

District Council of Grand Port (Fair) Regulations 2013

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**Regulations made by The District Council of Grand Port under sections 50, 56, 57, 58, 158 and
163 of the Local Government Act 2011**

1. These regulations may be cited as **The District Council of Grand Port (Fair) Regulations 2013**.

2. In these regulations-

“Auctioneer” means person authorized by the Council to carry out sales by auction at a fair.

“Authorized article” means an article listed in regulation 5;

“Contract” means an occupation contract in the form as set out in Schedule A or as may otherwise be approved by the Council;

“Council” means The District Council of Grand Port;

“Fair” means a space in or out of the precincts of a market designated by the Council for the sale and purchase under its control of authorized articles; or such other places where the Council may designate.

“Identification badge” means a badge set out in the form in Schedule B;

“Inspector” means an officer of the Council appointed for the control and supervision of fairs;

“Meat” includes every edible part of any animal fit for human consumption;

“Open space” means any space within the fair compound which has not been marked and excludes passage.

“Passage” means any space between and/or in front and/or on the side of stalls for the free movement of the public.

“Sanitary Authority” has the same meaning as in the Public Health Act;

“Stall” means any stand, space or place in a fair from which authorized articles are sold;

“Stallholder” means person authorized by the Council to occupy stall for the sale of authorized articles;

“Agent” means person authorised by the Council to occupy a stall for the sale of authorised articles; and means any person designated by the stall holder with the Council approval.

“Unauthorized space” means any space which has not been allocated by the Council for the purpose of carrying out a trade.

“Vegetable” includes tubercules and any herbs, creepers or leaves.

3. A fair shall be held on such day and at such times and places as may be approved by the Council.
4. There shall be provided between any two rows of spaces or stalls in every fair a free passage not less than one meter wide to enable the free movement of customers and other users of the passage.
5. (1) The following shall, subject to regulations (6), be authorized articles that may be sold in a fair-
 - a) Bread, prepared foodstuffs, biscuits, pastries and any other edible confectioneries;
 - b) Full grown fruits, vegetables, roots, tubers, cabbage creepers and betel leaves;
 - c) Grain for seed and consumption and pulses, seeds and seedling.
 - d) Milk, infused tea, coffee, and cocoa, sweets, curd, fresh butter, lemonade, soda water, non alcoholic beverages, juices and bottled water;

- e) Groceries, curry powder and other culinary preparations, salt, pepper, candles, soap, sandalwood, bottled edible cooking oil, ghee, butter, pickles and jam;
- f) Eggs, fish, meat and crustacea;
- g) Salted fish, dried octopus and dried shrimps;
- h) Shells, flowers and “bouquets”
- i) Books, stationery, newspapers, magazine, CD’s DVD’s and engravings, postcards, photographic materials, greetings cards and toys;
- j) Haberdashery, clothing, shoes, earthenware, chinaware, small hardware articles and fancy furniture;
- k) Straws hats and bonnets, brooms, brushes, vacoas bags, baskets and other wicker works of local manufacture;
- l) Medicinal plants
- m) Cosmetics
- n) Utensils, cooking and serving, cutlery and plastic ware

6. (1) No fresh or frozen fish or meat or crustacea shall be sold in a fair except in booth or stall approved for that purpose by the Council.

(2) No locally grown mushrooms except the kind commonly called “champignon grosse patte” shall be sold in a fair.

(3) No beetroot, carrot, parsnip, manioc, potato, radish, sweet potato, turnip, ground nut or other root which has not been washed and cleaned shall be sold in a fair.

7. (1) No person shall hawk or cry goods for sale in a fair or in its precincts.

- (2) It shall not be lawful for a stallholder to leave his stall for the purpose of advertising his goods by gestures, shouting or demonstration or to stop any person for the purpose of inducing him to examine or buy his goods.
- 8.**
- (1) No sale by auction shall be carried out in a fair except by an auctioneer duly authorized by the council.
 - (2) Every auctioneer shall-
 - (a) keep a book in English or French in such form as may be approved by the Chief Executive showing his transactions which shall be entered in the book as soon as possible;
 - (b) cause every book required to be kept under sub-paragraph (a) to be numbered and initialed by an inspector and stamped with the seal of the Council;
 - (c) produce the book for examination by an inspector whenever he so requests;
 - (d) conduct a sale by auction aloud in French or Creole patois and announce to the public the name of the purchaser of any article sold;
 - (e) not hold an auction sale except during such times as the Council may determine;
 - (f) not claim a fee from any seller on whose behalf he conducts an auction sale in excess of eight percent of the proceeds of any such sale;
 - (g) pay such annual fee as may be decided by the Council;
 - (h) furnish security to the satisfaction of the Council for the due performance of his duties.
 - (i) exercise his calling personally and not transfer his right to any other person;
and

