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## Food Act 1984

1984 c. 30 Part III

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**Changes to legislation:** There are currently no known outstanding effects for the Food Act 1984, Part III.

### PART III MARKETS

#### Annotations:

##### Modifications etc. (not altering text)

- C1 [Pt. III applied \(30.1.2004\) by Hereford Markets Act 2003 \(c. iv\), ss. 1, 3\(2\)](#)  
 C2 [Pt. III applied \(2.10.2004\) by Ipswich Market Act 2004 \(c. iii\), ss. 1, 6](#)

#### 50 Establishment or acquisition.

(1) **[F1]** A local authority may—

- (a) establish a market within **[F1]** their area;
- (b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within **[F1]** their area, and any rights enjoyed by any person within **[F1]** their area in respect of a market and of tolls,

and, in either case, may provide—

- (i) a market place with convenient approaches to it;
- (ii) a market house and other buildings convenient for the holding of a market.

(2) A market shall not be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within **[F2]** the authority's area in respect of a market by any person, without that person's consent.

**[F3]**(3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority's area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment]

#### Annotations:

##### Amendments (Textual)

- F1** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(1\)](#)
- F2** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(2\)](#)
- F3** [S. 50\(3\)](#) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(3\)](#)

**51 Power to sell to local authority.**

- (1) The owner of a market undertaking, or of any rights in respect of a market and of tolls, whether established under, or enjoyed by virtue of, statutory powers or not, may sell or lease to a local authority the whole or any part of his market undertaking or rights, but subject to all attached liabilities.
- (2) A sale by a . . . **F4** company under this section must be authorised—
  - (a) if the company is a company within the meaning of the Companies Act [**F5** 1985], [**F6** by special resolution];
  - (b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

**Annotations:** **Amendments (Textual)**

- F4** Word repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 3, Sch. 5
- F5** Figure substituted by the Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, Sch. 2
- F6** Words in s. 51(2)(a) substituted (1.10.2007) by Companies Act 2006 (Commencement No.3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), Sch. 4 para. 37 (with art. 12)

**52 Market days and hours.**

A market authority may appoint the days on which, and the hours during which, markets are to be held.

**53 Charges.**

- (1) A market authority may demand in respect of the market, . . . **F7**, such charges as they may from time to time determine.
- [F8]**(2) A market authority who provide—
  - (a) a weighing machine for weighing cattle, sheep or swine; or
  - (b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,
 may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.
- (3) The authority—
  - (a) shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several charges payable under this Part; and
  - (b) shall keep so much of the tables as relates to charges payable . . . **F9** in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose.
- (4) A person who demands or accepts a charge greater than that for the time being authorised shall be liable to a fine not exceeding level 2 on the standard scale.
- (5) Nothing in this section applies in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

**Annotations:** **Amendments (Textual)**

- F7** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 4, Sch. 5
- F8** S. 53(2) substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 4(2)
- F9** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 4(3), Sch. 5

**54 Time for payment of charges.**

- (1) Charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.
- [F10]**(2) Charges payable in respect of the weighing of cattle, sheep or swine shall be paid in advance to an authorised market officer by the person bringing the animals to be weighed.]
- (3) Charges payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer—

- (a) as soon as the animals in respect of which they are payable are brought into the market place, and
- (b) before they are put into any pen, or tied up in the market place,

but further charges shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

**Annotations:** [?](#)

**Amendments (Textual)**

**F10** S. 54(2) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 5](#)

**55 Recovery of charges.**

If a person liable to pay any charge authorised under this Part does not pay it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress—

- (a) of all or any of the animals, poultry or other articles in respect of which the charge is payable, or
- (b) of any other animals, poultry or articles in the market belonging to, or in the charge of, the person liable,

and any such charge may also be recovered either summarily as a civil debt or in any court of competent jurisdiction.

