CHAPTER lviii.

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

[6th November 1946.]

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 as amended 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 (Norwich) Act 1946. Short title.

SCHEDULE.

CITY OF NORWICH.

Provisional Order altering and partially repealing a local Act.

WHEREAS the lord mayor aldermen and citizens of the city of Norwich acting by the Council (in this order called "the Corporation") are the local authority for the purposes of the Public Health Act 1875 :

38 & 39 Vict. c. 55.

And whereas under various powers conferred on them the Corporation maintain a cattle market in the centre of the said city and are desirous of closing the said cattle market and providing in substitution therefor a cattle market at Harford in the said city :

23 & 24 Vict. c. xxxiv.

And whereas by sections XXVII to XXXII of the Norwich Corporation Markets Act 1860 (in this Order called "the local Act") the Corporation and their lessees are empowered from time to time to demand and take with respect to the purposes specified in the said sections relating to any market place or fair for the time being under their management or to any slaughterhouses belonging to them any tolls not exceeding the several tolls specified in schedules (A) (B) (C) (D) (E) and (F) to the local Act and the Corporation are desirous of substituting new tolls for the tolls specified as aforesaid :

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 Act 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.—(1) This Order may be cited as the Norwich Markets Order 1946 and shall come into operation on the date of the Act of Parliament confirming it.

25 Vict. c. iii.

(2) The Norwich Corporation Markets Act 1860 the Norwich Corporation Markets Act 1862 and this Order may be cited together as the Norwich Corporation Markets Acts and Order 1860 to 1946.

Interpretation.

2. In this Order unless the context otherwise requires—

"the markets undertaking" means the markets undertaking of the Corporation ;

"the slaughterhouses" means the slaughterhouses belonging to the Corporation.

Market and slaughterhouses tolls.

3.—(1) For schedules (A) (B) (C) (D) (E) and (F) to the local Act there shall be substituted respectively schedules A B C D E and F to this Order and sections XXVII to XXXII of the local Act shall be read and have effect accordingly.

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

Provided that notice of the intention of the Corporation to apply to the Minister for his sanction to any alteration of or addition to the tolls with respect to fairs shall be published in the London Gazette.

Further powers as to markets.

4. The Corporation without prejudice to any other powers conferred upon them by the local Act 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 may establish and hold new markets and discontinue the whole or any part of any such existing or new markets;

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

Power to grant leases.

5. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of the market market houses market places places for fairs slaughterhouses 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 grounds spaces and other conveniences in their markets 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 their markets 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.

Power to develop lands &c.

6.—(1) The Corporation may with the consent of the Minister lay out and develop any lands at any time belonging to them and held by them for the purpose of the Public Health Acts or of their markets undertaking and not required for any such purpose and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands belonging to and held by them as aforesaid which they may deem it necessary or desirable to pull down.

Repeals.

7. Section XXXIV (Leases of markets slaughterhouses tolls &c. and assignment of leases) of the local Act and section 119 (Market tolls for poultry) of the Norwich Corporation Act 1933 are hereby repealed. 23 & 24 Geo. 5. c. vii.

Power to borrow.

8. The Corporation shall have power from time to time to borrow such sums as may be necessary for the purposes of this Order:

Provided that so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment (including the Supplies and Services (Transitional Powers) Act 1945) it shall not be lawful for the Corporation to exercise the powers of borrowing conferred by this section without such consent.

2 & 3 Geo. 6. c. 62.

9 Geo. 6. c. 10.

Inquiries and expenses.

9. The Minister may hold any inquiry which he may deem necessary for the purposes of this Order and section 290 of the Local Government Act 1933 shall apply accordingly.

23 & 24 Geo. 5. c. 51.

SCHEDULE A.

CATTLE MARKET AND CATTLE FAIR TOLLS.

PART I.

	s.	d.
Tolls for every animal or bird offered for sale by auction and whether sold or not—		
For each horse pony bull bullock cow or other beast or animal not named elsewhere in this part of this schedule	1	6
For each sheep ram lamb pig or goat	1	0
For every fowl including geese turkeys guinea fowl ducks chickens with the exception of day old chicks		1
For day old chicks—per dozen		2

The above tolls to be payable for every animal or bird for each day in which the same is placed in the market whether for sale or not.

PART II.

