



Covent Garden Market Act, 1961

9 & 10 ELIZ. 2 CH. 49

LONDON
HER MAJESTY'S STATIONERY OFFICE

Covent Garden Market Act, 1961

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**CHAPTER 49**

An Act to establish a Covent Garden Market Authority and vest in them lands in the parish of Saint Paul, Covent Garden, and chattels the property of Covent Garden Market Limited; to make provision for the conduct in, and adjacent to, Covent Garden, under the control of the Covent Garden Market Authority, of activities relating to the dealing in bulk in horticultural produce; and to make provision with respect to matters arising out of the matters aforesaid. [27th July, 1961]

WHEREAS by Letters Patent bearing date at Westminster the twelfth day of May, sixteen hundred and seventy (in this Act referred to as "the Letters Patent"), His late Majesty King Charles the Second gave and granted to William Earl of Bedford the right to have, hold and keep, in a place in the parish of Saint Paul, Covent Garden, commonly called, and in this Act referred to as, "the Piazza", a market for the buying and selling of all manner of fruit, flowers, roots, and herbs, whatsoever, together with all liberties and free customs, tolls, stallage, piccage, and all other profits, advantages, and emoluments whatsoever, to such market any way belonging, appertaining, arising, or coming, or with the same used, held, or enjoyed:

And whereas such market was held accordingly in the Piazza and, together with the ground on which it was held, became known by the name of Covent Garden Market:

And whereas with the effluxion of time there arose so great an increase of the quantity of articles brought to the said market for sale and of the number of persons resorting thereto as to

necessitate the passing, in the fifty-third year of the reign of His late Majesty King George the Third, of an Act entitled "An Act for regulating Covent Garden Market":

And whereas the said Act was, in the ninth year of the reign of His late Majesty King George the Fourth, repealed and replaced by another Act (in this Act referred to as "the Improvement Act") entitled "An Act for the improvement and regulation of Covent Garden Market":

And whereas, during a period of thirty years (more or less) beginning about the year eighteen hundred and sixty, Francis Duke of Bedford and his successors erected, upon land adjacent to the Piazza, buildings to which persons resorted to buy and sell fruit, flowers and other horticultural produce:

And whereas, as the result of divers transactions, the rights conferred by the Letters Patent and the Improvement Act together with the fee simple as well of the greater part of the land comprising the Piazza as of the land adjacent thereto the site of the said buildings, and of other land adjacent thereto, have become vested in a company named Covent Garden Market Limited (in this Act referred to as "the Company"):

And whereas it is expedient to make further provision for regulating the market business carried on on the lands aforesaid and in the neighbourhood thereof and, in connection therewith, for reducing the congestion of traffic and the risk of fire now occasioned by the ill-arranged state of those lands and the land in the neighbourhood thereof, and for that purpose to constitute a public authority and vest in them, for the interest therein of the Company, such of the lands aforesaid as are coloured pink on the plans (in this Act referred to as "the deposited plans") which, in connection with the Bill for this Act, have been deposited with the London County Council and the Council of the City of Westminster:

And whereas books of reference to the deposited plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands coloured pink on those plans, have been deposited with those plans:

Be it therefore 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:—

The Covent Garden Market Authority

**The Covent
Garden
Market
Authority.**

1.—(1) On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument, there shall be constituted an Authority to be called the Covent Garden Market Authority (hereafter in this Act

referred to as “ the Authority ”) which shall exercise and perform the functions assigned to them by this Act.

(2) The Authority shall consist of a chairman and a managing director appointed by the Minister, and such number of other members so appointed, not being less than three nor more than six, as the Minister may from time to time determine.

(3) The members of the Authority shall be appointed from amongst persons appearing to the Minister to have had wide experience of, and shown capacity in, industry, commerce, administration, transport, finance, the practice of the law or the organisation of workers, or to have, in some other respect, special knowledge or experience that would be of value to the Authority in the exercise and performance of their functions, and of the members one shall be a person nominated by the Minister of Transport.

(4) Before appointing a person to be a member of the Authority, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as member of the Authority, and the Minister shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest ; and a person who is, or whom the Minister proposes to appoint to be, a member of the Authority shall, whenever required by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(5) The Authority—

- (a) shall pay to each member of the Authority other than the managing director, in respect of the member’s office as such, such remuneration (whether by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine, and to the chairman in respect of his office as such, such remuneration and allowances (in addition to any remuneration and allowances to which he may be entitled in respect of his office as a member), and to the managing director such salary and allowances, as the Minister may, with the like approval, determine ; and
- (b) in the case of such members as the Minister may, with the approval of the Treasury determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of those members as he may, with the like approval, determine in the case of those members respectively.

(6) The Minister shall, as soon as possible after the constitution of the Authority, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to the members of the Authority under this section; and, if a subsequent determination by him under this section involves a departure from the terms of the said statement or if a determination by him under this section relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Authority, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(7) The incidental provisions contained in the First Schedule to this Act shall have effect with respect to the Authority.

Vesting in the Covent Garden Market Authority of market Lands, and Provisions ancillary thereto

Vesting of market lands.

2. On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument (hereafter in this Act referred to as "the vesting day") the lands in the City of Westminster coloured pink on the deposited plans (hereafter in this Act referred to as "the market lands") shall, by virtue of this section and without further assurance, vest in the Authority for a title comprising all the interests of the Company then subsisting therein, freed and discharged from all mortgages of and charges on those interests but in other respects subject to, and with the benefit of, the covenants (except covenants discharged by the following provisions of this Act), agreements, limitations and rights, to which they were subject and of which they had the benefit immediately before that day.

Revocation of Letters Patent and Improvement Act, and other provisions consequential on vesting of market lands.

3. On the vesting day—

- (a) the Letters Patent and the Improvement Act shall cease to have effect; and
- (b) any right of the inhabitants to use the Piazza for the purposes of exercise and recreation shall be extinguished, and so shall any right of the public arising from a presumed dedication as a highway of the Piazza or any part thereof, in so far as that right subsists over the lands in the City of Westminster numbered 9 on the deposited plans.

Discharge of certain covenants in, or arising out of, conveyances of land in Covent Garden Area for securing payment of tolls.

4.—(1) A covenant (however expressed) contained in a conveyance executed before the fourth day of November, nineteen hundred and sixty, of land in the Covent Garden Area whose effect is to prohibit the use of that land for the sale or warehousing, without the consent of the vendor or his assignee, of produce for the time being usually sold or dealt with in the Covent Garden Markets, being a covenant to which is annexed a provision (however expressed) whose effect is to preclude the

withholding of such consent if the person bound by the covenant enters into a covenant to pay the same tolls in respect of produce sold or warehoused as if it had been dealt with in the Covent Garden Markets, shall be discharged on the vesting day.

(2) A covenant entered into as consideration for the grant of consent, requisite in consequence of the existence of such a covenant as is first mentioned in the foregoing subsection, to the use of land for the sale or warehousing of such produce as is therein mentioned, shall be discharged on the vesting day except as respects any dealing with produce before that day.

5.—(1) Where any land vested in the Authority by section two of this Act is, at the time of vesting, the subject of a lease containing—

- Discharge of certain covenants in, or arising out of, leases of land in Covent Garden Area for securing payment of tolls.
- (a) a covenant by the lessee (however expressed) whose effect is to preclude him and persons deriving title through or under him from using the land except for a purpose approved by the lessor ;
 - (b) a provision (however expressed) which constitutes the grant of the lessor's approval to the carrying on on the land by the lessee of the business of dealers in produce usually sold or dealt with in Covent Garden Market ;
 - (c) a covenant by the lessee, as consideration for the grant of such approval as aforesaid, to pay to the lessor the same tolls in respect of such produce as aforesaid warehoused at, or sold from, the land by the lessee as would be payable in respect thereof if it had been sold in the Covent Garden Markets ; and
 - (d) a provision (however expressed) whose effect is to enable the grant of such approval as aforesaid to enure, with the lessor's consent, for the benefit of a person deriving title through or under the lessee and to preclude that consent from being unreasonably withheld where such a person enters into a covenant in the like terms as that of the covenant mentioned in the last foregoing paragraph ;

the following provisions of this section shall have effect.

(2) On the vesting day the covenant mentioned in paragraph (a) of the foregoing subsection shall be discharged in so far as it precludes the lessee or a person deriving title through or under him from carrying on such business as is mentioned in paragraph (b) of that subsection.

(3) The covenant mentioned in paragraph (c) of subsection (1) of this section shall be discharged on the vesting day except as respects any warehousing or sale of produce before that day, and any covenant entered into in pursuance of the provision mentioned in paragraph (d) of that subsection shall be discharged on that day to the like extent.

Revocation of agreements by occupiers of stands in, or premises on, market lands to pay tolls in respect of produce dealt with elsewhere.

6. Any agreement (however expressed, and whether enforceable or not) subsisting immediately before the vesting day, being an agreement whereunder a person is liable, so long as he occupies a stand in, or premises on, the market lands, to pay tolls in respect of produce warehoused at, or sold from, premises occupied by him elsewhere than on the market lands, shall be revoked on that day except as respects any warehousing or sale before that day.

Vesting of the Company's market chattels.

7.—(1) On the vesting day the property to which this section applies, being property owned by the Company and used or appropriated for use on or in connection with the market lands (other than property fixed to and forming part of those lands), shall, by virtue of this section and without further assurance, vest in the Authority freed and discharged from any mortgage, or any charge or lien for securing money or money's worth, to which any of it is subject.

(2) This section applies to furniture, fixtures, fittings and fixed and movable equipment, and to uniforms of staff of the Company.

Compensation for vesting of market lands.

8.—(1) In consideration of the vesting in the Authority, by virtue of section two of this Act, of the market lands, there shall be payable by the Authority the like compensation to the like persons as would have been payable by them if they had acquired those lands compulsorily in the circumstances mentioned in the next following subsection; and (subject to subsection (3) of this section) the enactments relating to compensation in respect of the compulsory acquisition of land shall apply accordingly with the necessary modifications.

