

**ELIZABETH II**



**1973 CHAPTER xx**

An Act to authorise the reaccommodation of Billingsgate Market; to make further provision with respect to public health administration and the borrowing of money by the Corporation of London; and for other purposes.

[18th July 1973]

**WHEREAS—**

(1) The Corporation are the owners of Billingsgate Market in the city of London:

(2) In consequence of a proposed widening of Lower Thames Street in the city it is desirable to provide for the reaccommodation of the market and businesses associated with the market in new premises to be erected upon the existing site of the market and additional lands adjoining that site between Lower Thames Street and the river Thames:

(3) It is further desirable that this reaccommodation of market premises, making provision for the relief of traffic congestion in,

and in the vicinity of, the market and for facilitating the business of the market, should be carried out in conjunction with other development of the said lands:

(4) It is accordingly expedient to confer powers upon the Corporation as in this Act provided with respect to Billingsgate Market:

(5) It is expedient that further provision be made with respect to the administration by the Corporation of sanitation byelaws and the definition of the jurisdiction of the Corporation as the port health authority for the Port of London, to increase the permitted expenses of candidates for election to the office of sheriff in the city and to confer further powers upon the Corporation with respect to the borrowing of money and that the other provisions contained in this Act should be enacted:

(6) 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

**Short title.** 1. This Act may be cited as the City of London (Various Powers) Act 1973.

**Interpretation.** 2.—(1) In this Act unless the subject or context otherwise requires—

“city” means the city of London;

“Corporation” means the mayor and commonalty and citizens of the city acting by the common council;

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force;

“existing” means existing at the commencement of this Act;

“land” includes buildings, land covered by water and any interest in land or any easement or right to, in or over land;



“the signed plan” means the plan of which copies have been signed in quadruplicate by the Earl of Listowel the chairman of the committee of the House of Lords to which the Bill for this Act was referred, of which plan one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords, one copy in the Private Bill Office in the House of Commons, one copy in the office of the town clerk of the city and one copy in the office of the City Remembrancer at the Guildhall in the city.

PART I  
—cont.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

## PART II

### BILLINGSGATE MARKET

3.—(1) Notwithstanding anything in the Billingsgate Market Act 1846, the Billingsgate Market Act 1871, Part II of the City of London (Various Powers) Act 1937 or any other enactment relating to Billingsgate Market, upon the acquisition by the Corporation of lands adjoining the existing market within the limits of additional lands shown upon the signed plan, or any estate or interest therein, and the appropriation of the same by the Corporation for the purposes of the market, the said lands shall for all purposes form part of the site of Billingsgate Market.

Alteration  
of site of  
Billingsgate  
Market.  
1846 c. cccxvi.  
1871 c. lv.  
1937 c. xlv.

(2) Without prejudice to their general powers with respect to the management of Billingsgate Market, the Corporation may, in relation to the site of the market as extended in accordance with subsection (1) of this section—

- (a) use, lay out and develop that site, or any part thereof, and erect, alter, enlarge, improve, extend, demolish, reconstruct or rebuild thereon market houses, offices, shops and other buildings, vehicle parks, works and conveniences for the purposes of the market;
- (b) in connection with the provision of such market premises, lay out and develop offices, shops, stores, warehouses, vehicle parks and premises for purposes other than the purposes of the market; and
- (c) do all such acts as may be necessary or proper for the purposes of, or in connection with, the market.

(3) Notwithstanding subsection (2) of this section, the provisions of the Town and Country Planning Acts 1971 and 1972 and any

**PART II**  
—*cont.*

restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to the site of Billingsgate Market as extended in accordance with subsection (1) of this section, and development carried out in exercise of the powers of the said subsection (2) shall not be deemed to be permitted development within Class XII of Schedule 1 to the Town and Country Planning General Development Order 1973 or any enactment replacing the same.

1939 c. xcvi.

(4) Nothing in paragraph (h) (ii) of section 149 (Buildings exempt from provisions of Parts III and IV &c.) or paragraph (m) (iii) of section 150 (Buildings exempt from Part V &c.) of the London Building Acts (Amendment) Act 1939 relating to the buildings of Billingsgate Market or in any other provision of that Act shall exempt from the operation of any provision of that Act, or of any byelaws made in pursuance of the London Building Acts 1930 to 1939, any building, or part thereof, situate on the site of the market as extended in accordance with subsection (1) of this section, used or to be used for any purpose other than the purposes of the market.

