declared Private Improvement Expenses, to be defrayed by a Rate to be levied on the Owners and Occupiers of the Premises in the Street or Part of the Borough which the Commissioners deem benefited by the Works executed ; and in case such Owners or Occupiers be liable to the Payment to the Proprietor of such Sewer of any Rentcharges for the Repair or Use and Repair of Sewers, they shall be entitled to deduct therefrom the Contribution following ; that is to say, if such Rentcharges were reserved separately for the Repair or Use and Repair of Sewers, then the whole of such Rentcharges respectively may be deducted ; if such Rentcharges were reserved for such Purpose jointly with some other Purpose, such as the Repair of private Roads, then One Half Part of such Rentcharges respectively may be deducted ; and if such Rentcharges were reserved for such Purpose jointly with several other Purposes, such as the Repair of Roads and the Maintenance of Pleasure Grounds, then One Tenth Part of such Rentcharges respectively may be deducted, until such Owners or Occupiers be thereby repaid the Rate levied upon them for such Works as aforesaid : Provided always, that where any Ground Rent or Rentcharge originally reserved and made payable for the Repair or Use and Repair of a Sewer has been alienated, with the Consent of the Party liable to the Payment thereof, free and discharged from all Rights, Claims, and Demands for or in respect of such Repairs, the same shall not thereafter be subject to Deduction for any of the Purposes herein mentioned, anything to the contrary notwithstanding.

*House
Drains.*

Sections 49
and 51 to 54
of 11 & 12
Vict. c. 63.
incorporated
with this
Act.

And with respect to the Drainage of Houses, be it enacted,

XLI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

The Section numbered 49 of the said Act :

Provided nevertheless, that no Person about to erect or rebuild any House who shall effectually drain such House into any of the Sewers excepted in Section 43 of "The Public Health Act, 1848," to the Satisfaction of the Commissioners Surveyor, shall be compelled to drain into any of their Sewers or any Sewer which they are entitled to use : Provided also, that if the Owner or Occupier of any House, whether built before or after the passing of this Act, which is without proper and effectual Drainage, shall effectually drain the same into any of the Sewers herein-before excepted, to the Satisfaction of the

The Cheltenham Improvement Act, 1852.

Commissioners Surveyor, he shall not be compelled to drain into any of their Sewers or any Sewer which they are entitled to use :

Also the Section numbered 51 of the said Act :

Also the Section numbered 52 of the said Act :

Also the Section numbered 53 of the said Act :

Also the Section numbered 54 of the said Act.

XLII. That the Section numbered 46 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act; and the Words "such Drain, Privy, or Cesspool," and "such Sewer," therein used, shall apply to Drains, Privies, and Cesspools within the Limits of this Act. Section 46 of 10 & 11 Vict. c. 34 incorporated with this Act.

And with respect to paving, laying out, and maintaining Streets, *Street paving and Works.*
be it enacted,

XLIII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: Sections 68 & 72 of 11 & 12 Vict. c. 63. incorporated with this Act.

The Section numbered 68 of the said Act; and the said Provision shall extend to vest Trees or Shrubs planted or growing in any Carriageway, Bridleway, or Footpath under the Management of the Commissioners, in the Commissioners, and to prohibit any Person from maliciously cutting down, pulling up, destroying, or damaging any such Tree or Shrub, under the Penalty for every Offence of a Sum not exceeding Five Pounds :

Also the Section numbered 72 of the said Act.

XLIV. That in case any present or future Street now being or which at any Time shall become a Highway be not well and properly drained, levelled, repaired, flagged, and channelled, to the Satisfaction of the Commissioners, they may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be drained, levelled, repaired, flagged, or channelled, require them to drain, level, repair, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the Commissioners may, if they should think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or, in case of Dispute, as shall be settled by Arbitration, having regard to the Circumstances of the Case, in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be directed by Order of the Commissioners to be Private Improvement Expenses, Power to compel re-paving of Highways imperfectly paved.

The Cheltenham Improvement Act, 1852.

Meaning of Word "Street" in this Section. Expenses, and be recoverable accordingly: The Word "Street" in this Section shall be confined to Streets, Rows, Terraces, Squares, Parades, and such like Places bounded with Houses on One or both of the Sides thereof.

Commissioners not to interfere with Trees, &c. in certain Situations.

XLV. That the Commissioners, or any Surveyor or Officer appointed by them, shall not at any Time have Power to lop, fell, cut, take down, alter, or remove, or otherwise interfere with any Tree or Shrub, or any Hedge, Fence, or Gate, adjoining to or by the Side of any Carriage Road, Footpath, Plantation, or Garden in any of the following Places, namely, the *Promenade, Imperial Square, Vittoria Walk*, and the *Montpellier, Lansdown, Christchurch, Pittville, Bays Hill*, and *Lyppiatt's Estates*, or in *Charlton Park*, nor to remove or alter any Pier, Gate, or other Erection or Building at the respective Entrances thereto, nor to fell, cut, take down, or remove any ornamental Tree or Shrub by the Side of any Street within the Borough, unless such Tree or Shrub in either of the said Cases shall be, or such Hedge, Fence, or Gate shall be, an Obstruction to Passengers or Carriages passing along a Highway, nor until the Owner thereof, or his Agent, have received Notice in Writing from the Commissioners to remove such Obstruction within a Time to be fixed, not exceeding Ten Days, and have made Default in compliance with such Notice.

Section 69 of 11 & 12 Vict. c. 63. incorporated with this Act.

If any Street within the Meaning of the said Section be not kept in repair, Commissioners may compel Parties liable to repair the same.

XLVI. That the Section numbered 69 of "The Public Health Act, 1848," shall be incorporated with this Act; and in case any private Street (meaning thereby any Street within the Meaning of the said Section 69 of the Public Health Act), and being a Street for the Repair or Use and Repair of which any Rentcharges are reserved or made payable by the Owners or Occupiers of Premises fronting, adjoining to, or abutting on such Street, be not sewered, flagged, levelled, channelled, paved, or repaired to the Satisfaction of the Commissioners, the Commissioners shall cause a written Notice, specifying the Works required, and containing an Estimate of the Expense of executing the same, and requiring the Proprietor (by Name or Description) of such Street to execute the same within a Time prescribed, and providing that in case such Proprietor refuse or neglect to execute such Works, then the Owners of such Premises shall do the same within a further Time to be allowed for that Purpose, to be put up for Seven consecutive Days at both Ends of the Street, and advertised Twice consecutively in some Newspaper published and circulated in the Borough, as well as to be given to the Owners or Occupiers of such Premises, according to the said Section of the Public Health Act; and if, from the Default of the Proprietor of such Street to do such Works, the Owners of such Premises shall themselves sewer, flag, level, pave, channel, or repair such

The Cheltenham Improvement Act, 1852.

such Street as required by such Notice, it shall be lawful for them to deduct from the Rentcharges payable by them the Contribution following; that is to say, if such Rentcharges were reserved for the Repair or Use and Repair of Streets, then the whole of such Rentcharges may be deducted annually, until the Expenses of such Owners in executing such Works be repaid; if such Rentcharges were reserved for such Purpose jointly with some One other Purpose, such as the Repair of private Sewers, then One Half of such Rentcharges may be deducted annually, until such Expenses be repaid; and if such Rentcharges were reserved for such Purpose jointly with several other Purposes, such as the Repair of Sewers and Maintenance of Pleasure Grounds, then One Fifth of such Rentcharges may be deducted for the Space of Three Years; and in the last-mentioned Case the Residue, if any, of such Expenses not repaid by such Deduction shall be borne by the Owners of such Premises, under the Provisions of the said Act; and the Certificate of the Commissioners Surveyor shall be satisfactory Proof of the Amount of such Expenses; and if the Commissioners execute the Works or any of them, and the Expenses be recovered from such Owners summarily, or by way of Improvement Expenses under the said Public Health Act, then such Owners may similarly deduct the Contributions aforesaid from the Rentcharges payable by them as aforesaid: Provided always, that under the said Section 69 of the Public Health Act no Proprietor of a Street, nor any Owners or Occupiers of Houses therein, shall be required to execute Works of Flagging, Footpaving, or Channelling on any Footway in front of or abutting on the Area of any Square or other like detached Lawn or Pleasure Ground appropriated to the common Enjoyment of the Owners or Occupiers of divers Dwelling Houses, and not being Part or Parcel of the Land or Premises attached or belonging to such Dwelling House: Provided also, that where the Proprietor of a Street is not liable to make or keep in repair the Flagging, Footpaving, or Channelling thereof, no Deduction from the Rentcharges payable by Owners of Premises therein to him shall be made for Works of that Description; and in case of Doubt as to what Portion of the Expenses of putting the Street in good Condition belongs to such Works, the Amount thereof shall be settled and ascertained by the Commissioners Surveyor: Provided also, that where any Rentcharge originally reserved and made payable for the Repair or Use and Repair of any Street has been alienated, with the Consent of the Party liable to the Payment thereof, free from any Demands for such Repairs, the same shall not thereafter be subject to Deduction in manner or for any of the Purposes herein-before mentioned.

XLVII. That the Section numbered 70 of "The Public Health Act, 1848," shall be incorporated herewith:

[*Local.*]

8 N

Provided

Section 70
of 11 & 12
Vict. c. 63.
incorporated

The Cheltenham Improvement Act, 1852.

with this Act.

As to Notices to be given of private Streets being made Highways.

Owners of Houses in a private Street may object to its becoming a Highway.

Rule as to apportioning Road Rent when the Street becomes public.

Rule for Division of Road Rents where some of the Roads remain private;

and for subsequent Sub-division.

Provided always, that the Notice by the Commissioners therein mentioned shall be put up for Seven consecutive Days at both Ends of the Street, and shall also be advertised Twice consecutively in some Newspaper published and circulated in the Borough; and in the Proviso to such Section the Words "Two Months" shall be substituted for the Words "One Month," and the Words "and given by Advertisement as aforesaid" shall be read as Part of the same Section after the Words "put up as last aforesaid:" Provided also, that no Street shall become a Highway, under the Provisions of the said Public Health Act, if within Two Months after Notice shall be put up by the Commissioners the Proprietor of such Street, or Two Thirds of the Owners of Premises fronting, adjoining, or abutting upon such Street (or the known Agents of such Owners), in Value on the Borough Rate, if any, or otherwise the Poor Rate, shall by Notice in Writing to the Commissioners object thereto: Provided also, that when any Street becomes a Highway the Proportion following of the Rentcharges or Sums of Money, if any, reserved and made payable for its Repair, or for its Use and Repair, shall, except as to Arrears, cease to be payable; that is to say, if such Rentcharge were reserved separately for the Repair or Use and Repair of Streets, then Two Thirds of such Rentcharge shall cease; if such Rentcharge were reserved jointly for the Repair or Use and Repair of Streets and some One other Purpose, then Half of such Rentcharge shall cease; and if such Rentcharge were reserved jointly for the said Purpose and several other Purposes, then One Fifth of such Rentcharge shall cease; but the Remainder of such Rentcharge shall, subject to any Lien thereon under these Provisions, continue payable, and the Person to whom it is payable shall thereafter have and retain the Remedies for its Recovery which he would have for the whole of such Rentcharge if this Act had not been passed: Provided also, that where any Rentcharge hath been reserved or made payable for the Repair or Use and Repair of the Street declared public as aforesaid in common with any other Street not declared public, a Division of such Rentcharge shall be made by the Commissioners Surveyor according to the relative Measurement of the Street so declared public and the Street or Streets remaining private, and out of the Part of such Rentcharge assigned by the Surveyor to the Street so declared public, such proportional Deduction of Two Thirds, One Half, or One Fifth respectively (as the Case may be) shall be made as aforesaid; and in case of subsequent Dedication of Part only of the Street or Streets which so remained private, a Subdivision of the Part of the Rentcharge so assigned thereto shall be made between the Part newly dedicated and the Part still remaining private, in like Manner, and so *toties quoties*: Provided also, that where any Rentcharge originally reserved and made payable for the Repair or Use and Repair of any Street has been alienated, with the Consent of the Party liable to the Payment thereof,

The Cheltenham Improvement Act, 1852.

thereof, free from any Demands for such Repairs, the same shall not thereafter be subject to Deduction in manner or for any of the Purposes herein-before mentioned.

XLVIII. And whereas it would be of great public Advantage that the private Streets specified in the Schedule (F.) hereto annexed should be immediately dedicated to public Use, and the said Streets are well and sufficiently drained, levelled, paved, and channelled: Be it therefore enacted, That after the passing of this Act all the said Streets shall become and be Highways, and be repaired as such by the Commissioners: Provided always, that, notwithstanding such Dedication, the full Amount of the Rentcharges reserved or payable from or in respect of any Houses or Land, wherever situate, solely for the Use and Repair or for the Use or towards the Repair of the said Streets or any of them, and due or payable on or before the First Day of *January* One thousand eight hundred and fifty-three, shall be paid to the Persons entitled thereto, and afterwards Two Thirds of such Rentcharges, except as to past Arrears, shall cease to be payable, but the remaining One Third of such Rentcharges shall continue payable, free from and clear of all Deductions and Liabilities whatsoever, for or towards the Repairs of such Streets; and the Persons entitled to receive the same, or to whom the same are payable, shall have and retain all and every the Remedies for the Recovery of such One Third Part of the said Rentcharges which they would have had for the Recovery of the whole thereof if this Act had not been passed; and that where certain Sums of Money have been used to be paid by Owners or Occupiers of Premises, in lieu of their contributing towards or bearing or paying a Share or Proportion of the Expense of keeping the said Streets or any of them in repair, which they were liable to under any Deed, Surrender, or other legal Obligation, the same Payments shall be deemed Rentcharges within the Meaning of this Provision: Provided, nevertheless, that any Rentcharge specifically reserved for the Use only of the said Streets or any of them, and in the Reservation or Grant whereof it shall have been provided that the same is to be paid irrespective of the Repairs of the said Streets, or to be paid whether the said Streets shall be in repair or not, then such Rentcharge shall continue payable unaffected by the Provision as to the Cesser of Two Thirds of Rentcharges herein contained.

Certain private Streets declared public.

XLIX. That, notwithstanding any Street is hereby declared to be or shall at any Time under this Act become a Highway, the Right of any Person to Mineral or other Wells, or to Pipes for the Conveyance of Water, or to Sewers, excepted out of the Forty-third Section of "The Public Health Act, 1848," running under such Street, shall continue to exist, and with Liberty to renew or repair the same

Pipeway and other Rights reserved in Streets.

The Cheltenham Improvement Act, 1852.

same Wells, Pipes, or Sewers, and to make Communications therewith, as fully as if such Street had not become a Highway, the Person so renewing, repairing, or making Communications as aforesaid forthwith repairing the Street to the Satisfaction of the Commissioners Surveyor; nevertheless the Commissioners may at all Times cause the Surface Water from the Highways to be drained into the said Sewers, they making good any Damage occasioned in making or repairing the Communications for this Purpose; and that all Covenants entered into by any Person or Persons for the Maintenance or Repair of any Street which is hereby declared to be or shall become a Highway as aforesaid shall, after such Dedication, except as to past Breaches of such Covenants, cease.

All Works connected with Gas, Water, and Sewage under 59G.3. c.17., 5 G.4. c.132., 2 & 3 Vict. c.25., &c. and 3 & 4 W.4. c.21. are to be done under the Superintendence of Commissioners under this Act.

L. That all Works, Acts, and Operations in the Streets or Ways in the Borough which under the Act passed in the Fifty-ninth Year of King *George* the Third, intituled *An Act for lighting with Gas the Town and Parish of Cheltenham and Precincts thereof in the County of Gloucester*, or under an Act passed in the Fifth Year of King *George* the Fourth, intituled *An Act for better supplying the Town and Neighbourhood of Cheltenham in the County of Gloucester with Water*, or under any Act extending the Powers of the last-mentioned Act, or under an Act passed in the Third Year of King *William* the Fourth, intituled *An Act for the better Sewage, cleansing, and draining of the Town of Cheltenham in the County of Gloucester*, are required to be done under the Direction, Inspection, or Superintendence or to the Satisfaction or with the Consent or Approval of the Commissioners acting under the Act hereby repealed, or their Surveyor, or of the Trustees of any Turnpike Roads, or of the Surveyor of such Roads or of the Highways, or of the Parish Officers, or other Persons, not being Owners or Occupiers of Lands, shall be done, after the passing of this Act, (so far as they lawfully may be done,) under the Direction, Inspection, or Superintendence and to the Satisfaction or with the Consent or Approval of the Commissioners acting in execution of this Act.

Saving Rights of Cheltenham Gas Company under 59 G.3. c.17.

