

# **Ibrahim Abdoollah Municipal Market/Fair Regulations 2007**

**GN No. 97 of 2007**

## **THE LOCAL GOVERNMENT ACT 2003**

### **The Municipal Council of Port Louis**

#### **The Ibrahim Abdoollah Municipal Market/Fair Regulations 2007**

**Regulations made by the Municipal Council of Port Louis under sections 51, 61, 141 and 142 of the Local Government Act 1989 and as subsequently amended and under section 45 (1) & (2) of the Local Government Act 2003**

#### **1. Short title**

These regulations may be cited as the **Ibrahim Abdoollah Municipal Market/Fair Regulations 2007**

#### **2. Interpretation**

In these regulations, unless the context otherwise requires -

"animals" include oxen, bullocks, cows, calves, heifers, sheep, goats, deer;

"article", in relation to food does not include a live animal or bird, but includes, in case of an animal, bird or fish, the whole or any part of it;

"Auction days" means Tuesdays, Thursdays and Saturdays or any other day as may be proclaimed by The Council;

"baby food" means any food or food substitute formulated industrially to satisfy the normal nutritional requirements of babies up to 4 months of age, and adapted to their physiological characteristics;

"best before date" in relation to food has the same meaning as the term "use by date";

"The Ibrahim Abdoollah Municipal Market/Fair" means that part of the Market/Fair bounded partly by Military Road and Canal Anglais;

"Chief Executive" means the Town Clerk of The Municipal Council of Port Louis;

"child" means a person under the age of eighteen;

"chilled cabinet" includes any refrigerator, cabinet or other display case which may contain its contents at a temperature between 2°C and 8°C;

"chilled food" means any poultry or poultry products, meat and meat products, fish and fish products which have been maintained at a temperature between 2°C and 8°C;

"commodity" means an item specified in the schedule of the Commodities (Indication of Origin) Regulations 1981;

"component" means any substance which forms part of an ingredient;

"container" means any form of packaging of foods for sale as a single item whether by completely or partially enclosing the food in such a way that the contents cannot be altered without opening or changing the receptacle in which food is prepared or presented for sale;

"contract" means the deed under private signatures entered into between the Municipal Council and the occupier for the rental, and occupation of any stall or place in the Market/Fair;

"country of origin" means the country in which the food is manufactured or in which the final process of manufacture took place;

"date of manufacture" means the date on which the food becomes the product;

"date of minimum durability" means the date of the end of the period under any stated storage conditions during which the product will retain any specific qualities which have been claimed either tacitly or explicitly;

"employee" means any person of age employed by the occupier to help the latter or to replace him during his absence and duly registered with the National Pension Fund of the Ministry of Social Security and National Solidarity & Senior Citizens Welfare & Reform Institutions;

"fish" -

(a) means any aquatic animal organism; and

(b) includes -

(i) shells and corals, whether alive or dead;

- (ii) salted fish, dried fish, cooked fish and frozen fish;

"fishing limits" includes -

- (a) the territorial waters;
- (b) the exclusive economic zone;
- (c) the continental shelf; and
- (d) areas where Mauritius has traditional or historic rights,

as provided for the Maritime Zones Act;

"fish monger" means a person carrying on a business of selling fish in retail or otherwise and possessing a valid licence issued by the Ministry of Agro Industry & Fisheries;

"food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, bottled drinking water, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food;

"food additive" means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, irrespective of its nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packaging, packing, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods;

"free sample" means any sample of food distributed free of charge by an importer, manufacturer or supplier for purposes of trade or promotion of the food, either in connection with the sale of food or otherwise;

"freezer" includes any refrigerator which may contain its contents at a temperature of between -20°C and -25°C;

"fresh fruit" also includes imported fresh fruits;

"fresh meat" means meat derived from freshly slaughtered animals and which has been subjected to any process with a view to prolonging its keeping quality;

"frozen fish" -

(a) means frozen red fish or frozen white fish; but

(b) does not include imported fish;

"frozen food" means any poultry or poultry products, meat or meat products, fish or fish products which has been maintained at a temperature below the freezing point of water;

"frozen meat" means meat preserved by refrigeration in the same manner as frozen fish;

"frozen red fish" includes Vieille Rouge, Sacré Chien, Babone, Vacoas, Vieille Grise, Gueule Pavé, Tirouge;

"frozen white fish" includes Capitaine, Berri, Cordonnier, Carrangue, Thon, Cateau, Mulet, Licorn, Caya, Breton, Rouget Barbu;

"hawker" means any pedlar or other person who goes from house to house or place to place with goods, wares and merchandise for sale;

"human consumption" includes preparation for human consumption;

"identity card" means the card as specified in the Third Schedule to these regulations;

"ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product, even if in altered form;

"injurious to health" means any impairment whether permanent or temporary to the health of a human being;

"inspector" means such officer as the Chief Executive may direct for the control and supervision of the Market/Fair;

"label" includes any tag, brand, mark, pictorial, or other descriptive matter written, printed, stenciled, marked, embossed or impressed on, or attached to a container of food;

"Trading Premises" means such premises in respect of which a trade fee has been paid for the trade that is being carried therein;

"liquid medium" means the following products, possibly in mixtures, provided that the liquid is merely an adjust to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, brine, vinegar, aqueous solutions of sugars, and fruit or vegetable juices in the case of canned fruits or vegetables;

"Lord Mayor" means the Lord Mayor of the Municipal Council of Port Louis;

"manufacture" includes make, prepare, produce, put into containers, label, pack, or cause to be made, prepared, put into containers, labelled or packed, goods by any process and includes any act done at any stage of the process;

"mark" has the same meaning as in the Trade Marks Act;

"Market" refers to any market under the jurisdiction of the Municipal Council of Port Louis;

"Market/Fair" means the Ibrahim Abdoollah Municipal Market/Fair;

"Mauritius" means the territories which immediately before 12 March 1968 constituted the colony of Mauritius and includes -

- (a) the Island of Mauritius, Rodrigues, Agalega, Tromelin and Cargados Carajos, and any other island comprised in the State of Mauritius;
- (b) the territorial sea and the air space above the territorial sea;
- (c) the continental shelf; and
- (d) such places or areas as may be designated by public notice by the Prime Minister, rights over which are or may become exercisable by the Government;

"meat" means the carcass and offals of any animal, used or intended to be used as food for human beings and includes every edible part of any animal fit for human consumption;

"milk" means fresh milk, sterilised milk, pasteurised milk or milk which has been reconstituted and flavoured, and includes milk powder;

"milk products" means cheese, butter, yoghurt, ice-cream or , fresh cream locally prepared and imported;

"Municipal Council" means The Municipal Council of Port Louis;

"Oceanic bank" means Saya de Malha Bank, Nazareth Bank or Sudan Bank;

"porter" means any person who carries goods, wares or merchandise for sale in or from the Market/Fair;

"premises" includes stall;

"prepackaged" means packaged or made up in advance in a container ready for retail sale to the ultimate consumer and sealed in such a manner that the contents cannot, in any way, be altered without the package being opened or undergoing perceptible modification;

"preparation" includes manufacturing, producing, processing and any form of treatment for the purposes of sale;

"prepare" in relation to food, includes manufacture;

"notice" in relation to an article, means a conspicuous writing or written document which -

- (a) is 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 compliance with paragraph (a), is a notice written in English or French set up close to the place where the article is exposed or offered for sale;

"occupier" means the person or persons with whom The Municipal Council has entered into a contract for the occupation of any stall in the Market/Fair which is in force to all intents and purposes;

"price" means the sum expressed in Mauritian currency and set out in Arabic figure;

"retail" unless otherwise expressly provided, means -

- (a) the sale of all imported goods, wares and merchandise, with the exception of tobacco and of grain, in any quantity not exceeding one entire barrel, case, bale, bag or other package in which goods, wares and merchandise are imported;
- (b) the sale of tobacco manufactured or unmanufactured, in any quantity, not exceeding 15 kilograms;
- (c) the sale of grain of any description in any quantity not exceeding 2 bags as usually imported in Mauritius;

"salted fish" means fish or any part of it which has been prepared and added with salt and fit for human consumption;

"salted meat" means the edible part of any animal which has been prepared or added with salt and fit for human consumption;

"Security Officer" means any officer employed by any contracting firm and bearing such uniform or insign with whom The Municipal Council has entered into a contract for the purpose of watch keeping of the Market/Fair;

"sell" includes hawk, offer, keep, expose for sale, convey, deliver or prepare for sale;

