

Government Notice No. 96 of 2016

THE LOCAL GOVERNMENT ACT
Regulations made by the District Council of Flacq
under sections 50, 56, 57, 58, 158 and 163 of
the Local Government Act

Short Title

1. These regulations may be cited as the District Council of Flacq (Market) Regulations 2016.

Interpretation

2. In these regulations –
 - “administrative fee” means the fee levied by the Council as regards to transfer, and shifting of stalls;
 - “annual fee” means the yearly fees payable by the stallholder in respect of his stall;
 - “animal” includes ox, bullock, cow, calf, heifer, sheep, pig, goat, deer, rabbit, hare and poultry;
 - “authorised article” means an article listed in regulation 6;
 - “authorised officer” means an Inspector of the Council or any police officer designated by the Chief Executive;
 - “chilled” has the same meaning as in the Food Act;
 - “chairperson” means the Chairperson of the Council;
 - “chief Executive” means the Chief Executive of the Council;
 - “contract” means the occupation Contract in the form set in the First Schedule or as otherwise laid down by the Council;
 - “contractor” means an independent entity or person that agrees to furnish materials, equipment, personnel and or services

that meet or exceed stated requirements or specifications at a tendered price and to perform work within specified time.

“council” means the District Council of Flacq;

“fish” –

- (a) means any aquatic animal organism; and
- (b) includes, shell and corals, whether live or dead, salted fish, dried fish, cooked fish and frozen fish;

“frozen food” includes any poultry or poultry product, meat, meat product, whole or filleted fish, fish product, seafood and vegetables which have been maintained at a temperature of -18 degrees or below;

“identification card” means a card in the form set out in the Second Schedule;

“Inspector” means an officer of the Council appointed for the control and supervision of markets;

“market” –

- (a) means an outlet within the administrative area of the Council for the purchase and sale of authorised articles; and
- (b) includes the Central Flacq Market situated at Avenue Virginie, Central Flacq;

“meat” includes every edible part of any animal fit for human consumption;

“occupier” means the person to whom a stall has been allocated;

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

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

“shifting” means to move from one stall to another or from one section to another;

“stall” means any stand space in a market from which authorised articles are sold.

“survey” means the collection of information regarding the occupancy of stalls in fairs.

“transfer” means change of ownership and it includes transfer from one name to another

“stallholder” means person authorised by the Council to occupy a stall for sale of authorised articles;

“vegetable” includes tubercules and any herbs, creepers or leaves; and such other things that the Council may designate

“vehicle” means any motorcycle, auticycle, car, lorry, minibus, light truck, goods vehicle, velocipedes, bicycle, tricycle, van

“venison” –

(a) means any edible part of a deer, stag, hind; and

(b) includes any offals fit for human consumption.

3. Hours governing the market

(1) Every market shall open at 6 a.m. and close at 6 p.m. on weekdays, unless otherwise directed by the Chief Executive.

(2) Every market shall open at 6 a.m and close at noon on public holidays, unless the Chief Executive may direct otherwise.

4. Different sections of the market

(1) Every market shall be divided into such sections as the Council may approve.

(2) Every market shall be divided into, sections, stalls or other spaces and the name of each lessee shall be posted up by the Council

in front of each stall or space let to the lessee, according to a plan as the Council may approve.

(3) Cooking of food shall be allowed only at specific spaces reserved for such purposes and approved by an Inspector of the Council in writing.

