CHAP. liv.

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

WHEREAS a market known as Leadenhall Market is held in the city of London, by prescription, by the mayor and commonalty and citizens of the city of London, and is used for sale of meat, poultry, game, skins, hides, and other articles:

And whereas it is expedient that the site of Leadenhall Market be enlarged, and that further powers be conferred on the mayor and commonalty and citizens of the city of London for the government of the market, and for the restriction of articles to be sold therein, and for the taking of stallages, rents, and tolls therein:

And whereas the objects aforesaid cannot be obtained 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,

Short title.

1. This Act may be cited as The Leadenhall Market Act, 1871.

Interpretation of terms.

2. With respect to the interpretation of terms in this Act, the following provisions shall have effect; (namely,)

The word "Corporation" means the mayor and commonalty and citizens of the city of London, and any powers given to

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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 of 1847 shall have effect as meaning the present 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 specification of any street, land, work, or any provision 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 121 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. 8 & 9 Vict. c. 18.

Review of registrar's taxation.

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.

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

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.

Delivery of possession of land.

7. So much of section 34 of the Improvement Act of 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 Consolidated 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, specifying therein for what purpose and to whose credit the same has been paid in.

Disqualification as justices of aldermen members of committee.

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.

Power to take lands.

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

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Period for compulsory purchase of lands.

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.

Property of Thorner's Charity not to be taken without consent.

11. Provided always, that nothing in this Act contained shall empower the Corporation to enter upon or take or interfere with any property belonging to the trustees of a charity founded by the will of Robert Thorner, and known as Thorner's Charity, without the previous consent in writing of the trustees for the time being of the said charity, or by any byelaw to interfere with or prohibit the sale of any articles upon that property.

Correction of errors, omissions, &c.

12. 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.

Extension of site of market.

13. The Corporation may appropriate for purposes of and connected with the extension of the site of Leadenhall 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 Leadenhall 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 Leadenhall Market as extended under this Act as if the lands so appropriated had always been part of that site.

Market buildings not to be subject to first part of 18 & 19 Vict. c. 122.

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

Power to make byelaws, &c.

15. The Corporation may from time to time make such byelaws as they think fit for the regulation and government of Leadenhall Market, and may by any such byelaws prohibit the sale therein

of skins or hides, or of any other articles, as they from time to time think fit; but such byelaws shall not come into operation until they are allowed by the Board of Trade.

Power to appoint stallages, &c.

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

Penalties in byelaws.

17. Byelaws under this Act may impose penalties, not exceeding five pounds, for each breach thereof, but shall be so framed as to allow in every case of less than the maximum penalty being ordered to be paid, and all such penalties shall be recoverable on summary conviction.

Printing and sale of byelaws.

18. The Corporation shall cause all byelaws for the time being in force under this Act to be printed, and a copy thereof to be sold at a price not exceeding sixpence to every person desiring to buy the same.

Proof of byelaws.

19. The production of a printed copy of byelaws purporting to be byelaws made under this Act, such copy purporting to be printed by the direction of the Corporation, and to be authenticated by the signature of the town clerk of the city of London, shall be evidence of the existence and contents and due making of those byelaws and of the approval thereof (where approval is required), without proof of the signature of the town clerk or of any other matter.

Recovery of tolls.

20. If any person liable to the payment of any stallage, rent, or toll payable in Leadenhall Market does not pay the same when demanded, the mayor, aldermen, and commons, or any person authorised by them to collect the same, may seize and detain the article in respect of which the same is payable, or any other article in the market belonging to the person liable to pay the same, or under his charge, and if the stallage, rent, or toll, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the article seized, is not paid in case of perishable articles forthwith, and in case of other articles within four days from the time of seizure, the mayor, aldermen, and commons may forthwith or on the expiration of those four days (as the case may be) sell the article seized, and out of the money arising thereby may pay and retain the stallage, rent, or toll, and the charges aforesaid, and those of the sale, returning the overplus (if any) to the owner of the article seized, or such stallage, rent, or toll may be recovered summarily before two justices.

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Application of receipts.

21. The receipts of the Corporation from Leadenhall Market under this Act shall be applied by them in like manner as their receipts from Leadenhall Market as it exists and is conducted at the passing of this Act are applicable.

Application of existing funds.

22. 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 purposes of that other Act, or any part of their corporate funds or revenues.

Power to borrow.

23. 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 stallages, rents, and tolls and other payments to be received by them under this Act, and of their estates and revenues, so much money as they from time to time think requisite, not exceeding the sum of twenty-five thousand pounds.

Bonds for money borrowed under recited Acts.

24. 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 mayor, aldermen, and commons from time to time think expedient, and shall be assignable by indorsement.

Power to pay off and re-borrow.

25. 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 twenty-five thousand pounds.

Protection of persons paying money to Corporation.

26. 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.

27. 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.

28. 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.

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