CHAPTER cii.

An Act for the abolition of the present Leadenhall Market, for the improvement of the Site and Neighbourhood thereof, the formation of new Streets, the establishment of a new Leadenhall Market; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS by the Leadenhall Market Act, 1871, after reciting that a market known as Leadenhall Market was held in the city of London by prescription by the mayor and commonalty and citizens of the city of London (in this Act referred to as the "Corporation"), further powers were conferred upon the Corporation with respect to the extension and government of the said market, and for other the purposes in the said Act mentioned: 34 & 35 Vict. c. liv.

And whereas it would be of public advantage if the said Act were repealed, and Leadenhall Market as now held were discontinued and abolished, and if powers such as are in this Act contained were conferred upon the Corporation for the improvement of the lands now occupied by the said market, and in the immediate neighbourhood thereof, by the laying out and formation of the new streets by this Act authorised, and otherwise as by this Act provided:

And whereas for the purposes aforesaid it is expedient that the Corporation should be authorised to appropriate such of the lands now occupied by the said market, and in the neighbourhood thereof, as may now belong to them, or as they may acquire under the authority of this Act:

And whereas it is expedient that the Corporation should, in substitution for the said market, construct on such part of the said lands so appropriated as aforesaid as they may think proper a new market for the sale of meat, fish, and poultry, and that provisions in that behalf should be made such as are in this Act contained, and that powers should be conferred on the Corporation for the government of such new market, and for the taking of stallages, rents, and tolls therein, and otherwise in relation thereto:

And whereas it is expedient that the Corporation, for the purposes of defraying the expenses incurred by them in the execution of

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this Act, should be empowered to borrow moneys as by this Act provided :

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 of the occupiers of those lands, has been deposited with the respective clerks of the peace for the county of Middlesex and city of London, and are in this Act referred to as the "deposited plans, sections, and books of reference":

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, 1879.

Interpretation of terms.

2. In this Act—

The expression "old market" shall mean Leadenhall Market as it exists at the time of the passing of this Act :

10 & 11 Vict. c. cclxxx.

The expression "the Improvement Act of 1847" shall mean the London (City) Improvement Act, 1847 :

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act incorporated therewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Act to be executed by Corporation acting by Common Council.

3. This Act shall be carried into execution by the Corporation acting by the mayor, aldermen, and commons of the city of London in Common Council assembled.

Application of 10 & 11 Vict. c. cclxxx. to this Act.

4. All the powers, authorities, restrictions, provisions, and savings contained in the Improvement Act of 1847, except the following sections thereof (namely), three, four, fifteen, eighteen, forty-two to forty-five, and fifty to fifty-five (all inclusive), and in the Lands

8 & 9 Vict. c. 18.

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,

23 & 24 Vict. c. 106.

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 altered or varied by or are inconsistent with any of the provisions of this Act.

For the purposes of such extension, application, and incorporation the term "this Act" throughout the Improvement Act of 1847 shall have effect as meaning the present Act, and 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 books of reference, and the provisions of that Act relating to the map or plan deposited for purposes thereof shall refer to the deposited plans:

(2.) The persons to be summoned under section 21 of the Improvement Act of 1847 shall be persons qualified to serve as special jurors, and shall be reduced to twenty-four, and the jury shall be struck in like manner as special juries may now be struck in Her Majesty's High Court of Justice under an order of the Court or a judge thereof:

(3.) The expression in that Act mayor, aldermen, and commons shall mean the Corporation:

(4.) The specification of any street, lands, work, or thing in any provision of this Act conferring powers on the Corporation shall not, unless the contrary be fairly implied, 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.

Incorporating section 121 of 8 & 9 Vict. c. 18.

5. 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.

Review of registrar's taxation.

6. 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.

Section 91 of 8 & 9 Vict. c 18. not to apply to this Act.

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

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Delivery of possession of lands.

8. 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 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 Paymaster General, to be placed to his account there to the credit of the claimant, and to be subject to the control and disposition of the Chancery Division of Her Majesty's High Court of Justice, 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.

Alderman, if member of committee, not to act as justice.

9. An alderman of the city of London, if and as long as he is a member of any committee of the Corporation appointed to manage and transact all or any of the matters or purposes which the Corporation 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.