"seller" means a person who sells, offers, exposes for sales any goods, wares or merchandise;

"Slaughter-house" means any abattoir established or licensed under the Meat Act;

"sell-by-date" means the last date of offer for retail sale, provided the product has been stored and handled properly, after which there remains a reasonable storage period in the home;

"soft drink" has the same meaning as in the Soft Drink Regulations 1975;

"substance" includes a liquid;

"summer" means the period of time commencing on 1 October in any year and ending on 31 March of the next ensuing year;

"trader" means subject to the provision of the Bankruptcy Act any person carrying on any business, trade, art or calling in the exercise of which he buys or sells any goods, wares or merchandise, and who is bound to pay a trade fee under the Eighth Schedule to the Local Government Act 2003 as subsequently amended and includes an occupier;

"Trade Fee": The fee payable for the conduct of any classified trade as prescribed under the Municipal Council of Port Louis (Fees for classified trades) Regulation 2006 Government Notice 164 of 2006;

"town" means town or The City of Port Louis inclusive of all regions annexed or which shall form part thereof;

"ultimate consumer" means any person who buys otherwise than -

- (a) for the purpose of resale;
- (b) for the purpose of catering establishment; or
- (c) for the purpose of a manufacturing business;

"use-by-date" means the date of the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally to be expected by the consumers generally;

"unwholesome meat" means meat which is tainted, discoloured, stale, unclean, contaminated, unsound or which is unfit for human consumption;

"vegetable" includes tubercules, and any herb, craper or leaves;

"venison" means any edible part of any deer, stag, hind and includes the offals and fit for human consumption;

"wholesale", unless otherwise expressly provided, does not include retail;

"wholesale dealer" means a person purchasing taxable or non-taxable goods from a manufacturer or distributor for the purpose of resale to a retailer;

"winter" means the period of time commencing on 1 April in any year and ending on 30 September of the same year;

## PART I: MARKET IN GENERAL

### **3. Division into sections and stalls**

The Market/Fair shall be divided into sections and stalls or shops; the names and licence number of all butchers; fishmongers, bakers, haberdashers and other traders shall be posted up in some conspicuous part of their stalls and be painted in white letters, eight centimeters in height, on a black background, or vice versa.

### **4. Opening hours**

The time at which the Market/Fair shall be opened any day shall be the following -

5.00 a.m in Summer i.e 1 October to 31 March inclusively,

5.30 a.m in Winter, i.e 1 April to 30 September inclusively.

### **5. Closing hours**

(1) The time at which the Market/Fair shall be closed on any day of the week shall be 18.00 hours except on Sundays and public holidays when it shall be at 12.00 hours.

- (2) Notwithstanding paragraph (1) above, the Municipal Councilor the Lord Mayor may allow any section of the Market/Fair to open or close at other times for specific purposes.

**6. Admittance after closing hours**

- (1) After the closing hours, (a) no member of the public shall enter or be allowed to enter the Market/Fair and (b) any person found entering, loitering, walking in any alley of the Market/Fair shall be arrested forthwith by the Inspector or Security Officer and handed over to The Police for action.
- (2) Once the Market/Fair is closed, no stall occupier shall stay inside the Market/Fair.
- (3) The public shall not be allowed inside the Market half an hour before closing time.

**7. Cleaning of stall by Occupier**

Every occupier of the stalls or his employee or employees shall, be bound to clean or wash his stall before leaving the Market/Fair in the afternoon.

**8. Stacking/Storing of articles in Market**

No person or occupier shall leave his articles and goods in the premises once the Market/Fair is closed.

**9. Cleaning of the Market**

As soon as the Market/Fair is closed on any day, the cleaning of the Market shall forthwith be effected by the Municipal Council so that same is clean and ready for use on the following day.

PART II: OF SALES IN GENERAL

SUB PART A - GENERAL ITEMS

**10. Items that may be sold in the Market**

The following carcass of animals and articles, the sale of which shall from time to time be approved by regulations, may be sold in the Market/Fair -

- (a) butcher's meat;

- (b) carcass of sheep, goat/kids, bullocks, heifers, cows, calves and deer;
- (c) venison and game; .
- (d) fresh fish with exception hereinafter stated in regulation 15.
- (e) salted fish prepared in Mauritius, salted meat not prepared in Mauritius;
- (f) milk, infused tea, coffee and cocoa, cakes, sweets, toddy curd, fresh butter, soft drinks, alouda, lemonade, minerals, non-alcoholic beverages, soda water, ginger beer and cider made in Mauritius by retail only;
- (g) full grown fruits, vegetables, roots, tubers, cabbage-trees, betel leaves;
- (h) grain for seed and consumption;
- (i) bread, biscuits, cakes;
- (i) curry powder and other culinary preparations, salt, pepper, candles, soap, sandal-wood, olive oil or any table oil, ghee and other foodstuffs;
- (k) flowers and "bouquets", books, newspapers, stationery, engravings, post cards, Christmas and New Year cards;
- (l) haberdashery, clothing, shoes, hats, bonnets, shirts, caps, toys, perfumery, earthenware, chinaware, glassware, small hardware articles;
- (m) straw hats and bonnet, brooms, brushes, vacoas "tentes", baskets and other wickerwork;
- (n) tobacco;
- (o) any other article as authorised by the Council.

## **11. Sale of locally grown mushrooms**

Locally grown mushrooms, except the kind commonly called "champignon grosse patte" and fruit artificially ripened after severance from the tree, shall not be introduced into the Market/Fair, if introduced, they shall be seized, forfeited and destroyed, and the person or retailer in whose possession they shall be found shall moreover be liable to a fine not exceeding 15,000 rupees.

## **12. Sale of articles unfit for human use**

Inspectors, Sanitary Authorities, Municipal Councillors and Police Officers shall have the right to prevent the introduction into, the exposure for sale and the sale in, the Market/Fair, of the articles prohibited as aforesaid and, in addition, of any article whatever unfit for human use.

## **13. Securing samples of doubtful artificial fruits for analysis**

Inspectors, Sanitary Authorities, Municipal Councillors or the Chief Executive may at any time secure samples of doubtful artificial fruits to be sent for examination for laboratory analysis.

## **14. Items prohibited for sale**

- (1) No person or occupier shall sell cement, fertilizer, medicines or baby food in the Market/Fair.
- (2) Sale of alcoholic drinks is strictly prohibited
- (3) Sale of tortoises and marine turtle is strictly prohibited
- (4) any other items that is prohibited by other enactments

### SUB-PART B-FISH

## **15. Sea items prohibited for sale in the Market**

The following fish, crustacea and shellfish known to be dangerous shall not be introduced into the Market/Fair; and if introduced they shall be seized, forfeited and destroyed by order of the Lord Mayor or the Deputy Lord Mayor (in case of absence of the Lord Mayor) or the Chief Health Inspector (in case of absence) under the supervision of a Municipal Health Inspector and the person or retailer in whose possession they shall be found shall moreover be liable to a fine not exceeding fifteen thousand rupees, viz: -

1. Yellow-tailed Croissant (*Variola louti*)
2. Sinsillac or Vieille Babonne (*Plectropomus Maculatus*)
3. Vieille Loutre or Otter Wrasse (*Epinephelus fusceguttatus*)
4. Vara-Vara (*Lutjanus Bohar*)
5. Giblot (*Lutjanus monostigmus*)

6. Wrasse, called Grabe Noir, Vieille Cuisinier (*Cephalopholis argus*)
7. Cheval de Bois (*Anyperodon leucogrammicus*)
8. Chemise (*Lutjanus gibbus*)
9. Large Tartara or Grosse Sardine (*Harengula ovalis*)
10. Flat Wrasse called Bambara or Vieille Plate (*Epinephelus areolatus*)
11. Crab with red spots or Crab Onze Taches (*Carpilius maculatus*)
12. Benitier (*Tridacna* spp.)
13. Sea Urchin (*Echinothrix* sp.)
14. Laffe, if alive (*Synanceja verrucosa*)
15. Boule Tangué (*Diodon hystrix*)
16. Remora or Pilot of the Shark (*Remora remora*)
17. Coffre (*Lactoria cornuta*)
18. Barracuda commonly called "Tazar Lichien" (*Sphyræna barracuda*)
19. Bourgeois (*Lutjanus sebae*)

**16. Toxic fish**

- (1) the species of the fish specified in regulations 15 shall be toxic fish
- (2) The yellow-tailed croissant (*Variola louti*) shall not be deemed to be toxic fish where it is -
  - (a) less than 3 kilograms when ungutted or less than 2.6 kilograms when gutted and has been fished on any oceanic bank; and
  - (b) less than 1.5 kilograms when ungutted or less than 1.3 kilograms when gutted and has been fished in the territorial waters of Mauritius.

