



Warwick District Council Act 1984

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ELIZABETH II



1984 CHAPTER xxiv

An Act to re-enact with amendments certain local enactments in force within the district of Warwick; to confer further powers on the Warwick District Council; and for other purposes. [31st October 1984]

WHEREAS—

(1) The district of Warwick (hereinafter referred to as “the district”) is under the management and local government of the Warwick District Council (hereinafter referred to as “the Council”):

(2) The district was constituted on 1st April 1974 by virtue of the Local Government Act 1972 (hereinafter referred to as 1972 c. 70. “the Act of 1972”) and comprises the former boroughs of Royal Leamington Spa and Warwick, the urban district of Kenilworth and the rural district of Warwick:

(3) Certain local statutory provisions were in force in the said boroughs and by virtue of section 262 of the Act of 1972 and the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 such local statutory provisions cease to S.I. 1983/619. have effect at the end of 1986 subject to certain exceptions:

(4) It is expedient that certain of the said local statutory provisions should be re-enacted with amendments:

(5) It is expedient to confer further powers on the Council and that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

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

(8) A map marked "St. Mary's Lands" and showing the St. Mary's lands as defined by this Act was in the month of November, 1983 deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and in the office of the Secretary and Solicitor of the Council, and is in this Act called "the deposited map":

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:—

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Warwick District Council Act 1984.

(2) This Act shall come into operation on 1st January 1985.

Interpretation.
1972 c. 70.

2. In this Act unless the context otherwise requires—

"the Act of 1972" means the Local Government Act 1972;

"contravene" includes failure to comply;

"the Council" means the Warwick District Council;

"the district" means the district of Warwick;

"the grandstand and paddock area" means the area shown coloured brown on the deposited map comprising the grandstand, stables, structures and other buildings and enclosures;

"Lammas Field Common" means the lands in the district known as Lammas Field Common which lands are shown coloured pink on the deposited map;

“Newbold Comyn Park” means the land in the district known as Newbold Comyn Park vested in the Council and any lands adjoining any part thereof acquired by the Council for the purpose of being held therewith;

PART I
—cont.

“the racecourse” means the racecourse on Lammas Field Common and includes the racecourse extension;

“the racecourse extension” means the land shown coloured green on the deposited map being land adjacent to Lammas Field Common acquired for an extension of the racecourse under the Warwick Corporation Act 1948;

1948 c. xviii.

“Saltisford Common” means the lands in the district known as Saltisford Common which lands are shown coloured blue on the deposited map;

“St. Mary’s lands” means Lammas Field Common and Saltisford Common, the grandstand and paddock area and the racecourse extension collectively known as the St. Mary’s lands;

“the standard scale” has the meaning given by section 37 of the Criminal Justice Act 1982.

1982 c. 48.

PART II

ST. MARY’S LANDS

3.—(1) The Council may—

- (a) continue to operate the racecourse for horseracing;
- (b) erect and maintain on the Lammas Field Common and the grandstand and paddock area stands, stables and other buildings and enclosures in connection with the racecourse.

Use and
leasing of
racecourse.

(2) The Council may lease—

- (a) the racecourse and the grandstand and paddock area for any term not exceeding 21 years;
- (b) such part or parts of the Lammas Field Common as may be necessary for the purpose of erecting and maintaining stands, stables and other buildings and enclosures in connection with the racecourse.

(3) The Council may as respects the whole or any part of the racecourse and the grandstand and paddock area—

- (a) by themselves or by any other person authorised by them, levy charges for admission (including charges for admission to enclosures or stands, and so as to

PART II
—cont.

permit different charges in different circumstances), provide and sell refreshments and programmes and advertise the facilities offered;

- (b) use or permit the use of the same and the works, buildings and facilities incidental thereto for such other purposes as they think fit.

Power to close
certain lands.

4. Notwithstanding any custom or usage or anything contained in this or any other enactment the Council may close to the public—

- (1) so much of Lammas Field Common as is required for the purpose of the racecourse;
- (2) a further part of Lammas Field Common not exceeding four hectares in extent;
- (3) any other part of Lammas Field Common for a period not exceeding 28 days in any one year and not exceeding 14 days consecutively;
- (4) Saltisford Common or any part thereof for a period not exceeding 28 days in any one year and not exceeding 14 days consecutively;
- (5) any public rights of way over any part of Lammas Field Common so closed during the period of closure:

Provided that nothing in this section shall authorise the obstruction or closing of any public right of way over Lammas Field Common to a greater extent than the following, namely:—

- (a) the permanent partial obstruction of any such right of way at a point where it crosses the racecourse by the erection and maintenance of a barrier having a single rail for the purpose of enclosing the racecourse; and
- (b) the temporary closing or diversion of the same on any day on which horseracing takes place on that common in the course of any organised race meeting and for a period not exceeding four days prior to the first day of any such meeting.

