

2021/12/03

### **OBJECTS AND REASONS**

This Bill would provide for the

- (a) regulation of vending in Barbados;
- (b) protection of the rights of vendors; and
- (c) matters related to paragraphs (a) and (b).

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## **BARBADOS**

A Bill entitled

An Act to provide for the regulation of vending in Barbados, the protection of the rights of vendors and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *National Vending Act, 2021*.

**Interpretation**

2. In this Act,

“bakery” has the meaning assigned to it by the *Health Services (Bakeries) Regulations* (S.I. 1970 No. 111);

“beach” has the meaning assigned to it by the *National Conservation Commission Act*, Cap. 393;

“Committee” means National Vending Committee established in accordance with section 21;

“Commission” means the National Conservation Commission established under the *National Conservation Commission Act*, Cap. 393;

“esplanade” means an esplanade listed in Part I of the *Fourth Schedule*;

“fish landing site” means a site listed in Part III of the *Fourth Schedule*;

“fish market” has the meaning assigned to it by the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73);

“food” has the meaning assigned to it by the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

“fresh meat” has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

“garden” means a garden listed in Part I of the *Fourth Schedule*;



“itinerant vending” means the offering for sale of merchandise or the rendering of services

- (a) from a vehicle
  - (i) parked in a vending zone; or
  - (ii) being driven from one customer’s premises to another; or
- (b) in a vending zone or other site for a period of less than 12 hours;

“Manager of Markets” means the manager responsible for the management and operation of public markets under the *Markets and Slaughter-Houses Act*, Cap. 265;

“Manager of Vending Zones” means

- (a) the Manager of Markets for the purposes of vending zones that are
  - (i) public markets that are not fish markets;
  - (ii) the areas more particularly described in the Part II of the *Fourth Schedule*;
  - (iii) a zone designated by the Minister on consultation with the National Vending Committee;
- (b) the National Conservation Commission for the purposes of vending zones that are beaches, esplanades, gardens and parks; or
- (c) the Senior Manager of Markets for the purposes of vending zones that are fish markets;
- (d) the Chief Fisheries Officer for the purposes of vending zones that are fish landing sites;

“merchandise” means fruit, vegetables, ground provisions, poultry, eggs, fresh meat, fish, food, crafts, pieces of clothing or any other small items;

“Minister” means the Minister responsible for Commerce;

“National Conservation Commission” means the Commission established under the *National Conservation Commission Act*, Cap. 393;

“National Vending Policy” means the policy developed by the Ministry responsible for Commerce to facilitate the enabling environment that would allow vendors to operate while ensuring their compliance with the Laws of Barbados;

“occasional vending” means

(a) offering for sale of merchandise; or

(b) rendering of services

for the duration of a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event only;

“park” means a garden listed in Part I of the *Fourth Schedule*;

“Policy” means the National Vending Policy;

“public market” has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

“retailer” includes a supermarket, shop or other entity that offers for sale or disposal merchandise to the public;

“restaurant” has the meaning assigned to it by the *Health Services (Restaurants) Regulations, 1969* (S.I. 1969 No. 234);

“Senior Manager of Markets” means the manager responsible for the management and operation of fish markets;

“Tribunal” means the National Vending Appeals Tribunal established by section 24;

“vehicle” has the meaning assigned to it by *Road Traffic Act*, Cap. 295;

“vending” has the meaning assigned to it by section 3;

“vending zone” has the meaning assigned to it by section 13; and

“vendor” means a person who is engaged in vending and is

- (a) licensed to do so pursuant to sections 4 and 5; or
- (b) granted a permit to do so pursuant to sections 4, 10, 11 and 12.

## PART II

### VENDING

#### **Vending**

**3.(1)** For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services

- (a) in a vending zone;
- (b) for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; or
- (c) from
  - (i) a vehicle parked in a vending zone or being driven from one customer’s premises to another; or
  - (ii) vending zone or other site for a period of less than 12 hours.

(2) The following activities are not to be construed as vending for the purposes of this Act:

- (a) the sale of goods and chattels sold pursuant to the *District Auctioneers Act*, Cap. 114;
- (b) the sale of merchandise by a retailer;
- (c) the sale of food or drink in
  - (i) a bakery;
  - (ii) a canteen operating in a club, a hospital, an institution or a school;

- (iii) a club;
- (iv) a hospital;
- (v) an institution; or
- (vi) a restaurant which is not operating on a beach, esplanade, or in a garden or a park;
- (vii) a hotel which is not operating on a beach, esplanade or in a garden or a park;

whether carried on for profit or not;

- (d) the sale of merchandise where the profits thereof are used solely for a charitable purpose;
  - (e) the sale of merchandise or the rendering of services by a person within the curtilage of that person's residence; or
  - (f) the sale of fish by a fisherman to a vendor.
- (3) The Minister may by order amend subsection (2).

### PART III

#### REGULATION OF VENDING ACTIVITIES

##### **Licensing and permit requirements**

- 4.(1)** No person shall operate as a vendor unless he has attained the age of 18 years and obtained a licence or a permit to do so under this Act.
- (2) A person who has attained the age of 16 years may be permitted to operate as a vendor in accordance with regulations made by the Minister.
- (3) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

### **Application for the grant of a licence**

**5.(1)** A person who seeks to operate as a vendor in a vending zone that is not a beach, an esplanade, a garden or a park pursuant to section 3(1)(a) shall apply to the Minister for a licence to do so by

- (a) submitting
  - (i) an application for the purpose set out in Part I of the *First Schedule*;
  - (ii) proof of identification;
  - (iii) proof of address;
  - (iv) in the case of an applicant who seeks to operate as a food vendor,
    - (A) a certificate of good health issued by a registered medical practitioner; and
    - (B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);
  - (v) in the case of an applicant who seeks to operate as a meat vendor in a shop or premises outside of a public market evidence that the location of the meat shop or premises has
    - (A) walls and floors that are impervious;
    - (B) proper provision for drainage and is properly ventilated; and
    - (C) a water supply that is adequate for operation as a meat shop; and
- (b) paying the relevant fee set out in the *Third Schedule*.

(2) The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1) within 7 days of the receipt of an application.

(3) A person who seeks to operate as a vendor in a vending zone that is a beach, esplanade, garden or park pursuant to section 3(1)(a) shall apply to the National Conservation Commission for a licence to do so by

(a) submitting

- (i) an application for the purpose set out in Part III of the *First Schedule*;
- (ii) proof of identification;
- (iii) proof of address;
- (iv) in the case of an applicant who seeks to operate as a food vendor,
  - (A) a certificate of good health issued by a registered medical practitioner; and
  - (B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(b) paying the relevant fee set out in the *Third Schedule*.

(4) The National Conservation Commission may grant a licence to an applicant referred to in subsection (3) within 7 days of the receipt of an application.

(5) A person who provides false or misleading information in an application referred to in subsection (1) or subsection (3) or documentation pursuant to subsection (1) or subsection (3) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Subsections (3) and (4) shall apply to a person carrying on any hotel, restaurant or other business in respect of which there is in existence a valid licence granted under the *Liquor Licences Act, Cap. 182*.

