

ROSEAU MARKET ACT

CHAPTER 20:08

Act
21 of 1971
Amended by
17 of 1982
35 of 1986

Current Authorised Pages

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CHAPTER 20:08

ROSEAU MARKET ACT

AN ACT to provide for the establishment and management of the 21 of 1971.
Roseau Market and for purposes connected therewith.

[29th July 1971]

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

ROSEAU MARKET ACT.

2. In this Act –

Interpretation.
[35 of 1986].

“cattle” includes ram, ewe, wether, lamb, goat, kid or swine;

“collector” means any person appointed under this Act to collect, or any person duly authorised to collect, any rents, stallages, tolls or dues prescribed;

“fresh meat” means the fresh meat of any cattle slaughtered for sale;

“the market” means the place appointed as the Roseau Market under this Act, and all buildings, works, sheds, covered and open spaces and grounds comprised therein, or any buildings, works, sheds, covered and open spaces and grounds subsequently acquired for the purposes thereof;

“market authority” means the Dominica Export and Import Agency established under the Dominica Export and Import Agency Act. Ch. 82:01.

“market committee” means the committee appointed under this act;

“marketable commodities” means any fresh meat, poultry, eggs, fish, turtle, ground provisions, vegetables, fruits and such other commodities as specified from time to time under section 20(1) (I);

PART II

ESTABLISHMENT AND MANAGEMENT
OF THE MARKET

Establishment of
the market.
Schedule.

3. (1) A market to be known as the Roseau Market is established in the area described in the Schedule.

(2) The management and control of the market is hereby vested in the market authority.

(3) Markets shall be held in the area described in this section on such days and during such hours as the market authority may from time to time fix by Bye-laws.

Appointment of
officers.

4. (1) The market authority may, subject to the approval of the Minister, and on such terms and conditions as he may approve, appoint—

(a) a market superintendent;

(b) an assistant market superintendent;

(c) such inspectors as it considers necessary.

(2) The market authority may appoint such other staff as it considers necessary.

(3) The duties and responsibilities of any person appointed under this section may be specified in any Regulations or Bye-laws made under this Act.

Powers and
functions of the
market authority.
[35 of 1986].

5. (1) The market authority shall have the following powers and duties :

(a) subject to such directions as may be given by the Minister from time to time, to have complete control and supervision of the market, its properties and activities;

(b) subject to the provisions of this Act, to do all such things as are necessary or convenient for the purpose of exercising the powers and performing the duties and functions conferred or imposed on it by this Act with regard to its responsibilities for the management and control of the market;

(c) to adopt, alter and use a corporate seal;

- (e) to enter into contracts and to execute all instruments necessary or convenient in the exercise of its powers under this Act;
- (f) with the approval of the Minister to acquire property, real, personal or mixed, tangible or intangible, for the purposes of the market, and to hold, operate and dispose of any part thereof;
- (g) to acquire and import equipment, machinery and materials necessary and essential for carrying out the purposes of this Act free of duty or taxes of any kind;
- (h) to employ by contract such construction and accounting experts or other personnel as may be necessary;
- (i) to fix, alter, charge and collect or recover such stallages, rents, dues, tolls and charges for the use of the market as it may from time to time prescribe;
- (j) to accept grants of any kind from any source;
- (k) to take measures for the proper sanitation, upkeep and repair of the market;
- (l) to do all acts or things necessary or convenient for implementing the purposes of this Act.

(2) The market authority may with the approval of the Minister appoint a market committee to carry out such functions and duties under this Act as may from time to time be delegated to it.

(3) The membership of the market committee shall comprise of the Chairman of the Dominica Export and Import Agency who shall be Chairman, an officer of the Ministry of Finance, an officer of the Ministry of Agriculture and four other persons appointed to represent the interests of consumers and producers.

6. (1) The Minister may convey to the market authority on such terms and conditions as he may think expedient all buildings, works, sheds, covered and open spaces and grounds as may be necessary for carrying out the purposes of this Act. Vesting and property rights.

