

CHAPTER 327A
STRAW MARKET AUTHORITY

LIST OF AUTHORISED PAGES

1 – 12 LRO 1/2017

ARRANGEMENT OF SUBSIDIARY LEGISLATION

SECTION 15

Straw Market Authority (General) Regulations

CHAPTER 327A**STRAW MARKET AUTHORITY****STRAW MARKET AUTHORITY (GENERAL)
REGULATIONS****ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Interpretation.
3. Eligibility to operate a stall in the Market.
4. Application for licence to operate a stall in the Market.
5. Grant of licence to operate a stall in the Market.
6. Registration of market helpers.
7. Ownership of stall.
8. Renewal of licence.
9. Actions warranting suspension and cancellation of licence.
10. Operations.
11. Accidents.
12. Items prohibited for sale.
13. Upkeep of stall and sanitation.
14. Dress code.
15. Conduct and deportment.
16. Children.
17. Penalties.

CHAPTER 327A**STRAW MARKET AUTHORITY****STRAW MARKET AUTHORITY (GENERAL)
REGULATIONS***S.I. 103/2011***(SECTION 15)**

- 1.** These Regulations may be cited as the Straw Market Authority (General) Regulations. Citation.
- 2.** (1) In these Regulations — Interpretation.
 “Act” means the Straw Market Authority Act; Ch. 327A.
 “market helper” means a helper who is registered as a market helper in accordance with the provisions of these Regulations;
 “vendor” means a person who has been issued a licence to operate a stall in the Market.
- (2) Words and phrases used in these Regulations have, unless the context otherwise requires, the meaning ascribed to them in the Act.
- 3.** No person shall be granted a licence to operate a stall in the Market unless such person is — Eligibility to operate a stall in the Market.
- (a) a Bahamian citizen; and
 (b) eighteen years of age or older.
- 4.** A person who wishes to operate a stall in the Market shall submit to the Authority an application for the grant of a licence in the form prescribed by the Authority together with — Application for licence to operate a stall in the Market.
- (a) a valid Bahamian passport;
 (b) a National Insurance card;
 (c) a valid and unexpired health certificate that certifies that the applicant has been tested for tuberculosis;
 (d) a valid and current police record;
 (e) a valid and current immunization record that has been issued within the period of ten years;
 (f) two written character references; and
 (g) a fee of \$35.00.

Grant of licence
to operate a stall
in the Market.

5. (1) The Authority may approve the application for the grant of a licence to an applicant who —

- (a) has submitted documentation in compliance with regulation 4 and whose submitted documentation is satisfactory;
- (b) is a licensee under the Business Licence Act; and
- (c) is otherwise a fit and proper person to operate a stall in the Market.

Ch. 329.

(2) An applicant shall, within thirty days after he is notified that his application has been approved, submit to the Authority a valid business licence issued to him under the Business Licence Act.

Ch. 329.

(3) The Authority shall, where it has approved an application for the grant of a licence to the applicant —

- (a) issue a licence to him to operate a stall in the Market only upon his submission of a valid business licence and payment of the prescribed fee; and
- (b) revoke the approval of the application for the grant of a licence to operate a stall if he fails to submit a valid business licence in accordance with paragraph (2).

(4) The Authority shall issue every licence holder under this section with a vendor identification card which shall —

- (a) be worn by the licence holder at all times in the Market;
- (b) expire upon the expiration of the licence or if the licence is cancelled or suspended for any reason; and
- (c) be the property of the Government of The Bahamas and surrendered to the Authority upon its cancellation, suspension or expiration.

Registration of
market helpers.

6. (1) No vendor shall —

- (a) hire as a market helper a person —
 - (i) who is not a Bahamian citizen;
 - (ii) who is not eighteen years of age or older; and
 - (iii) who has not been approved for registration by the Authority;

- (b) hire more than one market helper to assist with the sale of goods or the setting up of a stall in the Market.

(2) A vendor shall, prior to hiring a person as a market helper, submit to the Authority an application in the form prescribed by the Authority for the registration of such person as a market helper together with such person's —

- (a) valid Bahamian passport;
- (b) valid birth certificate or, *in lieu* of such certificate, a passport size colour photo not more than six months old and a current voter's card;
- (c) National Insurance Card;
- (d) valid and unexpired health certificate certifying that they have been tested for tuberculosis;
- (e) valid and current police record;
- (f) valid and current immunization record issued within the period of ten years;
- (g) two character references.

(3) The Authority shall —

- (a) approve or deny each application made by a vendor for registration of a market helper;
- (b) upon notification by a vendor that the vendor has hired a person in respect of whom an application has been approved and payment by the vendor of a fee of \$25.00 —
 - (i) register such person as a market helper; and
 - (ii) issue to the market helper a market craft identification card.

(4) A market craft identification card shall —

- (a) be worn at all times by a market helper in the Market;
- (b) expire upon the expiration of the registration of the market helper or if the registration is cancelled or suspended for any reason; and
- (c) be the property of the Government of The Bahamas and surrendered to the Authority upon its cancellation, suspension or expiration.

7. (1) The Government of The Bahamas shall be the legal owner of every stall in the Market and shall license a stall to a vendor upon such terms and conditions

Ownership of stall.

as may be prescribed by these Regulations and other applicable laws of The Bahamas.

(2) A vendor shall not sub-lease or sub-license a stall in the Market to any other person or entity.

Renewal of
licence.

8. (1) Subject to paragraph (2), a licence to operate a stall in the Market shall be renewed on an annual basis upon payment by the vendor of the fee prescribed by the Authority.

(2) A vendor shall, in addition to the renewal fee, submit to the Authority —

(a) proof of payment of National Insurance contributions in respect of both the vendor and any market helper employed by the vendor;

(b) a current and valid business licence.