- (j) not hold any direct or indirect interest in any right granted to any other auctioneer.
- (3) (a) It shall be lawful for the Council to withdraw its authority from any auctioneer who shall have been found guilty of a breach of these regulations and to cause the fee paid by any such auctioneer to be forfeited.
- (4) Where any auctioneer dies before the expiry of the period for which he has been authorized to carry out auction sales in a fair, no refund of any fees paid shall be made by the Council.
- 9. (1) The Council may after inviting expressions of interest and by contract authorize any person to occupy any stall, shop or other place inside any fair which it controls or manages, on such terms and condition as laid down in Schedule A.
- (2) An authorization under subsection 9(1) shall be for a period of not more than three (3) years but may be expressly renewed for further periods not exceeding three (3) years, on such terms and conditions including a revision of any fee payable as the Council may determine in each particular category
- (3) The yearly occupation fee for the authorisation to occupy a stall in a fair shall be as set out in schedule C.
- (4) Every stallholder shall pay a trade fee to the Council in respect of the trade being carried out in the fair.
- (5) Every stallholder selling by weight or measure in a fair shall be bound to have his own appropriate weights, measures and instruments, duly assize under the Legal Metrology Act.
- (6) The weighing instrument shall be placed in such a position that the weighing of goods and the indicated weight are simultaneously clearly visible to the purchaser.

(7) A set of appropriate weights, measures and instruments, duly assize under the Legal Metrology Act, shall be kept at the office of the Inspector in charge of a fair.

(8) It shall be lawful for any purchaser to request an inspector to verify the quantity of his goods, and should the said quantity not be found correct, the stallholder shall be bound to make up the difference.

10. (1) All fairs shall be open at 6.00 a.m and closed at 6.00 p.m on Weekdays, Sundays and Public Holidays unless otherwise directed by the Chief Executive.

(2) The stallholder shall remove all his articles within half an hour after 6.00 p.m on every fair day. The Council shall not be held responsible for any articles or goods left in the fair thereafter. The Council shall remove and dispose of all leftovers during cleaning of the fair. The stallholder shall not be entitled for the payment of any indemnity whatsoever in respect of above.

11. (1) Any authorized article brought into the fair shall be exposed in full view of the public.

(2) The price of every article exposed for sale in a fair shall be conspicuously affixed on the article.

(3) It shall not be lawful to expose articles for sale on any passage, pavement, open space or any unauthorized space.

(4) Any person occupying or continuing to occupy any place in breach of an order given under the preceding paragraph shall commit an offence under these regulations and any article found in any such place shall be confiscated unless forthwith removed by such person.

(5) It shall not be lawful to sit or to lie down on or beneath benches, tables, or stalls of the fair, or to place on or beneath the benches, tables or stalls any article other than those that are offered for sale unless authorized by an Inspector.

- (6) (a) No straw leaves, stones, kernels, part of any fruit, peelings of any kind or refuse of any sort shall be scattered or thrown about in the fair.
- (b) Every stallholder shall be responsible to keep all such refuse in a receptacle approved by an Inspector and to be deposited at such places and times as may be ordered by an Inspector.
- (7) It shall not be lawful to use water, other than from taps provided for that purpose in the fair.
- (8) Washing of vegetables in fairs is prohibited.

- 12.**
- (1) Subject to Section 12(2) and (3), it shall not be lawful for any person other than a stallholder to sell authorized articles in a fair.
 - (2) Every stallholder who wishes to employ another person to assist him shall make an application in writing to the Chief Executive who shall thereupon issue an identification badge to the employee.
 - (3) The Council reserves the right to approve or not to approve an application under paragraph (2) and to revoke such authorization at any time it considers necessary.
 - (4) (a) It shall be lawful for the Council to decide upon the number of stalls to be allocated to any occupier.
 - (b) The Council reserves the right to allocate the same stall to another occupier on any other fair day as the Council may deem fit.
 - (5) Every stallholder shall when on duty wear an identification badge as set out in schedule B and issued to him by an Inspector.
 - (6) The identification badge shall be issued against a payment of a fee of Rs 50. –and on re-issue of the badge the fee leviable shall be Rs 200.

