

## **Black River District Council Fair Regulations 1999**

### **GN 104/1999**

Regulations made by the Black River District Council under Section 51, 141 and 142 of the Local Government Act 1989

1. These regulations may be cited as the Black River District Council Fair Regulations 1999.
2. In these Regulations:-

"Animal" does not include oxen, bullocks, cows, calves, heifers, sheep, pigs, goats, deer, rabbits, hares and poultry.

"Chairman" means the Chairman of the Black River District Council.

"Chief Executive" means the Secretary of the Black River District Council.

"Contract" means the occupation contract as specified in Schedule C to these regulations or as prescribed by the District Council.

"District Council" means the Black River District Council as defined in the Local Government Act 1989.

"Fair" means any space in or out of the precincts of any market designated by the District Council for the sale and purchase of vegetables or goods under its control and jurisdiction.

"Identity card" means the card as specified in Schedule A or B.

"Inspector" means such officer of the District Council as may be appointed for the control and supervision of markets and fairs and any officer designated by the Chief Executive.

"Market" means any public market that the District Council may possess in its District Council area;

"Market Auctioneer" means any person licensed as an auctioneer in the markets under the provision of the Local Government Act 1989 and authorised by the District Council to carry out sales by auction in the markets or fairs.

"Notice" in relation to an article, means a conspicuous writing or written document which is

- (a) set out on, affixed to or pegged into a specimen of the article or the container of the specimen; or
- (b) where the nature of the article or the manner in which it is kept does not permit compliances with paragraph (a), a notice written in English or French set up close to the place where the article is exposed or offered for sale;

"one kilometre from fair" means such distances in schedule D of these regulations.

"price" in relation to an article, means its price expressed in Mauritius currency and set out in Arabic figure;

"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 trader and possessing the relevant trade licence from the District Council.

"Stall" means any stand, space tent, site place, vehicle, velocipede from which food and other authorised articles as per section 5 of this regulation are sold, but it excludes an "enclosed stall" and an auctioneer's stall;

"enclosed stall" is a premises from which food, fancy goods and other articles as per section 5 of this regulation may be sold with the approval of the District Council,

"stall holder" or "stall keeper" means any person holding a stall or an enclosed stall and it includes auctioneer;

"pesticide" has the same meaning as in the Pesticide Control Act 1970.

"vegetable" includes tubercules and any herb, creeper or leaves.

**Amended by [\[GN No. 234 of 2006\]](#)**

3(1). "Pailles Fair" means the space bounded by Avenue Pingouin No.1, Avenue Condé No 1, Avenue Perruche No.1 and surrounding Guibies Football Ground.

3(2). The fair shall be held on such day and at such times and places as may be determined by the District Council.

**Amended by [\[GN No. 234 of 2006\]](#)**

- 4. There shall be provided between any two rows of spaces or stalls in the fair a free passage of not less than 2mts wide to enable the free movement of customers and other users of such passage.
- 5. The following articles or such other articles as shall from time to time be added thereto by regulations may be sold in the fair:

- (a) Bread, biscuits, pastries;
  - (b) Full grown fruits, vegetables, roots, tubers, cabbage trees, betel leaves;
  - (c) Grain for seed and consumption,
  - (d) Milk, infused tea, coffee and cocoa, cakes, sweets toddy, curd, fresh butter, lemonade, soda water:
  - (e) Groceries, curry powder and other culinary preparations, salt, pepper, candles, soap, sandal-wood, bottled edible cooking oil, ghee, butter;
  - (f) Shells, flowers and "bouquets";
  - (g) Books, stationery, engravings, postcards, Christmas and New Year Cards;
  - (h) Haberdashery, clothing, shoes, earthenware, chinaware, small hardware articles and furniture of local manufacture;
  - (i) (i) Straw hats and bonnets, brooms, brushes, vacoas "tents", baskets and other wicker work of local manufacture;
  - (j) (j) Tobacco;
  - (k) (k) Medical plants;
  - (l) (l) Eggs;
6. (1) Fresh or frozen fish or meat or Crustacea shall be sold in the fair, provided that sanitary conditions are complied with at all times with regard to the Food Act 1998 and Public Health Act.
- (2) No pesticide or insecticide shall be sold in a fair.

