

TRINIDAD AND TOBAGO.

*San Fernando Markets.*

No. 9—1907.

*11th March.*

AN ORDINANCE relating to Markets in the Borough of San Fernando, and the sale of fresh meat, fish, and other marketable commodities in the said Borough.



G o v e r n o r .

25th March, 1907.

WHEREAS it is expedient to amend and consolidate the law relating to Markets in the Borough of San Fernando and the sale of marketable commodities in the said Borough: Be it therefore enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the San Fernando Short title. Markets Ordinance, 1907.

2. In this Ordinance the following expressions and words Interpre- shall have the meanings assigned to them by this section, tation. unless there be something in the subject or context inconsistent therewith: that is to say,

(a.) "The Council" means the Council of the Borough of San Fernando constituted under the Municipal Corporations Ordinance, No. 210,

"The Borough" means the Borough of San Fernando as defined by Section 4 of the said Ordinance.

- (b.) "Fresh Meat" means fresh meat of any cattle, sheep, goat or pig slaughtered for sale, and includes imported fresh meat.
- (c.) "Market" means the place mentioned in Section 4 of this Ordinance, and any place appointed a market by the Council under this Ordinance for the sale of any marketable commodities, and includes all buildings, works, sheds, covered and open spaces, and grounds comprised within the said places.
- (d.) "Marketable Commodities" means fresh meat, deer, lappe, quenk, agouti, fowls, eggs, fish, turtle, ground provisions, vegetables and fruit.
- (e.) "Clerk" means the person appointed by the Council to be in charge of any market, and includes any other person for the time being performing the duties of the Clerk under authority from the Council.
- (f.) "Lands" includes messuages, easements and hereditaments of any tenure.
- (g.) "Street" includes any highway, road, lane, alley, square, footway or public passage or place within the Borough.

Markets only  
in appointed  
places.

3. It shall not be lawful to hold any market for the sale of fresh meat, fish, turtle and other marketable commodities in any place in the Borough not being the place mentioned in Section 4 of this Ordinance or a place appointed a market by the Council under this Ordinance.

Existing  
market.

4. The market already established and provided by the Council at the corner of Mucurapo Street and Harris Promenade, shall be deemed to be, and is hereby declared to be, a market within the meaning of this Ordinance, and markets may be held therein on such days, and during such hours each day, as, at the time of the passing of this Ordinance, have been fixed by the Council for the purpose, or on such days, and during such hours, as they may hereafter, from time to time, fix by a bye-law made in pursuance of this Ordinance.

5.—(1.) It shall be lawful for the Council, with the consent of the Governor in Executive Council, to appoint any place or places within the Borough, to be a market or markets, and to construct market houses and other conveniences in connection therewith, and to provide all such matters and things as may be necessary for the convenient use thereof.

Appointing  
places as  
markets.

(2.) For all or any of the purposes in this section mentioned, and also for the purpose of enlarging or improving any market, it shall be lawful for the Council to set apart and appropriate any land belonging to them which they may deem fit and proper for such purposes or any of them, and, with the consent of the Governor in Executive Council, to take on lease any lands which they may deem necessary for such purposes or any of them.

6. It shall be lawful for the Council, at any time or times, to discontinue the use of any market or markets or any part thereof as such, and with the consent of the Governor, to sell and dispose of the same, or any part thereof, or to use and convert the same or any part thereof, to or for any other purpose whatsoever.

Power to close  
markets.

7. The Council may, from time to time, appoint a fit and proper person to be the Clerk of any market, and such other officers and servants as shall be necessary, and may assign reasonable remuneration to such clerk and other officers and servants, and may require any such clerk and other officers and servants to give security for the due discharge of their duties; and any Clerk and all other officers or servants so appointed, shall hold office during the pleasure of the Council.

Appointment  
of officers and  
servants.

