

**SUBSIDIARY LEGISLATION**  

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**SUBSIDIARY LEGISLATION**

**ROSEAU MARKET BYE-LAWS**

Bye-laws.  
No. 1 of 1972.

*made under section 3 and 19*

[4th May 1972]

Commencement.

1. These Bye-laws may be cited as the –

Short title.

**ROSEAU MARKET BYE-LAWS.**

2. In these Bye-laws –

Interpretation.

“authority” means the market authority established under the Act;

“special storage” means the cold rooms, chill rooms and any other area in the market declared to be special storage area;

“stall dues” means the licence fees payable in respect of stalls, stands or lock-up shops;

“superintendent” means the market superintendent appointed under section 4 of the Act;

3. (1) Subject to the provisions of the Act and Regulations and Bye-laws made thereunder, the general management of the market shall be vested in the market committee.

General  
management.

(2) Until such time as the market committee is appointed, its functions shall be exercised by the authority and references in these Bye-laws to the market committee shall be construed accordingly.

4. (1) The market shall be opened to serve the public on the following days and between the following hours:

Opening and  
closing of the  
market.

~~workdays other than public holidays~~ 6.00a.m. - 11.00a.m.  
public holidays 6.00a.m. - 11.00a.m.

(2) In any day before the market is due to be closed two warning bells shall be rung, the first one hour, and the second half an hour, before the closing. A closing bell shall be rung at the closing hour

when every person, except persons authorised by the superintendent, authority or market committee to remain in the market, shall forthwith leave the market.

(3) Any unauthorised person found in the market outside opening hours may be ejected by any police officer or servant of the authority and shall be guilty of an offence.

Duties of  
superintendent.

5. The superintendent shall, subject to the directions of the market committee or the authority, have the general superintendence and charge of the market and shall be responsible for the due and proper management thereof, and in particular shall –

- (i) attend at the market during opening hours;
- (ii) inspect and verify all scales, weights and measures of any description whatsoever used in the market and ensure that they conform with the provisions of the Weights and Measures Act;
- (iii) keep correct lists and accounts of any and all property delivered to him for the use of the market and be responsible for the same;
- (iv) make up and enter to appropriate books every day an account, under distinct and separate heads, of all his receipts and payments for the day;
- (v) pay to the authority all sums he may then have on hand every day following the day on which they were received;
- (vi) produce his books, or any property under his charge, whenever called upon to do so by the market committee, all such information as it may require in respect of the books and property and every other matter pertaining to the operation and administration of the market;
- (vii) grant licences and receive dues and rents in respect of stalls, stands and lock up shops,
- (viii) collect and record such data as the market committee may require pertaining to quantities, prices, etc., of marketable commodities bought and sold in the market;

Ch. 78:48.

- (ix) make a monthly report of the working of the market in such form as shall be from time to time indicated by the market committee;
- (x) maintain efficient supervision and control of special storage facilities and the use thereof;
- (xi) cause all meat and fish brought into the market to be weighed on arrival at the market;
- (xii) attend all meetings of the market committee and, when required, meetings of the authority;
- (xiii) perform such other duties as may be assigned to him by these or any other Bye-laws or under the Act.

6. The superintendent may eject or cause to be ejected from the market by any police officer, servant of the authority or other authorised person – Power to eject from market.

- (a) any disorderly person, or person acting indecently or person dirtily or indecently dressed, or using obscene, abusive or insulting language, or swearing or behaving in a manner which may disturb the peace of the market;
- (b) any person who appears to him to be afflicted with yaws, sores or any contagious or infectious disease whatsoever;
- (c) any loiterer;
- (d) any dog or stray animal;

Provided that neither the superintendent nor the market committee or authority may be made liable to any person prejudiced by the exercise of powers under this bye-law unless the person shows that the superintendent acted maliciously, and without reasonable and probable cause.

7. (1) The superintendent shall from time to time direct what ~~articles may be exposed for sale on the stalls, stands, lock up shops or other areas in the different parts of the market.~~ Registration and designation of stalls, etc.

(2) The superintendent shall cause all the market stalls, stands and lock-up shops to be numbered in plain and legible characters and to be registered in a book to be kept for that purpose.

