

District Council of Savanne (Markets) Regulations 2014

GN No. 83 of 2014

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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 2011

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

2. In these regulations –

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

“authorised article” means an article listed in regulation 4;

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

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

“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;

“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 18⁰ C or below;

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

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

“market” means -

(i) an outlet within the administrative area of the Council for the purchase and sale of authorised articles at present those which are existing at Chemin Grenier, L'Escalier, Rivière des Anguilles, Souillac, Surinam and the Rivière des Anguilles new market fair

(ii) any such other market as the Council may erect and declare within its administrative area;

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

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

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

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

“Six hundred metres from market” means a radius of six hundred metres around a market;

“stall” means any stall/shop/kiosk or other space in the market rented by the Council to a stallholder and of an area not more than 1200mm by 900mm;

“stallholder” –

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

(b) includes an agent or employee of the stallholder approved by the Council;

“unauthorised space” means any space within the market precinct which has not been allocated by the Council for the purpose of carrying out a trade;

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

“venison”-

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

(b) includes any offals fit for human consumption.

3. (1) Every market shall be divided into such sections as may be approved by the Council.
- (2) Every market shall open at 6:00 hrs. and close at 18.00 hrs. on weekdays, unless otherwise directed by the Chief Executive.
- (3) Every market shall open at 6:00 hrs. and close at noon on Sundays and public holidays, unless otherwise directed by the Chief Executive.

- (4) Every market shall be divided into, sections, stalls or other spaces and the name of each lessee shall be posted up by him/her in front of each stall or space let to the lessee, according to a plan prepared by the Inspector and approved by the Council.
- (5) The Council may determine the number of stalls or spaces to be allocated to a stall holder.
- (6) It shall not be lawful for a stall holder to erect or to cause to be erected any structure on the stall leased to him/her or space unless specific approval has been obtained from the Council in writing.
- (7) All refuse shall be deposited or emptied in places set apart for the purpose and no person shall scatter or throw about in a market any straw, leaves, peeling, waste paper or other refuse of any sort.
- (8) Every butcher shall provide at his own expense a board made up of nylon material or as directed by the Council for chopping purposes and which shall be kept clean at all times to the satisfaction of the Inspector.
- (9) Every stall holder selling fresh meat and fish shall provide a chilling cabinet.
4. (1) The following articles shall, subject to paragraphs (2) to (12), be authorised articles which may be sold in a market –
- a. beef, veal, mutton, lamb, goat's and kid's flesh, pork, cowheel, hare, rabbit, sausage, black pudding and other preparations made from pork and tripe;
 - b. poultry and domestic fowls including pigeons, chicken (fresh, chilled and frozen) and eggs;
 - c. venison and game;
 - d. fresh fish, sea and river shell fish, testeccea, cuttle fish and calamars;
 - e. salted and dried fish;
 - f. Milk, fresh butter and curd, infused tea, coffee and cocoa, soft drinks, milk products, minerals, fruit juices and non-alcoholic beverages.
 - g. full grown fruits, but not artificially ripened mangoes and fruits de cythere;
 - h. frozen meat, frozen vegetables, frozen fish and frozen crustacean;
 - i. vegetables, edible roots, tubers, betel, spices and pickles;

- j. grain to be used as food;
- k. flowers and bouquets;
- l. locally grown medicinal and aromatic plants not of a poisonous nature;
- m. baskets and other wicker-work of local manufacture;
- n. honey and wax
- o. bread and cakes;
- p. haberdashery, fancy goods, cutlery, glassware, chinaware, cookery toys; and
- q. any other article which may be approved by the Council

(2) No person shall introduce into a market any of the following species of fish, crustacean and other animals –

- (a) the yellow-tailed croissant;
- (b) the vieille loutre or otter wrasse
- (c) the varavara;
- (d) the giblot;
- (e) the wrasse called crabe noire;
- (f) the cheval de bois;
- (g) the chemise;
- (h) the sinsillac ;
- (i) the flat wrasse called bambara ;
- (j) the crab with red spots;
- (k) the benitier;
- (l) the sea urchin;
- (m) the caret or hawk's bill turtle;
- (n) the laffe, if alive;
- (o) the boule-tangue;
- (p) the remora or pilot of the shark;
- (q) the caranx SP (carangue des bancs) ; and
- (r) grosse sardine (harengula ovalis).