- (3) The sins iliac or vieille babonne (*Plectropomus maculatus*) shall not be deemed to be toxic fish where it is less than 3 kilograms when ungutted or less than 2.6 kilograms when gutted and has been fished on any oceanic bank.
- (4) No person or occupier shall expose, sell or offer for sale the species of fish specified in paragraph (2) or (3) unless the fish is exposed, sold or offered for sale in whole either gutted or ungutted.

**17. Sale of minimum size of fish**

No person or occupier shall bring into the Market/Fair, sell, offer for sale, expose or have in his possession any fish of the species specified in the first column of the First Schedule unless it is of the corresponding minimum size specified in the second column of that schedule.

**18. Sale of shark, "poule d'eau" and "carangue"**

- (1) The shark shall only be exposed for sale on a special stall at a distance from the other kinds of fish, unless duly authorised by The Council.
- (2) There shall be a signboard to be approved by the Municipal Council indicating the sale of shark to the public
- (3) The poule d' eau of any size and the carangue above 7.5 kilograms weight must be gutted before they are brought into the Market/Fair,

**19. Person who may bring fish for sale**

No person or occupier shall bring, introduce and keep with him fish in the Market/Fair except those brought in or introduced by a banian or a co-operative society.

**20. Season during which sale of fish may be affected**

It is forbidden to expose for sale or to sell in the Market/Fair any fish, crustacea, testacea, shellfish or other, in contravention of any law or regulation in force for the time being relative to the season during which such fish, crustacea, etc., may be caught and to the size of such fish, crustacea, testacea, etc., that may be caught.

**21. Sale of fish**

- (1) No fish shall be sold, or exposed or offered for sale in the Market/Fair unless previously examined and, approved by the Inspector or any person appointed by The Municipal Council for that purpose.

- (2) Fish preserved in cold storage establishments may be sold or exposed for sale in the Market/Fair, but only on **special stalls designated by The Municipal Council** and with a signboard hung up by the seller indicating in letters eight centimetres in height and easily distinguishable (white on a black background)

## **22. Fish to be gutted and cleaned**

- (1) Any fish intended to be cut for sale shall forthwith be previously gutted and cleaned.
- (2) Every fishmonger cutting up or cleaning fish in the Market/Fair shall have a watertight vessel wherein to put the offal.
- (3) The said vessel shall be placed close to his stall and shall contain a sufficient quantity of disinfectant to cover the said offal.
- (4) It is forbidden to throw the said offal on the ground or in any place within the Market/Fair, except as above.
- (5) No person shall gutter fish in any Market/Fair unless he is the occupier or employee on such stall duly authorised to sell fresh fish.

## SUB PART C - MEAT

## **23. Prohibition of sale within the town**

- (1) No beef, kid or goat flesh, mutton, or other butcher's meat; no fish, shrimps, crabs, lobsters, oysters, other testacea and crustacea shall be sold, exposed or offered for sale within the town, except in licensed premises, Municipal Market/Fairs or outside a radius of 500 metres from the Market/Fair;
- (2) Any preparation made from beef, or goat flesh, mutton or other butcher's meat, and any fish, shrimps, crabs, lobsters, oysters or other testacea and crustacea sold, exposed or offered for sale within the town in breach of the provisions of this regulation shall be seized and forfeited without prejudice to the fine hereinafter mentioned.

## **24. Sale of meat**

- (1) No person shall -
  - (a) sell unwholesome meat;

- (b) keep any unwholesome meat on or near any premises in respect of which a licence has been issued;
- (c) sell fresh meat except from premises in respect of which a licence has been issued;
- (d) sell fresh meat unless it bears the appropriate inspection mark of The Mauritius Meat Authority.

**25. Employment of person**

- (1) An occupier shall not employ in a meat shop any person who -
  - (a) suffers from any contagious skin disease or any infectious or contagious disease;
  - (b) does not comply with the standards of cleanliness specified by The Mauritius Meat Authority and the Municipal Council;
  - (c) has an exposed cut, abrasion or sore on his body;
  - (d) is not in possession of a Foodhandler's Certificate issued by The Ministry of Health certifying that the person is free from any communicable disease.
- (2) A certificate issued for the purpose of paragraph (1)(d) shall be valid for a period of one year.

**26. Employee to be properly dressed**

- (1) No person shall work in a meat shop unless he wears -
  - (a) a cap completely enveloping his hair;
  - (b) a clean apron or overall;
- (2) An occupier shall provide to every person working in his meat shop the caps, aprons and overalls required to be worn under paragraph (1).

**27. No animal in meat shop**

An occupier or any person employed by him shall not allow any animal in meat shop.

**28. Destruction of rats, etc.**

An occupier shall take all reasonable steps to destroy all rats, pests, insects or other vermins in his meat shop.

**29. Meat to be wrapped**

The occupier shall cause fresh meat sold in his shop to be wrapped in clean white wrapping paper or any material approved by The Mauritius Meat Authority or The Municipal Council.

**30. Sign board**

The occupier shall affix in a conspicuous place in his shop a sign board bearing in legible letters his name and surname and the kind of fresh meat sold in his shop (white on a black background).

**31. Disposal of waste etc.**

The occupier shall cause all waste and refuse -

- (a) to be stored in closed containers of a type approved by The Municipal Council and;
- (b) to be collected and disposed of every day.

**32. Table etc. to be cleaned**

The occupier shall cause the table and the walls of his shop to be kept free of fat, blood, dirt or filth.

**33. Inspection of premises**

(1) Any Inspector or Officer of Mauritius Meat Authority, Police or ministry of Health may at any time in relation to premises on which meat is sold or suspected of being sold -

- (a) enter and inspect such premises;
- (b) take sample of any meat for analysis;
- (c) seize any meat suspected of being the subject matter of an offence under these regulations.

(2) Where a sample is taken under regulation (1), the inspector shall -

- (a) inform the person from whom it is taken of his intention to cause it to be analysed;

- (b) divide the sample into three parts, each part to be marked, sealed and signed by the officer and the person from whom it is taken;
- (c) deliver one part of the sample to the person from whom it is taken;
- (d) retain the second part at The Mauritius Meat Authority's laboratory for future comparison and store it at a temperature of not less than -18°C.
- (e) submit the third part to The Mauritius Meat Authority's laboratory for analysis.

**34. Withdrawal of suspected meat**

- (1) Any meat which is suspected of being the subject of an offence may be withdrawn from sale by The Local Authority or Mauritius Meat Authority and kept in such a manner as The Municipal Council or Mauritius Meat Authority thinks fit pending the results of analysis.
- (2) Where any meat is, after analysis, found to be unwholesome it shall be forfeited and destroyed by The Local Authority or Mauritius Meat Authority

**35. Sale of unsound or tainted meat prohibited**

- (1) No unsound or tainted meat or fish or other food unfit for human consumption, and no adulterated or tainted milk -
  - (a) shall be sold or exposed for sale in the Market/Fair,
  - (b) no other beverages, alcoholic drink, such as, wine, beer, stout, and spirits of all kinds, shall be sold or exposed for sale in the Market/Fair.
- (2) Any meat, fish or article of any description which may have become unfit for human consumption whilst exposed for sale shall be removed forthwith by any Inspector and destroyed by order of The Lord Mayor or The Chief Health Inspector without prejudice to any action that may be taken by The Municipal Council.
- (3) It is forbidden to reintroduce into the-Market/Fair any meat or fish which has already been removed from it at any time.

**36. Provision of chopping block etc.**

- (1) Every seller of fresh meat shall have in his stall, at his own expense, a chopping block of approved synthetic material and he shall cut his meat only on the said chopping block.
- (2) All fresh meat exposed or offered for sale shall be hung up by means of iron hooks and shall be laid on the table only when required for sale and delivery to the purchaser.
- (3) The upper part of the tables used by sellers of meat shall be lined with or covered with unjointed stainless steel sheet, or laid with marble tiles or terrazo tops.