Use of
St. Mary's
lands as
pleasure
grounds.

5. The St. Mary's lands (except the grandstand and paddock area and the racecourse extension and except any part or parts of the St. Mary's lands closed to the public under the authority of this Part of this Act) shall be deemed to be public parks or pleasure grounds or lands acquired by the Council for the purpose of recreational facilities and the Council may exercise in regard thereto the powers conferred upon them by the Public Health Acts in respect of public parks and pleasure grounds.

6.—(1) Without prejudice to their powers under section 5 (Use of St. Mary's lands as pleasure grounds) of this Act or under section 145 of the Act of 1972 (provision of entertainments) or section 19 of the Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities) the Council may from time to time—

PART II
—cont.
Further powers with respect to St. Mary's lands.
1976 c. 57.

(a) erect and maintain on Lammas Field Common booths, tents or stalls in connection with the racecourse and may lease such part of Lammas Field Common as may be necessary for the purpose of erecting and maintaining the same;

(b) erect and maintain on Lammas Field Common keepers' and caretakers' houses;

(c) set apart, fence or enclose, and let or allow the use of, any part of the St. Mary's lands except the grandstand and paddock area and the racecourse extension for the purposes of—

(i) circuses and other public entertainments for periods not exceeding six weeks in any year and as respects an area not exceeding 8 hectares;

(ii) fairs, agricultural, horticultural and other shows for periods not exceeding three months in any year and as respects an area not exceeding 40 hectares;

(iii) camping grounds, camp sites, holiday camps, athletic sports, cricket, football, lawn tennis or other games;

and make agreements as to the control and maintenance of the parts so set apart or let;

(d) continue, alter and maintain the golf course laid out upon the St. Mary's lands and make such charges as the Council think fit for the playing of golf upon such course and may let such course for such periods, not exceeding 21 years, as they think fit;

(e) subject to the provisions of this Part of this Act close to the public any part of the St. Mary's lands leased or let under this section during the period of the lease or letting:

Provided that with respect to any parts of the St. Mary's lands set apart or let for the purpose of playing games only such fences shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart;

PART II
—cont.

- (f) let the St. Mary's lands for the grazing of cattle, horses, sheep or other animals and fence off or otherwise enclose the whole or any part so let as to prevent the straying of cattle, but not so as to prevent the access thereto of the public.

(2) The Council or their lessees, tenants or licensees may make charges for admission to any part of the St. Mary's lands closed to the public under this Part of this Act.

(3) The Council shall ensure that at all times, except on days when race meetings are being held, there shall be not less than 25 hectares in the aggregate of the St. Mary's lands in respect of which the powers conferred by paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 3 (Use and leasing of racecourse) of this Act or by paragraphs (a) to (e) of subsection (1) above are not being exercised.

Byelaws as to
St. Mary's
lands.

7.—(1) The Council may without prejudice to their powers under section 235 of the Act of 1972 make byelaws as respects the whole or part of the St. Mary's lands for all or any of the following purposes:—

- (a) for preventing fires and nuisances;
- (b) for preventing persons other than persons entitled from turning out or permitting cattle, horses, sheep or other animals to graze upon the St. Mary's lands, for removing the same therefrom and for regulating such grazing as is permitted;
- (c) for preventing or regulating the use of model aircraft;
- (d) for preventing the digging or taking of turf, loam, stone, sand, gravel or other substances and for preventing or regulating the use of any device designed or adapted for detecting or locating any metal or mineral in the ground;
- (e) for preventing the injuring, cutting or felling of trees, shrubs, brushwood or plants;
- (f) for preventing the posting or painting of bills, placards or notices;
- (g) for regulating the playing of games and preventing the racing of horses or other animals except by the lessees, tenants and licensees of the Council;
- (h) for regulating the use of the parts of the St. Mary's lands upon which persons may play games, hold athletic sports, exercise or train horses and hold

meetings and shows and for prohibiting the use for the purposes aforesaid of other parts of the St. Mary's lands.

PART II
—cont.

(2) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

8. Nothing in this Part of this Act shall prejudice or affect the exercise by the Council with reference to the whole or part of the St. Mary's lands of the powers of sections 122 and 123 of the Act of 1972 (appropriation or disposal of land).

Appropriation
or disposal of
St. Mary's
lands.