8. Every person who unlawfully resists or obstructs the Clerk of any market or other person authorised by the Council to receive any stallages, rents, dues, tolls and charges payable in respect of such market, or any person employed to superintend such market or to keep order therein, whilst in the execution of his duty, shall for every such offence, be liable, on conviction, to a penalty not exceeding five pounds.

Resistance or  
obstruction.

9.—(1.) It shall be lawful for the Council to demand and take from every person occupying or using any stall, stand, table, shed or place in any market, or bringing into any

Fees and  
charges.

such market any marketable commodities, or any other article or thing which the Council may permit to be sold therein, or using any weighing machine kept in such market, such stallages, rents, dues, tolls and charges as the Council shall, from time to time, appoint and fix by any bye-law made in pursuance of this Ordinance.

(2.) The several stallages, rents, dues, tolls, and charges payable in respect of any market, shall be paid at such times and in such manner as the Council shall from time to time prescribe, to the Clerk or any other person authorised by the Council to receive the same.

(3.) If any person liable for the payment of any stallage, rent, due, toll or charge, does not pay the same when required by the Clerk or other person duly authorised to receive the same, the Clerk or other person so authorised may recover the same by distress and sale of a sufficient part of any marketable commodities in the market which belong to the person liable to pay such stallage, rent, due, toll or charge; or such stallage, rent, due, toll or charge may be recovered as a debt due to the Council in any Court of competent jurisdiction.

**Bye-laws.**

**10.** The Council may from time to time make such bye-laws as they may think fit, for all or any of the following purposes, that is to say :—

- (a.) For regulating the use of markets and directing the manner of occupying and using the several stalls, stands, tables, sheds and places therein respectively.
- (b.) For prescribing the conditions subject to which the several stalls, stands, tables, sheds and places in any market shall be held, occupied or used by any person hiring or using the same respectively.
- (c.) For appointing and fixing the days on which, and the hours during which any markets shall be opened and kept open, and also the commodities which may be sold or offered or exposed for sale therein.

- (d.) For regulating the use of weighing machines belonging to the Council and used in any markets, and preventing the use of false or defective weights, scales or machines by any person selling in any market or markets.
- (e.) For preventing nuisances or obstructions in any markets or in the immediate approaches thereto.
- (f.) For maintaining order and preventing any disturbance in any markets by fighting or disorderly behaviour.
- (g.) For excluding and removing from any markets, any person suffering from any loathsome, infectious or contagious disease.
- (h.) For enforcing cleanliness in shops and premises licensed for the sale of marketable commodities under Section 18 hereof, and as to the hours during which such shops and premises may be kept open for the sale of such marketable commodities.
- (i.) And generally, such other bye-laws as may be deemed necessary for the good government of markets, and for carrying into effect the provisions of this Ordinance.

And it shall be lawful for the Council, from time to time, as they shall think fit, by subsequent bye-laws made pursuant to the provisions of this Ordinance, to repeal, alter or amend any such bye-laws or any bye-laws in force at the time of the commencement of this Ordinance.

11. The Council may, by any bye-laws made by them under this Ordinance, impose on offenders against the same such reasonable penalties as they shall think fit, not exceeding five pounds for each offence. Penalties for breach of bye-laws.

12. Bye-laws made under this Ordinance shall not be of any force unless and until they have been submitted to and approved by the Governor in Executive Council. Approval of bye-laws.

13. All bye-laws made under this Ordinance shall, when approved by the Governor in Executive Council, be published in the *Royal Gazette*, and production of a copy of the Publication of bye-laws.

*Royal Gazette* purporting to contain any such bye-laws, shall be sufficient evidence of the tenor, due making and approval of such bye-laws.

Recovery of penalties.

14. All penalties imposed under this Ordinance or under any bye-laws made thereunder, shall be recoverable in a summary manner, upon complaint made in the name of the Mayor and Burgesses of San Fernando, or of the Clerk or of any Borough Constable, and shall be payable to the Council for the use of the Borough; and the form of procedure in all cases against persons offending against the provisions of this Ordinance or of any bye-laws made thereunder, shall be that prescribed by the Summary Conviction Offences (Procedure) Ordinance (No. 1), or any Ordinance or Ordinances amending or replacing the same.

