



CHAPTER xliv

An Act to make further provision with regard to the port and harbour undertaking and the markets undertaking of the mayor aldermen and burgesses of the borough of Wisbech to make further provision with respect to the funds of the Corporation and with respect to their income and expenditure and for other purposes.

[28th July 1950.]

WHEREAS by an Act passed in the fiftieth year of the reign of His Majesty King George the Third intituled "An Act for establishing a cattle market within the town of Wisbech in the Isle of Ely for taking down and removing the Shambles therein ; for paving cleansing lighting and watching the said town and removing nuisances therein for preserving and improving the port and harbour of Wisbech and for regulating the pilots belonging thereto" the mayor aldermen and burgesses of the borough of Wisbech (hereinafter referred to as "the Corporation") are authorised to demand and receive certain tonnage duties upon vessels coming to or leaving the port and harbour of Wisbech :

50 Geo. 3.
c. ccvi.

And whereas by subsequent enactments the Corporation are authorised to charge levy and receive various further dues rates tolls and charges and it is expedient to define the revenue of the port and harbour undertaking of the Corporation :

And whereas by the Wisbech Harbour (Increase of Charges) Order 1949 made by the Minister of Transport in virtue of his powers under the Defence (General) Regulations 1939 the Corporation were empowered to increase the charges which they may demand and take in respect of the rates chargeable on certain goods under section 28 of the Wisbech Corporation Act 52 & 53 Vict. '1889 and it is expedient that the powers of the Corporation should be continued :

And whereas the Corporation are the owners of a markets undertaking and it is expedient to authorise an increase or alteration in the market tolls stallages rents or charges chargeable by and to confer further powers upon the Corporation in regard to that undertaking :

And whereas it is expedient to make further provision in reference to the income and expenses of the Corporation including the income and expenses of the port and harbour undertaking and of any other undertakings of the Corporation from time to time existing :

And whereas it is expedient that the other provisions contained in this Act be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

23 & 24 Geo. 5. And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act c. 51. 1933 have been observed :

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 (that is to say) :—

PART I

PRELIMINARY

- Short title: 1. This Act may be cited as the Wisbech Corporation Act 1950.
- Division of Act into Parts. 2. This Act is divided into Parts as follows :—
 Part I.—Preliminary.
 Part II.—Port and harbour.
 Part III.—Markets and fairs.
 Part IV.—Finance and miscellaneous.
- Incorporation of Act of 1847. 3.—(1) The following provisions of the Act of 1847 so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act:—
 (i) Sections 2 and 3 (which relate to the construction of the Act);
 (ii) Sections 13 to 16 (which relate to the holding of markets and fairs and the protection thereof);
 (iii) Sections 21 to 30 (which relate to the weighing of goods and carts);
 (iv) Sections 33 and 41 (which relate to stallages rents and tolls).

(2) In construing the said incorporated Act the expression “the undertakers” shall mean the Corporation the expression “the special Act” shall mean this Act and the expressions “the limits of the special Act” “the prescribed limits” and any like expression shall mean the borough.

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

“The Act of 1810” means the Act 50 Geo. 3. c. ccvi referred to in the preamble to this Act;

“The Act of 1847” means the Markets and Fairs Clauses Act 1847; 10 & 11 Vict. c. 14.

“The Act of 1848” means the Act 11 & 12 Vict. c. cxliii intituled “An Act to improve the river Nene and Wisbech River and the drainage of lands discharging their waters into the same”;

“The Act of 1852” means the Nene Valley Drainage and Navigation Improvement Act 1852; 15 & 16 Vict. c. cxxviii.

“The Act of 1889” means the Wisbech Corporation Act 1889;

“The Act of 1933” means the Local Government Act 1933;

“Authorised market officer” means an officer of the Corporation authorised by them to collect tolls stallages and other charges in their markets;

“Authorised rates” means the duties tolls rates charges and dues which the Corporation are for the time being authorised to levy demand and recover in pursuance of the Act of 1810 the Act of 1848 the Act of 1852 and the Act of 1889 or any order made under section 8 (Revision of rates) of this Act;

“The borough” means the borough of Wisbech;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The county council” means the county council of the administrative county of the Isle of Ely;

“Enactment” means any Act of Parliament whether public general local or private or any order or scheme made under an Act of Parliament or any provision in an Act of Parliament or in any such order or scheme;

“Financial year” means the period of twelve months ending on the thirty-first day of March;

“The general rate fund” means the general rate fund of the borough;

“Market house” means market house market hall or market building or market premises of the Corporation;

PART I
—cont.

