ELIZABETH II



1985 CHAPTER xl

An Act to re-enact with amendments certain local enactments in force within the City of Cambridge; to confer further powers on the Council of the City of Cambridge; and for other purposes.

[30th October 1985]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter referred to as "the Act of 1972") the City of Cambridge was constituted on 1st April 1974, comprising the former city of Cambridge: 1972 c. 70.

(2) Numerous local enactments were in force in the said former city and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

(3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984 which date has been postponed to 31st

December 1986, by order made by the Secretary of State for the Environment:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments:

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

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

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 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:—

PART I
PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Cambridge City Council Act 1985.

(2) This Act shall come into operation on 1st January 1986.

Interpretation.

2. In this Act unless the context otherwise requires—

"the city" means the City of Cambridge;

"the conservators" means the Conservators of the River Cam;

"the Council" means Cambridge City Council;

"public open space" means land belonging to the Council or under their management and control, which land is held, managed or controlled by the Council for the purposes of section 164 of the Public Health Act 1875 or for the purposes of open space under the Open Spaces Act 1906.

1875 c. 55.

1906 c. 25.

PART II
COMMONS AND OPEN SPACES

Powers as to public open spaces, commons, etc.

3.—(1) In addition to exercising any powers conferred upon them by any public general or local Act with respect to public open spaces or commons, the Council may—

PART II —*cont.*

(*a*) set apart such parts of any public open space or common within the city as they think fit for the purpose of games and recreation and for purposes ancillary thereto and lay out and adapt the same for those purposes;

(*b*) erect and maintain on any such public open space or common pavilions, buildings, works and conveniences for or in connection with any of the aforesaid purposes;

(*c*) make such reasonable charges as they think fit for the use of or access to parts so set apart and such pavilions, buildings, works and conveniences;

(*d*) let the parts so set apart and such pavilions, buildings, works and conveniences on lease or otherwise to any club or person upon and subject to such terms and conditions as may be agreed and authorise the lessee or tenant to make reasonable charges for the use thereof and for access thereto;

(*e*) exclude the public and animals from the parts so set apart and from such pavilions, buildings, works and conveniences;

(*f*) make bye-laws with reference to the user of the parts so set apart and of such pavilions, buildings, works and conveniences and for the preservation of order and good conduct among persons resorting thereto:

Provided that—

(i) in respect of the total area of Butt Green and Jesus Green and Midsummer Common not more than one-half shall be so set apart at one and the same time;

(ii) parts of the said public open spaces and commons (other than Butt Green, Jesus Green and Midsummer Common) comprising not less than 50 acres shall at all times be open to the free use of the public; and

(iii) in respect of public open spaces held upon charitable trusts the Council shall obtain the consent of the Charity Commissioners to a lease ending more than 22 years after it is granted or for a consideration of less than the best that can be reasonably obtained.

(2) Any surplus revenue derived by the Council from the exercise of the powers conferred by subsection (1) above in respect of public open spaces held upon charitable trusts shall be applied by the Council towards the maintenance and improvement of such land.

(3) Notwithstanding anything in proviso (ii) to subsection (1) above, that subsection shall not authorise the Council to

PART II —*cont.*

exclude the public permanently from more than one-eighth of any public open space held upon charitable trusts.

(4) Notwithstanding anything contained in proviso (i) to subsection (1) above, the Council may exclude animals from the whole or any part of Butt Green, Jesus Green and Midsummer Common.

Power to close temporarily certain lands.

4.—(1) The Council may from time to time close to the public the whole or any part of—

(*a*) any public open space in the city; and

(*b*) any part of any common set apart permanently under section 3 (Powers as to public open spaces, commons, etc.) above;

together with any footpaths thereover respectively for such period not exceeding six days as the Council may determine:

Provided that the said lands shall not be closed for more than a total of 12 days in any one year.

(2) During any period in which the said lands are closed to the public in accordance with the provisions of this section the Council may—

(*a*) let the said lands to or permit the use of the said lands by any association, society or person for the purposes of any agricultural, horticultural or other show or for any entertainment or exhibition or for any other public purpose of a temporary nature and authorise such association, society or person to make charges for the use thereof or for entry thereto; or

(*b*) use the said lands for the purposes aforesaid and make such charges as they think fit for entry thereto.

(3) This section shall not apply to any public open space held upon charitable trusts.

(4) In any 12 month period commencing on 1st January in any year in which any public open space is closed under the provisions of this section, that public open space shall not be closed under the provisions of section 44 of the Public Health Acts Amendment Act 1890.

1890 c. 59.

For protection of Eastern Electricity Board.

5. Nothing in section 3 (Powers as to public open spaces, commons, etc.) or section 4 (Power to close temporarily certain lands) above shall prejudice or affect the rights of the Eastern Electricity Board with respect to any apparatus of theirs in or under any public open space or common to which the said sections apply.

PART II —*cont.*

Grazing on common land.

1965 c. 64.

6.—(1) This section applies to land belonging to the Council which is registered under the Commons Registration Act 1965 as common land.

