

**District Council of Grand Port (Jawaharlall Nehru Square Open Market)
Regulations 2019**

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THE LOCAL GOVERNMENT ACT 2011

**Regulations made by the District Council of Grand Port
under Section 50, 56, 57, 58, 158 and 163 of
the Local Government Act 2011**

1. These regulations may be cited as the **District Council of Grand Port (Jawaharlall Nehru Square Open Market) Regulations 2019**.

2. In these regulations —

“Chairperson” means the Chairperson of the District Council;

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

“Contract” means agreement for the ‘Right of Occupation of the stalls as specified in Schedule A to these regulations;

“District Council” means the District Council of Grand Port as defined in the Local Government Act 2011, as amended;

“Identity Card” means the card as specified in Schedule B to these Regulations;

“Inspector” means the Chief Health Inspector or any other officer of the District Council as may be designated for the control and supervision of the open market by the Chief Executive;

“Open Market” means the block of 18 covered shops situate in front of the Jawaharlall Nehru Hospital and adjacent to the bus stop;

“Price” in relation to an article, means its price expressed in Mauritian currency;

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

“Seller” means a person certified medically fit by the Ministry of Health to work as a trader and authorized by the District Council;

“Stall” means any of the 18 covered shops as described in the Open Market definition above and may alternatively mean booth tuckshop, stand or cubicle and these terms may be used interchangeably;

“Stallholder” means any person authorized by the District Council to occupy any stall for the sale of authorized articles.

3. The Jawaharlall Nehru Square Open Market shall comprise such additional stalls as may be subsequently decided by the District Council.

4. The open market shall be opened from 6.30 a.m. to 6.00 p.m. on weekdays and Saturdays and from 6.30 a.m. to 5.00 p.m. on Sundays and Public Holidays.

5. The cleansing of the stall, allocated to the stallholder, and its vicinity shall entirely rest upon the stallholder himself.

6. The following articles may be sold in the stalls, apart from any other articles as may be approved by the District Council: —

- Full grown fruits and dried fruits

- edible roots, honey, milk and eggs

- local grown medicinal and aromatic plants, but not plants of a poisonous nature, flowers
- bread, biscuits and cakes
- soft and non-alcoholic drinks
- perfumes, cutlery, glassware, plastic ware, candles, sundry sweets and consumables
- cooked, prepared or packed foodstuffs
- cigarettes
- newspapers, periodicals and magazines
- postcards, greeting cards and pictures
- stationery, toys
- clothings, hats and shoes
- haberdashery

7. An inspector, a Sanitary Authority or the Chief Executive shall have the right to prevent the exposure for sale and the sale in any stall of any article unfit for human use. They shall independently have the power to seize and destroy such unfit articles.

8. (1) No person shall sell or expose for sale or keep in a stall unsound, tainted or adulterated articles or food.

(2) Any such articles, which may become tainted whilst exposed for sale, shall be removed forthwith and destroyed by the seller in the presence of an Inspector.

9. (1) Any article brought for sale shall be openly exposed in the place assigned for that purpose.

(2) The price of any article or goods exposed for sale, shall be conspicuously affixed.

(3) It shall not be lawful to expose for sale any article or goods at a price in contravention of The Consumer Protection (Price and Supplies Control) Act, as amended and the Fair Trading Act, as amended.

(4) No barrel, basket, bag or other similar receptacle is to be kept inside the open market, except for the keeping of articles requiring special receptacles to be properly exposed.

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10. (1) No articles shall be hawked or sold by auction in an open market.

(2) It shall not be lawful for a seller to annoy or stop any person with a view to offering or advertising their goods.

11. All sellers operating in the open market shall be bound to obey all lawful orders of an Inspector with regard to the maintenance of order or discipline in the open market.

12. (1) No stallholder or other seller shall be allowed to sell goods in the open market if he is not clean in person or dress.

