

Shrewsbury and Atcham Borough Council Act 1984

CHAPTER xvi

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ELIZABETH II

1984 CHAPTER xvi

An Act to make provision for the regulation and protection of part of the Square in the borough of Shrewsbury and Atcham; and for other purposes. [26th July 1984]

WHEREAS—

(1) The borough of Shrewsbury and Atcham (hereinafter referred to as "the borough") is under the management and local government of the Shrewsbury and Atcham Borough Council (hereinafter referred to as "the Council"):

(2) It is expedient to make further and better provision for the regulation, preservation and protection of part of the Square in the borough (hereinafter referred to as "the protected area"):

(3) In the month of November, 1981, a map showing the protected area was deposited with the chief executive of the Council and is in this Act called "the deposited map" and copies of that map were in the same month deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons:

(4) It is expedient that the other provisions contained in this Act should be enacted:

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

(6) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

1972 c. 70.

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:—

Citation and commencement.

1.—(1) This Act may be cited as the Shrewsbury and Atcham Borough Council Act 1984.

(2) The Shrewsbury and Atcham Borough Council (Frankwell Footbridge) Act 1977 and this Act may together be cited as the Shrewsbury and Atcham Borough Council Acts 1977 and 1984.

1977 c. xiii.

(3) This Act shall come into force on 1st January 1985.

Interpretation.

2. In this Act, unless the subject or context otherwise requires—

"authorisation" means an authorisation given in writing by the Council under section 5 (Special events) of this Act in relation to a particular occasion;

"the borough" means the borough of Shrewsbury and Atcham;

"contravene" includes failure to comply;

"the Council" means the Shrewsbury and Atcham Borough Council;

"the deposited map" means the map referred to in the Preamble to this Act;

"the prescribed carriageway" means that part of the north-westerly side of the square between its junctions with High Street and Market Street shown hatched green on the deposited map;

"the protected area" means so much of the square as lies within the outer edge of the blue line shown on the deposited map;

"the road traffic enactments" means the enactments (whether passed before or after this Act) relating to road traffic including the lighting or parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;

"the square" means the Square in the borough shown on the deposited map;

"statutory undertakers" means the British Gas Corporation, the Central Electricity Generating Board, the Midlands Electricity Board, the Severn-Trent Water Authority and any person to whom a licence has been granted under section 7 of the Telecommunications Act 1984 and to whom the telecommunications code, 1984 c. 12.
as defined in that Act, is applied by that licence or any of them as the case may be;

"trade" means to sell anything (including any living thing), and references to the selling of anything include references to the offering or exposing for sale of that thing;

"traffic regulation order" has the meaning assigned to it by section 1 of the Road Traffic Regulation Act 1984; 1984 c. 27.

"vehicle" means a vehicle of any description other than an invalid chair propelled by manual or electrical means or a perambulator.

Protected area to be open space and public rights of way extinguished. 1906 c. 25.

3.—(1) Subject to the provisions of this Act the protected area shall be an open space and the Open Spaces Act 1906 shall apply as if the protected area was an open space within the meaning of that Act and as if the Council had acquired control over the protected area on the coming into force of this section and on the coming into force of this section all public rights of way over the whole or any part of the protected area shall be extinguished:

Provided that nothing in—

(*a*) this section; or

(*b*) the Open Spaces Act 1906 as applied by this section; or

(*c*) any byelaw made under the powers of the said Act of 1906 as so applied;

shall restrict the rights of access of pedestrians to any part of the protected area or empower the Council to enclose the protected area or prevent the use of the prescribed carriageway by vehicular traffic in any manner permitted in a traffic regulation order applicable thereto.

(2) Notwithstanding the provisions of this Act—

(*a*) the prescribed carriageway shall be deemed to be a road for the purposes of the road traffic enactments;

(*b*) statutory undertakers shall have the same powers, rights and obligations in respect of placing, inspecting, repairing, maintaining, renewing and removing

apparatus in or under so much of the protected area as immediately before the coming into force of this Act was a highway as they would have if the same were a highway.