**37. Introduction of meat etc.**

- (1) No fresh meat shall be introduced or sold in the Market/Fair, except slaughtered at the abattoir of The Meat Authority and bearing the mark aforesaid.
- (2) The sale of blown meat is entirely prohibited in the Market/Fair; so is the sale of salted meat prepared in Mauritius.
- (3) The provision of this regulation shall not apply to frozen meat and fish imported into Mauritius and preserved in a cold storage establishment in Mauritius, which meat may be sold or exposed for sale in the Market/Fair in a special stall approved by The Municipal Council.
- (4) At each stall so designated there shall be placed in a conspicuous position a signboard indicating in white letters eight centimetres high on a black background that the meat sold at that stall is the produce of locally slaughtered animals which has been chilled or frozen in a cold storage establishment in Mauritius, or as the case may be, is frozen meat imported into Mauritius and so preserved.
- (5) Meat removed from a cold storage establishment shall not be admitted in the Market/Fair unless it is accompanied by a certificate issued by or on behalf of the Manager of such establishment stating the quantity of meat so removed, the date and time of the removal as well as the name of the person on whose behalf the removal is made.

**38. Cleanliness of stall etc.**

- (1) Every butcher or seller of meat shall be bound to keep in a constant state of cleanliness his stall, table, pillars, chopping block, the various utensils used by him, as well as the interior of his stall, and to have them daily and properly washed and cleaned.
- (2) Different kinds of meat (whether beef, veal, cow flesh, mutton, goat or kid flesh) shall be exposed or offered for sale in different stalls, which shall be provided by the tenants with signboards to be hung up in front of such stall, with inscriptions indicating the kind of meat offered for sale; and in the case of

beef, the place of origin of the animal of which the flesh is exposed for sale, i.e whether it is Madagascar, Rodrigues, etc., or Mauritius itself.

- (3) Persons selling meat under a false description shall be liable to the fines and penalties hereinafter mentioned.

**39. Exposure of meat for sale and quantity to be exposed**

- (1) Any butcher occupying one stall or more in the Market/Fair shall be bound to expose for sale of meat on each stall. It shall not be lawful for a butcher occupying any stall in the Market/Fair to expose for sale every week less than the following quantities of meat, viz:-

(1)	Beef	.....	50 kilos
(2)	Veal	.....	25 kilos
(3)	Mutton	.....	25 kilos
(4)	Lamb	.....	25 kilos

- (2) It shall not be lawful for the occupier to expose article for sale on any stall than a butcher's or fishmonger's stalls for less than 10 consecutive days or an aggregate of fifteen days during every month.

**40. Transfer of meat**

It shall be lawful for The Municipal Council to authorise any occupier to carry or to transfer meat or any preparation made therefrom from one Market to another Market/Fair under such conditions that may be fixed.

**41. Sale of venison**

No venison shall be introduced, exposed for sale or sold in the Market/Fair unless it is accompanied by a certificate stating:

- (a) the place where the animal was killed or slaughtered;
- (b) the date of such killing or slaughter; and
- (c) the number of carcasses and weight thereof.

**42. Slaughtering and dressing of animals prohibited**

No animal shall be slaughtered or killed and dressed in the Market/Fair.

**43. Sale of tripe**

- (1) All tripe sellers (if not provided with a basin and running water) shall keep a supply of fresh and clean water constantly at hand in which they shall wash all heads, feet, tripe and other articles exposed for the sale in their stalls as often as necessary, in order to prevent bad smell.
- (2) They shall be bound to have their stalls as well as the various utensils used by them properly washed and cleaned daily before leaving.

SUB-PART D - PREPACKAGED FOOD

**44. Sale of prepackaged food in trade promotion**

No person or occupier shall for the purpose, of trade promotion -

- (a) pass off prepackaged food of one importer, manufacturer or supplier as those of another;
- (b) sell any free sample of food;
- (c) cause a price tag to be affixed on prepackaged food otherwise than on a blank space.

**45. Prepackaged food to bear label**

- (a) No person or occupier shall sell any prepackaged food or manufacture any food listed in the Second Schedule that is intended for sale, packed or canned, unless the container of the food bears a conspicuous label in conformity with paragraphs 3, 4 and 5 of the Standard for the Labelling of Prepackaged Food MS 30 declared in General Notice No. 1058 of 1983 and published by the Mauritius Standards Bureau and Food and Drugs Act and regulations made thereunder.
- (b) Any prepackaged (whether imported or not) or manufactured food shall bear clearly the name and address of the manufacturer, the name and address of the importer, if any, the weight, the contents, the components or ingredients used, the sell by date, best before date and use by date and the price.

**46. Sale of expired food etc.**

No person or occupier shall -

- (a) sell any food whose sell-by-date, best before date or use by date has expired;
- (b) alter, erase, obliterate, remove or forge the date marking of use limit of any food.

#### SUB-PART E - HOT DRINKS

#### **47. Sale of hot drinks**

- (1) Seller of hot tea, coffee, milk and cocoa in the Market/Fair or employees shall be bound to keep the utensils used by them or by the consumers in a constant state of cleanliness; to use clean water taken directly from the fountain tap or taken from storage tank for the infusion of tea and filtration of coffee; to have closed sugar bowls, so as to be fly-proof and to place the stoves used by them in a wooden case lined with tin or other non-inflammable material.
- (2) All bowls, cups, saucers, goblets or utensils of any kind, immediately after having been used by the consumers, shall be properly washed with soap and turned upside down on a drainer, which drainer shall itself be placed in a closed glass case, fly and dust proof.

#### SUB-PART F - COLD DRINKS

#### **48. Sale of cold drink**

- (1) Sellers of lemonade, soda water, soft drinks, cider or mineral waters of any kind, fresh milk, alouada and curd in the Market/Fair, their employees shall be bound to keep the glasses, goblets or utensils of any kind in a state of perfect cleanliness and to have same properly washed with soap immediately after having been used by customers.

Such utensils after being washed shall be turned upside down on a drainer placed in glass case, fly and dust proof.

- (2) Grocers or any person selling sugar by retail shall place the sugar offered for sale in closed boxes, the interior of which shall be lined with tin aluminium, glass and plastic containers or any other metal, so that no dust or flies may enter such boxes. The said boxes shall be opened only when sugar is actually being removed for sale.

Any person failing to comply with the above regulations shall be guilty of an offence and, on conviction, shall be liable to the penalties and fines hereinafter mentioned; and if convicted three times for the same offence, may be expelled from the Market/Fair by the Lord Mayor or the Public Health Committee. The decision taken by The Lord Mayor or the Public Health Committee shall be final.

- (3) Persons or occupiers having to light a fire in the Market/Fair for purposes of their trade shall first obtain permission to that effect from the Inspector in charge and shall extinguish the fire before leaving the Market/Fair. They shall be responsible for any damage to the buildings, dependencies or implements of the Market/Fair in case of fire caused by their negligence or default.

#### SUB-PART G - FRESH FRUITS

##### **49. Sale of fresh fruits**

- (1) No person shall sell fruits otherwise than by units or by weight.
- (2) Every person selling fresh fruits shall -
- (a) provide his own scales and weights;
  - (b) affix the country of origin of every fruit;
  - (c) affix the price in units, multiple of units and the price per kilogram.

#### SUB-PART H - FROZEN FOODS

##### **50. Sale of frozen foods**

- (1) (a) No frozen food shall be displayed or offered for sale otherwise than in a freezer or window freezer.
- (b) No chilled food shall be displayed or offered for sale otherwise than in a chilled cabinet.
- (2) No person shall offer for sale packaged frozen or chilled food unless it bears a conspicuous label indicating -
- (a) the date of production of the frozen or chilled food; and
  - (b) the name and address of the manufacturer on its wrapper.

#### SUB-PART I - GENERAL GOODS ETC.

##### **51. Sale of goods in general etc.**

- (1) Any article brought to the Market/Fair, even for the use of the vendors or their employees, shall be openly exposed.

No barrel case, basket bag or other receptacle shall be kept in the interior of or behind any stall, or place except the closed boxes used for grain, seed and other articles, when specially allowed by The Public Health Committee or The Lord Mayor, under such conditions and restrictions as may be determined by The Public Health Committee or The Lord Mayor.