(2) It shall not be lawful to expose articles for sale on any passage or on any space in between stalls or buildings of the open market.

(3) It shall be lawful for the Inspector to order any person to stop operating in any stall in the open market in case of non' compliance with the regulations.

(4) Any person operating in or continuing to operate in any place, other than in his stall, in breach of an order given under the preceding paragraph shall be guilty of an offence under

these regulations and any article found in any such place shall be confiscated unless forthwith removed by such person.

13. No person shall cause any trouble in the open market, in any Way whatever or shall use therein any foul, insulting or unbecoming language.

14. No person suffering from leprosy, tuberculosis, syphilis or any skin disease or from any contagious or communicable disease shall be admitted into the open market or shall be allowed to act as seller or assistant seller or servant to any such seller in the open market.

15. Receipt acknowledging payment of trade fee to the District Council, or ~any other related document, shall be conspicuously displayed by the stallholder/seller in front of the stall let to him to the satisfaction of the Inspector.

16. (1) It shall not be lawful for any stallholder or his agent or assistant to extend, to erect or to cause to erect any structure in his stall.

(2) Any person who contravenes the preceding paragraph shall be guilty of an offence under these regulations and at his own cost shall cause the erected structures to be pulled down and the stall to be restored to its original state to the satisfaction of the District Council.

17. The installation and use of refrigerators, freezers, juicers, mixers, ovens and other electrical appliances in any stall must have previously been approved by the District Council.

18. (1) Every person selling by weight in the open market shall be bound to have his own appropriate weights, measures and instruments duly assized under the Legal Metrology Act.

(2) There shall be not less than 10 cm clearance below hanging scales, whenever such are used.

(3) It shall be lawful for any purchaser to request an Inspector to verify the weights of his articles and should such weights be found incorrect the seller of such article shall be guilty

of an offence under these, regulations and the Legal Metrology Act 1985, as amended.

19. (1) Every person using scales, weights or measures in the open market shall keep them clean and in proper order.

(2) The scale dishes shall be of tin or tinned copper.

20. All stall shall be subject to such modifications as may be deemed necessary by the District Council as regards the size, fittings and appointments of the said stalls.

21. (1) (a) It shall be lawful for any person hiring a stall in the open market to carry on any trade, for which such stall has been so hired, through an agent or assistant duly appointed by him and duly authorized by the District Council.

(b) No one holding a full time employment in the Public or Local Government Service can be a stallholder, agent or assistant.

(c) The agent or assistant shall be issued with an identity card as per schedule B and such card shall be in possession of the agent or assistant at all times whilst carrying out his/her trade on the stall.

(2) (a) Any such agent or assistant shall be responsible for any breach of these regulations committed by him in the exercise of his mandate in respect of the occupation and management of the stall of his principal or of the sale of or exposure for sale of any article at such stall.

(b) All stallholders, their agents or assistants shall be in possession of theft identity cards when on duty.

(c) No stall shall be sublet.

(3) Every stallholder shall be responsible for the safeguarding and insuring of his stock of articles at his own cost and shall be in -possession of an appropriate receipt acknowledging

payment of trade fee, an exemption certificate or authorization from the District Council.

22 (1) The yearly occupation fee for the right to occupy a stall in the open market shall be an amount as specified in Schedule C to these regulations.

(2) The fees referred to in sub section (1) above shall be paid in advance, either in full by the 31st of July of each financial year at latest, or in two equal installments to be paid by 31st of July and 31st of January of each financial year.

(3) A surcharge of 25% shall be levied on the fees not paid within the delay mentioned in Subsection (2) above.

23. A stallholder who does not pay his occupation fee for his right of occupation and/or who is in arrears for more than 6 months in respect of a stall shall, without any indemnity have his right of occupation of such stall forfeited and shall vacate same when so ordered by an inspector.

24. (1) Whenever a stall becomes vacant, the Council may, after calling for tenders and by contract, authorize any person to occupy any stall in the open market, on such terms and conditions as laid down in Schedule A.

