

CHAPTER xxvi

An Act to confirm a Provisional Order of the Minister of Health relating to the city of Chichester.

[30th July 1949.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a Provisional Order which needs confirmation by Parliament: 38 & 39 Vict. c. 55.

Be it therefore 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. The Order of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Chichester) Act 1949. Short title.

SCHEDULE

CITY OF CHICHESTER

Provisional Order altering and partially repealing local Acts

WHEREAS the mayor aldermen and citizens of the city of Chichester acting by the council (in this Order called " the Corporation ") are the local authority for the said city for the purposes of the Public Health Act 1875:

And whereas under the powers conferred on them by the local Acts hereinafter mentioned the Corporation have established and hold markets at the cattle market at Eastgate in the said city and a general market at the Market Building in North Street in the said city for the sale of butter cheese fish poultry and general produce and merchandise:

And whereas the Corporation are desirous of being empowered from time to time to alter the places at which the said cattle market and other markets are or may be held to establish and hold new markets and to discontinue the whole or any part of any existing or new markets:

And whereas by section IV of the Act of 47 George 3. session 2 chapter lxxxiv the Corporation were authorised to provide a market for the sale of fresh meat and other raw victuals fish poultry rabbits sucking pigs eggs butter herbs roots or other vegetables fruit china glass and earthenware and such other things as are usually sold in public markets and to erect such buildings and conveniences as might be necessary for such last-mentioned market and by section IX of the said Act the Corporation were authorised to take the several tolls or sums therein specified in respect of stalls sheds or standings and the selling or offering or exposing for sale of the commodities therein named in the said market and the Corporation are desirous of substituting new tolls for the tolls specified in the said recited Act:

31 & 32 Vict. c. lxvii.

And whereas by section 24 of the Chichester Cattle Market Act 1868 the Corporation were authorised to demand and take in respect of the cattle market authorised by that Act the tolls specified in Schedule A to the said Act and by section 26 of the said Act the Corporation were authorised to demand and take the weighing and measuring tolls specified in Schedule C to the said Act:

And whereas the Corporation have applied to the Minister of Health (in this Order called " the Minister ") for the issue of a Provisional Order to alter and partially repeal the local Acts hereinbefore mentioned for the purposes aforesaid:

Now therefore the Minister in pursuance of the powers given to him by section 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows:

Short title and commencement.

1. This Order may be cited as the Chichester Order 1949 and shall come into operation on the date of the Act of Parliament confirming it.

Interpretation.

2. In this Order unless the context otherwise requires—

"the Act of 1807" means the Act of 47 George 3. session 2 chapter lxxxiv ;

"the Act of 1868" means the Chichester Cattle Market Act 1868 ;

"the local Acts" means the Act of 1807 and the Act of 1868 ;

"the markets of the Corporation" means the markets authorised by the local Acts ;

"the markets undertaking" means the markets undertaking of the Corporation.

Further powers as to markets.

3. The Corporation without prejudice to any other powers conferred upon them by the local Acts or by any other enactment may—

(1) from time to time alter the places at which the markets of the Corporation respectively are or may be held and establish and hold new markets and discontinue the whole or any part of any such existing or new markets ;

(2) alter enlarge or improve any of the markets of the Corporation ;

(3) erect or provide offices shops catering establishments stores warehouses and other tenements or buildings for the purposes of or in connection with any of the markets of the Corporation and the markets undertaking.

Power to grant leases.

4. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of the markets market-houses market-places weighing houses weighing places and weighing machines from time to time under the management of the Corporation or any of them and the tolls or any of them and any of the stalls standing places benches ground spaces and other conveniences in the markets of the Corporation or in any market-house or market-place for the time being belonging to them or under their management to any person for any period not exceeding seven years and may grant leases (with a similar right) of any office shop catering establishment store warehouse tenement cellar or building situate in any of the markets of the Corporation or forming part of or acquired or erected in connection with the markets undertaking including any premises not used for the time being in connection with the markets undertaking to any person for such period as the Corporation may think fit.

Market tolls.

5.—(1) For the cattle market tolls prescribed by Schedule A and the weighing and measuring tolls prescribed by Schedule C to the Act of 1868 there shall be substituted respectively Schedules A and B to this Order.

