

Statutory Instrument No. 30 of 1989

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

CENTRAL DISTRICT COUNCIL (MARKETS)
BYE-LAWS, 1989
(Published on 7th April, 1989)

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BYE-LAW

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IN EXERCISE of the powers conferred by section 31 as read with section 32 of the Local Government (District Councils) Act, the Central District Council has, with the approval of the Minister of Local Government and Lands, made the following Bye-Laws —

- | | |
|--|--------------------|
| 1. These Bye-laws may be cited as the Central District Council (Markets) Bye-laws, 1989. | Citation |
| 2. In these Bye-laws, unless the context otherwise requires —
“Council” means the Central District Council;
“health inspector” means a health inspector employed by the Government or by the Council;
“market” means a market established by the Council;
“market master” means a person appointed by the Council to be market master for the purpose of these Bye-laws;
“stall” includes any building, stand, shelter, table, place or plot within a market set aside for the sale of merchandise or the provision of a service to the public;
“stall holder” means a person by whom a stall is hired under these Bye-laws. | Inter-pretation |
| 3. Every market shall be under the control and supervision of a market master. | Control of markets |

Hiring of
stalls in
markets

4. (1) A person wishing to hire a stall shall make written application therefor to the Council in the form set out in Part I of the First Schedule.

(2) The Council may grant any application made to it under sub-bye-law (1) unless —

- (a) every stall of the type for which application is made is already hired;
- (b) in its opinion the applicant is under 16 years of age; or
- (c) in its opinion to grant the application would not be in the public interest,

in which case it shall reject the application.

(3) Any person whose application has been rejected under sub-bye-law (2) may appeal in writing against that decision to the Minister.

(4) Where an application under sub-bye-law (1) is granted, the market master shall issue a permit substantially in the form set out in Part II of the First Schedule and the permit shall specify —

- (a) the full name, place of abode and postal address, if any, of the person to whom the permit is issued;
- (b) the nature of the merchandise to be sold or of the service to be provided;
- (c) the period during which the permit shall be in force;
- (d) the number of the stall to be hired; and
- (e) the rent to be paid for the stall.

(5) The rent to be paid for a stall hired under these Bye-laws shall be as specified in the Second Schedule.

(6) Every market master shall at all times exhibit at his office, in a conspicuous place where the public may readily read the same, a copy of the Second Schedule; and any market master who fails, without reasonable excuse, to comply with this sub-bye-law shall be guilty of an offence.

(7) All payments of rent for the hire of a stall under these Bye-laws shall be made in advance at the office of the market master.

(8) Any person who uses a stall without a permit issued under this bye-law or for a purpose not authorized by the permit or before the current rent has been paid for the hire of the stall shall be guilty of an offence.

Subletting
of stalls
prohibited

5. (1) Any stall holder who sublets the stall hired to him under these Bye-laws shall be guilty of an offence.

(2) Without prejudice to sub-bye-law (1), the Council may cancel the permit of any stall holder who contravenes that sub-bye-law, in which case any rent paid for the hire of the stall shall be forfeited to the Council.

Condition
of stalls at
end of hire

6. (1) At the expiration or on the cancellation of a permit issued under bye-law 4, the stall holder shall —

- (a) leave the stall in a clean, tidy and sanitary condition;
- (b) remove from the stall all property which does not belong to the Council;
- (c) replace in its original position all furniture and other fittings belonging to the Council removed or displayed by any person other than the Council during the period the permit was in force; and
- (d) make good all damage to the stall, its fixtures, furniture, fittings

and fences caused during the period the permit was in force and arising out of the hire of the stall.

(2) The duties imposed by sub-bye-law (1)(a), (b) and (c) shall be fully carried out before the market closes on the day the permit expires or is cancelled; and

(a) if the permit expires on a day on which the market is closed for business those duties shall be fully carried out before the market closes on the first day it is next open for business; and

(b) if the permit is cancelled on a day on which the market is closed for business those duties shall be fully carried out before the market closes on the first day it is next open for business.

(3) Any person who contravenes sub-bye-law (1) or (2) shall be guilty of an offence.

7. (1) Every stall holder shall take all reasonable steps to ensure that his stall and all utensils, machinery and equipment used therein and all merchandise sold or displayed for sale therein or therefrom are at all times in a clean and hygienic condition, and that he and every other person engaged in the business of the stall are at all times while so engaged in a proper state of cleanliness.

Cleanliness
of stalls etc.

(2) Any stall holder who contravenes sub-bye-law (1) shall be guilty of an offence.

(3) Without prejudice to sub-bye-law (2), the Council may cancel the permit of any stall holder who contravenes that sub-bye-law, in which case any rent paid for the hire of the stall shall be forfeited to the Council.

(4) Any person whose permit has been cancelled or who has paid rent which has been forfeited to the Council under sub-bye-law (3) may appeal in writing against the cancellation or forfeiture or both, within 14 days after being so informed, to the Minister.

(5) Where the Minister allows an appeal made to him under sub-bye-law (4), the cancellation or forfeiture or both, as the Minister may direct, shall be void.

8. Any person who erects any building, tent, booth, shelter or other structure within a market without the written permission of the Council shall be guilty of an offence.

