



# Food Act 1984

## 1984 CHAPTER 30

### PART III

#### MARKETS

#### **50 Establishment or acquisition**

- (1) The council of a district may—
  - (a) establish a market within their district;
  - (b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within their district, and any rights enjoyed by any person within their district in respect of a market and of tolls,and, in either case, may provide—
  - (i) a market place with convenient approaches to it;
  - (ii) a market house and other buildings convenient for the holding of a market.
- (2) A market shall not be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within the district in respect of a market by any person, without that person's consent
- (3) For the purposes of subsection (2), another local authority shall not be deemed to be enjoying any rights, powers or privileges within the district by reason only of the fact that they have established a market within their own district either—
  - (a) under paragraph (a) of subsection (1); or
  - (b) under the corresponding provision of either the Food and Drugs Act 1955 or the Food and Drugs Act 1938 ; or
  - (c) under any corresponding provision repealed by that Act of 1938 or the Public Health Act 1875, otherwise than by acquisition of a then existing market.

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*Status: This is the original version (as it was originally enacted).*

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## **51 Power to sell to local authority**

- (1) The owner of a market undertaking, or of any rights in respect of a market and of tolls, whether established under, or enjoyed by virtue of, statutory powers or not, may sell or lease to a local authority the whole or any part of his market undertaking or rights, but subject to all attached liabilities.
- (2) A sale by a market company under this section must be authorised—
  - (a) if the company is a company within the meaning of the Companies Act 1948, by a special resolution of the members passed in the manner provided in Part IV of that Act;
  - (b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

## **52 Market days and hours**

A market authority may appoint the days on which, and the hours during which, markets are to be held.

## **53 Charges**

- (1) A market authority may demand in respect of the market, and in respect of the weighing and measuring of articles and vehicles, such charges as they may from time to time determine.
- (2) A market authority who provide a weighing machine for weighing cattle, sheep or swine may demand in respect of the weighing of such animals such charges as the authority may from time to time determine.
- (3) The authority—
  - (a) shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several charges payable under this Part; and
  - (b) shall keep so much of the tables as relates to charges payable in respect of the weighing of vehicles, or, as the case may be, in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose.
- (4) A person who demands or accepts a charge greater than that for the time being authorised shall be liable to a fine not exceeding level 2 on the standard scale.
- (5) Nothing in this section applies in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

## **54 Time for payment of charges**

- (1) Charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.

- (2) Charges payable in respect of the weighing or measuring of articles, vehicles or animals shall be paid in advance to an authorised market officer by the persons bringing the articles, vehicles or animals to be weighed or measured.
- (3) Charges payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer—
  - (a) as soon as the animals in respect of which they are payable are brought into the market place, and
  - (b) before they are put into any pen, or tied up in the market place,but further charges shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

## **55 Recovery of charges**

If a person liable to pay any charge authorised under this Part does not pay it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress—

- (a) of all or any of the animals, poultry or other articles in respect of which the charge is payable, or
- (b) of any other animals, poultry or articles in the market belonging to, or in the charge of, the person liable,

and any such charge may also be recovered either summarily as a civil debt or in any court of competent jurisdiction.

## **56 Prohibited sales in market hours**

- (1) A person (other than a pedlar holding a certificate under the Pedlars Act 1871) who on a market day and during market hours sells or exposes for sale any articles—
  - (a) which are specified in a byelaw made by the market authority, and
  - (b) which are commonly sold in the market,and such sale or exposure for sale—
  - (i) is in any place within the authority's district, and
  - (ii) is within such distance from the market as the authority may by byelaw declare,

is liable to a fine not exceeding level 2 on the standard scale.

This subsection does not apply to a sale or exposure for sale in a person's own dwelling place or shop, or in, or at the door of, any premises to a person resident in those premises.

- (2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

## **57 Weighing machines and scales**

- (1) A market authority—
  - (a) shall provide sufficient scales, weights, measures and weighing machines for weighing or measuring articles sold in the market and vehicles in which articles are brought for sale in the market; and

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- (b) shall appoint officers to attend to the weighing and measuring of such articles and vehicles.
- (2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister declaring that the circumstances are such as to render compliance with this subsection unnecessary—
- (a) provide to that Minister's satisfaction one or more weighing machines adapted for weighing such animals; and
  - (b) appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section 1 of the Markets and Fairs (Weighing of Cattle) Act 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act referred to in that Act of 1926.

## **58 Weighing of articles**

A person who sells or offers for sale any articles in the market shall, if so required by the buyer, cause them to be weighed or measured by the scales and weights or measures provided by the market authority, and, if he refuses to do so, shall be liable to a fine not exceeding level 2 on the standard scale.

## **59 Information for market officer**

The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information—

- (a) as to their number and kind, or
- (b) in the case of articles on which charges are made by reference to weight, as to their weight,

as that officer may require.

## **60 Market byelaws**

A local authority who maintain a market, whether or not they are a market authority within the meaning of this Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings in that market place;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches to it;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles from the market within the district

## **61 Interpretation of Part III, and exclusion of City of London**

In this Part, unless the context otherwise requires—

" authorised market officer " means an officer of a market authority specially authorised by them to collect charges in their market

" charges " includes stallage or tolls,

" market authority " means a local authority who have established or acquired a market under section 50 of this Act, or under section 49 of the Food and Drugs

Act 1955, or under the corresponding enactment repealed by that Act and so on, and includes any London borough council to whom a market was transferred by the London Authorities (Property etc.) Order 1964.  
and this Part does not apply to the City of London, the Inner Temple or the Middle Temple.