- (2) All articles exposed for sale in the Market/Fair shall be placed upon shelves or tables of the size, quality substance and shape determined by The Public Health Committee, for the different kinds of articles offered for sale in the said Market/Fair; and it shall be lawful for The Lord Mayor, in case the occupiers of shops or stalls in the Market/Fair do not comply with the above enactment, either to prohibit the sale of the said articles or to have the said shelves or tables made at the expense of the said occupiers, without prejudice to the fine hereinafter mentioned.
- (3) All water used by any trader in the Market/Fair for any article of food shall be cleaned and taken directly from the fountain or tap.
- (4) It is forbidden to expose for sale any article in the avenues or passages of the Market/Fair without a written authorisation from The Public Health Committee or The Lord Mayor.
- (5) It is forbidden to place, leave or deposit any basket or box either with articles or not or any receptacle in any alley, passage of the Market/Fair.
- (6) It is forbidden to sit or to lie down on or beneath the benches or tables of the Market/Fair or to place thereon or beneath any articles than those which are offered for sale.

The Inspector of the Market/Fair may, however, allow the vendors to bring with them and keep under their benches or tables small articles necessary for their personal use.

Such articles may be examined at any time by the Inspectors.

### PART III - GENERAL ADMINISTRATION

#### **52. Persons authorised to stand behind stall etc.**

- (1) It shall not be lawful for any person, except the occupier thereof or his employee, to stand behind a stall, shop or place.

- (2) It is forbidden for any unemployed person to loiter or loaf inside the Market/Fair, and any person found loitering or loafing may be ordered by The Inspectors or The Police to quit the Market/Fair.
- (3) It is forbidden to scatter or throw about in the Market/Fair any straw, leaves, stones, kernels or parings of fruit, or peelings of any kind, or refuse of any sort; all such refuse must be thrown in places set apart and indicated for the purpose.
- (4) It is forbidden to scatter or throw about in the Market/Fair any straw, leaves, stones, kernels or parings of fruit, or peelings of any kind, or refuse of any sort; all such refuse must be thrown in places set apart and indicated for the purpose.

**53. Prohibition to enter Market/Fair with bicycle etc.**

All persons riding bicycles, autocycles and motorcycles shall dismount before entering the Market/Fair. All bicycles, autocycles and motorcycles shall be deposited by the owners in the places designated by the Inspectors. No person shall place or deposit or leave any bicycle, autocycle and motorcycle in any passage or alley between two rows of stalls or shops or in or behind any stall or shop.

**54. Sellers not allowed to leave place**

- (1) No article shall be hawked or cried for sale in the Market/Fair, and all sellers are forbidden to leave their shops, stalls or places, or to stop anyone by touching him, with a view to offer or make the most of their goods.
- (2) It is forbidden for any occupier of stalls, shops or places in the Market/Fair, or for any employee of such occupier, to allow children to stay in such stalls, shops or places, to clean, seive or winnow any article therein.
- (3) No screen, blind, awning or material of any kind used as screen, blind or awning, shall be so used unless it is clean and the occupier of the stall has obtained the written authority of The Lord Mayor allowing the use of screen, blind or awning, which said authority shall be revocable at will.

**55. Prohibition to smoke etc. in the Market/Fair**

- (1) It is forbidden to smoke, spit or beg in the Market/Fair.
- (2) It is forbidden to cause any disturbance in the Market/Fair in anyway whatsoever, or to use therein any foul, injurious, aggressive or unbecoming language.

Any stall, shop or place holder or employee of such holder, who shall contravene this paragraph twice within a year, shall by order of The Public Health Committee give up his stall, shop or place forthwith and shall forfeit the right to sell goods anymore in the Market/Fair without prejudice to any other penalty to which he may be otherwise liable. The decision of The Public Health Committee shall be final.

**56. Every person working or entering the Market/Fair to be decently dressed**

- (1) No one shall be allowed to enter a Market/Fair unless decently dressed.
- (2) All butchers and sellers of beef, mutton, goat or kid flesh and the employees of such butchers or sellers shall be bound to be decently dressed and shall, besides, wear a large white apron.
- (3) Sellers of vegetables, fruits, cakes, bread, dry grains, alouda, lemonade, milk, infused tea, coffee and cocoa, and their employees shall also be bound to be neatly and decently dressed.

**57. Sale forbidden at the entrance and in alley**

- (1) It is forbidden to expose or offer for sale or sell haberdashery or any other articles at the entrance gates and in the alleys or avenues of the Market/Fair or to loiter or to station there.
- (2) (a) It is forbidden to introduce into the Market/Fair any dog or other animal or to enter the Market/Fair with any bicycle, autocytle or motorcycle or hand cart.  
  
(b) Except as in regulation 53 provided, it is also forbidden to introduce any vehicle into the Market/Fair.

**58. Maintenance of discipline**

All persons bringing articles for sale into the Market/Fair shall be bound to obey all lawful orders for the maintenance of discipline issued to them by the Inspector and by the Police.

**59. Stacking of tubers etc.**

- (1) It shall not be lawful for any person, either a tenant or occupier of a stall, shop or place to stack or store in the Market/Fair, bags, containing tubers, dry grain, roots, vegetables or articles of any kind or description.
- (2) No person or vendor paying a retail licence shall be allowed to carry on a wholesale trade in the Market/Fair.

## **60. Damage to Market/Fair premises**

- (1) No person shall cause any damage to the buildings, dependencies or implements of the Market/Fair, nor write or engrave on any wall therein.
- (2) It is forbidden to fix or to adapt, in any manner whatever, nails, screw-rings or anything whatever, to any part of the buildings, dependencies or implements of the Market/Fair, or to hang up or cause to be hung up "tentes", baskets, carpets, towels or any article or thing whatever in any part of the Market/Fair.
- (3) Every person occupying a stall, shop or place shall be bound to keep such stall, shop or place in a proper and constant state of cleanliness and to have a dustbin (of a pattern approved by The Public Health Committee) in which shall be placed all refuse and sweepings. He shall also be bound to have the said stall, shop or place washed and cleaned daily before leaving the Market/Fair.

On a second contravention of this paragraph, it shall be lawful for The Public Health Committee to declare such stall, shop or place vacant to all intents and purposes and all articles exposed for sale therein shall have to be removed at once and if not so removed, shall be forfeited.

## **61. Activities forbidden**

It is strictly forbidden for any person or occupier to cause the following activities to be done in the Market/Fair, viz: -

Dressing of poultry, rabbit, game, and gutting of fish.

## **62. Transfer of stall prohibited**

Any person or butcher who shall, without the written consent of The Public Health Committee, transfer the use of any stall or stalls awarded to, or occupied by him, or who shall, under a borrowed name or by any means whatever, secure or become possessor of, or who shall be directly or indirectly interested in the occupation of, any additional stall or stalls, shall, as well as the holder of such transferred or additional stall, be guilty of an offence; and The Public Health Committee may declare such stalls or such transferred or additional stalls vacant to all intents and purposes, and all the articles exposed for sale therein shall have to be removed at once, and, if not so removed, shall be forfeited.

## **63. Registration of employee**

- (1) Every stall, shop or place hirer who shall employ another person to sell in his place shall declare the fact to the Inspector who shall inscribe the name of the said person in a register to be specially kept for that purpose.

- (2) The said person shall be held responsible for all contraventions occurring during the absence of the stall, shop or place hirer.
- (3) No person afflicted with leprosy, tuberculosis, syphilis or with any other communicable or cutaneous disease shall enter the Market/Fair, remain therein or act as a stall occupier or employee to any occupier.
- (4) Any person employing in the Market/Fair any person affected with leprosy, tuberculosis, syphilis or any other communicable or cutaneous disease, shall be guilty of an offence under these regulations and shall be liable to the penalties and fines hereinafter mentioned, unless he proves to the satisfaction of the Court that he had reasons to believe that the person employed by him was not suffering from one or other (as the case may be) of the abovementioned diseases.
- (5) It shall be lawful for The Public Health Committee to refuse to allow any person it may deem not to be fit and proper person to occupy or to continue to occupy a stall, bench, shop or place in the Market/Fair.

Any person occupying or continuing to occupy such a stall, shop or place, contrary to the decision of The Public Health Committee, which decision shall be final, shall be guilty of an offence, and the articles in the said stall, shop or place shall have to be removed at once and, if not so removed, shall be forfeited.

- (6) It shall not be lawful for any person to carry out any classified trade under the Local Government Act 2003, as subsequently amended, unless he is duly licensed.

Any person acting in contravention of the provisions of this paragraph shall be expelled from such stall, or place.

#### **64. Payment of rent/deposit/utilities**

- (1) A deposit of Rs 5,000 in ten equal installment shall be payable over five consecutive months.

The first installment of Rs 1,000 shall be payable at the end of March 2007. The deposit is refundable on the date of surrender of the stall by the occupier after deduction of amount due (if any).

