

ELIZABETH II



1990 CHAPTER ix

An Act to provide for the alteration of the site of Spitalfields Market; and for other purposes.

[22nd February 1990]

WHEREAS—

(1) The age and condition of Spitalfields Market is such that the market fails to meet modern market needs and practices and the situation of the market is inconvenient for transport facilities and proper regulation:

(2) The impracticability of providing satisfactory accommodation for the market in new premises on or near the site of the existing market makes it expedient that provision be made to move the market to a new site available at Temple Mills in the London boroughs of Hackney and Waltham Forest:

(3) A map showing the new site of the market has been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and in the respective offices of the town clerk of the city, the chief executive of the council of the London borough of Hackney, the chief executive of the council of the London borough of Waltham Forest and the City Remembrancer at the Guildhall in the city:

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

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:—

1. This Act may be cited as the City of London (Spitalfields Market) Act 1990.

Short title.

Interpretation.

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

“the appointed day” has the meaning given by section 3 of this Act;

“city” means the City of London;

“Corporation” means the mayor and commonalty and citizens of the city acting by the common council;

“the deposited map” means the map showing the new site deposited as recited above;

“existing” means existing at the appointed day;

“the market” means Spitalfields Market;

“the new site” means the lands in the London boroughs of Hackney and Waltham Forest within the limits of the market shown on the deposited map;

“the Spitalfields Market Acts” means the enactments specified in Schedule 1 to this Act so far as unrepealed, and includes any byelaws in force under any of those enactments;

“town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the functions of that officer.

Appointed day.

3.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the Corporation under this section as the day for the alteration of the site of the market in accordance with this Act.

(2) The Corporation shall publish in a newspaper or newspapers circulating in the city, in the London borough of Hackney, in the London borough of Tower Hamlets and in the London borough of Waltham Forest notice of the passing of any such resolution and of the date fixed thereby and the day so fixed shall not be earlier than the expiration of one month from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any newspaper bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

Alteration of site of Spitalfields Market.

4.—(1) As from the appointed day—

(a) the new site shall be the site of the market;

(b) the lands comprising the existing market shall be released from any restrictions on their use which attach to them, by virtue of any enactment or otherwise, by reason of their use for the market; and

(c) the following provisions of this section shall have effect.

(2) The Spitalfields Market Acts shall have effect as if for any reference in them to the market on its existing site, whether or not a reference to the site as extended at any time, there were substituted reference to the market on the new site.

(3) Subject to subsection (4) below, all rights, powers, authorities, privileges, obligations and liabilities of the Corporation by charter, custom or otherwise shall operate within the new site as they operate within the site of the market as existing.

(4) For the avoidance of doubt it is hereby declared that no obligation relating to the holding of the market shall require the Corporation to permit the carrying on of market trading on any part of the new site on which the carrying on of such trading would constitute development for which planning permission has not been granted under the Town and Country Planning Act 1971.

(5) In consequence of the foregoing provisions of this section the following enactments shall have effect subject to the following amendments:—

City of London (Spitalfields Market) Act 1902—

1902 c. clxv.

In the definition of “the undertaking” in section 3 (Interpretation), for the words “the site thereof and adjoining thereto” there shall be substituted the words “the new site as defined in section 2 of the City of London (Spitalfields Market) Act 1990”;

City of London (Various Powers) Act 1922—

1922 c. xxi.

In section 16 (Power to sell and lease lands), (which, as amended by section 20 (2) of the City of London (Various Powers) Act 1979, empowers the Corporation to dispose of lands not required for the purposes of the market), after the words “relating to the Market” there shall be inserted the words “or comprising any part of the new site as defined in section 2 of the City of London (Spitalfields Market) Act 1990” and at the end of that section there shall be inserted the sentence “On any sale or other disposal under this section the land so disposed of shall thereupon be freed from any trusts attaching to it by reason of that land having formed part of the site of the market.”;

1979 c. xxiv.

In section 17 (Application of moneys from sale, etc. of land), for the words “under this Act” where they first appear there shall be substituted the words “under section 16 of this Act” and for those words where they secondly appear there shall be substituted the words “under the Spitalfields Market Acts as defined in the City of London (Spitalfields Market) Act 1990, and any moneys not required for that purpose shall be credited to the General Rate.”;

In section 23 (payment of Market expenses), for the words “Notwithstanding anything contained in section 35 (Expenses of execution of Act) of the Act of 1914 all” there shall be substituted the word “All” and the words “Part II of the Act of 1914” shall be omitted.

5.—(1) Not later than 14 days after the passing of this Act the Corporation shall offer to any person who immediately before the passing of this Act—

Market traders.

