ANTIGUA AND BARBUDA

THE PUBLIC MARKET COMPLEX REGULATIONS 2001

ARRANGEMENT OF REGULATIONS

Regulations

1. Short title.
2. Interpretation.
3. Identification of stores and stalls.
4. Agreement for occupation.
5. Subletting prohibited.
6. Manager to request occupant to vacate.
7. Removal of unauthorised occupant.
8. Corporations liability for loss limited.
9. Valid receipt is evidence of right of occupation.
10. Long term rental.
11. Temporary rental.
12. Ejection of defaulters.
13. Cleaning of stalls.
14. Damage to market property.
15. Restriction on sale of goods.
16. Suspension of persons suffering from infectious and contagious diseases.
17. Half yearly medical examination for persons selling and handling food.
18. Garbage disposal.
19. General offences.
20. Unlawful entry beyond a counter.
21. Drawing of water for purposes not permitted.
22. Manager to regulate vehicular traffic.
23. Fees and penalties for wrongful parking.
24. Obstruction.
25. Sale of tainted food prohibited.
26. Prohibition of public auction and meetings.
27. Penalty for failure to comply with Manager's directions.
28. General penalty.
29. Prosecutions.
30. Business hours.
31. Revocation of licences held by convicted drug and money laundering offenders.
32. Daily announcement of closing hour.

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2001, No. 32

The Public Market Complex Regulations made by the Minister under section 12 of the Public Market Act, 2001.

Short title.

1. These Regulations may be cited as the Public Market Complex Regulations 2001.

2. In these Regulations

Interpretation.

"Corporation" means the Corporation established under section 3 of the St. John's Development Corporation Act Cap. 292;

"Act" means the Public Market Complex Act, 2001;

"inspector" means an inspector appointed under section 8 of the Public Market Act;

"loiterer" includes any person who being on the premises —

(a) behaves in a lewd, vicious, or disorderly manner;

(b) has no legitimate purpose thereon and can give no reasonable explanation for his presence;

(c) creates a nuisance or molests, annoys or obstructs any other person who may be on the premises;

(d) has no legitimate purpose on the premises and fails to quit after being requested to do so by an inspector, police officer, manager or some other person acting on behalf and under his authority;

(e) fails without reasonable excuse to leave the premises after the usual hours of closing;

(f) is found on the premises after closing and has no reasonable explanation;

"manager" means the person appointed as Market Manager by the Corporation under section 8 of the Market Complex Act and any person for the time being acting on behalf of the Manager;

"market" means the Public Market Complex referred to under section 3 of the Public Market Complex Act and which is more particularly described in the Schedule to the Act;

"store" means a cubicle within the market from which the articles, goods or wares may be offered for sale;

"stall" means a division of an area in the market from which vegetables may be offered for sale;

"stand" means any area in the market which may from time to time be designated a stand for the purpose of parking vehicles, or for the purpose of delivering supplies to the market and shall include any area which the Manager may from time to time appoint as the place for parking vehicles for selling, offering, or exposing for sale as wholesale dealers marketable commodities and other goods;

"tenant" means any person to whom a store or stall has been rented by the Corporation for the purpose of carrying on business in the market;

"vendor" means any person who is licensed by the Corporation to display any produce for sale in the market.

Identification of stores and stalls.

3. Every store or stall in the market shall be identified by number or by an alphabetical letter and number.

Agreement for occupation.

4. (1) A store or stall shall only be occupied by a person who has entered into a tenancy agreement with the Corporation.

(2) A tenancy agreement entered into under this regulation may include such conditions as the Corporation may consider necessary for the proper conduct of business in the market.

(3) No person shall bring or offer or expose for sale in the market any goods or other article unless he —

(a) has entered into a tenancy agreement with the Corporation and has been allotted a store or stall from which to sell or offer for sale any goods;

(b) is in possession of a valid vendor licence issued by the Corporation to sell goods in the market.

(4) Any person who brings, exposes or offers for sale any goods, commodity or other article in the market shall, when requested by the Manager or inspector or a police officer, produce for inspection his licence.

Subletting prohibited.

5. (1) A tenant or vendor shall not sublet a store or stall or transfer his licence to another person.

(2) A tenant whose tenancy has expired and does not wish to renew his tenancy shall deliver up the store or stall to the Corporation.

Manager to request occupant to vacate.

6. A person who uses or occupies a store or stall without a valid tenancy agreement shall, upon the request of the Manager or an inspector or some other duly authorised person, forthwith vacate the store or stall and remove all goods belonging to him therefrom.

Removal of unauthorised occupant.