10. Subject to the provisions of this Act, the Corporation may enter on, take, and use the lands delineated on and described in the deposited plans and books of reference, or any part thereof: Provided always, that the Corporation shall not, except with the previous consent of the lessees and occupiers thereof, enter on, take, or use the property shown on the deposited plans and numbered 1 in the parish of Saint Peter Cornhill.

Power to take vaults under the late Hide Market.

11. Subject to the provisions of this Act, the Corporation may enter on, take, and use any of the vaults situate under the late Hide Market, near Leadenhall Street, in the city of London, or any part thereof, where such vaults are situate under lands belonging to the Corporation or to be acquired by them under the authority of this Act.

Powers to take easements, &c. by agreement.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement

of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands, &c.

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

Correction of errors, &c. in deposited plans, &c.

14. If any omission, mis-statement, or erroneous description is found to have been made of any lands or vaults, or of any owners, lessees, or occupiers of any lands or vaults, described or intended to be described in the deposited plans or books of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands or vaults 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 in duplicate accordingly, stating the particulars of the omission, mis-statement, or erroneous description, and such certificates shall be deposited with the clerks of the peace for the county of Middlesex and city of London respectively, and shall be kept by them along with the other documents to which they relate, and subject and according to the same provisions as apply to those other documents, and thereupon the deposited plans or books of reference shall be deemed to be corrected according to the certificates, and the Corporation may enter on, take, and use those lands and vaults respectively accordingly.

Corporation to provide a new market.

15. The Corporation shall, within such limits as they may think proper, provide, establish, maintain, and regulate a market to be called "Leadenhall Market," not being less than twenty-five thousand square feet, and may for such purpose appropriate any lands belonging to them or which they may acquire under the authority of this Act, and may from time to time enlarge the limits of such market, and may from time to time form, construct, maintain, and regulate such market-places and market-houses, and all such dwelling-houses, buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein or connected therewith, as they may think fit, for the sale of meat, fish, poultry, and other provisions, and may from time to time appropriate the same respectively for the sale therein of any of the said provisions, or may upon any alteration of the limits of the market discontinue the use for market purposes of any lands excluded from the market by such

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alterations, and appropriate or dispose of such lands as lands not required for market purposes.

Old market to be discontinued when new market opened.

16. When and as soon as Leadenhall Market provided by the Corporation in pursuance of the provisions of this Act is ready to be opened for the use of the public, the Corporation shall fix a day for the opening thereof, and by a notice under the hand of the town clerk of the city of London, published in the London Gazette, notify that such market has been provided, and the day and hour when the same will be opened, and from the day so notified the Leadenhall Market Act, 1871, shall be and the same is hereby repealed, and the old market shall be discontinued and shall cease to be used as a market, and no market shall thereafter be holden on the site thereof.

Buildings exempt from provisions of Part I. of 18 & 19 Vict. c. 122.

17. The buildings of Leadenhall Market are hereby exempted from the operation of the first part of the Metropolitan Building Act, 1855.

Power to make byelaws, &c.

18. The Corporation may from time to time make such byelaws as they think fit for the regulation and government of Leadenhall Market when provided and established in pursuance of the provisions of this Act, and for the licensing of porters to be employed therein, but such byelaws shall not come into operation until they are allowed by the Board of Trade.

Power to charge rents, &c.

19. The Corporation may charge in respect of Leadenhall Market, when provided and established in pursuance of the provisions of this Act, such stallages, rents, and tolls for the use of shops, standings, and other conveniences therein as they from time to time by byelaw, with the approval of the Board of Trade, appoint.

Byelaws to be exhibited before approval by Board of Trade.

20. Provided always, that before any such byelaws as aforesaid are submitted to the Board of Trade, copies thereof, together with notice of the intention to apply to the Board of Trade to allow the same, shall be exhibited daily for one calendar month in some conspicuous position in Leadenhall Market, and if any person desiring to object to such byelaws or any of them shall send a statement of his objections in writing to the Board of Trade at any time during the currency of the said month, such objections shall be considered and disposed of by the Board of Trade in such manner and after such inquiry as they may consider expedient.