(3) The book shall also contain the name of every licensee of a stall, stand or lock-up shop, the date when each licence commenced, the amount of the stall dues paid and the date when each licence ceased and the cause of ceasing.

Licensing of stalls, etc.

8. (1) No person shall occupy any stall, stand or lock-up shop in the market unless he holds a valid licence (hereinafter called a market licence) and a stall dues receipt in respect of the stall, stand or lock-up shop.

(2) The superintendent may grant market licences to persons to occupy the stalls, stands and lock-up shops on receipt of an application to that effect.

(3) A market licence may be granted in respect of a specific day or days in any week for a stated period of time or may be granted by the day, week, month or, in case of lock-up shops, by the year.

(4) Every market licence shall state the name of the licensee, the number of the stall, stand or lock-up shop in respect of which it is issued, the purpose to which the stall, stand or lock-up shop may be put, and the duration of the licence.

(5) All meat and fish for use at the market shall be weighed on arrival at the market. Market licensees of stalls, stands or lock-up shops to be used for the sale of meat or fish shall pay stall dues to the superintendent in accordance with the First Schedule at the time when any meat or fish for sale by the licensee is brought into the market, or from special storage, and weighed.

First Schedule.

Market licensees of stalls, stands or lock-up shops to be used other than for the sale of meat or fish shall pay stall dues in accordance with the First Schedule in advance before assuming occupation of the same by virtue of a market licence.

(6) The superintendent shall on receipt of the stall dues payable issue to the market licensee a stall dues receipt which shall state the name of the licensee, the number of the stall, stand or lock-up shop, the amount paid and the period for which it is valid.

(7) A market licensee in occupation of a stall, stand or lock-up shop for a week or more may continue the occupation by –

- (a) applying to the superintendent for a new market licence at least three days before the expiration of his current licence and obtaining the same; and

(b) in cases of stalls, stand or lock-up shops other than for the sale of meat or fish obtaining a stall dues receipt in respect of the new market licence on or before the first day on which the same is due to take effect.

(8) A market licensee shall produce his market licence and stall dues receipt whenever called upon to do so by the superintendent or any agent of the market committee or authority.

(9) The superintendent may eject or cause to be ejected any person occupying a stall, stand, or lock-up shop who does not on demand produce a valid market licence and a valid stall dues receipt in respect of the stall, stand or lock-up shop.

(10) At the expiration of the term of his market licence a licensee shall forthwith give up possession of the stall, stand or lock-up shop, unless he has applied for a new market licence in accordance with clause (7) of this bye-law.

(11) If any market licensee on giving up possession of or on being ejected from a stall, stand or lock-up shop does not forthwith remove all property therein belonging to him, the same shall be removed by the superintendent and, at the expiration of seven days from the date of the removal, shall be sold unless claimed within that period, and the superintendent shall recover the expenses of the sale out of the proceeds of sale and pay any balance over to the licensee; but any perishable commodity may be sold immediately on removal, and the proceeds of sale less expenses of the sale shall be paid to a person claiming the commodity within seven days.

(12) If any market licensee owes stall dues at the time of ejection, the superintendent may recover the stall dues by seizure and immediate sale of a sufficient part of any property belonging to the licensee without prejudice to taking any other step for the recovery of the stall dues.

(13) No market licensee shall sub-let any stall, stand or lock-up shop without the approval of the superintendent.

(14) No market licensee shall open and operate a meat or fish stall or lock-up shop unless he at all times displays to the public, at the front or some other part of the stall as the superintendent may allow, his name in plain and legible characters and in such manner as the superintendent shall direct.

(15) The market licensee shall be required to display price tags on the marketable commodities offered for sale in such manner as the superintendent shall direct.

(16) Except with the approval of the Minister, no person shall be permitted to occupy more than one stall, stand or lock-up shop or any combination of the same; and no member of the authority or market committee and no servant or agent of the same shall themselves or by their agents be licensees of or occupy any stall, stand or lock-up shop.

(17) A market licensee who fails to comply with any of the provisions of this bye-law may, in addition to any of the penalties he may incur, be liable to have his market licence revoked by the superintendent.

(18) A person who is refused a market licence or whose market licence is revoked by the superintendent may appeal to the market committee against the refusal or revocation.

Use of stalls, etc.