7. The Manager may remove or procure the removal of any person and his goods from a store or stall in the market if such person fails to vacate a store or stall after being lawfully required to do so by the Manager or any person duly authorised by the Manager.

Corporation liability for loss limited.

8. The Corporation shall not be responsible for any loss or damage to property which may result from the lawful removal of goods from the market, save and except where the Corporation or any of its agent or servant is negligent.

Valid receipt is evidence of right of occupation.

9. A valid receipt shall be *prima facie* evidence of payment of rent or licence and a right of a tenant or vendor to occupy and use a store or stall or some other place allotted to him and specified in the receipt.

Long term rental.

10. The Corporation may rent a store to any person for such longer periods than a quarter and on such terms and conditions as the Corporation may decide.

Temporary rental.

11. (1) The Corporation may where possible rent stalls for short term periods or on a temporary basis as may be required.

(2) All rents payable in respect of rent for a short term period or on a temporary basis must be paid in full prior to occupation of the stall.

(3) The tenancy of stalls rented on a short term or monthly basis may be terminated by either party giving to the other, in the absence of any other agreed period, a notice in writing of at least one (1) month.

Ejection of defaulters.

12. The Manager may eject any tenant or vendor in occupation who fails to pay the rent as required and may in addition to any other means of recovering the rent owed, seize and sell such goods of the defaulter as may be sufficient to satisfy the amount outstanding.

Cleaning of stalls.

13. (1) A tenant or vendor shall be responsible for keeping his store or stall clean and in good hygienic condition and for maintaining public health standards prescribed by the public health authority.

(2) The Manager may order the closure of any store or stall of any tenant who neglects or refuses to comply with this regulation.

Damage to market property.

14. Any person who damages any part of a store, stall or any part of the market shall be liable for the cost of repairing the damage.

Restrictions on sale of goods.

15. No person shall sell in the market any goods other than the goods authorised in writing by the Manager.

Suspension of persons suffering from infectious or contagious disease.

16. (1) The Manager shall suspend any person suspected of suffering from any infectious or contagious disease from operating in the market and shall direct such person to submit himself to a medical practitioner appointed by the Corporation for examination.

(2) Where the medical examination proves that the person is suffering from any infectious and contagious disease, the Manager shall prohibit such person from operating in the market until such time that the medical practitioner appointed by the Corporation certifies such person to be fit to resume business at the market.

Persons selling or handling food to be medically examined half yearly.

17. (1) Every person who sells or handles any food item in the market shall submit himself to a medical practitioner appointed by the Corporation every six months for medical examination.

(2) Any person who fails to submit for a medical examination in accordance with this regulation shall be prohibited from selling or handling food items in the market.

Garbage disposal.

18. (1) The Manager shall direct the manner in which any refuse or garbage from a store or stall shall be disposed of.

(2) Every tenant or agent of a tenant shall be responsible for the disposal of any refuse or garbage in the manner directed by the Manager.

General offences.

19. (1) No person shall —

(a) smoke or spit in the market;

(b) sit or lie on any block, counter, table or stand in the market or on the pavement thereof;

(c) sharpen any instrument on any part of the market structure;

(d) use any blasphemous, obscene, abusive or insulting language, or swear or otherwise misbehave in the market;

(e) fight or cause to be created any row, riot or disturbance in the market;

(f) throw filth or rubbish or litter in the market;

(g) break, cut, pull down, destroy, remove, injure, or spoil any part of the market;

(h) loiter in or about the market;

(i) be in the market during closed hours without permission of the Manager or other person authorised by the Manager;

(j) expose or offer for sale in any part of the market anything other than that which is allowed at that part for the time being;

(k) expose or offer for sale in any part of the market, not being a store, stall or stand, of any article whatsoever;

(l) solicit custom or cause to be solicited in any part of the market, not being a store, stall or stand;

(m) advertise in any part of the market any produce or wares by cries or shouts or cause the same to be done;

(n) introduce, or offer for sale, or consume any wine, malt liquor, spirits or intoxicants of any kind in the market;

(o) take or bring any animal, or permit any animal to follow or accompany him to the market;

(p) light any fire in the market for any purpose, except in such parts thereof and under such conditions as may, from time to time, be permitted by the Manager;

(q) cause any nuisance in the market;

(r) use any bathroom, or facility otherwise than for the purpose of which it was intended;

(s) being a male, go into, make use of or be in any bathroom or other facility provided for the use of females;

(t) being a female, go into, make use of or be in any bathroom or facility provided for the use of males;

(u) remove refuse from any part of the market in such manner as to create a nuisance in the process of removal;

(v) without the consent of the Manager place, deposit or throw anything in or on any part of the market other than at the place designated for that purpose;

(w) destroy, deface or remove any public notice posted within the market;

(x) wash any vehicle within the precincts of the market or any pavement or sidewalks in or around the market.