LI. That nothing in this Act contained shall alter or affect the Powers or Provisions of the Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for lighting with Gas the Town and Parish of Cheltenham and Precincts thereof in the County of Gloucester*, but that the Powers thereby vested in the *Cheltenham Gaslight and Coke Company* shall and may be available and executed, and be carried into execution and effect, with respect to this Act, as the same was or were or might have been with respect to the Act hereby repealed, or the Commissioners thereby appointed, or as if the Commissioners hereby appointed, or to be appointed by virtue of this Act, had been mentioned

The Cheltenham Improvement Act, 1852.

mentioned in the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, and the said last-named Commissioners shall have such and the like Powers and Authorities with respect to the said *Cheltenham* Gaslight and Coke Company as the Commissioners appointed or who might have been appointed by or under the said repealed Act would have had in case the same Act had remained unrepealed: Provided always, that it shall be lawful for the *Cheltenham* Gaslight and Coke Company to carry their waste Refuse and Sewage, at the Expense of the Company, into the *Chelt* Main Sewer to be constructed under the Provisions of this Act; and when and so soon as such Sewer shall have been made and completed it shall not be lawful for the *Cheltenham* Gaslight and Coke Company to carry their waste Refuse and Sewage into any Cesspool, or into any River, Brook, or Stream within the said Borough.

And with respect to Surface Cleansing, be it enacted,

LII. That so much of the Section numbered 55 of "The Public Health Act, 1848," as relates to Street Cleansing and the like, shall be incorporated with this Act.

*Surface
Cleansing.*

Section 55 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

LIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 95 of the said Act:

And the Section numbered 96 of the same Act:

And the Section numbered 97 of the same Act.

Sections 95,
96, and 97 of
10 & 11 Vict.
c. 34. incor-
porated with
this Act.

And with respect to public Lighting, be it enacted,

LIV. That the Section numbered 8 of "The Public Health Supplemental Act, 1849," shall be incorporated with this Act.

*Public
Lighting.*

Section 8 of
12 & 13 Vict.
c. 94. incor-
porated with
this Act.

LV. That the Commissioners may direct Lamp Posts and Lamp Irons to be affixed and set up against or upon the Palisades of Houses, or against Walls, as well as in or upon the Streets, and may cause such Posts and Irons to be altered, taken down, and renewed from Time to Time; the Commissioners may cause the Lamps to be lighted with Gas, Oil, or otherwise, at and for such Hours and Seasons as to them seems fit; and for the Purpose of public Lighting, the Commissioners may of their own Authority make and manufacture Gas, and purchase Ground, and erect the necessary Buildings, Apparatus, and Machinery, and lay Pipes, Plugs, and Branches in the Streets, and do all other Things necessary thereto: Provided always, that nothing herein contained shall authorize the Commissioners to lay down or carry on any Pipe or Works through or against any Buildings, Yards, or enclosed Grounds or Lands not

Power to
affix Lamp
Posts and
Irons against
Buildings.

Power to
erect Gas-
works, &c.

[Local.]

80

dedicated

The Cheltenham Improvement Act, 1852.

dedicated to the public Use, for the Purpose of lighting the Streets, without the Consent of the Owner and Occupier thereof, unless the same be in Renewal or Reparation of a Pipe already lawfully laid down and placed in such Premises; and if any Person should take away, destroy, or injure any Pillar, Lamp Post, Plug, Lamp, Pipe, or other Apparatus for lighting, belonging to the Commissioners, or any Part thereof, such Person shall pay to the Commissioners Compensation for the Damage occasioned by such Misfeasance, and, if the same were wilfully or maliciously done, a Penalty not exceeding Five Pounds in addition thereto.

Highways. And with respect to Highways and Turnpike Roads, be it enacted,

Sect. 117 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

LVI. That the Section numbered 117 of the "Public Health Act, 1848," shall be incorporated with this Act.

As to Col-
lections of
Tolls and
repairing
Roads, &c.
in the Bo-
rough of
Cheltenham.

LVII. That the Trustees of any Turnpike Road shall not collect Tolls on any Road in the Borough, or lay out any Money thereon, save that the Trustees acting in execution of the Local Act of the First and Second Year of King *William* the Fourth, Chapter 16, relating to the *Cheltenham* District of Turnpike Roads, shall continue to repair all such Roads in the said Borough as are now repaired by them, and may collect Tolls at the several Toll Gates and Toll Bars and Weighing Machines at which Tolls are now received by such Trustees, and at any Toll Gate, Bar, or Chain to be at any Time hereafter set up by the said Trustees on, across, or on the Side of any Part of the Road made a Turnpike Road by virtue of the said Act, and leading from or near to the Top or Eastern End of the *High Street* in the Town and Parish of *Cheltenham* aforesaid to the Turnpike Road leading from *Cheltenham* towards *Birdlip*, not nearer to the Parish Church of *Cheltenham* than the present Turnpike Gate called the *Charlton Park Gate*: Provided, that in the event of any Part of the said Turnpike Roads within the Borough which are now repaired by the Trustees not being repaired by them, and being repaired by the Commissioners, then the Power to collect Tolls on such Part of the said Turnpike Roads shall cease; and save also, that the Trustees acting in execution of the *Cheltenham and Gloucester* Turnpike Road Act, 1851, may continue to collect Tolls at the several Toll Gates and Toll Bars in the Borough at which Tolls were before the Twentieth Day of *May* One thousand eight hundred and fifty-one lawfully collected by such Trustees, and at any Toll Gate, Bar, or Chain to be from Time to Time lawfully set up on or on the Side of any Part of the Roads in the said Trust not nearer to the Parish Church of *Cheltenham* than the present Turnpike Gate called the *Montpellier* or *Lansdowne Gate*,

or

The Cheltenham Improvement Act, 1852.

or the present Turnpike Gate, called the *Junction Gate*, thereto adjoining; but the said Trustees shall not continue or set up any Toll Gate, Bar, or Chain in, upon, or across any Lane or Way within the Borough leading into the same Roads, or on the Sides thereof, anything in the said Turnpike Act contained to the contrary notwithstanding.

LVIII. That the Commissioners may efficiently cleanse, light, water, and scavenge every present and future Street in the Borough (whether a Highway or not), but no Street shall thereby become a Highway.

Commissioners may cleanse, &c. Streets, whether Highways or not.

And with respect to Obstructions of the Passage in the Streets, be it enacted,

Street Obstructions.

LIX. That the following Sections of the "Towns Police Clauses Act, 1847," shall be incorporated with this Act:

Sections 21 to 27 of 10 & 11 Vict. c. 89. incorporated with this Act.

- The Section numbered 21 of the said Act:
- Also the Section numbered 22 of the said Act:
- Also the Section numbered 23 of the said Act:
- Also the Section numbered 24 of the said Act;
- Also the Section numbered 25 of the said Act:
- Also the Section numbered 26 of the said Act:
- Also the Section numbered 27 of the said Act.

And with respect to Annoyances in the Streets, be it enacted,

Street Annoyances.

LX. That the following Sections of the "Town Police Clauses Act, 1847," shall be incorporated with this Act, and shall extend not only to the Borough but to any Place within One Mile in a direct Line from the Church of *Saint Mary Cheltenham*:

Sections 28 and 29 of 10 & 11 Vict. c. 89. incorporated with this Act.

The Section numbered 28 of the said Act; but the Prohibition therein contained as to drawing a Carriage on the Footway shall not extend to Wheel Chairs or Fly Chairs which may now be lawfully drawn upon the Footway:

Also the Section numbered 29 of the said Act:
Also any Person who wantonly, mischievously, or idly chalks, writes, or paints upon any House or other Building, Wall, or Pavement:

And also any Person who writes, paints, exposes, or designates any obscene, immoral, or offensive Word, Picture, or Representation upon a Place, Matter, or Thing, so as to be legible or visible from or in any Street.

LXI. That no Dog shall be used as a Beast of Draught or Burden within the Borough or within One Mile in a direct Lane from the Church of *Saint Mary Cheltenham*; and every Person so

Dogs not to be used as Beasts of Draught or Burden.

The Cheltenham Improvement Act, 1852.

For pre-
venting
Spread of
Canine Mad-
ness.

using any Dog shall forfeit any Sum not exceeding Five Pounds, and any Constable may seize and detain any Dog so used for any such Purpose; and any Constable may also within the said Limits seize and detain any unmuzzled ferocious Dog, or any Dog going at large, which there is reasonable Ground for believing to be in a rabid State; or to have been bitten by any other Dog or Animal in a rabid State, or any Dog which on the Expiration of Twelve Hours after public Notice given by the public Crjer, by Order of the Commissioners, directing Dogs to be confined, is found at large in the Borough during the Period specified in such Notice, and any Constable may destroy any such Dog, or sell any such Dog not suspected to be rabid, at any Time not less than Two Days after the same has been so seized: Provided always, that such Seizure and Destruction shall not exempt the Owner of any such Dog from any Penalty to which he may be in any way liable in respect of such Dog; and that after Payment of all Expenses the Proceeds of the Sale of any such Dog shall go to the Borough Fund.

*Street
Naming.*

Sections 64
and 65 of
10 & 11 Vict.
c. 34. incor-
porated with
this Act.

And with respect to naming and numbering the Streets, be it enacted,

LXII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 64 of the said Act:

And the Section numbered 65 of the same Act.

*Improving
Streets.*

Section 73
of 11 & 12
Vict. c. 63.
incorporated
with this Act.

And with respect to improving Streets and removing Obstructions, be it enacted,

LXIII. That the Section numbered 73 of "The Public Health Act, 1848," shall be incorporated with this Act.

Sections 66
and 68 to 74
of 10 & 11
Vict. c. 34.
incorporated
with this Act.

LXIV. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 66 of the said Act:

Also the Section numbered 68 of the same Act:

Also the Section numbered 69 of the same Act:

Also the Section numbered 70 of the same Act:

Also the Section numbered 71 of the same Act:

Also the Section numbered 72 of the same Act:

Also the Section numbered 73 of the same Act:

Also the Section numbered 74 of the same Act.

*Repairs.
Precautions.*

Sections 79
to 83 of
10 & 11 Vict.
c. 34. incor-

And with respect to Precautions during the Construction and Repairs of Sewers, Street, and Houses, be it enacted,

LXV. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The

The Cheltenham Improvement Act, 1852.

The Section numbered 79 of the said Act :
 Also the Section numbered 80 of the said Act :
 Also the Section numbered 81 of the said Act :
 Also the Section numbered 82 of the said Act :
 Also the Section numbered 83 of the said Act.

porated with
 this Act.

And with respect to ruinous or dangerous Buildings, be it enacted,

*Ruinous
 Buildings.*

LXVI. That the following Sections of "The Towns Improvement
 Clauses Act, 1847," shall be incorporated with this Act :

The Section numbered 75 of the said Act :
 Also the Section numbered 76 of the said Act :
 Also the Section numbered 77 of the said Act :
 Also the Section numbered 78 of the said Act.

Sections 75
 to 78 of
 10 & 11 Vict.
 c. 34. incor-
 porated with
 this Act.

And with respect to Police, and the Appointment, Powers, and
 Duties, and Privileges of Constables, be it enacted,

Police.

LXVII. That the following Sections of "The Town Police
 Clauses Act, 1847," shall be incorporated with this Act :

The Section numbered 6 in the said Act :
 Also the Section numbered 7 in the said Act :
 Also the Section numbered 8 in the said Act :
 Also the Section numbered 9 in the said Act :
 Also the Section numbered 10 in the said Act :
 Also the Section numbered 11 in the said Act :
 Also the Section numbered 12 in the said Act :
 Also the Section numbered 13 in the said Act :
 Also the Section numbered 14 in the said Act :

Sections 6 to
 20, and 34, 35,
 and 36 of 10 &
 11 Vict. c. 89.
 incorporated
 with this Act.

And besides the Duties mentioned in the said Section, the Constables
 shall also obey all lawful Directions of the Commissioners for enforcing
 the Provisions and executing the Purposes of this Act, or any Byelaw
 made under the same :

Also the Section numbered 15 in the said Act :
 Also the Section numbered 16 in the said Act :
 Also the Section numbered 17 in the said Act :
 Also the Section numbered 18 in the said Act :
 Also the Section numbered 19 in the said Act :
 Also the Section numbered 20 in the said Act :
 Also the Section numbered 34 in the said Act :
 Also the Section numbered 35 in the said Act :
 Also the Section numbered 36 in the said Act.

And with respect to the Supply of Water, be it enacted,

*Water
 Supply.*

LXVIII. That the following Sections of the Public Health Act,
 1848, shall be incorporated with this Act :

[Local.]

8 P

The

Sections 75
 to 80 of

The Cheltenham Improvement Act, 1852.

11 & 12 Vict.
c. 63. incor-
porated with
this Act.

The Section numbered 75 of the said Act :

And this Section shall extend to authorize the *Cheltenham Waterworks Company* to dispose of or lease their Works to the Commissioners, notwithstanding the Prohibition against Alienation in the Act relating to such Company contained :

Also the Section numbered 76 of the same Act :

Also the Section numbered 77 of the same Act :

Also the Section numbered 78 of the same Act :

And the Works for the gratuitous Supply of Water mentioned in the said Section may be for the Inhabitants or others, as well as for public Baths and Washhouses :

And the said Section shall extend to the maintaining any existing and to the providing any new Cisterns, Pumps, Wells, Conduits, and Works for the Supply of Water for watering the Streets and for cleansing Sewers and Drains by the Commissioners :

Also the Section numbered 79 of the same Act :

Also the Section numbered 80 of the same Act.

Power to
Commis-
sioners to
exercise
Powers of
9 & 10 Vict.
c. 74. and
10 & 11 Vict.
c. 61. as to
Washhouses
and Baths.

LXIX. That the Commissioners may exercise in the Borough all and every or any of the Powers conferred by an Act passed in the Ninth and Tenth Year of the present Reign, intituled *An Act to encourage the Establishment of public Baths and Washhouses*, and an Act passed in the Tenth and Eleventh Year of the same Reign, to amend the same, given to Vestries, Churchwardens, and Commissioners appointed under that Act, or any of them ; and the Expenses of carrying this Power into execution shall be defrayed out of such Rates under this Act, and the Monies to be received, and the Income to be derived from Baths, Washhouses, and open Bathing Places, shall be carried to such Fund under this Act, as the Commissioners shall think expedient and just.

*Pleasure
Grounds.*

And with respect to public Pleasure Grounds, be it enacted,

Section 74 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

LXX. That the Section numbered 74 of the Public Health Act, 1848, shall be incorporated herewith :

And the Commissioners may make Byelaws for the ordering and regulating any Pleasure Ground provided under this Act.

*Public
Slaughter-
houses and
Trades.*

And with respect to the Regulation of Slaughter-houses and Trades, be it enacted,

Sections 61
to 64 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

LXXI. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act :

The Section numbered 61 of the said Act :

Also the Section numbered 62 of the same Act :

Also the Section numbered 63 of the same Act :

And

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And the Provision in the said Section shall also extend to Shops and Places kept or used for the Sale of Game :

Also the Section numbered 64 of the same Act.

And with respect to the Prevention of Nuisances, be it enacted, *Nuisances.*

LXXII. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act :

So much of the Section numbered 55 of the said Act as relates to Byelaws with respect to the Removal of Refuse, and cleaning and emptying Waterclosets, Privies, and Cesspools :

Also the Section numbered 56 of the said Act :

Also the Section numbered 57 of the said Act :

Also the Section numbered 58 of the said Act :

Also the Section numbered 59 of the said Act :

Also the Section numbered 60 of the said Act.

Sections 55 to 60 of 11 & 12 Vict. c. 63. incorporated with this Act.

LXXIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated herewith :

The Section numbered 98 of the said Act :

The Section numbered 104 of the said Act :

Also the Section numbered 105 of the said Act ; and against the Order of Justices therein mentioned an Appeal shall lie to the Quarter Sessions, as herein-after provided :

Also the Section numbered 106 of the said Act :

Also the Section numbered 107 of the said Act.

Sections 98 and 104 to 107 of 10 & 11 Vict. c. 84. incorporated with this Act.

LXXIV. And with respect to the Construction of Houses for Prevention of Fire, be it enacted, That the Party Walls of all Buildings erected in the Borough after the passing of this Act shall be carried through and above the Roof to form a Parapet (properly coped with Stone or with such incombustible Materials as the Surveyor may approve) of not less than Twelve Inches in Height measured at Right Angles with the Slope of the Roof above the Covering of the Roof of the highest Building to which such Party Walls belong ; and all such Party Walls and the External Walls of all Buildings erected after the passing of this Act within the Borough shall be constructed of incombustible Materials, and be of such Thickness, not less than Nine Inches and not more than Twenty-seven Inches, as the Commissioners shall direct, and the Covering of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners or their Surveyor, be constructed of combustible Materials ; and no Timber or Woodwork shall be placed in any Building within Four and a Half Inches of any Flue or Fireplace therein ; and all Hearths, Slabs, and the Supports thereof, shall be of incombustible Materials ; and it shall

Construction of Houses for Prevention of Fire.