**56 Prohibited sales in market hours.**

(1) A person (other than a pedlar holding a certificate under the **M1** Pedlars Act 1871) who on a market day and during market hours sells or exposes for sale any articles—

- (a) which are specified in a byelaw made by the market authority, and
- (b) which are commonly sold in the market,

and such sale or exposure for sale—

- (i) is in any place within the authority's [**F11** area], and
- (ii) is within such distance from the market as the authority may by byelaw declare,

is liable to a fine not exceeding level 2 on the standard scale.

This subsection does not apply to a sale or exposure for sale in a person's own dwelling place or shop, or in, or at the door of, any premises to a person resident in those premises.

(2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

**Annotations:** [?](#)

**Amendments (Textual)**

**F11** Word substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 6](#)

**Marginal Citations**

**M1** 1871 c. 96.

**57 Weighing machines and scales.**

(1) ..... **F12**

(2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister declaring that the circumstances are such as to render compliance with this subsection unnecessary—

- (a) provide to that Minister's satisfaction one or more weighing machines adapted for weighing such animals; and
- (b) appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section 1 of the **M2** Markets and Fairs (Weighing of Cattle) Act 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act referred to in that Act of 1926.

**Annotations:** [?](#)

**Amendments (Textual)**

**F12** S. 57(1) repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, 59\(4\), Sch. 2 para. 7, Sch. 5](#)

**Marginal Citations**

**M2** 1926 c. 21.

**[F1357A Provision of cold stores.**

- (1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.
- (2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.
- (3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.
- (4) Subsections (1) to (5) of section 250 of the **M3** Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.]

**Annotations:** ?

**Amendments (Textual)**

**F13** S. 57A inserted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 8](#)

**Marginal Citations**

**M3** 1972 c.70(81:1).

**58** ..... **F14**

**Annotations:** ?

**Amendments (Textual)**

**F14** S. 58 repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, 59\(4\), Sch. 2 para. 9, Sch. 5](#)

**59 Information for market officer.**

The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information—

- (a) as to their number and kind, or
  - (b) in the case of articles on which charges are made by reference to weight, as to their weight,
- as that officer may require.

**60 Market byelaws.**

A local authority who maintain a market, whether or not they are a market authority within the meaning of this Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings in that market place;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches to it;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles from the market within the district.

**[F15(d)** after consulting the **[F16** fire and rescue authority] **F17** ..., for preventing the spread of fires in the market.]

**Annotations:** ?

**Amendments (Textual)**

**F15** S. 60(d) inserted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 10](#)

**F16** Words in s. 60(d) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 56\(2\)](#); [S.I. 2004/2304, art. 2](#); [S.I. 2004/2917, art. 2](#)

**F17** Words in s. 60(d) repealed (1.4.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 32\(2\), Sch. 4](#) (with [art. 49](#))

**61 Interpretation of Part III, and exclusion of City of London.**

In this Part, unless the context otherwise requires—

"authorised market officer" means an officer of a market authority specially authorised by them to collect charges in their market,

"charges" includes stallage or tolls,

**[F18 [F19** "fire and rescue authority" in relation to a market, means—

- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the market, the enforcing authority within the meaning given by article 25 of that Order; or
- (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the market is situated.]

"food" has the same meaning as in the Food Safety Act 1990;

"local authority" means a district council, a London borough council or a parish **[F20** council but, in relation to Wales, means a county council, county borough council] or community council;

"market authority" means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.]

F21

Annotations: **7**

**Amendments (Textual)**

- F18** Definitions substituted for "market authority" by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, [Sch. 2 para. 11](#)
- F19** Definition in s. 61 substituted (1.4.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), [Sch. 2 para. 32\(3\)](#) (with art. 49)
- F20** Words in s. 61 inserted (1.4.1996) by [1994 c. 19, s. 22\(3\)](#), [Sch. 9 para. 14](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 3, [Sch. 1](#)
- F21** Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), [Sch. 2 para. 11](#), [Sch. 5](#)

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