

District Council of Savanne (Fair) Regulations 2014

GN No. 82 of 2014

Government Gazette of Mauritius No. 42 of 10 May 2014

THE LOCAL GOVERNMENT ACT 2011

Regulations made by The District Council of Savanne under Sections 50, 56, 57, 58, 158, 159 and 163 of the Local Government Act

1. These regulations may be cited as **The District Council of Savanne (Fair) Regulations 2014**.

2. In these regulations —

“auctioneer” means a person authorised by the Council to carry out sales by auction at a fair;

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

“Chief Executive” means the Chief Executive of The District Council of Savanne;

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

“Council” means The District Council of Savanne having its Head Office at Lady Barkly Street, Souillac;

“fair” means a space in or out of the precincts of a market designated by the Council for the sale and purchase under its control of authorised articles or such other places where the Council may designate and at present those which are existing at Chemin Grenier, L’Escalier, Grand Bois, Rivière des Anguilles, Surinam and the Rivière des Anguilles new market fair;

“food” means any substance, whether processed, semi processed or raw, which is intended for human consumption and includes any substance which has been used in the manufacture, preparation or treatment of food;

“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 18° 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 the fair;

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

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

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

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

“Six hundred metres from fair” means a radius of six hundred metres around a fair in the Council’s administrative area;

“stall” means any stand or space or place in the fair from which authorised articles are sold;

“stallholder” :—

(a) means person authorised by the Council to occupy a stall for the sale of authorised articles; and

(b) includes an Agent designated by him or any person employed by him with the Council’s approval;

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

3. A fair shall be held on such day and at such time and place as may be approved by the Council.

4. There shall be provided between any two rows of spaces or stalls in every fair a free passage not less than one metre wide to enable the free movement of customers and other users of the passage.

5. The following shall, subject to regulations 6, be authorised articles that may be sold in a fair —

- (a) Bread, biscuits, pastries and any other edible confectioneries;
- (b) Full grown fruits, vegetables, roots, tubers, cabbage trees, betel leaves;
- (c) Pulses, seeds and seedlings;
- (d) Milk, infused tea, coffee and cocoa, cakes, sweets toddy, curd, fresh butter, eggs, lemonade, soda water, non alcoholic beverages, juices and bottled water;
- (e) Groceries, curry powder and other culinary preparations, salt, pepper, candles, soap, sandalwood, bottled edible cooking oil, ghee, butter, pickles and jam;
- (f) Fish, meat, and crustacean;
- (g) Salted fish, dried octopus and dried shrimps;
- (h) Shells, flowers and “bouquets”;
- (i) Books, stationery, CD’s and DVD’s engravings, postcards, greeting cards and toys, photographic material, newspaper, magazine;

- (j) Haberdashery, clothing, shoes, earthenware, chinaware, small hardware articles, fancy goods and furniture;
- (k) Straws hats and bonnets, brooms, brushes, vacoas bags and “tents”, baskets and other wicker works of local manufacture;
- (l) Medicinal plants;
- (m) Utensils, cooking and serving, cutlery and plastic ware;
- (n) Authorised cosmetics.

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

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

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

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

(2) It shall not be lawful for a stallholder to leave his/her stall for the purpose of advertising his/her goods by gestures, shouting or demonstration or to stop any person for the purpose of inducing him to examine or buy his goods.

8. (1) No sale by auction shall be carried out in a fair except by an auctioneer duly authorised by the Council.

(2) Every auctioneer shall

(a) keep books in the English or French in such form as may be approved by the Chief Executive showing his transactions which shall be entered in the book as

soon as possible;

- (b) cause every book required to be kept under subparagraph (a) to be numbered and initialled by an inspector and stamped with the seal of the Council;
- (c) produce the book for examination by an inspector whenever he so requests;
- (d) conduct a sale by auction aloud in French or Creole patois and announce to the public the name of the purchaser of any article sold;
- (e) not hold an auction sale except during such times as the Council may determine;
- (f) not claim a fee from any seller on whose behalf he conducts an auction sale in excess of eight per cent of the proceed of any such sale;
- (g) pay such yearly fee as may be decided by the Council;
- (h) furnish security to the satisfaction of the Council for the due performance of his duties;
- (i) exercise his calling personally and not transfer his right to any other person; and
- (j) not hold any direct or indirect interest in any right granted to any other auctioneer.

