

Municipal Council of Port Louis (Pont de Paris Open Market) Regulations 2011

GN No. 146 of 2011

THE LOCAL GOVERNMENT ACT

Regulations made by the Municipal Council of Port Louis under Sections 51, 62, 141 and 142 of the Local Government Act 1989 and under Sections 45 (1) & (2) of the Local Government Act 2003 as subsequently amended

1. These regulations may be cited as the **Municipal Council of Port Louis (Pont de Paris Open Market) Regulations 2011**.

2. In these regulations -

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

"authorised article" means an article as listed in regulation 4;

"Chief Executive" means the Chief Executive of the Municipal Council of Port Louis;

"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 Municipal Council of Port Louis;

"Employee" means any person employed by the stall-stallholder to occupy his stall/space during his absence;

"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 and sea-foods which have been maintained at a temperature of -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 markets/fairs;

"Market/Fair" means an outlet within the administrative area of the Council for the purchase and sale of authorized articles;

"Meat" includes every edible part of any animal fit for human consumption;

"Pont de Paris" means the covered part of La Paix Stream starting from (1) c/r Rémy Ollier/Eliacin François Streets along Eliacin Street up to its corner with Sir Seewoosagar Ramgoolam Street, (2) Sir Seewoosagar Ramgoolam Street with its c/r with Sir Virgil Naz Street;

"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;

"Stall/Space" means any stall or other space in the market/fair rented by the Council to a stallholder;

"Stallholder" means any person authorised by the Municipal Council to occupy a stall/space for the sale of authorised articles and includes an employee of the stallholder approved by the Council and who is duly registered with the National Pension Fund of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions;

"Vegetables" include tubercule and any herbs, creepers or leaves;

"Venison" means any edible part of a deer, stag, hind including offals fit for human consumption.

3. (1) Every market/fair shall be divided into such sections as may be approved by the

Council.

- (2) The time at which the market/fair shall be opened on any day shall be from 06.00 a.m to 6.00 p.m unless otherwise directed by the Chief Executive.
 - (3) Every market/fair shall be opened and closed at noon on public holidays unless otherwise directed by the Chief Executive.
 - (4) Every market/fair shall be divided into sections, stalls or other spaces and the name of each lessee shall be posted up by the Council in front of each stall/space let to the lessee according to a plan approved by the Council.
 - (5) The Council may determine the number of stalls or spaces to be allocated to a stallholder.
 - (6) It shall not be lawful for a stallholder to erect or to cause to be erected any structure on his stall or space unless authorized by the Council.
 - (7) All refuse shall be deposited or emptied in places set apart for that purpose and no person shall scatter or throw about in a market/fair any left overs, straw, leaves, peelings, wastepaper or other refuse of any sort.
 - (8) Every butcher shall provide at his own expense a block for chopping purposes.
 - (9) Every stallholder selling fresh meat and fish shall provide a chilling cabinet.
4. (1) The following articles shall subject to paragraphs (2) to (11) be authorized articles which may be sold in a market/fair;
- (a) full grown fruits, vegetables, edible roots, tubers, betel leaves, herbal plants not of a poisonous nature, pickles;
 - (b) haberdashery, fancy-goods, cutlery, earthenware, chinaware, glassware, toys
 - (c) milk, infused tea, coffee and cocoa, cakes, sweets, toddy curd, fresh butter, soft drinks, alouda, lemonade, minerals, fruit juices, non-alcoholic beverages, soda-water by retail only;

- (d) meat, fish and dressed chicken, pork, sausages, black pudding and other preparations made from pork and tripe;
 - (e) offals of goat, beef and sheep and Pork
 - (f) poultry, turkeys, geese, ducks, guinea-fowls, pigeons, partridges and eggs;
 - (g) venison and game;
 - (h) fresh fish with exception hereinafter stated in schedule
 - (i) seafoods;
 - (j) salted and dried fish;
 - (k) grain to be used as food;
 - (l) bread, cakes, cooked food;
 - (m) flowers;
 - (n) baskets and other wickerwork;
 - (o) chilled or frozen meat, frozen vegetables, frozen fish and frozen sea-foods;
 - (p) honey and wax;
 - (q) any other articles which may be approved by the Council.
- (2) No person shall introduce into a market/fair any of the following species of fish, sea-foods and other animal -
- (a) the yellow-tailed croissant;
 - (b) the veille loutre or other 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/fair.
- (4) The flesh of 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/fair any sea-foods of any kind that

are not in season or not of the size authorized in any enactment relating to fisheries.

