

GUYANA

No. 2 of 1987

BY-LAWS

Made Under

THE MUNICIPAL AND DISTRICT COUNCILS ACT

(Cap. 28:01)

UNDER SECTIONS 303 AND 304 OF THE MUNICIPAL AND DISTRICT COUNCILS ACT, THE FOLLOWING BY-LAWS HAVE BEEN MADE BY THE THREE FRIENDS/WALTON HALL DISTRICT COUNCIL AND APPROVED BY THE MINISTER —

Citation. 1. These By-Laws may be cited as the Three Friends/Walton Hall (Markets) By-Laws 1987.

Interpretation. 2. In these By-laws —

“Clerk” means the Clerk of Markets appointed by the Council and includes any officer of the Council for the time being in charge of any market;

“cold store” means any premises or place used for keeping and preserving by refrigeration process any marketable commodity intended for human consumption;

“Council” means the Three Friends/Walton Hall District Council;

“fees” includes tolls, rates, dues, rents and other imposts charged by the Council in relation to any market established by the Council;

“fresh meat” includes the meat of any animal slaughtered for sale to be used for human consumption;

“market” means the Anna Regina Market mentioned in by-law 3 and any other market established by or with the permission of the Council and include.

an assembly or concourse of buyers and sellers whereat marketable commodity is sold;

"marketable commodity" includes fresh and salted meat, fish, shrimp, vegetables, fruit and sweetmeat;

"medical practitioner" means a person in the public service duly registered as a medical practitioner;

"sell" includes offer or expose for sale;

"stall" includes any counter, bench, stand, or other erection and any space set apart for the reception of any marketable commodity for sale;

"tenant" means the person for the time being in lawful occupation of a stall.

3. (1) The Council hereby establishes the Anna Regina **Market.** Establishment of market.

(2) The Council may establish such other markets as it considers necessary from time to time.

4. (1) The days on which and the hours during which a market shall be opened and kept open shall be in accordance with the provisions of the Schedule. Hours of opening and closing. Schedule.

(2) A notice of the opening periods shall be exhibited at a conspicuous place in the market.

5. It shall be lawful for the tenant of a stall to be in a market fifteen minutes before the time fixed for the opening of the market for the purpose of taking in supplies, arranging and opening his stall, and thirty minutes after the time fixed for the closing of the market for the purpose of closing the stall. Opening hours may be extended.

6. Any unauthorised person found in a market during any period which is not permitted by these by-laws is liable on summary conviction to a fine of one hundred dollars. Prohibiting unauthorised persons in a market.

7. (1) It shall not be lawful for any person to occupy any stall in a market other than the stall allotted to him by the **Clerk.** Allotment of stalls in a market.

(2) Every person who contravenes this by-law is liable on summary conviction to a fine of twenty-five dollars.

Sub-letting
of stalls.

8. (1) It shall be unlawful for a tenant to sublet a stall to any other person.

(2) If a tenant contravenes this by-law, the tenancy shall be deemed to be terminated and the person in occupation of the stall shall at the request of the Clerk vacate the stall forthwith and remove therefrom all marketable commodities belonging to him.

(3) Any person who remains in occupation of a stall after a tenancy has been terminated under paragraph (2) may be ejected therefrom by the Clerk together with any marketable commodities found therein.

Letting of
stalls.

9. The Clerk may let a vacant stall at such rent as may be fixed by the Council.

Fees to be
exhibited.

10. Fees shall be fixed by the Council from time to time and shall be exhibited in a conspicuous place in the market.

Payment of
rent by
stallholder.

11. (1) The tenancy of every stall shall be on a daily, weekly or monthly basis and the rent therefor shall be payable in advance.

(2) In default of payment of the rent, the tenant shall be ejected forthwith by the Clerk who may, in addition to any other remedy for the recovery of rent, enter such stall and seize and sell any marketable commodities therein sufficient for the payment of the rent due.

Power of
Clerk of
Markets to
demand fees.

12. (1) All fees shall be paid on demand to the Clerk or any person authorised by him, and a written receipt of payment thereof, from the Clerk or any such authorised person shall be a sufficient discharge.

(2) Every person who refuses, fails or neglects to pay any fee imposed under these by-laws shall, in addition to any other remedy for the recovery of the fee, be liable on summary conviction to a fine of twenty-five dollars.