(3) A security required under paragraph 8(2)(h) may be :-

- (i) by deposit with the Council in :-
 - (a) the sum of 5,000 rupees;
 - (b) a policy of insurance approved by the Council for the sum of 5,000 rupees.
- (ii) by bond with a surety approved by the Council in the sum of 5,000 rupees.

(4) It shall be lawful for the Council to withdraw its authority from any auctioneer who shall have been guilty of a breach of these regulations and to cause the fee paid by any such auctioneer to be forfeited.

(5) Where any auctioneer dies before the expiry of the period for which he has been authorised to carry out auction sales in a fair, the Council shall cause such proportionate amount of the fee paid by the auctioneer to be refunded to his heirs or legal representatives provided the claim is made within 3 months from the demise of the auctioneer.

9. (1) The Council may —

- (a) after inviting expressions of interest and by contract for a period not exceeding three years authorize any person to occupy any stall/shop/kiosk or space inside any market or fair which it controls or manages under such conditions as may be laid down in an Occupation Contract in the form set out in Schedule A;
- (b) after calling for tenders and by contract, authorize any person to occupy any other premises which it controls or manages, on such terms and conditions as it may determine.

(2) An authorization under regulation 9 (1) shall be of a period of not more than three (3) years but may be expressly renewed for further periods not exceeding three (3) years, on such terms and conditions, including a revision of any fee payable, as the Council may determine in each particular period.

10. (1) Every stallholder selling by weight or measure in the fair shall be bound to have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act.

(2) Every person selling by weight shall be bound to 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 the fair.

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

11. (1) All fairs shall open at 6.00 hrs and close at 18.00 hrs on weekdays, Sundays and public holidays unless otherwise directed by the Chief Executive.

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

12. (1) Any authorized article brought into the fair shall be exposed in full view of the public. In no case the article exposed should exceed 2.0 metres in height from ground level.

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

(3) It shall not be lawful to expose articles for sale on any passage, alley, pavement or other open space between or on the sides of stalls.

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

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

(6) (a) No straw leaves, stones, kernels, part of any fruit, peelings of any kind or refuse of any sort shall be scattered or thrown about in a fair.

(b) Every stallholder will be responsible to keep all such refuse in a receptacle approved by an inspector and to be deposited at such place and time as may be ordered by an inspector.

(7) It shall not be lawful to use water, other than from taps provided for that purpose in a fair.

(8) Washing of vegetables in fairs is prohibited.

(9) No stallholder shall erect or to cause to erect any structure on his stall unless authorised by the Council in writing.

13. (1) It shall not be lawful for any person other than a stallholder or his employee to sell authorised articles in a fair.

(2) Every stallholder who wishes to employ another person to assist him shall make an application in writing to the Council and shall forward the following documents:

(i) Food Handler's Certificate;

(ii) National identity card;

(iii) Letter from stallholder.

(3) The Council reserves the right to approve or not to approve an application under paragraph (2) and to revoke such authorisation at any time it considers necessary.

(4) (a) It shall be lawful for the Council to decide upon the number of stalls to be allocated to any stallholder.

(b) The Council reserves the right to allocate the same stall to another stallholder on any other days as the Council may deem fit.

(5) Every stallholder shall when on duty wear the identification badge issued to him by an

inspector. The identification badge shall be issued against a payment of a fee of Rs. 50 and on re-issue of the badge the fee leviable shall be Rs. 200.

(6) It shall, not be lawful for a stallholder to sublet or assign the stall allocated to him.

(7) Every stallholder shall keep his stall, the adjoining passage and the space beneath his stall clean at all times.

(8) Every stallholder shall on demand produce to an inspector, a document or information establishing to the satisfaction of the inspector, the particulars of the planter (if the seller is not selling vegetables grown by himself) of the vegetables exposed for sale by him at his stall in a fair.