9. (1) Subject to clause (4) of this bye-law no stall or stand or lock-up shop shall be used by more than one market licensee or his representative at the same time.

(2) Every market licensee shall be held liable for what happens at his stall.

(3) Every market licensee or his representative shall remain within his stand, stall or lock-up shop while attending to the business of the same.

(4) No person shall –

(a) without the permission of the superintendent, be in any meat or fish stall, stand or lock-up shop, except the licensee of the same and no more than two assistants; but the superintendent may allow the licensee more than two assistants;

(b) at any meat stall, stand or lock-up shop, keep or dispose of anything but meat, or at any fish stall, stand or lock-up shop, dispose of anything but fish;

(c) allow anything belonging to him to occupy an area outside the prescribed limits of his stall, stand or lock-up shop.

- (d) use any counter in the market for the purpose of chopping;
- (e) use any counter, stall or stand or any other place in the market for a purpose other than that for which it is appointed by the superintendent.

10. (1) Every market licensee shall –

Cleaning of stalls,  
etc.

- (a) at all times keep his stall, stand or lock-up shop and the front, rear and sides thereof perfectly clean and free from all offal, filth and dirt of any kind;
- (b) before leaving the market for the day, clean, to the satisfaction of the superintendent, his stall, stand or lock-up shop as well as his counter, tools and other trade appliances, and shall remove all refuse therefrom and place the same in the receptacles provided for that purpose.

(2) Where a market licensee has failed to comply with clause (1) of this bye-law the superintendent may at any time clean the stall, charge any cost incurred to the licensee and cover the costs by seizure and immediate sale of a sufficient part of any property belonging to the licensee.

(3) Every market licensee who persistently neglects or refuses to comply with the requirements of clause (1) of this bye-law may, after at least two days' notice in writing from the superintendent, have his market licence revoked, and in addition is guilty of an offence.

(4) The superintendent shall ensure that all market stalls are properly cleaned every day before the market is closed.

11. (1) Market licencees shall be required to conform to any standards which may from time to time be established and notified with regard to the quality and grading of any commodities sold or offered for sale in the market, and to the controlled price of any commodities which may be prescribed by law.

Representations  
by market  
licensees.

(2) Market licencees as a body may summon meetings with the superintendent to make representations with respect to prices of marketable commodities except those controlled by law or any aspect of the operation of the market which affect them:

Provided that –

- (a) the representations are made by not less than ten per cent of the licensee in any particular category of licensee;
- (b) the meetings are not summoned more than once a month in any calendar year;
- (c) seven days notification in writing of the meetings is given to the superintendent;
- (d) the matters for consideration and discussion are submitted in writing to the superintendent at the same time that the notification of the meeting is given.

(3) Any such representations made by the market licensees shall be referred by the superintendent to the market committee, which shall forthwith study the representations and inform the licensees of its decision; but the market committee may and shall, if so requested by the authority, refer any such representations or decisions to the authority whose decision in such matters shall be final.

Fish licences.  
Second  
Schedule.

12. (1) The superintendent may in his discretion grant to a person applying therefor and paying the fees set out in the Second Schedule a fish licence to sell fresh fish in or one mile beyond the limits of Roseau outside of the market or parlours or shops; but a fisherman may obtain a licence free of charge to sell fish at a specified dwelling house.

(2) Fish licences shall be for a period of three months and may, on breach of a term of the licence or on conviction of the licensee or his employee of an offence against the Act or these or any other Bye-laws made thereunder, be revoked by the superintendent.

(3) A fish licence may permit the licensee to sell, offer or expose for sale fresh fish only either at an appointed place or at a specified dwelling house in or one mile beyond the limits of Roseau.

(4) Fish shall be kept only in clean containers or on clean counters.

(5) A holder of a fish licence shall display the licence on a conspicuous part of his counter or container.

(6) Any person who offends against the provisions of this bye-law is liable on summary conviction to a fine of seventy-five dollars for each day that he so offends and in default of payment of the fine to imprisonment for fourteen days.

(7) A person may appeal to the market committee against refusal or revocation of a fish licence.

13. (1) The superintendent may grant to any person applying therefor and paying the licence fees set out in the Second Schedule a vendor's licence to sell or offer or expose for sale all or some marketable commodities, other than fresh meat or fish, in or one mile beyond the limits of Roseau outside of the market or parlours and shops; but vendor's licences may be granted free from payment of the licence fees to persons –

Vendor's  
licences.  
Second Schedule.