PART III

ROYAL PUMP ROOMS AND GARDENS AND NEWBOLD COMYN PARK

9.—(1) In this section “the Royal Pump Rooms and gardens” means the Royal Pump Rooms, Bath Rooms, premises and public gardens or pleasure grounds maintained by the Council at the passing of this Act by virtue of the Leamington Priors Local Board (Extension of Powers) Act 1868.

Powers in
relation to
Royal Pump
Rooms and
gardens.

1868 c. xxvii.

(2) The Council shall hold and maintain the Royal Pump Rooms and gardens, and notwithstanding the covenants contained in the indenture dated 19th October 1868 and made between the Royal Leamington Pump Room Company Limited of the one part and the Leamington Priors Local Board of Health of the other part may—

- (a) alter or improve the pump rooms and bath rooms comprised therein;
- (b) maintain the gardens comprised therein as public gardens or pleasure grounds and alter or improve the same;
- (c) make byelaws for the regulation and use of the Royal Pump Rooms and gardens;
- (d) levy such charges for the use of the Royal Pump Rooms and gardens or any part thereof as they may think fit;
- (e) let the whole or any part of the Royal Pump Rooms and gardens to such person, for such period and purposes, and on such terms and conditions as they may think fit;
- (f) use the whole or any part of the Royal Pump Rooms and gardens for such purposes as they think fit.

PART III
—cont.

(3) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

Powers in
relation to
Newbold
Comyn Park.

10.—(1) The Council may use, control, manage and develop Newbold Comyn Park in accordance with the provisions of Schedule 1 to this Act and the powers mentioned in that Schedule shall be exercisable in relation thereto.

(2) (a) The Secretary of State may on the application of the Council by order amend the provisions of Schedule 1 to this Act.

(b) An order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The Secretary of State may cause such local inquiries to be held as he may consider necessary for the purpose of his functions under this section, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

PART IV

RIVER WALL AND PROMENADE

Interpretation
of Part IV.

11. In this Part of this Act—

“the river wall” means the river wall and embankment with promenade and carriage way situate on the northern bank of the specified stretch of the river Avon and constructed in pursuance of section 19 (Power to construct work) of the Warwick Corporation Act 1928 together with all such footways, carriageways, approaches, landing places, slipways, steps, drains, junctions, connections, embankments, culverts, retaining walls, abutments, fences, works and conveniences as may be necessary or convenient;

“the specified stretch of the river Avon” means that stretch of the said river in the part of the district formerly known as the borough of Warwick between the bridge carrying the Banbury Road over the said river (commonly known as “Castle Bridge”) and a point 450 metres upstream from the north-eastern side of that bridge.

1928 c. xxxv.

Power to
maintain
river wall.
Power to
dredge.

12. The Council may continue and maintain the river wall.

13. For the purpose of maintaining the river wall or for the purposes of preserving or improving the amenities of the district

the Council may, subject to the provisions of this Part of this Act, dredge and clean out the bed, banks, shore and channels of the specified stretch of the river Avon to such extent as may be necessary or convenient.

PART IV
—cont.

14. For the protection of the Severn-Trent Water Authority (in this section referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Council and the authority, apply and have effect:—

For protection
of Severn-
Trent Water
Authority.

(1) Not less than 28 days before exercising the powers of section 13 (Power to dredge) of this Act the Council shall give notice to the authority of their intention to do so together with reasonable particulars thereof and shall comply with such requirements of the authority as are notified by the authority to the Council within the said 28 days, being requirements reasonably necessary to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for land drainage purposes is not impaired, or requirements reasonably necessary to safeguard other works of the authority.

(2) Any difference which may arise under this section between the Council and the authority (other than a difference as to the meaning or construction of this section) shall be referred to and settled or determined by an arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after giving notice to the other.

PART V GENERAL

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

Restriction
on right to
prosecute.

16. Section 304 (judges and justices not to be disqualified by liability to rates) and section 328 (powers of Act to be cumulative) of the Public Health Act 1936 shall have effect as if references therein to that Act included references to this Act.

Application of
provisions of
Public Health
Act 1936.
1936 c. 49.

17.—(1) The Acts specified in Schedule 2 to this Act are hereby repealed to the extent specified in that Schedule.

Repeals.

(2) The saving provisions contained in Schedule 3 to this Act shall have effect.

SCHEDULES

Section 10.

SCHEDULE 1

PROVISIONS RELATING TO NEWBOLD COMYN PARK

1976 c. 57.