“Market stand” means stand stall bench shed pen table compartment standing room station or space in any market house market place or cattle market;

“The markets undertaking” means the markets undertaking of the Corporation and includes the markets market house market places cattle market and fairs established or acquired or to be established or acquired by the Corporation and the manorial and other rights franchises powers authorities and privileges for the time being belonging to or held or used by the Corporation for or in relation to or in connection with markets and fairs and any services or facilities which the Corporation undertake or provide in connection therewith;

“The Minister” means the Minister of Transport;

“The port and harbour revenue” means the port and harbour revenue of the Corporation as defined in section 5 (Definition of port and harbour revenue) of this Act;

“The port and harbour undertaking” means the port and harbour undertaking of the Corporation and includes the port and harbour estate of the Corporation;

“Statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

38 & 39 Vict.
c. 83.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by virtue of any subsequent enactment including this Act.

PART II

PORT AND HARBOUR

Definition of
port and
harbour
revenue.

5. For the purposes of the Act of 1889 and this Act the expression “the port and harbour revenue” includes the revenue receivable in respect of—

- (1) The duties authorised by section XLIX (Power to receive duties) of the Act of 1810;
- (2) The tolls and duties authorised by section XLIX (Tonnage duties may be received in respect of such contributions) of the Act of 1848;

- (3) The tolls and duties authorised by section CLII (Tonnage duties may be received in respect of such contributions) of the Act of 1852 ;
- (4) The rates charges dues rents and other moneys authorised by Part II (Quay or river wall and railway) of the Act of 1889 ;
- (5) Any other sums (not of a capital nature) receivable by the Corporation arising from or in connection with the carrying on of the port and harbour undertaking.

6. The Corporation shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the port and harbour undertaking. Accounts of port and harbour undertaking.

7.—(1) The Third Schedule to the Act of 1889 shall be read and have effect as if— Amendment of Third Schedule of Act of 1889.

- (a) the words “ Bricks per ton . . . 0 6 ” were substituted for “ Bricks per thousand . . . 0 3 ” ;
- (b) the words “ Potatoes per ton . . . 0 6 ” were substituted for “ Potatoes per ton . . . 0 3 ” ;
- (c) the words “ Timber per ton . . . 0 9 ” were substituted for “ Wood timber and wood not otherwise described per ton or load of 50 cubic feet . . . 0 2 ” ; and
- (d) the following were inserted :—

	s.	d.
Fertilisers per ton	0	6
Grain per ton	0	6

(2) The Wisbech Harbour (Increase of Charges) Order 1949 is hereby revoked but without prejudice to the validity of anything done in pursuance thereof.

8.—(1) If it is represented by application in writing to the Minister— Revision of rates.

- (a) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port of Wisbech and is a proper person to make an application ; or
- (c) by the Corporation ;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit

PART II
—cont.

may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Corporation where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Corporation or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Corporation being insufficient or more than sufficient to enable the Corporation with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Corporation may reasonably be expected to expend) making good depreciation providing for any contributions which the Corporation may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he

thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Corporation being insufficient to enable the Corporation to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

PART II
—cont.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Corporation were authorised to levy demand and recover under or by virtue of the Act of 1810 the Act of 1848 the Act of 1852 or the Act of 1889.

(7) The provisions of section 26 (Inquiries by Ministers) of this Act shall apply to inquiries which the Minister may cause to be held under this section.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

PART III

MARKETS AND FAIRS

9. The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held and enjoyed by them.

Markets
undertaking
to continue
vested in
Corporation.

10. The Corporation without prejudice to any other powers conferred upon them by any enactment or to the generality of the provision of the last preceding section shall have the following powers in relation to the markets undertaking (namely):—

Powers of
Corporation
as to markets
and fairs.