(2) The tendered amount would be the authorization fee to occupy the stall for a period of 3 years.

(3) The authorization under Subsection (1) above shall be for a period of 3 years but may be expressly renewed for further periods not exceeding 3 years, on such terms and conditions, including a revision of any fee payable as per Schedule C to these regulations.

25. Every stallholder shall pay a trade fee, as provided under the Local Government Act 2011, as amended, to the Council or shall make an application for an exemption certificate from the Council, in respect of the economic activity being carried out in the open market.

26. The District Council may recover any stall in respect of which the stallholder, although paying the rent,

(i) have exposed no article for sale during sixty consecutive days according to a report of an Inspector of the District Council.

(ii) have sublet.

27. (1) No person shall be authorized to occupy a stall in the Open Market unless duly authorized by the District Council by way of an authorization contract as per Schedule A to these regulations.

(2) No seller in the open market shall sell or expose for sale any articles other than those mentioned in his (i) receipt acknowledging payment of trade fee, (ii) exemption certificate, and/or (iii) authorization contract from the District Council.

28. (1) It shall not be lawful for any person to sell by hawking or to expose for sale at a radius of less than 200 metres from the Jawaharlal Nehru Square Open Market or within the precincts of the Jawaharlal Nehru Hospital such articles as being authorized for sale in the open market.

(2) The provision of the preceding paragraph shall not apply to licensed shopkeepers, auctioneers and holders of permits issued under the Local Government Act 2011, as amended, and to sale carried out on authorized stalls at the District Council fair on open market or fair days by registered occupiers of stalls and their agents.

(3) Any person occupying or continuing to occupy any place in breach of an order given under the preceding paragraph shall commit an offence under these regulations and any article found in any such place shall be confiscated unless forthwith removed by such person.

29. Any Inspector of the District Council may seize and confiscate all articles which are the subject matter of an offence under these regulations and such seized and confiscated articles shall be forfeited by the contravener. Seized and confiscated articles shall be disposed of as directed by the Chief Executive.

30. No person shall write, paint, scribble or tick or stick bills or posters on any wall, fixture or

part of the open market or to cause any damage to any building, outhouse or construction forming part of an annex to such open market or to any object contained therein except with the permission of the District Council.

31. (1) Any expenses incurred by the District Council in consequence of a breach of these regulations or in the execution of any work directed by these regulations or by an Inspector in writing to be executed by any contravener shall be paid by the person committing such breach.

(2) If the contravener fails to pay the expenses in (1) above, such amount shall be recoverable as a debt due from that person to the District Council.

32. (1) Any person who contravenes these regulations shall commit an offence.

(2) On conviction of any stallholder and/or agent before a court of law in respect of these regulations, the Council may set up a disciplinary committee against whom the relevant charges may be preferred by the Chief Health Inspector and, on recommendation of the committee, the Council may with the approval of the Ministry —

(a) Have the stallholder's / agent's authorization granted under Section 24(1) suspended or revoked and/or:

(b) Vary the terms and conditions of an authorization granted under regulation 24(1).

(3) Any prosecution under these regulations may be instituted by an inspector or an officer of the Council designated by the Chief Executive.

33. These regulations shall be deemed to have come into operation on 1 June 2019.

Made by the District Council of Grand Port on 30th of January 2019.

SCHEDULE A

Authorization contract

The District Council of Grand Port

Jawaharlall Nehru Square Open Market

AGREEMENT FOR THE RIGHT OF OCCUPATION OF STALL

Between THE DISTRICT COUNCIL OF GRAND PORT duly represented by its Chairperson, Mr and by the Chief Executive, Mr

On one part

AND

Mr/Mrsholder of National Identity Card Noand residing at

.....hereunder referred to as the shop occupier

On the other part

The following has been agreed between the parties—

1. The Council hereby grants to the shop occupier authorization for occupying tuck shop No at Jawaharlall Nehru Square Open Market, Rose Belle for the purpose of therein on a daily basis for a period of 36 months from the date of signature of contract.