**Amended by [\[GN No. 234 of 2006\]](#)**

7. Locally grown mushrooms, shall not be introduced into the fair. Any such mushrooms, when introduced, shall be forfeited and destroyed and the person or retailer in whose possession they shall be found shall be guilty of a breach of these regulations.
8. The Chief Executive or an Inspector may take such steps to prevent any article from being sold or exposed for sale in the fair, or introduced therein other than in compliance with the provisions of these Regulations.
9. (1) It shall not be lawful to sell or expose for sale in the fair any beetroot, carrot, parsnip, manioc, potato, radish, sweet potato, turnip ground nut or other root which has not been properly washed and cleaned.
- (2) Any articles of food which shall have become tainted or decayed whilst exposed for sale, shall be seized forthwith and destroyed by an Inspector.
10. No person shall hawk or cry goods for sale in the fair.
11. It shall not be lawful for any seller occupying a stall in the fair to leave such stall for the purpose of advertising his goods by gestures cry demonstration or to stop any person in any manner whatever for the purpose of inducing such persons to examine or buy his goods.

12. Every person bringing any article to the fair for sale therein shall be bound to comply with such orders as may be given to him by an inspector for the maintenance of order in the fair.
13. 13. It shall not be lawful for any person:
  - (a) to spit or beg in a fair;
  - (b) (b) to create any disturbance or to make use of any foul, injurious or abusive language in such fair;
  - (c) to loiter in the fair.
14. (1) No person shall enter the fair unless decently dressed.
  - (2) No person shall enter the fair whilst under the influence of intoxicating beverages or drugs.
  - (3) Any Seller of vegetables and other goods in the fair shall be neatly and decently dressed.
15. (A)(1) No person suffering from any contagious or communicable disease, shall be admitted to the fair or shall be allowed to act as seller, agent assistant or servant to any seller in such fair. All occupiers of stalls shall be in possession of a valid medical certificate issued by the Sanitary Authority to show that he is free from communicable diseases.
  - (2) A person who is engaged in the handling of food shall while so engaged
    - (a) keep clean all parts of his person which are liable to come into contact with the food,
    - (b) keep clean all parts of his clothing or over clothing which are liable to come into contact with the food,
    - (c) keep out any abrasion or any exposed part of his person covered with a suitable water proof dressing,
    - (d) as soon as a person engaged in the handling of food becomes aware that he is suffering from or is the carrier of typhoid, paratyphoid, or any salmonella infection or dysentery, or any staphylococcal infection likely to cause food poisoning he shall immediately notify the Sanitary Authority.
15. (B) (1) The District Council may direct the cession by competitive tender or by private contract under such conditions and for a period not exceeding three years of the right to occupy any stall. The conditions shall be laid down in accordance with Schedule C to these regulations.
  - (2) (i) Where the cession is by competitive tender the cession price shall be paid within two days of notification to the successful tenderer of the acceptance of his tender, failing which the sale shall, ipso facto, be null and void; and

- (ii) Where the cession is by private contract the cession price shall be payable in accordance with the terms and conditions of the contract.

16. (1) The following monthly rent shall be charged for the occupation of stalls:

(a)	in the covered part of the Fair-1 stall	Rs 200.00
(b)	in the uncovered part of the Fair-1 stall	Rs 100.00
(c)	an enclosed stall	Rs 300.00
(d)	1 stall for auction	Rs 500.00

Amended by [\[GN No. 234 of 2006\]](#)

- (2) the monthly rent shall be paid in advance and not later than the eighth day of each month.
- (3) A rent of Rs. 10/= per day shall be paid for the use of a stall by any casual seller.
- (4) (a) In this regulation the word stall subject to paragraph means an area not more than 1 metre square where goods are displayed for sale at a fair.
- (b) for the purpose of determining the number of stalls in any area, the surface of such area shall be divided by 1 sq. metre and the resulting quotient shall constitute the number of stalls, any remaining fraction being counted as one stall.
- (c) Whenever the stalls in the uncovered fair shall be sheltered, the newly covered fair stall be called covered fair stall 'B' and the provisions of paragraph 16 (1)(b) shall be altered at the discretion of the District Council.