(2) The circumstances referred to in the foregoing subsection are those that would have existed if—

- (a) the Authority were a metropolitan borough which, being capable of being authorised under the Acquisition of Land (Authorisation Procedure) Act, 1946, to purchase compulsorily the market lands, had been so authorised and had served the requisite notices to treat immediately before the vesting day;
- (b) the incorporation of the Lands Clauses Acts with the enactment under which the purchase was authorised had been effected with such modification as would have been requisite to have permitted the Authority to purchase those lands without the benefit of such covenants as are discharged by the foregoing provisions of this Act; and
- (c) immediately after the service of the said notices the Authority had been in the position of having complied with all the requirements of the Lands Clauses Acts

with which (in the circumstances specified in the foregoing paragraphs) they would have had to comply to enable them to do, in accordance with those Acts, all things requisite for vesting the said lands in themselves for such a title as is mentioned in section two of this Act, freed and discharged from the like mortgages and charges as those from which they are freed and discharged by that section but in other respects subject to, and with the benefit of, the covenants, agreements, limitations and rights subject to which, and with the benefit of which, they vest in the Authority by virtue of that section, and they had thereupon done those things.

(3) For the purposes of the foregoing provisions of this section it shall be assumed that the vesting of the market lands in the Authority had operated to vest in them the like rights as are conferred by the Letters Patent and the Improvement Act and that paragraph (b) of section three of this Act had not been enacted, and compensation shall be assessed accordingly.

(4) Any mortgages or charges over the market lands subsisting immediately before the vesting day and from which the Authority acquire them freed and discharged shall be affected in the same way and with the like consequences, and any persons entitled thereto shall have the like rights and obligations, as if the circumstances mentioned in subsection (2) of this section had actually existed.

(5) Compensation payable under this section in consideration of the vesting of the market lands shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which the compensation is paid, at the rate for the time being in force under subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947.

9.—(1) In the case of a covenant discharged by section four of this Act or by subsection (3) of section five thereof, the person entitled to the benefit thereof immediately before the discharge shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the discharge, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal. Compensation for discharge of covenants.

(2) For the purpose of assessing the amount of compensation payable under this section in respect of the discharge of a covenant, no regard shall be had to the provisions of section two of this Act.

(3) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting

day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of the last foregoing section.

Compensation for revocation of agreements.

10.—(1) In the case of an agreement revoked by section six of this Act, the person entitled to the benefit thereof immediately before the revocation shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the revocation, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

Provisions as to interests under covenants or agreements subject to charges.

11. Where the interest of any person in the benefit of any covenant discharged by section four of this Act or by subsection (3) of section five thereof, or in the benefit of any agreement revoked by section six thereof, is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under section nine or, as the case may be, ten of this Act in respect of any loss sustained by that person by reason of the discharge or revocation of the covenant or agreement shall be deemed to be comprised in the mortgage, charge or lien.

Compensation for vesting of chattels.

12.—(1) In consideration of the vesting in the Authority by virtue of subsection (1) of section seven of this Act of property to which that section applies, there shall be payable to the Company by the Authority compensation of such amount as, in default of agreement, may be determined by the arbitration of a person nominated by the President of the Royal Institution of Chartered Surveyors.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

(3) Where any of the property which vests in the Authority by virtue of the said subsection (1) is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under this section in consideration of the vesting thereof in the Authority shall be deemed to be comprised in the mortgage, charge or lien.

13.—(1) Subject to the provisions of this section, every contract, whether in writing or not, for the rendering of personal services to which the Company was a party immediately before the vesting day shall have effect, as from that day, in favour of and against the Authority as if—

- Transfer to the Authority of rights and liabilities under contracts for rendering of personal services to the Company.
- (a) the Authority had been a party to the contract instead of the Company; and
 - (b) for any reference (however worded and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) There shall be excepted from the operation of this section any right, liability or obligation under any contract for the rendering by any person of personal services to the Company as a director, or as secretary of the Company, or in any capacity in the registered office of the Company.

(3) Where by virtue of this section a liability or obligation in respect of a payment falling due on or after the vesting day becomes the liability or obligation of the Authority, and any part of that payment is attributable to services rendered before the vesting day, an amount equal to the value of the part so attributable may be recovered by the Authority from the Company as a simple contract debt in any court of competent jurisdiction.

14.—(1) Subject to the provisions of this section, the provisions of the deeds, rules and policies specified in Part I of the Second Schedule to this Act, being deeds, rules and policies by virtue of which there subsist—

- Transfer to the Authority of liabilities under the Company's pensions schemes, and appointment of Public Trustee as trustee of certain of those schemes.
- (a) a pensions scheme known as the Covent Garden Market Staff Pension and Assurance Scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1957");
 - (b) a pensions and assurance scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1937") established on the first day of July, nineteen hundred and thirty-seven, for the benefit of employees of Covent Garden Properties Company Limited (hereafter in this section and in the said Schedule referred to as "the former company");
 - (c) a pension arrangement for the benefit of John Marsh entered into on the twenty-first day of June, nineteen hundred and fifty-six, by the former company,

shall have effect, as from the vesting day, in favour of and against the Authority as if—

- (i) the Authority had been a party, instead of the Company, to each of those deeds to which the Company was a party; and

(ii) for any reference (however worded, and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) As from the vesting day the Public Trustee shall, by virtue of this section, be appointed trustee of the deeds specified in Part I of the said Second Schedule and comprised in the Scheme of 1957 or the Scheme of 1937 in place of the trustees thereof immediately before that day, and any provision of any of those deeds relating to the composition of the majority of the trustees thereof shall, so long as the Public Trustee is trustee thereof, be of no effect.

(3) Section forty of the Trustee Act, 1925 (which provides for the vesting of trust property in new trustees) shall have effect in relation to the appointment of the Public Trustee under the last foregoing subsection as if that appointment had been made by deed made on the vesting day.

(4) The fees chargeable by the Public Trustee in pursuance of section nine of the Public Trustee Act, 1906, and the expenses of the Public Trustee which might by virtue of that section be retained out of any property subject to the Scheme of 1957 or the Scheme of 1937 if the Public Trustee were a private trustee, shall, instead of being paid or retained as provided by that section, be paid by the Authority.

(5) Part II of the Second Schedule to this Act shall have effect for the purpose of making financial adjustments consequential on the foregoing provisions of this section.

Restriction of dispositions by the Company of market lands.

15. Any sale or letting of, or of any part of, the market lands effected by the Company after the constitution of the Authority without the previous consent in writing of the Authority shall be void.

Duties and Powers of the Covent Garden Market Authority

Duty of the Authority to provide market and storage facilities.

16.—(1) On and after the vesting day it shall be the duty of the Authority to provide within the Covent Garden Area facilities (hereafter in this Act referred to as “market facilities”) for the conduct of a market for the dealing in bulk in horticultural produce and any such other commodities as, immediately before that day, were commonly so dealt in on those parts of the market lands commonly known as the Charter Market, the Floral Hall, the Russell Street Market, the Flower Market and the Jubilee Market.

(2) In the first instance the duty imposed on the Authority by the foregoing subsection shall be discharged by the provision by them of facilities on the market lands, but they shall, so soon as practicable, take such steps as are practicable either to improve those facilities or to provide, in substitution therefor, better ones on other lands within the Covent Garden Area.

(3) It shall be the duty of the Authority to provide, so soon as practicable, adequate facilities (hereafter in this Act referred to as "storage facilities") for the storage of horticultural produce intended to be dealt in in bulk in the Covent Garden Area and of empty containers for produce so dealt in; and so far as practicable the Authority shall provide those facilities outside the Covent Garden Area.

(4) The Authority shall keep the market and storage facilities provided by them under constant review, and shall carry out such alterations or improvements to those facilities as appear to them requisite and practicable.

17.—(1) In the discharge of their duties the Authority shall have regard to the public interest generally and to the desirability of preserving and improving the amenities of the Covent Garden Area, and they shall so exercise and perform their functions—

Duty of the Authority to have regard to public interest and objects to be attained by them.

- (a) as to secure that the amount of land in the Covent Garden Area used for the dealing in bulk in horticultural produce, the storage of horticultural produce intended to be dealt in in bulk and the storage of containers for produce intended to be so dealt in is progressively reduced (and, in particular, that it is so reduced as not to exceed ten acres at the expiration of the period of seven years beginning with the vesting day) and that the land in that Area so used is concentrated within as small and regular an area as may be;
- (b) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to result in those facilities' being provided within as small and regular areas as may be;
- (c) as to provide, on the last-mentioned lands, adequate and suitable parking places and adequate and suitable places where vehicles may be loaded and unloaded, and as to secure that entrances to those lands from highways and exits from those lands to highways are appropriately sited with a view to minimising traffic congestion;
- (d) as to secure the avoidance of traffic congestion in, and in the vicinity of, the Covent Garden Area and on, and in the vicinity of, any lands outside that area where they are for the time being providing storage facilities;
- (e) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to minimise danger from fire and that, generally, danger from fire in the Covent Garden Area and on, and in the vicinity of, any lands outside that Area on which they are for the time being providing storage facilities is minimised;

- (f) as to secure that, so soon as may be and so far as is practicable, empty containers for horticultural produce dealt in in bulk in the Covent Garden Area are not stored in that Area except in premises provided for the purpose by the Authority ;
- (g) as to reduce so far as is practicable, on the one hand, the amount of produce brought in in bulk to the Covent Garden Area for sale while increasing so far as is practicable, on the other hand, the amount of business done by means of the facilities provided by them.

(2) If at any time the Minister is satisfied that it is necessary, in all the circumstances, so to do, he may by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) give either or both of the following directions, namely,—

- (a) a direction that paragraph (a) of the foregoing subsection shall have effect as if, for the reference to ten acres (or if a reference to some other acreage has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such greater acreage as may be specified in the order ;
- (b) a direction that the said paragraph (a) shall have effect as if, for the reference to seven years (or if a reference to some other period has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such longer period as may be so specified.

(3) In discharging the duty imposed on them by subsection (1) of the last foregoing section, the Authority shall secure that the facilities provided for the transaction of business by persons who sell by wholesale horticultural produce grown by them are relatively no less adequate than the facilities provided for the transaction of business by other classes of persons.

Additional
functions of
the Authority.