- (6) No person shall introduce into a market/fair 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/fair 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/fair any sausages, black pudding or preserved pork which have not been prepared in an approved abattoir or in a processing plant.
 - (10) Any fish intended to be cut for sale shall forthwith be gutted and cleaned.
 - (11) No meat shall be admitted into a market/fair unless it has been found to be fit for human consumption by the Mauritius Meat Authority or the Sanitary Authority.
- 5.**
- (1) Cooking of food shall be allowed only at specific spaces reserved for such purposes and approved by the Council.
 - (2) No person shall introduce dogs or such other domestic animals into a market/fair
 - (3) No person shall sit on the tables or stalls in a market/fair
 - (4) No person shall be allowed to enter a market/fair unless decently dressed and not be under the influence of intoxicating drinks or drugs.
 - (5) Every stallholder selling 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.
 - (6) It shall not be lawful to expose articles for sale on any passage, open space between or on the sides of stalls, shops or booths or any unauthorized space.
 - (7) No barrel, basket, bag or other similar receptacle shall be kept inside a market,

except for the storage of grain, seed or other articles requiring special receptacles to be properly exposed.

- (8) No person shall cause any trouble in a market/fair or use foul, insulting or unbecoming language, or play games.
 - (9) No person suffering from any communicable disease shall be allowed to trade in a market/fair.
- 6.**
- (1) Any article brought for sale into a market/fair shall be openly exposed in the stall or space allotted to a stallholder.
 - (2) The price of any articles or goods exposed for sale in the market/fair shall be conspicuously affixed on the article.
 - (3) No article shall be hawked or sold by auction in a market and no stallholder/employee or any other person shall annoy or stop any person with a view to offering or advertising his goods.
 - (4) Stallholders shall on demand produce to an inspector a certificate or other document or information establishing to the satisfaction of the inspector, the name, the address, the telephone number 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 stall in the market/fair.
 - (5) No meat shall be introduced or exposed for sale in a market/fair unless it has been prepared by 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/fair at which the meat is intended to be sold;
 - (c) the number and weight of carcasses and the quantity of sausages, black-pudding and other preparations intended to be introduced in the market/fair.

- (6) No venison shall be introduced or exposed for sale in a market/fair unless it is accompanied by a certificate stating -
 - (a) the place where the animal was killed;
 - (b) the date of such killing; and
 - (c) the number of carcasses and their weight.
- (7) No animal shall either be slaughtered or dressed in any market/fair.
- (8) Every stallholder selling fish or tripe shall keep a supply of fresh water constantly at hand, in which he shall wash the articles sold by him to prevent bad smell.
- (9) Every fishmonger cutting or cleaning fish in a market/fair shall have a watertight vessel placed close to his stall and containing a sufficient quantity of quick lime or any approved disinfectant, wherein to put the offal.
- (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 a market/fair should not be exposed for sale as fresh fish the next morning.
- (12) Frozen food sold by butchers or fishmongers in a market/fair shall be kept in freezer approved by an inspector.
- (13) No frozen food shall be removed from a freezer except as and when required for sale.
- (14) 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.
- (15) No meat, chicken, fish or sea-foods which have been removed from a market/fair shall be reintroduced therein.
- (16) No frozen/chilled meat, chicken, fish or sea-foods shall be stored/exposed for sale together with fresh ones.

7. The holder of a stall or market/fair space shall be held responsible for the cleaning of the stall/space leased to him.
8. Every vehicle bringing articles to a market/fair shall be unloaded outside the gates or in another designated area and shall be allowed to remain there only while being unloaded.
9.
 - (1) Every stallholder selling articles by weight or measure in a market/fair shall have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act.
 - (2) Every stallholder selling by weight 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/fair.
 - (5) It shall be lawful for any purchaser to request an inspector on duty in the market/fair to verify the quantity of his goods purchased, and should the said quantity not be found correct, the stallholder who has sold the goods shall make up the difference.
10.
 - (1) The Council may allocate, by *contrat à durée déterminé* any stall or space under such conditions as may be laid down in an Occupation Contract in the form set out in Schedule A. Any such contract may be renewed as approved by the Council.
 - (2) Every stallholder shall when on duty wear the identification badge issued to him by the Council.
 - (3)
 - (a) A stallholder may employ such persons as may be necessary to assist him.
 - (b) The name of the employee shall be notified to the inspector who shall

thereupon issue an identification badge to the employee by the Council.

- (4) No stall or space allotted to a stallholder shall be sublet/be assigned.
- 11.**
- (1) It shall not be lawful for any person including the holder of the trade fee receipt, permit or other authorization issued under an enactment to sell whether by hawking or otherwise or to expose or offer for sale any authorised article at any place within the Council area situated at less than 500 metres from a market/fair.
 - (2) The provision of the preceding paragraph shall not apply to licensed shopkeepers and auctioneers and holders of permits issued by the Council.
- 12.**
- (1) No person shall write, paint, scribble or stick bills or posters on any wall, fixture or part of a market/fair or to cause any damage to any building, outhouse, or construction forming part of an annex to a market/fair or to any object contained therein.
 - (2) No person shall feed birds or allow food articles to be exposed in such a way that the birds get access to them.
 - (3) No stallholder shall store, display or sell in any market/fair any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger.
- 13.**
- (1) An inspector may take such measures as may be necessary to maintain order in a market/fair and to ensure that these regulations are complied with.
 - (2) For the purpose of paragraph (1), an inspector may -
 - (a) Seize and detain or destroy any article which is not an authorised article and which is exposed for sale in a market/fair;
 - (b) Seize and destroy any article which is unfit for sale; or
 - (c) 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)(c).