- (2) The monthly rent payable for a stall in
  - (i) either the Beef, Chicken, Fish, Food Court or kiosk section shall be Rs 1,200/- for continuous activities from Mondays to Sundays including Public Holidays.

- (ii) The vegetables section for activities on either Tuesdays, Thursdays and Saturdays OR Mondays, Wednesdays, Fridays and Sundays shall be Rs 500/-.
- (iii) The fancy goods section for activities on
  - (a) Tuesdays, Thursdays and Saturdays shall be Rs 800/- and
  - (b) On Mondays, Wednesdays, Fridays and Sundays shall be Rs 600/-.
- (3) (i) Stallholders in the Food Court, Fish, Meat, Chicken section using chilled cabinet, refrigerator, or any other electrical appliances should apply for their individual connection in respect of water and electricity supply at the Central Water Authority and the Central Electricity Board, respectively.
- (ii) Stallholders using cooking gas shall make arrangement for their individual supply of gas.
- (iii) The individual stallholders shall meet all cost including payment of deposit, installation fee and payment of monthly bills. In no case shall The Municipal Council be responsible for non-payment of bills or arrears in respect of utilities referred to under sub-sections (i) and (ii) above.
- (4) No rent will be payable for the month of January and February 2007.

#### **65. Occupation of stalls inside markets/fairs**

- (1) Notwithstanding the Land Lord and Tenant Act, The Municipal Council may, by "contrat à durée déterminée", authorize any person to occupy any stall, shop or other place inside any Market/Fair or other premises which it controls or manages, on such terms and conditions as it may determine.

The above authorization shall be for a period of not more than 3 years but may be expressly renewed for further periods not exceeding 3 years, on such terms and conditions, including a revision of the rent payable, as The Council may decide in each particular case.

After that period, any stall, shop or place in respect of which the monthly rent due has not been paid, shall be declared vacant by The Public Health Committee and shall have to be given up at once by the tenant or occupier, and all articles in the said stall, shop or place shall have to be removed at once by the tenant or occupier.

Such stall, shop or place may be let to another person by The, Public Health Committee in the case of vegetables, fruits, flowers, bouquets, fresh coconuts, medicinal plants, betel leaves, fish, deer and game, and by The Public Health Committee in all other cases.

The decisions taken by The Lord Mayor or The Public Health Committee under this regulation shall be final.

- (2) If a tenant or occupier of a stall, shop or place so declared vacant or let to any other person by The Lord Mayor or The Public Health Committee, or sold by auction to any other person, remain in possession of, or leave any article in, such stall, shop or place, he may be summarily and forcibly expelled by order of The Lord Mayor, and any article so left by him shall be forfeited and removed to the City Hall at his expense without prejudice to the penalties and fines hereinafter mentioned.
- (3) Every application for the hire of stall, shop or place shall be supported by a certificate from the Inspector, stating that applicant does not belong to any company or association which shall have in view the monopoly of the sale of any article.

**66. Disposal of stall for non-exposure**

- (1) It shall be lawful for The Public Health Committee to dispose of any stall, shop or place, the tenant of which although paying his rent, shall have exposed no article for sale during ninety consecutive days.

The word "article" in this paragraph refers only to such articles as are properly meant to be sold on such stall, shop or place under these regulations.

- (2) It shall be lawful for The Public Health Committee to dispose of any stall, shop or place, the tenant of which shall not, in the opinion of The Public Health Committee, have carried on his trade to the satisfaction of the said Committee.

The decision of The Public Health Committee under this paragraph shall be final.

- (3) This regulation shall not apply to any stalls or places intended for the sale of beef, which are dealt with in regulation 42 of the present regulations.

**67. Prohibition of sale within 500 metres of the Market/Fair**

- (1) It shall not be lawful for any person to expose or offer for sale or to sell by hawking or otherwise within the town elsewhere than in the Market/Fair or within a radius of five hundred (500) metres from such Market/Fair, the following articles of food, viz; butcher's meat, mutton, goat or kid flesh, deer, pork, sausages, black pudding or other preparations made from pork and tripe, fish, shellfish, shrimps, turtle caught outside the fishing limits of Mauritius.
- (2) It shall not be lawful for any person to expose or offer for sale in a shop, backshop, room, yard, premises of any kind or street or to sell by hawking or otherwise, oxen, sheep, pigs, goats, poultry,

ducks, pigeons, geese, turkeys, guinea-fowls, live turtle except caught in the territorial seas of Mauritius and tortoises, crabs, lobsters, oysters, other testacea and crustacea within a radius of five hundred metres from any Market/Fair.

- (3) It shall not be lawful for any person to expose or offer for sale or to sell by hawking or otherwise, in the streets of the town, green coconuts, flowers, bouquets, betel leaves, sugar canes, tubers, roots, eggs, vegetables and fruits, within a radius of five hundred metres from the Market/Fair.
- (4) It shall not be lawful for any person to expose or offer for sale or to sell by hawking or otherwise in the Streets of the town, within a radius of five hundred metres from any Market/Fair, the following articles, the sale of which is authorised in the Market in virtue of regulation 10 of these regulations, viz:-  
  
grain for consumption, "tentes", baskets, haberdashery, articles of clothing, shoes, hats, bonnets, shirts, caps, toys, perfumery, earthenware, chinaware, glassware, small hardware, tobacco.
- (5) It shall not be lawful for any person to expose or offer for sale or to sell by hawking or otherwise in the Streets of the town, any bread or cakes within a radius of one hundred metres from the Market/Fair.
- (6) Paragraphs (4) and (5) of this regulation shall not apply to licensed shopkeepers nor to auctioneers.
- (7) The word "Street" means and includes any highway, and any road, bridge, lane, mews, footway, square, court or passage whether a thoroughfare or not, and any gutter, pavement, "ponceau" or other part of such highway, road, bridge, etc
- (8) Any person committing any breach of this regulation shall be liable to prosecution and to the fine, penalty, costs, seizure, forfeiture of his articles and provided in regulation 119 (2) hereunder.

#### **68. Prohibition of sale on Market/Fair railings or on the pavement**

It is strictly forbidden, to expose for sale, or sell any meat, fish, vegetables or any articles intended for human consumption, either on the edge of the Market/Fair railings or the pavement alongside.

Any person contravening the provisions of this regulation shall be guilty of an offence and shall, on conviction be liable to the penalties and fines hereinafter mentioned.

#### **69. Weights or measures to be duly assized**

- (1) Every person selling by weight or measure in the Market/Fair, either as principal or as employee, shall be bound to have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act 1985.

- (2) Every person selling by weight shall be bound to have a self-indicating weighing instrument or a spring balance. Alternatively he shall have a set of weights along with a beamscale or a counter machine. The set of weights shall comprise of:

100 grams	1 kilogram
200 grams	2 kilograms
500 grams	5 kilograms

The beamscale shall be hung in such a manner as when evenly balanced the pans should be at not less than 5 cm above the table, stall or pavement.

- (3) The weighing instrument shall be placed in such a position that the weighing of the goods and the indicated weight are simultaneously clearly visible to the purchaser.
- (4) Every person using weights, measures or instruments shall keep 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 of the Market/Fair.
- (7) It shall be lawful for any buyer to request any Inspector in the Market/Fair to verify the quantity of his goods, and should the said quantity not found correct, the seller shall be bound to make up the difference without prejudice to the fine hereinafter mentioned
- (8) Every person 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, as follows -
- (a) his spring balance, yearly;
  - (b) his beamscales, periodically; and
  - (c) his scales, every two years.

**70. No stall etc. to be modified**

- (1) All stalls, shops and places shall remain established as they are now subject to such modifications as regards the size, fittings and monthly letting thereof as may be deemed necessary by The Public Health Committee.

Any modification decided upon by The Council or The Public Health Committee shall be made known to the market contractor and to the tenants by means of a notice posted up at the door of the Inspector's office and any tenant or other person not complying with the decision of The Councillor or of The Public Health Committee shall be liable to the fines and penalties hereinafter mentioned.

- (2) All articles introduced into the Market/Fair shall be exposed or offered for sale or sold only in the stalls, shops and places assigned for the sale thereof by The Municipal Council or The Public Health Committee.

### **71. Sale of cigarettes**

No person or occupier shall -

- (a) sell cigarettes in packets unless they bear such prominent warnings as may be approved by The Minister;
- (b) sell cigarettes to a minor child;
- (c) smoke whilst engaged in the preparation, serving or sale of foodstuffs in a public place.

