



CHAP. iv.

An Act for the extension of Billingsgate Market in the city of London ; and for other purposes. [16th June 1871.] A.D. 1871.

WHEREAS a market known as Billingsgate Market is held in the city of London, by prescription, by the mayor and commonalty and citizens of the city of London, and is regulated by the Billingsgate Market Act, 1846, and by virtue of that Act and otherwise the mayor and commonalty and citizens of the city of London have power, authority, jurisdiction, and control over the market, the same being exerciseable by the mayor, aldermen, and commons of the city of London in common council assembled :

And whereas it is expedient that the site of the market be enlarged, and that further powers in relation to the market be conferred on the mayor and commonalty and citizens of the city of London :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas a plan of the lands to be subjected by this Act to powers of compulsory purchase, with a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, has been deposited with the respective clerks of the peace for the county of Middlesex and city of London :

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,)

1. This Act may be cited as the Billingsgate Market Act, 1871. Short title.
2. With respect to the interpretation of terms in this Act, the following provisions shall have effect ; (namely, Interpretation of terms.)

The word "Corporation" means "the mayor and commonalty

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and citizens of the city of London," and any powers given to them may be exercised by the mayor, aldermen, and commons of the said city in common council assembled :

"The deposited plan" and "the deposited book of reference" respectively mean the plan and book of reference deposited as aforesaid.

Powers of
10 & 11 Vict.
c. cclxxx.,
&c. extended
to this Act.

3. All the powers, authorities, restrictions, provisions, and savings contained in "The London (City) Improvement Act, 1847," in this Act referred to as "the Improvement Act of 1847," except the following sections thereof, (namely,) three, nineteen, forty-two to forty-five, and fifty to fifty-five (all inclusive), and in "The Lands Clauses Consolidation Act, 1845," except the provisions of the last-mentioned Act with respect to the purchase and taking of lands otherwise than by agreement, and except sections one hundred and twenty-seven to one hundred and thirty-two (both inclusive thereof), and in "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall extend and be applied to this Act with reference to the taking of lands and execution of the works and improvements by this Act authorised, and shall for the purposes of this Act be of as full force and effect as if the same had been in this Act repeated and re-enacted, *mutatis mutandis*, and made applicable to the subject matter of this Act, except only as far as the same powers, authorities, restrictions, provisions, and savings, or any of them, are repealed, altered, or varied by or are inconsistent with any of the provisions of this Act; and for the purposes of the present Act the term "this Act" throughout the Improvement Act, and for the same purposes the Improvement Act of 1847, shall operate subject and according to the following provisions; namely,

- (1.) The word "schedule" in that Act shall mean the deposited book of reference :
- (2.) The jury to be summoned under section twenty-one of the Improvement Act of 1847 shall be a special jury, and shall be reduced to twenty-four in the manner in which special juries are now reduced in the superior courts at Westminster :
- (3.) The specifications of any street, lands, work, or any provisions of this Act conferring powers on the Corporation, shall not restrict any enactment in the Improvement Act of 1847 conferring powers on them, and by this Act made applicable to such street, lands, work, or thing.

Incorporation of section 121 of

4. Notwithstanding anything in the Improvement Act of 1847 or this Act, section one hundred and twenty-one of "The Lands

Clauses Consolidation Act, 1845," shall be deemed to be incorporated with this Act, and shall apply to and in the case of lands taken under this Act; and the term "two justices" in that section used shall have the same meaning as it has in the Improvement Act of 1847.

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8 & 9 Vict.
c. 18.

5. The settlement and determination of costs, charges, and expenses by the registrar of the Court of Mayor and Aldermen of the city of London, under section twenty-seven of the Improvement Act of 1847, shall in every case be subject to review before the judge of that court, on the application of either party.

Review of
registrar's
taxation.

6. Section ninety-one of "The Lands Clauses Consolidation Act, 1845," shall not apply to any case in which lands are taken under this Act.

Exclusion of
section 91 of
8 & 9 Vict.
c. 18.

7. So much of section thirty-four of the Improvement Act, 1847, as provides that no such possession as is therein referred to shall be delivered up until such payment or deposit of purchase or compensation money shall have been made as is directed by "The Lands Clauses Consolidation Act, 1845," shall not apply to or in the case of lands taken under this Act, and no such possession shall be required until the purchase money or compensation has, in case of a person under disability, been deposited or paid as is directed by "The Lands Clauses Consolidation Act, 1845," and has, in case of a person not under disability, been paid to the claimant, or, if he is not ready or willing to complete the sale, has been paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery, to be placed to his account there to the credit of the claimant, and to be subject to the control and disposition of the Court of Chancery, and upon such deposit being made the cashier of the Bank shall give the Corporation a receipt for such money, signifying therein for what purpose and to whose credit the same has been paid in.

Delivery of
possession of
land.

8. An alderman of the city of London, if and as long as he is a member of the committee of the mayor, aldermen, and commons appointed to manage and transact all or any of the matters or purposes which the mayor, aldermen, and commons are by this Act empowered to do, execute, or perform, shall be disqualified from acting as justice in and for the city of London for any purpose of this Act, but he shall not be disqualified unless a member of such committee.

Disqualifica-
tion as jus-
tices of
aldermen
members of
committee.

