

City of London (Markets) Bill

[AS AMENDED IN COMMITTEE]

EXPLANATORY MEMORANDUM

This Bill provides for the repeal of legislation relating to Billingsgate Market and the London Central Markets (“the markets”), and the consequent cessation of the operation of those markets at the existing sites. The markets are owned and operated by the City of London Corporation (“the Corporation”).

Clause 1 provides the short title of the Bill.

Clause 2 defines certain expressions used in the Bill.

Clause 3 enables the Corporation to fix a day for the repeal of the legislation relating to each of the markets, referred to as the “appointed day”. *Subsection (2)* provides that where the Corporation has entered into a written agreement with a market tenant that contains a provision as to the termination of a lease in respect of premises that form part of an existing site of a market not taking place either before a specified date, or until a specified period of time has elapsed following the passing of the Act, the Corporation must fix an appointed day that is consistent with any such agreement.

Clause 4 requires the Corporation to publish at least 90 days’ advance notice of an appointed day on its website and in a newspaper circulating in the City of London and, in respect of Billingsgate Market, in the London Borough of Tower Hamlets.

Clause 5 provides for certain legal consequences that take effect on the appointed day in respect of a market. *Subsection (1)* provides that from the appointed day in respect of a market, the existing site of that market is released from restrictions, rights or obligations arising from its status or use as a market (other than restrictions imposed by a lease). *Subsection (2)* provides for the further removal of restrictions relating to the London Central Markets from the appointed day.

Clause 6 applies where a market tenant continues to occupy premises at a market immediately before the appointed day, and that market tenant has entered into a written agreement with the Corporation before that appointed day which provides for the termination of the lease of those premises on or before that appointed day, and for compensation to be paid to that tenant in respect of that termination. *Subsection (2)* provides that where the clause applies, on the appointed day, any such lease terminates, and any subsisting or future right to occupy on the part of a market tenant to whom the clause applies, whether under Part 2 of the Landlord and Tenant Act 1954 or otherwise, terminates.

Clause 7 introduces *The Schedule* which contains repeals of the existing provisions applying to the markets. These repeals, in respect of each market, take effect from the relevant appointed day.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr. P. R. E. Double, Counsel to the City, for the City of London Corporation, as the promoter of the Bill, has made the following statement required by Standing Order 38(3) of the Standing Orders relating to Private Business:

In my view the provisions of the City of London (Markets) Bill are compatible with the Convention Rights.

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Schedule – Repeals

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Part 2 – The London Central Markets repeals

[AS AMENDED IN COMMITTEE]

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Make provision for the repeal of legislation relating to Billingsgate Market and the London Central Markets; and for connected purposes.

WHEREAS—

- (1) The City of London Corporation owns and operates Billingsgate Market and the London Central Markets:
- (2) The buildings and facilities at the existing sites of Billingsgate Market and the London Central Markets do not provide modern working environments that cater for contemporary market needs and practices: 5
- (3) The cost and difficulty of undertaking works on the existing sites of those markets, taken together with the location of the existing sites, and the other significant public benefit uses for which the existing sites can be used, makes it expedient that provision be made for the City of London Corporation to cease providing those markets at those sites: 10
- (4) Market tenants at the existing sites are to be compensated by the City of London Corporation in respect of that cessation:
- (5) The City of London Corporation intends to support all market tenants wishing to continue their businesses from alternative premises in their plans to do so:
- (6) It is expedient that the other provisions of this Act be enacted: 15
- (7) The objects of this Act cannot be obtained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King'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:— 20

1 Citation

This Act may be cited as the City of London (Markets) Act 202[].

2 Interpretation

In this Act—

- “appointed day” has the meaning given in section 3;
- “the Corporation” means the Mayor and Commonalty and Citizens of the City of London, acting by the Common Council; 5
- “existing site” means the site of a market existing immediately before the passing of this Act;
- “lease” means a periodic tenancy, a fixed term tenancy, a tenancy at will or a tenancy continuing by virtue of Part 2 of the Landlord and Tenant Act 1954; 10
- “the London Central Markets” has the meaning given by section 21 of the London Central Markets Act 1875; and for the purposes of this Act the markets designated collectively as the London Central Markets by virtue of that section are to be treated as one market;
- “market tenant” means a person who— 15
 - (a) occupies relevant premises under a lease; and
 - (b) carries on a business from those premises—
 - (i) as a market trader, or
 - (ii) otherwise related to the trade of that market;
- “the markets” means Billingsgate Market and the London Central Markets; 20
- and “a market” means any one of the markets;
- “relevant premises” means premises that form part of the existing site of a market;
- “the Town Clerk” means the Town Clerk of the City of London.

