

District Council of Grand Port (Market) Regulations 2013

GN No. 270 of 2013

Government Gazette of Mauritius No. 101 of 16 November 2013

Regulations made by the 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 (Market) Regulations 2013**.

2. In these regulations-

“animal” includes ox, bullock, cow calf, heifer, sheep, pig, goat, deer, rabbit, hare and poultry;

“authorized articles” means an article listed in regulation 4;

“chilled” has the same meaning as in the Food Act;

“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 The District Council of Grand Port;

“frozen food” includes any poultry or poultry product, meat, meat product, whole or filleted fish, fish product, seafood and vegetables which have been maintained at a temperature of minus 180 C or below;

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

“inspector” means an officer of the Council appointed for the control and supervision of markets;

“market” means an outlet within the administrative area of the Council for the purchase and sale of authorized articles;

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

“Open space” means any space within the market 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 public.

“salted fish” means fish or any part of it which has been prepared and added with salt and fit for human consumption;

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

“stall” means any stall or other space or place in a market rented by the Council to a stallholder from which authorised articles are sold.

“stallholder” means any person authorized by the Council to occupy a stall for the sale of authorized articles.

“agent” means any person duly appointed in writing as Agent by the stallholder and approved by the Council.

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

“vegetable” includes tubercules and any herbs, creepers or leaves;

“venison:-

(a) means any edible part of a deer, stag, hind and

(b) includes any offals fit for human consumption.

- 3**
- (1) Every market shall be divided into such sections as may be approved by the Council.
 - (2) Every market shall open at 6.00 a.m. and close at 6.00 p.m. on weekdays, unless otherwise directed by an Inspector.
 - (3) Every market shall open at 6.00 a.m. and close at noon on Sundays & public holidays, unless otherwise directed by an Inspector.

- (4) The market bell shall rung at half an hour prior to the closing of market and all articles exposed for sale thereat shall be removed by the stall holder within this delay and failing to do so, the Council will take no responsibility of these articles.
- (5) Every market shall be divided into sections, stalls or other spaces and the name of each lessee shall be posted up by him in front of each stall or space let to him, according to a plan approved by the Council.
- (6) The Council may determine the number of stalls or spaces to be allocated to a stallholder.
- (7) It shall not be lawful for a stallholder to erect or to cause to be erected any structure on his stall or space unless approved by the Council.
- (8) Every butcher shall provide at his own expense a block for chopping purposes.
- (9) Every stall holder selling fresh meat and fish shall provide a chilling cabinet.

4. (1) The following articles shall, subject to paragraphs (2) to (14), be authorized articles which may be sold in a Market.

- (a) beef, veal, mutton, lamb, goat's and kid's flesh, pork, cowheel, hare, rabbit, sausage, black pudding and other preparations made from pork and tripe;
- (b) poultry and domestic fowls including pigeons;
- (c) Venison and game;
- (d) fresh fish, sea and river shell fish, testecea, cuttle fish and calamars;
- (e) salted and dried fish;
- (f) milk, eggs, fresh butter and curd, juice and non alcoholic beverages
- (g) full grown fruits, but not artificially ripened mangoes and fruits de cythere;
- (h) chilled or frozen meat, frozen vegetables, frozen fish and frozen crustacea;
- (i) vegetables, edible roots, tubers, betel, spices and pickles;

- (j) grain to be used as food;
 - (k) flowers;
 - (l) locally grown medicinal and aromatic plants not of a poisonous nature;
 - (m) baskets and other wicker-work of local manufacture;
 - (n) honey and wax;
 - (o) bread and cakes; prepared foodstuffs and confectioneries;
 - (p) haberdashery, fancy goods, cutlery, glassware, chinaware, crockery toys; and
 - (q) any other article which may be approved by the Council.
- (2) No person shall introduce into a market any of the following species of fish, crustacea and other animal-
- (a) the yellow-tailed croissant;
 - (b) the vieille loutre or otter wrasse,
 - (c) the varavara;
 - (d) the giblot;
 - (e) the wrasse called crabe noire;
 - (f) the cheval de bois;
 - (g) the chemise;
 - (h) the sinsillac;
 - (i) the flat wrasse called bambara
 - (j) the crab with red spots;
 - (k) the benitier;