5. Authorised articles to be sold in the market

(1) The following articles shall, subject to regulations 6 and 7, be authorised articles which may be sold in a market –

- (a) beef, veal, mutton, lamb, goat's and kid's flesh, pork, cowheel, hare, rabbit, sausage, black pudding and other preparations made from pork and tripe;
- (b) poultry and domestic fowls including pigeons;
- (c) venison and game;
- (d) fresh fish, sea and river shell fish, testaceous, cuttle fish and calamars;
- (e) salted and dried fish;
- (f) milk, eggs, fresh butter and curd; juice; and non alcoholic beverages.
- (g) full grown fruits, but not artificially ripened mangoes and fruits de cythere;
- (h) chilled or frozen meat, frozen vegetables, frozen fish and frozen crustacea;
- (i) vegetables, edible roots, tubers, betel, spices and pickles;
- (j) grain to be used as food;
- (k) flowers;
- (l) locally grown medicinal and aromatic plants not of a poisonous nature;

- (m) baskets and other wicker-work of local manufacture;
- (n) honey and wax;
- (o) bread; prepared foodstuffs and confectioneries;
- (p) haberdashery, fancy goods, cutlery, glassware, chinaware, crockery toys; and
- (q) any other article which may be approved by the Council.

6. Prohibited articles to be sold in the market

(1) No person shall introduce into a market any of the following species of fish, crustacea and other animal –

- (a) yellow-tailed croissant;
- (b) vieille loutre or otter wrasse;
- (c) varavara;
- (d) giblot;
- (e) wrasse called crabe noire;
- (f) cheval de bois;
- (g) chemise;
- (h) sinsillac;
- (i) flat wrasse called bambara;
- (j) crab with red spots;
- (k) benitier;
- (l) sea urchin;
- (m) caret or hawk's bill turtle;
- (n) laffe, if alive;
- (o) boule-tangue;
- (p) remora or pilot of the shark;
- (q) caranx SP (carangue des bancs); and
- (r) grosse sardine (harengula ovalis).

7. A. Special conditions for sale of articles

(1) Any *poule-d'eau* and any *carangue* above 7.5 kilogrammes inweight shall be gutted before being brought into a market.

(2) The flesh of the shark shall be exposed for sale on a separate stall at a distance from ordinary fish-stalls and bearing a distinctive label or sign.

(3) No person shall expose for sale in a market any crustacea, testacea shell fish of any kind that are not in season or not of the size authorised in any enactment relating to fisheries.

(4) No person shall introduce into a market any locally grown mushrooms except the kind commonly called *champignon grosse patte*.

(5) No carcass of a sheep, lamb, goat or kid shall be received into a market without the tail and part of the skin thereof adhering to it.

(6) Goats' and kids' flesh shall not be sold or exposed for sale as mutton or lamb.

(7) No person shall expose for sale in a market any sausages, black pudding or preserved pork which have not been prepared in an approved abattoir or in a processing plant, or any sausages prepared with any meat other than fresh pork.

(8) Any fish intended to be cut for sale shall forthwith be gutted and cleaned.

(9) No meat shall be admitted into a market unless it is found to be fit for human consumption by the Mauritius Meat Authority or the Sanitary Authority.

B. Conditions for sale of meat, fish, poultry, pork and other allied products

(1) No meat shall be introduced or exposed for sale in a market unless it has been prepared by an approved slaughter

house and bears the mark of the slaughter house and is accompanied by a permit signed by the veterinary officer or the Inspector of the slaughter house on which shall be stated;

- (a) the name of the owner;
- (b) the market at which the meat is intended to be sold;
- (c) the number and weight of carcasses and the quantity of sausages, black-pudding and other preparations intended to be introduced in the market.

(2) No venison shall be introduced or exposed for sale in a market unless it is accompanied by a certificate stating –

- (a) the place where the animal was killed;
- (b) the date of the killing; and
- (c) the number of carcasses and their weight.

(3) No animal shall be slaughtered and dressed in the market.

(4) Every stallholder selling fish or tripe sellers shall keep a supply of fresh water constantly at hand, in which he shall wash the articles sold by him to prevent bad smell.

(5) Every fishmonger cutting or cleaning fish in a market shall have a watertight vessel placed close to his stall and containing a sufficient quantity of quick lime or any approved disinfectant, wherein to put the offal.

(6) No offal shall be thrown on the ground or within the market and its vicinity.

(7) All fresh fish remaining unsold at the close of a market and which is to be sold or exposed for sale the next

morning shall be gutted , cleaned and kept in a chilling cabinet approved by an Inspector and not be sold as fresh fish.

