

ELIZABETH II



1977 CHAPTER v

An Act to make further provision with regard to the markets undertaking of the Neath Borough Council; and for other purposes. [30th June 1977]

WHEREAS—

(1) The borough of Neath (hereinafter referred to as “the borough”) is under the management and local government of the Neath Borough Council (hereinafter referred to as “the Council”):

(2) It is expedient that further and better provision should be made with reference to the markets undertaking of the Council and that the powers of the Council in regard thereto should be enlarged and extended as in this Act provided:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

1972 c. 70. (5) 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, that is to say:—

Short title. 1. This Act may be cited as the Neath Borough Council Act 1977.

Interpretation. 2.—(1) In this Act, unless the subject or context otherwise requires—

“the Act of 1835” means the Act 5 & 6 Will. 4, c. liii specified in the Schedule to this Act;

1955 c. 16
(4 & 5 Eliz. 2). “the Act of 1955” means the Food and Drugs Act 1955;

“the borough” means the borough of Neath;

“the Council” means the Neath Borough Council;

“enactment” includes an enactment in this Act and in any general or local Act, and any order, byelaw or regulation for the time being in force within the borough;

“the market” means any market carried on by the Council within the borough;

“the markets undertaking” means the markets undertaking of the Council.

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

Application of Part III of Act of 1955. 3. The market shall be deemed to have been established by the Council under section 49 of the Act of 1955 and accordingly the provisions of Part III of the Act of 1955 shall apply to the market and the markets undertaking shall be held by the Council under and subject to those provisions:

Provided that section 55 of the Act of 1955 as so applied shall have effect as if in subsection (1) for “£10” there were substituted “£200”.

4.—(1) The enactments specified in the Schedule to this Act Repeal. are hereby repealed to the extent specified in that Schedule.

(2) The proviso to section 3 (Application of Part III of Act of 1955) of this Act shall cease to have effect on the coming into force of so much of any general Act passed during the present session of Parliament as alters the maximum fine for an offence under section 55 of the Act of 1955.

(3) Notwithstanding the repeals effected by this section—

(a) all books and documents which under any of the enactments specified in the said Schedule or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;

(b) section XXX (Prohibiting any other market) of the Act of 1835 shall continue to have effect until the coming into operation of any byelaw made by the Council under section 55 of the Act of 1955 and as so continued shall have effect as extended by the Neath Corporation Act 1922.

1922 c. lxxxi.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

1889 c. 63.

Section 4.

SCHEDULE
ENACTMENTS REPEALED

Chapter or S.I. number	Title or short title	Extent of repeal
5 & 6 Will. 4, c. liii	An Act for removing the Markets held in the Town and Borough of Neath in the County of Glamorgan, and for providing a new Market Place in the said Town in lieu thereof	The whole Act.
12 & 13 Geo. 5, c. lxxxi	The Neath Corporation Act 1922	In section 4 (Interpretation) the definition of "the Markets and Slaughterhouses Undertaking" Part XII Paragraph (5) of section 139 (Expenses of execution of Act).
S.I. 1960/332	The Neath (Amendment of Local Enactment) Order 1959	The whole Order.

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