Payment of
fees by
persons
other than
tenants.

13. (1) Any person not being a tenant who resorts to a market for the purpose of selling marketable commodities shall pay such fee as may be fixed by the Council before he is permitted to sell such commodities.

(2) The Clerk or any person authorised by him may examine any package brought into a market to ensure that the proper fee is paid on the marketable commodities contained therein.

(3) Any person who refuses or neglects to pay such fee on demand made by any of the persons mentioned in paragraph (2) is liable on summary conviction to a fine of twenty-five dollars.

14. The Clerk shall keep correct accounts of all fees accruing to the Council and shall each day pay to the Chief Finance Officer of the Council all moneys received by him or on his behalf and shall submit to the Chief Finance Officer of the Council on the seventh day of every month a statement of all fees received by him during the preceding month.

Accounting
by Clerk of
market.

15. (1) Subject to paragraph (2) every tenant shall keep open or occupy his stall at all times.

Stall to be
kept opened.

(2) A tenant shall be allowed to close the stall for such periods as may be permitted by the Clerk.

(3) If a tenant keeps the stall closed without the permission of the Clerk the tenancy shall be deemed to be terminated and by-laws 8 and 11 shall mutatis mutandis apply.

16. A tenant may, with the written consent of the Clerk, transfer his tenancy to another person upon payment to the Clerk of such fees as may be fixed by the Council.

Transfer of
tenancy of
stall.

17. The Clerk may, from time to time, designate an area within a market for the sale of a specified marketable commodity.

Restricting
sale of
marketable
commodity to
specific
area.

18. (1) The Clerk shall number all stalls in a market and record such numbers in a book kept for that purpose.

Numbering
or stalls.

(2) The book required to be kept by the Clerk pursuant to paragraph (1) shall contain the name of every tenant, the date the tenancy commenced, the amount of rent payable, the date the tenancy was determined, and the reason for the determination of the tenancy.

19. (1) A tenant shall, on the day of taking possession of a stall, place and keep exposed his name and the name of the stall, if any, printed legibly in a conspicuous place in such part of the front of the stall and in such manner and form as the Clerk shall direct.

Obligations
of tenant.

(2) No tenant shall open or use a stall until he has complied with this by-law.

(3) Every tenant who contravenes this by-law is liable on summary conviction to a fine of twenty-five dollars.

Removal of marketable commodity on giving up possession.

20. (1) The tenant of a stall on giving up possession thereof, or on being expelled therefrom, shall forthwith remove all marketable commodities belonging to him from the stall.

(2) If the tenant does not comply with paragraph (1), the Clerk shall remove the marketable commodities and retain them for a period of seven days except that perishable marketable commodities so removed may be sold forthwith.

(3) The tenant may claim such marketable commodities during the said period on payment to the Clerk of all expenses incurred in connection with the removal and retention of the marketable commodities.

(4) If the marketable commodities remain unclaimed at the expiration of the said period they may be sold by the Clerk, and all expenses incurred in connection with the removal and retention of the marketable commodities and any rents which may be due to the Council shall be deducted from the proceeds of sale.

(5) The Clerk shall remit the remainder of the proceeds of sale to the Chief Finance Officer of the Council who shall deposit the proceeds of sale in a special account to be refunded to the tenant on demand being made by him.

Cleanliness of stall to be maintained.

21. (1) The tenant of a stall shall at all times keep the stall in a clean condition to the satisfaction of the Clerk.

(2) If a tenant refuses, fails, or neglects to keep the stall in a clean condition as required by paragraph (1), the Clerk shall cause such stall to be cleaned, and the expenses incurred by him in so doing may be recovered by the Clerk from the tenant or by seizure and sale of marketable commodities in the stall sufficient for the payment thereof.

(3) Every tenant who contravenes or fails to comply with this by-law is liable on summary conviction to a fine of twenty-five dollars.

Verifying that stalls are clean.

22. The Clerk shall ensure that all stalls in the market are properly cleaned every day before the closing of the market.

Stalls to be secured.

23. (1) It shall be the duty of a tenant to ensure that the doors and windows of the stall occupied by him are secured during any period in which the market is closed.

(2) If a tenant does not comply with paragraph (1) the Clerk may determine the agreement of tenancy.