**Vending Licence**

- 6.(1) A licence granted pursuant to section 5(2) shall
- (a) be in the form set out in Part II of the *First Schedule* and shall specify
    - (i) the name of the licensee;
    - (ii) the sex of the licensee;
    - (iii) the date of birth of the licensee;
    - (iv) the national identification number of the licensee;
    - (v) the vending licence number assigned by the Minister;
    - (vi) a photo of the licensee;
    - (vii) the type of vending to be engaged in by the vendor;
    - (viii) the type of service to be rendered by the vendor;
    - (ix) the type of merchandise being sold by the vendor;
    - (x) the vending zone;
    - (xi) the date upon which the licence
      - (A) is granted;
      - (B) comes into force;
      - (C) is set to expire;
    - (xii) any terms or conditions attached to the licence;
  - (b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and
  - (c) not be transferable.

- (2) A licence granted pursuant to section 5(4) shall
- (a) be in the form set out in Part IV of the *First Schedule* and shall specify
    - (i) the name of the licensee;
    - (ii) the sex of the licensee;
    - (iii) the date of birth of the licensee;
    - (iv) the national identification number of the licensee;
    - (v) the vending licence number assigned by the National Conservation Commission;
    - (vi) a photo of the licensee;
    - (vii) the type of vending to be engaged in by the vendor;
    - (viii) the type of service to be rendered by the vendor;
    - (ix) the type of merchandise being sold by the vendor;
    - (x) the vending zone;
    - (xi) the date upon which the licence
      - (A) is granted;
      - (B) comes into force;
      - (C) is set to expire;
    - (xii) any terms or conditions attached to the licence;
  - (b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and
  - (c) not be transferable.
- (3) Notwithstanding sections 10 and 11, a person granted a licence under section 5(2) or section 5(4) may operate at a fair, festival, carnival or a cultural,



entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

### **Register of Vendors**

7.(1) The Minister shall cause to be kept and maintained a register to be known as the Register of Vendors which shall contain the following particulars in respect of a licensed vendor or an itinerant vendor:

- (a) name;
  - (b) sex;
  - (c) the date of birth;
  - (d) the national identification number;
  - (e) the vending licence number or itinerant vending permit number where applicable;
  - (f) the type of vending engaged in;
  - (g) the type of service rendered;
  - (h) the type of merchandise being sold;
  - (i) the vending zone;
  - (j) the date upon which the licence or permit
    - (i) was granted;
    - (ii) came into force;
    - (iii) is set to expire;
  - (k) any terms or conditions attached to the licence or permit;
  - (l) any other particulars required by the Minister.
- (2) The Register of Vendors shall be in electronic and physical form.
- (3) The electronic form of the Register of Vendors shall be made available to the public on a website established by the Ministry responsible for Commerce.

(4) The physical form of the Register of Vendors may be inspected by any person during the office hours of the Ministry responsible for Commerce.

(5) Any information collated by the National Conservation Commission collected pursuant to section 5(3) and section 6(2) shall be shared with the Minister for the purpose of assisting the Minister in keeping and maintaining the Register of Vendors pursuant to subsection (1).

**Revocation, suspension or varying of a licence**

**8.(1)** The Minister may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(2) where the Minister is satisfied that the licensee

- (a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or
- (b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(2) The National Conservation Commission may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(4) where the Commission is satisfied that the licensee

- (a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or
- (b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(3) A person who seeks to vary a licence granted pursuant to section 5(2) shall submit a request to do so to the Minister in writing and the Minister shall respond in writing within 7 days and

- (a) where the request is granted make changes necessary to the licence and Register; or
- (b) where the request is refused give reasons for the refusal.

(4) A person who seeks to vary a licence granted pursuant to section 5(4) shall submit a request to do so to the National Conservation Commission in writing and the National Conservation Commission shall respond in writing within 7 days and

(a) where the request is granted make changes necessary to the licence and communicate the changes to the Minister pursuant to the objectives set out in section 7(5); or

(b) where the request is refused give reasons for the refusal.

(5) A person who vends with a licence that has been revoked or suspended pursuant to subsection (1) or subsection (2) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Where a person vends in contravention to the conditions of a licence varied pursuant to subsection (1) or subsection (2), that person shall be subject to the payment of an administrative penalty imposed under section 28.

**Notice of intention to revoke, suspend or vary a licence**

9.(1) The Minister shall, before revoking, suspending or varying a licence under section 8(1)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph (b).

(2) The National Conservation Commission shall, before revoking, suspending or varying a licence under section 8(2)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

- (b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;
- (c) take into consideration the objection of the licensee made pursuant to paragraph (b).

**Occasional vending that is not on a beach, an esplanade or in a garden or a park**

**10.(1)** A person who seeks to engage in occasional vending in a place that is not a beach, an esplanade, or in a garden or a park pursuant to section 3(1)(b) shall apply to the Minister for a permit to do so and shall

- (a) submit an application for the purpose set out in Part I of the *Second Schedule*;
  - (b) in the case of an applicant who seeks to operate as a food vendor,
    - (i) a certificate of good health issued by a registered medical practitioner; and
    - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
  - (c) pay the relevant fee set out in the *Third Schedule*.
- (2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part II of the *Second Schedule*.
- (3) The permit referred to in subsection (2)
- (a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and
  - (b) is not transferable.
- (4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

**Occasional vending on a beach, an esplanade or in a garden or a park**

**11.(1)** A person who seeks to engage in occasional vending on a beach, an esplanade or in a garden or a park pursuant to section 3(1)(b) shall apply to the National Conservation Commission for a permit to do so and shall

- (a) submit an application for the purpose set out in Part III of the *Second Schedule*;
- (b) in the case of an applicant who seeks to operate as a food vendor,
  - (i) a certificate of good health issued by a registered medical practitioner; and
  - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
- (c) pay the relevant fee set out in the *Third Schedule*.

(2) The National Conservation Commission may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part IV of the *Second Schedule*.

(3) The permit referred to in subsection (2)

- (a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and
- (b) is not transferable.

(4) The National Conservation Commission may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the National Conservation Commission under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

### **Itinerant vending**

**12.(1)** A person who seeks to engage in itinerant vending pursuant to section 3(1)(c) shall apply to the Minister for a permit to do so and shall

- (a) submit an application for the purpose set out in Part V of the *Second Schedule*;
- (b) in the case of an applicant who seeks to operate as a food vendor,
  - (i) a certificate of good health issued by a registered medical practitioner; and
  - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
- (c) pay the relevant fee set out in the *Third Schedule*.

(2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part VI of the *Second Schedule*.

(3) The permit referred to in subsection (2)

- (a) be valid for one year and may be renewed on the expiration of that permit upon the payment of the relevant fee set out in the *Third Schedule*; and
- (b) is not transferable.

(4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

(7) Notwithstanding sections 10 and 11, a person granted permit under subsection (2) may operate at a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

## PART IV

### VENDING ZONES

#### **Vending zones**

- 13.** For the purposes of this Act, a vending zone refers to
- (a) a beach;
  - (b) an esplanade;
  - (c) a fish landing site;
  - (d) a garden;
  - (e) a park;
  - (f) a public market;
  - (g) the areas more particularly described in Part II of the *Fourth Schedule*;
  - (h) a zone designated by the Minister on consultation with the National Vending Committee.