Penalties in byelaws.

21. 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.

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

Proof of byelaws.

23. 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, without proof of the signature of the town clerk or of any other matter.

Recovery of rents, &c.

24. If any person liable to the payment of any stallage, rent, or toll payable in Leadenhall Market, when provided and established in pursuance of the provisions of this Act, does not pay the same when demanded, the Corporation, 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 Corporation may forthwith, or on the expiration of those four days (as the case may be), sell the articles 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.

Power to make new street, &c.

25. Subject to the provisions of this Act, the Corporation may, in the situation and on the levels shown on the deposited plans and sections, and within the limits of deviation shown on the said plans, lay out, make, and execute the following new street and street improvements, and may for such purpose appropriate any lands belonging to them or which they may acquire under the authority of this Act; (that is to say,)

(1.) A new street, commencing in Leadenhall Street at or near the entrance to the late Hide Market, and terminating in Fenchurch Street, at the junction of that street with Lime Street:

(2.) The widening of Half Moon Passage and the extension of it eastward up to and into Leadenhall Place:

(3.) The stopping up and appropriating the sites of and the extinguishing of all rights of way in or over Bull's Head

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Passage, Skinner's Place, Lime Street Passage, Retail Market Cross Passage, Leadenhall Market, Beehive Passage, Spread Eagle Passage, and Ingram Court:

Provided always, that the aforesaid powers shall not be exercised by the Corporation in relation to any such passage, place, street, or court unless at the time of such exercise the land on either side of and immediately adjoining such passage, place, street, or court belongs to the Corporation.

Limits of deviation.

26. The new street and street improvements aforesaid may be made and executed within the limits of deviation shown on the deposited plans, and the Corporation in making and executing the same may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards, but this power of deviation shall not relieve the Corporation from liability to pay compensation to any person injuriously affected by the exercise of such power.

Period for completion of works.

27. If the powers for the compulsory purchase of lands are exercised by the Corporation as aforesaid, they shall complete the new market and new street and street improvements authorised by this Act within seven years from the passing of this Act: Provided always, that nothing herein contained shall limit the powers by this Act conferred upon the Corporation as to the alteration or enlargement of the new market.

Power to make communications, &c. with existing streets.

28. Subject to the provisions of this Act, and in accordance with the deposited plans and within the limits of deviation shown thereon, the Corporation, in connexion with the improvements and as part of the works by this Act authorised and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new street and street improvements, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the improvements or of crossing under or over the same, or otherwise, and may remove, destroy, alter, divert, stop up, enclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any stream, drain, sewer, watercourse, void ground, or any cellar or vault under the foot or carriage way of any street or place or other property within the limits of deviation shown on the deposited plans, the Corporation providing a proper substitute for any drain or sewer before interrupting the flow of sewage in any drain or sewer, and making reasonable compensation in respect of any such substituted work.

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Protecting trustees of Thorner's Charity.

29. If for any of the purposes of this Act the Corporation desire to take or enter upon all or any part of the lands shown on the deposited plans belonging to the trustees of the charity founded by the will of Robert Thorner, dated in the year one thousand six hundred and ninety, they shall give notice in writing to the said trustees of such desire within two years from the passing of this Act, and thereupon the following provisions shall have effect; that is to say,

1. The trustees may by a notice in writing require the Corporation, at their own costs and charges in all respects, instead of paying compensation in money, to find, provide, and deduce a good title to and convey and assure, or cause to be conveyed and assured, to the said trustees and put them in possession of other eligible freehold lands upon equitable terms as to the situation of such lands and otherwise:
2. The lands so conveyed to the trustees shall be of the value of their said lands proposed to be acquired by the Corporation, and in estimating such value the lands of the said trustees shall be deemed to have been taken by the Corporation under compulsory powers:
3. Any difference which may arise between the Corporation and the said trustees as to the aforesaid terms, the eligibility or situation of the lands so to be conveyed to the trustees, or as to the respective values of those lands and of the said lands of the said trustees, or otherwise as to the true intent and meaning of this section, or the mode of giving effect thereto, shall from time to time be determined by the city architect and a surveyor on behalf of the trustees as arbitrators, or, in case of their differing, by an umpire, and for the purpose of such arbitration the provisions relating to arbitration of the Common Law Procedure Act, 1854, shall be deemed to be incorporated with this section.