- (l) the sea urchin;
 - (m) the caret or hawk's bill turtle;
 - (n) the laffe, if alive;
 - (o) the boule-tangue;
 - (p) the remora or pilot of the shark;
 - (q) the caranx SP (carangue des bancs); and
 - (r) grosse sardine (harengula ovalis).
- (3) Any 'poule d'eau' and any 'carangue' above 7.5 kg in weight must be gutted before being brought into a market.
 - (4) The flesh of the shark shall be exposed for sale on a separate stall at a distance from ordinary fish-stalls and bearing a distinctive label or sign.
 - (5) No person shall expose for sale in a market any crustacea, testacea shall fish of any kind that are not in season or not of the size authorized in any enactment relating to fisheries.
 - (6) No person shall introduce into a market any locally grown mushrooms except the kind commonly called 'champignon grosse patte'.
 - (7) 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 market.
 - (8) No carcass of a sheep, lamb, goat or kid shall be received into a market without the tail and part of the skin thereof adhering to it.
 - (9) Goats' and kids' flesh shall not be sold or exposed for sale as mutton or lamb.
 - (10) No person shall expose for sale in a market any sausages, black pudding or preserved pork which have not been prepared in a public abattoir or in an authorized processing plant, or any sausages prepared with any meat other than fresh pork.

- (11) No fish shall be exposed for sale on a table or stall or sold in any market unless it has previously been examined by an Inspector on the site set apart for this purpose and has been approved by him
- (12) Any inspector may prevent the cutting, gutting or cleaning of fish in a market.
- (13) Any fish intended to be cut for sale shall forthwith be gutted and cleaned.
- (14) No meat shall be admitted into a market unless it has been found to be fit for human consumption by the Mauritius Meat Authority or the Sanitary Authority.
- (15) Every butcher's meat shall be admitted into the markets unless it has been previously examined and found fit for human consumption by the veterinary surgeon or any other person duly authorised by the Council.

- 5.**
- (1) Cooking of food shall be allowed only at specific spaces reserved for that purpose and approved by the Sanitary Authority.
 - (2) No person shall sell or expose for sale or kept in market unsound or tainted or adulterated articles of food
 - (3) Any such articles which may have become tainted whilst exposed for sale shall be removed forthwith and destroyed by the dealer in the presence of an Inspector.
 - (4) No person shall introduce dogs or such other domestic animals into a market.
 - (5) No person shall sit on the tables or stalls in a market.
 - (6) No person shall be allowed to enter a market unless decently dressed or under the influence of intoxicating drinks or drugs.
 - (7) Every stallholder involved in the cooking of food or other similar activities shall be bound to keep in his custody at all times an appropriate fire extinguisher in good working condition.
 - (8) It shall not be lawful to expose articles for sale on any passage, open space, shops or booths or any unauthorized space.

- (9) No barrel, basket, bag or other similar receptacle shall be kept inside a market, except for the storage of grain, seed or other articles requiring special receptacles to be properly exposed.
 - (10) No person shall cause any trouble in a market or make use of foul, insulting or unbecoming language.
 - (11) No person suffering from any communicable disease shall be allowed to trade in a market.
 - (12) Every stallholder or agent/employee of stallholder must be holder of a valid Food handler's Certificate issued by the Sanitary Authority.
- 6.**
- (1) Any article brought for sale into a market shall be openly exposed in the stall or space allotted to a stallholder.
 - (2) The price of any article or goods exposed for sale in the market shall be conspicuously affixed on the article.
 - (3) It shall not be lawful to expose for sale any article or goods at a price in contravention of the Supplier Control Act and the Fair Trading Act.
 - (4) No article shall be hawked or sold by auction in a market and no stallholder shall annoy or stop any person with a view to offering or advertising his goods or expose his goods for sale otherwise on the stall leased to him.
 - (5) Every stallholder shall on demand produce to an Inspector a document or information establishing to the satisfaction of the Inspector, the name of the planter or the owner (if the seller is not selling vegetables grown by himself) of the vegetables exposed for sale by him at his stall in the market.
 - (6) No meat shall be introduced or exposed for sale in a market unless it has been prepared in an approved slaughter house and bears the mark of the slaughter house and is accompanied by a permit signed by the veterinary officer or the inspector of the slaughter house on which shall be stated-
 - (a) the name of the owner;