1. Without prejudice to their powers under section 145 of the Act of 1972 (provision of entertainments) or section 19 of the Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities) the Council may exercise the following powers with respect to the lands comprised in Newbold Comyn Park and the buildings and structures erected or constructed thereon (all of which lands and buildings are in this Schedule referred to as "the said lands" and "the said buildings"), that is to say, the Council may—

- (a) provide public amenities, facilities for entertainment and recreation, buildings, shops and garages;
- (b) close the said lands and the said buildings against the public and charge the public for admission to, and use of, amenities, sports and facilities provided by them;
- (c) hire caterers and erect or permit the erection of such accommodation as the caterers consider necessary; and the Council, or any other person appointed by them in that behalf, may apply for and hold licences for the sale of beer or intoxicating liquors for the purposes of this paragraph;
- (d) let for such term not exceeding 21 years and subject to such terms and conditions as they think fit the whole or any part of the said lands and the said buildings or let to any organisation any of the facilities provided for recreation;
- (e) exercise in respect of the said lands and the said buildings any powers conferred upon the Council by the Public Health Acts in respect of public parks and pleasure grounds;
- (f) grant any easements or privileges in respect of the said lands and pull down and remove any building thereon;
- (g) construct and maintain streets, roads, sewers and drains on any part of the said lands and may, if they think fit, dedicate any such street as a public highway or permit the use of any part of the said lands for the widening and improvement of a highway;
- (h) make and recover reasonable charges for the use of the said lands for the purposes of camping;
- (i) exchange any part of the said lands for any other lands in the neighbourhood thereof and the lands thus acquired shall be deemed to be part of the said lands.

2. The powers of the Council under sub-paragraph (b) of paragraph 1 above shall also be exercisable by any lessee or tenant of the Council and the powers of the Council under sub-paragraph (c) of that paragraph to apply for and hold licences shall also be exercisable in relation thereto by any person appointed by the Council in that behalf.

3. Nothing in this Schedule shall authorise the closing of any public right of way over the said lands.

SCHEDULE 2

Section 17.

ENACTMENTS REPEALED

Chapter (1)	Title or short title (2)	Extent of repeal (3)
6 Geo. 4. c. cxxxiii (1825).	An Act for paving or flagging, lighting, cleansing, watching, regulating, and improving the town of Leamington Priors in the County of Warwick.	The whole Act.
6 & 7 Vict. c. lix (1843).	An Act for amending and enlarging the Powers and Provisions of an Act for paving or flagging, lighting, cleansing, watching, regulating, and improving the Town of Leamington Priors in the county of Warwick, and for establishing a Market therein.	The whole Act.
15 & 16 Vict. c. 69.	Public Health Supplemental Act 1852, (No. 2).	The Order relating to Leamington.
31 & 32 Vict. c. xxvii.	Leamington Priors Local Board (Extension of Powers) Act 1868.	The whole Act.
49 & 50 Vict. c. xxvii.	Leamington Corporation Act 1886.	The whole Act.
53 & 54 Vict. c. ccxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1890.	The Borough of Leamington Order 1890.
59 & 60 Vict. c. cxlii.	Leamington Corporation Act 1896.	The whole Act.
2 Edw. 7 c. cxxix.	Leamington Corporation Act 1902.	The whole Act.
18 & 19 Geo. 5. c. xxxv.	Warwick Corporation Act 1928.	The whole Act.
11 & 12 Geo. 6. c. xviii.	Warwick Corporation Act 1948.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. xvi.	Leamington Corporation Act 1952.	The whole Act.

Section 17.

SCHEDULE 3

SAVING PROVISIONS

1. In so far as anything done under an enactment in force in any area which is repealed by this Act could have been done under any enactment in this Act, or any public general Act, relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under either of those last-mentioned enactments.

2. Where an instrument or document refers, either expressly or by implication, to an enactment in force in any area which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter in the same area.

3.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act or in any public general Act relating to the same matter as if begun under either of those last-mentioned enactments.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if that period began to run under that provision.

4. The repeal by this Act of any enactment shall not affect the operation of any byelaw made or issued under that enactment if the byelaw is one which could be made under any provision of this Act and any such byelaw shall have effect as if made under this Act.

5. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment in force in any area which is repealed by this Act and any enactment in this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

6. Nothing in this Act shall prejudice or affect any market franchise existing immediately before the commencement of this Act and conferred or enjoyed wholly or partly by, or by any combination of, any enactment, royal licence, royal charter, letters patent, or by custom.

7. Where immediately before the conveyance of any land in pursuance of section 55 (Adjustment of boundaries of streets) of the

1952 c. xvi.

1980 c. 66.

powers and rights acquired in respect of that apparatus under paragraph (2) of section 163 (For protection of gas and electricity boards) of the said Act of 1952 shall cease to have effect.

SCH. 3
—cont.

8. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.



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