

WARWICK RACECOURSE – WARWICK DISTRICT COUNCIL ACT 1984

1. The Warwick District Council Act 1984 is an “empowering” Act, authorising (but not compelling) the District Council to do various things which it might otherwise not have the power to do. The Act covers not only the operation of the Racecourse, but also the rest of St. Mary’s Lands, Newbold Comyn Park, Pump Room and Gardens. The 1984 Act is the successor to the Warwick Corporation Act 1948.

2. The Act contains a detailed description of the Racecourse and the various parts thereof which are depicted coloured on a plan enclosed with the Act. Key extracts of the Act and plan are set out below. The “grandstand and paddock area” is shown on the plan coloured brown. The “racecourse” track itself is coloured pink, and the “racecourse extension” to the South-West of the site is coloured green.

3. The relevance the colours is explained in Section 3 of the Act, specifying which parts of St. Mary’s Lands **may** be included in any Racecourse Lease. Section 3 mentions the racecourse track (pink) and the grandstand and paddock (brown). Section 6 of the Act also imposes a specific prohibition on the grandstand and paddock and the racecourse extension being used for the purposes of a circus/ fair, camping, which uses are allowed in respect of the rest of St. Mary’s Lands.

4. The Act does not require the District Council to continue operating the Racecourse as a whole, nor does it state that the coloured areas must only be used for Racecourse purposes.

5. There are at least three procedures which could potentially be used to promote a Hotel (if the District Council resolves to support the same in their capacity as landowner), either:

(A) Within the scope of the Jockey Club’s current 2005 Racecourse Lease from Warwick District Council,

(B) By means of the Jockey Club surrendering from their current Racecourse Lease the land needed for the Hotel, and the District Council then granting, or

(C) Outright Sale to Jockey Club

The relevance of the 1984 Act may be different depending on whether (A) (B) or (C) is being considered.

(A) Hotel within existing Racecourse Lease

6. In 2010 the District Council obtained Counsel's Opinion to clarify the District Council's powers and duties under the 1984 Act in the context of the on-going controversy over hotel proposals. Counsel stated:

"7.16. As to the impact of the 1984 Act, by virtue of section 3(3)(b) the District Council may "as respect the whole or any part of the racecourse and the grandstand and paddock area ... use or permit the use of the same and the works buildings and facilities incidental thereto for such other purposes as they think fit". I am of the view therefore that there is nothing in the 1984 Act which prevents the use of part of the Premises as an hotel. "

7. Section 3(3)(b) of the Act makes it clear that there is no fundamental prohibition on change of use, or development of, the racecourse, including the entrance thereto from Bread & Meat Close, Hampton Street/ Friar's Street. The District Council could approve the construction of the Hotel without the need to grant a new lease to the Jockey Club.

8. That does not however alter the fact that the 1984 Act limits Racecourse Leases to a maximum of 21 years duration. It would not therefore be possible to have a 99 year term within the current 2005 Racecourse Lease.

(B) Hotel within new Lease

9. Although the terms on which it may grant Racecourse Leases are restricted, Section 8 of the Act expressly records that the District Council has the same powers to sell and change the use of St. Mary's Lands, including the Racecourse, as it would with any of its other landholdings not within the scope of the 1984 Act.

10. Accordingly, there is nothing in the 1984 Act to prevent the District Council accepting a surrender from the Jockey Club of part of the land within the current Racecourse Lease and granting the Jockey Club a fresh Lease in respect of the land required for the Hotel. Such a lease would not be a Racecourse Lease within the meaning of the 1984 Act and accordingly would not be caught by the 21 year duration limit. The District Council could, if it was considered commercially prudent and appropriate, grant a lease of any duration for hotel purposes e.g. 99 years.

(C) Outright Sale

11. The District Council would equally have the power to make an outright sale of the land to the Jockey Club for Hotel purpose if that was judged to be the most appropriate course of action.

12. Would the 1984 Act continue to apply to land after it was leased or sold for hotel purposes?

The 1984 Act would cease to be relevant. Its main purpose is to underpin and confirm the District Council's ability to operate a racecourse, and otherwise manage St. Mary's Lands. Once land is converted to another use, and/or sold, as the Act allows, the Act's provisions no longer apply.