Actions
warranting
suspension and
cancellation of
licence.

9. (1) The Authority may suspend a licence to operate a stall where —

(a) a vendor —

(i) fails to renew his business licence;

(ii) is delinquent in paying the licence fee to operate the stall;

(iii) hires persons who are not authorised to work in the Market;

(b) a vendor or his market helper —

(i) is involved in fighting in the Market;

(ii) engages in any type of harassment in the Market, whether physical, verbal, sexual or otherwise;

(iii) by whatever means, defaces, destroys, or damages in any manner the stall or any other common area in the Market.

(2) A suspension or re-instatement of a licence to operate a stall shall be dealt with by the disciplinary committee established by the Authority under paragraph (6).

(3) A licence to operate a stall may be suspended for a period of —

(a) one day;

(b) three days; or

(c) one week.

(4) A vendor who has three suspensions of his licence within a twelve month period shall be liable to have his licence cancelled.

(5) The Authority shall cancel a licence where the vendor or his market helper —

- (a) is convicted of theft, fraud, dishonesty, indecency or gross negligence;
- (b) is convicted of any offence involving causing harm or an indictable offence;
- (c) commits infractions of any intellectual property laws including but not limited to the sale of counterfeit brand name and other authentic products;
- (d) after receiving three written warnings from the Authority to refrain from the conduct, uses obscene language or behaves disorderly towards other persons in the Market including visitors, other vendors and workers;
- (e) after receiving three written warnings from the Authority to refrain from the conduct, sells any prohibited items;
- (f) assaults or threatens harm to anyone including co-workers, visitors or any other person while in the Market.

(6) The Authority shall establish a disciplinary committee to —

- (a) investigate complaints received by the Authority with respect to the operation of the Market and persons within it;
- (b) make recommendations for the suspension, cancellation or re-instatement of a licence or registration.

10. (1) A vendor's licence shall be issued in the name of the applicant as inscribed on his business licence. Operations.

(2) A vendor shall be licensed to operate one stall only.

(3) A retail pedlar or hawker shall not be permitted to advertise or sell his products in the Market.

(4) Approved Goods shall be sold by a vendor on a retail basis and no vendor shall engage in wholesale redistribution in the Market.

(5) A wholesale distributor who is not a licensed vendor shall not advertise or sell goods to any vendor in the Market without first obtaining the written permission of the Authority.

Accidents.

11. (1) A licensed vendor shall take due care and diligence in the Market for the safety of himself, his market helper or helpers, other vendors and all visitors to the Market.

(2) A vendor shall immediately report any accident that occurs in the Market to the Authority.

(3) The Authority shall, upon the report of an accident in the Market, take all reasonable measures to ensure that proper medical attention is given to any injured party or parties in accordance with established health and safety policies and protocols.

Items prohibited for sale.

12. The sale of food in places other than authorised by the Authority in the Market shall be strictly prohibited.

Upkeep of stall and sanitation.

13. A vendor and or his market helper shall —

- (a) keep the immediate area surrounding the vendor's stall clean and tidy at all times;
- (b) dispose of, in the garbage bins provided in the designated and assigned areas in the Market, all debris, trash, unwanted food and other discarded materials;
- (c) not extend or otherwise alter the structure, or deface the stall, which the vendor is licensed to operate;
- (d) confine all displays to assigned areas and maintain them neatly displayed and presented at all times;
- (e) secure the vendor's goods and dispose of refuse at the end of each working day;
- (f) while in the Market, abstain from —
 - (i) smoking;
 - (ii) using hazardous, and potentially dangerous, agents that may result in fire.

Dress code.

14. (1) A vendor and his market helper, while in the Market, shall —

- (a) be neatly groomed at all times and attired in clean clothing and shoes;
- (b) wear appropriate clothing at all times;

(c) avoid the use of highly-scented perfumes or colognes.

(2) For the purposes of paragraph (1), appropriate clothing means Bahamian printed clothing or other similar national attire.

15. (1) A vendor, market helper or other authorised worker in the Market shall display courteous and professional deportment and behaviour at all times. Conduct and deportment.

(2) A vendor in the Market shall work within his assigned space.

(3) No vendor while in the Market shall —

(a) make any loud or boisterous noise;

(b) display any rude and disorderly behaviour including fighting or harassment of any other person in the Market;

(c) use any obscene language or make any insulting remarks to any other person in the Market;

(d) engage in any disorderly behaviour in the Market.

(4) Smoking shall be prohibited within the interior and exterior boundaries of the Market and the Authority shall display appropriate signage that the Market is a “No Smoking Zone”.

(5) Hair braiding, manicures, pedicures and such like services are prohibited within and around the Market.

(6) A vendor and or market helper shall not solicit visitors off the streets or the dock area to their stalls and shall allow visitors to shop around freely when and where they wish, without any interference.

(7) No food shall be prepared in any area of the Market at any time.

(8) No person shall operate at any time any type of stove and or propane torch within the Market.

(9) The Authority shall designate an area outside the Market for the —

(a) cooking or warming of food;

(b) boiling of water to make tea or coffee; or

(c) use of microwaves for the warming of food.

(10) No person shall light candles or burn incense within the Market.

(11) No person shall display in the Market, in any medium or craft items, any pornographic and lewd materials including posters, literature, music and movies.

Children.

16. (1) A vendor shall ensure that any child under the vendor's care and supervision in the Market —

- (a) is kept orderly and properly supervised and stationed at the licensed stall; and
- (b) is not allowed to roam freely through the Market.

(2) No children shall be allowed in the Market during school hours except on weekends or school holidays.

Penalties.

17. A person who contravenes any provision of these Regulations or fails to obey any direction given by the Authority under these Regulations shall be liable to a fine of five hundred dollars.