(1) (a) They may continue the markets and fairs held at the commencement of this Act and may from time to time—

(i) by order made and submitted to the Minister for confirmation by him prescribe or alter streets or parts of streets in which the markets are or may respectively be held ;

(ii) alter the places in which the markets are or may respectively be held ; and

(iii) establish and hold new markets and discontinue any existing or new markets :

Provided that the power to discontinue any existing or new market shall not be exercised unless and until the same shall be sanctioned by the Secretary of State ;

(b) The Corporation shall consult with the county council before making an order under sub-paragraph (i) of paragraph (a) of this subsection with respect to any highway maintainable by the county council ;

PART III
—cont.

(c) The provisions of the Second Schedule to this Act shall apply to the submission and confirmation of orders under sub-paragraph (i) of paragraph (a) of this subsection:

- (2) They may continue and from time to time provide market places and market houses for the sale of any animals poultry or other articles and places for fairs together with all such market stands buildings offices approaches appliances conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters:
- (3) They may alter enlarge improve extend reconstruct and rebuild their existing market houses and the shops and buildings under the same or they may erect or provide and maintain new buildings therefor and in connection with or as part of such market houses or new buildings or any market place or any of their markets or the markets undertaking they may maintain and may erect or provide offices shops stores warehouses toll-houses or other premises for receipt of tolls and other tenements or buildings:
- (4) They may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or the markets undertaking appropriate and use any lands for the time being vested in or belonging to them.

Notice of
alteration of
markets.

11. At least three months before the Corporation alter any place in which markets are held under the powers of this Act they shall publish in one or more local newspapers circulating in the borough and in the London Gazette notice of the intention to alter such market.

Application
of Act of 1847.

12.—(1) The provisions of the Act of 1847 incorporated with this Act shall apply to the markets undertaking and for the purposes of such application the following provisions shall have effect:—

- (a) In section 3 of the Act of 1847 in the definition of the word “cart” there shall be inserted after the word “waggon” the words “and lorry” and for the word “carriage” there shall be substituted the words “other vehicle whether mechanically propelled or not”;
- (b) The markets fairs market places and market houses of the Corporation existing at the commencement of this Act shall be deemed to have been duly opened for public use and to be complete and fit for the use of the persons resorting thereto and certified as being so

complete and fit and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the Act of 1847 ;

(c) The limits of this Act for the purposes of markets and fairs and within the meaning of the Act of 1847 shall be the borough ;

(d) The prescribed days within the meaning of the Act of 1847 for the holding of markets in the borough shall be Monday Saturday the Thursday before Good Friday and Christmas Eve ;

(e) The stallages rents tolls and charges provided for by section 19 (Market and fair tolls) of this Act shall be deemed to be the stallages rents tolls and charges to be taken by the undertakers within the meaning of the Act of 1847 ;

(f) In section 38 of the Act of 1847 after the word "cattle" wherever that word occurs there shall be inserted the words "animals poultry".

(2) Except as provided by section 3 (Incorporation of Act of 1847) of this Act and this section the provisions of the Act of 1847 shall not apply to the markets undertaking.

13.—(1) The Corporation may from time to time make such byelaws as they think fit for all or any of the following purposes (that is to say):— Byelaws as to markets and fairs.

(a) For fixing the days and the hours during each day on which the market or fair shall be held ;

(b) For prohibiting the holding of any fair in any of the streets and market places of the borough.

(2) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Secretary of State.

(3) In addition to complying with the requirements of section 250 of the Act of 1933 the Corporation shall at least one month before application for confirmation of byelaws made under this section publish in the London Gazette notice of their intention to apply for confirmation.

14. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of the markets market houses market places weighing houses weighing places and weighing machines from time to time under the management of the Corporation or any of them and the tolls or any of them and any of the market stands and other conveniences in the markets of the Corporation or in any market house or market place for the time being belonging to them or under their Power to grant leases.

PART III
—cont.

management to any person for any period not exceeding seven years and may grant leases (with a similar right) of any office shop catering establishment store warehouse tenement cellar or building situate in any of the markets of the Corporation or forming part of or acquired or erected in connection with the markets undertaking including any premises not used for the time being in connection with the markets undertaking to any person for such period as the Corporation may think fit.

Information as to number weight &c. of animals and articles brought to market.

