

2019/10/11

OBJECTS AND REASONS

This Bill would amend the *Markets and Slaughter-Houses Act*, Cap. 265 to make provision for the imposition of pecuniary penalties and other matters related thereto.

Arrangement of Sections

1. Short title
2. Repeal and replacement of section 22 of Cap. 265
3. Amendment of section 24 of Cap. 265

BARBADOS

A Bill entitled

An Act to amend the *Markets and Slaughter-Houses Act*, Cap. 265 to make provision for the imposition of pecuniary penalties and other matters related thereto.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Markets and Slaughter-Houses (Amendment) Act, 2019*.

Repeal and replacement of section 22 of Cap. 265

2. *Section 22 of the Markets and Slaughter-Houses Act, Cap. 265, in this Act referred to as the principal Act, is deleted and the following is substituted:*

“Selling marketable commodities and other goods within prescribed areas

22.(1) Subject to section 23, no person shall sell, offer or expose for sale any marketable commodities or any goods, wares or merchandise

(a) in the doorway or entrance to any building or on the pavements or sidewalks of any street, lane, alley or road which is situate within the limits of an area prescribed by the Minister pursuant to section 26; or

(b) in any part of any public place, whether a street, lane, alley, road or other public place within the limits of the area prescribed by the Minister in paragraph (a).

(2) The Chief Supervisor may apply to the magistrate’s court for an order that a person who contravenes subsection (1) pays to the Crown a pecuniary penalty.

(3) The magistrate may make the order for a pecuniary penalty, referred to in subsection (2), where the magistrate is satisfied that the person to whom the order refers has contravened subsection (1).

- (4) The magistrate, in exercising his powers under subsection (3), shall have regard to
- (a) the nature and extent of the contravention of subsection (1);
 - (b) the nature and extent of any loss suffered by any person as a result of the contravention of subsection (1);
 - (c) the circumstances of the contravention of subsection (1); and
 - (d) any previous determination made by the magistrate's court against the offending person.
- (5) The pecuniary penalty in respect of an order made pursuant to subsection (3) is \$300.”.

Amendment of section 24 of Cap. 265

3. Section 24 of the principal Act is amended by

(a) *deleting subsection (2) and substituting the following:*

“(2) A permit referred to in subsection (1) shall be issued by the Chief Supervisor in the form prescribed and upon payment of the prescribed fee and shall be valid for such period as may be specified therein, not, however, exceeding one year from the date of issue of the permit.”;

(b) *inserting immediately after subsection (4), the following:*

“(4A) Where an order for a pecuniary penalty has been made against a person pursuant to section 22, the Chief Supervisor may cancel the permit issued to that person pursuant to subsection (2).”; and

(c) *deleting subsection (5) and substituting the following:*

“(5) An applicant for a permit mentioned in subsection (1) who is dissatisfied by a refusal of the Chief Supervisor to grant a permit may

appeal to a Judge in chambers within 14 days of the date of that refusal.”.