- (b) the market at which the meat is intended to be sold;
 - (c) the number and weight of carcasses and the quantity of sausages, black pudding and other preparations intended to be introduced in the market.
- (7) No venison shall be introduced or exposed for sale in a market unless it is accompanied by a certificate stating-
 - (a) the place where the animal was killed;
 - (b) the date of the killing; and
 - (c) the number of carcasses and their weight.
- (8) No animal shall be slaughtered and dressed in a market.
- (9) Every stallholder selling fish or tripe sellers shall keep a supply of fresh water constantly at hand, in which, he shall wash the articles sold by him to prevent bad smell.
- (10) Every fishmonger cutting or cleaning fish in a market shall have a watertight vessel placed close to his stall and containing a sufficient quantity of quick lime or any approved disinfectant, wherein to put the offal.
- (11) No offal shall be thrown on the ground or within the market and its vicinity.
- (12) All fresh fish and meat shall be exposed for sale in a chilled cabinet approved by an Inspector.
- (13) All fresh fish remaining unsold at the close of a market and which is to be sold or exposed for sale the next morning shall be gutted, cleaned and kept in a freezer approved by an inspector, and sold as frozen.
- (14) Frozen food sold by butchers or fishmongers in a market shall be kept in a freezer approved by an inspector.
- (15) No frozen food shall be removed from freezer except as and when required.
- (16) In the event of a power failure or breakdown causing the items stored in a freezer to thaw, the contents shall be disposed of as directed by an inspector.

- (17) No meat, chicken, fish or crustacean which shall have been removed from a market shall be reintroduced therein after being so removed.
7. (1) The holder of a stall or market space shall be held responsible for the cleaning of the stall or market space leased to him.
- (2) All refuse shall be deposited or emptied in place set apart for the purpose and no person shall scatter or throw about in a market any straw, leaves, peelings, waste paper or other refuse of any sort.
8. (1) Every vehicle bringing articles to a market shall be unloaded outside the gates or in a designated area and shall be allowed to remain there only while being unloaded.
- (2) It shall not be lawful to introduce any bicycle, motorcycle or any other velocipedes or any other vehicle inside the market.
9. (1) Every stallholder selling by weight or measure in a market shall have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act.
- (2) Every stallholder selling by weight shall have a self indicating weighing instrument.
- (3) 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.
- (4) A set of appropriate weights, measures and instruments, duly assized under the Legal Metrology Act, shall be kept at the office of the Inspector in charge of a market.
- (5) It shall be lawful for any purchaser to request an inspector on duty in the market to verify the quantity of his goods and should the quantity not be found correct, the stallholder shall make up the difference.
- (6) All persons bringing articles for sale into a market shall be bound to obey all lawful orders of an Inspector with regard to the maintenance of order or discipline in the market.

10. (1) (a) The Council may after inviting expressions of interest and by contract authorize any person to occupy any stall, shop or other place inside any market or such other space which it controls or manages on such terms and conditions as laid down in Schedule A.
- (b) An authorisation under subsection 10(1) shall be for a period of not more than 3 years but may be expressly renewed for further periods not exceeding 3 years, on such terms and conditions, including a revision of any fee payable, as the Council may determine in each particular category.
- (c) After calling for tenders and by contract, the Council may authorize any person to occupy any other premises which it controls or manages, on such terms and conditions as it may determine.
- (2) (a) The yearly occupation for the authorisation to occupy a stall in a market shall be as set out in schedule C.
- (b) Every stallholder shall pay a trade fee as provided under the Local Government Act 2011 to the Council in respect of the trade being carried out in a market.
- (3) Every stallholder shall when on duty wear an identification badge as set out in schedule B and issued to him by an Inspector.
- (4) (a) A stallholder may after giving notice in writing to the Council employ such persons as may be necessary to assist him.
- (b) The name of the employee shall be notified to the Inspector who shall thereupon issue an identification badge to the employee.
- (5) All identification badges shall be issued against payment of a fee of Rs 50. On re-issue of the identification badge, the fee leviable shall be Rs 200.
- (6) No stall or space allotted to a stallholder shall be sublet.