24. (1) No person shall sell in a market any marketable commodities intended for human consumption which are of unwholesome quality.

Unwholesome commodities to be seized and destroyed.

(2) The Clerk or the Public Health Inspector shall seize and cause to be destroyed any marketable commodities of unwholesome quality intended for human consumption which are found in any stall.

(3) Any person selling such marketable commodities or the tenant of the stall in which they are found is liable on summary conviction to a fine of fifty dollars.

25. (1) No person shall sell fresh meat in a market except at a stall reserved for that purpose.

Sale of fresh meat in a market.

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of fifty dollars.

26. (1) No person shall remove fresh meat from or to a market for the purpose of sale except in a container approved by the Public Health Inspector or the Clerk.

Removal of fresh meat.

(2) The Public Health Inspector, the Clerk or any person acting under the direction of either of them, may inspect the container at any time to ensure that it is kept in a sanitary condition.

(3) Any person who contravenes the by-law is liable on summary conviction to a fine of fifty dollars.

27. (1) No person shall bring into a market any fresh meat for sale, unless the meat has been examined and marked with the official stamp of approval affixed thereon by a medical practitioner or the Public Health Inspector as being fit for human consumption.

Fresh meat brought into market to be examined and passed by an officer.

(2) Any fresh meat brought into a market in contravention of paragraph (1) may be seized and destroyed by a medical practitioner, Public Health Inspector, the Clerk or any person acting under the direction of any of them.

28. (1) Fresh fish sold within a market shall be preserved only by ice or in a suitable cold store.

Mode of preserving fish.

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of twenty-five dollars.

29. (1) All mutton offered for sale in any market shall have the feet and tail attached to the carcass, otherwise such mutton shall be deemed to be goat meat and shall be sold as such.

Special provisions as to sale of mutton.

(2) Any person who sells goat meat as mutton is liable on summary conviction to a fine of fifty dollars.

**Meat to be
minced by
a machine.**

30. (1) No person shall sell any minced meat, unless the meat has been minced by a machine kept in the stall for that purpose.

(2) Every machine shall be kept in a clean condition and in a good repair to the satisfaction of any of the persons mentioned in paragraph (3).

(3) The Public Health Inspector or the Clerk may inspect the machine at any time to ensure that it is clean and in good repair.

(4) Any meat minced and sold in contravention of this by-law shall be seized by the Public Health Inspector or the Clerk and be destroyed.

(5) Any person who contravenes this by-law is liable on summary conviction to a fine of fifty dollars.

**Meat
Vendors to
wear clean
overalls and
to keep
shambles
clean.**

31. (1) Every person who sells fresh meat in a market shall while so doing, wear a clean apron or overall and shall ensure that the counter, table, shambles, chopping block or any other equipment used for the sale of meat is thoroughly clean at all times to the satisfaction of the Clerk.

(2) At the close of business on each day the counter, table, shambles, chopping block and other equipment which have been used for the sale of meat shall be cleaned thoroughly.

**Impounding
of strays.**

32. Any animal found straying in a market shall be taken to the pound by any person on the written authority of the Chief Executive Officer of the Council.

**Inspection
of stalls.**

33. The Clerk, Public Health Inspector or any person authorised by either of them may enter and inspect any stall to ensure that these by-laws are being complied with.

**Dogs not
allowed in
a market.**

34. (1) No person shall cause or permit a dog to enter a market

(2) Any dog found in a market shall be deemed to be a stray dog, and shall be detained by the Clerk for a period of forty-eight hours during which the dog shall be released to any person who satisfies the Clerk that he is the owner thereof and on payment of the sum of two dollars. If the dog is not released to the owner as afore-said it may be disposed of as provided by paragraph (3) except that it shall not be compulsory for the Clerk to detain a diseased or mangy dog for the said period.

(3) Subject to paragraph (2), any stray, mangy or diseased dog found in a market may be destroyed by any person acting under the authority of the Clerk.

(4) Any person who contravenes paragraph (1) is liable on summary conviction to a fine of fifty dollars.

35. (1) No person shall kindle a fire in any receptacle or use a fire within a stall or any part of a market without the written permission of the Clerk, except that a fire may be kindled in the public kitchen of the market. **Kindling of fire.**

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of fifty dollars.

