

SCHEDULES

SCHEDULE 2

AMENDMENTS OF PARTS III AND V OF 1984 ACT

Amendments of Part III

- 1 Part III of the 1984 Act (markets) shall be amended in accordance with paragraphs 2 to 11 below.
- 2 (1) In subsection (1) of section 50 (establishment or acquisition of markets), for the words “The council of a district” there shall be substituted the words “A local authority” and for the words “their district”, in each place where they occur, there shall be substituted the words “their area”.
- (2) In subsection (2) of that section, for the words “the district” there shall be substituted the words “the authority’s area”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—
 - “(3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority’s area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment”.
- 3 In section 51(2) (power to sell to local authority), the word “market” shall cease to have effect.
- 4 (1) In subsection (1) of section 53 (charges by market authority), the words “and in respect of the weighing and measuring of articles and vehicles” shall cease to have effect.
- (2) For subsection (2) of that section there shall be substituted the following subsection—
 - “(2) A market authority who provide—
 - (a) a weighing machine for weighing cattle, sheep or swine; or
 - (b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.”
- (3) In subsection (3)(b) of that section, the words “in respect of the weighing of vehicles, or, as the case may be,” shall cease to have effect.
- 5 For subsection (2) of section 54 (time for payment of charges) there shall be substituted the following subsection—

Status: This is the original version (as it was originally enacted).

“(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.”

6 In section 56(1) (prohibited sales in market hours), for the word “district” there shall be substituted the word “area”.

7 In section 57 (weighing machines and scales), subsection (1) shall cease to have effect.

8 After that section there shall be inserted the following section—

“57A Provision of cold stores

(1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.

(2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.

(3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.

(4) Subsections (1) to (5) of section 250 of the Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.”

9 Section 58 (weighing of articles) shall cease to have effect.

10 In section 60 (market byelaws), after paragraph (c) there shall be inserted the following paragraph—

“(d) after consulting the fire authority for the area in which the market is situated, for preventing the spread of fires in the market.”

11 In section 61 (interpretation of Part III), the words from “and this Part” to the end shall cease to have effect and for the definition of “market authority” there shall be substituted the following definitions—

““fire authority” means an authority exercising the functions of a fire authority under the Fire Services Act 1947;

“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 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.”