(8) Frozen food sold by butchers or fishmongers in a market shall be kept in freezer approved by an inspector.

(9) No frozen food shall be removed from a freezer except as and when required for sale.

(10) In the event of a power failure or breakdown causing the items stored in a freezer to thaw, the contents shall be disposed of as directed by an inspector.

(11) No meat, chicken, fish or crustacea which shall have been removed from a market shall be re-introduced therein after being so removed.

8. Allocation, suspension, revocation, shifting, adjustment, transfer and surrender of stalls

A. Allocation

(1) (a) The Council may, after inviting expression of interest and by contract authorise any person to occupy any stall, shop or other place inside any market or fair for such other space which it controls or manages on such terms and conditions as laid down in the First Schedule.

(b) After calling for tenders and by contract, authorise any person to occupy any other premises which it controls or manages, on such terms and conditions as it may determine.

(2) An authorisation under paragraph (1) 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 condition, including a revision of any fee payable as the Council may determine in each particular category.

(3) Except with the approval of the Minister, a local authority shall not –

- (a) suspend, revoke or fail to renew an authorisation granted under regulation 10(1).
- (b) where it has the option not to renew a contract entered under regulation 10(1), exercise that option; or
- (c) vary the terms and conditions of an authorisation granted under regulation 10(1).

(4) It shall be lawful for the Council to decide upon the number of stalls or spaces to be allocated to any stallholder/occupier.

(5) It shall not be lawful for a stallholder to sublet or assign the stall allotted to him to any other person.

B. Suspension and revocation of stall

(1) Where the occupier is found guilty of an offence under the Legal Metrology Act and the Supplies Control Act, and the District Council of Flacq Fair Regulations, the Council may subject to the approval of the Minister of Local Government, may rescind the contract by notice in writing and without any judicial or extrajudicial process. In that case, the Occupier shall forthwith vacate the stall and remove all articles there from, he shall not be entitled to any indemnity whatsoever.

(2) It shall be lawful for the Council to recommend revocation of a stall –

- (a) in case a stall holder is in arrears to the Council for a period of more than 3 months.
- (b) the stallholder is not occupying the stall for a period of 3 months.
- (c) the stallholder has sublet the stall

C. Shifting of stall

It shall be lawful for the Council to approve shifting of stall on request received from stallholders. The Council shall decide the stall number to be allocated in case of shifting of stall may be done within one section or from one Section to another. The stallholder has to surrender the previous stall.

D. Transfer of stall

It shall be lawful for the Council to approve transfer of stall. Transfer of stall will be allowed among descendants and ascendants and relevant documents have to be submitted to ascertain relationship.

E. Allocation of additional stall

It shall be lawful for the Council to make adjustment of stall on request from stallholder. The Council may allocate additional space to a stallholder, in case the latter is wholly dependent upon the activity of the market/fair to earn a living. The stall to be allocated should be in same section and must be adjacent. The stallholder shall have a good conduct and must not be in arrears with the council.

F. Surrender of stall

It shall be lawful for any Stallholder to surrender his stall at any point in time and same has to be communicated to the Council in writing. All arrears due on the said stall have to be settled.

9. Price/weight and measures in the market

(1) Every stallholder selling articles by weight or measure in a market shall have his own appropriate weights, measures and instruments, duly assized under the Legal Metrology Act.

(2) Every stallholder selling by weight shall have a self-indicating weighing instrument.

(3) The weighing instrument shall be placed in such a position that the weighing of goods and the indicated weight are simultaneously clearly visible to the purchaser.

(4) A set of appropriate weights, measures and instruments duly assized under the Legal Metrology Act shall be kept at the office of the Inspector in charge of a market.

(5) It shall be lawful for any purchaser to request an inspector on duty in the market to verify the quantity of his goods, and should the quantity not be found correct, the stallholder shall make up the difference.

(6) The price of any article or goods exposed for sale in the market shall be conspicuously affixed on the article.