(5) The Corporation may lease, or agree to lease, subject to such terms and conditions as they shall think fit and whether for the purposes of the market or other purposes, any land or building, or part thereof, situated in Billingsgate Market, either at a reserved rent or on a fine, or both, for any term of years not exceeding ninety-nine years and may enter into agreements with respect to the use or management of any such land or buildings for any of the purposes aforesaid.

(6) Except as may be otherwise determined by resolution of the Corporation, which is hereby authorised, in relation to any part of the lands for the time being held by the Corporation for the purposes of Billingsgate Market under this section, all rights, powers, authorities, privileges, obligations and liabilities of the Corporation and of any other person by prescription, custom or otherwise shall operate as they operate in relation to the site of the market as existing.

Marketing of  
commodities  
other than  
fish.

1846  
c. cccxvi.

4. Notwithstanding anything in section 7 (Declaring Billingsgate a free market for wholesale and retail without restriction as to sort or quantity of fish) of the Billingsgate Market Act 1846, the Corporation may permit the sale within Billingsgate Market of such commodities and articles as they think fit in addition to the sale of fish, being commodities and articles which are customarily associated with the processing, preserving, storage, sale or consumption of fish and fish products.



5. Section 14 (Power to stop up public passage and stairs) of the City of London (Various Powers) Act 1937 shall have effect as if, in subsection (3) thereof, for the words "along the said passage" there were substituted the words "between Lower Thames Street and the river Thames".

PART II  
—cont.  
Amendment  
of City of  
London  
(Various  
Powers)  
Act 1937.  
1937 c. xlv.

6. For the protection of the Port of London Authority and users of the river Thames the following provision shall, unless otherwise agreed in writing between the Corporation and the Port of London Authority, apply and have effect:—

For  
protection  
of Port of  
London  
Authority  
and users of  
river Thames.

Nothing in this Act and nothing in any resolution made under subsection (6) of section 3 (Alteration of site of Billingsgate Market) of this Act, shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the Port of London Authority or alter or diminish any power, authority or jurisdiction vested in them at the commencement of this Act.

### PART III

#### MISCELLANEOUS

7.—(1) If, on an application made to them under this section, the Corporation consider that the operation of any requirement of a byelaw to which this section applies would be unreasonable in relation to the particular case to which the application relates, they may dispense with or relax that requirement upon, and subject to, such terms or conditions (if any) as they think fit:

Sanitation  
byelaws:  
dispensation  
and increase  
of penalties.

Provided that an application made under this section by or on behalf of the Corporation, the Greater London Council or the council of a London borough shall be transmitted by the Corporation to the Secretary of State, who may, after consultation with the Corporation and with such other persons as he thinks fit, give directions for dispensing with or relaxing that requirement upon, and subject to, such terms and conditions (if any) as he thinks fit.

(2) An application under this section shall be in such form and contain such particulars as may be prescribed by the Corporation.

(3) If it appears to the Corporation that the dispensation with, or relaxation of, any requirement of a byelaw for which application is made under subsection (1) of this section would affect the interests of any person other than the person in respect

PART III  
—cont.

of whom the application is made, they shall serve on the first-mentioned person a notice giving him the right, within such time as may be specified in the notice, to make representations to them with respect to the application, and they shall have regard to any such representations at the same time as the application is considered, or, in a case coming within the proviso to the said subsection (1), shall forward a copy of such representations to the Secretary of State.

(4) (a) The Corporation shall keep a register of all decisions under this section dispensing with or relaxing any requirement of a byelaw.

(b) The register shall show the terms and conditions (if any) upon which, and subject to which, any application under this section has been granted and shall, at all reasonable hours, be open to public inspection without payment.

(5) If a person contravenes or fails to comply with any term or condition upon which, and subject to which, any dispensation or relaxation of a byelaw is granted under subsection (1) of this section, he shall be liable to a fine not exceeding £50 and to a further fine not exceeding £10 for each day on which the default continues after conviction.