- (a) who are physically handicapped;
- (b) who have no other means of livelihood;
- (c) to sell marketable commodities, other than fish or meat, only at their own residences.

(2) Vendor's licences may be granted for periods of three, six or twelve months and shall entitle the holder to sell only such marketable commodities as are set out in the licence in such areas of Roseau, not including its main streets, as are specified in the licence.

(3) Every holder of a vendor's licence shall –

- (a) keep marketable commodities on clean counters or in clean containers which shall be painted and kept free from stains;
- (b) not allow marketable commodities to come into contact with the bare ground;
- (c) not sell or offer for sale any marketable commodities within eight feet from an open gutter or drain;
- (d) display the licence prominently on his container or counter;
- (e) be neatly and cleanly dressed when selling and offering marketable commodities for sale;
- (f) not obstruct or cause an obstruction to the entrances of dwelling houses or business places or to traffic.

(4) No holder of a vendor's licence may sell or offer for sale any marketable commodities on a Sunday; but holders of vendor's licences may be permitted to use the market on Sundays without additional charge for the sale of such marketable commodities as are

(5) All holders of vendor's licences shall comply at all times with any quality or grade standards which may be prescribed in respect of marketable commodities sold in the market.

(6) Any person who offends against the provisions of this bye-law is liable on summary conviction to a fine of seventy-five dollars for each day that he so offends and in default of payment of the fine to imprisonment for fourteen days.

(7) On breach of a term of a vendor's licence or on conviction of the holder of such licence of an offence against the Act or these or any other Bye-laws made thereunder, the superintendent may revoke such licence.

(8) A person may appeal to the market committee against refusal or revocation of a vendor's licence.

Special storage.

14. (1) The superintendent shall be responsible for the admission and removal of marketable commodities into and from special storage.

Third Schedule.

(2) Special storage fees as set out in the Third Schedule shall be payable in advance.

(3) A receipt, hereinafter called a special storage receipt, shall be issued by the superintendent in respect of marketable commodities accepted by him for special storage.

(4) The authority, its servants and agents shall not be liable for any loss or damage, from any cause whatsoever, of marketable commodities in special storage.

(5) The superintendent may refuse to accept for special storage any marketable commodity which in his opinion is unsuitable or unfit for such storage or which he considers might infect or contaminate other marketable commodities held in special storage.

(6) The superintendent may require any person holding marketable commodities in special storage to remove them immediately if the marketable commodities show signs of deterioration from any cause whatsoever and may remove the marketable commodities if the person fails to do so.

Goods other than marketable commodities.

15. The superintendent may permit a market licensee of a stand, stall or lock-up shop to dispose of commodities other than marketable commodities in the market.

16. (1) The superintendent shall seize, detain and destroy any commodity in the market which, in his judgment, is of bad or unwholesome quality: Unwholesome food.

Provided that –

- (a) the owner, his servant or agent, if obtainable, shall be notified immediately of the seizure;
- (b) the marketable commodity shall not be destroyed until two hours after the seizure thereof during which time the owner may request the Chief Medical Officer or his nominee or a veterinary surgeon to inspect the same, and if such Officer, nominee or surgeon certifies in writing that the same is not unwholesome and is fit for food, it shall be released.

(2) The owner shall pay in advance to any person carrying on an inspection under this bye-law a fee of five dollars for his services; but if the marketable commodity is released as aforesaid, the superintendent shall refund the fee to the owner.

17. (1) The superintendent may take possession of any article found on the walks of the market which appears to him to have been lost or abandoned, and shall keep the same in his custody for a period of seven days, during which he shall give such advertisement of his possession of the lost or abandoned article as the market committee shall direct; but the superintendent may dispose of perishable articles within the seven day period. Walks of the market.

(2) If the article is not claimed by the owner at the end of the period of seven days the article shall become the property of the authority; but where a perishable article has been sold and the owner claims within the seven day period, the proceeds of sale less the expenses thereof shall be delivered to him.

(3) Any person who resists the removal of any obstruction on the walks of the market or who obstructs or causes the same to be obstructed is guilty of an offence.