(9) (a) All stallholders dealing in haberdashery products, victualler, sale of cakes, general retailer foodstuffs and non-foodstuff and any other activities where gas stoves are used must be in possession of a fire extinguisher of 2.5kg ABC dry powder capacity at all times while carrying out their activities in the fair and shall comply with the regulations of the Fire and Rescue Services.

(b) Fire extinguishers shall be in good working condition at all times.

14. It shall not be lawful for any person —

(a) to bring into, or have in his possession at, a fair any firework or other explosive substance, hazardous liquid, bulk gas or other substance which may be a source of danger to anyone;

(b) to create any disturbance or to make use of any foul, injurious or abusive language or behave indecently in a fair;

(c) to loiter in a fair with intent to commit an offence; or

(d) to allow any article to remain in the passage meant for the free flow of customers;

(e) to spit or beg in the fair.

15. (a) It shall be lawful for an inspector to order any person to stop occupying any stall, space in the fair.

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

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

(2) No person shall feed animals or birds or allow food to be exposed in such a way that birds get access to it;

(3) No person shall enter the fair unless decently dressed;

(4) No person shall enter a fair whilst under the influence of intoxicating beverages or drugs;

(5) (a) No person suffering from any communicable diseases shall be admitted to a fair or be allowed to trade in it.

(b) Every stallholder and/or their representative and /or préposé shall be in possession of a valid medical certificate issued by the Sanitary Authority to certify that he is free from communicable diseases.

(6) Any stallholder who is engaged in the handling of food shall while so engaged;

(a) keep clean all parts of his person which are liable to come into contact with the food;

(b) keep clean all parts of his clothing or over clothing which are liable to come into contact with food; and

(c) keep any abrasion or other exposed part of his person covered with a suitable waterproof dressing.

17. (a) No person shall cause any motor vehicle used for the conveyance of any kind of goods, articles, vegetables or fruits to be stationed along the parking spaces fronting the fair place. Such vehicle shall station on a site to be indicated by an inspector for such period of time as shall be necessary for loading and unloading.

(b) It shall not be lawful for any person to cause any motor vehicle, bicycle, tricycle, velocipede to enter or be stationed on the fair ground.

18. (a) It shall not be lawful for any person other than a person who is the holder of a licence, permit or other authorisation issued under an enactment to sell by hawking or otherwise or to expose or offer for sale any authorised article at any place within the Council's area situated at less than 600 metres from a fair.

(b) To sell or expose for sale any article on any stall in the fair unless he is holder of that stall in the fair.

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

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

(a) seize and detain or destroy as directed by the Chief Executive any article unauthorised which is exposed for sale at a fair;

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

(c) seize and detain or dispose as directed by the Chief Executive any article which constitute an offence under these regulations;

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

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

20. A stallholder shall carry his activity in such a way so as not to incommode in any way whatsoever the neighbouring stallholders and/or to trespass on the passage meant for customers.

21. (1) (a) The fees specified in the second column of Schedule C shall be charged for the occupation of stalls mentioned in the corresponding column thereof.

(b) The contract of the occupation will be laid down in accordance with Schedule A and C of these regulations.

(2) (a) A yearly fee as per schedule C shall be paid in respect of any financial year for the occupation of a stall in the respective fair.

(b) The fee in respect of any financial year shall be due on 1st January of that year and may be paid in 2 equal installments, the first one being payable by the end of February and the second one being payable on or before 31st July next ensuing.

(c) All stallholders shall pay a trade fee to the Council in respect of the trade being carried out in the fair.

(3) (a) In this regulation, "stall" means an area not more than 1200mm by 900mm.

(b) No one shall occupy a stall at a fair unless he holds a receipt certifying the payment by him of the prescribed fee in respect of such occupation.

(c) It shall be lawful for Council to put an end to the occupancy of a stall for which

the fee has not been paid for three consecutive months.

22. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding ten thousand rupees (Rs 10,000).

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

24. These regulations is deemed to come into operation as from January 2014 and shall be read in conjunction with the District Council of Savanne Market Regulations 2014.

Made by The District Council of Savanne on 14 November 2013.