**Designation of a vending zone**

**14.** The Minister, on consultation with the National Vending Committee, may by order designate a vending zone for the purposes of this Act.

**Beaches, esplanades, gardens and parks**

**15.(1)** The National Conservation Commission shall be responsible for the management and operation of a vending zone that is

- (a) a beach;
- (b) an esplanade;
- (c) a garden; or
- (d) a park.

(2) Where a vendor seeks to operate on a beach, an esplanade or in a garden or a park he shall do so in compliance with the *National Conservation Commission Act*, Cap. 393.

**Public Markets and fish landing sites**

**16.(1)** The Manager of Markets shall be responsible for the management and operation of

- (a) a public market that is not a fish market;
- (b) an area more particularly described in Part II of the *Fourth Schedule*;
- (c) the areas where a person is engaged in itinerant vending;
- (d) a zone designated by the Minister on consultation with the National Vending Committee.

(2) The Senior Manager of Markets shall be responsible for the management and operation of a public market that is a fish market.

(3) The Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site.



(4) Where a vendor seeks to operate in a public market, he shall do so in compliance with the *Markets and Slaughter-Houses Act*, Cap. 265 and the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73).

## PART V

### RIGHTS AND OBLIGATIONS OF VENDORS

#### **Rights of vendors**

- 17.(1)** A vendor has the right to carry on the business of vending
- (a) in accordance with the terms and conditions of the licence granted under this Act;
  - (b) subject to the provisions of this Act or statutory instruments made thereunder or any relevant enactment pertaining to the vendors,
- without fear of harassment or unreasonable impediments.
- (2) A vendor who is operating pursuant to section 3(1)(a) is entitled to 30 days' notice before the imposition of an eviction notice subject to section 19(3).
- (3) Where a vendor who is operating pursuant to section 3(1)(a) is subject to a relocation notice pursuant to section 19(2) he is entitled to
- (a) 30 days' notice before the imposition of a relocation notice;
  - (b) be consulted in respect of any assignment to a new site or location in relation to the carrying out of his vending business;
  - (c) be assigned to a new site or location which is conducive to the carrying out of his vending business;
  - (d) reclaim any merchandise which is seized pursuant to the eviction or relocation notice;
  - (e) make a claim for compensation in writing to the Manager of Vending Zones for any loss, damage or destruction of merchandise pursuant to

a relocation notice issued under section 19 or a seizure notice issued under section 20 subject to paragraph (f);

- (f) compensation for any loss, damage or destruction of merchandise seized pursuant to a relocation notice subject to section 20(5).

(4) For the purposes of subsection (3)(b), “consulted” shall entail that the Manager of Vending Zones shall within the 30 day notice period write to the vendor stating the reasons for the assignment of the new site or location of his vending business and the vendor shall respond to the Manager of Vending Zones in writing within the 30 day notice period stating his objections to the assignment to the day notice period.

(5) The statement of reasons by the Manager of Vending Zones referred to in subsection (4) shall take into account discussions on the subject of relocation of a vendor with the

- (a) organisations that represent the interests of vendors generally; and
- (b) organisation that represents the interest of the vendor who is the subject of the relocation in particular if applicable

and the written record of the result of those discussions shall accompany the statement of reasons.

### **General obligations of vendors**

**18.(1)** A vendor shall

- (a) produce his licence or permit for inspection where requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections;
- (b) remove his merchandise and any equipment, materials, wares or goods used in conducting his vending business at the expiration of time allotted to him for conducting his business by
  - (i) condition of his licence or permit;

- (ii) enactment; or
  - (iii) contract;
  - (c) maintain the cleanliness of a vending zone;
  - (d) keep amenities and any other public property, equipment or tools in a vending zone in good condition;
  - (e) not, while vending,
    - (i) use threatening, abusive or insulting words or behaviour;
    - (ii) intimidate or harass any person;
    - (iii) consume or be under the influence of alcohol or drugs;
    - (iv) sell, serve or distribute alcohol without an appropriate liquor licence; and
  - (f) where he sells, offers or exposes for sale food he and his employees shall comply with the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232).
- (2) Where a dispute arises between vendors operating pursuant to section 3(1) (a), the parties to the dispute may seek the assistance of the Manager of Vending Zones to resolve the dispute within 14 days after the dispute has been reported and where a party is aggrieved by a decision of the Manager in relation to the resolution of the dispute he shall appeal to the National Vending Appeals Tribunal within 14 days of the receipt of the decision of the Manager which shall be communicated to the parties to the dispute in writing.
- (3) The Manager of Vending Zones in resolving any conflict pursuant to subsection (2) shall give such directions which facilitate the maintenance of order or regularity and are conducive with the conducting of business in the interests of vending generally and in the interests of the parties to the dispute in particular.
- (4) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

## PART VI

## RELOCATION AND EVICTION OF VENDORS

**Relocation or eviction of vendors**

**19.(1)** Subject to subsection (3), no vendor shall be relocated or evicted by the Manager of Vending Zones from a vending zone specified in the vending licence unless he has been given 30 days' notice.

(2) The Manager of Vending Zones may issue an eviction or relocation notice pursuant to subsection (1) where

- (a) the vendor is in breach of
  - (i) a condition of his licence;
  - (ii) the provisions of this Act, any regulations made thereunder or any other relevant enactment;
- (b) the vendor's vending licence has been suspended or revoked pursuant to section 8;
- (c) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A;
- (d) there is danger to public safety, public order or public health.

(3) Notwithstanding subsection (1) where

- (a) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A; or
- (b) there is danger to public safety, public order or public health

the Manager of Vending may issue an emergency eviction or relocation notice without giving 30 days notice as required under subsection (1).

(4) A notice issued under this section shall be in the form set out in the *Fifth Schedule*.

(5) The Manager of Vending Zones shall inform a member of the Police Force of a notice issued under this section and shall seek the assistance of a member of the Police Force where necessary.

**Seizing and reclaiming of goods**

**20.(1)** Where a vendor fails to vacate a vending zone pursuant to section 19, the Manager of Vending Zones may seize the merchandise of the vendor.

(2) The Manager of Vending Zones shall

- (a) issue a seizure notice, in the form set out in the *Fifth Schedule*, to the vendor informing him of the seizure of his merchandise and shall include
  - (i) the time the merchandise was seized;
  - (ii) the location to which the merchandise has been transferred;
  - (iii) a list of the merchandise seized signed by the Manager of Vending Zones;
  - (iv) a description of the items seized including quantity, weight, size, condition of item and any other descriptor that the Manager of Vending Zones determines as relevant;
  - (v) the procedure for reclaiming the merchandise seized; and
- (b) inform a member of the Police Force of the notice of the seizure referred to in paragraph (a) and shall seek the assistance of a member of the Police Force where necessary.