- 11.** It shall not be lawful for any person other than the holder of a license, permit or other authorization issued under an enactment:
- (i) To sell whether by hawking or otherwise or to expose or offer for sale any authorized article at any place within the Council area situated at less than one kilometer from a market.
 - (ii) To sell or expose for sale any article on any stall in the market or precincts of market unless he is authorized in writing by the Chief Executive to sell or expose within the precincts of the market.
- 12**
- (1) No person shall write, paint, scribble or stick bills or posters on any wall, fixture or part of a market or to cause any damage to any building, outhouse or construction forming part of an annex to a market or to any object contained therein.
 - (2) No person shall feed birds or allow food particles to be exposed in such a way that birds get access to them.
 - (3) No stallholder shall store, display or sell on any market ground any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger to anyone attending the market.
 - (4) It shall not be lawful for any person other than a stallholder or his agent, to stand behind a stall, shop or place
 - (5) No haberdashery or any other article shall be sold or exposed for sale at the entrance gates or in the alleys or avenues of the markets.
- 13.**
- (1) An inspector may take such measures as may be necessary to maintain order in a market and to ensure that these regulations are complied with.
 - (2) For the purposes of paragraph (1), an Inspector may
 - (a) seize and detain or destroy as directed by the Chief Executive any article which is not an authorized article and which is exposed for sale in a market;
 - (b) (i) seize and destroyed as directed by the Chief Executive any article which is unfit for sale to the public

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

(c) seize and confiscate any article which are subject matter of an offence under these regulations and such seized and confiscated articles shall be forfeited by the contravener and shall be disposed as directed by the Chief Executive or his representative.

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

(3) (a) It shall be lawful for the Inspector to order any person to stop occupying any stall, shop, booths or any space in the market in case of non-compliance with these regulations.

(b) Every stallholder or agent shall comply with a direction given to him pursuant to paragraph (2) (d).

14. (i) 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).

(ii) Any prosecution under these regulations may be instituted by an inspector or an officer of the Council designated by the Chief Executive.

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

16. These regulations shall come into operation on 16 November 2013.

17. The Grand Port Savanne District Council (Market) 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..... Market, for the purpose of sellingtherein on a daily basis for a period of **36 months** from the date of signature of contract.

2. The afforsaid occupation fee as set out in schedule C of The District Council of Grand Port (Market) Regulations 2013 shall cover the period of twelve (12) months as fromto The authorisation for occupying stall No..... at Market 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 authorisation (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, rescind the contract by notice and 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 (Market) 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 DISTRICT COUNCIL OF GRAND-PORT

Party on one Part

Party on the other part

SCHEDULE B

(Regulation 2)

IDENTIFICATION BADGE FOR STALL HOLDER

The Market

.....MARKET

Name of stallholder:

Address of stallholder:.....

National ID Card No.

Stall No.

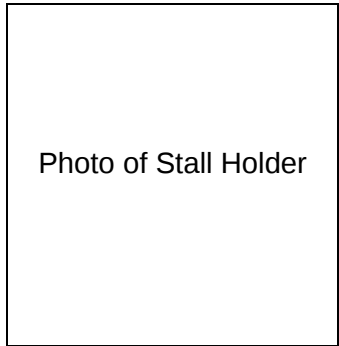
Date of Issue.....

Date of Birth.....

.....

Signature of stallholder

Signature of Inspector



IDENTIFICATION BADGE FOR EMPLOYEE/AGENT

TheMarket

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

Signature of Agent

Signature of Inspector



SCHEDULE C

Regulation 10 (2)(a)

Occupation Fee

Market	Prescribed yearly occupation fee (per stall)
Rose Belle	Rs. 6000
Mahebourg	Rs. 6000
Plaine Magnien	Rs. 4800