18.—(1) The Authority shall have power—

- (a) to provide vehicles, plant and machinery for the transport of horticultural produce and containers therefor within the Covent Garden Area or any place outside that Area where the Authority are providing storage facilities or between the Covent Garden Area and any such place or for the handling of such produce or containers within that Area or any such place ;
- (b) to provide plant and machinery for accelerating or retarding the ripening of horticultural produce or for securing the storage of such produce at controlled temperatures or otherwise in conditions designed to prevent its deterioration ;

- (c) to provide plant and machinery for washing or cleansing the place where the Authority are providing market facilities or that where they are providing storage facilities ;
- (d) to provide, or secure that there is provided, for persons employed in, or frequenting, the places where market and storage facilities are provided by the Authority, rest rooms, canteens, washing facilities and sanitary conveniences and such other (if any) accommodation or facilities the provision of which appears to the Authority expedient for the purpose of securing the welfare of such persons ;
- (e) to provide (consistently with the discharge of their duties) facilities for enabling persons to carry on, at the place where the Authority are providing market facilities, business consisting of, or comprising, the sale, otherwise than by wholesale, of horticultural produce and such other commodities as are mentioned in subsection (1) of section sixteen of this Act ;
- (f) to carry on all such other activities as it may appear to the Authority to be requisite, advantageous or convenient for them to carry on for or in connection with the discharge of their duties or with a view to making the best use of any of their assets ;

but the Authority shall not, by virtue of paragraph (f) of this subsection, carry on activities with a view to making the best use of any of their assets except with the consent of the Minister.

(2) The Authority shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, the borrowing or raising in accordance with the following provisions of this Act or the lending of money, the acquisition of any property or rights or the disposal of any property or rights not in their opinion required for the proper exercise or performance of their functions) which in their opinion is calculated to facilitate the proper discharge of their duties or to facilitate the exercise of any of their powers under the foregoing provisions of this section, or is incidental or conducive thereto.

(3) Where, in the exercise or performance of their powers or duties, the Authority render a service to any person, they may make such charges in respect thereof as may be agreed between the Authority and that person.

19. The Town and Country Planning Act, 1947, shall have effect as if references to statutory undertakers in the following provisions thereof, namely,—

paragraph (b) of subsection (2) of section five (designation in a development plan, as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers, of any land allocated by the plan for the purposes of any of their functions),

Power of the Authority to acquire land compulsorily under Town and Country Planning Act, 1947.

section nine (land designated as aforesaid ceasing to be so designated in certain circumstances),

section thirty-seven (compulsory acquisition of land designated as aforesaid), and

paragraph (b) of subsection (7) of section forty-five (references to the execution of the works in the Lands Clauses Acts, as incorporated with Part IV of the 1947 Act, to be construed as including references to any erection, construction or carrying out of buildings or works by or on behalf of statutory undertakers, on land acquired by those undertakers, for the purposes for which the land was acquired),

included references to the Authority; and, in relation to the compulsory acquisition of land under the said section thirty-seven by virtue of this section, the appropriate Minister shall be the Minister.

Power of the Authority to promote and oppose Bills.

20. The Authority may, with the consent of the Minister, promote Bills in Parliament, and may oppose any Bill in Parliament.

Regulation of Marketing in the Covent Garden Area under the Administration of the Covent Garden Market Authority

Restriction of use of premises in Covent Garden Area for certain purposes, and prohibition of use for those purposes of premises within a certain distance from that area.

21.—(1) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the Covent Garden Area to be used—

- (a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale; or
- (b) for the storage of horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such produce; or
- (c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers;

unless there is in force a licence granted under this section by the Authority authorising the use of the land for that purpose.

(2) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the prohibited area to be used for any such purpose as is mentioned in paragraph (a), (b) or (c) of the foregoing subsection.

(3) If a person uses land in contravention of the foregoing provisions of this section, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(4) Subsections (1) and (2) of this section shall not apply to—

- (a) land on which the Authority are providing market or storage facilities or facilities for a purpose incidental to the marketing of horticultural produce,
- (b) land used for office purposes only,
- (c) land used jointly for office purposes and for a purpose other than one mentioned in paragraph (a), (b) or (c) of subsection (1) of this section, or
- (d) land used for any purpose of a business of a wholesale grocer,

and subsection (2) of this section shall not prohibit the use, after the expiration of the relevant period, of land for any purpose of a business of selling horticultural produce by wholesale if the land was used for such a purpose on the fourth day of November, nineteen hundred and sixty, and immediately before the expiration of that period and was not, in the meantime, used for any purpose other than such a purpose as aforesaid.

(5) In this section—

- (a) “land” (without prejudice to section three of the Interpretation Act, 1889) includes part of a building;
- (b) “the relevant period” means the period of four weeks beginning with the vesting day.

22.—(1) An application to the Authority for a licence under the last foregoing section in respect of any land shall be made in the prescribed form and identify the land in the prescribed manner, and an application for a licence under the last foregoing section, other than a licence which, if it is applied for, the Authority will, by virtue of the next following subsection, be bound to grant, shall not be made except after the vesting day.

Grant,
duration and
revocation of
licences under
preceding
section.

(2) Where, immediately before the vesting day, any land in the Covent Garden Area is used for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of the last foregoing section, the Authority shall be bound to grant a licence under that section authorising the use of the land for that purpose provided that the following conditions are satisfied, namely—

- (a) that, immediately before the fourth day of November, nineteen hundred and sixty, the land was used for such a purpose;

- (b) that, between that day and the vesting day the land was not used for a purpose other than such a purpose as is so mentioned ; and
- (c) that, within the period of three months beginning with the day on which the Authority are constituted, there has been made to the Authority an application for the grant of a licence, being an application giving the prescribed particulars with respect to the use of the land immediately before and during the period beginning with the said fourth day of November and ending with the making of the application.

(3) Unless within three months after the receipt of an application under this section for the grant of a licence (other than a licence which, if it is applied for, the Authority will, by virtue of the last foregoing subsection, be bound to grant), or within such further time as may be agreed with the applicant, the Authority give notice to the applicant of their decision on the application, the provisions of this Act shall apply in relation to the application as if the Authority had notified the applicant, on the day with which the said period of three months expires, of their refusal to grant the licence.

(4) A licence under the last foregoing section may authorise the use of the land to which it relates either without restriction or for a particular purpose only, and shall, unless revoked under the following provisions of this section, continue in force without limit of time.

(5) A licence under the last foregoing section authorising the use of land for any purpose may, by agreement between the Authority and the person (or all the persons, if more than one) using the land for that purpose, be revoked, so far as it authorises the use of the land for that purpose, either as regards the whole of that land or as regards part of it.

(6) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that alternative accommodation or facilities (whether within or outside the Covent Garden Area) suitable for enabling that purpose to be effected is or are, on the revocation, offered by the Authority to the person or persons then using the land for that purpose, that the terms on which the accommodation or facilities is or are to be offered are reasonable, that six months' previous notice in writing of the Authority's intention to revoke the licence (specifying the accommodation or facilities to be offered, stating the terms on which it or they is or are to be offered and giving all other relevant particulars with respect thereto) has been given to the person or persons using the land for that purpose at the time when the notice was given, and that the Authority have secured for the person or persons notified

reasonable opportunity for inspecting or investigating the accommodation or facilities to be offered.

(7) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that the land or, in the case of a revocation as respects part of the land, that part, has not been used for that purpose at any time during the relevant period and that one month's previous notice in writing of the Authority's intention to revoke the licence (specifying that purpose) has been given to the person who was the occupier of the land at the time when the notice was given and to the person who was the owner of the land at that time.

In this subsection "owner" means the person for the time being receiving the rackrent of the land, or who would so receive the rackrent if the land were let at a rackrent, and "relevant period" means the period beginning with the day twelve months before the day on which the notice is given and ending with the day next before that on which the notice is given.

(8) Where alternative accommodation or facilities specified in a notice under subsection (6) of this section is or are offered on land that cannot lawfully be used for the purpose for which the accommodation or facilities is or are offered without a licence under the last foregoing section, the Authority, if the offer of the accommodation or facilities is accepted, shall grant the requisite licence.

(9) No fee shall be charged for the grant of a licence under the last foregoing section.

(10) In this section "land" has the same meaning as in the last foregoing section, and "prescribed" means prescribed by the Minister by regulations made by statutory instrument.

23.—(1) A person to whom notice is given under subsection (6) of the last foregoing section may, not later than three months before the expiration of the notice, apply to the Westminster county court for a declaration that the accommodation or facilities specified in the notice is not or, as the case may be, are not suitable for effecting the purpose for which it is or they will be offered or that the terms on which it is or they are to be offered are unreasonable; and, in determining whether either of those things is so or not, the court shall have regard to all the circumstances of the case, including the needs of persons who use the land in question for the purpose in question, the objects which, by virtue of subsections (1) and (3) of section seventeen of this Act, are to be attained by the Authority, and the extent of the economies (if any) which, as a result of the Authority's giving effect to those subsections and to subsections (2), (3) and (4) of section sixteen of this Act have accrued or may reasonably be expected to accrue to such persons.

Power of court
to restrain
revocation
of licences
under section
21.

(2) Where an application is duly made to the Westminster county court under the foregoing subsection it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the application, until the application is withdrawn or determined.

(3) A declaration of the Westminster county court under subsection (1) of this section shall, unless and until set aside on appeal, operate to preclude the Authority from availing themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the declaration.

(4) Where a declaration under subsection (1) of this section is refused by the Westminster county court, it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6) (so far as the exercise thereof depends on the giving of the notice that led to the making of application for the declaration) until the time for appealing to the Court of Appeal against the decision of the court has expired nor, if an appeal is entered within that time, until it is withdrawn or determined ; and where either—

- (a) on an appeal from a decision of the Westminster county court granting such a declaration, the declaration is set aside ; or
- (b) an appeal from a decision of that court refusing such a declaration is dismissed ;

it shall not be competent to the Authority to avail themselves of the powers aforesaid (so far as the exercise thereof depends as aforesaid) until the time for appealing to the House of Lords has expired nor, if an appeal to the House of Lords is duly entered and is withdrawn or dismissed, until (as the case may be) the withdrawal or the expiration of one month from the dismissal.

(5) A person to whom notice is given under subsection (7) of the last foregoing section may, at any time before the expiration of the notice, apply to the Westminster county court for a declaration that the land has been used for the purpose specified in the notice during the relevant period referred to in that subsection, and subsections (2) to (4) of this section shall have effect where an application is duly made to that court under this subsection as they have effect where an application is duly made to that court under subsection (1) of this section, with the substitution, for references to the powers of the Authority under subsection (6) of the last foregoing section, of references to the powers of the Authority under subsection (7) of that section, and, for references to a declaration under subsection (1) of this section, of references to a declaration under this subsection.