- (3) Any 'poule-d'eau' and any 'carangue' above 7.5 kg in weight must be gutted before being brought into a market.
 - (4) The flesh of the shark shall be exposed for sale on a separate stall at a distance from ordinary fish-stalls and bearing a distinctive label or sign.
 - (5) No person shall expose for sale in a market any crustacea, testacea shell fish of any kind that are not in season or not of the size authorised in any enactment relating to fisheries.
 - (6) No person shall introduce into a market any locally grown mushrooms except the kind commonly called "champignon grosse patte".
 - (7) No carcass of a sheep, lamb, goat or kid shall be received into a market without the tail and part of the skin thereof adhering to it.
 - (8) Goats' and kids' flesh shall not be sold or exposed for sale as mutton or lamb.
 - (9) No person shall expose for sale in a market any sausages, black pudding or preserved pork which has not been prepared in an approved slaughter house or in an authorised processing plant, or any sausages prepared with any meat other than fresh pork.
 - (10) Any frozen or chilled fish intended to be cut for sale shall forthwith be gutted and cleaned.
 - (11) No meat shall be admitted into the market unless it has been found to be fit for human consumption by the Mauritius Meat Authority or the Sanitary Authority.
 - (12) It shall not be lawful for any stall holder to sell or expose for sale vegetables, fruits, meat, fish, poultry, sea foods or any food items which are unfit for human consumption.
- 5. (1)** Cooking of food shall be authorised only at specific spaces reserved for such purposes and approved by the Council.
- (2) No person shall sell or expose for sale or kept in the market unsound or tainted or adulterated articles or food.

- (3) Any such articles which may have become tainted whilst exposed for sale shall be removed forthwith and destroyed by the dealer in the presence of an inspector.
 - (4) No person shall introduce dogs or such other domestic animals into the market.
 - (5) No person shall sit on the tables or stalls in the market.
 - (6) No person shall be allowed to enter the market unless decently dressed or when under the influence of intoxicating drinks or drugs.
 - (7) Every stallholder/seller dealing in haberdashery products or involved in the cooking of food or other similar activities shall be bound to keep in his custody at all times an appropriate fire extinguisher in good working condition (minimum capacity of 2.5 kg, dry powder). Stall holders involved in cooking activities must extinguish the fire before leaving the market otherwise they shall be responsible for any damages to the buildings dependencies or implements of the market in case of fire caused by their negligence or default.
 - (8) It shall not be lawful to obstruct or to expose articles for sale on any passage, alley, open space between or on the sides of stalls, shops or booths or any authorised space.
 - (9) No barrel, basket, bag or other similar receptacle shall be kept inside the market, except for the storage of grain, seed or other articles requiring special receptacles to be properly exposed.
 - (10) No person shall cause any trouble in the market, or use foul, insulting or unbecoming language or play games.
 - (11) No person suffering from any communicable disease shall be allowed to trade in the market.
 - (12) Every stall holder or agent/employee of stall holder must be holder of a valid Food Handler's Certificate issued by the Sanitary Authority.
- 6. (1) Any authorised article brought for sale into the market shall be openly exposed on the stall or space allotted to a stallholder.**

- (2) The price of any article or goods exposed for sale in the market shall be conspicuously affixed on the article.
- (3) No article shall be hawked or sold by auction in a market and no stallholder/seller shall annoy or stop any person with a view to offer or advertise his goods or expose his goods for sale otherwise on the stall leased to him.
- (4) Every stallholder shall on demand produce to an inspector a document or information establishing to the satisfaction of the inspector, the name, the address of the planter, or the owner (if the seller is not selling vegetables grown by himself) of the vegetables exposed for sale by him at his/her stall in the market.
- (5) No meat shall be introduced, exposed for sale or sold in the market unless it has been prepared in an approved slaughter house and bears the mark of the slaughter house and is accompanied by a permit signed by the veterinary officer or the inspector of the slaughter house on which shall be stated:
- (a) the name of the owner;
 - (b) the market at which the meat or preparation is intended to be sold;
 - (c) the number and weight of carcasses or part of carcasses and the quantity of sausages, black pudding and other preparations intended to be introduced in the market.
- (6) No venison shall be introduced, exposed for sale or sold in the market unless it is accompanied by a certificate stating -
- (a) the place where the animal was killed;
 - (b) the date of the killing; and
 - (c) the number of carcasses and their weight.
- (7) No animal shall be slaughtered and dressed in the market.
- (8) Every stallholder selling fish or tripe sellers shall keep a supply of fresh water constantly at hand, in which he/she shall wash the articles sold by him/her to prevent bad smell.
- (9) (a) Every fishmonger cutting or cleaning fish in the market shall have a watertight vessel placed

close to his/her stall and containing a sufficient quantity of quick lime or any approved disinfectant, wherein to put the offal.