(3) A vendor shall seek to reclaim the merchandise seized pursuant to subsection (1) within 24 hours of the receipt of the seizure notice referred to in subsection (1) and shall comply with the procedure for reclaiming merchandise set out in that seizure notice.

- (4) Where the merchandise that is the subject of the seizure notice referred to in subsection (1) is
- (a) non-perishable the Manager of Vending Zones shall release the merchandise to the vendor within 2 working days of the claim of the vendor; and
  - (b) perishable the Manager of Vending Zones shall release the merchandise immediately to the vendor on receipt of a claim from the vendor.
- (5) The vendor shall be compensated for loss or damage to merchandise where the seizure was executed pursuant to the circumstances set out in paragraphs (c) and (d) of section 19(2) and the compensation shall not exceed the value of the merchandise seized.
- (6) Where a person does not claim the merchandise seized pursuant to subsection (1), the Manager of Vending Zones shall sell the merchandise or if a sale cannot be conducted, dispose of it in an appropriate manner.
- (7) The proceeds of a sale conducted pursuant to subsection (6) shall be paid into the Consolidated Fund.

## PART VII

### NATIONAL VENDING COMMITTEE

#### **Establishment of National Vending Committee**

- 21.(1)** For the purposes of this Act there is established a body to be known as the National Vending Committee.
- (2) The provisions of the *Sixth Schedule* have effect with respect to the constitution of the Committee and otherwise in relation thereto.

**Functions of the Committee**

- 22.** The Committee shall advise
- (a) the Minister responsible for Commerce on matters relating to the National Vending Policy including
    - (i) overseeing the implementation of the Policy;
    - (ii) assessing the implementation risks of any one or more of the Policy recommendations;
    - (iii) monitoring and evaluating the achievement of the objectives of the Policy;
    - (iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;
    - (v) preparing annual briefings on the status of the implementation of the Policy; and
  - (b) the Minister responsible for Commerce, Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:
    - (i) monitoring and ensuring continued upgrade and maintenance of vending zones;
    - (ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;
    - (iii) standards that should be adhered to by vendors relating to
      - (A) personal hygiene;
      - (B) the cleanliness and public hygiene in the vending zones;

- (iv) the amenities that should be made available in vending zones for vendors including access to
  - (A) waste disposal;
  - (B) public toilets to maintain cleanliness;
  - (C) drinking water;
  - (D) protective covers to protect against the weather;
  - (E) storage facilities including cold storage;
- (v) the aesthetic design of stalls.

## PART VIII

### APPEALS

#### **Appeal**

- 23.(1)** A person who is aggrieved by
- (a) a decision of the Minister to
    - (i) refuse the grant of a licence pursuant to section 5(1);
    - (ii) refuse the renewal of a licence pursuant to section 6(1);
    - (iii) revoke, suspend or vary a licence pursuant to section 8(1) or refuse to vary a licence pursuant to section 8(3);
  - (b) a decision of the Commission to
    - (i) refuse the grant of a licence pursuant to section 5(4);
    - (ii) refuse the renewal of a licence pursuant to section 6(2);
    - (iii) revoke, suspend or vary a licence pursuant to section 8(2) or refuse to vary a licence pursuant to section 8(4);



- (c) a decision of the Manager of Vending Zones
  - (i) in relation to the resolution of disputes pursuant to section 18(2);
  - (ii) to issue a relocation or eviction notice pursuant to section 19;
  - (iii) in relation to the amount of compensation to be paid pursuant to section 17(3)(e) and (f) or section 20(4);
  - (iv) in relation to an administrative penalty imposed pursuant to section 28

may, within 14 days' of the receipt by him of a notice of the decision, appeal to the National Vending Appeals Tribunal.

(2) Where a person not granted a licence within the 7 day period referred to in section 5(2) or (4) he may appeal to the National Vending Appeals Tribunal.

#### **Establishment of National Vending Appeals Tribunal**

**24.(1)** There is established an National Vending Appeals Tribunal which shall hear appeals on the grounds set out in section 23.

- (2) The Tribunal shall be comprised of
  - (a) an attorney-at-law of at least 10 years' standing;
  - (b) a vendor nominated by an organisation that represents the interests of vendors;
  - (c) a person with knowledge and experience in the business of vending and the operation of markets or areas designated for vending.
- (3) The members of the Tribunal shall be appointed by Minister responsible for judicial affairs by an instrument in writing for a period of 3 years and shall be eligible for re-appointment.
- (4) The members of the Tribunal shall receive such remuneration as the Minister responsible for finance determines.

### **Suspension of decisions pending appeal to Tribunal**

**25.** The

- (a) Minister;
- (b) Commission; or
- (c) Manager of Vending Zones

shall, pending an appeal under section 23 on the application of the appellant, suspend the operation of their decision until the appeal is determined.

### **Power of Tribunal**

**26.** The Tribunal may on hearing an appeal

- (a) in relation to a refusal to issue a licence, referred to in paragraph (a)(i) of section 23(1) and paragraph (b)(i) of section 23(1), dismiss the appeal or allow the appeal and direct the

- (i) Minister; or
- (ii) Commission

to issue a licence to the appellant;

- (b) based on the grounds set out in paragraph (a), subparagraphs (ii) and (iii), of section 23(1),

- (i) dismiss the appeal and confirm the decision of the Minister;
- (ii) allow the appeal and set aside the decision of the Minister;
- (iii) allow the appeal and direct that the matter in respect of which the decision of the Minister was made be further considered by that Minister;

- (c) based on the grounds set out in paragraph (b), subparagraphs (ii) and (iii), of section 23(1),

- (i) dismiss the appeal and confirm the decision of the Commission;

- (ii) allow the appeal and set aside the decision of the Commission;
  - (iii) allow the appeal and direct that the matter in respect of which the decision of the Commission was made be further considered by that Commission;
- (d) based on the grounds set out in paragraph (c)(i) of section 23(1),
- (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;
  - (ii) allow the appeal and set aside the decision of the Manager of Vending Zones;
  - (iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or
- (d) based on the grounds set out in paragraph (c)(ii) of section 23(1),
- (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;
  - (ii) allow the appeal and set aside the decision of the Manager of Vending Zones;
  - (iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or
- (e) based on the ground set out in paragraph (c)(iii) of section 23(1)
- (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of compensation;
  - (ii) allow the appeal and set aside the amount of compensation provided for by the Manager of Vending Zones and impose in substitution therefor such other amount of compensation pursuant to section 17(3)(e) and (f) and section 20(4) that the Tribunal thinks fit;

- (f) based on the ground set out in paragraph (c)(iv) of section 23(1)
  - (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of the administrative penalty;
  - (ii) allow the appeal and set aside the administrative penalty imposed by the Manager of Vending Zones and impose in substitution therefor such other administrative penalty that the Tribunal thinks fit in accordance with the *Seventh Schedule*; or
- (g) based on the ground set out in section 23(2) dismiss the appeal or allow the appeal and direct the
  - (i) Minister; or
  - (ii) Commissionto issue a licence to the appellant.

### **Appeal to High Court**

**27.** A party to an appeal to the Tribunal pursuant to section 23 may appeal from the decision of the Tribunal on a point of law to the High Court.