24.—(1) Where, by reason of the refusal of the Authority to grant under section twenty-one of this Act a licence authorising the use of land in the Covent Garden Area, a person suffers damage by reason of the depreciation of an interest of his in that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which he is notified of the refusal, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal, provided that the following conditions are fulfilled, that is to say,—

Compensation
for damage
due to
operation of
sections 21
and 22.

- (a) he was the owner of that interest on the expiration of the relevant period (within the meaning of the said section twenty-one);
- (b) that the conditions specified in paragraphs (a) and (b) of subsection (2) of section twenty-two of this Act are not satisfied in the case of that land; and
- (c) that no licence under that section relating to that land has been revoked.

(2) The foregoing subsection shall apply where, by reason of the grant by the Authority under the said section twenty-one of a licence authorising the use of land for a particular purpose only, a person suffers damage as mentioned in that subsection as it applies where a person so suffers by reason of the refusal of the Authority to grant a licence, subject to the modification that, for the reference to notification of the refusal, there shall be substituted a reference to notification of the grant of the licence.

(3) Any such person as the following, namely—

- (a) a person who, in consequence of the revocation of a licence under section twenty-one of this Act, suffers damage by reason of the depreciation of an interest of his in the land to which the licence related;
- (b) a person who, in consequence of the revocation (otherwise than by virtue of subsection (7) of section twenty-two of this Act) of such a licence, suffers damage by reason of his being disturbed in his enjoyment of the land to which the licence related;

shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which the revocation takes effect, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(4) Where a person who owns an interest in land in the prohibited area at the expiration of the relevant period (within the meaning of section twenty-one of this Act) suffers, in consequence of the operation of subsection (2) of that section, damage by reason of the depreciation of that interest, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following the expiration of that period, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(5) A deceased person's legal personal representatives shall have the like title to compensation under subsection (1) of this section as the deceased would have had had he survived.

(6) Paragraph 3 of the Fourth Schedule to the Town and Country Planning Act, 1947 (which makes special provision in the case of compensation payable under Part III of that Act in respect of the depreciation of an interest subject to a mortgage) shall, with the substitution, for the reference to the local planning authority, of a reference to the Authority, apply for the purposes of this section as it applies for the purposes of the said Part III.

(7) The Minister may in any particular case (either before, on or after the day with which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making a claim for compensation under subsection (1), (3) or (4) of this section.

Power of the Authority to control transport and storage of horticultural produce and containers therefor.

25.—(1) The Authority may make regulations for all or any of the following purposes, namely,—

(a) prohibiting or regulating the bringing into the Covent Garden Area, or the keeping on any land therein (whether or not land whose use for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of section twenty-one of this Act is unlawful without a licence under that section) of horticultural produce intended for sale by wholesale or of any specified description of horticultural produce intended for sale by wholesale;

(b) prohibiting or regulating the bringing or sending into the Covent Garden Area of empty containers for horticultural produce or any specified description of empty containers for horticultural produce by persons of all or any of the following classes, namely,—

(i) persons carrying on in the Covent Garden Area the business of selling by wholesale (whether as principals or as agents) horticultural produce;

(ii) persons who, in the course of a business carried on by them in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in the foregoing sub-paragraph ;

(iii) persons who, in the course of a business carried on by them in the United Kingdom, buy horticultural produce from, or through the agency of, such persons as are mentioned in sub-paragraph (i) of this paragraph ;

(iv) persons who carry on in the United Kingdom a business which consists of, or includes, an undertaking for the storage for reward of such empty containers as aforesaid ;

or requiring persons of all or any of those classes who in the Covent Garden Area have in their possession or under their control such empty containers as aforesaid or any specified description thereof to remove them from that Area or, in default of removal, to deliver them to such premises within that Area as may be designated by or under the regulations for the reception of containers or, as the case may be, containers of that description for storage there or for the collection (for subsequent removal for storage) of containers or, as the case may be, containers of that description ;

(c) in a case where storage facilities are provided by the Authority on premises outside the Covent Garden Area, for prohibiting the use, for the purpose of the storage of horticultural produce intended to be dealt in in bulk in that Area or of empty containers for produce so dealt in, of any land outside those premises but within the circumference of a circle whose centre is situate at such point within those premises as may be specified in the regulations and the length of whose radius is such as may be so specified, not being greater than a quarter of a mile.

(2) Regulations under this section may grant exemptions from any of the provisions thereof or provide for the grant of such exemptions by such persons as may be specified in the regulations.

(3) Regulations under this section shall not have effect until confirmed by an order made by the Minister by statutory instrument which shall set out the regulations in a schedule thereto and of which a draft shall be laid before Parliament.

(4) Where a prohibition is imposed on the use of any land by a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of this section and a person who owns an

interest in that land at the coming into operation of that provision suffers, in consequence of the operation of that provision, damage by reason of the depreciation of that interest or of his being disturbed in the enjoyment of that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of a period of six months beginning with the day on which that provision comes into operation, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

Subsections (6) and (7) of the last foregoing section shall apply for the purposes of this subsection as they apply for the purposes of that section.

(5) A person who contravenes or fails to comply with a provision of regulations having effect by virtue of paragraph (a) or (b) of subsection (1) of this section or uses land in contravention of a provision of regulations having effect by virtue of paragraph (c) of that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(6) For the purposes of this section a description of horticultural produce may be framed by reference to any circumstances whatsoever.

(7) In this section "land" has the same meaning as in section twenty-one of this Act.

**Market
byelaws.**

26.—(1) The Authority may make byelaws (subject to confirmation by the Minister) for all or any of the following purposes, namely,—

- (a) prohibiting the sale, except during such hours and on such days as may be specified in the byelaws, of horticultural produce brought into the market area and of such other commodities as are mentioned in subsection (1) of section sixteen of this Act that are so brought ;
- (b) prohibiting the bringing of horticultural produce or such other commodities as aforesaid into the market or storage area except during such hours and on such days as may be so specified and prohibiting the removal of such produce or commodities from that area except as aforesaid ;
- (c) prohibiting the use of parts of the market area specified in the byelaws except for the sale or exposure for sale, by sellers of such description as may be so specified, of horticultural produce of such kind as may be so specified or of such other commodities as aforesaid of such kind as may be so specified ;

- (d) prohibiting the erection of stands in the market area elsewhere than at places specified in the byelaws and prohibiting persons, for the purpose of selling horticultural produce or such other commodities as aforesaid, from stationing themselves in that area elsewhere than as aforesaid ;
- (e) regulating the erection of stands in the market area and prohibiting the erection therein of stands of dimensions exceeding those specified in the byelaws or not made wholly of materials of a kind so specified ;
- (f) preventing the outbreak and spread of fire in or on the market area, the storage area, land in respect of which a licence is in force under section twenty-one of this Act or premises where accommodation or facilities are provided in pursuance of paragraph (d) of subsection (1) of section eighteen of this Act and, in particular, for that purpose—
 - (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment ;
 - (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of produce, containers or packing materials as appear to the Authority to be inflammable ;
 - (iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators or retarders as appear to the Authority to be inflammable or any such specified preservative, accelerator or retarder as so appears ;
 - (iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances ;
 - (v) imposing such prohibitions, restrictions or requirements as appear to the Authority requisite for securing that no articles of any description are stored in such manner as to obstruct the use of fire-fighting equipment ;
- (g) preventing obstruction in the market or storage area and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within the market or storage area and restricting or regulating therein the parking of vehicles and the loading or unloading thereof ;

(h) securing the cleanliness of any such area, land or premises as is or are mentioned in paragraph (f) of this subsection (including, in the case of the market or storage area, shops, stands and other places where horticultural produce is sold or is exposed for sale or inspection) and preventing the accumulation on or in any such area, land or premises, and securing the removal therefrom, of refuse ;

(i) regulating the conduct of persons resorting to the market or storage area and, in particular, preserving order therein and preventing damage to property therein.

(2) The following provisions of the Local Government Act, 1933, namely, subsections (2) to (7) of section two hundred and fifty, and sections two hundred and fifty-one and two hundred and fifty-two (which relate to the procedure for making, fines for offences against, and evidence of, byelaws) shall apply to byelaws made by the Authority under this section as if the Authority were a local authority and the secretary to the Authority were the clerk to the local authority.

(3) The Minister, before confirming byelaws under this section, may, if he thinks fit, cause a local inquiry to be held.

(4) Before submitting any byelaws under this section to the Minister for confirmation, the Authority shall seek consultation on the byelaws with every local authority having jurisdiction in the area within which the byelaws are to operate.

(5) The Authority shall secure that there shall be kept prominently displayed in the market and storage areas, in such places and in such positions as will enable them to be easily seen and read by persons resorting to those areas respectively, copies of, or summaries of the effect of, such parts of byelaws in force under this section as appear to the Authority to be necessary to be brought to the attention of those persons.

(6) In this section—

(a) “ accelerators ” means substances used for accelerating the ripening of horticultural produce ;

(b) “ local authority ” means the council of a county, a borough (including a metropolitan borough) or an urban or rural district, and includes the Common Council of the City of London ;

(c) “ the market area ” means the land on which the Authority are for the time being providing market facilities ;

(d) “ preservatives ” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of horticultural produce ;

- (e) "retarders" means substances used for retarding the ripening of horticultural produce ;
- (f) "the storage area" means the land on which the Authority are for the time being providing storage facilities.

27.—(1) If—

- (a) any thing is stored or deposited in contravention of a provision of byelaws having effect by virtue of paragraph (f) of subsection (1) of the last foregoing section ; or
- (b) any horticultural produce or an empty container therefor causes an obstruction in contravention of a provision of byelaws having effect by virtue of paragraph (g) of that subsection,

Power of the Authority to seize and dispose of articles in certain cases.

the Authority may remove it and, subject to the following provisions of this section, may sell or otherwise dispose of it.

(2) It shall be the duty of the Authority, where they remove any produce, container or other thing under this section, to notify, as soon as may be after the removal, the person entitled at the time of removal to the custody or control of the produce, container or other thing, of the fact of its having been removed and of the place to which it has been removed.

(3) The Authority shall not dispose (otherwise than by way of sale) of any produce, container or other thing removed under this section unless, in their opinion, it is unsaleable.

