



# Shrewsbury and Atcham Borough Council Act 1998

## 1998 CHAPTER ii

An Act to make further provision for the regulation and protection of part of the Square in the borough of Shrewsbury and Atcham; and for other purposes. [16th July 1998]

### WHEREAS—

- (1) The borough of Shrewsbury and Atcham (hereinafter referred to as “the borough”) is under the management and local government of the Shrewsbury and Atcham Borough Council (hereinafter referred to as “the Council”):
- (2) By the Shrewsbury and Atcham Borough Council Act 1984 (hereinafter referred to as “the Act of 1984”) further and better provision was made for the regulation and use of part of the Square in the borough (in that Act and hereinafter referred to as “the protected area”):
- (3) It is expedient to amend the Act of 1984 and to authorise the provision of more convenient access to the Old Market Hall in the Square:
- (4) In the month of December, 1997, a plan was deposited with the chief executive of the Council and is in this Act called “the deposited plan” and copies of that plan were in the same month deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons:
- (5) It is expedient that the other provisions contained in this Act should be enacted:
- (6) The objects of this Act cannot be attained without the authority of Parliament:
- (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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

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## **1 Citation**

- (1) This Act may be cited as the Shrewsbury and Atcham Borough Council Act 1998.
- (2) The Shrewsbury and Atcham Borough Council Acts 1977 and 1984 and this Act may together be cited as the Shrewsbury and Atcham Borough Council Acts 1977 to 1998.

## **2 Interpretation**

In this Act, unless the subject or context otherwise requires—

“the Act of 1984” means the Shrewsbury and Atcham Borough Council Act 1984;

“the Council” means the Shrewsbury and Atcham Borough Council;

“the deposited plan” means the plan referred to in the Preamble to this Act;

“the protected area” and “the square” have the meanings given in section 2 (Interpretation) of the Act of 1984;

“the reserved area” means so much of the protected area as is shown coloured pink on the deposited plan.

## **3 Substituted map**

The deposited plan is hereby substituted for the deposited map referred to in the Act of 1984 and references in that Act to “the deposited map” shall be construed as references to the deposited plan.

## **4 Reserved area**

Notwithstanding the provisions of section 3 (Protected area to be open space and public rights of way extinguished) of the Act of 1984, the Council may enclose all or part of the reserved area for the purposes of providing more convenient access to the Old Market Hall and thereafter the said section 3 shall no longer apply to the area so enclosed.

## **5 Provision of entertainments**

- (1) Notwithstanding the provisions of section 3 (Protected area to be open space and public rights of way extinguished) of the Act of 1984, the Council—
  - (a) may enclose or set apart any part of the square for the purposes specified in section 145(1) of the Local Government Act 1972 (which authorises a local authority to provide entertainments);
  - (b) may permit any part of the square so enclosed or set apart to be used by any other person, on such terms as to payment or otherwise as the Council think fit.
- (2) The Council may not exercise the powers under this section—
  - (a) for more than a total of 30 days in any calendar year; or
  - (b) so as to prevent reasonable access for pedestrians going to or from premises abutting the north-west side of the square.
- (3) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public entertainment, or for the sale of intoxicating liquor.

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## **6 Provision of refreshments**

The Council shall have power to provide, maintain and operate facilities for refreshment on the protected area.

## **7 Protected area**

The application of the Open Spaces Act 1906 by section 3 (Protected area to be open space and public rights of way extinguished) of the Act of 1984 shall not prevent the provision on the protected area of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over the protected area or on land adjoining the protected area so long as any such building, structure, works, plant or machinery is removed when the operations have been carried out.

## **8 Special events**

Section 5 (Special events) of the Act of 1984 is hereby repealed and there is substituted therefor—

### **“5 Special events**

(1) The Council may grant an authorisation to any person—

- (a) to use the protected area; and
- (b) to use or leave vehicles thereon; and
- (c) to trade thereon;

for the purposes of civic or public ceremonies and for the purposes of displays or exhibitions or sales.

(2) No authorisation under this section may be given which either singly or in combination with another authorisation applicable on the same day relates to more than one-half of the protected area but for this purpose no account shall be taken of any area occupied by a registered charity or, in the case of a sale, by a body undertaking to devote the whole of the net proceeds of sale to charitable purposes.

(3) It shall be a condition of any authorisation under this section that no charge may be made for admission to any event on the protected area.”.

## **9 Use of vehicles and trading**

Section 6 (Prohibition of use of vehicles and trading in protected area) of the Act of 1984 is hereby amended by the insertion, after “section 5 (Special events) of this Act” of the words “or for the purposes of section 5 (Provision of entertainments) or 6 (Provision of refreshments) of the Shrewsbury and Atcham Borough Council Act 1998”.

## **10 Grant of authorisations**

Section 8(2) (Grant of authorisations) of the Act of 1984 is hereby repealed and there is substituted therefor—

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- “(2) If the Council grant an authorisation they may impose such conditions as they think fit including, without prejudice to the generality of the foregoing,
- (a) a condition as to the duration of the authorisation;
  - (b) a condition requiring the deposit of a sum of money which, or part of which, the Council may retain if the applicant is in breach of any conditions imposed.”.

## **11 Saving for planning enactments, etc**

- (1) Any development authorised by this Act shall not be deemed for the purposes of the Town and Country Planning (General Permitted Development) Order 1995 (or any general order superseding that order made under section 59 of the Town and Country Planning Act 1990, or any corresponding provision of an Act coming into force on the repeal of that section), to be development authorised by an Act which designates specifically both the nature of the development and the land upon which it may be carried out.
- (2) Nothing in this Act shall have effect to disapply from any development authorised by this Act any provisions of enactments relating to buildings of special architectural or historic interest or ancient monuments.