3 Appointed day 25

- (1) In this Act, “appointed day” in respect of a market means such day as may be fixed by resolution of the Corporation as the day on which the operation of a market is to cease.
- (2) Where the Corporation has entered into a written agreement with a market tenant that contains a provision as to the termination of a lease in respect of relevant premises not taking place— 30
 - (a) before a specified date, or
 - (b) until a specified period of time has elapsed following the passing of this Act,
 the Corporation must fix an appointed day for that market under subsection (1) that is consistent with any such provision in any such agreement. 35

4 Notification of appointed day

- (1) At least 90 days before an appointed day, the Corporation must publish notice of the passing of the resolution fixing that appointed day, and of the appointed day so fixed— 40
 - (a) on its website,
 - (b) in a newspaper circulating in the City of London, and

- (c) in a newspaper circulating in the London Borough of Tower Hamlets, if the appointed day relates to Billingsgate Market.
- (2) A photocopy or other reproduction certified by the Town Clerk to be a true copy of the page or part of a page of any newspaper bearing the date of its publication, and containing a notice mentioned in subsection (1), is to be taken as evidence of the publication of the notice and the date of publication. 5
- (3) A reproduction certified by the Town Clerk to be a true copy of part of the website of the Corporation on a particular date, and containing a notice mentioned in subsection (1) is to be taken as evidence of the publication of the notice on the website on that date. 10

5 Removal of market restrictions

- (1) From the appointed day in respect of a market—
 - (a) the land comprising the existing site of that market is released from any restriction, right or obligation, other than a restriction imposed by a lease, that attaches or relates to it, whether by virtue of any enactment or otherwise, by reason of its status or use as a market, and 15
 - (b) any privilege or obligation of the Corporation to hold that market ceases to exist.
- (2) From the appointed day that relates to the London Central Markets— 20
 - (a) any restriction, right or obligation that attaches or relates to the land referred to in section 8 of the Metropolitan Meat and Poultry Market Act 1860 and section 12 of the Metropolitan Meat and Poultry Market (Western Approach) Act 1862 by virtue of those sections ceases to have effect, 25
 - (b) any provision of the Letters Patent granted by King Charles I on 18 October 1638 that restricts the status or use of that land ceases to have effect, and
 - (c) any customary or public rights (except highway rights) that attach or relate to that land, whether existing, accruing or otherwise arising, are extinguished. 30

6 Market tenants and leases

- (1) This section applies to a market tenant who—
 - (a) immediately before an appointed day, continues to occupy relevant premises to which the appointed day relates, and 35
 - (b) has entered into a written agreement with the Corporation before that appointed day which provides for—
 - (i) the termination of the lease in respect of those relevant premises on or before that appointed day, and
 - (ii) the provision of compensation to that market tenant in respect of that termination. 40
- (2) On the appointed day—

- (a) any lease in respect of those relevant premises, that is held by a market tenant to whom this section applies, terminates, and
- (b) any subsisting or future right of such a market tenant to occupy such premises, whether under Part 2 of the Landlord and Tenant Act 1954 or otherwise, terminates.

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7 Repeals

- (1) The enactments listed in the Schedule are repealed to the extent specified in that Schedule.
- (2) The repeals listed in Part 1 of the Schedule have effect on the appointed day in respect of Billingsgate Market.
- (3) The repeals listed in Part 2 of the Schedule have effect on the appointed day in respect of the London Central Markets.

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SCHEDULE

Section 7

REPEALS

PART 1

BILLINGSGATE MARKET REPEALS

(1) Chapter	(2) Short title	(3) Extent of repeal	
1846 (c. cccxlvii)	Billingsgate Market Act 1846	The whole Act.	5
1871 (c. lv)	Billingsgate Market Act 1871	The whole Act.	
1920 (c. xxvii)	City of London (Various Powers) Act 1920	Section 10.	
1963 (c. xxxiv)	City of London (Various Powers) Act 1963	In section 31, the words “Billingsgate Market;”.	10
1969 (c. xxxix)	City of London (Various Powers) Act 1969	Section 11.	
1971 (c. lxi)	City of London (Various Powers) Act 1971	Section 12, so far as applying to Billingsgate Market.	15
1973 (c. xx)	City of London (Various Powers) Act 1973	Sections 3, 4 and 6.	
1979 (c. xxiv)	City of London (Various Powers) Act 1979	Sections 10 to 17 and 22. Schedules 1 and 2.	20
1987 (c. xv)	City of London (Various Powers) Act 1987	Sections 3, 4 and 5.	
1990 (c. xxiv)	City of London (Various Powers) Act 1990	Section 15.	25

PART 2

THE LONDON CENTRAL MARKETS REPEALS

(1) Chapter	(2) Short title	(3) Extent of repeal	
1860 (c. cxciii)	Metropolitan Meat and Poultry Market Act 1860	The whole Act, except section 11.	30
1862 (c. clxxiv)	Metropolitan Meat and Poultry Market (Western Approach) Act 1862	The whole Act.	
1864 (c. xv)	Metropolitan Meat and Poultry Market (Borrowing) Act 1864	The whole Act.	35

(1) Chapter	(2) Short title	(3) Extent of repeal
1875 (c. lix)	London Central Markets Act 1875	The whole Act, except sections 17 to 20.
1882 (c. civ)	Metropolitan Markets (Fish &c.) Act 1882	The whole Act.
1886 (c. viii)	London Central Markets Act 1886	The whole Act, except section 10.
1956 (c. l)	City of London (Various Powers) Act 1956	Section 11.
1963 (c. xxxiv)	City of London (Various Powers) Act 1963	In section 31, the words “London Central Markets; and”.
1971 (c. lxi)	City of London (Various Powers) Act 1971	Section 12, so far as applying to the London Central Markets.

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