## PART IX

### ADMINISTRATIVE PENALTIES

#### **Administrative penalties**

**28.** A person who contravenes a provision set out in Part I of the *Seventh Schedule* is liable to pay to the Manager of Vending Zones an administrative penalty in the amount so specified in the *Seventh Schedule*.

#### **Administrative penalty notice**

**29.(1)** The Manager of Vending Zones shall issue an administrative penalty notice in the form set out in Part II of the *Seventh Schedule* to any person where

the Manager of Vending Zones is satisfied that, that person has contravened a provision set out in Part I of the *Seventh Schedule*.

(2) An administrative penalty notice shall specify the nature of the act constituting the contravention, the penalty to be paid and shall require the person to whom it is addressed to pay the penalty within 30 days of the date of the notice.

(3) A person who is in receipt of an administrative penalty notice issued pursuant to subsection (1) shall pay the amount of the penalty set out in the notice on or before the date specified in the notice.

(4) Notwithstanding subsection (3) where the Manager of Vending Zones is satisfied on grounds of undue hardship or for any other reason that it would be just and equitable to do so, he may arrange with the person who is the subject of the penalty notice to pay the penalty set out in the notice in instalments.

#### **Procedure for challenging an alleged administrative contravention**

**30.** Notwithstanding section 29(3), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, apply to the Tribunal in accordance with section 23.

#### **Administrative penalty to constitute a debt to the State**

**31.** The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

### **PART X**

#### **MISCELLANEOUS**

##### **Fees**

**32.(1)** The fees collected by the Minister under this Act shall be paid into the Consolidated Fund.

(2) The fees collected by the Commission under this Act shall be retained to the Commission and shall constitute the funds of the Commission as set out in section 10 of the *National Conservation Commission Act*, Cap. 393.

### **Transitional**

**33.(1)** Any licence or permit issued under the

(a) *National Conservation Commission Act*, Cap. 393; or

(b) *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73)

prior to the commencement of this Act shall be valid for one year after the commencement of this Act.

(2) After the expiration of the period referred to in subsection (1) a person seeking to operate as a vendor shall apply for the requisite licence or permit to do so under this Act.

### **Regulations**

**34.** The Minister may make regulations generally to give effect to this Act.

### **Amendment of Schedules**

**35.** The Minister may by order amend the *First, Second, Third, Fourth, Fifth, Sixth and Seventh Schedules*.

### **Expungement**

**36.** Notwithstanding the provisions of the *Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A*, the record of any sentence of a person convicted of an offence of selling or offering or exposing for sale of goods, wares or merchandise in a public place, on a street, a lane, an alley, a road, a highway, a beach or within the curtilage of that person's residence without a licence, permit or any other similar document under any enactment shall be deemed to be expunged with effect from the commencement of this Act.

**Consequential amendments**

**37.** The enactments set out in Column 1 of the *Eighth Schedule* are amended in the manner specified in Column 2 of the *Eighth Schedule*.

**Commencement**

**38.** This Act shall come into operation on a date fixed by proclamation.

**FIRST SCHEDULE**

*(Sections 5 and 6)*

**Part I**

**Application Form and Licence for Vendor's Licence**



*National Vending Act, 2021*  
(Act 2021- )

**Application for Vendor's Licence for Vendors not  
operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Email address: \_\_\_\_\_



*First Schedule - (Cont'd)*

8. Type of vending to be engaged in:

(a) Car park vending <input type="checkbox"/>	(f) Vending outside of the premises of a school <input type="checkbox"/>
(b) Highway vending <input type="checkbox"/>	(g) Street vending <input type="checkbox"/>
(c) Itinerant vending <input type="checkbox"/>	(h) Vending of non-essential and quickly perishable products <input type="checkbox"/>
(d) Outdoor market vending <input type="checkbox"/>	(i) Vending unit <input type="checkbox"/>
(e) Public markets <input type="checkbox"/>	(j) Vending village <input type="checkbox"/>

9. Type of merchandise to be sold: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Type of service to be rendered: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
(Date of application)  
(DD/MM/YYYY)

*First Schedule - (Cont'd)*

**FOR OFFICIAL PURPOSES ONLY**

Application: Approved <input type="checkbox"/>	Not Approved <input type="checkbox"/>
<hr/> <i>(Signature of Minister responsible for Commerce)</i>	<hr/> <i>(Date of approval of application) (DD/MM/YYYY)</i>
<hr/> <i>(Signature of Minister responsible for Public Markets)</i>	
<hr/> <i>(Signature of Minister responsible for Fisheries)</i>	

*First Schedule - (Cont'd)*

*(Section 6)*

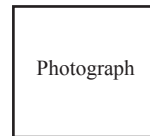
**Part II**

**Vending Licence**



*National Vending Act, 2021*  
(Act 2021- )

**Vending Licence for Vendors not operating  
on a Beach or an Esplanade or in a Garden or Park**



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*(Vending Licence No.)*

Name: \_\_\_\_\_

Sex: \_\_\_\_\_

Date of birth: \_\_\_\_\_

National identification number: \_\_\_\_\_

Type of vending: \_\_\_\_\_

Vending zone: \_\_\_\_\_

*First Schedule - (Cont'd)*

Type of merchandise to be sold:

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Type of service to be rendered:

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\_\_\_\_\_  
*(Date of issue)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of vendor)*

\_\_\_\_\_  
*(Signature of the Minister responsible for Commerce)*

\_\_\_\_\_  
*(Signature of the Minister responsible for Public Markets)*

\_\_\_\_\_  
*(Signature of the Minister responsible for Fisheries)*

*First Schedule - (Cont'd)*

*(Section 5)*

**Part III**

**Application Form and Licence for Vendor's Licence**



*National Vending Act, 2021*  
(Act 2021- )

**Application for Vendor's Licence  
for Vending on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Email address: \_\_\_\_\_

*First Schedule - (Cont'd)*

8. Type of vending to be engaged in:

(a) Beach vending

(b) Esplanade Vending

(c) Garden vending

(d) Park vending

9. Type of merchandise to be sold: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Type of service to be rendered: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(Signature of applicant)*

\_\_\_\_\_  
*(Date of application)*  
*(DD/MM/YYYY)*

**FOR OFFICIAL PURPOSES ONLY**

Application: Approved

Not Approved

\_\_\_\_\_  
*(Signature of Chairman of National Conservation Commission)*

\_\_\_\_\_  
*(Date of approval of application)*  
*(DD/MM/YYYY)*

*First Schedule - (Cont'd)*

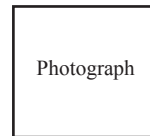
*(Section 6)*

**Part IV**  
**Vending Licence**



*National Vending Act, 2021*  
(Act 2021- )

**Vending Licence for Vending on a Beach or an Esplanade or a Garden or Park**



--	--	--	--	--	--	--	--	--	--	--	--

*(Vending Licence No.)*

Name: \_\_\_\_\_

Sex: \_\_\_\_\_

Date of birth: \_\_\_\_\_

National identification number: \_\_\_\_\_

Type of vending: \_\_\_\_\_

Vending zone: \_\_\_\_\_

*First Schedule - (Concl'd)*

Type of merchandise to be sold:

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Type of service to be rendered:

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\_\_\_\_\_  
*(Date of issue)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of vendor)*

\_\_\_\_\_  
*(Signature of Chairman of the National Conservation Commission)*



## SECOND SCHEDULE

*(Sections 10 and 11)*

## Part I

## Application Form and Permit for Occasional Vending



*National Vending Act, 2021*  
(Act 2021- )

**Application Form and Permit for Occasional Vending for Vendors  
not operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Email address: \_\_\_\_\_
8. Type of occasional vending event:

(a) Fair <input type="checkbox"/>	(b) Farmers market <input type="checkbox"/>	(c) Festival <input type="checkbox"/>
(d) Carnival <input type="checkbox"/>	(e) Cultural or recreational event <input type="checkbox"/>	(f) Religious event <input type="checkbox"/>

*Second Schedule - (Cont'd)*

9. Name of occasional vending event:\_\_\_\_\_

10. Date of occasional vending event:\_\_\_\_\_

11. Duration of occasional vending event:\_\_\_\_\_

12. Type of merchandise to be sold (Where applicable):\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Type of service to be rendered (Where applicable):\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(Signature of applicant)*

\_\_\_\_\_  
*(Date of application)*  
*(DD/MM/YYYY)*

**FOR OFFICIAL PURPOSES ONLY**

Application: Approved

Not Approved

\_\_\_\_\_  
*(Signature of Minister responsible for*  
*Commerce)*

\_\_\_\_\_  
*(Date of approval of application)*  
*(DD/MM/YYYY)*

**Part II**

**Permit for Occasional Vending**



*National Vending Act, 2021*  
(Act 2021- )

**Permit for Occasional Vending for Vendors  
not operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Name of occasional vending event: \_\_\_\_\_
6. Date of occasional vending event: \_\_\_\_\_
7. Duration of occasional vending event: \_\_\_\_\_
8. Type of Merchandise to be sold (Where applicable):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Second Schedule - (Cont'd)*

9. Type of service to be rendered (Where applicable):

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*(Signature of applicant)*

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*(Date of application)*  
*(DD/MM/YYYY)*

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*(Signature of the Minister responsible for Commerce)*

**Part III****Application Form and Permit for Occasional Vending**

*National Vending Act, 2021*  
(Act 2021- )

**Application Form for Occasional Vending for Vending  
on the Beach or an Esplanade or in a Garden or a Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Email address: \_\_\_\_\_
8. Type of occasional vending event:

(a) Fair <input type="checkbox"/>	(b) Farmers market <input type="checkbox"/>	(c) Festival <input type="checkbox"/>
(d) Carnival <input type="checkbox"/>	(e) Cultural or recreational event <input type="checkbox"/>	(f) Religious event <input type="checkbox"/>



**Part IV**

**Permit for Occasional Vending**



*National Vending Act, 2021*  
(Act 2021- )

**Permit for Occasional Vending for Vending  
on a Beach or an Esplanade or in a Garden or a Park**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Name of occasional vending event: \_\_\_\_\_
6. Date of occasional vending event: \_\_\_\_\_
7. Duration of occasional vending event: \_\_\_\_\_
8. Type of Merchandise to be sold (Where applicable):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Second Schedule - (Cont'd)*

9. Type of service to be rendered (Where applicable):

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*(Signature of applicant)*

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*(Date of application)*  
*(DD/MM/YYYY)*

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*(Signature of the National Conservation Commission)*



**Part V**

**Application Form for Itinerant Vending Permit**



*National Vending Act, 2021*  
(Act 2021- )

**Application Form for Itinerant Vending Permit**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Email address: \_\_\_\_\_
8. Type of merchandise to be sold (Where applicable):  
\_\_\_\_\_  
\_\_\_\_\_

*Second Schedule - (Cont'd)*

9. Type of service to be rendered (Where applicable):

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*(Signature of applicant)*

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*(Date of application)*  
*(DD/MM/YYYY)*

**FOR OFFICIAL PURPOSES ONLY**

Application: Approved

Not Approved

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*(Signature of Minister responsible  
for Commerce)*

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*(Date of approval of application)*  
*(DD/MM/YYYY)*

**Part VI**  
**Itinerant Vending Permit**



*National Vending Act, 2021*  
(Act 2021- )

**Itinerant Vending Permit**

1. Name of applicant: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Date of birth: \_\_\_\_\_
4. National identification number: \_\_\_\_\_
5. Itinerant vending permit number:  
\_\_\_\_\_  
\_\_\_\_\_
6. Type of merchandise to be sold (Where applicable):  
\_\_\_\_\_  
\_\_\_\_\_

*Second Schedule - (Concl'd)*

7. Type of service to be rendered (Where applicable):

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*(Signature of applicant)*

---

*(Date of application)*  
*(DD/MM/YYYY)*

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*(Signature of the Minister responsible for Commerce)*

**THIRD SCHEDULE***(Sections 5, 6, 10, 11 and 12)**Fees*

1. Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	\$ 50
2. Renewal of Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	\$ 50
3. Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	\$ 150
4. Renewal of Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	\$ 100
5. Itinerant Vending Permit	\$ 50
6. Renewal of Itinerant Vending Permit	\$ 50
7. Occasional Vending permit vendors operating on a beach or an esplanade or in a garden or park	\$ 50
8. Occasional Vending permit vendors not operating on a beach or an esplanade or in a garden or park	\$ 25

**FOURTH SCHEDULE**

*(Sections 2 and 13)*

*Lists and Descriptions*

**Part I**

*List of Esplanades, Gardens and Parks*

1. King George V Memorial Park
2. Farley Hill National Park
3. Bay Street Esplanade
4. Fitts Village Esplanade
5. Hastings Esplanade
6. Speightstown Esplanade
7. Independence Square, Jubilee Gardens
8. Folkstone Marine Park
9. Queen's Park

**Part II**

*Description of certain vending zones pursuant to section 13(g)*

1. The area in the vicinity of the Public Market situate at Fairchild Street, St. Michael, from and inclusive of the junction of Halls Road and Tweedside Road along the roads Halls Road, Martindales Road and Jemmotts Lane in a straight line to the sea, then along the sea coast to the Pier Head, thence along the south side of the Carenage to the Chamberlain Bridge, thence in a straight line to the junction of High Street and Broad Street, thence along and inclusive of the roads High Street, Roebuck Street and Tweedside Road to the junction of Tweedside Road and Halls Road.

2. The area in the vicinity of the Public Market situate at Eagle Hall, St. Michael, which lies within the following boundaries:

- (a) on the north-west boundary, within a line along and inclusive of the roads Deacons Road and Fairfield Road from the junction of Deacons Road and Goodlands Road to the junction of Fairfield and Grazettes Road;
- (b) On the north-east boundary, within a line along and inclusive of the roads Grazettes Road, Kew Road, Dash Road, from the junction of Fairfield Road and Grazettes Road to the junction of Dash Road and Bank Hall Road;
- (c) On the south-east boundary within a line along and inclusive of the roads Bank Hall Road from the junction of Dash Road and Bank Hall Road to the junction of Bank Hall Road and Passage Road; and
- (d) On the south and south-west boundary, within a line along and inclusive of the roads Passage Road, Westbury Road, Goodlands Road from the junction of Bank Hall Road and Passage Road to the junction of Goodlands Road and Deacons Road.