(2) For the tolls for the use or occupation of stalls sheds or standings or for the sale of butchers' meat or other goods articles or things prescribed by section IX of the Act of 1807 there shall be substituted the charges prescribed in Schedule C to this Order.

(3) The Corporation may with the sanction of the Secretary of State from time to time alter or add to the tolls mentioned in the said schedules and any such altered tolls shall as from the date on which they come into operation be substituted for the corresponding charges payable under the said schedules respectively.

Information as to number weight &c. of animals and articles brought to market.

6.—(1) The person in charge of any vehicle in which and any other person by whom animals poultry or other articles are brought for sale in the markets of the Corporation shall give to any authorised market officer such information as to their number and kind or in the case of articles on which tolls are chargeable by reference to weight as to their weight as that officer may call for.

(2) Any person who fails to comply with the provisions of this section shall be liable on summary conviction to a penalty not exceeding two pounds.

Compulsory acquisition of land for markets undertaking.

7.—(1) The Corporation may be authorised by the Minister to purchase land compulsorily for the purposes of the markets undertaking.

9 & 10 Geo. 6. c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

Power to borrow.

8. The purposes of this Order shall be purposes for which the Corporation may borrow money.

Repeals

9. The undermentioned enactments are hereby repealed:—

The Act of 1807—
sections IX and XX.

The Act of 1868—
sections 24 26 and 27 and Schedule A (Cattle market tolls) and Schedule C (Weighing and measuring tolls).

Application of provisions of Act of 1807.

10. The undermentioned sections of the Act of 1807 shall extend and apply with all necessary modifications to the butter market of the Corporation and to any new butter market established and held by them in pursuance of the powers in that behalf contained in this Order and to the tolls authorised from time to time to be levied in such markets:—

Section III (Penalty on persons evading the tolls and otherwise misbehaving);

Section XXXVII (Exempting certain persons therein named from the payment of tolls).

Inquiries and expenses.

23 & 24 Geo. 5. c. 51.

11. The Minister may hold any inquiry which he may deem necessary for the purposes of this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply accordingly.

SCHEDULE A

CATTLE MARKET TOLLS

	s.	d.
For each stallion horse mare colt gelding foal mule or ass...	1	0
For each bull	1	0
For each cow heifer or steer		6
For each calf		3
For each ram sheep or lamb		2
For each pig		2
For each goat		2
For each dog		3
For each rabbit fowl or duck		1
For each turkey goose or guineafowl		2
For day old chicks per dozen		3
For eggs per dozen		1
For butter per lb.		1
For pigeons (live or dead) for not more than 12		4
for each 6 or part of 6 in excess of 12		2
For each other bird		1

The above tolls to be payable for each beast animal or article for each day or part of a day in which the same is placed in the market whether for sale or not and whether sold or not.

Motor vehicles and tractors (whether sold or not) ...	5	0
Motor cycles (whether sold or not)	2	6

DEADSTOCK—

At the rate of 6d. in the £ for the first £10 of the ultimately realised or estimated value of each lot.

At the rate of 3d. in the £ on the amount by which the ultimately realised or estimated value of each lot exceeds £10.

For any article brought to the market and left there after the closing thereof and remaining therein for three clear days thereafter a charge equivalent to the toll applicable to such article shall be made in respect of each subsequent day or part of a day on which the article shall remain in the market (Sundays and public and bank holidays being disregarded for the purpose of this provision).

SCHEDULE B

WEIGHING AND MEASURING TOLLS

	s.	d.
For weighing every four-wheeled wagon or motor vehicle with its load		6
For weighing every two-wheeled cart with its load ...		4
For weighing every head of cattle		6
For weighing every five (or less number) of sheep or swine		3
For weighing every other article matter or thing of whatever description—		
(*a*) weighing not more than twenty pounds avoirdupois...		1
(*b*) weighing more than twenty pounds and not more than two hundred and forty pounds avoirdupois ...		2
(*c*) weighing more than two hundred and forty pounds avoirdupois		4

SCHEDULE C

For every stand standing place or defined space in the market not specifically let on a tenancy a sum not exceeding one shilling and six-pence for every superficial square yard or fractional part of a superficial square yard per day or part of a day.

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