

ELIZABETH II



1987 CHAPTER xxiii

An Act to make provision with reference to markets at Erith in the London Borough of Bexley; to empower the Council of that borough to apply to that borough provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading; and for purposes connected therewith.

[16th November 1987]

WHEREAS—

(1) The London Borough of Bexley is under the management and local government of the Bexley London Borough Council (in this Act called “the Council”):

(2) It would be of public and local advantage to provide for the continuance of certain markets and the establishment of a further market or markets in the part of the borough known as Erith notwithstanding the infringement or non-compliance thereby with any rule of law or enactment:

(3) It is expedient to empower the Council to apply to the borough the provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading:

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

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

1972 c. 70. (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:

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:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Bexley London Borough Council Act 1987.

Interpretation.

2. In this Act—

1984 c. 30.

“the Act of 1984” means the Food Act 1984;

“the borough” means the London Borough of Bexley;

“the Council” means the Council of the borough;

“existing Erith markets” means the markets held in the borough at—

(a) Pier Road; and

(b) the Erith Shopping Centre;

“existing market” means a market which has been held during each of the two years preceding the commencement of this Act;

“the town hall” means the town hall of the former borough of Erith.

PART II

ERITH MARKET

Continuance and establishment of markets.

3. The Council may—

(1) continue the existing Erith markets;

(2) establish a further market or markets within a distance of one mile from the town hall; and

(3) authorise, on such terms (whether financial or otherwise) as they think fit—

(a) the continuance by others of the existing Erith markets;

(b) the establishment by others of a further market or markets within a distance of one mile from the town hall;

notwithstanding that the holding of such a market would interfere with any rights, powers or privileges enjoyed within the borough in respect of a market held by any other person.

Compensation.

4.—(1) If by virtue of the enactment of this Part of this Act, the value of the right to hold an existing market is diminished, the person in whom that right is vested shall be entitled to compensation from the Council as set out in subsection (2) below or as otherwise agreed with the Council save that a local authority within the meaning of section 72 of the Act of 1984 shall not be entitled to any compensation in respect of any rights, powers or privileges which they enjoy by reason only of the fact that they have established a market within their own district in the circumstances set out in subsection (3) of section 50 of the Act of 1984.

PART II
—cont.

(2) (a) The measure of compensation shall be the capital value of the estimated loss of income to the claimant from persons trading at his market resulting from the continuance or establishment of a market under this Act.

(b) Compensation under this section shall carry interest from the expiry of six weeks from the date on which the claim is received by the Council.

(3) Except as may otherwise be agreed by the Council, compensation under this section shall not be payable except upon a claim made in writing to the Council within three months of the commencement of this Act.

(4) (a) The amount of such compensation shall, in default of agreement, be assessed by the High Court of Justice.

(b) An application to assess the amount of such compensation shall be made by originating summons issued in the Chancery Division of the High Court within six months of the notification of the claim under subsection (3) above.

(5) The rate of interest on any compensation shall be such rate as may from time to time be prescribed under section 32 of the Land Compensation Act 1961.

1961 c. 33.

5. A market continued or established under this Part of this Act shall be deemed to have been established by the Council under section 50 of the Act of 1984.

Application of Part III of Act of 1984 to markets.

6. Any person entitled or authorised by virtue of this Part of this Act to hold a market may transfer or dispose of all or part of his rights to another and that other shall have and may exercise to the extent authorised by the Council all or any of the powers which the Council have in relation to markets established by them under section 50 of the Act of 1984 other than any power to make byelaws but shall be subject to all the restrictions, liabilities and obligations in respect thereof to which the Council are subject.

As to transfer of rights.

PART III

STREET TRADING

7. The Council may resolve that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the borough and, if the Council so resolve, that Schedule shall come into force in the borough on such day as may be specified in the resolution and shall have effect as if the Council were a district council for the purpose of that Act and as if the borough were their district.

Power of Council to adopt Part III of Local Government (Miscellaneous Provisions) Act 1982.

1982 c. 30.