10. Responsibility of stallholder/employee in the market

(1) No person shall sell any article on a specific stall other than that for which it has been designated or authorised.

(2) The Council may determine the number of stalls or spaces to be allocated to a stallholder.

(3) It shall not be lawful for a stall holder to erect or to cause to be erected any structure on his stall or space.

(4) All refuse shall be deposited or emptied in places set apart for the purpose and no person shall scatter or throw about in a market any straw, leaves, peelings, waste paper or other refuse of any sort.

(5) Every butcher shall provide at his own expense a block for chopping purposes.

(6) Every stall holder selling fresh meat and fish shall make provision for a chilling cabinet.

(7) No person shall sit on the tables or stalls in a market.

(8) No person shall be allowed to enter a market unless decently dressed or when under the influence of intoxicating drinks or drugs.

(9) Every stallholder/seller involved in the cooking of food and other similar activities shall be bound to keep in his custody at all times an appropriate fire extinguisher in good working condition.

(10) It shall not be lawful to obstruct or to expose articles for sale on any passage, open space between or on the sides of stalls, shops or booths or any unauthorised space.

(11) No barrel, basket, bag or other similar receptacle shall be kept inside a market, except for the storage of grain, seed or other articles requiring special receptacles to be properly exposed.

(12) No person shall cause any trouble in a market or use foul, insulting or unbecoming language, or play games.

(13) No person suffering from any communicable disease shall be allowed to trade in a market.

(14) Every stall holder or agent/employee must be holder of a valid Food Handler's Certificate issued by the Sanitary Authority.

(15) Stallholders shall, on demand, produce to an Inspector a Certificate or other document or information establishing to the satisfaction of the inspector, the name, the address, the telephone number of the planter or the owner (if the seller is not selling vegetables grown by himself) of the vegetables exposed for sale by him at his stall in the market.

(16) Any article brought for sale into a market shall be openly exposed in the stall or space allotted to a stallholder.

(17) No article shall be hawked or sold by auction in a market and no stallholder shall annoy or stop any person with a view to offer or advertise his goods or expose his good for sale otherwise on the stall leased to him.

(18) The holder of a stall or market space shall be held responsible for the cleaning of the stall or market space leased to him.

11. Identification card

(1) Every stallholder and or his employee/Agent shall when on duty carry an identification card issued to him by an Inspector.

(2) The Identification card shall be issued against a payment of a fee and on re- issue of the card another fee shall be levied from the stallholder. The fees shall be as prescribed in the Third schedule.

(3) All stallholders shall have an identification card in his possession whilst trading in a fair. He shall produce on demand to any authorised officer his identification card.

12. Order given by an inspector/officer of the council

(1) It shall be lawful for an inspector to order any person to stop occupying any stall, space in the fair.

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

13. Prohibited acts/behaviours

(1) No person shall feed animals or birds, including pigeons, or allow food articles to be exposed in such a way that birds get access to it.

(2) No person shall introduce dogs or such other domestic animal/pets into the Market.

(3) No person shall enter the market whilst under the influence of intoxicating beverages or drugs.

- (4) It shall not be lawful for any person –
- (a) to bring into, or have in his possession at a market, fireworks or other explosive substance, hazardous liquids, bulk gases or any substance which may be a source of danger to anyone.
 - (b) to shout, to create any disturbance or to make use of any foul, injurious or abusive language or behave indecently in a fair; or play musical instruments & games in the market.
 - (c) to loiter in the market with intent to commit an offence;
 - (d) to allow any article to remain in the passage meant for the free flow of customers;
 - (e) to smoke, spit, beg in the market

14. Movement of vehicle in market and in the parking zone

(1) It shall not be lawful for any person to cause any vehicle used for the conveyance of goods of any kind or vegetables in the market ground to enter such market ground. Such vehicle shall station on site to be indicated by an authorised officer for such period of time as shall be necessary for loading and unloading.