Erection of
buildings
etc. within
markets
prohibited

9. (1) Any person who begs, gambles, loiters, screams, shouts, sings in a loud or unseemly manner, makes any loud or unseemly noise, creates a disturbance or conducts himself in an offensive or objectionable manner within a market shall be guilty of an offence and, without prejudice to the foregoing, the market master may require any person who so behaves in his presence, or whom he has reasonable grounds to believe has recently so behaved, forthwith to leave the market.

Order in
markets

(2) The market master may refuse entry to a market to any person whom he suspects on reasonable grounds to have or to be the carrier of a communicable disease or to be under the influence of drink or drugs or to any person who in his presence does in the immediate vicinity of the market any act prescribed by sub-bye-law (1).

(3) Any person who, on being required forthwith to leave a market under sub-bye-law (1) refuses to do so or who, having left a market on

being required to do so under that sub-bye-law or having been refused entry to a market under sub-bye-law (2), enters or attempts to enter the market without the permission of the market master shall be guilty of an offence.

Animals
not allowed
in markets

10. Any person who causes or permits any animal to enter or remain within a market shall be guilty of an offence:

Provided that this bye-law shall not apply to poultry intended for sale within a market by a stall holder.

Business
days and
hours of
markets

11. (1) Every market may be opened for business on any day except Sunday; and shall be opened and closed at such times as the Council shall determine, which times shall be within the hours specified in the Third Schedule.

(2) Every market master shall exhibit, in a conspicuous place within and outside the market, where the public may readily read the same, notices clearly stating the times at which the market shall be opened and closed.

(3) Any person who, without the permission of the market master, enters or remains within a market when it is closed for business shall be guilty of an offence.

Inspection
of scales,
weights and
measures
in markets

12. (1) The market master shall, from time to time inspect every scale, weight or measure used in a market and shall require the removal forthwith from the market of any such scale, weight or measure which he has reasonable grounds to believe is faulty.

(2) Any stall holder who refuses to comply with a requirement under sub-bye-law (1) or who, having removed a scale, weight or measure from the market on being required to do so under that sub-bye-law, brings or attempts to bring the scale, weight or measure back into the market without the permission of the market master shall be guilty of an offence.

Inspection of
merchandise
in markets

13. (1) The market master or a health inspector may require a stall holder forthwith to remove from a market any merchandise of the stall holder in the nature of produce which in the opinion of the market master or health inspector is noxious, putrefactive or unfit for human consumption.

(2) Any stall holder who refuses to comply with a requirement under sub-bye-law (1) or who, having removed merchandise from the market on being required to do so under that sub-bye-law, brings or attempts to bring the merchandise back into the market without the permission of the market master shall be guilty of an offence.

Penalties

14. Any person who is guilty of an offence under these Bye-laws shall be liable on conviction to a fine of P5 or in default of payment to imprisonment for 14 days.

FIRST SCHEDULE

(Bye-law 4 (1) and (4))

PART I *Application for permit to hire stall*

CENTRAL DISTRICT COUNCIL (MARKETS)

BYE-LAWS, 1989

(S.I. No. of 1989)

APPLICATION FOR PERMIT TO HIRE STALL

(Bye-Law 4 (1))

Full name of applicant
(Surname first in BLOCK LETTERS)

Place of abode and postal address (if any)
.....

Type of stall applied for (Stall, stand, plot, table or other)
.....

Period for which you wish to hire stall —

(a) indefinitely

(b) for.....days/ weeks/ months

Give particulars of the merchandise or service you intend to sell or provide at your
stall
.....

Give the number of any other stall you have in the market

.....
.....

Date: Signature of applicant

PART II *Permit to hire stall*
CENTRAL DISTRICT COUNCIL (MARKETS)
BYE-LAWS, 1989
(S.I. No. _____ of 1989)

PERMIT TO HIRE STALL
(Bye-Law 4 (4))

NOT TRANSFERABLE

Issued to

whose place of abode and postal address (if any) are

.....

to trade in or to provide the following service

.....

.....

.....

at stall No. at market
indefinitely,

or from to (both
dates inclusive)

at the inclusive rental of P.....per day/week/month

Date: Signature of Market Master

SECOND SCHEDULE

(Bye-law 4 (5))

Rental for stalls

Type of stalls

Rent

	<i>Daily</i> P	<i>Weekly</i> P	<i>Monthly</i> P
1. Brigade shop	1,00	5,00	20,00
2. Lockup stall	0,20	1,00	4,00
3. Every other stall (other than a plot)	0,05	0,25	1,00
4. Plot	0,01	per sq. ft per week	

THIRD SCHEDULE

(Bye-law 11 (1))

Hours within which markets to be opened and closed

	<i>Opening</i>	<i>Closing</i>
Morning	0600 hrs. to 0800 hrs.	1100 hrs. to 1300 hrs.
Afternoon	1300 hrs. to 1400 hrs.	1600 hrs. to 1830 hrs.

MADE this 9th day of March, 1989.

G.C. DIJENG,
Chairman,
Central District Council.

APPROVED this 20th day of March, 1989.

P.K. BALOPI,
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Minister of Local Government and Lands.

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