

Municipal Council of Quatre Bornes (Food Court) Regulations 2012

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LOCAL GOVERNMENT ACT 2011

Regulations made by the Municipal Council of Quatre Bornes under Sections 50, 57, 58, 158 and 163 of the Local Government Act 2011.

1. Short Title

These regulations may be cited as the **Municipal Council of Quatre Bornes (Food Court) Regulations 2012**.

2. Interpretation

In these regulations,

“**Chief Executive**” means the Chief Executive of the Municipal Council Of Quatre Bornes or any other person who may be designated by the Chief Executive Officer of the Council.

“**Child**” means a person under the age of eighteen.

“**Contract**” means the deed under private signatures entered into, between the Municipal Council and the stall—occupier for the rental and occupation of any stall.

“**Employee**” means any person duly appointed in writing as Agent by the stall-occupier.

“**Food**” means any substance! items, 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.

“Food Court” means the premises situate at Sir William Newton Avenue and any other Food Court that the Municipal Council may erect and declare within its administrative area.

“Identity Card” means the card issued by the Council for the identification of stall-holder and his/her employee. **“Inspector”** means an officer for the control and supervision of the Food Court.

“Label” includes any tag, brand, mark, pictorial, or other descriptive matter written, printed, stenciled, marked, embossed or impressed on, or attached, to any article.

“Person” refers to any member of the Public and also includes any stall-occupier or Employee.

“Premises” includes any stall/space rented to the stall-occupier by the Council.

“Price” means the sum expressed in Mauritian currency. **“Sanitary Authority”** has the same meaning as in the Public Health Act.

“Stall/Space” means any place, shop or booth in the Food Court rented by the Council to a stall-occupier.

“Stall-occupier” means any person/Food Seller authorized by the Municipal Council to occupy any stall/space for the sale of authorized food items.

“Trade Fees” means a yearly prescribed fee payable for the conduct of a classified trade to the Council.

3. Opening and closing hours

- (1) The time at which the Food Court shall be opened on any day shall be from 06.00 a.m to 06.00 p.m.
- (2) Notwithstanding paragraph (1) above the Municipal Council may allow the Food Court to open or to close at other times for specific purposes.

4. Admittance after closing hours

After the closing hours, no stall holder / employee or member of the public shall enter or be allowed to enter the Food Court.

5. Identity Card

Every stall-occupier/employee shall:

- (df) wear ostensibly on his left pocket an identification badge or an identity card, issued by the Municipal Council.
 - (dg) Immediately notify its loss or any damage caused thereto to the Inspector.
 - (dh) shall not under any circumstance whatsoever remit or deliver to any unauthorized person his badge or card.
 - (di) shall produce the identity card/badge on demand to an inspector.
- (2) Every Stall-occupier or employee shall comply with instructions as may be given to him by an Inspector for the proper maintenance of health and safety and order in the Food Court.

6. Every Stall-occupier or employee shall —

- (a) be neatly and decently dressed at all times;
- (b) keep clean and tidy the stall or space occupied by him, including such places
- (c) used for the storing of goods/food;
- (d) expose for sale food items with legible price tags conspicuously where applicable indicating the prices at which the article/good are offered for sale;

- (e) be in possession of a valid food handler's / medical certificate issued by the Sanitary Authority to show that he/she is free from any communicable diseases.
7. Every Stall-occupier or employee shall at any time when engaged in the handling of food or goods —
- (a) Keep clean parts of his body liable to come in contact with the food or goods;
 - (b) Keep clean all parts of his clothing or over clothing liable to come into contact with the food or goods;
 - (c) Keep any abrasion, cut or wound or any exposed part of any injury covered with suitable clean dressings;
 - (d) Notify the Sanitary Authority as soon as he is aware that he is suffering from or is a carrier of any communicable disease;
 - (e) Keep all refuse in plastic bags which shall be properly tied and stored in an appropriate place before leaving the premises;
 - (f) Refrain from disposing of leftovers and/or used oil inside and/or within the precincts of the rood court.
 - (g). Keep all areas of approach, exits and passages in the Food Court free from obstruction;•
 - (h) Abide to all instructions and recommendations as may be issued by the Sanitary Authority
8. All stall-occupiers shall not allow children or any person not being employee to stand behind any stall in the Food Court.
9. **No food seller 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;

10. The seller on any premises, where milk, drink, aerated water, soft drink, fruit drink or curdled milk or soup are sold for immediate consumption shall not serve any such beverage for immediate consumption except in clean containers or in single service! disposable containers.

(a) No cooking will be allowed within the Food Court. The food seller may be allowed to heat his food items on electrical appliances that he shall provide at his own cost. For that purpose he shall make the necessary application for the provision of a CEB meter at his own cost.

11. Every stall-occupier, using an apparatus for heating shall be in possession of a 1 Kg ABC Dry powder fire extinguisher or as may be recommended by the Fire Services.

12. Cleaning of stall/space by stall-occupiers

Every stall-occupier! employee shall be bound to clean or wash his stall space before leaving the Food Court.