(4) The power of disposal conferred on the Authority by this section shall not, in the case of produce, be exercised before the expiration of the period of seven days beginning with the day next following that on which it is removed unless, in the opinion of the Authority, its condition is such as to render expedient the disposal thereof before the expiration of that time, and the said power shall not, in the case of any other thing, be exercised before the expiration of that period.

(5) Any produce, container or other thing removed under this section shall be delivered to a person entitled to the custody or control thereof if, before it is disposed of under this section, he pays to the Authority the costs reasonably incurred by them in connection with its removal and storage up to the time of payment.

(6) If the net proceeds of the sale under this section of any produce, container or other thing exceed the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of sale, the excess shall be paid to the person who at the time of removal was the owner thereof upon his claiming it ; and if the net proceeds of the sale fall short of such costs, the deficiency may be recovered from that person by the Authority as a simple contract debt in any court of competent jurisdiction.

(7) Where any produce, container or other thing is disposed of under this section otherwise than by way of sale, the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of disposal together with the costs (if any) reasonably incurred by them in connection with the disposal may be recovered from the person who at the time of its removal was the owner thereof by the Authority as a simple contract debt in any court of competent jurisdiction.

Power of the Authority to levy tolls.

28.—(1) The Minister may, on the application of the Authority, approve for the purposes of the Covent Garden Area a table of tolls, and (subject to the provisions of this section) the Authority may demand, in respect of horticultural produce brought into that Area on or after the vesting day for the purpose of its being sold by a person who carries on (whether in that Area or not, and whether as principal or as agent) a business of selling such produce by wholesale, either the tolls approved by the Minister or such less tolls as the Authority may from time to time determine.

(2) Immediately after the Authority submit to the Minister a table of tolls for approval under the foregoing subsection they shall publish, in such manner as the Minister directs (being the manner appearing to him best calculated for bringing the table to the notice of persons likely to be affected thereby), a notice stating that they have submitted the table to him and specifying the place where copies of the table may be inspected and obtained and the time (not being less than twenty-eight days beginning with the day on which the notice is published, or first published) within which objections to the table may be made to him; and if any objections are duly made the Minister shall, before taking any further proceedings in the matter of the table, cause a local inquiry to be held with respect to the objections; and, if he approves the table, may do so either with or without modifications.

(3) The Authority shall keep exhibited in conspicuous places on the land whereon they are for the time being providing market facilities printed tables stating in large and legibly printed characters the several tolls payable under this section.

(4) The person liable to pay tolls under this section in respect of any produce shall be he who carries on the business in the course of which the produce is intended to be sold at the time when it is brought into the Covent Garden Area.

(5) Toll payable under this section shall be paid from time to time on demand to an officer of the Authority specially authorised by them to collect tolls.

(6) If a person liable to pay a toll under this section does not pay it when lawfully demanded, the Authority may recover it as a simple contract debt in any court of competent jurisdiction.

(7) The Authority may, by notice in writing served on any such person as is mentioned in subsection (1) of this section require him to make to them such returns and furnish to them such other information and to produce for examination by them such books or other documents (being books or documents of a description specified in the notice which are in the custody or under the control of that person), as may be necessary for ascertaining the amount of any tolls payable under this section by him to them.

(8) No tolls shall be demanded under this section in respect of produce brought into the Covent Garden Area for the purpose of its being sold by a person carrying on a business of a wholesale grocer.

29.—(1) In addition to levying tolls under the last foregoing section, the Authority shall have power, by virtue of a scheme in that behalf made by them, to impose, on persons carrying on in the Covent Garden Area the business of selling (whether as principals or as agents) horticultural produce by wholesale, charges of such amounts as may be specified in the scheme in respect of sales of such produce made by them in the course of so carrying on that business. Power of the Authority to levy on Covent Garden wholesalers charges other than tolls.

(2) A scheme under this section—

(a) shall specify circumstances (which may include, with or without modification, all or any of those set out in the Third Schedule to this Act) in which, for the purposes of the scheme, sales are to be assumed to have been made and shall provide—

(i) for the amounts of the charges in respect of sales shown to the satisfaction of the Authority to have been made in the specified circumstances to be computed by reference to the prices paid by the buyers under the sales ;

(ii) for the amounts of the charges in respect of sales not so shown to be computed by reference to the prices which, in the opinion of the Authority, would have been paid by the buyers under the sales had the sales been made in the specified circumstances ;

and may provide for the levying of different amounts in different cases ;

(b) may provide for exempting sales of such classes as may be specified in the scheme ;

(c) may provide for exempting, or for empowering the Authority to exempt, from liability under the scheme persons whose gross takings from sales of horticultural produce amount on the average to a sum not exceeding, per annum, such sum as may be specified in the scheme ;

- (d) may specify the manner in which charges under the scheme are to be recovered by the Authority from the persons liable to pay them ;
- (e) may contain provision for securing, to a person liable under the scheme to charges imposed thereunder, rights against other persons (being persons from whom or on whose behalf he buys, or to whom or on whose behalf he sells, produce), of contribution towards satisfaction of all, or any specified proportion, of those charges ;
- (f) may, so far as appears to the Authority necessary for the proper operation of the scheme, require the persons liable to charges thereunder to be registered in a register to be kept by the Authority, to make records and to preserve them for such time (not exceeding, in the case of any record, three years from the making thereof) as may be specified in the scheme and to make or furnish to the Authority returns or other information and to produce to the Authority books and other documents in the custody or under the control of those persons ;
- (g) may make provision for any incidental or supplementary matters for which it appears to the Authority requisite or expedient to make provision for the purposes of the scheme.

(3) The scheme first made under this section shall be so framed as to secure that the charges thereby imposed come into operation on a date to be publicly notified by the Authority in such manner as they think best adapted for informing persons who will become liable to the charges, not being earlier than the vesting day or four weeks after the publication (or first publication) of the notification, and a charge under the scheme shall be payable in respect of a sale notwithstanding that it was made before the date notified if the price is payable thereon or thereafter.

(4) A scheme under this section shall not have effect until confirmed by order of the Minister made by statutory instrument.

(5) The power conferred by subsection (1) of this section to make a scheme shall be construed as including power to vary or revoke it by a subsequent scheme thereunder.

(6) For the purposes of paragraph 5 of the Third Schedule to this Act two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

30.—(1) If a justice of the peace on sworn information in writing,— Power to enter premises.

(a) is satisfied that there is reasonable ground for entry into any such premises as are mentioned in subsection (2) of this section for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, a contravention of, or failure to comply with, this Act or regulations or byelaws made thereunder or of removing any article which the Authority have power to remove under section twenty-seven of this Act; and

(b) is also satisfied either—

(i) that admission to the premises has been refused ;
or

(ii) that refusal of admission to the premises is apprehended and that notice of intention to apply for a warrant has been given to the occupier ; or

(iii) that an application for admission or the giving of such a notice would defeat the object of the entry ; or

(iv) that the case is one of urgency ; or

(v) that the premises are unoccupied or the occupier is temporarily absent ;

the justice may by warrant under his hand authorise the Authority by any authorised officer of theirs to enter the premises, if need be by force.

(2) The premises referred to in the foregoing subsection are any premises within the Covent Garden Area, the prohibited area or any area wherein the use of land is for the time being restricted by virtue of a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, being premises used, or reasonably suspected by the Authority to be used,—

(a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale ;

(b) for the storage of horticultural produce in the course of a business which consists of or includes an undertaking for the storage for reward of such produce ; or

(c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers.

(3) An authorised officer entering any premises by virtue of a warrant issued under this section may take with him such other persons as may be necessary, and on leaving any premises

which he has so entered, being unoccupied premises or premises from which the occupier is temporarily absent, shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant issued under this section shall continue in force for a period of one month.

(5) A person wilfully obstructing a person acting in the execution of a warrant issued under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds.

Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.

31.—(1) A person who fails to comply with a requirement imposed under subsection (7) of section twenty-eight of this Act or a requirement imposed under a scheme under section twenty-nine of this Act as to registration, the making or preservation of records, the making or furnishing of returns or other information or the production of books or other documents, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(2) A person who,—

(a) in compliance with a requirement imposed under the said subsection (7) or such a scheme as aforesaid to make a return or to produce any books or other documents, makes a return or produces a book or other document which he knows to contain an entry which is false in a material particular, or recklessly makes a return or produces a book or other document which contains an entry which is false in a material particular, or

(b) in purported compliance with a requirement imposed as aforesaid, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(c) wilfully makes a false entry in a record which is required to be made in pursuance of such a scheme as aforesaid,

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment, or, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Restriction of disclosure of information.

32.—(1) If a person discloses any information furnished to or obtained by him in pursuance of a requirement imposed under subsection (7) of section twenty-eight of this Act or under a scheme under section twenty-nine of this Act or while acting in exercise of a warrant issued under section thirty thereof, he

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment to a term not exceeding two years or to both a fine and such imprisonment, or, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Nothing in this section—

(a) shall, in the case of information furnished to, or obtained by, a person in pursuance of such a requirement as aforesaid, prevent its disclosure with the consent of the person by whom it was furnished or from whom it was obtained, or in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom;

(b) shall, in the case of information however obtained, prevent its disclosure to a member or officer of the Authority, or for the purposes of any proceedings pursuant to this Act (including arbitrations) or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.

*Constitution of Committees with executive and advisory
Functions for facilitating the Work of the Covent Garden
Market Authority.*

33.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Management Committee (hereafter in this section referred to as “the Management Committee”).

The Covent
Garden
Market
Management
Committee.

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the constitution of the Management Committee.

(3) The Authority shall seek consultation with the Management Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to affect substantially, or to be likely so to affect, the interests of persons of any of the classes mentioned in sub-paragraphs (i) to (iii) of paragraph (b) of subsection (1) of section twenty-five of this Act and not to be of an urgent nature, and may seek consultation with the Management Committee on any other matter, and the Management Committee may of their own motion make to the Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or

performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of any of those whose interests a member of the Committee is appointed as being capable of representing; and it shall be the duty of the Authority to take into consideration any representations made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

(4) Before making any regulations under section twenty-five of this Act or byelaws under section twenty-six thereof, the Authority shall refer a draft thereof to the Management Committee and shall not submit them to the Minister for confirmation until the expiration of the period of twenty-one days beginning with the day next following that on which they are so referred; and if before the expiration of that period the Authority receive from the Management Committee objections to the regulations or byelaws and do not, before submitting them to the Minister, amend them so as to meet all the objections, the Authority shall, when submitting the regulations or byelaws to the Minister, submit therewith a statement setting out each objection not met by an amendment and, in relation thereto, any proposal that may have been made by the Management Committee for meeting it.