Regulations as to Party Walls, External Walls, Fireplaces, and Roof Coverings.

not

The Cheltenham Improvement Act, 1852.

not be lawful for the Owner of any Building within the Borough, having at the passing of this Act a Roof covered with Thatch or other combustible Material, and adjoining to or near any other Building, to allow such Covering to such Roof to remain for a longer Period than Seven Years after the passing of this Act, unless with the Consent in Writing of the Commissioners Surveyor; and every Person who shall erect, rebuild, or alter any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provisions herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners Surveyor, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue; and it shall be lawful for the Commissioners Surveyor to enter into or upon any House or other Building within the Borough during the building, rebuilding, or Alteration thereof, after the passing of this Act, and to view and inspect the same or any Part thereof; and if it shall appear to the said Surveyor that there is any Work or Materials in the external or party Walls or main Timbers or Roofs thereof, used in the building, rebuilding, or Alteration thereof, contrary to the Meaning of this Provision, the Owner of such House or other Building who shall not take down such Work or Materials within One Week after Notice given to him for that Purpose by the Commissioners Surveyor shall be liable to a Penalty not exceeding One Pound for every Day that such Work or Materials shall remain contrary to the Provisions herein contained.

Cellar Dwellings.

And with respect to Cellar Dwellings, be it enacted,

Section 67
of 11 & 12
Vict. c. 63.
incorporated
with this
Act.

LXXV. That the Section numbered 67 of "The Public Health Act, 1848," shall be incorporated with this Act; but the Commissioners shall give Notice of that Provision, instead of the Churchwardens and Overseers of the Poor.

Fires and Smoke.

And with respect to Fires, and the Prevention of Smoke, be it enacted,

Sections 30
to 33 of
10 & 11 Vict.
c. 89. incor-
porated with
this Act.

LXXVI. That the following Sections of "The Town Police Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 30 of the said Act:

Also the Section numbered 31 of the said Act:

Also the Section numbered 32 of the said Act:

Also the Section numbered 33 of the said Act.

Sect. 108. of
10 & 11 Vict.
c. 34. incor-
porated with
this Act;

LXXVII. That the Section numbered 108 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act.

And

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And with respect to supplying Buildings with fresh Air, be it enacted, *Ventilation.*

LXXVIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act :

The Section numbered 110 of the said Act :

Also the Section numbered 111 of the said Act :

Also the Section numbered 112 of the said Act :

Also the Section numbered 86 of the said Act.

also Sections 110, 111, 112, and 86 of the same Act.

And with respect to Hackney Carriages, be it enacted,

LXXIX. That the following Sections of "The Town Police Clauses Act, 1847," shall be incorporated with this Act :

The Sections numbered 37 and 38 of the said Act; and the

Term "Hackney Carriages," used in this Act, shall be extended to include hired Sedan Chairs, Wheel Chairs, Fly Chairs drawn by Men, and other such like Conveyances used for Hire (herein-after called Hired Chairs), and the Word "Driver" shall include "Chairman," and the Word "drive" shall include "draw," unless the Context be repugnant to such Construction; and the Distances within which Hackney Carriages and Hired Chairs shall be bound to go shall be fixed from Time to Time by a Byelaw or Order of the Commissioners, not exceeding, for a Hackney Carriage, Ten Miles from the Borough, and for a Hired Chair Two Miles therefrom, measuring by the nearest appropriate Means of Access :

Also the Section numbered 40 of the said Act :

Also the Section numbered 41 of the said Act; and the Licence shall express the Name and Place of Abode of the Driver as well as the Proprietor of a Hackney Carriage :

Also the Section numbered 42 of the said Act :

Also the Section numbered 43 of the said Act :

Also the Section numbered 44 of the said Act; and the Proprietor shall also give Notice of the Change of Abode of the Driver of a Hackney Carriage within Seven Days after such Change, and in case of his wilful Omission so to do he shall be liable to the Penalty therein mentioned :

Also the Section numbered 45 of the said Act; and the Penalty therein contained shall extend to any Proprietor permitting a Hackney Carriage to be driven or attended by any other than the Person named in the Licence as the Driver thereof, except in case of his Illness, or Absence from some unavoidable Cause :

Also the Section numbered 50 of the said Act; but it shall not be necessary to obtain a Licence for any Driver of a Hackney Carriage :

Hackney Carriages.

Sections 37, 38, 40 to 45, & 50 to 68 of 10 & 11 Vict. c. 89. incorporated with this Act.

[Local.]

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Also

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Also the Section numbered 51 of the said Act; but the said Section shall not extend to Hired Chairs:

Also the Section numbered 52 of the said Act; but the said Section shall not extend to Hired Chairs:

Also the Section numbered 53 of the said Act:

Also the Section numbered 54 of the said Act:

Also the Section numbered 55 of the said Act:

Also the Section numbered 56 of the said Act:

Also the Section numbered 57 of the said Act:

Also the Section numbered 58 of the said Act:

Also the Section numbered 59 of the said Act:

Also the Section numbered 60 of the said Act:

Also the Section numbered 61 of the said Act:

Also the Section numbered 62 of the said Act:

Also the Section numbered 63 of the said Act:

Also the Section numbered 64 of the said Act:

Also the Section numbered 65 of the said Act:

Also the Section numbered 66 of the said Act:

Also the Section numbered 67 of the said Act:

Also the Section numbered 68 of the said Act.

Fees for Licences of Hackney Carriages.

LXXX. That for each of the Licences for Hackney Carriages and the Business relating thereto there shall be paid by the Person to whom the Licence is granted on the granting thereof, to the Commissioners Clerk, the following Sums applicable to the Borough Fund; *viz.*

For each Licence for a Hackney Coach, Cabriolet, One or Two Horse Fly Carriage, or other like Carriage, the Sum of Five Shillings:

For each Licence for a Pony or Donkey Cart, or Gig, Fly Chair, Wheel Chair, Sedan Chair, or other like Conveyance, the Sum of Three Shillings and Sixpence.

Act not to prevent Use of private Carriages or Chairs.

LXXXI. That nothing in this Act, or in any Byelaw made by the Commissioners for any of the Purposes aforesaid, contained, shall extend to prohibit or hinder any Person from having or using his own Coach, Fly Carriage, Pony Cart or Donkey Cart, or Gig, Wheel Chair, Fly Chair, or Sedan Chair, or other Conveyance within the Borough, so as the same be not used for Hire or plying for Hire.

Application of Penalties recovered from Proprietors, &c.

LXXXII. That all pecuniary Fines and Forfeitures to be recovered of any Proprietor or Driver of a Hackney Carriage, or any hired Chairman, shall be applied to the Borough Fund; but no Part of such Fines or Forfeitures shall be paid to the Complainant or Informant;

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Informant; nevertheless any Overcharge for Fare may be ordered to be returned to the Party aggrieved. of Hackney Carriages.

And with respect to Markets and Fairs :

LXXXIII. Whereas certain Fairs, Markets, Mops, and Hirings have heretofore been held in the *High Street* and other Streets and Places within the Town of *Cheltenham*, and such Fairs, Markets, Mops, and Hirings are a great Nuisance, Obstruction, and Inconvenience to such Streets and Places, and to the Inhabitants thereof and the Public in general, and it is expedient that the same should be prevented, and removed from and out of such Streets and Places, in manner herein-after mentioned: Be it enacted, That after the passing of this Act no Person shall hold any Fair, Market, Mop, or Hiring in, upon, or about the *High Street* or any other Street within the Borough, nor erect or place in, upon, or about the same or any of them any Stall, Standing, Booth, Carriage, or Thing whatsoever, for the Purpose of selling or exposing to Sale any Goods, Wares, or Merchandises, or any Articles or Things usually sold in Fairs or Markets, or under any other Pretence whatsoever, nor shall any Person stand or loiter in or about the *High Street*, or any other Street aforesaid, for the Purpose of being hired; and that all such Fairs, Markets, Mops, and Hirings shall from henceforth be held in the present public Market Place in the Borough of *Cheltenham*, or at such other Place or Places upon private Property as the Person entitled to the said Markets shall from Time to Time direct and appoint; and all Persons who shall so erect or place any Stall, Standing, Booth, Carriage, or Thing, and all Persons, except licensed Hawkers acting as such, who shall sell or expose for Sale any Goods, Wares, or Merchandises, or any Article or Thing usually sold in Fairs or Markets, and all Persons who shall stand or loiter for the Purpose of being hired, in, upon, or about the *High Street*, or any other Street as aforesaid, after the passing of this Act, shall forfeit for every such Offence any Sum not exceeding Ten Pounds: Provided always, that nothing in this Act contained shall extend to prevent the Fairs and Markets being held for the Sale of Horses, Cattle, Sheep, and other Beasts in the several Streets and Places where the same Markets and Fairs have heretofore been accustomed to be holden, until a proper Place shall be found and provided by the Commissioners, and approved of by the Person entitled to the said Markets and Fairs, for the holding of such Fairs and Markets.

Markets and Fairs.

Fairs not to be held in the Streets.

Exception of Sale of Horses, &c.

LXXXIV. That it shall be lawful for the Commissioners to purchase all or any of the Markets and Fairs, with the Market Houses, Market Places, Market Yards, Stalls, Standings, Shambles, Conveniences, and Premises thereto belonging, within the Borough of *Cheltenham*, Power of Sale and Purchase of Markets, Tolls, &c.

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Cheltenham, and the Tolls, Duties, and Payments arising or to arise therefrom, by Agreement with the Owner thereof, and such Purchase shall be One of the Purposes of this Act.

Powers
vested in
Commis-
sioners, in
event of
Purchase of
Markets,
Tolls, &c.,
to remove
Markets, and
establish
others.

LXXXV. That if the Commissioners should purchase such Markets and Fairs, Market Houses, Stalls, Standings, Shambles, Tolls, and Premises, they may from Time to Time provide and appropriate convenient Places within the Borough for holding and keeping public Fairs and Markets for the Sale of Horses, Cattle, Sheep, Swine, and other live Cattle, Corn and other Grain, Hay, Straw, and other Articles and Things, and for holding public Hirings, and also provide a proper Market Place or Market Places, Cattle-pens, and other Buildings and Conveniences for the Fairs and Markets, and also order that such Place or Places so appropriated be used as public Fairs and Market Places accordingly; and also may appoint a particular Part or Parts of the Market Places and other Places within the Borough, as well for holding and keeping such Fairs and Markets as also for holding public Hirings; and also may appoint a particular Place or Places in the Fairs and Markets, or any of them, for the erecting Stalls or Standings for vending or exposing to Sale Horses, Cattle, Sheep, Swine, or other Animals, Corn, Hay, Straw, and other Articles and Things; and also may appoint proper Persons to attend the Markets and Fairs, for the better ordering and governing of the same, and collecting the Tolls thereof; and also make Byelaws for regulating the said Fairs and Markets, and all Persons coming or resorting thereto, in all Matters relating to the said Fairs and Markets, and for fixing and ascertaining the Days and Hours when the same respectively shall be held, and also when (in the proper Parts of the said Fairs and Markets respectively) the said respective Commodities shall respectively be begun to be offered, placed, and exposed for Sale, and how long the same may continue exposed for Sale, and also the Mode and Manner of carrying and conveying the said several Commodities to and from such Fairs and Markets, and also the Time or Times when any such Stalls or Standings as aforesaid shall be erected and set up, and taken down or removed.

No Markets
to be held in
other Places
than those
appointed.

LXXXVI. That after the purchasing of all the Markets, Fairs, Tolls, and Premises, and after the making and publishing of any Orders of the Commissioners which shall appoint any particular Place or Places for holding and keeping any such Fairs, Markets, or Hirings as aforesaid, no Person shall hold any Fair, Market, or Hiring in any other Part or Place of the said Borough.

Tolls to be
taken.

LXXXVII. That when and if the Fairs and Markets shall be purchased by the Commissioners, and come into their Possession, there shall be paid to them or to the Person to be by them appointed to receive

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receive the same, by all Persons holding, using, or occupying any Building, Shed, Stall, Standing, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station, for selling, offering, or exposing to Sale any Provisions, Sheep, Swine, or other live Cattle, Corn and other Grain, Fish, Butcher's Meat, Poultry, Milk, Butter, Eggs, Vegetable and other Viands and Provisions, Goods, Wares, and Merchandises, Hay, Straw, or Fodder, in the said Market Place or Market Places, the several Tolls, Duties, Rents, and Stallage mentioned, expressed, or contained in the Schedule (C.) to this Act annexed.

LXXXVIII. That the Commissioners may from Time to Time reduce, lower, and abate the Tolls or any of them in such Proportions and Manner as to them shall seem expedient; and after the Tolls have been so reduced and abated it shall be lawful for the Commissioners from Time to Time to augment the Tolls so reduced and abated to any Sums not exceeding the Amount of the Tolls fixed and made payable by this Act.

Commissioners may reduce Tolls, and restore them.

LXXXIX. That upon every such Reduction or Augmentation of the Tolls the Commissioners shall immediately cause Notice thereof, painted or printed on a Board, to be set up and fixed in some public Part within the Limits of the said Market Place, with the Table of the Tolls so reduced or augmented.

Notice of Alteration of Tolls.

XC. That the several Tolls and Stallage Dues shall be paid in respect of every Day of the Week on which any Building, Stall, or other Convenience, Standing Place or Station, shall be held or occupied, or any Article, Matter, or Thing shall be exposed to Sale.

Tolls payable every Day of the Week.

XCI. That the said Tolls and Stallage Dues to be paid by the Sellers shall become due, when and so soon as the several Cattle, Beasts, Articles, Matters, or other Things in respect whereof the same are respectively made payable shall be brought into the said Market Place or Market Places, and before the same shall be driven or taken or permitted to go into any Pen or Pens, Place or Places therein, or be placed on any Stall, Tressel, Block, Bench, or other Convenience; and in case of any Sale thereof in the said Market or Markets, then also the Tolls shall again be payable immediately after the Expiration of the Time allowed for the Removal of such Cattle, Beasts, or other Things, after the Sale thereof; and the said Tolls to be paid by the Buyers shall become due and payable immediately after the Sale thereof.

When they shall be paid, and by whom.

XCII. That the several Tolls and Stallage Dues shall be forthwith paid to the Commissioners or to their Collector by the Owner of the several Cattle, Beasts, Articles, Matters, or other Things in respect

Recovery of Tolls.

[Local.]

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whereof

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whereof the same shall be respectively payable, or by the Person accompanying such Cattle, Beasts, Articles, Matters, or Things, and by the Purchaser thereof; and if such Owner, Purchaser, or other Person shall, upon Demand thereof made by the Collector, either immediately or at any Time afterwards, neglect or refuse to make Payment of the said Tolls or any Part thereof, it shall be lawful for the Collector, either by himself or with his Assistants, to seize and distrain the Cattle, Beasts, or other Things in respect whereof the said Tolls or Stallage Dues shall become payable, or any of them, or any of the Goods or Chattels of the Person so neglecting or refusing to pay the same as aforesaid; and if such Tolls, and the reasonable Charges of such Detention and Distress, and of keeping and maintaining the Things distrained, shall not be paid, such Collector shall and may, at the Expiration of Five Days thereafter, sell and dispose of the Things distrained, or any Part thereof, and out of the Monies which shall arise by such Sale shall and may pay or retain such Tolls, and all reasonable Charges incurred by such Detention, Distress, and Sale, returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold (if any), upon Demand, to the Owner thereof, or the Person in whose Possession the same shall have been when so detained and distrained as aforesaid, or as he shall direct.

Com-
missioners may
provide a
public
Weighing
Machine.

XCIII. That it shall be lawful for the Commissioners, at any Time when they shall deem it expedient, to provide, erect, place, and maintain, in some convenient Place within the Borough, a sufficient and proper Machine (or several such Machines if requisite) for the weighing of Waggons, Carts, and other Carriages, together with such Buildings as may be necessary for the due Management and Superintendence of any such Machine, and from Time to Time to employ any proper Person or Persons to attend such Machine, who shall weigh all Carriages brought thereto, and make Entries in Books, to be kept for that Purpose, of the Weights thereof, and deliver Tickets specifying the same Weights to the Drivers of such Carriages; and it shall also be lawful for the Commissioners from Time to Time to fix and determine what Fees shall be taken by the Person or Persons so attending, from the Drivers of such Carriages, for weighing the same, and also to make and establish Byelaws for the Management of the said Machine, and relative to the Conduct of the Person or Persons appointed to attend the same, and of the Owners or Drivers of Carriages brought thereto, and for the Prevention and Punishment and Redress of Frauds and Evasions by such Persons or any of them, in or about the weighing of Carriages and the loading thereof, or otherwise relative thereto, as the Commissioners think proper; and if any Person or Persons so appointed demand, take, or accept from any Person whomsoever any greater Fee or Reward than such as shall be allowed by the Commissioners, or shall wilfully

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wilfully disobey or act contrary to any Byelaw so made by the Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Driver of any such Carriage shall, on Demand of any Person interested, forthwith cause his Carriage to be weighed at such Machine, and if it be weighed with its Load thereon he shall, if so required, cause it to be re-weighed at such Machine after the Discharge of such Load; and if any Driver refuse or neglect so to do, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and if any Person shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Carriage, or respecting the Weight or Disposal of the Loading thereof, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

XCIV. That all the Proceeds and Profits of the said Markets and Fairs, if purchased as aforesaid, shall go in aid of the special Rate by which the same shall be so purchased while the same Rate continues, and afterwards such Proceeds and Profits shall go to the Borough Fund; and the Proceeds and Profits of any Weighing Machines to be provided as aforesaid shall go to the Borough Fund.