3. All that area within a radius of one and one-half miles of the Public Market situate at Six Roads, St. Philip.

4. The area in the vicinity of the Public Market situate at Cheapside, Bridgetown, from and inclusive of the junction of Roebuck Street and Country Road, thence along and including Country Road and Passage Road to the junction of Passage Road and Baxters Road, thence along and including Baxters Road to its junction with Mason Hall Street, thence along and including Mason Hall Street to its junction with St. Mary's Row, thence along and including St. Mary's Row and Lakes Folly to the junction of Lakes Folly and Fontabelle Road, thence in a northerly direction along and including Fontabelle Road and Lands End Road, thence along the sea coast in a south easterly direction to the Pier Head, thence along the southern side of the Careenage to the Chamberlain Bridge, thence along the western boundary of the area defined in paragraph 1 of this *Schedule* to the junction of Roebuck Street and Country Road.

### **Part III**

#### *List of Fish Landing Sites*

- 1. Bath Beach
- 2. Bay Street
- 3. Bay Street Esplanade Browne's Beach

4. Brandons
5. Bridgetown Complex (BFC)
6. Brighton Beach
7. Brooklyn
8. Burke's Beach
9. Careenage
10. Cholera Bay
11. Crane Beach
12. Dover
13. Fitts Village
14. Foul Bay
15. Half Moon Fort
16. Heron Bay or Colony Club
17. Holetown
18. Long Bay
19. Martin's Bay
20. Mount Standfast
21. Pile Bay
22. Prospect
23. Shallow Draught or Sand Pit
24. Silver Sands
25. Six Men's
26. Skeete's Bay
27. Stroud Bay
28. St. Lawrence
29. White Head Trees



30. Worthings or Sandy Beach

**FIFTH SCHEDULE**

*(Section 19)*

**Part I**

**Relocation Notice**



*National Vending Act, 2021*  
(Act 2021- )

**Relocation Notice**

Due to \_\_\_\_\_,  
*(State reason)*

the Manager of Vending Zones has determined that it is necessary to remove and relocate

\_\_\_\_\_, \_\_\_\_\_,  
*(Name of vendor) (Vending Licence No.)*

engaged in \_\_\_\_\_ from \_\_\_\_\_,  
*(Type of vending) (Former vending zone)*

to \_\_\_\_\_ for the period \_\_\_\_\_ day of \_\_\_\_\_,  
*(New vending zone)*

20\_\_\_\_\_ to \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

\_\_\_\_\_  
*(Date of service)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of the Manager of Vending Zones)*

*Fifth Schedule - (Cont'd)*

*(Section 19)*

**Part II**

**Eviction Notice**



*National Vending Act, 2021*  
(Act 2021- )

**Eviction Notice**

Due to \_\_\_\_\_,  
*(State reason)*  
the Manager of Vending Zones has determined that it is necessary to evict you,  
\_\_\_\_\_, \_\_\_\_\_,  
*(Name of vendor)* *(Vending Licence No.)*  
engaged in \_\_\_\_\_ from \_\_\_\_\_.  
*(Type of vending)* *(Vending zone)*

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

\_\_\_\_\_  
*(Date of service)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of the Manager of Vending Zones)*



*Fifth Schedule - (Cont'd)*

*(Section 19)*

**Part IV**

**Emergency Eviction Notice**



*National Vending Act, 2021*  
(Act 2021- )

**Emergency Eviction Notice**

Due to \_\_\_\_\_,  
*(State reason)*

the Manager of Vending Zones has determined that it is necessary to evict you,

\_\_\_\_\_, \_\_\_\_\_,  
*(Name of vendor) (Vending Licence No.)*

engaged in \_\_\_\_\_ from \_\_\_\_\_,  
*(Type of vending) (Vending zone)*

This Notice shall be effective at the end of a 24 hour period after the date of service on the vendor.

\_\_\_\_\_  
*(Date of service)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of the Manager of Vending Zones)*

**Part V**

**Seizure Notice**



*National Vending Act, 2021*  
(Act 2021- )

**Seizure Notice**

To: \_\_\_\_\_,  
*(Name of vendor)* \_\_\_\_\_, *(Vending Licence No.)*

The Manager of Vending Zones served a \_\_\_\_\_  
*(Type of Notice)*

to you on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The Manager of Vending Zones determined that it was necessary to seize the items listed below pursuant to the execution to the Notice.

The items seized and the descriptions thereof are listed as follows:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

The items can be reclaimed from the Manager of Vending Zones on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ at the \_\_\_\_\_  
*(Location)*

\_\_\_\_\_  
*(Date of service)*  
*(DD/MM/YYYY)*

\_\_\_\_\_  
*(Signature of the Manager of Vending Zones)*

**SIXTH SCHEDULE***(Section 21)**National Vending Committee***Constitution of the Committee**

- 1.(1)** The National Vending Committee shall comprise the following:
- (a)* a representative of the Barbados Chamber of Commerce;
  - (b)* a representative of the Barbados National Standards Institution;
  - (c)* a representative of the Barbados Association of Vendors, Retailers and Entrepreneurs;
  - (d)* a representative of the Barbados National Union of Fisherfolk Organizations;
  - (e)* a representative of the Association of Wayside Vendors;
  - (f)* a representative of the Small Business Association;
  - (g)* a representative of the Ministry responsible for Commerce;
  - (h)* the Registrar of Cooperatives;
  - (i)* the Manager of Markets;
  - (j)* the Senior Manager of Markets;
  - (k)* a representative of the Ministry responsible for vocational training;
  - (l)* a representative of the Rastafarian community;
  - (m)* a representative of the Ministry responsible for health;
  - (n)* a representative of the Ministry responsible for technology;
  - (o)* a representative of the Ministry responsible for education;
  - (p)* a representative of the Ministry responsible for fisheries;

- (q) a representative of the Ministry responsible for tourism;
  - (r) a representative of the Town and Country Planning Department; and
  - (s) a representative of the National Conservation Commission.
- (2) The Minister shall appoint a Chairman from among the members.

### **Tenure**

- 2.(1) A member of the Committee shall be appointed for a period of 3 years by instrument of appointment and is eligible for re-appointment.
- (2) The Minister may at any time revoke the appointment of any member of the Committee.

### **Resignation**

3. Any member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted to him through the Chairman, and from the date of the receipt by the Minister of the instrument the member ceases to be a member of the Committee.

### **Publication of membership**

4. The Committee as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

### **Procedure and meetings**

- 5.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee determines, but the Committee shall meet not less than twice a year.
- (2) The Chairman may at any time call a special meeting of the Committee, and shall call a special meeting to be held within 7 days of a written request for the purpose addressed to him by any 2 members of the Committee.