(5) The Authority may, to such extent as they think fit, delegate to the Management Committee their powers and duties so far as exercisable or performable for the purposes of the day to day supervision and control of the use of the market and storage facilities provided by the Authority.

The Covent
Garden Traffic
Committee.

34.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Traffic Committee (hereafter in this section referred to as "the Traffic Committee"), consisting of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than nine nor more than twelve, as may be so determined.

(2) Of the appointed members of the Traffic Committee who are not officers of the Authority two shall be persons nominated by the Minister of Transport and seven shall be persons nominated respectively by the Minister, the Secretary of State, the London County Council, the Council of the City of Westminster, the Council of the Metropolitan Borough of Holborn, the British Transport Commission and the Trades Union Congress.

(3) No person shall be nominated by a Minister of the Crown for appointment as a member of the Traffic Committee unless that Minister is satisfied that that person has had wide experience of, and shown capacity in, the road haulage industry or traffic matters, and no person who is neither a nominee of a Minister of the Crown nor an officer of the Authority shall be appointed to be such a member unless the Authority are similarly satisfied.

(4) The Authority shall seek consultation with the Traffic Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to be connected with problems of transport or traffic attributable to the situation of the lands whereon they are for the time being providing market or storage facilities or of the entrances to those lands from highways or of the exits from those lands to highways or to the provision by the Authority of any other facilities.

35.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Workers Committee (hereafter in this section referred to as “the Workers Committee”), which shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than five nor more than ten, as may be so determined.

The Covent
Garden
Market
Workers
Committee.

(2) The members of the Workers Committee, other than the chairman and those who are officers of the Authority, shall be persons appointed as capable of representing the interests of workers employed in the production, marketing, transport or distribution of horticultural produce; and before appointing a person to be a member of the Workers Committee as capable of representing the interests of workers so employed the Authority shall consult with such bodies as appear to them to represent the interests of those whose interests the person to be appointed is to represent.

(3) The Authority shall seek consultation with the Workers Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to affect or to be likely to affect workers engaged in work connected with the market and storage facilities provided by the Authority or with the transport of horticultural produce to or from the lands on which such facilities are for the time being so provided, and the Workers Committee may of their own motion make to the

Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of such workers as aforesaid; and it shall be the duty of the Authority to take into consideration any representation made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

Incidental provisions with respect to the three Committees. 36. The provisions of the Fifth Schedule to this Act shall have effect with respect to each of the three Committees aforesaid.

Financial Provisions

General duty of the Authority as to finance. 37. It shall be the duty of the Authority so to exercise and perform their powers and duties under this Act as to secure that their revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another; and with a view to ensuring that that duty is discharged in ample manner the Minister may give to the Authority such directions as he thinks fit for increasing their revenues by availing themselves of the powers conferred by sections twenty-eight and twenty-nine of this Act, and the Authority shall comply with the directions.

Borrowing powers. 38.—(1) Subject to the provisions of the next following section, the Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require—

(a) for the purpose of defraying expenses (including the payment of interest on sums previously borrowed by them under this or the next following subsection or raised by them under subsection (3) of this section) pending the receipt of revenues receivable by them in respect of the accounting period in which those expenses are chargeable; and

(b) for the purpose of defraying, pending an exercise of their powers under the next following subsection, expenses intended to be defrayed by means of the exercise thereof.

(2) Subject to the provisions of the next following section, the Authority may borrow by the issue of stock or debentures for any of the following purposes, namely,—

(a) the payment of compensation under any of the foregoing provisions of this Act;

(b) the payment of the purchase money payable in respect of the acquisition by agreement by the Authority of

any interest in land or of compensation payable in respect of a compulsory acquisition of land by virtue of section nineteen of this Act ;

- (c) the provision of money for meeting any expenses incurred by the Authority in connection with the execution of works the cost of whose execution is properly chargeable to capital account ;
- (d) the payment of the purchase price of vehicles, plant or machinery provided by the Authority in exercise of the powers conferred by paragraphs (a) to (c) of subsection (1) of section eighteen of this Act ;
- (e) the provision of any working capital required by them ; and
- (f) any other purpose for which capital moneys are properly applicable.

(3) The Authority may raise money for all or any of the following purposes, namely,—

- (a) any of the purposes for which money may be borrowed under subsection (1) or (2) of this section (other than the repayment of money previously borrowed under the said subsection (2) or raised under this subsection or the replacement of money temporarily applied in repaying money previously borrowed under the said subsection (2)) ; and
- (b) the payment of interest on any sums previously raised under this subsection ;

by the taking of advances from the Minister.

(4) For the purposes of paragraph (f) of subsection (2) of this section, there shall be treated as purposes for which capital moneys are properly applicable—

- (a) the payment of any interest, falling due within five years immediately following the date of the borrowing, on any amount borrowed by the Authority under that subsection for the purpose of fulfilling the duty imposed on them by section sixteen of this Act to improve market facilities on the market lands or to provide better ones elsewhere (including any necessary acquisition of land) ;
- (b) the expenses of the creation or issue by the Authority of any stock or debentures ;
- (c) the repayment of moneys previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection ;
- (d) the replacement of moneys which, during the preceding twelve months, have been temporarily applied from other moneys of the Authority in repaying moneys

previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection and at the time of repayment it was intended to replace by borrowed moneys ;

but the Authority shall not, by virtue of the foregoing paragraphs, have power to borrow—

- (i) for the purpose of making any payment to a sinking fund or any payment of an instalment or any annual payment which has or may become due in respect of moneys borrowed or raised under this section ; or
- (ii) for the purpose of replacing any moneys previously borrowed or raised under this section which have been repaid by instalments or annual payments or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable for the purpose of the repayment, other than moneys borrowed for that purpose.

Restrictions
on, and
provisions
supplementary
to, borrowing
powers.

39.—(1) The aggregate of the amounts outstanding by way of principal in respect of—

- (a) borrowings under subsection (1) of the last foregoing section ;
- (b) borrowings under subsection (2) of that section (excluding borrowings for making such repayment as is mentioned in paragraph (c) of subsection (4) thereof) ; and
- (c) advances taken under subsection (3) of that section by the Authority from the Minister ;

shall not at any time exceed twenty million pounds.

(2) Any amount borrowed under subsection (2) of the last foregoing section shall be finally paid off at the expiration of such period (not exceeding sixty years) beginning with the day on which it was borrowed as the Authority may, with the approval of the Minister, fix in the case of that amount.

(3) For the purposes of the last foregoing subsection an amount borrowed under subsection (2) of the last foregoing section shall, to the extent (if any) to which it is borrowed for the purpose of defraying expenses that were initially defrayed by means of money borrowed under paragraph (b) of subsection (1) of that section, be deemed to have been borrowed when the borrowing under that paragraph took place.

(4) For the purposes of subsection (2) of this section any amount borrowed by virtue of paragraph (c) or (d) of subsection (4) of the last foregoing section shall, to the extent (if any) to which it was borrowed for the purpose of repaying money

borrowed previously under subsection (2) of that section or of replacing money temporarily applied in repaying money so borrowed, be treated as forming part of the money originally borrowed; but the Minister may, upon application made to him for the purpose, extend the period for the final paying off of an amount borrowed by virtue of the said paragraph (c) or (d), to the extent to which it was borrowed as aforesaid, so as to expire on such date as he thinks fit, not being later than the expiration of the period of sixty years beginning with the date of the borrowing of the money originally borrowed.

(5) During any period during which any advance taken from the Minister under subsection (3) of the last foregoing section is outstanding, the powers of borrowing conferred by subsections (1) and (2) of that section shall not be exercised except with the consent of the Minister and with the approval of the Treasury.

(6) A person lending money to the Authority shall not be bound to inquire whether the borrowing of money is within the power of the Authority.

(7) So long as the borrowing or raising of money in Great Britain without the consent of the Treasury is regulated by the provisions of an order made under the Borrowing (Control and Guarantees) Act, 1946, nothing in this or the last foregoing section shall be taken as authorising the borrowing of money by the Authority without the consent of the Treasury given under those provisions.

(8) The Authority shall not borrow any money except in accordance with the provisions of this and the last foregoing section.

40.—(1) Subject to the provisions of this section, the Minister may make to the Authority advances for any of the purposes for which they may raise money by the taking of advances from him, and the Treasury may issue to the Minister out of the Consolidated Fund of the United Kingdom such sums as are necessary to enable him to make the advances. **Advances by the Minister.**

(2) The aggregate amount outstanding by way of principal in respect of any advances made under this section shall not at any time exceed eight million pounds.

(3) No advance shall be made under this section after the expiration of the period of ten years beginning with the vesting day.

(4) Any advance which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times as he may, with the approval of the Treasury, direct.

(5) For the purpose of providing sums to be issued under this section out of the Consolidated Fund to the Minister, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by the Minister under subsection (4) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ; and
- (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(7) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under subsection (1) of this section and of sums received by him under subsection (4) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Covent Garden
Market stock
and
debentures.

41.—(1) The Authority may create and issue any stock or debentures required for the purpose of exercising their powers under subsection (2) of section thirty-eight of this Act, and stock and debentures created and issued for that purpose shall be known respectively as Covent Garden Market stock and Covent Garden Market debentures.

(2) Stock and debentures created and issued as aforesaid shall be charged indifferently on all the revenues and property of the Authority and shall rank equally without any priority.

(3) Such stock and debentures shall be issued, transferred, dealt with and (subject to the provisions of subsections (2) to (4) of section thirty-nine of this Act) redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister with the approval of the Treasury ; and any such regulations may, in relation to any such stock or debentures, apply (with or without modifications) any

provisions of the Local Loans Act, 1875, or of any enactments relating to stock or debentures issued by a local authority, so far as it is consistent with the last foregoing subsection so to do.

(4) The power to make regulations under this section shall be exercisable by statutory instrument; and an instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

42.—(1) The Authority shall establish and maintain a reserve **Reserve fund.**
fund.