Profits of
Markets, &c.
to go to the
Borough
Fund.

XCV. And with respect to public Clocks, be it enacted, That the Commissioners may provide and maintain public Clocks, under Section 143 of the "Towns Improvement Clauses Act, 1847."

Public
Clocks.

XCVI. And with respect to Burials, be it enacted, That the Section numbered 81 of "The Public Health Act, 1848," shall be incorporated with this Act.

Burials.

Section 81 of
11 & 12 Vict.
c. 63. incor-
porated.

XCVII. That from and after the passing of this Act it shall not be lawful to bury, or permit or suffer to be buried, any Corpse or Coffin, within or under any Church or Churchyard now or to be hereafter consecrated in the Parish of *Cheltenham*, other than the Churches and Churchyards of *Saint Mary*, the *Holy Trinity*, and *Saint Peter* respectively, and in the said Churches and Churchyards only in Catacombs; that is to say, whenever any Vault or Grave shall be made or opened, each Coffin shall, after Deposit, be so closely, separately, and exclusively encased or compactly enclosed in a Cavity, Building, or Partition as that no Air shall escape therefrom, and which Cavity, Building, or Partition shall never, after such Deposit, be opened or in any way interfered with; and that Interment in the Church and Churchyard of *Saint Mary Cheltenham* shall also be subject to the Restrictions following:

No Inter-
ments in the
Churches
and Church-
yards, except
Saint Mary,
Trinity, and
Saint Peter's.

No new Vault or Grave shall be made therein:

In the now existing Vaults or Graves none but Members of the Families to which they respectively belong shall be interred:

No

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No Interment shall take place in any now existing Vault or Grave, unless the same were originally constructed, or within Five Years after the passing of this Act shall be altered and adapted, in or to the Form of Catacombs, so far as regards the Separation of the Bodies buried therein before the passing of this Act from those which thereafter may be there deposited, and so far as regards the Preparation of Cavities for the Isolation of so many Bodies as such existing Vault or Grave shall be sufficiently capacious to receive, or such less Number as it shall be proposed by the Parties interested to deposit therein, to the Satisfaction of the Commissioners; and when so altered and adapted the same Vaults or Graves shall not be interfered with, except for the Deposit of Bodies therein in manner aforesaid, and for the Purpose of sealing up the same after such Deposit.

Regulations
as to Inter-
ments.

XCVIII. That the Commissioners may from Time to Time make Rules and Regulations in reference to all Interments in the Borough (the same nevertheless not to affect any lawful Right as to Burial Fees and Payments now existing); and any Person who offends against such Rules and Regulations shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Superin-
tendence of
Places of
Interment.

XCIX. That for the Purpose of Protection of the Public Health the Commissioners, through their Surveyor, shall have a general Superintendence of all Places of Interment now or to be hereafter used within the Parish, and Notice shall be given to such Surveyor (at the Office of the Commissioners) of any intended Interment therein; and such Surveyor, or, in his Absence, any Person appointed by him for the Occasion, shall inspect and superintend the Progress and Completion of such Interment.

Power for
Commis-
sioners to
close Burial
Grounds,
with the Ap-
probation of
General
Board of
Health.

C. That from the Time when the Commissioners resolve, and the General Board of Health concurs in the Resolution, that any future or further Interment within or under any Place or Places of Interment now or to be hereafter used within the Borough would or might be prejudicial to the Public Health, then all further Interment in such Place as such Resolution prohibits to be so used shall cease.

Penalty for
Interment
contrary to
Act.

CI. That any Person who, contrary to this Act, buries, or permits or suffers to be buried, any Corpse or Coffin, or disturbs the same when deposited, as herein-before mentioned, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Power of
Substitution.

CII. That in all Cases in which the Commissioners are of opinion that there is any Right or Claim as to Interment prohibited by this Act which should be compensated by means of Substitution of One Space of Ground for another Space of Ground, the Commissioners shall

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shall have the Power to make such Substitution in the new Burial Ground towards the Western Extremity of the Town of *Cheltenham*, or in any Burial Ground which may be hereafter provided for the Parish; provided that no such Substitution of Space in any consecrated Ground shall be made for Space in unconsecrated Ground, nor shall any Substitution of consecrated Ground for consecrated Ground be made without the Consent of the Churchwardens of the Parish.

CIII. That it shall be lawful for the Commissioners, at any Time or Times after the passing of this Act, with the Consent of the Churchwardens of the Parish, to take Order and Means to prevent the Escape of Gases from such of the Vaults or Brick Graves in the Churches or Churchyards of the Borough as from Time to Time can be no longer lawfully used for Interment under this Act, and to fill up with Earth, or arch over and cement, or in some other effectual Way seal up the same Vaults and Graves, and to level and improve the same Churchyards, using in all Cases proper Precautions not to disturb the Remains of Persons buried in the same Church or Churchyards, and restoring and replacing all Tomb and Grave Stones which shall be removed in the course of such Works or any of them; and the Commissioners shall defray the Expenses of all such Operations out of the Borough Rate.

Power for the Commissioners to fill up Graves in disused Places of Interment.

CIV. That when it appears to the Commissioners, and the General Board of Health certifies, that the Cemetery or new Burial Ground at the Western Extremity of the Borough of *Cheltenham* is in or approaching to a State unfit or insufficient for the further Reception of Corpses or Coffins, it shall be lawful for the Commissioners, with the Concurrence of the General Board of Health, to purchase Land for the making a Cemetery or Cemeteries for the Parish, and such Purchase shall be One of the Purposes of this Act; and the Commissioners may, with the Concurrence of the General Board of Health, make Rules and Regulations in all respects as to the Establishment and Management of such Cemetery or Cemeteries, and Fees to be taken and Payments to arise therefrom; and from and after the same shall be made and established, any Person burying, or causing, permitting, or suffering to be buried, any Corpse or Coffin in any other Place in the Parish than the said Cemetery or Cemeteries (except in the Churches and Churchyards of *Saint Mary*, the *Holy Trinity*, and *Saint Peter* respectively, in manner and during the Time aforesaid, and except in any Family Vault now existing in the said new Burial Ground, in respect of Members of the same Family, and except in any Cemetery to be provided for Dissenters, as herein-after mentioned,) shall for every Offence be liable to a Penalty of Fifty Pounds, recoverable by any Person, with full Costs of Suit, by Action of Debt in any competent Court, with Power to the Judge of such Court, at

Provision for new Cemetery when required.

[Local.]

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his Discretion, to mitigate such Penalty to any Sum not less than Twenty Pounds: Provided always, that such Land so to be purchased shall not be within Three hundred Yards of any Dwelling House, except with the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Sections 23
to 26 of
10 & 11 Vict.
c. 65. incor-
porated with
this Act;

CV. That in regard to the Cemetery so to be acquired the following several Provisions in the Cemeteries Clauses Act, 1847, shall be incorporated herewith:

The Section numbered 23 of the said Act:

Also the Section numbered 24 of the same Act:

Also the Section numbered 25 of the same Act:

Also the Section numbered 26 of the same Act:

The consecrated Part of the Cemetery, in whatever Parish the same shall be locally situate, shall for all Purposes of a Parochial Burial Ground be deemed to be situate in the Parish of *Cheltenham*, and to be the Burying Ground of the said Parish, and the Freehold thereof shall vest, after Consecration, in the Persons in whom the Freehold of the ancient Churchyard and new Parochial Burial Ground is vested, and such Persons shall have and may exercise the same Rights of granting Privileges of making and using Vaults and Graves and other Rights and Usages in such consecrated Part as they now have or may exercise in the new Parochial Burial Ground; and the Incumbent of *St. Mary Cheltenham*, and Churchwardens of the said Parish, and Parish Clerk and Sexton respectively, shall have and be entitled to the same Rights, Privileges, Fees, and Emoluments in the consecrated Part of such Cemetery as they now are entitled to by Prescription, Usage, or otherwise in the new Parochial Burial Ground; but all Payments made to the Churchwardens for Vaults and Graves in the consecrated Part of such Cemetery shall be accounted for and paid over to the Commissioners:

also Sec-
tions 51, 58,
and 59 of the
same Act;

Also the Section numbered 51 of the same Act:

Also the Section numbered 58 of the same Act:

Also the Section numbered 59 of the same Act:

Also the following Sections of the Cemeteries Clauses Act, 1847; but the same shall extend only to that Portion of the Cemetery which is not set apart for Burials according to the Rites of the Established Church:

also Sections
35 to 50 of
the same
Act

The Section numbered 35 of the said Act:

Also the Section numbered 36 of the same Act:

Also the Section numbered 37 of the same Act:

Also the Section numbered 38 of the same Act:

Also the Section numbered 39 of the same Act:

Also the Section numbered 40 of the same Act; and this Provision shall extend to the Substitution without Price of new Burying Space for Space in the old Burial Grounds not belonging

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belonging to the Established Church, in Cases wherein the Commissioners are herein-before authorized to make such Substitution :

- Also the Section numbered 41 of the same Act :
- Also the Section numbered 42 of the same Act :
- Also the Section numbered 43 of the same Act :
- Also the Section numbered 44 of the same Act :
- Also the Section numbered 45 of the same Act :
- Also the Section numbered 46 of the same Act :
- Also the Section numbered 47 of the same Act :
- Also the Section numbered 48 of the same Act :
- Also the Section numbered 49 of the same Act :
- Also the Section numbered 50 of the same Act.

CVI. That all Payments made to the Commissioners in respect of Fees or otherwise arising from the Cemetery or Cemeteries so to be provided shall be appropriated towards the Cemetery Rate, if any such Rate be levied ; and if the Amount of such Payments shall at any Time exceed what is required for the Purposes to which the Cemetery Rate is made applicable, such Excess, and, if no Cemetery Rate be levied, the whole of such Payments, shall fall into the Borough Fund herein-after mentioned, and be applicable as Part thereof.

Application
of Payments
for Burials.

CVII. That it shall be lawful for the Commissioners from Time to Time, and at any Time or Times, without any Licence from the Crown, or suing out any Writ of Ad quod damnum, and notwithstanding the Statutes of Mortmain, to accept and take from any Person or Persons willing to give or convey the same, and to hold to them and their Successors, any Land not exceeding altogether Five Acres, and not being situate within such Distance as aforesaid of any Dwelling House, except with such Consent as herein-before mentioned, upon or for the Trust and Purpose of a Cemetery or Cemeteries for the Burial of the Bodies of Persons Members of any Congregation or Church of Dissenters from or Nonconformists to the Established Church in the Borough or Neighbourhood thereof, according to such Scheme and Regulations as shall be ordained or appointed upon any such Benefaction, and in default of such Scheme and Regulations, in the Manner directed in and by "The Cemeteries Clauses Act, 1847," with respect to the Portion of a Cemetery set apart as a Place of Burial for the Bodies of Persons not being Members of the Established Church : Provided always, that no Part of the Expense of acquiring any such Cemetery, or holding or managing the same, shall be defrayed out of any Rates levied by virtue of this Act, nor shall any Part of the Payments arising from such Cemetery go to any public Rate or Fund hereby created : Provided also, that after any such Cemetery is provided no Person shall bury or permit to be buried

Power for
the Commis-
sioners to
accept Gifts
of Land for
Cemetery for
Dissenters,

but no Ex-
pense there-
for to be
thrown on
Rates.

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buried any Corpse or Coffin in the Yard or Ground attached or belonging to any Chapel or Place of Religious Meetings of such Dissenters or Nonconformists in the Parish, under the like Penalty, and with the like Power of Mitigation, as is herein-before provided in the Case of the Offence of burying in other than the future Cemetery, for every such Offence.

Any new Cemetery subject to future General Acts and to General Board of Health.

CVIII. That any Cemetery acquired under the Powers of this Act shall be subject to the Provisions of any General Act for the Regulation of Interments which may be passed in this or any subsequent Session of Parliament, and shall also, with reference to the sanitary Regulation thereof, be subject to any Orders which may be made by the General Board of Health with reference thereunto.

Saving Ecclesiastical Laws and Rights.

CIX. Provided always, That nothing in this Act contained, nor any Act, Matter, or Thing done by or under the Authority of the same, shall extend to invalidate or avoid any Law now in force for providing new or additional Parochial Burial Grounds, or any Ecclesiastical Law or Constitution of the Church of *England*, or any of the Powers of the Church Building Commissioners; and that the Bishop of the Diocese of *Gloucester* and *Bristol*, and any Archdeacon, Chancellor, or Official of the same Diocese, may respectively at all Times exercise such or the like Ecclesiastical Jurisdiction, Rights, and Privileges over and in respect to the consecrated Part of the said future Cemetery as they respectively may now exercise over or in respect to the said present new Parochial Burial Ground.

Rating.

Public Rating. Power to divide Borough into Districts.

And with respect to Rates and Funds, be it enacted,

CX. That the Commissioners may from Time to Time divide the Borough into Districts or Parts, for all or any or either of the Purposes of Drainage, cleansing, lighting, paving, watering, or Water Supply, under this Act, and make a separate Assessment upon any such District or Part for and in respect of the Purposes for which the same is formed; and every such District or Part, so far as relates to the Purposes for which such separate Assessment is made, shall be exempt from any other Assessment under this Act for the same Purposes; provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Districts or Parts in common, the same shall be apportioned between them in a fair and equitable Manner; and the Commissioners may throw on the Borough Fund a Rate or Proportion of the Expenses of Works done in and for any District or Part of the Borough.

Rating Property of Gas Company to District Rates.

CXI. That where any Property of the *Cheltenham* Gaslight and Coke Company is situate partly within One of such Districts and partly within other of such Districts, but the whole of such Property is

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is assessed in One Sum or Amount to the Rate for the Relief of the Poor, it shall not be lawful for the Commissioners to assess the whole of such Property to any separate Assessment upon any One District, but only such Part thereof and in such Proportion as the Portion of the Property situate in that District shall bear to the whole of such Property with reference to the rating to the Relief of the Poor.

CXII. That the Section Number 86 of "The Public Health Act, 1848," shall be incorporated with this Act; and such Section shall also be applicable to making, enlarging, altering, arching over, covering, or enclosing, and also to the purchasing or acquiring any Sewer: Provided that no Premises whilst and only so long as the same shall not be drained directly or indirectly into a Sewer of the Commissioners (or into a Sewer which the Commissioners are entitled to use) shall be liable to any special Rate for the purchasing, acquiring, making, enlarging, arching over, covering, enclosing, or repairing of any Sewer; and that no Premises drained into a private Sewer which the Commissioners shall have purchased or acquired or become entitled to use, and to the Use of which Sewer a perpetual Right is appurtenant to such Premises, shall be liable to be rated to any such special Rate as last aforesaid, except in respect of the necessary Reconstruction of such Sewer.

Section 86 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXIII. That, notwithstanding anything herein-before contained to the contrary, the Expenses of executing the Works of and incidental to the *Chelt* Main Sewer and Tank at the *Moor's Farm* aforesaid, the *Wyman's Brook* Main Sewer, and *Hatherley Brook* Sewer and Tank, herein-before authorized to be made, and in case the Commissioners should at any Time purchase or acquire the aforesaid Markets or Fairs, the Expenses of such Purchase or Acquisition, and other Expenses connected therewith, shall be defrayed by means of a special Rate upon the whole Borough; and it shall be lawful for the Commissioners, in case they should at any Time or Times purchase or acquire any Waterworks, or any Gasworks or other Works for public Lighting, or any Cemetery, or any Pleasure Ground, under the Powers of this Act, to make special Rates for the Purpose of defraying the Expenses of such Purchase or Acquisition, and other Expenses connected therewith respectively, upon the Borough or any District or Part thereof:

Rates for the new Main Sewers and Tanks, Purchase of Waterworks, Gasworks, Cemetery, Markets, Fairs, or Pleasure Ground.

And such Part of the Section numbered 92 of the said Public Health Act as relates to the Redemption of special District Rates shall be incorporated herewith, and shall apply to all such special Rates as aforesaid, and shall enable any One Person chargeable with any such Rate separately to redeem his Part or Proportion thereof.

Redemption.

[Local.]

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CXIV. That

The Cheltenham Improvement Act, 1852.

Borough
Fund and Bo-
rough Rate
charged
with existing
Annuities.

CXIV. That the Section numbered 87 of the said Public Health Act shall be incorporated herewith; and the Fund therein mentioned shall be called "the Borough Fund," and the Rate therein mentioned be called "the Borough Rate;" and upon the Borough Rate shall be charged all Annuities granted under and now due and owing by virtue of the Act hereby repealed, or the former Paving Acts therein and herein-before mentioned, or either of them :

Maximum
of Borough
Rate.

But the Amount of such Rate in any One Year shall not exceed the Sum of Two Shillings and Sixpence in the Pound on the rateable Value of the Land and Premises assessable thereto.

