

Local Government Miscellaneous Provisions) Act 1982

37 Temporary markets.

(1)The council of a district or a London borough may resolve that the following provisions of this section shall apply to their district or borough; and if a council so resolve and within 14 days of the passing of the resolution give notice of the resolution by advertising in a local newspaper circulating in their area, those provisions shall come into force in their district or borough on the day specified in the resolution.

(2)Subject to subsection (3) below, any person intending to hold a temporary market in a district or London borough where the provisions of this section have come into force, and any occupier of land in such a district or borough who intends to permit the land to be used as the site of a temporary market or for purposes of that market, shall give the council of the district or the borough not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used, as the case may be.

(3)No notice is required under subsection (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.

(4)Any notice given under subsection (2) above shall state—

(a)the full name and address of the person intending to hold the market;

(b)the day or days on which it is proposed that the market shall be held and its proposed opening and closing times;

(c)the site on which it is proposed that it shall be held;

(d)the full name and address of the occupier of that site, if he is not the person intending to hold the market.

(5)A person who without giving the notice required by subsection (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[F1level 4 on the standard scale]**.

(6)In this section “temporary market” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—

(a)a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; or

(b)a sale by auction of farm livestock or deadstock.

(7)A person holds a temporary market for the purposes of this section if—

(a)he is entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market; or

(b)he is entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.

(8)This section does not apply to a market held on any land in accordance with planning permission granted on an application made under **[F2**Part III of the Town and Country Planning Act 1990**]**.

Annotations:

Amendments (Textual)

F1Words substituted by virtue of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **s. 46**

F2Words substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 56(2)**