(2) The market authority may for and on behalf of the Government of Dominica acquire with funds to be provided by the Minister, or out of such surplus funds as the Minister may approve, any property needed for the purposes of this Act. Any property acquired under this subsection, shall be vested in the Minister and his successors in office and the market authority in keeping with subsection (1).

(3) Any buildings, works, sheds, covered and open spaces and grounds conveyed to the market authority under this section shall not be conveyed, altered, exchanged, alienated or otherwise disposed of without the written consent of the Minister; and any agreement to convey, alter, alienate or otherwise dispose of any property conveyed to the market authority under this section without the prior consent in writing of the Minister shall be null and void.

PART III

MARKETS AND SLAUGHTER HOUSES

Closing of
existing market.

* 7. (1) On a date to be notified by the Minister by Order, the existing market in Roseau, known as the Dawbiney Market, shall no longer be used as a market.

(2) Any person who uses the Dawbiney Market as a market, or procures or causes any other person to use the Dawbiney Market as a market after the date prescribed by Order under subsection (1), is liable on summary conviction to a fine of one thousand dollars and in default of payment thereof to imprisonment for three months and to a further penalty of seventy-five dollars in respect of each day that the offence continues.

Notice of
opening of
Roseau Market.

8. Before the market may be opened for public use the market authority shall give not less than fourteen days' notice of the date when it shall be so opened, and such notice shall be given by publication thereof in the *Gazette* or in at least one newspaper published in the State.

Sales elsewhere
than in the
market prohib-
ited.

9. (1) Subject to any Regulations or Bye-laws made under this Act, or any licence issued thereunder after the market is opened for public use, no person shall sell any marketable commodity in any place in or one mile beyond the limits of the city of Roseau other than in the market, or in parlours or shops.

(2) Any person who contravenes the provisions of this section is liable on summary conviction to a fine of seventy-five dollars and in default of payment thereof to imprisonment for fourteen days and to a further fine of fifteen dollars for every occasion on which such sales take place.

(3) Any person purchasing any commodity mentioned in subsection (1) in contravention of the provisions of this section is liable on summary conviction to a fine of thirty dollars and in default of payment thereof to imprisonment for seven days.

10. (1) After the market has been opened for use by the public, the sale of goods and commodities of all sorts may take place therein on such days and during such hours as may be fixed by the market authority from time to time. Market days.

(2) The market authority may whenever it considers it necessary to do so close the market to use by the public.

(3) Whenever possible the market authority shall give at least five days' notice of its intention to close the market by affixing a notice in a conspicuous place in the market.

11. (1) The market authority may make Bye-laws with respect to the management, sanitation and good government and use of any slaughter house and detention station in the city of Roseau or one mile beyond its limits as well as for the feeding and watering of animals taken there and it may by such Bye-laws fix the charges to be made for lairage, for slaughtering, and when necessary, for the destruction of animals therein. Slaughter houses
and detention
stations.

(2) Where any owner, agent or servant makes default in complying with any Bye-laws made under this section which imposes any duty on him with respect to any animal belonging to him, the market authority may without prejudice to its rights to initiate summary proceedings for the breach of such Bye-laws undertake the execution of the duty and the expenses so incurred shall be a debt due to the market authority from the owner or agent or servant.

(3) The market authority may recover any expenses arising from any default made by any owner or agent or servant under this section, or under any Bye-laws made thereunder by summary proceedings before a Magistrate or by sale of any animal of the owner then in the slaughter house or detention station.

(4) Any sale under this section shall be by public auction after five days' notice published on the premises of the market and the market authority shall apply the proceeds of the sale firstly in or towards the payment of the cost and expenses of the sale, and secondly in or towards the payment of the sums due by the owner to the market

authority. Any surplus of the proceeds of the sale shall be paid to the owner, who for the purposes of this section is the person entered as the owner of the animal in the books of the market authority.

Inspection of
animals.

12. (1) The market authority may charge such fees for the inspection of the carcass of any animal in the market as the Minister may approve.

(2) The Minister responsible for Health may issue to any inspector carrying out duties under this Act such instructions with regard to the inspection of any carcass or other article of food as he may consider necessary and such instructions shall be carried out by the inspectors.

