



# Ipswich Market Act 2004

## CHAPTER iii

An Act to enable the holding of markets on the highway in Ipswich; to make new provision for the regulation of those markets; and for connected purposes.

[1st July 2004]

**W**HEREAS—

- (1) Ipswich Borough Council (“the Council”) was established under the Local Government Act 1972 (c. 70) as a district council for the town of Ipswich (“the town”):
- (2) The Council is empowered to hold and regulate a market in the town by virtue of Royal Charters granted to its predecessor local authority by Edward II on 20 May 1317 and Henry VIII on 25 November 1518:
- (3) In exercise of these powers, a market is held at a site in Cornhill in the town:
- (4) The expansion of the market would secure its financial viability and medium-term future, but this is not currently possible because the land adjoining the present market site forms part of the highway:
- (5) There are no other suitable sites available for an expanded market in the town:
- (6) Modern provisions relating to markets ought to be applied to the Council’s market:
- (7) The purposes of this Act cannot be effected without the authority of Parliament:
- (8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) (powers of joint and local authorities to apply for further powers, etc.) 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:—

## **1 Citation and commencement**

This Act may be cited as the Ipswich Market Act 2004 and shall come into force three months from the date on which it is passed.

## **2 Interpretation**

In this Act—

“the Council” means Ipswich Borough Council;

“local bus service” means a local service subject to registration under section 6 of the Transport Act 1985 (c. 67), and “operator of a local bus service” shall be construed accordingly;

“the market” means the market now operated by or on behalf of the Council or any part of that market;

“market highway” means a highway designated under section 3;

“statutory undertaker” has the meaning given by section 262 of the Town and County Planning Act 1990 (c. 8);

“the town” means the town of Ipswich;

“traffic regulation order” means a traffic regulation order under the Road Traffic Regulation Act 1984 (c. 27); and

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (c. 27).

## **3 Designation of market highways**

- (1) The Council may designate any of the highways named in the first column of the Schedule to this Act as a market highway to the extent specified in the second column of that Schedule.
- (2) The Council shall not designate any highway under subsection (1) without first—
  - (a) giving notice of its intention to designate that highway; and
  - (b) consulting with the market traders and any other interests likely to be affected by the designation.
- (3) The Council shall give notice of any designation under subsection (1).
- (4) Notice under subsection (2)(a) or (3) above shall be given by advertisement in one or more newspapers circulating in the town.

## **4 Power to hold market on market highways**

The market or any part of it may be held or maintained on any market highway.

## **5 Traffic regulation during market hours**

- (1) Subject to the provisions of this section, if it appears necessary or expedient to the Council to do so, the Council may by order—
  - (a) prevent the use of a market highway by vehicular traffic of any kind;
  - (b) divert the traffic from a market highway; and
  - (c) suspend or alter temporarily the application of a traffic regulation order relating to a market highway,

while the market is taking place on that market highway.

- (2) An order under subsection (1) shall not—
- (a) at any time, prevent pedestrians; or
  - (b) for more than 8 hours in any period of 24 hours, prevent vehicles of any class,

from having access to any premises situated on or adjacent to a market highway, or to any other premises accessible for pedestrians, or (as the case may be) vehicles of that class, only from the market highway.

- (3) Where an order is made under subsection (1) the Council shall secure—
- (a) the erection on or near a market highway of traffic signs in such positions as the Council considers necessary for the purpose of securing that adequate information as to the effect of the designation and the order is given to users of the highway; and
  - (b) where the order contains provisions for suspending or altering temporarily the application of a traffic regulation order, such temporary covering of existing traffic signs as the Council considers necessary for the purpose of avoiding—
    - (i) confusion to users of a market highway; or
    - (ii) any incorrect indication about the application of traffic regulations.
- (4) Any person who without reasonable excuse contravenes an order made under this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) An order under subsection (1) shall not prevent statutory undertakers from having access to any apparatus of theirs on, in or under any market highway.
- (6) Before making an order under subsection (1) in respect of a market highway on which a local bus service operates the Council shall give—
- (a) the traffic commissioners; and
  - (b) the operator of the local bus service,

at least 7 days' notice of the Council's intention to do so and shall consult with them as to any measures necessary to maintain this service.

## 6 Regulation of market

Part III of the Food Act 1984 (c. 30) shall apply to the market as if the market had been established under section 50 of that Act.

## SCHEDULE

Section 3

## HIGHWAYS THAT MAY BE DESIGNATED UNDER SECTION 3(1)

<i>Name of highway</i>	<i>Extent to which it may be designated</i>
Butter Market	The part west of the eastern boundary of No 4 Butter Market.
Cornhill	The whole area except any part which lies to the east of an imaginary line north from the western boundary of No 2–10 Tavern Street.
King Street	The part east of the buildings on the corner of King Street and Princes Street.
Lion Street	The part north of the north western corner of the Town Hall.
Lloyds Avenue	The whole street.
Princes Street	The part north of the junction of Princes Street and Museum Street.
Queen Street	The whole street.
Thoroughfare	The part north of the north eastern boundary of the old post office.
Westgate Street	The part east of an imaginary line north from the eastern boundary of No 2 Cornhill.

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