(2) The Council shall continue to have the power to regulate grazing on the land to which this section applies, and in particular but without prejudice to the generality of that power may—

(*a*) prescribe the procedure for the registration of commoners entitled to graze animals on that land in the following grazing season and make a reasonable charge for such registration;

(*b*) determine which commoners may graze animals on that land in the following grazing season and the number of animals each may graze;

(*c*) charge a reasonable sum for the exercise of grazing rights;

(*d*) prohibit the grazing on those lands of animals otherwise than in accordance with this section and any byelaws made thereunder;

(*e*) make byelaws for or in connection with their regulation of grazing on the land to which this section applies.

(3) If the Council find an animal grazing on any land to which this section applies otherwise than in accordance with this section and any byelaws made thereunder, section 7 of the Animals Act 1971 (which relates to the detention and sale of trespassing livestock) shall apply as if the Council were the occupier of the land and the animal were straying on the land and not in the control of any person.

1971 c. 22.

(4) When byelaws made by the Council under this section come into force, the byelaws made by them on 23rd October 1851 and 5th August 1880 regulating grazing on the commons shall cease to have effect.

Jesus Green.

7.—(1) Notwithstanding anything in any enactment or any rule of law, the existing open space in the city known as Jesus Green shall be, and shall be deemed always to have been, common land.

(2) The Commons Registration Act 1965 shall have effect as if Jesus Green had been registered as common land under that Act before the expiration of the period specified in section 1 (2) thereof, as if the Council had been registered as owner thereof and as if the contents of Schedule 1 to this Act were included in respect of Jesus Green in the "Rights Section" of the register maintained under that Act.

PART III

MARKETS AND FAIRS

Midsummer Fair.

8.—(1) The fair of Barnwell commonly known as the Midsummer Fair shall commence at 2.30 o'clock in the afternoon (or such earlier hour as may be proclaimed by the mayor of the city) on the third Wednesday in June, or, if the third Wednesday falls on 15th, 16th or 17th June, on the fourth Wednesday in June and shall continue for the four days (exclusive of Sunday) next following the day of commencement and no longer.

(2) The Council may from time to time specify and define the common or open space within the city on which the Midsummer Fair or some part thereof shall be held.

Reach Fair.

9. All places situate within half a mile of the site of the ancient chapel in Reach in the county of Cambridgeshire shall be within the limits and bounds of Reach Fair.

Fair stallages, rents and tolls.

10. The Council may specify the stallages, rents and tolls in respect of all fairs within the city, and also Reach Fair, and may alter or add to such stallages, rents and tolls.

Part III of Food Act 1984 to apply to markets undertaking. 1984 c. 30.

11. Any market owned or operated by the Council within the city which was not established or acquired under section 50 of the Food Act 1984 or any of the enactments mentioned in subsection (3) of that section shall be deemed to have been acquired by the Council under the said section 50.

PART IV

CONSERVATORS OF THE RIVER CAM

Power to Council to contribute to revenue of conservators.

12.—(1) If in any year the revenue of the conservators (including any balance in their hands on revenue account from the preceding year) has been insufficient to meet the expenses of the conservators during that year the Council may if they think fit pay to the conservators out of the general rate fund such sum as they may determine but not exceeding the amount required to meet such insufficiency:

Provided that the sum shall not in any year exceed the product of a rate of 0·5 pence in the pound.

(2) The conservators shall on or before 31st January in each year deliver to the Council an estimate of their expenditure both on capital and revenue account for the year commencing on 1st April in that year.

PART IV —*cont.*

Amendment of River Cam Navigation Act 1851. 1851 c. xcii.

13. Section VII (Conservators may hold quarterly meetings), section VIII (As to holding of special meetings) and section IX (Place for holding meetings of conservators) of the River Cam Navigation Act 1851 shall respectively be read and have effect as if the words "three clear days' notice" were therein inserted instead of "ten clear days' notice".

Extension of jurisdiction for certain purposes. 1976 c. 70.

14.—(1) For the purposes of entering into and carrying out any agreement under section 23 (1) of the Land Drainage Act 1976 (which authorises a water authority to enter into agreements with navigation authorities) the conservators shall be deemed to be a navigation authority in respect of so much of the river Cam and the river Granta as lies between—

(*a*) Newnham Mill; and

(*b*) Kings Mill;

respectively on the one hand; and

(*c*) Byron's Pool; and

(*d*) Grantchester Mill;

respectively on the other hand (but not including the sluice gates at either Byron's Pool or Grantchester Mill) together with all backwaters connected with so much of the said rivers as aforesaid.

(2) For the purpose of carrying into effect any agreement entered into between the Anglian Water Authority and the conservators under the provisions of the said section 23 (1) the conservators may expend any moneys for the time being belonging to them on revenue account or any moneys paid to them by the Council under the provisions of section 12 (Power to Council to contribute to revenue of conservators) of this Act.

PART V

MISCELLANEOUS

Repeals and savings.

15.—(1) The Acts specified in Part I of Schedule 2 to this Act and the confirmation Acts and Orders specified in Part II of that Schedule are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions in Schedule 3 to this Act shall have effect in relation to repeals effected by this Act.