PART IV

FINANCIAL AND LEGAL

Accounts of the
market.

13. (1) The accounts of the market with all vouchers and papers relating thereto shall in the months of January and July in each year be submitted by the market superintendent to an auditor approved by the Minister for the purpose of being audited from 1st January to 30th June inclusive of the current year.

(2) If the accounts of the market are found to be correct, the auditor shall give a certificate to that effect and the market superintendent shall send copies of the accounts together with copies of the auditor's certificate to the Minister and the market authority, not later than seven days of the receipt of the accounts and certificates from the auditor.

(3) The market superintendent shall cause a copy of the accounts as well as of the auditor's certificate to be published in the *Gazette*, and shall deliver a copy of the same to every person who applies for the accounts on payment of such a fee as may be prescribed.

Remuneration of
the auditor.

14. The market authority shall from time to time pay out from the funds of the market such sum for examining, auditing and reporting on the accounts of the market for supplying the conditions, as may be necessary.

Funds of the
market.

15. (1) The funds of the market shall consist of –

(a) such sums as may be borrowed by the market authority
under the provisions of this Act

- (b) such moneys as may be granted to the market from any source whatever;
- (c) such other sums as the market may from time to time acquire by way of rentals, tolls, dues, charges, licence fees, commissions or as may accrue to the market in the course of its operations.

(2) The funds of the market shall be deposited in such bank as the Minister may approve.

16. (1) The funds of the market may be applicable towards the payment of – Application of funds.

- (a) salaries and other remuneration of the market superintendent and the other officers, servants or agents of the market;
- (b) expenses of prosecuting offenders against this Act or any Bye-laws or Rules or Regulations made thereunder;
- (c) the expenses of maintaining, managing, laying out, repairing, renovating, draining, cleansing and lighting the market;
- (d) the expenses of auditing the accounts of the market as required under this Act;
- (e) all sums payable by the market under any judgment of any court of law;
- (f) all sums payable by the market by way of the repayment of the principal moneys or interest on any loan;
- (g) the expenses generally of and incidental to the carrying out of the provisions of this Act, and the expenses generally of and incidental to the carrying out of any provision of the Public Health Act or any Act replacing that Act or any other law imposing duties on the market which entail expenditure; 15 of 1968
- (h) all sums payable for the acquisition, preservation or alteration of any buildings, works, sheds, covered or open spaces or grounds of the market.

(2) In case the funds are more than sufficient for the purposes aforesaid, the surplus shall be invested in such manner as the Minister

Funds to be paid
into approved
bank.

17. The market superintendent shall cause the moneys of the market to be paid into the bank approved under section 15(2) as often as is practicable before the closing hours of that bank except such sums as he may be authorised by the market authority to retain in hand to meet immediate payments.

Borrowing
powers.

18. The market authority may with the approval of the Minister borrow sums of money on such terms as it may consider necessary for carrying out the purposes of this Act.

Bye-laws.

19. (1) The market authority may make Bye-laws for all or any of the following purposes:

- (a) for regulating the use of the market and directing the manner of occupying and using the several stalls, stands, tables, sheds and places therein and the charges to be paid therefor;
- (b) for prescribing or approving the use, patterns and descriptions of the scales to be used by occupiers of stalls, stands, tables and places in the market;
- (c) for prescribing the conditions subject to which the several stalls, stands, tables, sheds and places in the market shall be held, occupied or used by persons hiring or using the same;
- (d) for imposing on persons using the stalls, stands, tables, sheds and places of the market such duties as the market authority may consider necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them, and all blocks, axes, saws and other implements or instruments and scales used by them are properly cleaned and kept clean;
- (e) for regulating the use of weighing instruments belonging to the market or used in the market; and for preventing the use of false or defective weights, scales or instruments by any person selling in the market;
- (f) for regulating the hours of sale, as well as the grade and quality of marketable commodities offered for sale in the market;
- (g) for prescribing the areas in the vicinity of the market

within which it shall not be lawful to sell or offer for sale any marketable commodity;

- (h) for preventing nuisances or obstructions in the market and the immediate approaches thereof;
- (i) for maintaining order, and preventing disturbance in the market arising from disorderly conduct, and for removing disorderly or unauthorised persons therefrom;
- (j) for excluding and removing from the market any person suffering from any infectious or contagious disease;
- (k) for prescribing the measures to be taken by vendors of marketable commodities in the market in order to protect such commodities from contamination by flies, dust or otherwise;
- (l) for adding to the list of marketable commodities;
- (m) for the good government of the market, and for carrying into effect its powers and duties under this Act.