SCHEDULE A

[Regulation 2, 9 and 21]

Occupation Contract

By virtue of section 57 of the Local Government Act 2011

Between **The District Council of Savanne** represented by, **its Chairperson**.....and by its Chief Executive....., having its registered office at **Lady Barkly Street, Souillac.**

“The Lessor”

On one part

AND

Mr..... holder of National Identity Card No..... hereunder referred to as

“The Stallholder”

On the other part

It has been agreed as follows:—

1. The Lessor grants to the Stallholder the lease of stall No.....in Section..... in the Fair for the purpose of selling.....on.....

2. The aforesaid lease shall cover the period of months as from.....to.....

At the end of the lease, if the contract is renewed, the fees shall be increased by 15%.

3. The lease is granted in consideration of a yearly fee which amounts to Rs.....and shall be paid in either two equal instalments, the first being payable by the end of February and the second being payable by the 31st July of the current financial year or in full by the end of February of the current financial year in addition to the payment of the appropriate trade fee as per Section 122 of the Local Government Act 2011.

Such payment shall be made at The District Council of Savanne at Head Office, Lady Barkly Street, Souillac.

4. (i) Failing the payment by the stallholder by the due date of the yearly fee referred to in paragraph 3, the Council may 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 be entitled to take against the stallholder. The stallholder shall forthwith vacate the stall and remove all articles therefrom. He shall not be entitled to the payment of any indemnity whatsoever.

5. In case of the stallholder's 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 holder 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 three (3) years with the consent of the heirs, subject that the latter satisfies the following:—

(i) be a resident within the Council's area;

(ii) has reached his/her 18th birthday at the time of transfer of authorisation;

(iii) priority of consideration will be given to the unemployed; (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.

6. The Council reserves its right to cause any stall to be so altered, repaired and reconstructed as it may deem advisable without payment of any compensation to the stallholder. 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 stallholder such other stall or stalls as may be advisable in order to enable him to continue his trade.

7. Should the stallholder be found guilty by a Court of an offence against these regulations or any other enactment relating to trade in a market or the sale of food for human consumption, the Council may rescind the contract by notice in writing and without any judicial or extra judicial process. In that case, the lessee shall forthwith vacate the stall and remove all articles therefrom. He shall not be entitled to the payment of any indemnity whatsoever.

8. If the stallholder makes use of any electric appliances, including a chilled cabinet, he shall have to make his own arrangement with the CEB for the supply of electricity with the approval of the Council.

9. The stallholder 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. He shall replace at his own costs such articles as defective tiles and worn out chopping blocks.

Made up in good faith and in two originals on.....

.....
Stallholder

.....
Chairperson
The District Council of Savanne

.....
Chief Executive
The District Council of Savanne

SCHEDULE B

[Regulation 2]

**THE DISTRICT COUNCIL OF SAVANNE
IDENTIFICATION BADGE FOR STALLHOLDER
THE.....FAIR**

Name of stallholder
Address of stallholder
National ID Card No.
Stalls No(s):
Date of issue:
Date of Birth.....

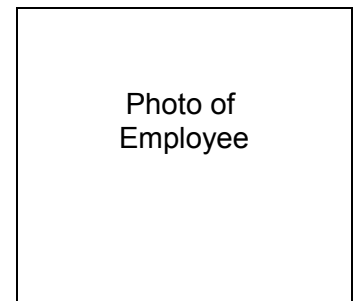


.....
Signature of stallholder

.....
Signature of Inspector

**IDENTIFICATION BADGE FOR EMPLOYEE OR AGENT
THE.....FAIR**

Name of stallholder.....
Stalls No(s):
Name of employee or Agent.....
Address of employee or Agent.....
National ID Card No:
Date of issue:.....



.....
Signature of employee or Agent

.....
Signature of inspector

SCHEDULE C

[Regulation 21]

Fair	Yearly Fees (Rs) (per fair day)
Chemin-Grenier	4,800
L'Escalier	3,600
Grand Bois	3,600
Rivière des Anguilles existing	4,800
Rivière des Anguilles new market fair	5,400
Surinam	4,800