17. (1) No sale by auction shall be carried out in a fair except by a market auctioneer.

- (2) Every market auctioneer shall attend the fair regularly.
- (3) Every market auctioneer shall keep books in the English or French Language showing all his transactions on any day on which a fair is held. An entry of all such transactions shall be made in such books within one hour of the taking place of such transaction.
- (4) Every book required to be kept under the preceding paragraph shall be in such form as shall be approved by the District Council and the pages of such book shall be numbered and initialed by an Inspector of the District Council and stamped with the seal of the District Council.

- (5) Every such book may be examined by an Inspector and every market auctioneer shall be bound to produce any such book for examination whenever required to do so.
- (6) Every sale by auction in the fair shall be conducted aloud in French or Creole patois and the name of the actual purchaser of any article sold shall be announced to the public.
- (7) Auction sales shall not be held in the fair except between 8.00 a.m. and 2.00 p.m.
- (8) (8) Fictitious sales shall not be allowed in the fair.
- (9) (a) Every market auctioneer shall be allowed to claim a fee from any seller on behalf of whom he shall have conducted any auction sale in the fair.
  - (b) Such fee shall not exceed eight per centum of the proceeds of any such sale.
- (10) (a) It shall be lawful for the District Council to withdraw their authority from any market auctioneer who shall have been guilty of a breach of any of the provision of this regulation and to cause such fee as may have been paid by any such market auctioneer to be forfeited.
  - (b) The penalty laid down in the preceding subparagraph shall be in addition to and not in derogation of any penalty specially provided for any breach of the provisions of these regulations.
- (11) No market auctioneer shall be authorised to act as such unless:
  - (a) He is in possession of a licence issued to him under the Trade & Industries Classification Act.
  - (b) He pays the appropriate fee to the District Council under the 8th Schedule of the Local Government Act.
  - (c) He furnishes security to the satisfaction of the District Council for the due performance of his duties.
  - (d) He exercises his calling personally and does not transfer his right to any other person.
- (12) (12) A Security required under the preceding paragraph may be:
  - (1) by deposit with the District Council:
    - (a) the sum of Rs 5,000/=.

(b) a policy of insurance approved by the District council for the sum of Rs 5,000/=.

or (2) by bond with a surety approved by the District Council in the sum of Rs. 5,000/=.

- (13) Whenever any market auctioneer shall die before the expiry of the period of time for which he shall have been authorised to carry out auction sales in the fair, the District Council shall cause such proportionate amount of the fee paid by such market auctioneer under this regulation to be refunded to his heirs or legal representatives.
- (14) No market auctioneer shall hold any direct or indirect interest in any right granted to any other market auctioneer.
- (15) It shall not be lawful for any person to cause any vehicle used for the conveyance of goods of any kind or vegetables in the fair ground to enter such fair ground. Such vehicle shall station on sites to be indicated by an Inspector for such period of time as shall be necessary for unloading.
18. It shall not be lawful to sell or expose for sale in the fair any article of food in contravention of the Public Health Act, the Food and Drugs Act or any regulation for the time being in force prescribing the fitness of food for human consumption.
19. (1) Every person selling by weight or measure in market/fairs, either as principal or as employee, shall be bound to have his own appropriate weights, measures and instruments, duly assessed under the Legal Metrology Act 1995.
- (2) Every person selling by weight shall be bound to have a self- indicating weighing instrument. Alternatively he shall have a set of weights along with an approved beamscale or counter machine. The set of weights shall comprise of:
- |          |           |            |
|----------|-----------|------------|
| 10 grams | 100 grams | 1 kilogram |
| 20 grams | 300 grams | 2 kilogram |
| 50 grams | 500 grams | 5 kilogram |
- The beamscale shall be hung in such a manner as when evenly balanced the pans should be at no less than 5cm above the table, stall or pavement.
- (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) Every person using scale weights, measures and instruments shall keep the same clean and in proper order.