(6) (a) If the Corporation determine to refuse an application made under this section (not being an application to which the proviso to subsection (1) of this section applies), or to grant such an application subject to terms or conditions, the applicant may, by notice in writing appeal to the Secretary of State within one month from the date on which the Corporation notify the applicant of their determination.

(b) If within a period of two months beginning with the date of an application, or within such extended period as may at any time be agreed in writing between the applicant and the Corporation, the Corporation do not notify the applicant of their decision on the application, paragraph (a) of this subsection shall apply in relation to the application as if the Corporation had determined to refuse the application and notified the applicant of their determination at the end of the said period.

(c) The notice of appeal shall set out the grounds of appeal, and a copy of the notice of appeal shall be sent to the Corporation.

(d) The Corporation on receiving a copy of the notice of appeal shall transmit to the Secretary of State a copy of the application, a copy of all documents furnished by the applicant for the purposes of his application and a copy of any representations received by the Corporation under this section with respect thereto.



(e) The Corporation shall at the same time give to the Secretary of State in writing any representations which they desire to make as regards the appeal, and shall send a copy to the appellant.

(f) If the Secretary of State allows the appeal he shall give such directions for dispensing with or relaxing byelaws to which this section applies as may be appropriate.

(7) Notwithstanding anything in any other enactment, the byelaws to which this section applies shall have effect as if the maximum amount of the fine which may be imposed for an offence under any of those byelaws were a fine not exceeding £50 and a further fine not exceeding £10 for each day on which the default continues after conviction, instead of the maximum fines therein specified.

(8) This section applies to byelaws in force from time to time made by the Corporation under section 54 (Byelaws as to water-closets &c.) of the City of London (Various Powers) Act 1900 or section 5 (Byelaws as to pipes conveying acids) or section 6 (Byelaws as to sanitary appliances &c.) of the City of London (Various Powers) Act 1926.

1900  
c. ccxxviii.  
  
1926 c. vii.

8.—(1) Notwithstanding any subsequent redefinition of the port of London for the purposes of customs or excise, the definition thereof existing on the 1st April, 1965, as extended by section 31 (Extensions of port health district of the port of London) of the City of London (Various Powers) Act 1965, shall continue to constitute the definition of the said port for the purposes of section 41 of the London Government Act 1963.

Jurisdiction  
of Port  
Health  
Authority.  
1965 c. xxxix.  
1963 c. 33.

(2) Nothing in this section shall prejudice or affect the powers of the Secretary of State under the said section 41.

9. In section 167 (5) of the Representation of the People Act 1949, which makes provision relating to candidates for election by liverymen in common hall (as having effect in accordance with section 4 (Amendment of enactment relating to elections by liverymen in common hall) of the City of London (Various Powers) Act 1968), for the words “four hundred and fifty pounds” there shall be substituted the words “six hundred pounds”.

Amendment  
of enactment  
relating to  
elections by  
liverymen  
in common  
hall.  
1949 c. 68.  
1968 c. xxxvii.

10. In subsection (2) of section 18 (Poor rate) of the City of London (Union of Parishes) Act 1907 the words from the words “may also pay out of the Poor Rates the expenses of the maintenance of patients” to the words “the expenses of the Offices of Coroner and Clerk of the Peace respectively and” shall be omitted.

Amendment  
of City of  
London  
(Union of  
Parishes)  
Act 1907.  
1907 c. cxi.

PART III  
—cont.Power to  
borrow by  
means of  
bonds.1963 c. 46.  
1933 c. 51.Power to  
borrow on  
promissory  
notes.

1965 c. xxxix.

11. The provisions of section 7 of the Local Government (Financial Provisions) Act 1963 and of Schedule 1 to that Act (which empower local authorities to borrow money by means of the issue of bonds) shall extend and apply to the Corporation as if they were a local authority within the meaning of the Local Government Act 1933.

12. In section 34 (Power to borrow on promissory notes) of the City of London (Various Powers) Act 1965, for the words “exceed the sum of two million pounds” there shall be substituted the following words:—

“exceed an amount equal to 10 per cent. of the aggregate gross charge to rates for the area of the city during the then current financial year”.

Costs of Act.

13. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the city's cash and out of the general rate of the city in such proportions as the Corporation may deem just.

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# City of London (Various Powers) Act 1973

## CHAPTER xx

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