15.—(1) The person in charge of any vehicle in which and any person by whom animals poultry or other articles are brought for sale in the markets of the Corporation shall give to any authorised market officer such information as to their number and kind or in the case of articles on which tolls are chargeable by reference to weight as to their weight as that officer may call for.

(2) Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds.

Compulsory acquisition of land for markets undertaking. 9 & 10 Geo. 6. c. 49.

16.—(1) The Corporation may be authorised by the Minister of Health to purchase land compulsorily for the purposes of the markets undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

Further provisions as to fairs.

17.—(1) (a) The fairs which may lawfully be held in the borough shall be held on the several days on which they have heretofore been usually held in every year (namely)—

(i) the mart from the first Saturday in March until the second Saturday in March inclusive ;

(ii) the horse and cattle fair on the second Monday in May ;

(iii) the horse fair on the twenty-fifth day of July ;

(iv) the cattle fair on the first Monday in August ; and

(v) the statute fair on the third Wednesday in September.

(b) The said statute fair held on the third Wednesday in September of every year may if the Corporation think fit in addition be held on the two days immediately before and the two days immediately after the said third Wednesday in September.

(2) (a) The Corporation may by order made and submitted to the Minister for confirmation by him remove any fair from any of the streets and market places of the borough to any other street or market place within the borough.

(b) The Corporation shall consult with the county council before making an order under paragraph (a) of this subsection with respect to any highway maintainable by the county council.

(c) The provisions of the Second Schedule to this Act shall apply to the submission and confirmation of orders under paragraph (a) of this subsection.

PART III
—cont.

18. At least three months before the Corporation remove any fair except under the powers of the last preceding section of this Act they shall publish in one or more local newspapers circulating in the borough and in the London Gazette notice of the intention to remove such fair.

Notice of
removal of
fairs.

19.—(1) The Corporation may demand and take—

Market and
fair tolls.

(a) as respects any cattle market under their management from any person bringing therein animals poultry and other articles mentioned in Part I of the First Schedule to this Act and in respect of the occupation or use of any space in any such market or in respect of the use of any weighing house or place weight measure scales or machines in any such market any stallages rents tolls and charges not exceeding those specified in that Part of the said First Schedule and from any auctioneer holding auction sales therein an annual sum not exceeding three guineas ;

(b) as respects any general market under their management any stallages rents tolls and charges not exceeding those specified in Part II of the said First Schedule ;

(c) as respects any fair held in the borough any stallages rents tolls and charges not exceeding those specified in Part III of the said First Schedule.

(2) The Corporation may with the sanction of the Secretary of State from time to time alter or add to the stallages rents tolls and charges mentioned in the said First Schedule and any such altered tolls shall as from the date on which they come into operation be substituted for the corresponding stallages rents tolls and charges payable under that schedule.

(3) Notice of intention of the Corporation to apply to the Secretary of State for his sanction to any alteration of or addition to the stallages rents tolls or charges with respect to fairs shall be published in one or more local newspapers circulating in the borough and in the London Gazette.

(4) If it is represented by application in writing to the Secretary of State by any person that the charge demanded by the Corporation for any container or stand of goods articles commodities or other things specified in the application (hereinafter in this section referred to as "the specified goods") is excessive the Secretary of State may prescribe for such period as he thinks fit a charge in respect of containers or stands of the specified goods of a less amount than the maximum amount payable under the said First Schedule and thereupon the charge

PART III
—cont.

which the Corporation may demand and take in respect of a container or stand of the specified goods shall not exceed the charge prescribed by the Secretary of State.

Power to take possession of market stands for non-payment of rents &c.

20. If any person occupying or using any market stand shall not after any stallage rent toll or charge has become due and payable to the Corporation in respect of the market stand and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of that market stand and re-let the same without prejudice to any other remedy for the recovery of such stallage rent toll or charge.

As to sale of distrained goods.

21. The Corporation may sell any animals poultry or other articles distrained upon in pursuance of section 38 of the Act of 1847 in respect of which toll is payable and after deducting from the proceeds of sale the amount due to them together with the expenses of distraint and sale shall return the surplus if any to the person or persons to whom the animals poultry or other articles belonged.

PART IV

FINANCE AND MISCELLANEOUS

Power to borrow.