Sections 88,
89, 95, & 99
of 11 & 12
Vict. c. 63.
incorporated
with this
Act.

CXV. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

The Section numbered 88 of the said Act, omitting the last Proviso therein; and Tithes, Tithe Rentcharges, and other Payments in lieu of Tithes, shall be assessed as and in the same Proportion of their annual Value as Land used as Arable, Meadow, or Pasture Ground only :

Power to
Commission-
ers to abate
Rate in cer-
tain Cases.

Provided always, that the Occupiers of Houses, Buildings, or Ground (other than Land assessable in the Proportion of One Fourth only of the net annual Value thereof as aforesaid) in any Part of the Borough, which Part is not lighted, paved, cleansed, flagged, repaired, watered, and scavenged by the Commissioners, shall be allowed such an Abatement from the Borough Rate in respect of any such lighting, paving, cleansing, flagging, repairing, watering, or scavenging not performed by the Commissioners as may be settled from Time to Time by the Commissioners :

Also the Section numbered 89 in the said Act :

Also the Section numbered 95 in the said Act :

Also the Section numbered 99 of the said Act :

And the Notice therein required of the Intention to make a Rate shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Commissioners Clerk or other Officer, and a Copy thereof shall be affixed on the Outside of the outer Door of the Commissioners Office Seven clear Days previously to the making of any Rate.

Highways to
be maintain-
ed out of Bo-
rough Rate.

CXVI. That the Commissioners shall defray the Expenses of maintaining the Highways within the Borough out of "the Borough Rate."

Sections 90,
91, 92, 120,
and 146 of
11 & 12 Vict.
c. 63. incor-
porated with
this Act.

CXVII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

The Section numbered 90 in the said Act :

And in every such Rate may be included what the Commissioners deem a fair Equivalent for the Labour and Loss incident to the Collec-
tion

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tion thereof; and Notice of such Rate shall be given to the Owner or Occupier of the Land or Tenement affected thereby, in manner herein provided for giving Notices to Owners or Occupiers :

Also the Section numbered 91 in the said Act :

Also so much of the Section numbered 92 in the said Act as relates to the Redemption of Private Improvement Rates :

Also the Section numbered 120 in the said Act ; but no other Appeal from any Private Improvement Rate than to the General Board of Health shall be allowed :

Also the Section numbered 146 in the said Act.

CXVIII. That whenever any Premises in respect of which any Expenses authorized to be paid by an Improvement Rate have been incurred are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or lie unoccupied for more than Twelve successive Months, or are subdivided, or have their Boundaries altered, and whenever, for any other Cause, it appears to the Commissioners that the Recovery of such Expenses by an Improvement Rate may be impracticable, or practicable only at an undue Cost, or with undue Difficulty or Delay, then and in any such Case the Commissioners may order that such Expenses as remain unpaid, or such Part thereof as they think fit, shall be paid, with Interest and Costs, by the Owner for the Time being of such Premises or the Site thereof, on Demand, or at such Time and by such Instalments as the Commissioners appoint, and the same shall be recoverable from such Owner in a summary Manner.

Summary Recovery of Improvement Rate in certain Cases.

CXIX. That the Sections numbered 93 and 94 of "The Public Health Act" shall be incorporated with this Act.

Sections 93 & 94 of 11 & 12 Vict. c. 63. incorporated with this Act ; Also Sections 96, 97, 98, 100 to 104, and 106 of the same Act.

CXX. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act :

The Section numbered 96 in the said Act :

Also the Section numbered 97 in the said Act :

Also the Section numbered 98 in the said Act :

Also the Section numbered 100 in the said Act :

Also the Section numbered 101 in the said Act :

Also the Section numbered 102 in the said Act :

Also the Section numbered 103 in the said Act (except as regards Publication of any Water Rate or Private Improvement Rate, which Publication shall not be necessary) ; and any Rate under this Act may also be recovered by Plaint or Action of Debt :

Also the Section numbered 104 in the said Act :

Also the Section numbered 106 in the said Act.

CXXI. That

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Provisions of
12 & 13 Vict.
c. 14. to ap-
ply to Rates
levied under
this Act.

CXXI. That the Provisions of an Act passed in the Twelfth and Thirteenth Year of the present Reign, intituled *An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates*, shall apply to Rates levied under this Act; and the Warrants and Summons in the said Act may be directed to and served by any Officer of the Commissioners.

Mortgages.

And with respect to the Mortgages to be executed upon the Credit of any Rate under this Act, be it enacted,

Sections 107
to 114 & 119
of 11 & 12
Vict. c. 63.
incorporated
with this
Act.

CXXII. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act:

The Section numbered 107 in the said Act:

Also the Section numbered 108 of the same Act:

Also the Sections numbered 109 and 110 of the same Act:

Also the Section numbered 111 of the same Act:

Also the Section numbered 112 of the same Act:

Also the Section numbered 113 of the same Act:

Also the Section numbered 114 of the same Act:

Also the Section numbered 119 of the same Act.

Accounts.

And with respect to Accounts to be kept by the Commissioners, be it enacted,

Account
Books of
Income and
Expendi-
ture.

CXXIII. That the Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein, of all Rates and other Monies levied, received, and recovered by the Commissioners, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid, and the respective Districts or Places in and for which Monies were collected and expended; and the Commissioners, and the Ratepayers, and every Creditor on the Rates, may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books who, on any reasonable Demand of any such Commissioner, Ratepayer, or Creditor as aforesaid, doth not permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Open to In-
spection.

Annual Ac-
count.

CXXIV. That the Commissioners shall in the Month of *October* in every Year cause their Accounts to be balanced up to the Thirtieth Day of the preceding *September*, and the Commissioners shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended

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expended by virtue of this Act during such preceding Year, under proper and distinct Heads of Receipts and Expenditure, and also of all Arrears of Rates and other Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and such Statement shall be produced at the Annual Meeting of the Commissioners and there examined, and when settled shall be certified by the Signature of the Chairman and Commissioners Clerk. Settlement.

CXXV. That the Section numbered 122 of the Public Health Act shall be incorporated with this Act. Auditor, and Publication of Accounts.

And with respect to Arbitration under this Act, be it enacted, Arbitration.

CXXVI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: Sections 123 to 128 of 11 & 12 Vict. c. 63. incorporated with this Act;

The Section numbered 123 of the said Act :
 Also the Section numbered 124 of the said Act :
 Also the Section numbered 125 of the said Act :
 Also the Section numbered 126 of the said Act :
 Also the Section numbered 127 of the said Act :
 Also the Section numbered 128 of the said Act.

And with respect to the Recovery of Damages and of Penalties not specially provided for, and to the Determination of any Matter referred to Justices of the Peace, be it enacted, Summary Procedure.

CXXVII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: also Sections 129 to 134 of the same Act.

The Section numbered 129 of the said Act :
 Also the Section numbered 130 of the same Act :
 Also the Section numbered 131 of the same Act :
 Also the Section numbered 132 of the said Act :

And no Justice of the Peace shall be disqualified from acting as such in the Execution of this Act by reason of his being a Commissioner or being liable to the Payment of any Rate under this Act :

Also the Section numbered 133 of the said Act :
 Also the Section numbered 134 of the same Act.

CXXVIII. That the Provision in an Act passed in the Eleventh and Twelfth Year of the Reign of Queen Victoria, intituled *An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in the Execution of their Offices*, contained, for restraining Actions against Justices for enforcing Poor Rates, shall apply to any Rate made under this Act for Payment whereof a Warrant of Distress shall issue against any Person named and rated therein. Certain Provisions of 11 & 12 Vict. c. 44. extended to this Act.

[Local.]

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And

*The Cheltenham Improvement Act, 1852.*Appeal.

And with respect to Appeals from Rates and Proceedings under this Act, be it enacted,

Sections 135, 136, and 137 of 11 & 12 Vict. c. 63. incorporated with this Act ;

CXXIX. That the following Sections of "The Public Health Act, 1848," shall be incorporated herewith :

The Section numbered 135 of the same Act, as to Appeals against public Rates, Orders, and Convictions, Judgments, or Determinations of any Justice or Justices :

Also the Section numbered 136 of the said Act :

Also the Section numbered 137 of the same Act.

Notices.

also Sections 150 & 148 of the same Act.

CXXX. And with respect to Notices to Owners and Occupiers, and the Execution of Works by Owners, be it enacted, That the following Provisions of "The Public Health Act, 1848," shall be incorporated with this Act :

So much of the Section numbered 150 of the said Act as relates to the said Matters ; and Service of Notice upon the known Agent of any Owner shall be sufficient under this Act :

Also so much of the Section numbered 148 of the said Act as relates to Occupiers obstructing Owners from doing Works, or not giving the Names of Owners.

Forms.

Forms in Schedule may be used.

CXXXI. And be it enacted, That the several Forms in the Schedule (D.) to this Act annexed, or Forms to the like Effect, with such Alterations and Additions (if any) as Circumstances require, may be used for any of the Purposes of this Act for which such Forms are applicable, and such Forms shall accordingly be to all Intents sufficient for such Purposes, and it shall not be necessary for any of such Purposes to use any other Form.

Section 147 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXXXII. And be it enacted, That the Section numbered 147 of "The Public Health Act, 1848," shall be incorporated with this Act.

This Act not to prejudice the Rights of the Lord of the Manor.

CXXXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Lord of the Manor of *Cheltenham* aforesaid, or Owner of the Fairs and Markets within the said Town, except as expressly appears by this Act, but all and every such Rights, Interest, Property, Powers, Privileges, Franchises, and Authorities may be exercised and enjoyed, in as full and ample Manner, to all Intents and Purposes, as the same were exercised and enjoyed before the passing of this Act.

CXXXIV. And

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CXXXIV. And be it enacted, That the Power of making Compensation for Damages herein-before contained shall extend to authorize the Commissioners to give full Compensation to the Owners and Occupiers of any Lands, whether situate in the Borough or elsewhere, for any Damage or Injury sustained by them respectively by reason of the Sewers or Drains in the Borough which now open into either of the said Brooks continuing so to discharge their Contents thereinto, until the Main Sewers and Tanks authorized to be made by this Act shall be completed: Provided always, that if the Commissioners shall refuse or neglect to admit the Claim of any such Owner or Occupier to Compensation for any Damage or Injury alleged to be sustained by him from the Cause aforesaid, and such Owner or Occupier shall bring or institute any Action or Proceeding to try the Question of such his Right against any Person whom he shall deem liable in Law to answer in Damages for any such alleged Injury thereto, the Commissioners may, if they shall so think fit, at the Request of the Person against whom any such Action or Proceeding shall be brought or instituted, defend the same in his Name, or compromise, adjust by Arbitration, or otherwise settle any such Action or Proceeding, upon such Terms and in such Manner as they may think reasonable; and any Sum or Sums of Money which the Commissioners shall disburse or incur in or about the Payment of any such Compensation, or the Trial or Settlement of any such Claim, and all Damages, Costs, Charges, and Expenses incident thereto respectively, shall be defrayed by means of a Rate or Rates in nature of a District Rate to be from Time to Time levied by the Commissioners upon the Owners and Occupiers of Houses and Premises contributing to the Sewerage or Drainage by which the Injury or Damage or alleged Injury or Damage is occasioned as aforesaid, or such of them as in the Judgment of the Commissioners would be liable in Law to answer for the same.

Compensation for sewerage into the Brooks.

Power to try Question of Right.

Expenses to be levied on Districts.

CXXXV. And be it enacted, That the Section numbered 154 of "The Towns Improvement Clauses Act, 1847," shall be incorporated herewith:

Also the Section numbered 155 of the same Act.

Sects. 154 and 155 of 10 & 11 Vict. c. 34. incorporated with this Act.

CXXXVI. And be it enacted, That all the Expenses of obtaining this Act and incident thereto shall be paid by the Commissioners, and shall be charged to the Borough Rate.

Expenses of Act.

The

The SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

WARDS IN THE BOROUGH, AND NAMES OF FIRST COMMISSIONERS.

1. *East Ward*

Is included within the following Boundaries; that is to say, bounded on the South by a Line running from the Point where Pittville Street meets High Street; Eastward along High Street to the Boundary of the said Parish; bounded on the West by a Line running from the Point where Pittville Street meets High Street; Northward along Pittville Street, thence along Portland Street, and thence along the Cleeve and Evesham Road to the Boundary of the said Parish; and further by a Line running along the Boundary of the Parish from the Eastern Extremity of the above defined Southern Boundary Line to the Northern Extremity of the above defined Western Boundary Line.

FIRST COMMISSIONERS:—Charles Lloyd Harford, Stephen Edward Comyn, Thomas Sheldon, James Humphris (Builder), William Hollis (Gunsmith), and William Buckle.

2. *North Ward*

Is included within the following Boundaries; that is to say, bounded on the South by a Line running from the Point where Pittville Street meets High Street; Westward along High Street, and thence along the Tewkesbury Road to the Boundary of the said Parish; and bounded on the East by the Western Boundary Line of the East Ward; and further bounded by a Line running along the Boundary of the said Parish from the Western Extremity of the above defined Southern Boundary Line to the Northern Extremity of the above defined Eastern Boundary Line.

FIRST COMMISSIONERS:—John Brend Winterbotham, John Yearsley, Samuel Shedden, George James Engall, James Leighton, and Richard Hulbert.

3. *West Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Saint George's Place meets High Street; Westward along High Street, thence along the Tewkesbury Road to the Boundary of the Parish; and bounded on the East by a Line running from a Point where Saint George's Place meets High Street; Southward along Saint George's Place, thence along Saint George's Parade, thence along Bays Hill Road to the Point where that Road meets Queen's Parade to the Point where the same meets Old Well Lane; thence Northward along Old Well Lane to the Point where the same meets Lansdown or New Gloucester Road; thence South-westward along the Lansdown or New Gloucester Road, thence along Old Gloucester Road to the Boundary of the said Parish; and further bounded by a Line running along the Boundary of the said Parish from the Western
Extremity

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Extremity of the above defined Northern Boundary Line to the South-western
Extremity of the above defined Eastern Boundary Line.

FIRST COMMISSIONERS:—William Nash Skillicorne, James Agg Gardner, James Fallon, Robert Burland Hudleston, John Bubb (Solicitor), and George Rowe.

4. *Middle Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Rodney Terrace meets High Street, Westward along High Street to the Point where the same meets Saint George's Place; and bounded on the West by the Eastern Boundary Line of the West Ward; and bounded on the East by a Line running from the Point where Rodney Terrace meets High Street, Southward along Rodney Terrace; thence along Trafalgar Lane to the Point where Trafalgar Lane meets Montpellier Spa Buildings Road; thence Eastward along Montpellier Spa Buildings Road to the Point where the same meets Montpellier Parade; thence Southward along Montpellier Parade to the Point where the same meets Montpellier Terrace; thence Westward along Montpellier Terrace to the Point where the same meets Suffolk Parade; thence Southward along Suffolk Parade; thence along Great Norwood Street to the Boundary of the Parish; and further bounded by a Line running along the Boundary of the said Parish from the South-western Extremity of the defined Western Boundary Line to the Southern Extremity of the above defined Eastern Boundary Line.

FIRST COMMISSIONERS:—William Henry Henney, Edward Warner Shewell, William Ridler, William Hasell, Henry Davies, and James Webster of Hatherley Court.

5. *South Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Rodney Terrace meets High Street, Eastward along High Street to the Boundary of the said Parish; and bounded on the West by the Eastern Boundary Line of the Middle Ward; and further bounded by a Line running along the Boundary of the said Parish from the Western Extremity of the above defined Northern Boundary Line to the Southern Extremity of the above defined Western Boundary Line.

FIRST COMMISSIONERS:—Robert Sole Lingwood, Baynham Jones (junior), John Beckingsale, George Schonswar (junior), Frederick Monro, and Charles Paul.

SCHEDULE B.

No. I.

Voting Paper

Referred to in Section 12 of this Act is that in Schedule A. to Commissioners Clauses Act, 1847.

No. II.

Appointment of Proxy.

Cheltenham Improvement Act, 1852.

Borough of Cheltenham Ward.

I, the undersigned, being entitled to vote as Owner [*or, in the Case of a Female Occupier, say, being a Female, and entitled to vote as Occupier,*] for Improvement Commissioners for this Ward in respect of the Property [*here describe the*]
[*Local.*] 8 X [*Property*]

Schedule B.
No. 2.
Borough of
Cheltenham
Ward.

The Cheltenham Improvement Act, 1852.

Property] do authorize to vote for me as my Proxy at
 the Election of Commissioners to be had on the
 Day of next. Day of
 Signed by me, this

No. III.

Declaration of Signature of Prozy Appointment.

Schedule B
 No. 3.