(3) For the removal of doubt, it is hereby declared that the protected area shall by virtue of subsection (1) above be an open space within the meaning of the Open Spaces Act 1906 notwithstanding the erection over part of the protected area of the building known as Old Market Hall.

1906 c. 25.

Variation of protected area.

4.—(1) In the event of the use by vehicular traffic of any part of the square outside the protected area being prohibited or restricted by a traffic regulation order or otherwise, the Council may make an order varying the protected area so as to include the remainder of the square or any part thereof.

(2) The provisions of Part III of Schedule 9 to the Road Traffic Regulation Act 1984 (procedure as respects certain orders) and any regulations for the time being made thereunder shall apply to any order made or proposed to be made under this section as though it were an order made or proposed to be made under any of the provisions referred to in paragraph 20 of the said Schedule 9.

1984 c. 27.

(3) If there are any unwithdrawn objections to an order which has the effect of varying the extent of the protected area the order shall be deemed to be one to which the consent of the Secretary of State is required under Part II of Schedule 9 to the Road Traffic Regulation Act 1984 and sections 128 and 129 of the said Act shall apply accordingly.

(4) An order made under this section may contain such incidental, consequential and supplemental provisions including provisions for the amendment of this Act and for the application to any part of the square of the road traffic enactments as the Council think necessary or expedient, and the protected area as varied by any order made under this section shall be deemed to be the protected area for the purposes of this Act:

Provided that nothing in any order made under this section shall prejudice or affect the powers, rights and obligations of statutory undertakers.

Special events.

5. The Council may grant an authorisation to persons—

(*a*) to use the protected area; and

(*b*) to use or leave vehicles thereon; and

(*c*) to trade thereon;

for the purpose of civic or public ceremonies, displays or exhibitions and for the purpose of sales organised by any

registered charity or by any other body undertaking to devote the whole of the net proceeds of sale for charitable purposes or for such other purposes as the Council may determine.

Prohibition of use of vehicles and trading in protected area.

6. Subject to the provisions of paragraph (*b*) of subsection (2) of section 3 (Protected area to be open space and public rights of way extinguished) of this Act, no person shall—

(*a*) use or leave any vehicle; or

(*b*) trade;

in the protected area except in accordance with an authorisation granted by the Council under section 5 (Special events) of this Act or in accordance with any traffic regulation order applicable to the prescribed carriageway.

Application for authorisations.

7. An application for the grant of an authorisation shall be made in such a form as the Council may by resolution prescribe (a copy of which form shall be supplied by the Council to any person on demand) and shall state—

(*a*) the full name and address of the applicant;

(*b*) the purpose for which it is intended to use the protected area or to use or leave vehicles thereon or to trade thereon; and

(*c*) such other information as the Council may reasonably require.

Grant of authorisations.

8.—(1) Upon the receipt of an application under section 7 (Application for authorisations) of this Act for the grant of an authorisation, the Council may grant an authorisation or refuse the application and in any case shall notify the applicant of their decision.

(2) If the Council grant an authorisation they may impose such conditions, if any, including a condition as to the duration of the authorisation, as they think fit.

(3) With his application for an authorisation the applicant shall pay such reasonable fee to cover the expense of the Council in dealing with such applications as the Council may by resolution prescribe:

Provided that in any case the Council may, if they think fit, dispense with or reduce the fee.

Revocation of authorisations.

9. If a person is convicted of contravening a condition imposed with respect to an authorisation, the Council may revoke the authorisation, and thereupon shall give notice of the revocation to the holder of the authorisation.

Offences.

10.—(1) Any person who without reasonable excuse contravenes the provisions of section 6 (Prohibition of use of vehicles and trading in protected area) of this Act or is without reasonable excuse in breach of a condition imposed on an authorisation granted under section 8 (Grant of authorisations) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) A person who intentionally obstructs any person acting in the execution of this Act or of any byelaw made by virtue of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £25.

Restriction on right to prosecute.

11. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or by virtue of this Act by any person other than a party aggrieved, the Council or a constable.

Application of general provisions of Public Health Act 1936.

1936 c. 49.

12. The sections of the Public Health Act 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

SCHEDULE

Section 12.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED TO THIS ACT

1936 c. 49.

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