Protecting sewers, &c. in the city of London.

30. Where any of the works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as prejudicially to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Commissioners of Sewers of the city of London and the liberties thereof, or with any sewers or works to be made or executed by the said commissioners, or shall or may in any way prejudicially affect the sewerage or drainage of the districts under their control, the Corporation shall not commence such works until they shall have given to the said commissioners fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such commissioners for the time being, with a

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plan and section showing the course and inclination thereof, and any other particulars relating thereto which may in the opinion of the Corporation be necessary, and until such commissioners shall have signified their approval of the same, unless the commissioners do not signify their approval, disapproval, or other directions within fourteen days after service of the said plan, section, and particulars as aforesaid, and the Corporation shall comply with and conform to all reasonable directions and regulations of such commissioners in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such commissioners may deem necessary for the protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works or any part thereof, and shall save harmless the said commissioners against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said commissioners, and at the costs, charges, and expenses in all respects of the Corporation, and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, and expenses of the Corporation under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said commissioners as any sewers or works now are or hereafter may be, and nothing in this Act shall extend to prejudice, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said commissioners or their successors, but all such rights, powers, and authority shall be as valid and effectual as if this Act had not been passed.

As to interference with gas or water mains and pipes.

31. Before the Corporation alter the position of any gas or water main or pipe laid down or used in any street or public place affected by this Act by any gas or water company to whom the same belongs, they shall give notice of their intention, specifying the time at which they will begin to make such alteration (such notice to be given seven days at least before the commencement of the work for effecting such alteration), and such work shall be done under the superintendence of the engineer of the company to whom such main or pipe belongs, unless such engineer refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the work, and the Corporation shall execute such work to the reasonable satisfaction of the engineer of such company, but at the sole cost and expense of the Corporation, and the Corporation shall save the company harmless from any damage or injury arising or consequent upon the execution of such work.

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As to Saint Dionis Backchurch burial ground.

32. The Corporation shall cause the remains of any person interred or deposited in or under the burial ground and site of the former church of Saint Dionis Backchurch to be removed under the superintendence of the medical officer of health for the time being of the city of London and interred in the City of London Cemetery at Ilford, and shall cause any monuments, tablets, and tombstones in the said burial ground to be removed to and fixed or re-erected in the said cemetery; provided that the heirs, executors, administrators, or relations or friends of any person whose remains shall be interred or deposited in or under the said burial ground may, if they so prefer (at the cost of the Corporation, such cost not to exceed ten pounds in each case), and under such superintendence as aforesaid, remove the remains of such person to any consecrated burial ground wherein burials may legally take place, and remove the monument, tablet, or tombstone erected to the memory of such person to any place they may think fit.

Power to dispose of superfluous lands.

33. The Corporation may from time to time sell, lease, exchange, or otherwise dispose of, at such prices or rents, for such terms, and with and subject to such covenants and conditions, and generally in such manner as they may think fit, or may appropriate and use for any purpose, any of the lands now occupied by the old market and in the neighbourhood thereof belonging to them, or which they may have acquired under the authority of this Act, and which are not required for the other purposes of this Act, either with or without having first demised or leased the same on building leases, and may convey the lands so sold or disposed of and the fee simple thereof.

Application of existing funds.

34. The Corporation may apply for purposes of this Act any money raised or 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.

35. 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 from Leadenhall Market when provided and established in pursuance of the provisions of this Act, and of their estates and revenues, so much money as they from time to time think requisite, not exceeding the sum of ninety-nine thousand pounds.

Bonds for money borrowed.

36. 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

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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.

Power to pay off and re-borrow.

37. 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 ninety-nine thousand pounds.

Protecting persons paying money to Corporation.

38. 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 misapplication thereof.

Application of receipts from Leadenhall Market.

39. The receipts of the Corporation from Leadenhall Market when provided and established under this Act shall be applied by them in like manner as their receipts from the old market, as it is conducted at the passing of this Act, are applicable.

Register of bonds and assignments.

40. 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.

41. 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 out of their corporate funds.

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