Appendix 1. Extracts from Warwick District Council Act 1984

	PART I PRELIMINARY
Citation and commencement.	1.—(1) This Act may be cited as the Warwick District Council Act 1984. (2) This Act shall come into operation on 1st January 1985.
Interpretation. 1972 c. 70.	2. In this Act unless the context otherwise requires— “the Act of 1972” means the Local Government Act 1972; “contravene” includes failure to comply; “the Council” means the Warwick District Council; “the district” means the district of Warwick; “the grandstand and paddock area” means the area shown coloured brown on the deposited map comprising the grandstand, stables, structures and other buildings and enclosures; “Lammas Field Common” means the lands in the district known as Lammas Field Common which lands are shown coloured pink on the deposited map;

- “Newbold Comyn Park” means the land in the district known as Newbold Comyn Park vested in the Council and any lands adjoining any part thereof acquired by the Council for the purpose of being held therewith;
- “the racecourse” means the racecourse on Lammas Field Common and includes the racecourse extension;
- “the racecourse extension” means the land shown coloured green on the deposited map being land adjacent to Lammas Field Common acquired for an extension of the racecourse under the Warwick Corporation Act 1948; 1948 c. xviii.
- “Saltisford Common” means the lands in the district known as Saltisford Common which lands are shown coloured blue on the deposited map;
- “St. Mary’s lands” means Lammas Field Common and Saltisford Common, the grandstand and paddock area and the racecourse extension collectively known as the St. Mary’s lands;
- “the standard scale” has the meaning given by section 37 of the Criminal Justice Act 1982. 1982 c. 48.

PART I
—cont.

PART II
ST. MARY'S LANDS

- 3.—(1) The Council may—
- Use and
leasing of
racecourse.
- (a) continue to operate the racecourse for horseracing;
- (b) erect and maintain on the Lammas Field Common and the grandstand and paddock area stands, stables and other buildings and enclosures in connection with the racecourse.
- (2) The Council may lease—
- (a) the racecourse and the grandstand and paddock area for any term not exceeding 21 years;
- (b) such part or parts of the Lammas Field Common as may be necessary for the purpose of erecting and maintaining stands, stables and other buildings and enclosures in connection with the racecourse.
- (3) The Council may as respects the whole or any part of the racecourse and the grandstand and paddock area—
- (a) by themselves or by any other person authorised by them, levy charges for admission (including charges for admission to enclosures or stands, and so as to

PART II
—cont.

- permit different charges in different circumstances), provide and sell refreshments and programmes and advertise the facilities offered;
- (b) use or permit the use of the same and the works, buildings and facilities incidental thereto for such other purposes as they think fit.

Power to . . .