18. Neither the authority, the market committee nor any officers or servants thereof shall be responsible for the loss of or damage to any property or marketable commodity left in the market. Authority not liable for loss of property.

Weights and  
measures.

19. (1) Every article retailed by weight shall be properly weighed and in cases of dispute in respect of weight the seller shall, if required to do so by the purchaser, cause the article about which the dispute arises to be weighed in the presence of the superintendent or any market officer in scales or other measures approved by the superintendent.

(2) No person shall by any contrivance or device, or in any manner whatsoever, tamper with any scale, balance, weight or measure in the market whether the same is the property of, or is in the possession or control of, such person or not.

Conduct of  
persons in  
market.

20. No person shall –

- (a) smoke in the market;
- (b) sit or lie on any block, counter, table or stand in the market or on the pavement thereof;
- (c) sharpen any instrument on any part of the market structure;
- (d) use any obscene, abusive or insulting language or swear or otherwise misbehave in the market;
- (e) fight, create or cause to be created any row, riot or disturbance in the market;
- (f) spit, or throw any dirt, filth, rubbish or litter in the market;
- (g) break, cut, pull down, destroy, remove, injure or spoil any part of the market or deface any notice lawfully therein;
- (h) be a loiterer in, or about the market;
- (i) be in the market without lawful authority during the hours that the market is not opened to the public;
- (j) use or kindle fire in any coal pot or other receptacle in any part of the market other than an area appointed by the superintendent for the purpose;
- (k) display of any sign or notice in any part of the market that which is allowed at such part for the time being;
- (l) solicit custom, or cause the same to be done, in any unauthorised part of the market;
- (m) advertise in any unauthorised part of the market;

- (n) commit a nuisance in, on or at any part of, the market;
- (o) being a male go into, make use of, or be in any urinal provided for the use of females;
- (p) being a female, go into, make use of, or be in any urinal provided for the use of males;
- (q) without the consent of the superintendent, place, deposit, or throw anything in or on any part of the market not appointed for the disposal thereof;
- (r) place or keep any hide in any part of the market other than that appointed from time to time for that purpose;
- (s) take or bring any dog within the market.

21. Any person who hinders, assaults or obstructs the superintendent, any servant or agent of the authority or market committee or any other person when acting in the execution of any duties under these Bye-laws is guilty of an offence.

Obstructing superintendent, etc.

22. (1) Any person who offends or does not comply with any provision of these Bye-laws is liable on summary conviction where no other penalty is elsewhere provided to a fine of three hundred dollars and in default of payment of the fine to imprisonment for three months.

Offences and revocation of licences.

(2) When a holder of any licence issued under these Bye-laws is convicted of an offence against the Act or these or any other Bye-laws made thereunder, the superintendent may in his discretion revoke the licence.

(3) A licensee whose licence is revoked under clause (2) of this bye-law may appeal to the market committee.

23. A copy of these Bye-laws shall be posted in some conspicuous place in the market and may be perused by the public free of charge.

Copies of Bye-Laws.

Bye-law 8.

**FIRST SCHEDULE****STALL DUES***A. For meat and fish:*

Fish stalls	.5 cent per lb. of fish
Meat stalls	1 cent per lb. of meat
Fish lock-up shops	1 cent per lb. of fish
Meat lock-up shops	1.5 cent per lb. of meat

*B. For other commodities:*

	\$ c. Per Day	\$ c. Per Week	\$ c. Per Month
Lock-up shops (8' x 16')	-	-	100.00
Lock-up shops (8' x 8')	-	-	75.00
Leafy vegetable stalls	.35	2.00	7.00
Handcraft stalls	.35	2.00	7.00
Other stalls	.30	1.75	6.50
Stands	.15	-	-

(Bye-laws 12 and  
13).**SECOND SCHEDULE****FISH LICENCES**

Fish licence (for appointed place)	\$2.50
Fish licence (for specified dwelling house)	1.00

VENDOR'S LICENCE

	3 months	6 months	12 months
All marketable commodities except meat and fish	\$2.50	\$5.00	\$10.00

THIRD SCHEDULE

(Bye-law 15).

SPECIAL STORAGE FEES

Vegetables	.5 cent per lb. per week
Meat and fish	1 cent per lb. per week.