SCHEDULES

Section 7.

SCHEDULE 1

REGISTER OF COMMON LAND

Name and address of applicant for registration and the capacity in which he applied	Particulars of the right of Common, and of the land over which it is exercisable	Particulars of the land (if any) to which the right is attached
The Mayor Alderman and Citizens of the City of Cambridge, The Guildhall, Cambridge. Owners *in* trust for themselves and the inhabitants of the City of Cambridge.	To graze geldings, mares and cows from 1st April to 30th November in each year to a total of 17 beasts subject to regulation by the Corporation in accordance with their powers whether statutory or otherwise for the time being in force over the whole of the land comprised in this Register Unit.	Not attached to land.

Section 15.

SCHEDULE 2

ENACTMENTS REPEALED

PART I—LOCAL ACTS

Chapter (1)	Short title (2)	Extent of repeal (3)
13 & 14 Vict. c. xxxvii.	Cambridge Corporation Act 1850.	The whole Act.
19 & 20 Vict. c. xvii.	Cambridge Award Act 1856.	Section 16.
57 & 58 Vict. c. lx.	Cambridge University and Corporation Act 1894.	Sections 11, 24 and 31.
12 & 13 Geo. 5. c. lxxxviii.	Cambridge Corporation Act 1922.	The whole Act.
22 & 23 Geo.5. c. xxxv.	Cambridge Corporation Act 1932.	The whole Act.

PART II—CONFIRMATION ACTS AND ORDERS

SCH. 2 —*cont.*

Chapter (1)	Short title (2)	Extent of repeal (3)
44 & 45 Vict. c. xv.	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1881.	The Order relating to Cambridge.
48 & 49 Vict. c. xi.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1885.	The Order relating to Cambridge.
50 Vict. c. vii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1886.	The Order relating to Cambridge.
52 & 53 Vict. c. cxvi.	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1889.	Borough of Cambridge Order 1889, except Article XV (1).
53 & 54 Vict. c. lxxxi.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1890.	The Order relating to Cambridge.
59 & 60 Vict. c. ci.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1896.	Cambridge Order 1896.
8 Edw. 7. c. cxlv.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1908.	Cambridge Order 1908.
1 & 2 Geo. 5. c. clxxxv.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1911.	Cambridge (Extension) Order 1911.
2 & 3 Geo. 5. c. cxxix.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1912.	Cambridge Order 1912.
2 & 3 Geo. 5. c. clxii.	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912.	Cambridge (Extension) Financial Adjustments Order 1912.
3 & 4 Geo. 5. c. cxxix.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1913.	Cambridge Order 1913.
4 & 5 Geo. 5. c. cxxxiii.	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1914.	Cambridge Order 1914.
14 & 15 Geo. 5. c. xv.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1924.	Cambridge Order 1924.

SCH. 2 —*cont.*

Chapter (1)	Short title (2)	Extent of repeal (3)
18 & 19 Geo. 5. c. lvi.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1928.	Cambridge Order 1928.
20 & 21 Geo. 5. c. iii.	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1929.	Cambridge Order 1929.
S.R. & O. 1934/165.	Cambridge (Extension) Order 1934.	The whole Order.
1966 c. iii.	Ministry of Housing and Local Government Provisional Orders Confirmation (Cambridge, Reading and Walsall) Act 1966.	City of Cambridge Order 1966.

Section 15.

SCHEDULE 3

SAVING PROVISIONS

1. In so far as anything done under an enactment which is repealed by this Act could have been done under any enactment in this Act relating to the same matter, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned enactment.

2. Where an instrument or document refers, either expressly or by implication, to an enactment which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter.

3.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to an enactment repealed by, this Act is current at the date of such repeal any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

4. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment which is repealed by this Act and any enactment in this Act relating to the same matter, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

5. Nothing in this Act shall affect the operation of section 254 of the Local Government Act 1972.

1972 c. 70.

6. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

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Cambridge City Council Act 1985

CHAPTER xl

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section
1. Citation and commencement.
2. Interpretation.

PART II
COMMONS AND OPEN SPACES

3. Powers as to public open spaces, commons, etc.
4. Power to close temporarily certain lands.
5. For protection of Eastern Electricity Board.
6. Grazing on common land.
7. Jesus Green.

PART III
MARKETS AND FAIRS

8. Midsummer Fair.
9. Reach Fair.
10. Fair stallages, rents and tolls.
11. Part III of Food Act 1984 to apply to markets undertaking.

PART IV
CONSERVATORS OF THE RIVER CAM

Section
12. Power to Council to contribute to revenue of conservators.
13. Amendment of River Cam Navigation Act 1851.
14. Extension of jurisdiction for certain purposes.

PART V
MISCELLANEOUS

15. Repeals and savings.

SCHEDULES:
Schedule 1—Register of common land.
Schedule 2—Enactments repealed.
Part I—Local Acts.
Part II—Confirmation Acts and Orders.
Schedule 3—Saving provisions.