22.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 to borrow without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay any sum so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Receipts and expenses of undertakings.

23.—(1) All receipts in respect of the estates of the Corporation the markets undertaking and the port and harbour undertaking shall be paid into the general rate fund and all payments in respect of such estates and undertakings shall be paid out of that fund.

(2) Notwithstanding anything contained in any previous enactment no sums shall be paid from the income of the corporate estates or market undertaking of the Corporation to the credit of the port and harbour revenue.

24.—(1) The Corporation shall keep their accounts in respect of each of their undertakings as from time to time existing from which revenue is derived (each of which is in this section separately referred to as “the undertaking”) so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking ;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes under any enactment ;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking ;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue ;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain ; and
- (f) any money expended on any of the purposes mentioned in the next following section other than money paid to a reserve fund.

(2) The Corporation shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

25.—(1) If in respect of any financial year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation from which revenue is derived (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a)

Application of
general rate
fund for certain
purposes.

PART IV
—cont.

(b) (c) and (d) of subsection (1) of the last preceding section the Corporation (if they think fit) may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In the reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) In providing a reserve fund in respect of the undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the reserve fund so provided amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which is in existence on the first day of April nineteen hundred and fifty-one shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) in or towards the payment of the cost of acquiring land for or renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Inquiries by
Ministers.

26. The Minister and the Minister of Health may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

27. The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

PART IV
—cont.

Application of provisions of Public Health Act 1936.
26 Geo. 5. &
1 Edw. 8. c. 49.

- Section 271 (Interpretation of “provide”);
Section 293 (Recovery of expenses &c.);
Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 298 (Restriction on right to prosecute);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative).

28. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.
10 & 11 Geo. 6.
c. 51.

29. The following enactments are hereby repealed:—

Repeals.

The Act of 1810

- Section V (Power to take tolls);
Section VI (Mode of recovering tolls);
Section VII (Mode of settling disputes concerning tolls);
Section VIII (Power to demise the tolls);
Section IX (Application of the tolls);
Section X (Tolls to be reduced when more than sufficient and to cease when not wanted):

Wisbech Port Act 1855

- Section XVII (If harbour tolls and dues are insufficient in any one year for payment of interest on collateral mortgages &c. deficiency to be made up by rates);
Section XVIII (Power to make rate accordingly):

The Act of 1889

- Section 66 (If port and harbour revenue insufficient in any year for payment of interest on collateral mortgages &c. deficiency to be made up by rates);
Section 67 (Power to make rates accordingly);
The Seventh Schedule.

30. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

Costs of Act.

FIRST SCHEDULE

PART I.—CATTLE MARKET

Tolls for animals birds vehicles implements or other articles whether sold or not—	£	s.	d.
For each stallion mare or gelding	4	0	
For each horse mule ass or bull	3	0	
For each colt filly foal pony cow bullock or heifer ...	2	6	
For each calf ram or goat	1	6	
For each sheep or pig	1	0	
For each lamb or sucking pig			6
For each rabbit dog ferret or animal not named elsewhere in this part of this schedule			3
For each fowl including geese turkeys guinea fowl ducks chickens (with the exception of day-old chicks)			3
For day-old chicks per dozen			2
For eggs per dozen			2
For each vehicle machine or implement—			
Less than £25 in value	2	6	
Not less than £25 in value but less than £100 ...	5	0	
Not less than £100 in value but less than £250 ...	10	0	
Not less than £250 in value but less than £500 ...	1	0	0
£500 or more in value	2	0	0
For each lot of agricultural industrial or household accessories—			
Less than £10 in value	2	0	
Not less than £10 in value but less than £25 ...	2	6	
Not less than £25 in value but less than £100 ...	5	0	
£100 or more in value	10	0	
The above tolls to be paid for every animal bird vehicle implement or article for each day on which the same is placed in the market whether sold or exposed for sale.			
Space—		s.	d.
For every square foot occupied or used by any person for the purposes of the show sale display or exhibition of any article uncovered or covered per day			4
Weighing tolls—			
For every horse mule or ass			6
For every head of cattle			6
For every five (or less number) of sheep or pigs or other like animals			3
For every other animal			1

PART II.—GENERAL MARKET

1ST SCH.
—cont.