I of do solemnly
 and sincerely declare, That the Instrument purporting to be an Appointment by
 me of Proxy to vote for Improvement Commissioners for the Borough of
 Cheltenham hereunto annexed was signed by me on the Day of
 being the Day of the Date thereof; and I make this solemn
 Declaration conscientiously believing the same to be true, and by virtue of the
 Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign
 of King William the Fourth, intituled " An Act to repeal an Act of the present
 " Session of Parliament, intituled ' An Act for the more effectual Abolition of
 " ' Oaths and Affirmations taken and made in various Departments of the
 " ' State, and to substitute Declarations in lieu thereof, and for the more entire
 " ' Suppression of voluntary and extra-judicial Oaths and Affidavits; ' and to
 " ' make other Provisions in lieu thereof."

Taken and made before me, One of Her Majesty's Justices of the Peace in
 and for the County of at therein, this Day of
 18 .

SCHEDULE C.

Tables of Tolls of Markets and Fairs ;

Showing the several Tolls, Duties, Rents, and Stallage payable in the Markets
 if purchased by the Commissioners.

In the Beast Market.

	<i>s.</i>	<i>d.</i>
For every Horse, Mare, or Gelding bought or exposed to Sale	-	0 4
For every Colt, Filly, or Foal	-	0 2
For every Bull, Steer, Cow, or Heifer	-	0 3
For every Calf	-	0 1
For every Mule or Ass	-	0 1
For every Sheep or Lamb	-	0 1
For every Swine or Hog	-	0 1
For every Sucking Pig	-	0 0½
And the following additional Tolls to be paid by the Buyers:—		
For every Horse, Mare, or Gelding sold and entered in the Toll Book, an additional Toll on such Entry, to be paid by the Buyer, of	-	0 4
For every Horse, Mare, or Gelding sold and not entered in the Toll Book	-	0 2
For every Colt, Filly, or Foal	-	0 1
For every Bull, Steer, Cow, Heifer, or other such Cattle	-	0 2
For every Sheep or Lamb	-	0 0½
For every Swine or Hog, except Sucking Pigs	-	0 0½

The Cheltenham Improvement Act, 1852.

In the Hay Market.		s.	d.
For every Waggon Load of Hay, Straw, or Fodder brought or exposed to Sale	-	0	8
For every Cart Load of Hay, Straw, or Fodder	-	0	4
In the other Markets.			
From the Occupiers of each Butcher's Stall, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof:—			
If the Hall and Passage in front thereof be covered over from the Weather,—			
If taken by the Year, not exceeding the Sum of	-	6	8
By the Half Year, not exceeding the Sum of	-	3	4
By the Quarter, not exceeding the Sum of	-	1	8
If otherwise taken or occupied, for each Market Day or other Day in the Week	-	0	1½
If the Stall and Passage in front thereof be not covered over as above,—			
If taken by the Year, not exceeding the Sum of	-	6	0
By the Half Year, not exceeding	-	3	0
By the Quarter, not exceeding	-	1	6
If otherwise taken or occupied, for each Market Day or other Day in the Week	-	0	1½
From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof, if the Stand or Passage in front be covered in from the Weather,—			
If taken by the Year, not exceeding	-	5	0
By the Half Year, not exceeding	-	2	6
By the Quarter, not exceeding	-	1	3
If otherwise taken, for every Market Day or other Day in the Week, not exceeding	-	5	0
If the Stand and Passage in front be not covered over as above,—			
If taken by the Year, not exceeding	-	4	0
By the Half Year, not exceeding	-	2	0
By the Quarter, not exceeding	-	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week	-	0	1
From the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof,—			
If the Stand or Bench, and the Passage in front thereof, be covered over from the Weather,—			
If taken by the Year, not exceeding	-	5	0
By the Half Year, not exceeding	-	2	6
By the Quarter, not exceeding	-	1	3
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	-	0	1½

The Cheltenham Improvement Act, 1852.

If the Stand or Bench, and the Passage in front thereof, be not covered over as above,—		<i>s.</i>	<i>d.</i>
If taken by the Year, not exceeding	- - - -	4	0
By the Half Year, not exceeding	- - - -	2	0
By the Quarter, not exceeding	- - - -	1	0
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	- - - -	0	1
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof,—			
If the Compartment or Space, and the Passage adjoining the same, be covered over from the Weather,—			
If taken by the Year, not exceeding	- - - -	3	10
By the Half Year, not exceeding	- - - -	1	11
By the Quarter, not exceeding	- - - -	0	11½
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	- - - -	0	0¾
From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, nor any defined Compartment or Space on the Surface of the Ground,—			
If the Spot where such Person shall stand be covered over from the Weather,—			
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel, not exceeding	- - - -	0	1¾
For every additional Half Bushel	- - - -	0	0¾
If the Spot be not covered over as above,—			
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel	- - - -	0	1
For every additional Bushel	- - - -	0	0½
The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect of the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.			

SCHEDULE D.

Form of Notice of Intention to make a Public Rate.

Cheltenham Improvement Act, 1852.

Take notice, That the Commissioners intend, at a Meeting to be held
 on the Day of
 to make a Borough Rate [or otherwise, as the Case may be,] for [the Sewerage and
 Paving of, &c. generally stating the Purpose and the District], of

in

The Cheltenham Improvement Act, 1852.

in the Pound on the rateable Value of all the Property assessable thereto, and that the Statement of the proposed Rate is deposited at

in
 Dated this Day of
Commissioners Clerk.

Form of Public Rate.

Cheltenham Improvement Act, 1852.

A Borough Rate on Cheltenham Parish [*or a District Sewer Rate on, &c. as the Case may be*], made this Day of

No.	Surname and Christian Name of Owner.	Surname and Christian Name of Occupier.	Description of Property rated.	Name or Situation of Property.	Gross estimated Rental.	Rateable Value.	Rate at in the Pound.

Common Seal of the Commissioners.

A.B. } Two of the Cheltenham Improvement
 C.D. } Commissioners.

Form of Publication of Rate.

Cheltenham Improvement Act, 1852.

Take notice, That the Commissioners have this Day made a [] Rate of in the Pound on all the rateable Property in [Cheltenham].

Dated this Day of
Commissioners Clerk.

Form of Notice of Amendment of Rate by Increase, or inserting a new Name.

Cheltenham Improvement Act, 1852.

Take notice, That the [*the District*] Rate in made on the Day of has been amended by increasing the Amount of your Rate from £ to £ , or by inserting your Name therein as rated at £ .

Dated this Day of
 To A.B., &c. Commissioners Clerk.

[Local.]

8 Y

Form

*The Cheltenham Improvement Act, 1852.**Form of Improvement Rate.*

Cheltenham Improvement Act, 1852.

A Private Improvement Rate on [each of] the under-mentioned Premises for Private Improvement, Expenses, Interest, and Expenses of Collection, duly made this Day of

Name of Owner.	Name of Occupier.	Description of Premises.	Situation of Premises.	Nature of Improvement.	Yearly Amount to be paid.	Periods for Payments.
		House	No. Street	Filling up Cess-pools and making Drains.	£ s. d.	March in every Year from to both inclusive.
				Making Water-closets and Drains.		May every Year from to both inclusive.

Common Seal of the Commissioners.

A. B. } Two of the Cheltenham Improvement
C. D. } Commissioners.

The Premises may be described by Reference to the Commissioners Map, or by Plan annexed, or otherwise.

Form of Warrant of Distress.

Cheltenham Improvement Act, 1852.

To the Chief Constable and other the Constables of the County of Gloucester, and the Collectors of any of the Rates for any of the Purposes of the above Act [*or otherwise*]:—

Gloucestershire o wit.—You, every or any of you, are in Her Majesty's Name commanded to levy from A.B. [*or A.B., C.D., and*] the Sum of £ [*or the several Sums respectively set opposite to their Names in the Margin*] by Distress and Sale of his [*or their respective*] Goods and Chattels; and if within the Space of Six Days after the making of any such Distress the said Sum distrained for, together with the reasonable Costs of taking and keeping the said Distress, shall not be paid, then that you sell the said Goods distrained of the Defaulter, and out of the Proceeds pay to the Treasurer of the Cheltenham Improvement Commissioners the said Sum distrained for, and retain your reasonable Charges of taking, keeping, and selling such Distress, rendering to the Defaulter the Overplus (if any), on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of such Defaulter, you are to certify the same to me, with this Warrant, that further Proceedings may be had therein as the Law directs.

The said Sum *or* Sums being due from the said above-named Person [*or Persons*] to the Cheltenham Improvement Commissioners in respect [*here state generally on what Account the Sum is due, or several Sums are due, as, for instance,* the

The Cheltenham Improvement Act, 1852.

the repairing by the Commissioners of the dangerous Premises, No. Street in Cheltenham, of which the said "A.B. is the Owner," and for further instance, the Amount duly assessed on him by a Borough Rate bearing Date on or about the Day of [or otherwise, as the Case may be,] and for Costs incurred by his [or their] Default on Nonpayment of the said Debt.

Given under my Hand and Seal, this Day of N.O., Justice of the Peace for, &c.

SCHEDULE E.

The Forms referred to in Sections 120, 122, 127, and 130 of this Act are those contained in the Schedules to the Public Health Act, 1848, hereunder specified:—

Form of Conviction.

Schedule (E.) to the Public Health Act, 1848.

Form of Distress Warrant against single Defaulters.

Schedule (D.) to Public Health Act, 1848.

Form of Order on Occupier to permit Execution of Works by Owner.

Schedule (F.) to Public Health Act, 1848.

Form of Mortgage.

Schedule (B.) to Public Health Act, 1848.

Form of Transfer of Mortgage.

Schedule (C.) to Public Health Act, 1848.

SCHEDULE F.

List of Streets dedicated to the Public on, over, near, or leading to the Montpellier and Lansdowne Estates.

Montpellier Terrace Road, from the Bath Road to the New Painswick Road.

Roads leading out of Montpellier Terrace to Suffolk Square.

Montpellier Parade and its Continuation alongside Vittoria Walk.

Road in front of Montpellier Spa Place and Montpellier Spa Buildings, and thence to the Bath Road.

Montpellier Avenue.

Road leading from thence in front of the Montpellier Pumproom to Montpellier Terrace Road.

Lansdowne Crescent Road, and Road at the Back of such Crescent and at the Back of Lansdowne Place.

Road communicating between Lansdowne Place and Lansdowne Crescent.

Lansdowne Terrace Road and Back Road to such Terrace.

Road in continuation of Lansdowne Terrace as far as Christ Church.

Malvern

The Cheltenham Improvement Act, 1852.

Malvern Place Road and its Continuation in front of Lansdowne Parade to the Gloucester Road.

Douro Villas Road and its Continuation in front of Northwich Place up to the Christ Church Road, and Back Road to the same.

Road in front of Tivoli Place.

Tivoli Street, Lypiatt Street, and Hatherley Street, and Road communicating between such Streets.

Hatherley Place Road as far as Houses are built on its Side, and Back Road to the same.

All the Footpaths adjacent to the before-mentioned Roads, except that called the Montpellier Promenade.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART III

STREET TRADING

3 Power of district council to adopt Schedule 4.

A district council may resolve that Schedule 4 to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Part III.

Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 September 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

STREET TRADING

Modifications etc. (not altering text)

- C1** Sch. 4: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)
Sch. 4 applied (with modifications) (21.12.2000) by [City of Newcastle upon Tyne Act 2000 \(c. viii\)](#), [ss. 3, 4](#)
- C2** Sch. 4 applied (with modifications) (28.10.2004) by [Medway Council Act 2004 \(c. v\)](#), [s. 4](#)
- C3** Sch. 4 applied (with modifications) (11.7.2006) by [Leicester City Council Act 2006 \(c. ii\)](#), [ss. 3, 4](#)
Sch. 4 applied (with modifications) (11.7.2006) by [Liverpool City Council Act 2006 \(c. iii\)](#), [ss. 3, 4](#)
Sch. 4 applied (with modifications) (11.7.2006) by [Maidstone Borough Council Act 2006 \(c. iv\)](#), [ss. 3, 4](#)
- C4** Sch. 4 modified (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [regs. 1\(2\), 45\(2\)\(3\)](#) (with [regs. 2, 5](#))
- C5** Sch. 4 applied (with modifications) (8.4.2010) by [Bournemouth Borough Council Act 2010 \(c. ii\)](#), [s. 4](#)
- C6** Sch. 4 applied (with modifications) (8.4.2010) by [Manchester City Council Act 2010 \(c. iii\)](#), [ss. 4, 5](#)
- C7** Sch. 4 applied (with modifications) (28.2.2013) by [Canterbury City Council Act 2013 \(c. i\)](#), [s. 4](#) (with [s. 3](#))
- C8** Sch. 4 applied (with modifications) (28.2.2013) by [Leeds City Council Act 2013 \(c. ii\)](#), [s. 4](#) (with [s. 3](#))
- C9** Sch. 4 applied (with modifications) (28.2.2013) by [Nottingham City Council Act 2013 \(c. iii\)](#), [ss. 4, 5](#)
- C10** Sch. 4 applied (with modifications) (28.2.2013) by [Reading Borough Council Act 2013 \(c. iv\)](#), [ss. 4, 5](#)
- C11** Sch. 4 restricted (temp.) (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), [ss. 7\(3\)\(a\), 25\(1\)](#) (with [ss. 7\(4\), 10](#))

Interpretation

1 (1) In this Schedule—

“consent street” means a street in which street trading is prohibited without the consent of the district council;

“licence street” means a street in which street trading is prohibited without a licence granted by the district council;

“principal terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below;

“prohibited street” means a street in which street trading is prohibited;

“street” includes—

(a) any road, footway, beach or other area to which the public have access without payment; and

(b) a service area as defined in section 329 of the ^{M1}Highways Act 1980, and also includes any part of a street;

“street trading” means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street; and

Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 September 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

- (2) The following are not street trading for the purposes of this Schedule—
- (a) trading by a person acting as a pedlar under the authority of a pedlar’s certificate granted under the ^{M2}Pedlars Act 1871;
 - (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
 - (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the ^{M3}Highways Act 1980;
 - (d) trading as a news vendor;
 - (e) trading which—
 - (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 - (f) selling things, or offering or exposing them for sale, as a roundsman;
 - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
 - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - (j) the doing of anything authorised by regulations made under section 5 of the ^{M4}Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where—
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Marginal Citations

- M1** 1980 c. 66.
M2 1871 c. 96.
M3 1980 c. 66.
M4 1916 c. 31.

Designation of streets

- 2 (1) A district council may by resolution designate any street in their district as—
- (a) a prohibited street;
 - (b) a licence street; or
 - (c) a consent street.

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- (2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- (3) A council shall not pass such a resolution unless—
- (a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
 - (b) they have served a copy of the notice—
 - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
 - (ii) on any highway authority responsible for that street; and
 - (c) where sub-paragraph (4) below applies, they have obtained the necessary consent.
- (4) This sub-paragraph applies—
- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
 - (b) where the resolution designates as a licence street any street maintained by a highway authority;
- and in sub-paragraph (3) above “necessary consent” means—
- (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
 - (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.
- (5) The following are relevant corporations for the purposes of this paragraph—
- (a) the British Railways Board;
 - (b) the [^{F1}new towns residuary body];
 - [^{F2}(ba) a Mayoral development corporation;]
 - (c) a development corporation for a new town; [^{F3}and]
 - (d) an urban development corporation established under the ^{M5}Local Government, Planning and Land Act 1980;. . .
 - ^{F4}(e)
- [^{F5}(5A) In sub-paragraph (5)(b) above “new towns residuary body” means—
- (a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 [^{F6}or the Greater London Authority so far as exercising its new towns and urban development functions]; and
 - (b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.]
- (6) The notice referred to in sub-paragraph (3) above—
- (a) shall contain a draft of the resolution; and
 - (b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 September 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) As soon as practicable after the expiry of the period specified under sub-paragraph (6) above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.
- (8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in sub-paragraph (1) above.
- (9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.
- (10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- (11) Where a street is designated as a licence street, the council may resolve—
- (a) in the resolution which so designates the street; or
 - (b) subject to sub-paragraph (12) below, by a separate resolution at any time, that a street trading licence is not to be granted to any person who proposes to trade in the street for a number of days in every week less than a number specified in the resolution.
- (12) Sub-paragraphs (3)(a) and (6) to (10) above shall apply in relation to a resolution under sub-paragraph (11)(b) above as they apply in relation to a resolution under sub-paragraph (1) above.
- (13) Any resolution passed under this paragraph may be varied or rescinded by a subsequent resolution so passed.

Textual Amendments

- F1** Words in Sch. 4 para. 2(5)(b) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 8 para. 34\(2\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F2** Sch. 4 para. 2(5)(ba) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\), s. 240\(1\)\(l\), Sch. 22 para. 8](#)
- F3** Word in Sch. 4 para. 2(5)(c) inserted (1.10.1998) by [1998 c. 38, s. 29, Sch. 15 para. 5](#) (with ss. 131(1), 137(1), 139(2), 143(2)); S.I. 1998/2244, art. 4
- F4** Sch. 4 para. 2(5)(e) and word “and” immediately preceding repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, art. 4
- F5** Sch. 4 para. 2(5A) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 8 para. 34\(3\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F6** Words in Sch. 4 para. 2(5A)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 19 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

Marginal Citations

- M5** 1980 c. 65.