9. Subject to the provisions of this Act, the Corporation may enter on, take, and use the lands delineated on and described in the deposited plan and book of reference, or any part thereof.

Power to
take lands.

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Powers for compulsory purchases limited.

Act not to empower the Corporation to take Crown property.

Nicholson's Wharf not to be taken without the consent of the owner.

Correction of errors, omissions, &c.

Extension of site of market.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

11. Provided always, that nothing in this Act contained shall empower the Corporation to take or interfere with the Custom House or the land around it, or any other land or property belonging to Her Majesty the Queen, or held in trust for her, her heirs or successors.

12. Provided always, that nothing in this Act contained shall empower the Corporation to enter upon, or take, or interfere with a property known as Nicholson's Wharf situate on the north side of the River Thames, on the west side of and adjoining the present site of Billingsgate Market, and numbered 2a, 2, 3, and 4 in the deposited plan and book of reference, without the previous consent in writing of all the owners for the time being of the said property, and without the like consent of Charles Robert Besley, Frederick John Besley, Edward Besley, and Adam Wilson, the present occupiers of the said property, so long as such occupation shall continue.

13. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plan or book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction, and if it appears to such justices that the omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description; and such certificate shall be deposited with the clerk of the peace for the city of London, and shall be kept by him along with the other documents to which it relates, and subject and according to the same provisions as apply to those other documents, and thereupon the deposited plan or book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use those lands accordingly.

14. The Corporation may appropriate for purposes of the extension of the site of Billingsgate Market the lands acquired by them under this Act, or any part thereof, and lands so appropriated shall be deemed to all intents part of the site of Billingsgate Market, and all rights, powers, authorities, privileges, obligations, and liabilities of the Corporation, and of any other body or person, by prescription, custom, or otherwise, shall operate in relation to the site of Billingsgate Market as extended under this Act as if the lands so appro-

priated had been part of the site of that market as regulated by the Billingsgate Market Act, 1846. A.D. 1871.

15. The buildings of the market are hereby exempted from the operation of the first part of the Metropolitan Buildings Act, 1855.

Market buildings exempted from first part of 18 & 19 Vict. c. 122.

16. The Corporation may charge in respect of Billingsgate Market as established under the Billingsgate Market Act, 1846, and as extended under this Act, such stallages, rents, and tolls for the use of standings and other conveniences therein as they may from time to time by byelaw, with the approval of the Board of Trade, appoint.

Power to appoint stallages, &c.

17. Sections twelve to sixteen of the Billingsgate Market Act, 1846 (relating to byelaws), shall extend and apply to byelaws to be made for purposes of this Act, and byelaws made for those purposes shall be deemed byelaws within the Billingsgate Market Act, 1846.

Regulations as to bye-laws.

18. Section ten of the Billingsgate Market Act, 1846 (relating to recovery of tolls), shall extend and apply to recovery of stallages, rents, and tolls under this Act, and stallages, rents, and tolls under this Act shall be deemed tolls within that section.

Recovery of stallages, rents, and tolls.

19. All stallages, rents, and tolls received under this Act by or on behalf of the mayor, aldermen, and commons shall be received by them for the use of the mayor and commonalty and citizens of the city of London, and shall be paid and applied as the mayor, aldermen, and commons from time to time direct.

Application of stallages, &c.

20. The Corporation may apply for purposes of this Act any money raised or authorised to be raised by them under any other Act, and not required for the purposes of that other Act, or any part of their corporate funds or revenues.

Application of existing funds.

21. The Corporation, for the purpose of defraying expenses incurred by them in the execution of this Act, may from time to time borrow at interest on the credit of the tolls, stallages, rents, and other payments to be received by them under the Billingsgate Market Act, 1846, and this Act, and of their estates and revenues, so much money as they from time to time think requisite, not exceeding the sum of one hundred and fifty thousand pounds.

Power to borrow.

22. All money borrowed under this Act shall be secured by bonds under the common seal of the Corporation, which bonds shall be in such form, and shall contain such stipulations and conditions, if any, respecting the payment of the money thereby secured at a fixed time or otherwise, or respecting any other matter or thing relative to the security, as the Corporation from time to time think expedient, and shall be assignable by indorsement.

Bonds for money borrowed under recited Acts.

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Power to
pay off and
re-borrow.

23. The Corporation may from time to time pay off any money borrowed under this Act, and may in manner aforesaid re-borrow the same, or any other amount, but so that the total amount borrowed under this Act, and remaining unpaid, shall not at any one time exceed one hundred and fifty thousand pounds.

Protection of
persons pay-
ing money
to Corpora-
tion.

24. Any person paying any sum of money borrowed under this Act to the Corporation, or to any person appointed by them to receive the same, shall not be answerable or accountable for the non-application or mis-application thereof.

Register of
bonds and
assignments.

25. The Chamberlain for the time being of the city of London shall enter in a book to be kept for that purpose a list of bonds issued under this Act, and of assignments thereof, expressing the names, surnames, descriptions, and places of business or residence of the persons from time to time entitled to the several bonds, which book all persons entitled to or interested in any such bond may at all reasonable times inspect without fee or reward.

Expenses of
Act.

26. The Corporation shall pay the costs, charges, and expenses of and preliminary and incidental to the preparation and obtaining and passing of this Act out of any money coming to them under this Act or otherwise.