- (3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the case of his absence or inability to act at any meeting the members present at the meeting constituting a quorum shall elect one of the members to preside at that meeting.
- (4) At any meeting at which the voting is equal the Chairman or the person presiding has a second or casting vote.
- (5) The quorum of the Committee is a majority of the total membership thereof.
- (6) Subject to this *Schedule* the Committee may regulate its own proceedings.
- (7) The validity of the proceedings of the Committee is not affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

**Remuneration of members**

- 6. There may be paid to the Chairman and other members of the Committee such remuneration and such allowances as the Minister may determine.

## SEVENTH SCHEDULE

(Section 28)

## Part I

*Administrative Penalties*

<b>Description of Contravention</b>	<b>Provision</b>	<b>Penalty</b>
Vending without a licence contrary to section 4(2)	Section 4(2)	\$500
Vending with a licence that has been suspended or revoked	Section 8(3)	\$500
Vending in contravention of the varied conditions of a licence	Section 8(4)	\$500
Occasional Vending without a permit contrary to section 10(1)	Section 10(6)	\$500
Occasional Vending without a permit contrary to section 11(1)	Section 11(6)	\$500
Itinerant vending without a permit contrary 12(1)	Section 12(6)	\$500
Failing to comply with an obligation pursuant to section 18(1)	Section 18(4)	\$500
Contravention of regulations 4, 6, 7, 10, 18, 34 and 47 <i>Markets and Slaughterhouse Regulations, 1958 L. N. 1958/53</i> )	Regulations 4, 6(2), 7(2), 10(3), 18(2), 34(2) and 47(2)	\$500

**Part II**

**Ticket**



*National Vending Act, 2021*  
(Act 2021- )

**Administrative Penalty Notice**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_  
*(Time)*

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
*(Location) (Name of vendor) (Vending Licence No.)*

was seen engaging in activity which gave me reasonable cause to believe that there was a  
contravention of the Act. The particulars of the contravention are set out as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of the Manager of Vending Zones: \_\_\_\_\_

Date: \_\_\_\_\_

## EIGHTH SCHEDULE

(Section 37)

## CONSEQUENTIAL AMENDMENTS

Column 1

Column 2

*Enactments**Amendments*1. *Markets and Slaughter-Houses Act, Cap. 265*

1. In section 2 insert in the appropriate alphabetical order the following:

" "Manager of Markets" means the manager of any public market or any person acting with the authority of the Manager of Markets;"

2. Delete all references in the Act to the words "Chief Supervisor" and substitute the words "Manager of Markets".

3. Delete Part III.

4. Delete Part VII.

2. *Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53)*

1. Delete all references in the Regulations to the words "Chief Supervisor" and substitute the words "Manager of Markets".

2. Delete regulation 4 and substitute the following:

**"Refusal to comply with directions of the Manager of Markets"**

4. If any person in any public market refuses or neglects to comply with any direction of the Manager of Markets for the maintenance of order or the regularity or for the carrying out of any of the provisions of these Regulations that person shall be subject to payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021- )."

*Eighth Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53) (Cont'd)</i>	<p>3. In regulation 6, delete paragraph (2) and substitute the following:</p> <p style="padding-left: 40px;">"(2) If any authorised person is found in a public market during closed hours he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- ).".</p> <p>4. In regulation 7 delete paragraph (2) and substitute the following:</p> <p style="padding-left: 40px;">"(2) If any person contravenes paragraph (1) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- ).".</p> <p>5. In regulation 10 delete paragraph (3) and substitute the following:</p> <p style="padding-left: 40px;">"(3) If any person contravenes paragraphs (1) or (2) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- ).".</p> <p>6. In regulation 18 delete paragraph (2) and substitute the following:</p> <p style="padding-left: 40px;">"(2) If any person contravenes paragraphs (1) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- ).".</p> <p>7. Delete regulation 25 and substitute the following:</p> <p style="padding-left: 40px;"><b>"Manager of Markets may let market stalls</b></p> <p style="padding-left: 80px;">25. Subject to the provisions of These Regulations, the Manager of Markets may on the payment of the appropriate rent as set out in the <i>First Schedule</i> let to a person licensed as a vendor pursuant to the <i>National Vending Act, 2021</i> (Act 2021- ) any market stall in any public market."</p>

*Eighth Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53) - (Cont'd)</i>	<p>8. Delete regulation 26 and substitute the following:</p> <p style="text-align: center;"><b>"Tenant of market stall licensed to occupy and use it for period of tenancy</b></p> <p style="text-align: center;">26. Where a tenant has been let a market stall pursuant to regulation 25, that tenant shall be considered to be licensed to occupy and use the market stall let to him for the period of the tenancy, provided that he complies with the provisions of the Act and these Regulations."</p> <p>9. Delete regulations 31, 32 and 33.</p> <p>10. In regulation 34, delete paragraph (2) and substitute the following:</p> <p style="text-align: center;">"(2) A person who contravenes paragraph (1) shall be subject to an administrative penalty imposed under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- )."</p> <p>11. Delete regulation 45.</p> <p>12. Delete regulation 46.</p> <p>13. In regulation 47 delete paragraph (2) and substitute the following:</p> <p style="text-align: center;">"(2) A person who evades or attempts to evade or assists in evading the payment of any toll under paragraph (1) shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021- )."</p> <p>14. Delete regulations 48, 61, 62, 63 and 64.</p>

*Eighth Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53) - (Concl'd)</i>	<p>15. In the <i>First Schedule</i> delete the item which refers to</p> <ul style="list-style-type: none"> <li>(a) Regulation 31 Fishseller's tickets;</li> <li>(b) Regulation 46 Permit fee;</li> <li>(c) Regulation 48 Fishseller's licence;</li> <li>(d) Regulation 61 Meat Shop licences; and</li> <li>(e) Regulation 64 Meat vendor's licences.</li> </ul> <p>16. Delete the <i>Second Schedule</i>.</p> <p>17. In the <i>Third Schedule</i> delete the item which refers to</p> <ul style="list-style-type: none"> <li>(a) Regulation 46 Permit to sell within Prohibited Areas;</li> <li>(b) Regulation 48 Fish Seller's Licence;</li> <li>(c) Regulation 61 Meat Shop Licenced; and</li> <li>(d) Regulation 64 Meat Vendor's Licence."</li> </ul>
3. <i>National Conservation Commission Act, Cap. 393</i>	<ul style="list-style-type: none"> <li>1. Delete Part IV.</li> <li>2. Delete subsections (1) and (1A) of section 31.</li> </ul>

*Eighth Schedule - (Concl'd)*CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Conservation Commission Act, Cap. 393 - (Concl'd)</i>	3. Section 32(1) is deleted and the following is substituted:  " (1) A person employed by the Commission as a ranger or warden may arrest without a warrant any person who commits an offence specified in paragraph (a) or (b) of subsection (2) of section 31."
4. <i>National Conservation Commission (Fees) Regulations, 2015 (S.I. 2015 No. 78)</i>	The <i>Schedule</i> is amended by deleting all references to Vendor's Licences and the fees connected thereto.