- (7) It shall not be lawful for a stallholder to sublet or assign the stall allotted to him or to erect or to cause to erect any structure on his stall.
- (8) Every stallholder shall keep his stall, the adjoining passage and the space beneath his stall clean at all times.
- (9) Every stallholder shall on demand produce to an Inspector, a document or information establishing to the satisfaction of the inspector, the particulars of the planter (if the seller is not selling vegetables grown by himself) of the vegetables exposed for sale by him at his stall in a fair.
- (10) Every stallholder selling haberdashery or involved in the cooking of food or other similar activities shall be bound to keep in his custody at all times a fire extinguisher in good condition.

13. It shall not be lawful for any person-

- (a) To bring into, or have in his possession at, a fair any firework or other explosive substance, hazardous liquid, bulk gas or other substance which may be a source of danger to anyone.
- (b) To create any disturbance or to make use of any foul, injurious or abusive language or behave indecently in a fair;
- (c) To loiter in the fair with intent to commit an offence; or
- (d) To allow any article to remain in a passage meant for the free flow of customers and other users.

14. (1) No person shall cook food in a fair except at specific spaces reserved for such purposes and approved by the Council and the Sanitary Authority.

- (2) No person shall feed animals or birds or allow food to be exposed in such a way that animals and birds get access to it.
- (3) No person shall enter a fair whilst under the influence of intoxicating beverages or drugs.
- (4) (a) No person suffering from any communicable disease shall be admitted to a fair or to be allowed to trade in it.

(b) Every stallholder shall be in possession of a valid medical/Food Handler's certificate issued by the Sanitary Authority to certify that he is free from communicable diseases.
- (5) Any stallholder who is engaged in the handling of food shall while so engaged-
 - (a) keep clean all parts of his person which are liable to come into contact with the food;
 - (b) keep clean all parts of his clothing or over clothing which are liable to come into contact with food; and
 - (c) keep any abrasion or other exposed part of his person covered with a suitable waterproof dressing.

15. It shall not be lawful for any person to cause any vehicle used for the conveyance of goods of any kind or vegetables in the fairground to enter such fair ground. Such vehicle shall station on a site to be indicated by an Inspector for such period of time as shall be necessary for loading and unloading.

16. (1) It shall not be lawful for any person other than a person who is the holder of a license, permit or other authorization issued under an enactment to sell by hawking or otherwise or to

expose or offer for sale any authorized article at any place within the Council's area situated at less than one kilometer from a fair.

(2) It shall not be lawful to introduce any bicycle, motorcycle or any other velocipedes or any other vehicle inside the fair.

17. (1) An Inspector may take such steps as he considers necessary to maintain order at a fair and to ensure that these regulations are complied with.

(2) An Inspector may, for the purposes of paragraph (1)-

(a) Seize and detain or destroy any article which is not an authorized article and which is exposed for sale at a fair.

(b) (i) seize and destroy as directed by the Chief Executive any article which is unfit for sale to the public;

(ii) Seize and detain or dispose any article which constitute an offence under these regulations or;

(c) Seize and destroy any authorized article which is unfit for sale to the public; or

(d) Give such directions to a stallholder as he considers necessary.

18. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand rupees (Rs 25,000)

Any prosecution under these regulations may be instituted by an Inspector or an officer of the Council designated by the Chief Executive.

- 19.** These regulations shall be in addition to, and not in derogation from, any regulations made under any Act relating to the sale of food for human consumption.

- 20.** These regulations shall come into operation on 16 November 2013.

- 21.** The Grand Port Savanne District Council (Fair) Regulations 1997 are revoked.

Made by The District Council of Grand Port on 13th September, 2013.

SCHEDULE A

(Regulation 2)

AUTHORISATION CONTRACT

By virtue of section 57 of the Local Govt Act 2011

Between The District Council Of Grand Port duly represented by its Chairman, Mr.and by the Chief Executive,

Mr.....

On one part

AND

Mr/Mrs..... holder of Identity Card No.of hereunder referred to as the stall occupier.

On the other part

The following has been agreed between the parties-

1. The Council hereby grants to the stall occupier authorization for occupying stall No..... at..... Fair, for the purpose of sellingtherein on for a period of 36 months from the date of signature of contract.

2. The afforsaid occupation fee as set out schedule C of The District Council Of Grand Port (Fair) Regulations 2013 shall cover the period of twelve (12) months as fromto The authorisation for occupying stall No..... at Fair is granted in consideration of a yearly occupation fee which amounts to Rs..... which shall be either be paid in full by the of each year at latest or in two installments of Rs.....to be paid by and of each year.

