



# Hereford Markets Act 2003

## 2003 CHAPTER iv

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

WHEREAS—

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

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

## **1 Citation and commencement**

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

## **2 Interpretation**

In this Act—

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

“the district” means the district of Herefordshire; and

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

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

## **3 Operation and regulation of markets**

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

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#### **4 Relocation of markets**

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

#### **5 Repeals**

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

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## SCHEDULE

Section 5

## REPEALS

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

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