(2) The management of the said fund and the sums to be carried to the credit thereof shall, subject to the next following subsection, be such as the Authority may determine.

(3) At any time when the aggregate amount of the moneys standing to the credit of the reserve fund is not less than one tenth of the aggregate of the amounts outstanding by way of principal in respect of any borrowing or raising of money under section thirty-eight of this Act (excluding amounts borrowed for making such repayment as is mentioned in paragraph (c) of subsection (4) of that section), the Minister may, with the approval of the Treasury, give to the Authority such directions as he thinks fit as to any matter relating to the management of that fund or as to the carrying of sums to the credit thereof.

(4) A direction given under the last foregoing subsection shall be complied with by the Authority, but any such direction shall cease to have effect upon the aggregate amount of the moneys standing to the credit of the reserve fund ceasing to be such as is mentioned in that subsection.

(5) Subject to any direction under subsection (3) of this section, the Authority shall have power to apply moneys comprised in the reserve fund as hereinafter described, but not otherwise, that is to say,—

- (a) to the purpose of meeting any charges to be defrayed out of the revenues of the Authority (other than the carrying of moneys to the said fund) to the extent to which those revenues are insufficient to meet those charges, and
- (b) with the consent of the Minister, to any other purpose of the Authority.

43. The Authority shall charge to revenue account in every **Duty of the**
accounting period all charges which are proper to be made **Authority to**
to revenue account, including, in particular, proper allocations **make proper**
to the reserve fund, proper provision for the redemption of **charges to**
capital and proper provision for depreciation of assets or for **revenue**
renewal of assets, and any reference in this Act to sums properly **account.**
chargeable to revenue account shall be construed accordingly.

Application
of revenues.

44. Any excess of the revenues of the Authority for any accounting period over the total sums properly chargeable by the Authority to revenue account for that period shall, if, and to the extent to which, the Minister (with the approval of the Treasury and after consultation with the Authority) so directs, be paid into the Exchequer, and so far as not so paid shall be applicable for such purposes of the Authority as they may determine.

Powers of
investment.

45. The Authority may invest any sums in their hands which are not for the time being required by them for the purposes of their business in any securities in which trustees are by law authorised to invest trust moneys.

Reports, Accounts and Returns

Reports,
accounts
and returns.

46.—(1) The Authority shall, as soon as possible after the end of each of their accounting periods, make a full report to the Minister on the exercise and performance by them of their powers and duties during that period.

(2) The Authority shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting period a statement of accounts in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.

(3) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Minister, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(4) The report required by subsection (1) of this section for any accounting period shall set out any direction given to the Authority under section thirty-seven or forty-two of this Act during that period and shall include such information relating to the plans, and past and present activities, of the Authority and the financial position of the Authority, as the Minister may from time to time direct.

(5) There shall be attached to the said report for each accounting period a copy of the statement of the accounts in respect of that period and a copy of any report made on the statement by the auditors.

(6) The Authority shall furnish to the Minister such returns or other information relating to the property or activities or proposed activities of the Authority as the Minister may from time to time require, and shall afford him facilities for the verification of information furnished by them in such manner and at such times as he may require.

(7) The Minister shall lay a copy of each report made to him under subsection (1) of this section and of the statement attached thereto before each House of Parliament, and copies of each such report and statement shall be made available to the public at a reasonable price.

Supplemental Provisions

47. Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, with the insertion after the entry relating to the Council on Tribunals of the words:—

Disqualifica-
tion of
members of the
Authority for
membership of
the House of
Commons.

“The Covent Garden Market Authority”.

48.—(1) It shall be the duty of the proper officer of the council of the local authority within whose area any of the land affected by a restriction imposed by section twenty-one of this Act, or by regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, is situated to register the restriction in the register of local land charges in like manner as if it were a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section.

Registration
of restrictions
under sections
21 and 25.

(2) It shall be the duty of the Authority as soon as may be after the making of any regulations imposing a restriction affecting land and having effect by virtue of paragraph (c) of subsection (1) of the said section twenty-five to notify the proper officer of the local authority within whose area the land is situated of the restriction, and to furnish him with all necessary information relating thereto.

(3) A registration of any such restriction as is referred to in the last foregoing subsection may be cancelled on the cesser thereof in like manner as a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section, and section seventeen (except subsection (3) thereof) of that Act (which section relates

to official certificates of search) and any regulations for the time being in force made under that Act, so far as they relate to the form of an official certificate of search under the said section seventeen, shall have effect as if any entry made in the register of local land charges by virtue of this section were made therein by virtue of the said Act of 1925.

(4) In this section—

“local authority”, in relation to land in a county borough, county district or metropolitan borough, means the council of the borough or district, and, in relation to land in the City of London, means the Common Council of the City;

“proper officer” in relation to the council of a county borough, county district or metropolitan borough, means the clerk, or the person for the time being authorised to act as clerk, of the council, and in relation to the Common Council of the City of London, means the town clerk, or the person for the time being authorised to act as town clerk, of the City.

Local inquiries. 49. Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which provides for the holding of inquiries for the purposes of that Act) shall apply to an inquiry held under subsection (3) of section twenty-six of this Act or subsection (2) of section twenty-eight thereof as they apply to an inquiry held under the said section two hundred and ninety, subject to the following modifications, namely,—

(a) for references to a department, there shall be substituted references to the Minister;

(b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted.

Provisions as to service of documents.

50.—(1) Any document required or authorised by, or by virtue of, this Act to be given to or served on a person may be given or served either by delivering it to him, or by leaving it at his proper address, or by post.

(2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if it is given to or served on the secretary or clerk of the company or body.

(3) For the purposes of this section, and of the application thereto of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the

registered or principal office of the company or body, and in any other case be the last known address of the person to or on whom the document is to be given or served:

Provided that where the person to or on whom a document is to be given or served has furnished an address for service, being an address in the United Kingdom, his proper address for those purposes shall be the address so furnished.

(4) If it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of land to or on whom any such document is to be given or served, the document shall be deemed to have been duly given to or served on him by addressing it to him by the description of "owner" or "occupier" of the land (describing it) to which it relates and by delivering it to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

51. Nothing in this Act shall authorise the Authority to provide outside the Covent Garden Area facilities for the making of contracts for the sale or exchange of horticultural produce or any other market facilities, and the Authority shall not permit the use of any storage facilities which may be provided by them outside that Area, or of any premises in which storage facilities are so provided by them, for the purpose of the making of such contracts or of other dealing in horticultural produce.

Limitation of exercise, outside Covent Garden Area, of Authority's powers.

52. For the purposes of subsection (1) of section one hundred and eighteen of the Town and Country Planning Act, 1947 (which relates to the application of that Act to land regulated by special enactments) this Act shall be deemed to be an enactment in force at the passing of the said Act of 1947.

Saving for planning control.

53. Neither any rule under the Lands Tribunal Act, 1949, enabling a direction to be given that a sum awarded shall carry interest, nor section twenty of the Arbitration Act, 1950, shall apply to a sum payable by way of compensation under section eight, nine, ten or twelve of this Act.

Interest provisions of this Act to prevail as regards compensation under sections 8 to 10, and 12.

54.—(1) In this Act—

(a) "the Covent Garden Area" means the area enclosed by the continuous red line on the map marked with the designation "the Covent Garden Area" and signed in triplicate by Alfred Roy Wise, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was committed, of which one copy has been deposited in the Private Bill Office of

Meaning of "the Covent Garden Area" and "the prohibited area", and proof of extent of first-mentioned area.

the House of Commons, another copy has been deposited in the Office of the Clerk of the Parliaments and the third copy has been retained by the Minister ;

- (b) "the prohibited area" means so much of the area enclosed by the circumference of a circle, whose centre is at the point marked "A" on the map aforesaid (whereof the Ordnance Survey national grid co-ordinates are 530,407 East and 181,188 North) and the length of whose radius is three quarters of a mile, as lies outside the Covent Garden Area.

(2) The map mentioned in the foregoing subsection shall be for the purposes of this Act conclusive evidence of the extent of the Covent Garden Area ; and a copy of that map purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

**General
interpretation
provisions.**

55.—(1) In this Act—

"accounting period" means the period beginning with the constitution of the Authority and ending with such day falling not more than fifteen months later as the Authority may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Authority may determine ;

"the Authority" means the Covent Garden Market Authority ;

"the Company" means Covent Garden Market Limited ;

"container" means a portable container, whether rigid or not, and includes a tray ;

"the deposited plans" has the meaning assigned to it by the seventh recital of the preamble to this Act ;

"functions" includes powers and duties ;

"horticultural produce" means—

- (a) fresh fruit, dried fruit, frozen fruit and fruit preserved in airtight containers ;
- (b) fresh vegetables, dried vegetables, frozen vegetables and vegetables preserved in airtight containers ;
- (c) fresh herbs and dried herbs ;
- (d) fresh edible fungi, dried edible fungi and edible fungi preserved in airtight containers ;
- (e) nuts ;
- (f) cut flowers ;
- (g) dried flowers ;

- (h) decorative foliage ;
 - (i) Christmas trees ;
 - (j) pot plants, bedding plants and herbaceous plants ;
 - (k) flowering trees and shrubs (whether flowering or not) ; and
 - (l) seeds, bulbs, corms, tubers and seed potatoes ;
- “ the Improvement Act ” has the meaning assigned to it by the fourth recital of the preamble to this Act ;
- “ the Letters Patent ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ market facilities ” has the meaning assigned to it by subsection (1) of section sixteen of this Act ;
- “ the market lands ” has the meaning assigned to it by section two of this Act ;
- “ the Minister ” means the Minister of Agriculture, Fisheries and Food ;
- “ the Piazza ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ stand ” includes a stall and any other fitting for the exposure of horticultural produce for sale or by way of sample ;
- “ storage facilities ” has the meaning assigned to it by subsection (3) of section sixteen of this Act ;
- “ the vesting day ” has the meaning assigned to it by section two of this Act ;

and references in this Act to selling by wholesale shall be construed generally and not as limited to selling to a person who buys in order to sell again.

(2) For the purposes of this Act a building intersected by the circumference of the circle referred to in paragraph (b) of subsection (1) of the last foregoing section shall be treated as being outside the prohibited area.

56. This Act may be cited as the Covent Garden Market Act, Short title. 1961.

SCHEDULES

Section 1.