3. (i) Where the occupier fails to effect payment of the fees referred to in paragraph 2 of the contract by the due date, the Council may subject to the approval of the Minister of the Local Government, rescind the contract by notice in writing and without judicial or extra judicial process.

- (ii) Such rescission shall be without prejudice to any other action which the Council may entitle to take against the stall occupier. The stall occupier shall forthwith vacate the stall and remove all the articles from there. He shall not be entitled to the payment of any indemnity whatsoever.
4. In case of the stall occupier death before the expiry date of the contract, any of his child/children or his/her surviving spouse named by him in this agreement, or any document addressed by the stall occupier to the Council on the date of the signature of this agreement, shall continue to occupy the stall for the remaining period of the said contract. The Council shall renew the contract for a further period of 3 years with the consent of the heirs, subject that the latter satisfies the following:-
- (i) be a resident of the Council (documents to be produced, receipt of a utility bill (e.g. CEB., CWA and telephone) or electoral list)
- (ii) have reached his/her 18th birthday at the time of transfer of authorization (copy of the identity card and birth certificate to be produced)
- (iii) preference will be given to the unemployed (unemployment registration card to be produced at the time of submission of transfer of lease)
- (iv) not already be the holder of any stall, shop or other place inside any market or fair or in any other place or business (evidence to be produced in submission of (e.g. sworn affidavit))
5. The Council reserves its right to cause the stall to be so altered, repaired and reconstructed as it may deem advisable without payment of any compensation to the stall occupier. Such right will be extended to any alteration, repair or reconstruction of the interior installation of any stall should the Council consider it advisable.
- In the latter case the Council will place at the disposal of the stall occupier such other stall or stalls as may be advisable in order to enable him to continue his trade.
6. The stall occupier shall not be entitled to sell, transfer, cede, let or otherwise dispose of the aforesaid authorization.

7. Should the stall occupier be found guilty by a Court of an offence against any regulation or any other enactment in relation to the trade being carried out, the Council may subject to the approval of the Minister of the Local Government and Outer Islands, may rescind the contract by notice, the stall occupier shall forthwith vacate the stall and remove all articles there from. He shall not be entitled to the payment of any indemnity whatsoever.

8. If the stall occupier makes use of any electric appliances or refrigerator he shall have to make his own arrangement with the CEB for the supply of electricity with the approval of the Council.

9. The stall occupier shall be responsible for the good maintenance of the stall allotted to him. He shall make good at his own costs all damages caused to his stall in the exercise of his trade.

10. The stall occupier shall abide by, obey and be subject to The District Council of Grand Port (Fair) Regulations which now are or may hereafter be enforced or passed and nothing herein contained shall be held to affect or limit the full effect of the said regulations.

Made in good faith and in two originals on the at the

***THE DISTRICT COUNCIL OF GRAND PORT, HEAD OFFICE,
ROYAL ROAD, ROSE BELLE***

.....
CHAIRMAN	CHIEF EXECUTIVE	STALL OCCUPIER

THE GRAND PORT DISTRICT COUNCIL

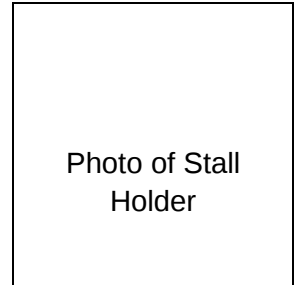
Party on one Part

Party on the other part

SCHEDULE B
(Regulation 2)
IDENTIFICATION BADGE FOR STALL HOLDER

The Fair

Name of stallholder:
Address of stallholder:.....
National ID Card No.
Date of Birth.....
Stall No.
Date of Issue.....
.....



.....
Signature of stallholder

.....
Signature of Inspector

IDENTIFICATION BADGE FOR EMPLOYEE/AGENT

TheFair

Name of stallholder:
Stall No:
Name of Employee :
Name of Agent:
Address of Employee.....
Address of Agent:
National ID Card No:
Date of Issue.....
.....



.....
Signature of Employee/Agent

.....
Signature of stallholder

.....
Signature of Inspector

SCHEDULE C

Occupation Fee

Regulation 9(3)

Fair	Prescribed yearly occupation fee (per stall) per fair day
Rose Belle	Rs. 5,400
Mahebourg	Rs. 4,800
Plaine Magnien	Rs. 3,600