Exhibition of bye-laws.

15. All bye-laws made by the Council under this Ordinance shall be printed and a copy thereof exhibited in a conspicuous part of every market to which such bye-laws respectively relate.

Existing bye-laws.

16.—(1.) All bye-laws made by the Council with respect to any market and in force at the time of the commencement of this Ordinance shall, so far as the same are not inconsistent with the provisions of this Ordinance, continue in force as if such bye-laws had been made under this Ordinance; and the stallages, rents, dues, tolls and charges fixed by the Council and payable at the time of the commencement of this Ordinance in respect of any such market, shall continue in force and be payable in respect of such market, as if such stallages, rents, dues, tolls and charges had been fixed under this Ordinance.

(2.) The bye-laws made by the Council before the commencement of this Ordinance, are hereby declared to have been lawfully made; and the several stallages, rents, dues, tolls, and charges hitherto levied by and paid to the Council under any such bye-laws, are hereby declared to have been lawfully paid and exacted.

(3.) All acts heretofore done by any person or persons in the discharge of the duties devolving on him or them by virtue of such bye-laws are hereby declared to be good, valid and effectual to all intents and purposes in the same

manner and to the same extent as if such bye-laws had originally been made under this Ordinance.

17.—(1.) It shall not be lawful for any person to sell or offer or expose for sale any fresh meat, fish or turtle within the Borough or within half a mile from any part of the limits thereof except in a Market or under and in accordance with the terms of a license granted under this Ordinance.

License for  
sale of fresh  
meat and  
other articles.

Every person who shall act in contravention of the provisions of this sub-section shall be liable on conviction to a penalty not exceeding ten pounds for each offence.

(2.) It shall not be lawful for any person to sell or offer or expose for sale any marketable commodities (other than fresh meat, fish and turtle) in any street or public place within the Borough except in a market or under and in accordance with the terms of a license granted under this Ordinance.

Every person who shall act in contravention of the provisions of this sub-section shall be liable on conviction to a penalty not exceeding five pounds for each offence.

18.—(1.) The Council may from time to time grant to any person a license authorizing such person to sell or offer or expose or hawk about for sale marketable commodities or any of them in any shop or premises or in any street or public place within the Borough.

Licenses granted under this section shall be granted for such period, on payment of such sums and upon such terms and conditions as the Council from time to time shall by bye-law prescribe, and shall be revocable by the Council on breach by the licensee of any of the conditions subject to which such license shall be granted.

19. It shall be lawful for any Inspector to be appointed by the Council, to inspect any marketable commodities which he shall find in any market or licensed shop or premises, or which shall be sold or offered or exposed for sale elsewhere under any license granted under this Ordinance, and for that purpose to enter any such shop or premises with proper assistants, and if he shall judge any such marketable commodities or any of them to be unfit for food to cause the same to be removed and destroyed ; and if any person shall

Unsound  
marketable  
commodities.

prevent or attempt to prevent such Inspector and any assistant of such Inspector from entering any such shop or premises or from making such inspection, or shall attempt to prevent the removal of any marketable commodities which such Inspector shall judge to be unfit for food and shall order to be removed or destroyed, such person shall be guilty of an offence against this Ordinance and on conviction shall be liable to a penalty not exceeding five pounds.

Second  
offence.

**20.** On a second conviction for any offence under this Ordinance or any bye-law made thereunder, it shall be lawful for the convicting Stipendiary Justice of the Peace in his discretion, in addition to any penalty which he may impose, to order that the offender be not allowed to sell in any market, and to order that any license granted to such offender under the provisions hereof, be forfeited.

Repeal.

**21.** The Sale of Meat Ordinance (No. 213) is hereby repealed. Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any license in force or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this Eleventh day of March, in the year of Our Lord one thousand nine hundred and seven.

*H. G. Galt.*

*Acting Clerk of the Council.*