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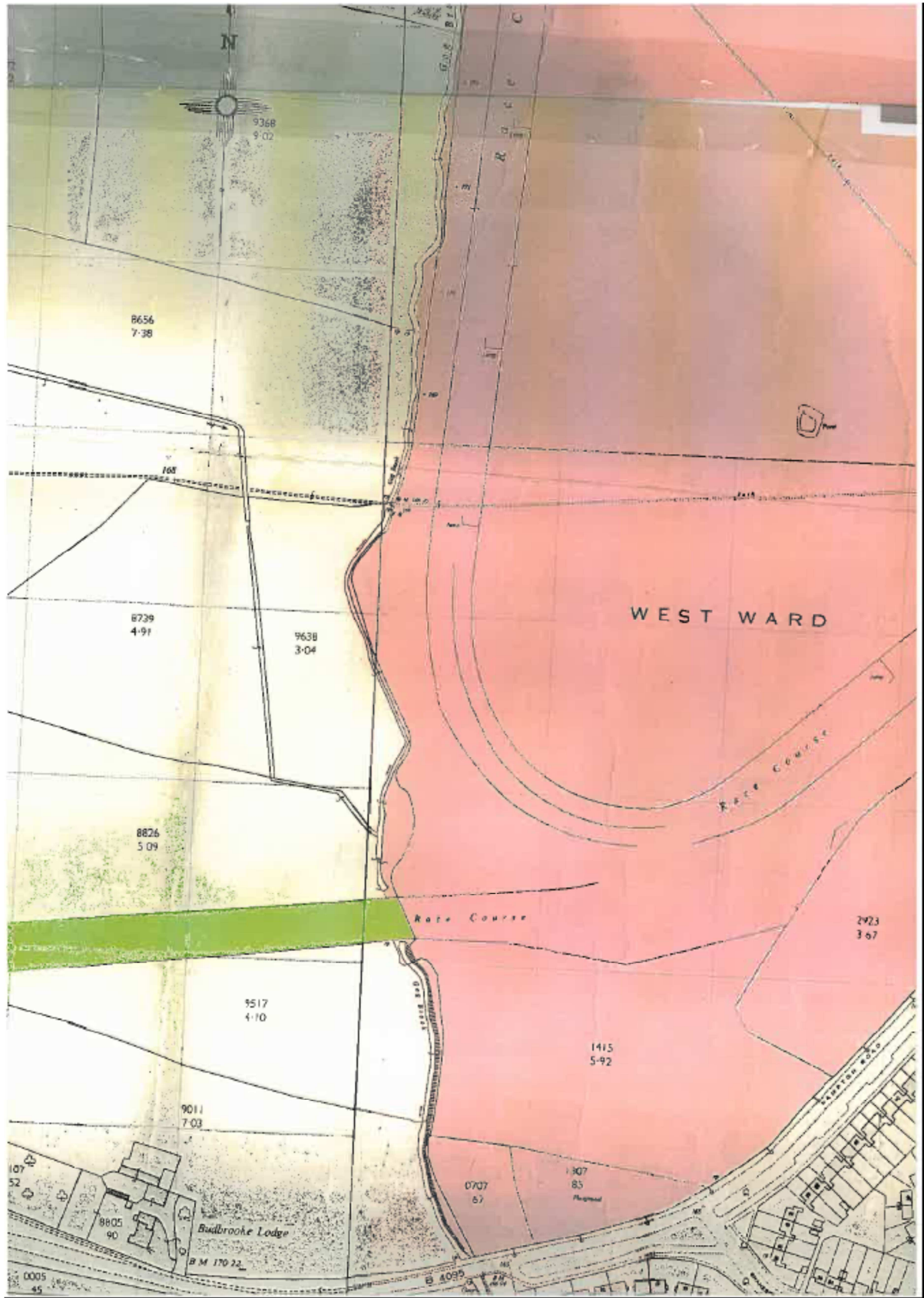
6.—(1) Without prejudice to their powers under section 5 (Use of St. Mary's lands as pleasure grounds) of this Act or under section 145 of the Act of 1972 (provision of entertainments) or section 19 of the Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities) the Council may from time to time—

PART II
—cont.
Further powers with respect to St. Mary's lands.
1976 c. 57.

- (a) erect and maintain on Lammas Field Common booths, tents or stalls in connection with the racecourse and may lease such part of Lammas Field Common as may be necessary for the purpose of erecting and maintaining the same;
- (b) erect and maintain on Lammas Field Common keepers' and caretakers' houses;
- (c) set apart, fence or enclose, and let or allow the use of, any part of the St. Mary's lands except the grandstand and paddock area and the racecourse extension for the purposes of—
 - (i) circuses and other public entertainments for periods not exceeding six weeks in any year and as respects an area not exceeding 8 hectares;
 - (ii) fairs, agricultural, horticultural and other shows for periods not exceeding three months in any year and as respects an area not exceeding 40 hectares;
 - (iii) camping grounds, camp sites, holiday camps, athletic sports, cricket, football, lawn tennis or other games;
 and make agreements as to the control and maintenance of the parts so set apart or let;
- (d) continue, alter and maintain the golf course laid out upon the St. Mary's lands and make such charges as the Council think fit for the playing of golf upon such course and may let such course for such periods, not exceeding 21 years, as they think fit;
- (e) subject to the provisions of this Part of this Act close to the public any part of the St. Mary's lands leased or let under this section during the period of the lease or letting;

Provided that with respect to any parts of the St. Mary's lands set apart or let for the purpose of playing games only such fences shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart;

8. Nothing in this Part of this Act shall prejudice or affect the exercise by the Council with reference to the whole or part of the St. Mary's lands of the powers of sections 122 and 123 of the Act of 1972 (appropriation or disposal of land). Appropriation or disposal of St. Mary's lands.



Appendix 3 – Extracts from 1984 Act Plan