(2) Any person who contravenes any provision of this regulation commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month.

Unlawful entry beyond a counter

20. (1) No person shall step beyond the counter of a store or stall of a tenant or vendor without his permission.

(2) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Drawing of water for purposes not permitted.

21. (1) No person shall without the permission of the Manager, draw water from a tap in the market for a purpose other than for drinking, cleaning market store or stall, or washing market tables or other articles used in the market.

(2) No person shall, without the permission of the Manager, draw water from a tap in the market and carry it outside the market.

(3) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding one month.

Manager to regulate vehicular traffic.

22. (1) The Manager shall be responsible for regulating the parking of motor vehicles in the premises of the market.

(2) The Manager shall post up signs:

(a) directing the places where motor vehicles shall stop for delivery of goods and articles;

(b) indicating where motor vehicles within the premises of the market shall park.

Fees and penalties for wrongful parking.

23. (1) No person shall:

(a) drive a motor vehicle to the premises of the market without the permission of the Manager;

(b) park a vehicle at any place other than the place indicated for parking vehicles.

(2) Any person who contravenes the provision of sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for one month.

(3) Any person who violates this regulation may admit his guilt in writing to the Manager and upon so admitting pay to the Manager a penalty of one hundred dollars.

(4) Where a person admits his guilt and pays the penalty in accordance with sub-regulation (3), the Manager shall not bring any further charge against him for the same offence.

(5) The Manager may cause any vehicle that is driven to the premises of the market without permission or park at a place not indicated for parking to be immobilized or removed to a place appointed by the Manager.

(6) Any immobilized vehicle or a vehicle removed to an appointed place shall not be released until the owner or the person in charge of the vehicle pay to the Manager, a penalty of one hundred dollars, plus the cost of the immobilization or removal to the place authorised by the Manager.

(7) The Manager is not liable for any damage suffered by any vehicle that is immobilized or removed in respect of any offence committed under this regulation.

Obstruction.

24. (1) Any person who assaults or obstructs any person authorised to inspect a market store or stall or other article in the market or to perform any other duty or exercise any power under the Act or these Regulations commits an offence and is liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months.

(2) Any person

(a) who leaves any item in a path or passageway of the market thereby causing an obstruction; or

(b) who places himself in a path or passageway of the market to cause an obstruction;

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding one month.

Sale of tainted food prohibited.

25. Any person who sells or offers or exposes for sale tainted or unwholesome food in the market commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months.

Prohibition of public auction and meetings.

26. (1) No person shall hold or participate in a public auction or public meeting in the market except, with the permission of the Manager.

(2) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding three months.

Penalty for failure to comply with Manager's directions.

27. Any person who fails or refuses to comply with the directions of the Manager in the performance of his duties under the Act or these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months.

General penalty.

28. A person who commits an offence against these regulations for which no penalty is fixed shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Prosecution.

29. (1) Any offence committed under these regulations is triable summarily by a Magistrate Court.

(2) A police officer may arrest without warrant any person found committing any offence specified in these regulations.

Business hours.

30. (1) The market shall be open to the public on the following days and hours —

(a) Mondays to Fridays except on public holidays from 6:00 a.m. to 6:00 p.m.

(b) Saturdays from 6:00 a.m. to 8:00 p.m.

(c) Public Holidays from 6:00 a.m. to 9:00 a.m.

(2) The market shall be closed to the public on Sundays.

Revocation of licences held by convicted drug and money laundering offenders.

31. The Corporation shall revoke the licence or cause the tenancy agreement of any person who —

(a) is convicted of any drug or money laundering offence; or

(b) permits his store or stall to be used by drug dealers.

Daily announcement of closing hour.

32. (1) The closing of business for each day at the market shall be indicated by three tolls of a bell, the first bell shall be tolled an hour before closing, the second bell shall be tolled half an hour before closing and the final bell shall be tolled on the hour of closing;

(2) All persons shall vacate the market on the final toll of the bell on the hour of closing.

(3) Any person who fails to vacate the market in accordance with this regulation commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one month.

Made this 17th day of September, 2001.

Asot Michael,
Minister responsible for
St. John's Development Corporation.

Printed at the Government Printing Office, Antigua and Barbuda,
by Donovan Southwell, Government Printer
— By Authority, 2001.

1000 — 9.01

[Price $4.70]