


# Cheltenham Borough Council (Markets) Act 2026

CHAPTER i

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**CHAPTER i**

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# Cheltenham Borough Council (Markets) Act 2026

**2026 CHAPTER i**

An Act to make provision for the repeal of section 83 of the Cheltenham Improvement Act 1852; and for connected purposes. [15th July 2026]

WHEREAS –

(1) It is expedient that the powers of Cheltenham Borough Council should be extended and amended as provided in this Act:

(2) It is expedient that section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough of Cheltenham) is repealed:

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

(4) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (powers of joint and local authorities to promote Bills) have been observed:

(5) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King'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:—

## 1 Citation and commencement

This Act may be cited as the Cheltenham Borough Council (Markets) Act 2026 and comes into force at the end of 28 days beginning with the day on which this Act is passed.

**2 Interpretation**

In this Act—

"authorised person" means—

(a) a person acting in the course of that person's duties who is authorised by the Council to exercise one or more of the functions under sections 4 and 5 of this Act; or

(b) a constable, a Police Community Support Officer, a person accredited under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, or a traffic officer, each acting in the course of that person's duties;

"the borough" means the borough of Cheltenham which is administered by the Council for the purposes of the Local Government Act 1972 from time to time;

"the Council" means Cheltenham Borough Council; and

"traffic officer" means a person designated under section 2 of the Traffic Management Act 2004.

**3 Repeal of section 83 of the Cheltenham Improvement Act 1852**

Section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough) is repealed.

**4 Fixed Penalty Notices**

(1) An authorised person may issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence contrary to byelaws made by the Council under section 60 (market byelaws) of the Food Act 1984.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to be convicted of the offence to which the notice relates by payment of a fixed penalty to the Council.

(3) A fixed penalty notice must be in writing and state—

(a) the particulars of the circumstances alleged to constitute the offence to which the notice relates;

(b) the amount of the fixed penalty;

(c) the effect of subsection (6);

(d) the name and address of the person to whom payment of the fixed penalty may be sent; and

(e) the permissible methods of payment.

(4) A fixed penalty notice may be issued in person or by post and must identify by name the person to whom it is issued, unless the authorised person cannot reasonably ascertain the person's name.

(5) Where a fixed penalty notice is issued by post, it is deemed to have been issued to the person to whom it relates on the second business day after it was posted.

(6) Where a person is issued with a fixed penalty notice—

(a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days, beginning with the date on which the notice was issued; and

(b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period.

(7) The amount specified under subsection (3)(b) is to be an amount prescribed by the Council, which—

(a) may prescribe different amounts in relation to different classes of cases, but

(b) may not prescribe an amount exceeding level 1 on the standard scale.

(8) In any proceedings, a certificate is evidence of the facts stated if it—

(a) purports to be signed by or on behalf of the officer responsible for the Council's financial affairs; and

(b) states that payment of a fixed penalty was or was not received by the date specified in the certificate.

## 5 Power to require name and address

(1) An authorised person who has reason to believe that a person ("P") has committed an offence contrary to byelaws made by the Council under section 60 (market byelaws) of the Food Act 1984, may require P to give P's name and address with a view to—

(a) the service of a summons on P, or

(b) the issuing of a fixed penalty notice to P under section 4.

(2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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