(2) (i) It shall not be lawful to introduce any bicycle, motorcycle or any other velocipedes or any other vehicle inside the fair.

(ii) Any authorised officer may for the purpose of paragraph 16(1) and 16(2) give such directions to the owner of vehicle as he considers necessary and may contravene any offender for the breach of the said regulation.

(3) (a) It shall not be lawful for a person to allow a vehicle to be parked in the loading and unloading bay for more than half an hour and shall move his vehicle for others to do so.

(b) It shall not be lawful for a person to load and unload any goods nor park his vehicle between 8.45 a.m to 3.00 p.m in the loading and unloading bay of the fair.

15. Seizure in the market and within one kilometre from the market

(1) It shall not be lawful for any person whether holder of a hawker's licence or not –

- (a) to sell whether by hawking or otherwise, or to expose or offer for sale at any place in the Market and to its premises or within the radius of one kilometre from the Fair, any fish, meat, poultry, venison or allied products, shell fish, shrimps, turtle, and tortoises and oysters; or any vegetable, sugarcane, flower and green or dried coconut or any fruits or any grocery, raw, cooked or prepared foodstuff, confectioneries, juices or any beverages; or any cookery, cutlery haberdashery, clothing, shoe, earth ware, chinaware, hardware, glassware, garment, plastic ware, hat, or bonnet, broom, brush, basket and other wicker work toy, book stationery, engraving, post cards, greeting card and picture of any size and description, hand or machine tools, fixtures and fittings of any kind and any article mentioned under Regulation 5 of these Regulations save and except those persons who are holder of trade fee receipt in an authorised premises;
- (b) to sell or expose for sale any article on any stall in the fair unless he is holder of that stall in the market.

(2) Any authorised officer may take such steps as he may consider necessary to maintain order at a market and to ensure that these regulations are complied with.

(3) Any authorised officer may, for the purpose of this regulation –

- (a) seize and detain or destroy any article which is not an authorised article and which is exposed for sale in a market;
- (b) seize and detain or destroy any article which is exposed for sale within the radius of one km from the market;
- (c) seize and confiscate any article which is subject matter of an offence under these regulations and such seized and confiscated article shall be forfeited by the authorised officer and shall be disposed as directed by the Chief Executive.

16. Molesting, obstruction, assault or use of foul language against an officer/inspector of the council

(1) It shall not be lawful for a stall holder/occupier, or employee in the market/fair to obstruct, molest, assault, use foul language against an authorised officer or any officer designated by the Chief Executive in the Fair.

(2) (a) Where any occupier/employee fails to comply with paragraph (1), it shall be lawful for the Council to declare such stall temporarily vacant pending enquiry and prosecution if any, and findings of the Court. All articles exposed for sale therein shall be removed at once and if not so removed, shall be forfeited.

(b) Where the occupier of stall, shop, place in the market is convicted, it shall be lawful for the Chief Executive to dispose of such stall leased and to terminate the contract following a decision of the Council and the approval of the Minister.

17. Payment of fees and recovery of arrears (stallage and market charges)

A. (1) It shall be lawful for the Council to levy an administrative fee for new allocation of stall in the fair and the fee shall be as specified in the Third Schedule.

(2) The fees to be paid by a stall holder for the occupation of stalls shall be as prescribed in the Third Schedule.

(3) (a) It shall be lawful for a stallholder to pay the annual fee on a monthly basis and if the latter fails to pay the fees for three consecutive months, a notice shall be served on him to settle same.

(b) Where the stallholder fails to settle the fees after service of the notice and expiry date mentioned on the notice, legal action shall be initiated against the latter to recover the said fees.

B. (1) Failing the payment by the occupier of any installment by the date specified, the Council may rescind the contract by notice in writing and without judicial or extra judicial process.

(2) The rescission referred to in paragraph (1) shall be without prejudice to any other action which the Council may lawfully be entitled to take against the Occupier. The Occupier shall forthwith vacate the stall and remove all articles there from. He shall not be entitled to the payment of any indemnity whatsoever.