### **72. Molesting of Municipal Inspector**

If the tenant or occupier of any stall, shop or place, or employee or such tenant or occupier or any person, shall hinder, resist, obstruct or molest, with or without force or violence, any Municipal Councillor, or The Chief Executive, or any Inspector or Guard, it shall be lawful for The Lord Mayor, or The Deputy Lord Mayor or, in the absence, for The Public Health Committee, to declare such stall, shop or place temporarily vacant, pending enquiry and prosecution, if any, and final decision of the competent Court.

All articles exposed for sale therein shall be removed at once and, if not so removed, shall be forfeited.

If such tenant, occupier or agent shall be convicted, it shall be lawful for The Lord Mayor or Deputy Lord Mayor or, in their absence, for The Public Health Committee to dispose of such stall, shop or place, otherwise, such temporary vacancy shall be terminated, and such tenant, occupier or agent shall resume possession thereof.

### **73. Prohibition to play live music**

Every person, or occupier of any stall shall not play loudly live or recorded music with or without songs by means of a radio, radio-cassette, CD, VCD, DVD player, television in such a way so as to incomodate his neighbour or any member of the public.

**74. Blind awning to be cleaned**

Every person or occupier of any stall shall be bound to keep and maintain at all times the blind awning and screen clean and free from any dirt or dust. In case same is torn, he shall forthwith cause same to be repaired at his costs and installed again.

**75. Distance for exposing articles for sale**

- (1) Every person or occupier shall at all times keep or expose any of his articles for sale at least fifty (50) centimetres from the table.
- (2) He shall not at any time obstruct or soil the alley, avenue, thoroughfare passage with his articles or boxes, bags or baskets containing such articles and shall be bound to keep the said alley, thoroughfare, passage or free from all articles for the members of the public to go through freely.

**76. Gambling and obscene gesture prohibited**

Any person or occupier or his employee found gambling or engaged in the process of gambling in any form or manner with whomsoever or being in the possession of any drug, or make any obscene or indecent gesture or act in public or acts in an obscene or indecent manner, or makes or uses an indecent language shall be arrested forthwith by the Inspector or by The Police and brought to any Police Station or Police Post.

**77. Medical examination of occupier and employee**

Every person or occupier as well as his employee or employees shall be bound to be examined annually by any medical practitioner and shall produce to the Inspector a medical certificate certifying his good health.

**78. Deceiving purchaser**

No person or occupier shall sell or offer for sale goods with the purpose of deceiving a purchaser. In the latter case, any member of the public may report the matter to the Inspector, the Police or the appropriate Ministry for the necessary legal action.

**79. Sale of articles to be according to contract**

The occupier shall sell or offer for sale only the item or items mentioned in the contract signed between himself and The Municipal Council.

**80. Prohibition to act as intermediary or guide**

No person shall act as intermediary or guide between a purchaser or any member of the public or a tourist and the occupier and/or any of his employees.

**81.** It shall not be lawful for any occupier and/or any of his employees to have recourse to collaborate with intermediary.

**82. Identification badge**

(1) Every stall occupier and his employee or employees shall be bound to wear ostensibly at his costs and all times an identification badge or any identity card with his photograph and names as approved by The Municipal Council and as mentioned in the Third Schedule.

(2) The stall occupier and his employee or employees shall -

(a) continuously and conspicuously wear such badge or card on their persons whilst working on the stall;

(b) forthwith surrender it to The Chief Health Inspector whenever he or they cease to hold any stall or work thereon for any reason whatsoever. In case of death, the heirs and successors shall be responsible for the surrendering of the badge or card;

(c) immediately notify its loss or any damage caused thereto, to The Chief Health Inspector;

(d) meet the expenses of another badge or card as a result of (c) above;

(e) commit a breach of the contract in case any of the above mentioned conditions is not fulfilled to the satisfaction of The Council.

(3) (a) The stall occupier or his employee or employees shall not under any circumstances whatsoever remit or deliver to any person his badge or card

(b) Any person found wearing any badge or card not belonging to him working on any stall or in the Market/Fair or in its vicinity, shall be immediately arrested by any Inspector or The Police.

**83. Indecent poster prohibited**

No person or occupier shall place or cause to be placed in his stall either visible to the public or not any indecent poster.

**84. Porters to wear badges**

All porters should register themselves with The Chief Health Inspector and wear such badge or identification card containing their names and surnames, addresses and ages.

**85. Occupier and employees to stay behind stall only**

All occupiers and their employees should stay behind their respective stalls and are not allowed to stand in the alley, avenue or passage or in any part of the Market/Fair or in front of the Market/Fair in order to stop tourists or members of the public in any manner whatsoever for the purpose of inducing such person to examine or buy their goods.

**86. Children etc. prohibited to stand behind stall**

All occupiers should not allow children or any person not being an employee to stand behind stall in the Market/Fair.

**87. Possession of offensive weapon prohibited**

No person shall be in possession of any offensive weapon except for the purpose of his trade and should not wander in the Market/Fair with such offensive weapon.

**88. Hawkers not authorised to trade within radius of 500 metres**

Hawkers either licenced or not are not allowed to trade in any part of the Market/Fair or in the vicinity or within a radius of 500 metres from any Market/Fair. In case of non-compliance, the goods shall be secured and seized and may be disposed of as may be decided by The Municipal Council.

**89. Possession of drugs prohibited etc**

Any person suspected to be in possession of drugs in their stalls or any person found loitering in the Market/Fair suspiciously or any person found consuming cough syrup or any person entering the Market/Fair under the influence of drug or alcohol or found soiling the alley or urinating in any part of the Market/Fair or lighting fire crackers may be arrested, questioned and searched by any Inspector or The Police. The stall and the person may be searched without any warrant. Any drug or alcoholic drinks so found shall be secured and dealt with by the Police.

**90. Sellers of toys etc.**

The Lord Mayor or The Municipal Council may declare in writing the zone around the Market where seller of toys, "gateaux Marie" or other occasional or seasonal goods may be sold from time to time subject to the payment of such fees as may be decided and to any condition that may be fixed.

**91. Writing etc. on and damaging municipal property**

No person or occupier shall scribble, paint, write in any way or manner on the wall or fixture of the stall occupied by him or in any part in the Market/Fair or to cause any damage to any building, outhouse or construction forming part of or attached to such Market/Fair or to any object contained therein.

**92. Sale of beet etc. prohibited unless washed and cleaned**

It shall not be lawful to sell or to expose for sale any beet, carrot, parsnip, potato, radish, sweet potato, turnip, groundnut or any edible root which has not been washed and cleaned.

**93. Cleaning of stall**

The occupier of any stall or shop of the Market/Fair shall be responsible to keep clean such stall or shop. All solid waste or other refuse shall be contained in an authorised receptacle and deposited on a site provided for that purpose by The Municipal Council.

PART IV - SALE OF FOOD ITEMS

**94. Use of material for wrapping**

No person engaged in the manufacture, production or preparation of any food for sale for human consumption shall store or use any material unless it is clean, wholesome, free from adulteration, and safe for human consumption.

**95. Premises to be cleaned etc.**

- (1) Any premises where any food for sale for human consumption is produced, handled, manufactured, prepared, cooked, served, packed, sold or kept, shall at all times be cleaned and kept tidy.
- (2) Every seller shall keep or cause to be kept all fittings, utensils, instruments, articles and surfaces of all machinery, apparatus, receptacles used in connection with the production used for the sale of food in a

clean and tidy premises. The handling, manufacture, serving of any food for sale for human consumption shall be in a clean and sanitary condition.

**96. Food to be covered etc.**

- (1) The stallholder shall protect or cause to be protected at all times all food material or food for sale for human consumption from flies or other insects, dust, dirt or other form of contamination.
- (2) No food for immediate consumption shall be exposed for sale, otherwise than in a clean closed receptacle so as to prevent contamination by dirt or flies. The stallholder shall cause all bags, crates, cases containing any food material to be kept in packets or stages 12 inches above floor level.

**97. Food for sale to be wrapped**

No person shall sell any food for ready human consumption to any purchaser unless the food is packed, wrapped or covered so as to protect it efficiently from flies, dirt and other contaminating matter except in the case of vegetables, and fruits which have an inedible cortex which are usually clean prior to cooking or eating.

**98. Use of unclean wrapping material**

No person shall pack or wrap or cover any food for sale for human consumption in any wrapping material or container which is not clean or on which there is any writing or printing except where the writing or printing is for the purpose of labelling the food or indicating the name and address of the occupier or licensee.