Street trading licences

- 3 (1) An application for a street trading licence or the renewal of such a licence shall be made in writing to the district council.
- (2) The applicant shall state—
- (a) his full name and address;

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- (b) the street in which, days on which and times between which he desires to trade;
 - (c) the description of articles in which he desires to trade and the description of any stall or container which he desires to use in connection with his trade in those articles; and
 - (d) such other particulars as the council may reasonably require.
- (3) If the council so require, the applicant shall submit two photographs of himself with his application.
- (4) A street trading licence shall not be granted—
- (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway in relation to which a control order under section 7 of the ^{M6}Local Government (Miscellaneous Provisions) Act 1976 (road-side sales) is in force, other than trading to which the control order does not apply.
- (5) Subject to sub-paragraph (4) above, it shall be the duty of the council to grant an application for a street trading licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraph (6) below.
- (6) Subject to sub-paragraph (8) below, the council may refuse an application on any of the following grounds—
- (a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
 - (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
 - (c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) above;
 - (d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (e) that the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder;
 - (f) that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;
 - (g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.
- (7) If the council consider that grounds for refusal exist under sub-paragraph (6)(a), (b) or (g) above, they may grant the applicant a licence which permits him—
- (a) to trade on fewer days or during a shorter period in each day than specified in the application; or
 - (b) to trade only in one or more of the descriptions of goods specified in the application.
- (8) If—

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- (a) a person is licensed or otherwise authorised to trade in a street under the provisions of any local Act; and
- (b) the street becomes a licence street; and
- (c) he was trading from a fixed position in the street immediately before it became a licence street; and
- (d) he applied for a street trading licence to trade in the street, his application shall not be refused on any of the grounds mentioned in sub-paragraph (6) (a) to (c) above.

Marginal Citations

M6 1976 c. 57.

- 4 (1) A street trading licence shall specify—
- (a) the street in which, days on which and times between which the licence-holder is permitted to trade; and
 - (b) the description of articles in which he is permitted to trade.
- (2) If the district council determine that a licence-holder is to confine his trading to a particular place in the street, his street trading licence shall specify that place.
- (3) Matters that fall to be specified in a street trading licence by virtue of sub-paragraph (1) or (2) above are referred to in this Schedule as the “principal terms” of the licence.
- (4) When granting or renewing a street trading licence, the council may attach such further conditions (in this Schedule referred to as the “subsidiary terms” of the licence) as appear to them to be reasonable.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the subsidiary terms of a licence may include conditions—
- (a) specifying the size and type of any stall or container which the licence-holder may use for trading;
 - (b) requiring that any stall or container so used shall carry the name of the licence-holder or the number of his licence or both; and
 - (c) prohibiting the leaving of refuse by the licence-holder or restricting the amount of refuse which he may leave or the places in which he may leave it.
- (6) A street trading licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the licence, for that period.
- (7) If a district council resolve that the whole or part of a licence street shall be designated a prohibited street, then, on the designation taking effect, any street trading licence issued for trading in that street shall cease to be valid so far as it relates to the prohibited street.
- 5 (1) A district council may at any time revoke a street trading licence if they consider—
- (a) that, owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street for the licence-holder to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons using the street;

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- (b) that the licence-holder is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (c) that, since the grant or renewal of the licence, the licence-holder has persistently refused or neglected to pay fees due to the council for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder; or
 - (d) that, since the grant or renewal of the licence, the licence-holder has without reasonable excuse failed to avail himself of the licence to a reasonable extent.
 - (2) If the council consider that they have ground for revoking a licence by virtue of sub-paragraph (1)(a) or (d) above, they may, instead of revoking it, vary its principal terms—
 - (a) by reducing the number of days or the period in any one day during which the licence-holder is permitted to trade; or
 - (b) by restricting the descriptions of goods in which he is permitted to trade.
 - (3) A licence-holder may at any time surrender his licence to the council and it shall then cease to be valid.
- 6
- (1) When a district council receive an application for the grant or renewal of a street trading licence, they shall within a reasonable time—
 - (a) grant a licence in the terms applied for; or
 - (b) serve notice on the applicant under sub-paragraph (2) below.
 - (2) If the council propose—
 - (a) to refuse an application for the grant or renewal of a licence; or
 - (b) to grant a licence on principal terms different from those specified in the application; or
 - (c) to grant a licence confining the applicant's trading to a particular place in a street; or
 - (d) to vary the principal terms of a licence; or
 - (e) to revoke a licence,they shall first serve a notice on the applicant or, as the case may be, the licence-holder—
 - (i) specifying the ground or grounds on which their decision would be based; and
 - (ii) stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.
 - (3) Where a notice has been served under sub-paragraph (2) above, the council shall not determine the matter until either—
 - (a) the person on whom it was served has made representations to them concerning their decision; or
 - (b) the period during which he could have required them to give him an opportunity to make representations has elapsed without his requiring them to give him such an opportunity; or
 - (c) the conditions specified in sub-paragraph (4) below are satisfied.
 - (4) The conditions mentioned in sub-paragraph (3)(c) above are—
 - (a) that the person on whom the notice under sub-paragraph (2) above was served has required the council to give him an opportunity to make

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- representations to them concerning it, as provided by sub-paragraph (2)(ii) above;
- (b) that the council have allowed him a reasonable period for making his representations; and
- (c) that he has failed to make them within that period.
- (5) A person aggrieved—
- (a) by the refusal of a council to grant or renew a licence, where—
- (i) they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph 3(6)(d) to (g) above as the only ground on which their decision would be based; or
- (ii) they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs; or
- (b) by a decision of a council to grant him a licence with principal terms different from those of a licence which he previously held, where they specified in their notice under sub-paragraph (2) above the ground mentioned in paragraph 3(6)(g) above as the only ground on which their decision would be based; or
- (c) by a decision of a council—
- (i) to vary the principal terms of a licence; or
- (ii) to revoke a licence,
- in a case where they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph 5(1)(b) to (d) above as the only ground on which their decision would be based or they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs,
- may, at any time before the expiration of the period of 21 days beginning with the date upon which he is notified of the refusal or decision, appeal to the magistrates' court acting for the petty sessions area in which the street is situated.
- (6) An appeal against the decisions of a magistrates' court under this paragraph may be brought to the Crown Court.
- (7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.
- (8) Subject to sub-paragraphs (9) to (11) below, it shall be the duty of the council to give effect to an order of the magistrates' court or the Crown Court.
- (9) The council need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (6) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (10) If a licence-holder applies for renewal of his licence before the date of its expiry, it shall remain valid—
- (a) until the grant by the council of a new licence with the same principal terms; or
- (b) if—
- (i) the council refuse renewal of the licence or decide to grant a licence with principal terms different from those of the existing licence, and
- (ii) he has a right of appeal under this paragraph,

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- until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal; or
- (c) if he has no right of appeal under this paragraph, until the council either grant him a new licence with principal terms different from those of the existing licence or notify him of their decision to refuse his application.
- (11) Where—
- (a) a council decide—
- (i) to vary the principal terms of a licence; or
- (ii) to revoke a licence; and
- (b) a right of appeal is available to the licence-holder under this paragraph, the variation or revocation shall not take effect until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal.

Street trading consents

- 7 (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted—
- (a) to a person under the age of 17 years; or
- (b) for any trading in a highway to which a control order under section 7 of the ^{M7}Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—
- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
- (a) from a stationary van, cart, barrow or other vehicle; or
- (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions—
- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
- (b) as to the times between which or periods for which he may so trade.

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- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

Marginal Citations

M7 1976 c. 57.

General

- 8 The holder of a street trading licence or a street trading consent may employ any other person to assist him in his trading without a further licence or consent being required.
- 9 (1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.
- (2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—
- (a) to the duration of the licence or consent;
 - (b) to the street in which it authorises trading; and
 - (c) to the descriptions of articles in which the holder is authorised to trade.
- (3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
- (4) A council may determine that fees may be paid by instalments.
- (5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.
- (6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.
- (7) Where a licence—
- (a) is surrendered or revoked; or
 - (b) ceases to be valid by virtue of paragraph 4(7) above,
- the council may remit or refund, as they consider appropriate, the whole or a part—
- (i) of any fee paid for the grant or renewal of the licence; or
 - (ii) of any charges recoverable under sub-paragraph (6) above.
- (8) The council may determine—
- (a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or
 - (b) that they shall be separately recoverable.

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- (9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—
- (a) shall give notice of the proposed charges to licence-holders; and
 - (b) shall publish notice of the proposed charges in a local newspaper circulating in their area.
- (10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.
- (11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Offences

- 10 (1) A person who—
- (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
 - (c) contravenes any of the principal terms of a street trading licence; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street—
 - (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall,
- without first having been granted permission to do so under paragraph 7(8) above; or
- (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
- (2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (3) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
- (4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale].

Textual Amendments

F7 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

Savings

- 11 Nothing in this Schedule shall affect—
- (a) section 13 of the ^{M8}Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act; (4 & 5 Eliz. 2).
 - (b) [^{F8}section 56 of the Food Act 1984](prohibition of certain sales during market hours).

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Textual Amendments

F8 Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 10 para. 34](#)

Marginal Citations

M8 [1847 c. 14.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 4 para. 1(2)(j) substituted by [2006 c. 50 Sch. 8 para. 66](#)



Food Act 1984

1984 CHAPTER 30

[^{F1}PART III

MARKETS

Textual Amendments

- F1** Act repealed (S.) (16.6.2025) by [Agriculture and Rural Communities \(Scotland\) Act 2024](#) (asp 11), s. 38(2), [sch. 2 Pt. 1](#); S.S.I. 2025/167, reg. 2, sch.

Modifications etc. (not altering text)

- C1** Pt. 3 applied (30.1.2004) by [Hereford Markets Act 2003](#) (c. iv), ss. 1, **3(2)**
C2 Pt. 3 applied (2.10.2004) by [Ipswich Market Act 2004](#) (c. iii), ss. 1, **6**
C3 Pt. 3 applied (18.8.2025) by [Norwich Livestock Market Act 2025](#) (c. i), ss. 1, **6(2)**

50 Establishment or acquisition.

(1) [^{F2}A local authority] may—

- (a) establish a market within [^{F2}their area];
- (b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within [^{F2}their area], and any rights enjoyed by any person within [^{F2}their area] 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 [^{F3}the authority's area] in respect of a market by any person, without that person's consent.

[^{F4}(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

Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part III. (See end of Document for details)

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]

Textual Amendments

- F2** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, **Sch. 2 para. 2(1)**
- F3** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, **Sch. 2 para. 2(2)**
- F4** [S. 50\(3\)](#) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, **Sch. 2 para. 2(3)**

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 . . . ^{F5} company under this section must be authorised—
- if the company is a company within the meaning of the Companies Act [^{F6}1985], [^{F7}by special resolution];
 - 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.

Textual Amendments

- F5** Word repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), [Sch. 2 para. 3](#), **Sch. 5**
- F6** Figure substituted by the [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**
- F7** Words in s. 51(2)(a) substituted (1.10.2007) by [Companies Act 2006 \(Commencement No.3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3)(a), **Sch. 4 para. 37** (with art. 12)

52 Market days and hours.

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

53 Charges.

- (1) A market authority may demand in respect of the market, . . . ^{F8}, such charges as they may from time to time determine.
- [^{F9}(2) A market authority who provide—
- a weighing machine for weighing cattle, sheep or swine; or
 - 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.]

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- (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 . . . ^{F10} 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.

Textual Amendments

F8 Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), Sch. 2 para. 4, [Sch. 5](#)

F9 [S. 53\(2\)](#) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, [Sch. 2 para. 4\(2\)](#)

F10 Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), Sch. 2 para. 4(3), [Sch. 5](#)

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.
- [^{F11}(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.]
- (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.

Textual Amendments

F11 [S. 54\(2\)](#) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, [Sch. 2 para. 5](#)

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

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- (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.

56 Prohibited sales in market hours.

- (1) A person (other than a pedlar holding a certificate under the ^{M1}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 [^{F12}area], 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.

Textual Amendments

F12 Word substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, [Sch. 2 para. 6](#)

Marginal Citations

M1 [1871 c. 96](#).

57 Weighing machines and scales.

- (1) ^{F13}
- (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 ^{M2}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.

Textual Amendments

F13 [S. 57\(1\)](#) repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), [Sch. 2 para. 7](#), [Sch. 5](#)

Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part III. (See end of Document for details)

Marginal Citations

M2 1926 c. 21.

[^{F14}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 ^{M3} 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.]

Textual Amendments

F14 S. 57A inserted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 8

Marginal Citations

M3 1972 c.70(81:1).

58 ^{F15}

Textual Amendments

F15 S. 58 repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 9, Sch. 5

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.

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;

Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part III. (See end of Document for details)

- (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.
- [^{F16}(d) after consulting the [^{F17}fire and rescue authority]^{F18} ..., for preventing the spread of fires in the market.]

Textual Amendments

- F16** S. 60(d) inserted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 10](#)
- F17** Words in s. 60(d) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 56\(2\); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)
- F18** Words in s. 60(d) repealed (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 32\(2\), Sch. 4 \(with art. 49\) \(as amended by The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\), arts. 1\(1\), 2\)](#)

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,

[^{F19}[^{F20}“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.]

“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 [^{F21}council but, in relation to Wales, means a county council, county borough council] 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.]

.....]^{F22}

Textual Amendments

- F19** Words in s. 61 substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 11](#)
- F20** Words in s. 61 substituted (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 32\(3\) \(with art. 49\) \(as amended by The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\), arts. 1\(1\), 2\)](#)
- F21** Words in s. 61 inserted (1.4.1996) by [1994 c. 19, s. 22\(3\), Sch. 9 para. 14 \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1996/396, art. 3, Sch. 1](#)
- F22** Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, 59\(4\), Sch. 2 para. 11, Sch. 5](#)

Changes to legislation:

There are currently no known outstanding effects for the Food Act 1984, Part III.



Norwich Livestock Market Act 2025

2025 CHAPTER i

An Act to make provision for the relocation of Norwich Livestock Market; and for connected purposes. [21st July 2025]

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:
- (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:
- (6) The location of transport connections and the availability of suitable alternative sites means it is expedient to relocate the Market outside 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:
- (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:—

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

1 Citation and commencement

This Act may be cited as the Norwich Livestock Market Act 2025 and comes into force at the end of 28 days beginning with the day on which this Act is passed.

2 Interpretation

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);

“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;

“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;

“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;

“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
- (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

“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](#).

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

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

- (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
 - (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
 - (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;
 - (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.

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.
- (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.
- (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”—
- (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.
- (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—

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

- (a) which adjoins a new site, and
- (b) in respect of which the Council has—
 - (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.

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.
- (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—
 - (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;
 - (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—
 - (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;
 - (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](#).
- (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,
 to such extent, and subject to such conditions and restrictions, as the Council considers appropriate.

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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.
- (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](#).
- (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.
- (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 \(6\)](#);
 - (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.
- (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
 - (b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period.
- (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.
- (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

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

(b) states that payment of a fixed penalty was or was not received by the date specified in the certificate;
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—
 - (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.

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.
- (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](#).

Cheltenham Borough Council (Markets) Bill

[AS INTRODUCED]

EXPLANATORY MEMORANDUM

This Bill is promoted by Cheltenham Borough Council (“the Council”).

This Bill provides for the repeal of section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough of Cheltenham), 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 repeals section 83 of the Cheltenham Improvement Act 1852.

Clause 4 provides a power to issue fixed penalty notices 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. This clause is preceded in section 8 of the Norwich Livestock Market Act 2025.

Clause 5 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of 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. This clause is preceded in section 9 of the Norwich Livestock Market Act 2025.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of Cheltenham Borough Council the provisions of Cheltenham Borough Council (Markets) Bill are compatible with the Convention rights.

Cheltenham Borough Council (Markets) Bill

[AS INTRODUCED]

CONTENTS

- 1 Citation and commencement
- 2 Interpretation
- 3 Repeal of section 83 of the Cheltenham Improvement Act 1852
- 4 Fixed Penalty Notices
- 5 Power to require name and address

[AS INTRODUCED]

A

B I L L

TO

Make provision for the repeal of section 83 of the Cheltenham Improvement Act 1852; and for connected purposes.

WHEREAS –

- (1) It is expedient that the powers of Cheltenham Borough Council should be extended and amended as provided in this Act:
- (2) It is expedient that section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough of Cheltenham) is repealed: 5
- (3) It is expedient that the other provisions in this Act be enacted:
- (4) 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:
- (5) The objects of this Act cannot be attained without the authority of Parliament: 10

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:—

1 Citation and commencement 15

This Act may be cited as the Cheltenham Borough Council (Markets) Act 202[] and comes into force at the end of 28 days beginning with the day on which this Act is passed.