For the occupation and use of any space on the surface of the ground according to the size and dimensions of the same for each superficial square foot or fractional part of a superficial square foot occupied or used for each day or part of a day—

Any sum not exceeding—	s.	d.
If a stall is provided by the Corporation ...		3
If a stall is not provided by the Corporation ...		2
The minimum charge for each day to be ...	5	0

For every container or stand wherein or whereon are goods articles commodities or other things whatsoever carried or exposed for sale in any market house or market place or in any lands connected therewith where a stall is not used and not otherwise chargeable under the foregoing provisions of this schedule for each day or part of a day—

Any sum not exceeding	s.	d.
	10	0

PART III.—FAIRS

For the occupation and use of any space on the surface of the ground according to the size and dimensions of the same for each superficial square foot or fractional part of a superficial square foot occupied or used for each day or part of a day—

Any sum not exceeding	s.	d.
		2
The minimum charge for each day to be	5	0

For every caravan wagon or other vehicle used exclusively for living purposes owned or used by travelling showmen the sum of

5 0

For every container or stand wherein or whereon are goods articles commodities or other things whatsoever carried or exposed for sale in any place for fairs in the borough or in any lands connected therewith not otherwise chargeable under the foregoing provisions of this schedule for each day or part of a day—

Any sum not exceeding	10	0
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SECOND SCHEDULE

PROCEDURE FOR SUBMISSION FOR CONFIRMATION OF ORDERS UNDER
SECTIONS 10 AND 17.

(1) Before submitting an order to which this schedule applies to the Minister for confirmation the Corporation shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the borough and once in the London Gazette a notice—

(a) stating the general effect of the order ;

2ND SCH.
—cont.

(b) specifying a place in the borough where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice ;

(c) stating that the order is about to be submitted to the Minister for confirmation and that any person within the said period of twenty-eight days may by notice to the Minister object to the confirmation of the order.

(2) Not later than the date on which the said notice is first published the Corporation shall serve a copy thereof and a copy of the order on the county council and in the case of an order under section 17 of this Act on the Showmen's Guild of Great Britain so long as that Guild shall be registered under the Trade Union Acts 1871 to 1940.

(3) The Corporation shall at the request of any person interested furnish him with a copy of the order upon payment of such charge not exceeding one shilling as they think reasonable.

(4) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case unless it appears to him that the objection is of a trivial nature he shall before confirming the order cause a public inquiry to be held and shall consider any objection not withdrawn and the report of any person who held the inquiry and may then confirm the order with or without modification.

(5) As soon as may be after an order to which this schedule applies has been confirmed by the Minister the Corporation shall publish in one or more local newspapers circulating in the borough a notice stating that the order has been confirmed and naming the place where a copy of the order may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the confirmation of the order appeared at the public inquiry in support of his objection.

(6) A copy of a newspaper containing a notice published in pursuance of this schedule shall be sufficient evidence of the publication of the notice.

(7) An order to which this schedule applies shall come into operation upon but not until such date as may be specified in the order.

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ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Incorporation and application of Harbours Clauses Act 1847.
3. Interpretation.
4. Rates on goods.
5. Rates on seaplanes.
6. Repeal of certain provisions relating to tonnage duties.
7. Power to vary and compound for rates.
8. Revision of rates.
9. Amendments of section 4 of Act of 1913.
10. As to names of agents in registers.
11. Power to purchase lands by agreement.
12. Powers as to moorings.
13. As to houseboats.
14. Appeals under last two preceding sections.
15. Commencement of section 13 of this Act.
16. Removal of sunk stranded or abandoned vessels.
17. As to vessels in which the Crown have an interest.
18. Power to borrow.
19. Saving for powers of Treasury.
20. Return to Minister.
21. Reserve fund.
22. Contributory pension funds.
23. Application of Local Government Act 1933 to byelaws.
24. Inquiries by Minister.
25. Recovery of rates.
26. Recovery of penalties.
27. Several sums in one summons.
28. Saving for Ipswich Corporation.
29. Costs of Act.

SCHEDULES :

First Schedule—Enactments relating to incorporation of the Harbours Clauses Act 1847 repealed.

Second Schedule—Rates on goods.