(a) was carrying on within the market any business associated with the market; or

(b) was carrying on within Stratford Market in the London borough of Newham any business associated with that market;

accommodation within the new site which will so far as reasonably practicable enable any such person after the appointed day to carry on a business of comparable size and nature to that carried on by him immediately before the passing of this Act.

(2) An offer made to any person under subsection (1) above may be withdrawn if it is not accepted by him within 28 days after the offer has been made to him.

(3) Nothing in subsections (1) and (2) above shall prejudice any rights accruing to the Corporation in respect of premises provided by them within the existing market.

(4) Part II of the Landlord and Tenant Act 1954 shall not apply to a tenancy of premises held at the appointed day for the purpose of any business of the sort described in subsection (1) above by any person to whom accommodation is offered in accordance with that subsection.

1954 c. 56.

(5) (a) As from the appointed day it shall not be lawful to use any premises within the existing market for any purpose of such a business as is mentioned in subsection (1) above.

(b) No criminal proceedings shall lie in respect of any contravention of paragraph (a) above but civil proceedings shall lie at the instance of the Corporation.

Traffic regulation:
increase of fines.
1961 c. xxviii.
1982 c. 48

6. Section 23 (Regulation of market traffic) of the City of London (Various Powers) Act 1961 (which, as it has effect by virtue of section 38 of the Criminal Justice Act 1982, provides for a maximum penalty for any contravention of a traffic direction given under that section of level 1 on the standard scale) shall have effect as if in subsection (2) thereof for the reference to level 1 on the standard scale there were substituted the words "level 2 on the standard scale".

Application
and repeal of
enactments
relating to
Spitalfields
Market.
1976 c. 57.

7.—(1) Section 36 of the Local Government (Miscellaneous Provisions) Act 1976 (appointment of times and charges for markets) shall apply to this Act as if this Act were passed before the coming into operation of that section.

(2) As from the appointed day the enactments specified in columns (1) and (2) of Schedule 2 to this Act are hereby repealed to the extent mentioned in column (3) of that Schedule.

Costs of Act.

8. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the general rate of the city.

SCHEDULES

SCHEDULE 1

Section 2.

THE SPITALFIELDS MARKET ACTS

(1) Chapter	(2) Short title
2 Edw. 7. c. clxv.	The City of London (Spitalfields Market) Act 1902.
12 & 13 Geo. 5. c. xxi.	In the City of London (Various Powers) Act 1922, sections 16, 17, 19 and 23.
7 & 8 Eliz. 2. c. xlix.	In the City of London (Various Powers) Act 1959, Part III.
8 & 9 Eliz. 2. c. xxxvi.	In the City of London (Various Powers) Act 1960, section 16.
9 & 10 Eliz. 2. c. xxviii.	In the City of London (Various Powers) Act 1961, section 23.
1963 c. xxxiv.	In the City of London (Various Powers) Act 1963, section 31 so far as applying to the market.
1971 c. lxi.	In the City of London (Various Powers) Act 1971, section 12 so far as applying to the market.
1979 c. xxiv.	In the City of London (Various Powers) Act 1979, section 20.
1987 c. xv.	In the City of London (Various Powers) Act 1987, section 31 so far as applying to the market.

SCHEDULE 2

REPEALS

Section 7 (2).

(1) Chapter	(2) Short title	(3) Extent of repeal
2 Edw. 7. c. clxv.	City of London (Spitalfields Market) Act 1902.	Section 2 except the proviso, in section 3 the definition of "The Stepney Council", sections 5 to 8, section 10, section 15, in section 16 the words "or the roads or streets intersecting the same" and the words "For the closing from time to time of any of the roads intersecting the said Market except for market traffic:", sections 18 to 28 and section 38.
4 & 5 Geo. 5. c. clxix.	City of London (Various Powers) Act 1914.	Part II.
12 & 13 Geo. 5. c. xxi.	City of London (Various Powers) Act 1922.	Section 5, section 18 and the proviso to section 19.
8 & 9 Eliz. 2. c. xxxvi.	City of London (Various Powers) Act 1960.	Sections 5 to 15 and sections 17 to 19.
9 & 10 Eliz. 2. c. xxviii.	City of London (Various Powers) Act 1961.	Sections 5 to 22 and 24 to 27.



City of London (Spitalfields Market) Act 1990

CHAPTER ix

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Appointed day.
4. Alteration of site of Spitalfields Market.
5. Market traders.
6. Traffic regulation: increase of fines.
7. Application and repeal of enactments relating to Spitalfields Market.
8. Costs of Act.

SCHEDULES:

- Schedule 1—The Spitalfields Market Acts.
- Schedule 2—Repeals.