13 (1) No person in a Food Court 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 covered refuse bins or plastic bags that he shall provide for that purpose. He shall after work dispose of such refuse at in specifically designated areas;
 - (e) store any goods or article behind a stall, unless, in the exercise of his trade as stall-occupier or employee;
 - (f) bring in the Food Court any bicycle, vehicle, dog or other animals;
 - (g) write, paint, scribble on any wall, fence, structure, building, outhouse or construction in the Food Court;
 - (h) by gesture, shouts or demonstrations, advertise any food items for sale or stop any person to induce such person to examine any goods for sale or hawk any goods for sale;
- 13** (ii) It is strictly forbidden to leave behind any personal belongings or articles of any kind or description inside the Food Court.

14. Items that may be sold in the Food Court

The following food items or goods may be sold in the Food Court:-

- (1) Cooked food, cakes, dhol puri, pancakes, bread with curry and other food as authorized by the Municipal Council.
 - (2) Any person who introduces or causes to be introduced into the Food Court any food item(s) otherwise than in accordance with these regulations shall be guilty of an offence under these regulations and any food item so introduced shall be forfeited.
- 15.** Any stall-occupier / employee entering the Food Court under the influence of drug or alcohol or found soiling the alley or urinating in any part of the Food Court or lighting fire crackers, may be contravened by any Inspector.

16. It is forbidden to sit or lie down on or beneath the tables of the Food Court or to place thereon or beneath any articles other than those which are offered for sale.
17. It shall be lawful for the Council to refuse to allow, any person it may deem not to be a fit and proper, to occupy or to continue to occupy a stall in the Food court. Any person occupying or continuing to occupy such a stall contrary to the decision of the Council, which decision shall be final, shall be guilty of an offence, and the food items in the said stall shall have to be removed at once and, if not so removed at once, shall be forfeited.
18. It shall be lawful for the Council to dispose of any stall, the stall-occupier of which shall not, in the opinion of the Council, have carried on his trade to the satisfaction of the said Council.

The decision of the Council shall be final.

19. (a) No person shall expose any food items for sale or shall deposit waste on any passage, pavement, or open space between or on the sides of stalls, shops or booths or any unauthorized space.

(b) Subject to the provisions of section 57(3) of the Local Government Act 2011 the Council may revoke the right of occupation of a stall-occupier found guilty of an offence under the Public Health Act, the Food Act or any enactment relating to the sale of food items.
20. All stalls, shops and space shall remain unmodified except for such modifications as may be approved by the Council.
21. The Council reserves the right to carry out any changes or alter the general layout of the stall or places without the stall-occupier being entitled to any compensation for loss of trade or otherwise.
22. If any person hinders, persists, obstructs or molests, with or without force or violence, any Inspector or Officer, 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 Council. All food items exposed for sale therein shall be removed at once and, if not so removed, shall be forfeited.

23. Disposal of stall for non-exposure

Subject to provisions of section 57(3) of the Local Government Act 2011, the Council shall dispose of any stall, the stall-occupier of which, although paying his rent, shall have exposed no food items for sale during ten (10) consecutive days or during fifteen (15) days in one month.

24. An Inspector may remove forthwith the food items exposed for sale in any stall or in any place in the Food Court in the following cases —

- (a) failure by the stall-occupier or Employee to comply with regulations 7(g), 9(a) & 19(a);
- (b) Whenever any article or goods shall in the opinion of the Inspector be found tainted, decayed or unfit for human consumption.

25. No person shall carry out a classified trade listed under the Local Government Act 2011, as amended, unless he has paid the appropriate trade fees.

26. The stall-occupier shall sell or offer for sale only item or items mentioned in the contract entered with this Council.

27. Insurance

The stall-occupier shall subscribe to an Insurance Policy for all types of risks and losses and third party liability.

28. Duration of Contract

The contract shall be valid for a period of 3 years and may be renewed on such terms

and conditions as may be decided by the Council.

29. Fees and Rentals

- (a) The fee for the right of occupation of a stall for each financial year of occupation shall be Rs 5,000 (Rupees five thousand) yearly and payable between the 01st to 31st January of each financial year.
- (b) The yearly rental amounting to Rs 18,000 shall be paid on a quarterly basis (Rs 4,500) in advance, between the first and the tenth of every quarter. After that period, any stall in respect of which the quarterly rent due has not been paid, shall be declared vacant by the Council and shall have to be given up at once by the stall-occupier and all food items in the said stall shall have to be removed at once by the stall-occupier.
- (c) A surcharge of 10 % shall apply for the fees and rentals at 29(a) and 29(b) if not paid within the period mentioned.

30. All persons bringing food items for sale into the food court shall be bound to obey all lawful orders for the maintenance of discipline issued to them by the Inspector or Officer of the Council.

31. Penalties and Offences

- (1) Prosecution for any offence under these regulations may be instituted by an Inspector or Officer of the Council designated by the Chief Executive or by any Police Officer.
- (3) Any person who acts in breach of any of these regulations shall commit an offence and, on conviction, shall be liable to a fine not exceeding Rs 25,000.

32. The Municipal Council of Quatre Bornes (Food Court) Regulation 2011 is repealed.

Made by the Municipal Council of Quatre Bornes on 24 February 2012

These regulations shall come into force as from the date of publication.