(3) The Council may initiate legal action against stallholder who is in arrears for even one month.

C. A stall holder requesting for transfer of stall should pay a transfer and processing fee and the fee shall be as specified in the Third Schedule.

18. Damages

The Council shall not at any cost be liable to any damages caused to the articles exposed for sale by stallholders. The stallholder shall make his own arrangement to insure his articles against fire, theft, flood, heavy rainfall and cyclone.

19. Dispute procedures

Any stallholder who feels aggrieved by the decision of the Council may seek recourse at the Court.

20. Cleaning & maintenance contract in market

(1) Any contractor who is awarded a contract for cleaning and maintenance of the market shall be subject to such condition that the Council may terminate the contract after one month prior notice, in event the Contractor is not performing to the satisfaction of the Council.

(2) The termination of the contract shall not entitle the Contractor to payment of any indemnity or any judicial or extra judicial process.

21. Prosecution and penalty

(1) Any prosecution under these regulations may be instituted by the Council or the police.

(2) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

22. Limitation

(1) These regulations shall be in addition to, and not in derogation from, any regulations made under any Act relating to the sale of food for human consumption.

23. These regulations shall be deemed to have come into operation on 1 August 2015, and shall be read in conjunction with the District Council of Flacq (Fair) Regulations 2016.

Made by the District Council of Flacq on the 10 December 2015.

FIRST SCHEDULE

[Regulation 2]

RIGHT OCCUPATION CONTRACT

Between THE DISTRICT COUNCIL OF FLACQ represented by its Chairperson and by its Chief Executive.

On the one part**AND**

Mr/Mrs/Ms of hereunder referred to as “The Occupier”.

On the other part

It has been agreed as follows –

1. The Council hereby authorizes the Occupier to occupy stall in section/subsection in the MARKET for the purpose of selling
2. The aforesaid stall contract shall cover the period of months from
3. The annual fee per stall shall be Rs which may either be paid in full or by instalments. If party on the other hand decides to pay in full same should be paid for one year latest by 4 DAY OF DECEMBER IN EVERY YEAR. In case the party on other hand decides to pay by instalments then this should be paid by instalments of 3 months and same should be paid in advance.

Such payment shall be made at THE DISTRICT COUNCIL, HEAD OFFICE, PLAINE DE GERSIGNY, FLACQ.

4. The price or instalments stipulated in paragraph (3) above shall be paid as specified in the Third Schedule.

5. (1) Failing the payment by the occupier of the yearly rent or any instalment, the District Council may rescind the contract by simple notice in writing and without judicial or extra judicial process.

(2) Such rescission shall be without prejudice to any other action which the council may lawfully take against the Occupier. The Occupier shall forthwith vacate the stall and remove all articles there-from. He shall not be entitled to any indemnity whatsoever.

6. (i) The Occupier shall not be entitled to sell, transfer, cede, let or otherwise dispose of the aforesaid authorisation without the written approval of the Council.

(ii) Upon the occupier's death the contract shall come to an end. The Council may upon request allocate the stall to the widow or to a heir who is willing to continue his aforesaid authorisation and in which case the said widow or heir shall be entitled to take over the right and obligations under the contract but prior to the written consent and/or by an affidavit from all other heirs.

7. The council reserves its rights to carry out any structural change including the opening of new doors or the closure of existing doors or to alter the general layout of the market without the occupier being entitled to any compensation for loss of trade or otherwise. In case of demolition or reconstruction of the outer walls of the market the district council further reserves its right to reduce the space occupied by stalls if this is necessary.

8. (i) The Council reserves its rights to cause any stall to be altered, repaired and reconstructed as it may deem fit and proper and reasonable without payment of any compensation to the occupier thereof. Such right will be extended to any alteration, repair or reconstruction of the interior installation of any stall should the Council consider it necessary.

(ii) In the latter case the council will place at the disposal of the Occupier such other stall or stalls as may be available in order to enable the occupier to continue his trade.