(b) No scaling of fish will be allowed in the market, unless as directed by the Inspector.

(10) No offal shall be thrown on the ground or within the market and its vicinity.

(11) All fresh fish remaining unsold at the close of the market and which is to be sold or exposed for sale the next morning shall be gutted, cleaned and kept in a chilled cabinet approved by an inspector and not to be sold as fresh fish.

(12) (a) Frozen foods sold by butchers or fishmongers in the market shall be kept in freezer approved by an inspector.

(b) No frozen food shall be removed from a freezer except as and when required for sale.

(c) In the event of a power failure or breakdown causing the items stored in a freezer to thaw, the contents shall be disposed of as directed by an inspector.

(d) No meat, chicken, fish or crustacean which shall have been removed from the market shall be reintroduced therein after being so removed.

7. The Inspector shall keep in his office a register recording the number of weight of the carcase daily introduced into the market from the slaughter-house as well as the number of carcasses and weight of venison introduced therein.

8. (1) The holder of a stall or space shall be held responsible for the cleaning of the stall or space leased to him.

(2) All refuse shall be deposited or emptied in a place set apart for the purpose and no person shall scatter or throw about in the market any straw, leaves, peelings, waste paper or other refuse of any sort

9. (1) Every vehicle bringing articles to the market shall be unloaded outside the gates or in another designated area and shall be allowed to remain there only while being unloaded.

(2) It shall not be lawful to introduce any bicycle, motorcycle or any other velocipedes or any other vehicles inside the market.

10. (1) Every stallholder selling by weight or measure in the market shall have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act and shall be kept clean and in proper order at all time.

(2) Every stallholder selling by weight or measure in the market shall have a self-indicating weighing instrument.

(3) The weighing instrument shall be placed in such a position that the weighing of goods and the indicated weight are simultaneously clearly visible to the purchaser.

(4) A set of appropriate weights, measures and instruments, duly assized under the Legal Metrology Act shall be kept at the office of the Inspector in charge of the market.

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

11. (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 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 11 (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.

12. (1) Every stallholder shall when on duty wear the identification badge issued to him by the Council.

(2)(a) A stallholder may employ such person as may be necessary to assist him/her and the said person shall be held responsible for all contraventions occurring during the absence of the stallholder.

(b) Every stallholder who wishes to employ another person to assist him/her 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 stall holder

(c) The Council reserves the right to approve or not to approve an application under paragraph 12.2(b) and to revoke such authorisation at any time it considers necessary.

(d) The name of the employee shall be notified to the inspector who shall thereupon issue an identification badge to the employee.

(e) An identification badge shall be issued against payment of a fee of Rs 50/-. On the re-issue of the identification on badge, the fee leviable shall be Rs200/-

(3) No stall/shop/kiosk or space allotted to a stallholder shall be sublet/be assigned to another person.

13. (1) It shall not be lawful for any person other than the holder of a licence, permit or other authorization issued under any enactment:-

(a) to sell whether by hawking or otherwise or to expose or offer for sale at any place within the radius of six hundred metres from the market any fish, meat, poultry, venison or allied product, shell fish, shrimps, turtle and tortoises and oysters or any vegetable, sugarcane, flower and green or dried coconut or any fruits or any grocery, raw, cooked or prepared foodstuff, confectioneries, juices or any cookery, cutlery, beverages, haberdashery, clothing, shoe, earth ware, chinaware, hardware, glassware, garment, plastic ware, hat or bonnet, broom, brush, basket and other wicker work toy, book, stationary, engraving, post card, greeting card, picture of any size and description, hand or machine tools, fixtures and fittings of any kind and any articles mentioned under Regulation 4 of these Regulations and such other articles as the Council may designate.

(b) To sell or expose for sale any article on any stall in the market or precincts of the market unless he is authorised in writing by the Chief Executive to sell or expose within the precincts of the market.

(2) The provision of the preceding paragraph shall not apply to traders operating inside a commercial premise paying a fee to the Council in respect of classified trades as listed in the 12th Schedule of Local Government Act 2011.

14. (1) No person shall write, paint, scribble or stick bills or posters on any wall, fixture or part of the market or to cause any damage to any building, outhouse or construction forming part of an annex to the market or to any object contained therein.

(2) No person shall feed birds or allow food articles to be exposed in such a way that birds get access to them.

(3) No stallholder shall store, display or sell on the market ground any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger to anyone attending the market.

15. (1) An inspector may take such measures as may be necessary to maintain order in the market and to ensure that these regulations are complied with.