2 Interpretation

In this Act— 20

“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 4 and 5 of this Act; or

- (b) a constable, a Police Community Support Officer, a person accredited under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, or a traffic officer, each acting in the course of that person's duties;

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

“the Council” means Cheltenham Borough Council; and

“traffic officer” means a person designated under section 2 of the Traffic Management Act 2004.

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3 Repeal of section 83 of the Cheltenham Improvement Act 1852

Section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough) is repealed.

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4 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 contrary to byelaws made by the Council under section 60 (market byelaws) of the Food Act 1984.

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- (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.

- (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;

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(b) the amount of the fixed penalty;

(c) the effect of subsection (6);

(d) the name and address of the person to whom payment of the fixed penalty may be sent; and

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(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.

- (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.

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- (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

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- (b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period.
- (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 5
 - (b) may not prescribe an amount exceeding level 1 on the standard scale.
- (8) In any proceedings, a certificate is evidence of the facts stated if it—
 - (a) purports to be signed by or on behalf of the officer responsible for the Council's financial affairs; and 10
 - (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate.

5 Power to require name and address

- (1) An authorised person who has reason to believe that a person ("P") has committed an offence contrary to byelaws made by the Council under section 60 (market byelaws) of the Food Act 1984, may require P to give P's name and address with a view to—
 - (a) the service of a summons on P, or
 - (b) the issuing of a fixed penalty notice to P under section 4. 15
- (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. 20

Cheltenham Borough Council (Markets) Bill

[AS INTRODUCED]

A

B I L L

TO

Make provision for the repeal of section 83 of the Cheltenham Improvement Act 1852;
and for connected purposes.

SESSION 2024 – 2026

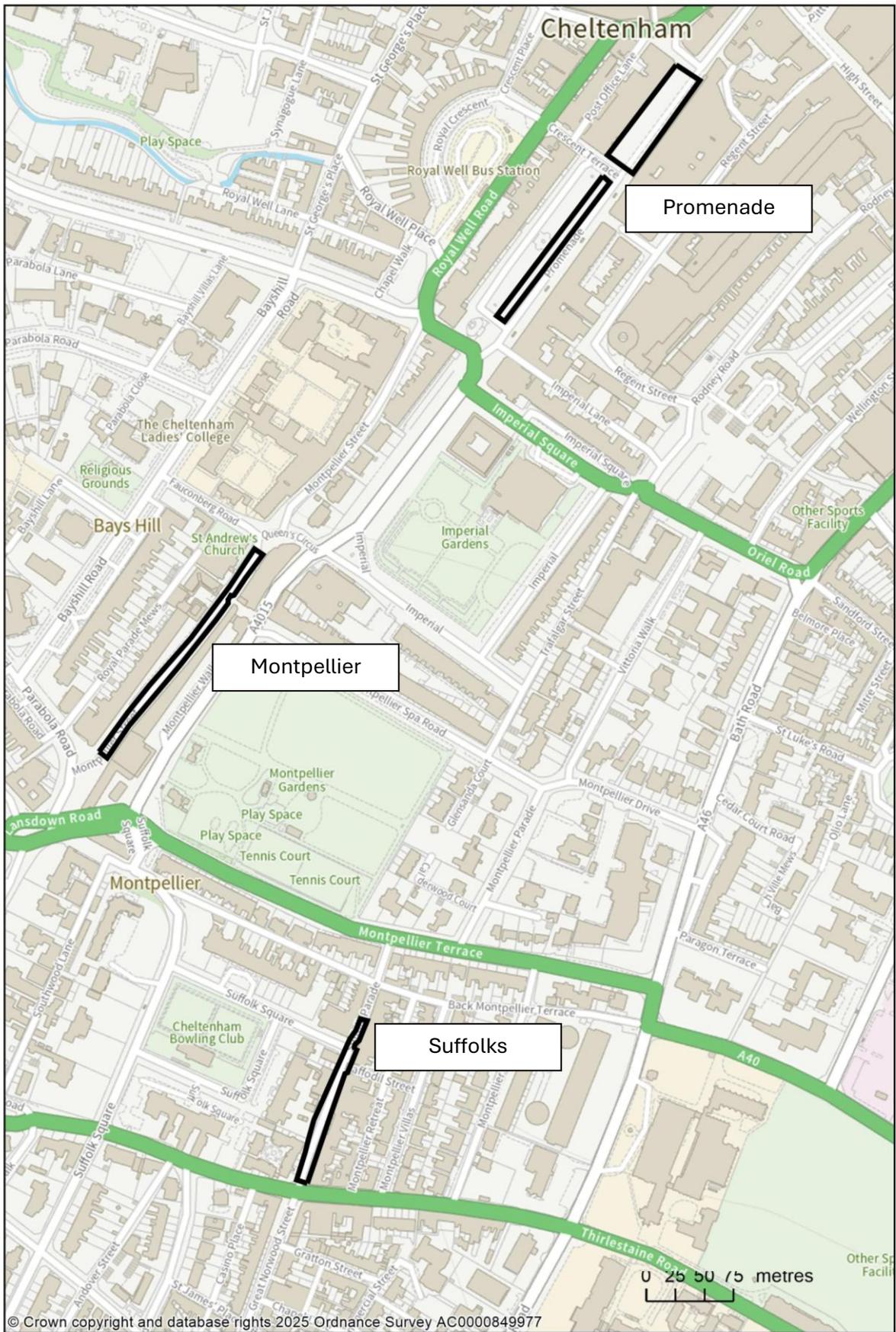
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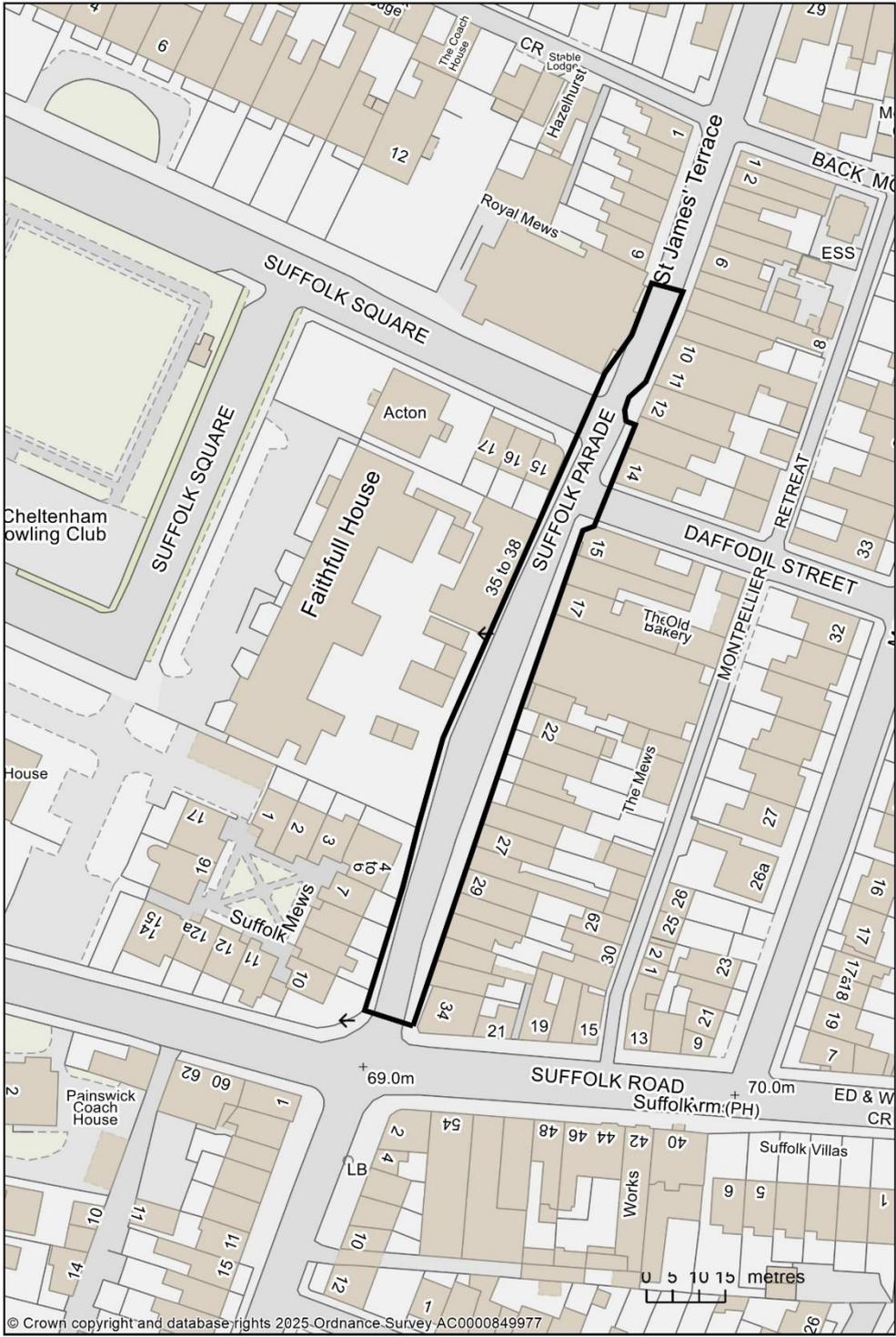
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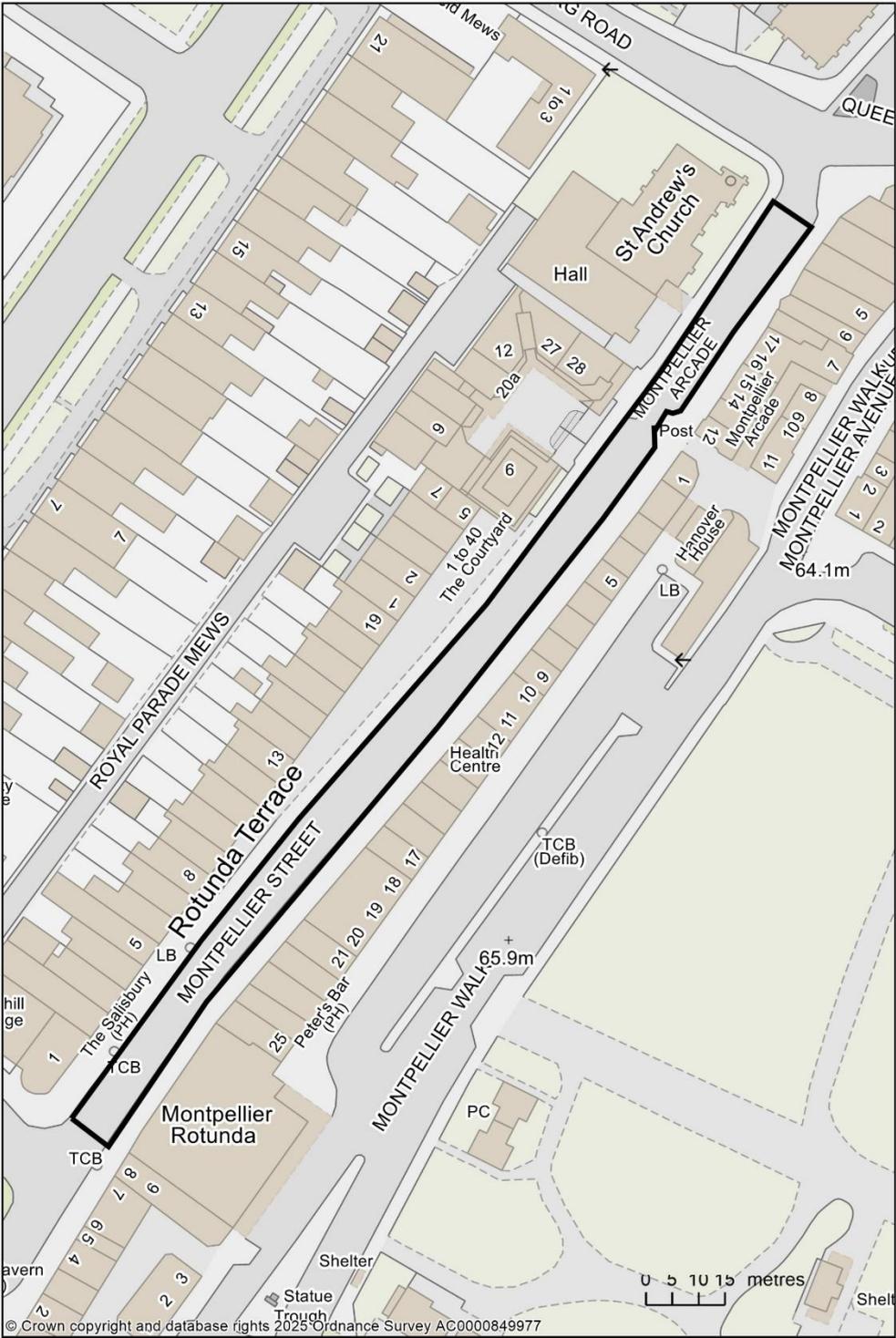
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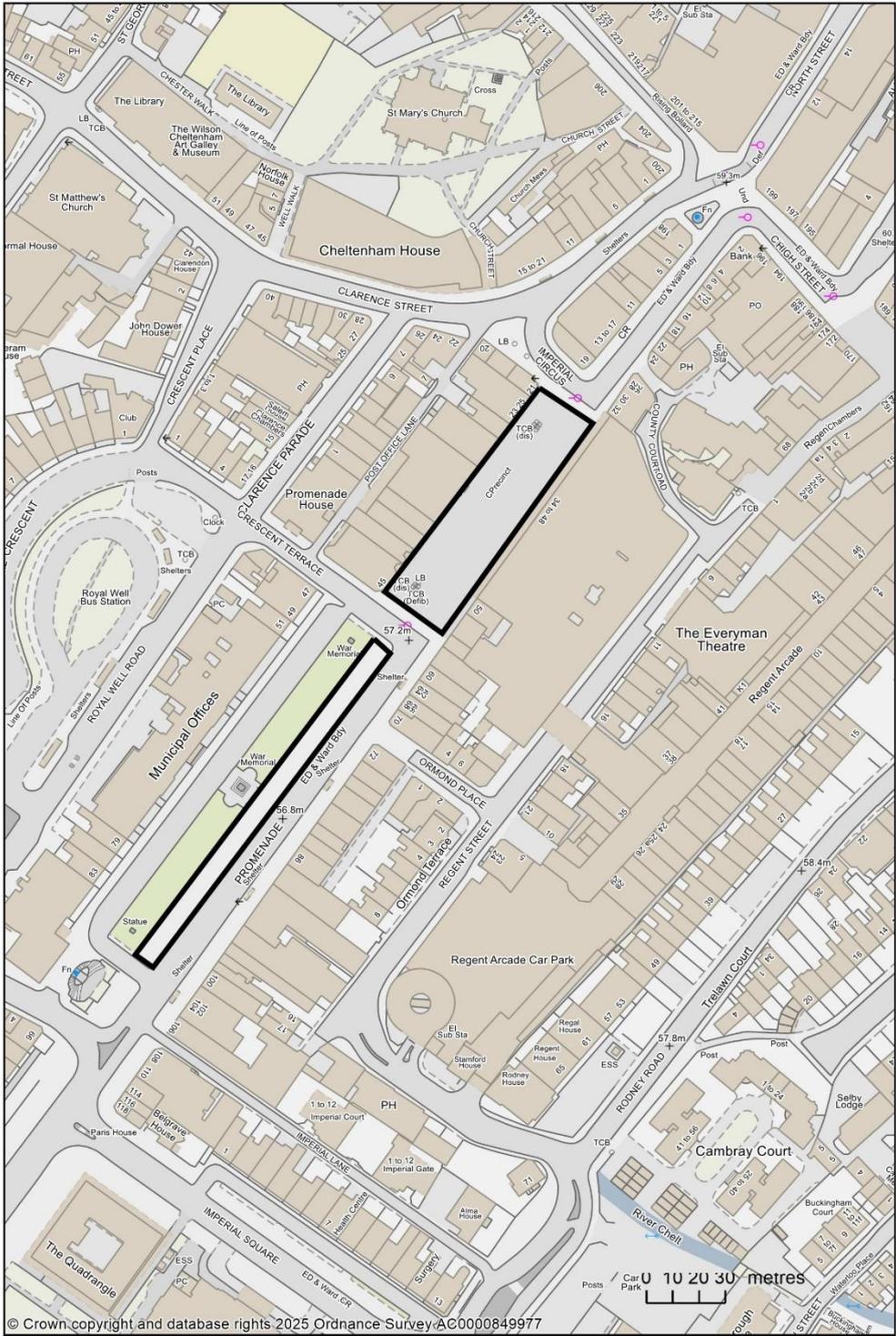
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Photos

The Suffolks Sunday Market



Cheltenham Farmers Market



Cheltenham Christmas Arts & Crafts Market



Cheltenham Christmas Market



Picture by Mikal Ludlow



Cheltenham Antiques & Vintage Market



Cheltenham – Non-regular Markets



Cheltenham Pride
Image credit - Cheltenham
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Spring Market
Picture by Mikal Ludlow
Photography



Chilli Festival
Picture by Mikal Ludlow
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