14. Every stallholder or employee shall at all times keep clean and tidy the stall/space occupied by him, including such places used for the storing of goods/foods.
15. Every stallholder who shall employ another person/s to sell in his place shall declare the fact to the Inspector in Charge of the market/fair who shall inscribe the name, age and address of the said person in a register to be kept especially for that purpose. He should also produce a recent passport size photograph of the said employee for the purpose of registration.
16. All stallholders should not allow children or any person not registered as an employee to stand behind any stall in the market/fair.
17. (1) No person in a market/fair shall -
 - (a) smoke or spit on the ground or beg;
 - (b) create any disturbance or make use of any foul or abusive language;
 - (c) play music in such a way so as to incommode his neighbours or any member of the public;
 - (d) throw any litter, refuse or filth except in refuse bins or plastic bags in specifically designated areas;
 - (e) store any goods or article behind a stall, unless, in the exercise of his trade as stallholder or employee;
 - (f) bring in the market/fair any bicycle, vehicle, dog or other animals;
 - (g) write, paint, scribble on any wall, fence, structure, building, outhouse or construction in the market/ fair;
 - (h) wash any utensils inside and/or within the precincts of the market/fair.
- (2) It is strictly forbidden to leave behind any personal belongings or articles of any kind or description inside the market/fair 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;
 - (b) use any newspapers, magazines for the wrapping of cooked food or bread which shall only be wrapped in white paper or plastic wrappers;
 - (c) handle any cooked food or cake except with proper utensils approved by the Inspector.
- 19.** If any person hinders, persists, obstructs or molests, with or without force or violence, any Municipal Councillor, or the Chief Executive, or any Inspector, it shall be lawful for the Council to declare such stall, shop or place temporarily vacant, pending enquiry and prosecution, if any, and final decision of the competent court. 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 only the item/s mentioned in the contract signed between himself and the Municipal Council.
- 21.** 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**).
- 22.** 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.
- 23.** These regulations shall be deemed to have come into operation on 04 February 2011.
- 24.** The Municipal Council of Port Louis (Pont de Paris Open Market) Regulations GN 133 of 2011 are consequently revoked.

Made by the Municipal Council of Port Louis on 04 February 2011.

SCHEDULE A

[Regulation 2]

Occupation Contract

Between the Municipal Council of Port Louis represented by its Chairperson/Lord Mayor and
by its Chief Executive

The Lessor

AND

Mr

of

The Stallholder

It has been agreed as follows:-

1. The Lessor grants to the stallholder the right of occupation of stall no.
..... in the section at the
..... Market/fair for the purpose of trading therein.
2. The aforesaid right of occupation shall cover the period of
months as fromto
3. The right of occupation is granted in consideration of a fee which amounts to
Rs..... per stall and shall be paid in full by the stall-occupier
..... at latest or by

Such payment shall be made at the
Cashier's Office,

4. The stallholder shall in addition pay a monthly rent of Rs
in advance to be paid not later than the last day of each month.
5. (i) Should the Stallholder fail to pay any fee by the due date referred to in paragraph
3 or of the rent referred to in paragraph 4, the Council may rescind the contract
through notice in writing and without judicial or extra judicial process.

(ii) Such rescision 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 the articles therefrom. He shall not be entitled to receive any indemnity whatsoever.

6. The stallholder's death shall put an end to the contract unless he leaves a widow or a heir who is willing to continue his right of occupation, in which case, the said widow or heir shall be entitled to take over his right and obligations under the contract.
7. The Council reserves the 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 shall include any alteration, repair or reconstruction of the interior installation of any stall should the Council consider it advisable.

In the latter case the Council shall 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.

8. Should the stallholder be found guilty by a Court in virtue of a contravention of these regulations or any other enactment relating to trade in any market/fair 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 Stallholder shall, forthwith, vacate the stall and remove all articles therefrom. He shall not be entitled to receive any indemnity whatsoever from the Council.
9. If the stallholder makes use of any electric appliances or refrigerator, he shall make his own arrangements with the CEB for the supply of electricity after approval by the Health Inspector.
10. 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 in duplicate this

.....

Stallholder

.....

Lord Mayor

.....

Chief Executive

SCHEDULE B

[Regulation 2]

The Pont de Paris Open Market

IDENTIFICATION BADGE FOR STALLHOLDER

Name of stallholder.....
Address of stallholder.....
National ID Card No.
Date of Birth.....
Stall No:
Date of issue:



.....
Signature of stallholder

.....
Signature of Inspector

IDENTIFICATION BADGE FOR EMPLOYEE

The Pont de Paris Open Market

Name of stallholder.....
Name of employee.....
Address of employee.....
National ID Card No.
Date of Birth.....
Stall No:
Date of issue:



.....
Signature of stallholder

.....
Signature of employee

.....
Signature of Inspector