**99. Use of wrapping material yielding toxic substance**

- (a) No person shall use or cause to be used in the preparation, packaging, storage, delivery or exposure of food for sale, any package or container which yield or could yield any toxic, injurious or fainting substance to its contact.
- (b) No person shall use or cause to be used in the preparation, packaging, storage, delivery or exposure for the sale of any food, any package or container which has at any time contained fertilisers or pesticides or any contaminated matter or that had been used for non-food products.

**100. Receiving back bread etc. after sale prohibited**

No person shall, whether as a stallholder or employee change or receive back any bread, meat, fish, butter or milk or any unpacked food, except vegetables and fruits, previously delivered to any private customer.

**101. Sale of pesticides etc. with food prohibited**

No person engaged in the sale of food for human consumption prepacked or otherwise, shall on the same premises, trade in the sale of pesticides, fertilisers, or similar products.

**102. Blowing into wrapping paper prohibited**

No person shall blow with the breath into any paper bag or other container preparatory to its use as a receptacle for food for sale for human consumption or wet his fingers by means of his saliva, to facilitate the handling of paper bags or other containers or wrapping for any food for sale for human consumption and no person shall whilst engaged in the sale of unwrapped cooked food, handle paper money or coins.

**103. Use of pliers etc.**

No food shall, on being sold to a person, be removed from a receptacle or delivered to the customer otherwise than by means of pliers, tongs or other similar utensil.

**104. Sale of food etc. in clean wrapping paper**

No person shall deliver food to a customer unless it is wrapped in clean, white and unprinted plain paper or placed in a clean container or bag.

**105. Sale of beverages in clean containers etc.**

Any premises where milk, drink, aerated water, fruit drink or curdled milk or soup is sold for immediate consumption on such premises, the seller shall not serve any beverage for immediate consumption except in clean containers or in clean single service containers.

**106. Storage of drinking straws**

Any premises where beverages are sold shall provide and maintain a clean container for storage of drinking straws, and the re-use of drinking straws is prohibited.

**107. Medical Certificate**

Every person engaged in the sale, preparation, serving, packing, carriage, handling or delivery of any food for human consumption shall -

- (a) be in possession of a medical certificate issued by a Government Medical Officer stating that he is free from any communicable or infectious disease, and such a certificate shall be valid for a period of one year from the date of issue, and shall be produced on demand to the Inspector;

- (b) while so engaged, keep and maintain his clothing, hands, hair, finger nails and body clean;
- (c) while so engaged wear a clean, washable overall to prevent the food from coming in contact with any part of his ordinary clothing;
- (d) while so engaged refrain from eating, smoking and spitting.

**108. Storage of frozen & fresh food together prohibited**

No person shall store, sell or offer for sale frozen food or chilled food on a premises where fresh meat, fresh fish and fresh poultry is stored, sold or offered for sale.

**109. Substitution of frozen food for fresh food prohibited**

No person shall sell or offer for sale thawed out frozen or chilled food by passing it as or substituting it for fresh meat, fresh fish or fresh poultry as the case may be.

**110. Substitution of meat of one animal for another prohibited**

No person shall sell or offer for sale the meat of one kind of animal by passing it as or substituting it for the meat of another kind of animal.

**111. Sale of frozen fish in ungutted state prohibited**

No person shall store or offer for sale any frozen fish in an ungutted state.

**112. Sale of expired pre-packed food prohibited**

No person shall

- (a) sell or offer for sale any pre-packed food whose sell-by-date or use-by-date has expired;
- (b) alter, erase, obliterate, remove or force the date of use limit of any pre-packed food.

Any frozen or chilled food offered for sale otherwise than in a freezer or chilled cabinet or any defrosted or chilled food that has been refrozen or rechilled or any frozen or chilled food that has been completely or partially defrosted and any ungutted frozen fish, or any pre-packed food whose sell-by-date has expired; stored or offered for sale shall be seized and destroyed.

**113. Display of chilled food in chilled cabinet**

- (a) No chilled food shall be displayed or offered for sale otherwise than in a chilled cabinet and
- (b) No frozen food shall be offered for sale otherwise than in a freezer.

**114. Sale of defrosted food prohibited**

No person shall expose, offer or sell any frozen food or chilled food which has been

- (a) defrosted and subsequently refrozen or rechilled and
- (b) completely or partially defrosted.

**115. Switching off of electricity**

No person shall, otherwise than in emergency, cause the electric power to a freezer or chilled cabinet used for the storage or display of frozen or chilled food intended for sale to be switched off at anytime during which it contains frozen or chilled food.

**116. Use of standby generator**

No person shall, following an electric power cut of more than 12 hours, allow frozen or chilled foods intended for sale, to be stored or displayed in a freezer or chilled cabinet, unless the electric supply thereto is restored by a standby generator or otherwise.

**117. Freezer etc. to be free from odours etc.**

No person shall use a freezer or chilled cabinet for the storage or display of frozen or chilled food unless it is kept free from objectionable odours and maintained in a clean and hygienic condition.

**PART V - PENALTIES AND OFFENCES**

- 118. (1)** Any person or occupier who fails to sell or expose for sale taxable or non-taxable goods to any person, retailer or wholesale dealer at the maximum wholesale or minimum retail prices specified in the regulations made under the provisions of the Supplies Control Act, shall commit an offence and shall on conviction be sentenced to pay a fine not exceeding Rs 15,000.

(2) Every occupier or his employee shall be bound to indicate, the price of each item or article for sale and same should be according to the prices fixed by the competent Ministry.

**119.** (1) Any person contravening any of the provisions of these regulations or hindering, resisting, obstructing or molesting (with or without force or violence) or disobeying any lawful order of The Lord Mayor, The Chief Executive or any Inspector, shall be liable to a fine not exceeding Rs 15,000 or imprisonment not exceeding 6 months and may be expelled from the Market/Fair.

Such person may be prosecuted by the Municipal Council, The Chief Executive, any Municipal Inspector, or Guard and by any member of The Police without prejudice to further prosecution for any offence he may have committed against any law, Act or regulations.

(2) Any article being subject-matter of a contravention of the present regulations may be seized by The Lord Mayor, by The Chief Executive, by any Inspector, and may be confiscated or forfeited in favour of The Municipal Council by order of The Magistrate, unless the regulations otherwise direct.

The Magistrate shall also order the payment by the party found guilty of all costs incurred by The Municipal Council in connection with removal, the safe keeping and the production in court of any article seized. Such costs shall be deemed costs in the case, and shall be recovered as such.

Made by The Municipal Council of Port Louis on this 17th day of November 2006.

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

## FIRST SCHEDULE

### Regulation 17

	Centimetres
Barbets.....	20
Battardets.....	20
Capitaines.....	30
Carpes.....	15
Cordoniers.....	20
Rougets.....	20
Dame Berries.....	30
Gueules Pavées.....	30
Licornes.....	30
Mullets (all species).....	30
Crabs (Carlet).....	15

Oysters and Mussels.....	5
Rock lobsters (from the eye stalks to the end of the thorax).....	10

## SECOND SCHEDULE

### Regulation 45

1. Butter
2. Baby food and infant food
3. Breakfast cereals
4. Biscuits
5. Chilled fish
6. Chocolate and chocolates confectionery
7. Cooked, pre-cooked or ready to cook food or frozen
8. Cooking oil
9. Dried fruits
10. Flour (wholewheat)
11. Preserved fruits and vegetables
12. Fruit juices
13. Ghee
14. Homogenised composite food preparations of a kind used in infant feeding
15. Margarine
16. Milk products
17. Meat of all description and their offals, including chilled animal blood
18. Milk, plain or flavoured
19. Milk powdered
20. Poultry and offals
21. Packed poultry
22. Prepared food obtained by the swelling or roasting of cereals or cereals products
23. Prepared mustard mayonnaise and salad cream
24. Rice (non-ration)
25. Salad dressing
26. Snacks
27. Sauces
28. Yoghurt, curdled milk, kephir and other fermented or acidified milk.

**THIRD SCHEDULE**

Regulation 82

**IDENTITY CARD**

MUNICIPAL COUNCIL OF PORT LOUIS

Identity Card

Passport Size

Stall Occupier/Employee

Photograph

Name.....

Surname.....

Stall No.....

Market/Fair.....

Date of Issue.....

.....

Chief Executive

.....

Signature