Tolls for every animal or bird shown or offered for sale otherwise than by auction and whether sold or not—		
For each horse or pony	1	0
For each ass or mule		9
For each bull bullock cow steer or heifer	1	0
For each calf		3
For sheep rams lambs pigs or goats—each		3
For every fowl including geese turkeys guinea fowl ducks chickens with the exception of day old chicks		1
For day old chicks—per dozen		2
For every stallion or entire horse and for every other animal not before named in this part of this schedule brought into the market for sale or for show	1	6

The above tolls to be payable for every animal or bird for each day in which the same is placed in the market whether for sale or not.

SCHEDULE B.

PROVISION AND VEGETABLE MARKET AND CARCASE MARKET TOLLS.

Shops, stalls, etc.

	s. d.
From the occupier of every enclosed shop or stall whether for sale of butchers' meat game poultry fish vegetables fruit china glass earthenware baskets hardware or other commodities articles or things according to the size and dimensions of the same :	
From every person occupying or using any butchers' stall or standing or any ground space for the sale of meat according to the size and dimensions of the same :	
From every person occupying or using any stall standing cart barrow basket ped box bench or barrel for the sale of vegetables provisions fish fruit game poultry china glass earthenware baskets hardware or other commodities articles or things or for any other purpose according to the size and dimensions of the same :	
For each superficial square foot and fractional part of a superficial square foot of the ground space covered or occupied by any such shop stall standing cart barrow basket ped box bench or barrel a sum not exceeding :	
If an enclosed stall is provided by the Corporation—	
For Saturday	4
For any other day	2
If an open stall is provided by the Corporation	
For Saturday	3
For any other day	1½
In any other case—	
For Saturday	2
For any other day	1

Ground space.

From every person occupying or using any space on the surface of the ground according to the size and dimensions of the same :	
For each superficial square foot and the fractional part of a superficial square foot of the ground space occupied or used by him a sum not exceeding :	
For Saturday	2
For any other day	1

Carcase and skin tolls.

For every carcase or part of a carcase of a bull bullock cow steer heifer calf sheep or pig brought into the market to be disposed of otherwise than by sale by retail and whether sold or not a sum not exceeding	6
For every hide or skin raw undressed or dressed brought into the market for sale and whether sold or not a sum not exceeding	2

SCHEDULE C.

HAY AND STRAW MARKET AND CART WEIGHING TOLLS.

	s.	d.
For every load or part of a load of hay straw fodder or other produce (including one weighing thereof at a weighing machine of the Corporation) a daily sum not exceeding for every 112 lbs. avoirdupois and fractional part of 112 lbs.		1
For the second and for every other weighing of such load or part of such load an additional sum not exceeding		2
For every waggon or vehicle of more than two wheels loaded with hay straw fodder or other produce and not weighed at a weighing machine of the Corporation a daily sum not exceeding	3	0
For every cart or other vehicle if not exceeding two wheels loaded with hay straw fodder or other produce and not weighed at a weighing machine of the Corporation a daily sum not exceeding	1	6
For every empty waggon cart or other vehicle brought into and left standing in the market and not weighed at a weighing machine of the Corporation a daily sum not exceeding	1	0

SCHEDULE D.

GENERAL MARKET AND FAIR TOLLS.

For every stall ped basket cart barrow standing box bench barrel or ground space occupied or used by any person exposing to sale any goods articles commodities or things whatsoever and for every show caravan exhibition booth tent theatre or place of amusement according to the size and dimensions thereof viz. for each superficial square foot or fractional part of a superficial square foot of the ground space covered by such stall ped basket cart barrow standing box bench barrel show caravan exhibition booth tent theatre or place of amusement and of any ground space occupied or used by him :

And from any person carrying or exposing for sale any provisions vegetables goods articles commodities or things whatsoever in any market house or market place or places for fairs in Norwich or in any lands connected therewith and who shall not be chargeable under the foregoing provisions of this schedule for each superficial

square foot or fractional part of a superficial square foot of the ground space occupied or used by him :

Any sum not exceeding :

	s.	d.
If an enclosed stall is provided by the Corporation—		
For Saturday		4
For any other day		2
If an open stall is provided by the Corporation—		
For Saturday		3
For any other day		1½
In any other case—		
For Saturday		2
For any other day		1

SCHEDULE E.

SLAUGHTERHOUSE TOLLS.

For every bull bullock cow steer or heifer not exceeding	2	0
For every calf not exceeding	1	0
For every sheep or lamb not exceeding		6
For every pig not exceeding		8
For any other beast not exceeding	2	0

SCHEDULE F.

WEIGHING AND MEASURING TOLLS.

For weighing every piece of meat or any article or thing not being a cart or waggon per cwt. or part of cwt.	1
For measuring every quantity of goods and things sold by measure per 2 bushels or part of 2 bushels	1

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