36. (1) No person shall sell any commodity contained in a bottle unless the bottle is labelled with the name of the contents therein. **Bottles to be labelled.**

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of twenty-five dollars.

37. (1) The Council may designate places in a market where marketable commodities shall be loaded or discharged. **Loading and discharging marketable commodity.**

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of fifty dollars.

38. It shall not be lawful for any person to affix any poster, advertisement or other printed matter on any part of a market, except with the written permission of the Clerk. **Printed matter not to be affixed on any part of market.**

39. (1) It shall not be lawful for any person to deposit refuse in or around a market otherwise than in containers provided for that purpose by the Council. **Refuse to be deposited in containers.**

(2) Any person who contravenes this by-law is liable on summary conviction to a fine of fifty dollars.

40. (1) It shall be lawful for the Clerk or anyone authorised by him to remove all obstacles to the paths or passages of a market, and in the event of any obstructions being caused by any marketable commodities to seize and take possession of them. **Removal of obstructions.**

(2) If the marketable commodities are not claimed within twenty-four hours they may be sold by the Clerk and the proceeds thereof paid over to the Chief Finance Officer of the Council.

41. Any person who —

Miscellaneous Offences.

- (a) Expectorates;
- (b) Sits on any table, counter, shambles, or stall;
- (c) Sharpens any hatchet, knife or other implement on the steps, stalls, walls or any brick or concrete structure or floor;
- (d) propels any hand-truck, wheel-barrow or other vehicle recklessly or negligently;
- (e) rides a bicycle;
- (f) does any obscene act;
- (g) places any obstructions in paths or passages;
- (h) engages in any game of chance for money or money's worth;
- (i) breaks or damages any stall, structure or fence;
- (j) conducts a public auction of marketable commodities by out-cry, knocking down of the hammer or any other method whereby the highest bidder is deemed to be the purchaser; or
- (k) Throws any litter,

in or around any market is liable on summary conviction to a fine of thirty dollars.

Penalty for obstruction. 42. Any person who assaults or obstructs the Clerk or any other person in the execution of any duties vested in him or authorised by these by-laws is liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term of two months.

Termination of agreement of tenancy for breaches of by-laws. 43. The Clerk may determine the agreement of tenancy with a tenant if the tenant has been convicted for breaches of these by-laws on three occasions within a period of eighteen months.

Record of seizures. 44. The Clerk shall enter in a book kept for that purpose the particulars of every marketable commodity seized within a market.

General penalty. 45. Any person who contravenes any by-law for which no special penalty is provided is liable on summary conviction to a fine of fifty dollars, and in the case of a continuing offence to a further fine of ten dollars for each day during which the offence continues after notice thereof has been served by the Clerk.

By-laws to be exhibited 46. (1) A printed copy of these by-laws shall be exhibited in a conspicuous place in every market.

(2) Copies of these by-laws may be obtained on application to the Clerk at his office in the market or to the Chief Executive Officer at his office upon payment of such sum for each copy as may be fixed by the Council.

By-law 4.

SCHEDULE

TIMES OF OPENING AND CLOSING OF THE MARKET

1. The days on which and the hours during which the market shall be opened and kept open shall be —

Week days (other than Public Holidays)	7.00 a.m. (07:00 hrs.) to 5.00 p.m. (17:00 hrs.)
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Public Holidays and Sundays —	7.00 a.m. (07:00 hrs.) to 9.00 a.m. (09:00 hrs.)
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Except that during the Christmas period the hours shall be as follows

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| (a) for the first seven working days of the period | 7.00 a.m. (07:00 hrs.) to 5.00 p.m. (17:00 hrs.) |
| (b) for the next seven working days following thereafter | 7.00 a.m. (07:00 hrs.) to 6.00 p.m. (18:00 hrs.) |
| (c) on Christmas Eve Day and on the Saturday preceding Christmas Eve Day when the latter day falls on a Sunday | 7.00 a.m. (07:00 hrs.) to 7.00 p.m. (19:00 hrs.) |

2. In this Schedule the expression "Christmas period" means the period of fifteen working days immediately preceding Christmas Eve Day.

Made by the Three Friends/Walton Hall District Council

this 5th day of January, 1987.

F. L. Gordon,
Chief Executive Officer.

Approved this 13th day of January, 1987.

Jeffrey R. Thomas,
Minister