2. The Shop occupier should hold a Business Registration Card, Trade F6 Receipt or Exemption Certificate for this economic

activity and should hold a valid Food Handler's Certificate issued by the Sanitary Authority.

3. If the Shop occupier wishes to employ another person to assist him he should apply for and obtain a written authorization of the Chief Executive of the District Council of Grand Port.
4. The Council reserves the right to approve or not to approve an application under paragraph (3) and to revoke such authorization at any time it considers necessary
5. The amount you have tendered shall be paid in advance either at one go for three years or on a yearly basis, that is, you will have to effect an advance payment ofless the amount of which you effected as bid bond for the first year and thereafter you will have to pay yearly, in advance for the two coming years.
6. (i) Where the occupier fails to effect payment of the fees referred to in paragraph 5 of the contract by the due date, the Council may subject to the approval of the Minister of the Local Government and Outer Islands, rescind the contract by notice in writing and without judicial or extra judicial process.

(ii) Such rescission shall be without prejudice to any other action which the Council may entitle to take against the shop occupier. The shop occupier shall forthwith vacate the shop and remove all the articles from there. He shall not be entitled to the payment of any indemnity whatsoever.
7. In case of the shop occupier's death before the expiry date of the contract, any of his child/children or his/her surviving spouse named by him in this agreement, or any document addressed by the shop-occupier to the Council on the date of the signature of this agreement, shall continue to occupy the shop for the remaining period of the said contract. The Council shall renew the contract for a further period of 3 years with the consent of all the heirs of the deceased.
8. The Council reserves its right to cause the shop to be so altered, repaired and reconstructed as it may deem advisable without payment of any compensation to the shop occupier. Such right will be extended to any alteration, repair or reconstruction of the interior

installation of any shop should the Council consider it advisable. In the latter case the Council will place at the disposal of the shop occupier such other shop or shops as may be advisable in order to enable him to continue his trade.

9. The shop occupier shall not be entitled to sell, transfer, cede, let, sublet or otherwise dispose of the aforesaid Right of Occupation.

10. Should the shop occupier be found guilty by a Court of Law of an offence against any regulation or any other enactment in relation to the trade being carried out, the Council may subject to the approval of the Minister of the Local Government and Outer Islands, rescind the contract by notice and, the shop occupier shall forthwith vacate the shop and remove all articles there from. He shall not be entitled to the payment of any indemnity whatsoever.

11. If the shop occupier makes use of any electric appliances or refrigerator he shall have to make his own arrangement with the CEB for the supply of electricity with the approval of the Council.

12. The shop occupier shall be responsible for the good maintenance of the shop allotted to him. He shall make good at his own costs all damages caused to his stall in the exercise of his trade.

13. The shop occupier shall abide by and shall obey any Regulations made by the The District Council of Grand Port which may hereafter be enforced.

Made in good faith and in two originals on theat the
THE DISTRICT COUNCIL OF GRAND PORE HEAD OFFICE, ROYAL ROAD, ROSE BELLE.

.....
*Chairperson,
Grand Port*

.....
*Chief **Executive***

.....
Shop Occupier

District Council

Party on one Part

Party on the other part

SCHEDULE B

Stall(s) No(s)

Items authorised for sale

Name of Stallholder

Address of Stallholder

.....

Sex Date of Birth:

Stallholder's Identity Card No

Agent's'/Assistant's Identity Card No

Signature of Agent/Assistant

Signature of Stallholder



SCHEDULE C

[Regulation 22(1) and 24(3)]

OCCUPATION FEE

Market	Prescribed yearly occupation fee (per stall)
Jawaharlal Nehru Square Open Market	Rs 9,600

Signature of District Council Inspector

Date:



Seal of Grand Port District Council