9. Should the occupier be found guilty by Court of Law for an offence under the Legal Metrology Act 1985 and the Supplies Control Act, the Council may subject to the approval of the Minister of Local Government, rescind the contract by notice in writing and without any judicial or extrajudicial process. In that case, the Occupier shall forthwith vacate the stall and remove all articles there from, he shall not be entitled to any indemnity whatsoever.

10. Should the Council decide at any time to pull down and reconstruct the market or to make any alterations whatsoever to it, including the opening of new doors, closure of existing doors, alterations of the general layout of the market, the Council shall be entitled to put an end to the present contract by giving 6 months' advance notice to the occupier of its intention to do so and the Occupier shall thereupon vacate the stall at the appointed date. The occupier shall not be entitled to any indemnity whatsoever.

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

12. The occupier shall be responsible for the good maintenance of the stall allotted to him. He shall make good at his own costs all damages caused to the stall in the exercise of his trade. He shall replace at his own costs such articles as defective tiles and worn out chopping blocks. In case he fails to do so within the delay required, the Council may rescind the contract and take possession of the stall.

13. The occupier shall abide by, obey, and be subject to the Council

Fair Regulations which now are or may hereafter be enforced or passed and nothing herein contained shall be held to affect, or limit the full effect of the said regulations.

14. After a period of three years, where no revision of any fees is warranted by the Council and there is no variation of any terms and conditions of the present contract, authorisation contract shall not be deemed to have been renewed by ‘tacite reconduction’. The occupier shall have to enter into written agreement anew.

15. (a) It shall not be lawful for a stall holder/occupier, his/her agent or employee to obstruct, molest, assault, make use of foul language against an authorised officer, or any officer designated by the Chief Executive in the Market.

(b) Failure on the part of any occupier/agent/employee to comply with the above section, It shall be lawful for the Council to declare such stall temporarily vacant pending enquiry and prosecution if any. All articles exposed for sale therein shall be removed at once and if not so removed, shall be forfeited by the Council without any indemnity.

(c) In event the occupier of stall, shop, place in the market fair is convicted, it shall be lawful for the Council, subject to approval of the Minister, to terminate the contract and allocate same to other person.

16. Notwithstanding, the Landlord and Tenant Act, the Provisions of the District and Intermediate (Civil Jurisdiction) Act and Courts Act, the Council may bring an application for the issue of a ‘Writ Habere Facias Possessionem’ before the Judge in Chambers and this at the expense of the party on the other part.

Made in two originals and in good faith.

**THE DISTRICT COUNCIL OF FLACQ, HEAD OFFICE,
PLAINE DE GERSIGNY, FLACQ**

.....
OCCUPIER CHAIRPERSON CHIEF EXECUTIVE

Date :

SECOND SCHEDULE

[Regulation 2]

IDENTIFICATION CARD FOR STALLHOLDER

The Market

Name of Stallholder :

Address of Stallholder :

National ID Card No. :

Section :

Stall No. :

Item sold :

Date of Issue :

.....

Signature of stallholder

Signature of Inspector



IDENTIFICATION CARD FOR EMPLOYEE

The Market

Name of Stallholder :

Stall No. :

Item sold :

Name of Employee :

Address of Employee :

National ID Card No. :

Date of Issue :

.....

Signature of Agent/Employee

Signature of Inspector



THIRD SCHEDULE

Fees structure for stalls in the Market.

Central Flacq Market

Annual Fee per stall	- Fruits & Vegetables, Florist	- Rs. 10,800/-
	- Grocery, Foodstuffs & Non Foodstuffs Newspaper/seller of Lotteries/ Seller of Tea, coffee, fresh fruit juice, Seller of DVDs/CDs	- Rs. 10,800/-
	- Fish	- Rs. 48,000/-
	- Poultry & Eggs	- Rs. 48,000/-
	- Meat (Beef, Pork, Venison, goat)	- Rs. 48,000/-
	- Craft Market	- Rs. 96,000/-