FIRST SCHEDULE

INCIDENTAL PROVISIONS WITH RESPECT TO THE COVENT GARDEN
MARKET AUTHORITY

1. The Authority shall be a body corporate with perpetual succession and a common seal.

2.—(1) Each member of the Authority shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) A person who has held office as a member of the Authority shall be eligible for reappointment.

3. The Authority may act notwithstanding a vacancy among the members of the Authority, and no act of the Authority shall be deemed to be invalid by reason only of a defect in the appointment of any of the members.

4. In the case of an equality of votes at a meeting of the Authority, the chairman of the meeting shall have a second or casting vote.

5.—(1) A member of the Authority shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a licence from the Authority under this Act or an application for such a licence, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge:

Provided that nothing in this sub-paragraph applies to an interest in stock or debentures issued by the Authority.

(2) A disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Authority, and that member—

(a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, licence or application, and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

6. The Authority may appoint such advisory committees as they think fit to consider such matters with which the Authority may be concerned as they may specify and to report thereon to the Authority, and any such committee may comprise persons who are not members of the Authority.

7. Subject to the foregoing provisions of this Schedule, the Authority may determine their own quorum and procedure and the quorum and procedure of committees appointed by them under the last foregoing paragraph.

8.—(1) The Authority shall appoint a secretary and may appoint such other officers and such servants as the Authority may determine.

1st Sch.

(2) The Authority shall—

- (a) pay to their officers and servants such remuneration as they may determine, and
- (b) as regards any officers or servants in whose case it may be determined by the Authority with the approval of the Minister so to do, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

9. The application of the seal of the Authority shall be authenticated by the signatures of the chairman of the Authority or some other member thereof authorised by the Authority to authenticate the application of the seal thereof and of the secretary or some person authorised by the Authority to act in his stead in that behalf.

SECOND SCHEDULE

Section 14.

PENSIONS SCHEMES

PART I

DEEDS, RULES AND POLICIES

The Scheme of 1957

Trust deed dated 1st July, 1957, whereto the parties were the former company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Supplemental deed dated 3rd April, 1958, whereto the parties were the former company, the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Definitive deed dated 17th December, 1958, whereto the parties were the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Rules of the Market Staff Pension and Assurance Scheme contained in the Schedule to the said deed of 17th December, 1958.

Group Life Policy No. 2576200 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 an assurance on the lives therein described.

Group Pension Annuity Policy No. 231915 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 the pension annuities therein described.

The Scheme of 1937

Deed dated 1st November, 1937, whereto the parties were the former company, and Louis Nicholas, William George Irving and Stanley Ebenezer Burrows.

2ND SCH. Rules of the Pension and Assurance Scheme of Covent Garden Properties Company Limited contained in the Schedule to the said deed of the 1st November, 1937.

Deed supplemental to the said deed of 1st November, 1937, and dated 24th August, 1951, whereto the parties were the former company and Henry Roderick Moore, Stanley Ebenezer Burrows and Charles Percy Heselden.

Deed supplemental to the said deed of 1st November, 1937, and dated the 6th October, 1958, whereto the parties were the former company, the Company and Henry Roderick Moore, John Max Keyworth and John Marsh.

Group Pension Policy No. 141892 dated 8th December, 1937, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1937 the pensions therein described.

Pension Arrangement for Benefit of John Marsh

Agreement, dated 21st June, 1956, whereto the parties were the former company and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Life Policy No. 218536 dated 12th February, 1958, whereby the Eagle Star Insurance Company Limited granted an assurance on the life of John Marsh to the former company.

Agreement supplemental to the said agreement of 21st June, 1956, and dated 6th October, 1958, whereto the parties were the former company, the Company, and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Assignment of the last-mentioned life policy, dated 6th October, 1958, whereto the parties were the former company, John Marsh, and the Company.

PART II

FINANCIAL ADJUSTMENTS

1.—(1) The Government Actuary shall ascertain—

- (a) the value of any payments due before the vesting day under the Scheme of 1957 from the Company to the trustees of the said Scheme which remain outstanding on that day, being payments in respect of contributions from members of the Scheme or additional sums to secure pension benefits under the Scheme ;
- (b) the value of so much of any payments due before the vesting day by way of premium on any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh as is attributable to any period before that day, being payments which remain outstanding on that day and which the Company is liable to make under either of those Schemes or the said pension arrangement ;

Table of Statutes referred to in this Act

Short Title	Session and Chapter
"An Act for regulating Covent Garden Market" (1813)	53 Geo. 3. c. lxxi.
"The Improvement Act" (1828)	9 Geo. 4. c. cxiii.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Trustee Act, 1906	6 Edw. 7. c. 55.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Borrowing (Control and Guarantees) Act, 1946... ..	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Arbitration Act, 1950	14 Geo. 6. c. 27.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.

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(37636)

(2) Of the seven persons mentioned in head (a) of the foregoing sub-paragraph one shall be a person appearing to the Authority to be capable of representing the interests of those who grow what they sell and two shall be persons who appear to the Authority to have an adequate knowledge of the business of growing flowers for sale and of the business of selling flowers grown for sale.

4TH SCH.

(3) Of the seven persons mentioned in head (b) of sub-paragraph (1) of this paragraph two shall be persons carrying on in the United Kingdom business which consists of, or includes, the sale of horticultural produce otherwise than by wholesale.

(4) The appointment under this Schedule of a person as capable of representing the interests of any persons shall not be made except after consultation with such bodies as appear to the Authority to represent the interests of those persons.

FIFTH SCHEDULE

Section 36.

INCIDENTAL PROVISIONS WITH RESPECT TO THE COMMITTEES
CONSTITUTED BY SECTIONS 33 TO 35

1.—(1) An appointed member of the Committee shall hold and vacate office in accordance with the terms of his appointment ; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) Such a member shall be eligible for reappointment.

2. The Committee may act notwithstanding a vacancy among the members thereof, and no act of the Committee shall be deemed to be invalid by reason of a defect in the appointment of any of the members.

3. In the case of an equality of votes at a meeting of the Committee, the chairman of the meeting shall have a second or casting vote.

4. Subject to the last foregoing paragraph the Committee may determine their own quorum and procedure.

5. The Authority shall provide the Committee with the services of such of the officers and servants of the Authority and with such office accommodation as the Committee may reasonably require.

6. The Authority shall defray any expenses reasonably incurred by the Committee.

7. The Authority may pay to the appointed members of the Committee such travelling and subsistence allowances as the Authority may determine.

8. A dispute arising under paragraph 5 of this Schedule as to the reasonableness of any requirement or under paragraph 6 of this Schedule whether expenses were reasonably incurred shall be determined by the Minister.

2ND SCH. by the Government Actuary in accordance with the said paragraph 1, shall be made or discharged by the Authority and the Company shall be freed from any liability in respect thereof.

Section 29.

THIRD SCHEDULE

CIRCUMSTANCES THAT MAY BE SPECIFIED IN A SCHEME UNDER SECTION 29 AS BEING THOSE IN WHICH A SALE IS TO BE ASSUMED TO HAVE BEEN MADE

1. That the price is the sole consideration for the sale.
2. That any commission or other costs, charges or expenses incidental to the making of the contract of sale are to be paid by the seller.
3. That, if the produce is imported, any duties of customs chargeable on the importation have been paid.
4. That the price includes the cost of delivery to the buyer at his place of business and of insurance and other costs, charges and expenses incidental to such delivery.
5. That neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the produce.
6. That there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale.

Section 33.

FOURTH SCHEDULE

CONSTITUTION OF THE COVENT GARDEN MARKET MANAGEMENT COMMITTEE

1. The Covent Garden Market Management Committee (hereafter in this Schedule referred to as "the Management Committee") shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and fourteen other persons so appointed.
- 2.—(1) Of the members of the Committee other than the chairman and those who are officers of the Authority—
 - (a) seven shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in the Covent Garden Area the business of selling, whether as principals or as agents, horticultural produce by wholesale;
 - (b) seven shall be persons appearing to the Authority to be capable of representing the interests of persons who, in the course of business carried on in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in head (a) of this subparagraph and persons who, in the course of business so carried on, buy horticultural produce from, or through the agency of, such persons as are so mentioned.

(c) the value of any of the costs, charges and expenses incurred before the vesting day by the trustees of the Scheme of 1957 and the trustees of the Scheme of 1937 in or about the execution of the trusts of those Schemes, which have not been paid by the Company in pursuance of the obligation imposed on them so to do by those Schemes, and

2ND SCH.

(d) the value, on the vesting day, of the aggregate of the amount of the premiums described as "special annual premiums" (being premiums for the provision of pension annuities corresponding to pensions in respect of service with the Company before the date of commencement of the Scheme of 1957) payable on or after the vesting day under the said Group Pension Annuity Policy No. 231915.

(2) If it appears to the Government Actuary that any payments have been made before the vesting day by the Company—

(a) to the trustees of the Scheme of 1957 or the Scheme of 1937, or on their account ; or

(b) by way of premium in respect of any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh (other than premiums referred to in head (d) of the foregoing sub-paragraph),

being payments in respect of a period any part of which falls after that day, the Government Actuary shall ascertain the value of so much of those payments as is attributable to that part of that period.

(3) The Government Actuary shall certify to the Company and the Authority the values ascertained by him under the foregoing sub-paragraphs, and there shall be paid to the Authority by the Company a sum equal to the aggregate of the values ascertained under heads (a) to (d) of sub-paragraph (1) of this paragraph after deduction therefrom of a sum equal to any value ascertained under sub-paragraph (2) of this paragraph, or, if the last-mentioned sum exceeds the first-mentioned sum, the amount of that excess shall be paid by the Authority to the Company.

2.—(1) If an actuary is appointed by the Company for the purposes of this Part of this Schedule before the Government Actuary has given his certificate under the foregoing paragraph, the Government Actuary shall, before giving any such certificate, consult with the actuary so appointed.

(2) Any sum falling to be paid by virtue of sub-paragraph (3) of the foregoing paragraph may be recovered as a simple contract debt in any court of competent jurisdiction.

3. Notwithstanding the provisions of subsection (1) of section fourteen of this Act, any payments described in head (a) or (b) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, and any costs, charges and expenses described in head (c) of the said sub-paragraph (1), being payments or, as the case may be, costs, charges and expenses the value of which, or in the case of a payment described in the said head (b), a part of which, is certified

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