- (5) Every person using weights, measures or instruments, shall comply in all respects with the provisions of the Legal Metrology Act 1985 and the regulations made thereunder.
  - (6) A set of appropriate weights, measures and instruments, duly assized under the Legal Metrology Act 1985, shall be deposited at the office of the Inspector in charge of the Market/Fair.
  - (7) It shall be lawful for any buyer to request the District Council officer on duty in the market/fair to verify the quantity of his goods, and should the said quantity not be found correct, the seller shall be bound to make up the difference without prejudice to the fine hereinafter mentioned.
  - (8) Every seller shall cause to be verified and assized by the Legal Metrology Division his weights, measures and instruments at such time intervals as may be prescribed under the Legal Metrology Act and the regulations made thereunder.
  - (9) The scale dishes shall be of tin or tinned copper or an approved material.
- 20.(1) It shall not be lawful for any person (i) to sell whether by hawking or otherwise, or to expose or offer for sale at any place within the Black River District Council area situated at less than one kilometre from the Fair, any fish, shell fish, shrimps, turtle, and tortoises and oysters; or any vegetables, sugarcane, flower and green or dried coconut or any fruits or any grocery, raw, cooked or prepared foodstuff, or any cookery, cuttlery, haberdashery, clothing, shoe, earthenware, chinaware, hardware, glassware, garment. plastic ware, hat, or bonnet, brooms, brushes. baskets and other wicker works, toy, book, stationery, engraving, post cards, greeting cards and pictures of any size and description, hand or machine tools, fixtures and fittings of any kind.
- (2) The provision of the preceding paragraph shall not apply to licenced shopkeepers and auctioneers and holders of permits issued under Section 62 of the Local Government Act 1989.
21. (1) Any article brought into the fair shall be exposed in full view of the general public.
- (2) The price of any good or article exposed for sale in the fair shall be conspicuously affixed on the article.
  - (3) It shall not be lawful to expose for sale any article or good at a price in contravention of the Supplies Control Act.
  - (4) It shall not be lawful to expose articles for sale on any passage, pavement or open space between or on the sides of stalls, shops or booths or any unauthorised space.



- (5) It shall not be lawful for any occupier of a stall in the fair to expose any article, or to carry out any activity in the fair which may constitute an accident or a safety or health hazard.
  - (6) It shall not be lawful to sit or to lie down on or beneath benches, tables, or stalls of the fair, or to place on or beneath such benches, tables or stalls any articles other than those that are offered for sale unless authorised by an Inspector.
  - (7) No straw leaves, stones, kernels, part of any fruit, peelings of any kind or refuse of any sort shall be scattered or thrown about in the fair. The occupier of any stall or section will be responsible to keep all such refuse in a receptacle approved by an Inspector and to be deposited at such places and times as ordered by an Inspector.
  - (8) It shall not be lawful for any person other than the occupier or his registered agent to carry out any transaction in the fair.
22. Any person occupying or continuing to occupy any 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 stall shall be confiscated unless forthwith removed by such person.
- 23.(a) It shall be an offence to expose for sale or to sell in a stall any article or things not borne on the identity card or contract.
- (b) All stall holders, their agents, assistants and porters shall be in possession of their identity card when on duty.
  - (c) No stall shall be sublet and no other articles other than those described on the identity card shall be sold therein.
  - (d) It shall not be lawful for any stall holder to erect or to cause to erect any structure on his stall.
  - (e) It shall not be lawful for any person to falsify an identity card or to give false information or documents for such identity card to be issued to him.
  - (f) All stall holders shall keep their stalls, the adjoining alley and the space beneath their stalls clean at all times. All vegetables or other trimmings, wrappings, leftovers or other refuse shall be contained in an authorised receptacle and deposited on a site provided for that purpose by an Inspector.
24. Any prosecution under these regulations may be instituted by an Inspector or an Officer of the District Council designated by the Chief Executive.
25. An Inspector may seize and confiscate any articles which are the subject-matter of an offence under these regulations and such seized and confiscated articles shall be forfeited by the contravener and shall be disposed of as directed by than District council or Chief Executive.



Stalls/Spaces No ..... Sex .....

Name of stall/space holder .....

Address of stall/space holder .....

Stall/space holder's card serial No .....

Items Sold .....