(2) Bye-laws made by the market authority shall come into operation when approved by the Cabinet and published in the *Gazette*; and may impose penalties on offenders.

(3) Copies of Bye-laws made under this Act shall be exhibited in a conspicuous place in the market.

20. The Minister may make Regulations –

Regulations.

- (a) prescribing any financial or other procedure to be adopted by the market authority and requiring any returns and reports to be made by the market authority;
- (b) imposing duties or obligations on the market committee, the market superintendent or other officers, servants or agents of the market authority;
- (c) prescribing the principles to be followed by the market authority in the exercise of its powers and functions under this Act;
- (d) placing restrictions or limitations on the exercise of the powers of the market authority, or the market commit-

- (e) cancelling any Bye-laws made under this Act whenever it is thought necessary to do so;
- (f) regulating, increasing or reducing the membership composition of the market committee;
- (g) generally for the better carrying out of the provisions of this Act.

Offences and penalties.

21. Any person offending against the provisions of this Act, or against any Regulations or Bye-laws made thereunder is, where no penalty is provided, liable on summary conviction to a fine of seven hundred and fifty dollars and in default of the payment to imprisonment for three months.

PART V

MISCELLANEOUS

Article to be weighed.

22. Any person selling or offering for sale any article in the market shall if required to do so by the buyer cause the same to be weighed or measured by the weights and scales provided or approved by the market authority; and any person who refuses on demand to cause the article to be weighed or measured in the manner aforesaid is guilty of an offence.

Frauds as to weighing.

23. Any person who knowingly acts or assist in committing any fraud respecting the weighing of any article is guilty of an offence.

Penalty for taking greater tolls.

24. Every collector who demands or receives a greater toll or charge than that authorised to be received under this Act is guilty of an offence.

List of tolls etc., to be put up.

25. The market superintendent shall cause a list of the several rents, stallages, charges, tolls or dues to be printed in large letters and set up in a conspicuous place in the market.

Penalty for obstruction.

26. Any person who hinders, assaults or obstructs the market superintendent, or any collector or other person authorised to perform any duty in the market under this Act or under any Regulations or Bye-laws made thereunder is guilty of an offence.

27. (1) The several stallages, rents, dues, charges and tolls payable Payment of dues. in respect of the use of the market shall be paid, at such times and in such manner as the market authority may prescribe, to the market superintendent or any person appointed or authorised by the market authority or the market superintendent to receive the same.

(2) If any person liable for the payment of any stallage, rent, due, toll or charge does not pay the same when required by the market superintendent or any other person duly authorised to receive the same, the market superintendent or person so authorised may recover the same by seizure and immediate sale of a sufficient part of any marketable commodity in the market which belongs to the person liable to any such stallage, rent, due, toll or charge, or the same may be recovered as a debt due to the market authority in any court of competent jurisdiction.

28. (1) Any Act or law or any part of any Act or law in conflict with Repeal. this Act is repealed with effect from the date of opening of the market in keeping with the provisions of section 8.

(2) Those sections of the Roseau Town Council Ordinance Cap. 189. (1961 Ed.) Ch. 25:01 (since repealed by Roseau City Council Act) or any Regulations or Bye-laws made thereunder dealing with markets, or with the sale of marketable commodities in the city of Roseau are hereby repealed.

SCHEDULE

(Section 3(1)).

MARKET AREA

All that area on the banks of the Roseau River bounded as follows:

North-West: The Roseau River

~~North-East: The Roseau River~~

South-East: Laing Lane

South-West: The Sea