(2) For the purposes of paragraph (1), an inspector may –

(a) seize and detain or destroy as directed by the Chief Executive any article which is not an authorised article and which is exposed for sale in the market;

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

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

(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).

- 16.** (1) A yearly market fee as per Schedule C shall be paid in respect of any financial year for the occupation of a stall in the respective market.
- (2) 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.
- (3) All Stallholders shall pay a trade fee to the Council in respect to the trade being carried out.
- 17.** (1) No person in the market shall-
- (a) smoke or spit on the ground or beg;
 - (b) play music in such a way so as to incommode his neighbours or any member of the public;
 - (c) stay inside the market premises once the market is closed;
 - (d) store any goods or article behind a stall, unless, in the exercise of his/her trade as stall holder or employee;
 - (e) wash any utensils inside and /or within the precincts of the market.
- (2) It is strictly forbidden to leave behind any personal belongings or articles of any kind or description inside the market after the closure of same.
- 18.** No foodseller or breadseller shall-
- (a) sell any cooked food or bread except in clean covered receptacles adequately protected from flies, insects, dust, dirt or any other form of contamination;
 - (b) use any newspapers, magazines for the wrapping of cooked food or bread but rather used white paper or plastic wrappers for that purpose;
 - (c) handle any cooked food or cake except with proper utensils approved by the Inspector.
- 19.** If any stallholder or his employee hinders, persists, obstructs or molests, with or without force or violence, any District Councillor, or the Chief Executive, or any Inspector and/or commit any breach of the regulations, it shall be lawful for the Council to terminate the lease of the stall. All articles exposed for sale therein shall be removed at once and, if not so removed, shall be forfeited.

- 20.** The stallholder shall sell or offer for sale the item/s mentioned in the contract signed between himself and the Council.
- 21.** A stallholder shall carry his activity in such a way so as not to incommode in any way whatsoever the neighbouring stall holders.
- 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 of, any regulations made under an Act relating to the sale of food for human consumption.
- 24.** These regulations is deemed to come into operation as from 1st January 2014.

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

SCHEDULE A
[Regulation 2, 11 and 16]

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

“The Stallholder”

On the other part

It has been agreed as follows:-

1. The Lessor grants to the Lessee the lease of Stall No in Sectionin
the Market for the purpose of selling.....on a daily basis.
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 Head Office, Lady Barkly Street, Souillac

4. (i) Failing the payment by the stallholder by the due date of the annual fee referred to in paragraph
3, the Council may rescind the contract by notice in writing and without judicial or extra judicial
process.

**SCHEDULE B
(Regulation 2)**

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

THE MARKET

Name of stallholder:

Address of stallholder:

.....

National ID Card No:

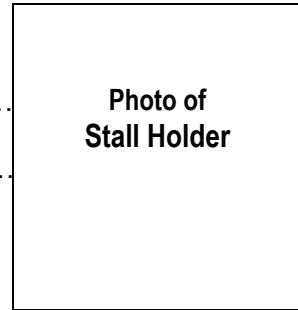
Stalls No(s):

Date of Issue:

Date of Birth:

.....
Signature of stallholder

.....
Signature of Inspector



IDENTIFICATION BADGE FOR EMPLOYEE OR AGENT

THE MARKET

Name of stallholder:

Stall No(s):

Name of Employee or Agent:

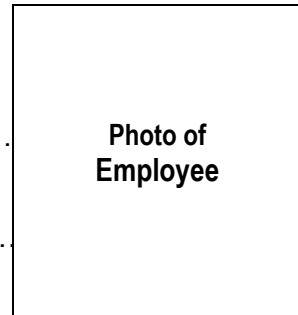
Address of Employee or Agent:

National ID Card No:

Date of issue:

.....
Signature of employee or Agent

.....
Signature of Inspector



**SCHEDULE C
(Regulation 16)**

Market	Section	Yearly Fee (Rs)
Chemin-Grenier	Vegetables, groceries, cakes and juices	6,000
	Beef	6,000
	Poultry/Venison	6,000
	Fish	6,000
L'Escalier	Vegetables, groceries, cakes and juices	4,800
	Poultry/Venison	4,800
	General Retailer/Victualler	36,000
Rivière des Anguilles (Existing)/ Rivière des Anguilles new market fair	Vegetables, groceries, cakes, cooked food and juices	5,400
	Poultry/Venison	5,400
	Beef	5,400
Souillac	Vegetables, groceries, cakes and juices	5,400
	Poultry/Venison	5,400
	Beef	5,400
Surinam	Vegetables, groceries, cakes and juices	5,400