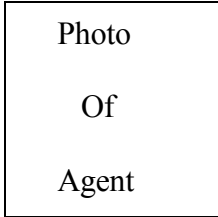
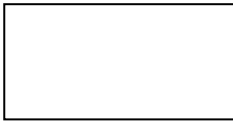
Date of Delivery .....

Signature of Agent.....

Signature of stall/space holder .....

Signature of District Council Inspector .....

(Seal of Black River District Council)



SCHEDULE C

Right of Occupation Contract

Between the Black River District Council represented by its Chairman,  
Mr ..... and its Secretary Mr .....  
On the One Part

AND

Mr .....  
of ..... hereunder referred to as "The Occupier"

On the other part

It has been agreed as follows-

1. The Council hereby sells to the Occupier the right of occupation of  
stall ..... in  
section/subsection ..... in  
the ..... Village market/Fair for the purpose of selling  
therein.

2. The aforesaid right of occupation shall cover the period of..... month as from .....
3. The sale price of the aforesaid right of occupation which amounts to Rs ..... shall either be paid in full by the ..... at latest by ..... instalments of Rs ..... to be paid on .....  
Such payment shall be made to the Treasurer in his Office at the District Council's Head Office.
4. The sale price or instalments stipulated in paragraph (3) above shall be paid in addition to any monthly rates prescribed.
5. (i) Failing the payment by the occupier of any instalment by the fore mentioned date the District Council may rescind the contract by notice in writing and without judicial or extrajudicial process.  
  
(11) Such rescission shall be without prejudice to any other action which the District Council may lawfully be entitled to take against the Occupier. The Occupier shall forthwith vacate the stall and remove all articles therefrom. He shall not be entitled to the payment of any indemnity whatsoever.
6. The Occupier shall not be entitled to sell, transfer, cede, let or otherwise dispose of the aforesaid right of occupation.
7. The Occupier's death shall put an end to the contract unless he leaves a widow or a heir who is willing to continue his aforesaid right of occupation in which case the said widow or heir shall be entitled to take over his right and obligations under the contract.
8. The District Council reserves for itself the right to carry out any structural change including the opening of new door or the closure of existing doors or to alter the general layout of the market without the occupier being entitled to any compensation for loss of trade or otherwise. In case of demolition or reconstruction of the outer walls of the market, the District Council also reserves its right to reduce the space occupied by stalls if this is necessary.
9. The District Council reserves its rights to cause any stall to be so altered, repaired and reconstructed as it may deem advisable without payment of any compensation to the occupier thereof. Such right will be extended to any alteration, repair or reconstruction of the interior installation of any stall should the District Council consider it advisable.  
  
In the latter case the District Council will place at the disposal of the occupier such other stall or stalls as may be advisable in order to enable him to continue his trade.
10. Should the Occupier be found guilty by a Court of an offence under the Legal Metrology Act 1985 and the Supplies Control Act, the District Council may subject to the approval of the Minister of Local Government rescind the contract

by notice in writing and without any judicial or extrajudicial process. In that case, the occupier shall forthwith vacate the stall and remove all articles therefrom. He shall not be entitled to the payment of any indemnity whatsoever.

Should the District Council decide at any time to pull down and reconstruct the market or to make any alterations whatsoever to it, including the opening of new doors, closure Of existing doors, alterations of the general layout of the market, the District Council shall be entitled to put an end to the present contract by giving six months advance notice, to the Occupier of its intention to do so and the Occupier shall thereupon vacate the, stall at the appointed date. The occupier shall not be entitled to the payment of any indemnity whatsoever.

12. If the 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 District Council Inspector.
13. The Occupier shall be responsible for the good maintenance of the stall allotted to him. He shall make good at his own costs ail 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.
14. The Occupier shall abide by, obey and be subject to the District Council Fair regulations which now are or may hereafter be enforced or passed and nothing herein contained shall be held to affect, or limit the full effect of the said regulations.

Made in duplicate.

DISTRICT COUNCIL HEAD OFFICE, BAMBOUS

.....  
Stall Occupier

.....  
Chairman  
Black River  
District Council

.....  
Chief Executive  
District Council