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[Legal Notice No. 59]

PROVINCIAL GOVERNMENT ACT 1997**THE TEMOTU PROVINCE MARKETS ORDINANCE 2008****AN ORDINANCE TO PROVIDE FOR THE BETTER REGULATION
AND CONTROL OF MARKETS IN TEMOTU PROVINCE**

- Short title 1. This Ordinance may be cited as the Temotu Province Markets Ordinance 2008 and shall come into force when assented to by the Minister of Provincial Government.
- Interpretation 2. In this Ordinance, unless the context otherwise requires –
- “authorised officer” means a Market Officer, medical officer, health inspector, police officer, or other officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance.
- “controlling authority” means, for Lata Township, the Lata Town Committee, and for all other places means the Executive.
- “Executive” means the Temotu Provincial Executive;
- “foodstuffs” includes livestock for human consumption;
- “Lata Town Committee” means the Committee established by the Lata Town Committee Ordinance 2006
- “Provincial Government” means the Temotu Provincial Government;
- “Provincial Secretary” means the Provincial Secretary of Temotu Province, and includes any person temporarily acting in that position or any Provincial or public officer to whom the Provincial Secretary has delegated any or all of his functions or powers under this Ordinance”;
- “public market” means any public place within Temotu Province where fresh produce, cooked foods and/or or other goods, as further described at section 7(2)(q) are offered for sale to the general public.

Public Markets

3. (1) Public markets may only be established:
- a. In Lata Township, with the approval of and in places where the Lata Town Committee directs;
 - b. elsewhere in Temotu Province, with the approval of and in places where the Provincial Secretary directs.
- (2) Every public market shall, depending on the location, be controlled by the Provincial Secretary or by the Lata Town Committee in consultation with the Provincial Secretary.
- (3) For any public market, the Provincial Secretary may appoint a Market Officer and such other officers as the Provincial Secretary may consider necessary for the market's effective operation and control.
- (4) Any person who runs or who purports to run a public market at any place other than a place approved under this section commits an offence and is liable on conviction to a fine of up to \$400 or imprisonment for up to six months.
- (5) Any person who sells or exposes for sale any goods in a public market, other than a public market established under section 3, commits an offence and is liable on conviction to a fine of up to \$40 or in default of payment of such fine, to imprisonment for three weeks.

Market fees

4. (1) Any person who sells or exposes for sale in a public market any goods without having first paid the appropriate market fee for that market or type of goods, and displayed the receipt issued on payment, commits an offence and is liable on conviction to a fine of up to \$40 or in default of payment of such fine, to imprisonment for three weeks.
- (2) The market fee shall be payable at, and the required market receipt may be obtained from the Provincial Treasury, a Provincial substation office, or to a Market Office or authorised Market assistant.
- (3) Fees shall be as prescribed from time to time by Executive Order. The Executive may prescribe different fees for different markets and/or different classes of goods, and may prescribe different fees for offering time periods, including daily, weekly, monthly or annual fees.

(4) Where the Executive prescribes, and a person pays, a fee for a time period longer than one week, the Market officer or Provincial Treasury officer issuing the corresponding receipt shall ensure that the receipt is in a reasonably durable form, capable of being retained and produced as necessary for the application time period.

Hours of
opening and
closing

5. Public markets may open on such days and at such times as the relevant controlling authority shall appoint, and notices of the days and times of operating and closing shall be displayed at the entrances to public markets or displayed on the nearest public notice board.

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Officers

6. (1) A Market Officer, either personally or by directing a Market Assistant or police officer officer to assist, may:

(a) expel from a public market any person who contravenes or fails to comply with any of the provisions of this Ordinance, or who fails to comply with any reasonable direction or instruction given or issued by the Market Officer;

(b) prohibit and bar the entry of any person, animal or thing whose presence in the market would contravene the provisions of this Ordinance;

(c) require any person who, within a public market, has, without authority, made any alteration to a market stand or introduced any fitting, fixture or any impediment or structure whatsoever to restore the stand to its original position or nature or to remove the fitting, fixture, impediment or structure; and where such person fails to comply with the requirement within a reasonable time, the Market Officer may, at the expense of the person in default, himself carry out, or cause to be carried out, the work required;

(d) remove anything from the market which has been brought or is retained there in contravention of this Ordinance, at the expense of the person who so brought or retained such thing;

(e) give and issue such reasonable directions and instructions as may appear to the Market Officer to be necessary or desirable for the good order, cleanliness, and proper functioning of the market and the due observance of this Ordinance;

(f) size and take possession of any foodstuffs, whether cooked or uncooked, that the Market Officer reasonably suspects to be unfit for human consumption, and shall forthwith report such seizure to the nearest Medical Officer or Health Inspector; and the Market Officer shall dispose of the foodstuffs in accordance with the instructions of the Medical Officer or Health Inspector, as the case may be;

(g) issue a notice of offence to any person whom the Market Officer is satisfied has committed an offence under this Ordinance.

(2) For the purpose of sub-paragraph (f) a Medical Officer or Health Inspector may, on receipt of any report and any foodstuffs from the Market Officer under paragraph (f), order the destruction or other disposal of the foodstuffs seized if he or she is reasonably satisfied that the foodstuffs are or are likely to be unfit for human consumption.

Specific offences

7. (1) Any person who contravenes or fails to comply with any of the provisions of sub-section (2) commits an offence and is liable on conviction to a fine of up to \$80, or in default of payment of such fine, to imprisonment for six weeks.

(2) (a) No person shall enter a remain in a public market place during the hours that it is closed without the authority or approval of the relevant controlling authority.

(b) No person shall make any alteration to a market stand or any other fixture in a public market, or introduce any new fixture, fitting, or impediment of any kind without the authority of the controlling authority, and any such things introduced without authority shall be removed by the innovator or at his or her expense.

(c) No person may bring into any public market, for sale or otherwise, any dog, firearm or other weapon, bicycle, or intoxicating liquor.

(d) No person shall obstruct, resist or hinder the Market Officer or any officer or agent of the controlling authority in the performance of his or her duties or the due exercise of his or her powers under this Ordinance, and no person shall enter a public market while drunk, or cause any disturbance, or curse or wear or use any gross, indecent or filthy language or be guilty of any misconduct or disorder in the marketplace.

- (e) Animals brought into a public market for sale shall be fettered, tethered, or confined in a crate or basket and shall not be slaughtered at a public market;
 - (f) No person suffering from any contagious or infectious disease, or having recently been exposed to infection by such a disease shall be employed or engaged in or about any public market.
 - (g) Every person occupying a market stand shall keep it in a clean and orderly condition and shall dispose of all refuse, garbage and waste material, liquid or solid, from the stand into the receptacles provided for this purpose.
 - (h) No person shall deposit or throw on the floor of a public market, any refuse, fruit, skin or vegetable matter, and no person shall willfully damage, efface, foul or misuse any part of such market or of any public conveniences connected with the public market.
 - (i) No article or produce shall be exhibited for sale on pathways or over a drain or in any doorway in any public market and no board, box, basket, sack or other such thing shall be left in, upon or across such pathway, drain or doorway.
 - (j) Fish shall not be put out to dry within the precincts of a public market.
 - (k) No person shall light a fire or cook within a public market, except in places authorised by the Market Officer.
 - (l) No person shall defecate, urinate, spit (whether betel nut or not), or discharge any nasal fluid or mucus in or within the area of a public market.
 - (m) No dirty or verminous person shall enter or remain in a public market.
 - (n) No person shall bring into or keep in a public market anything that is obnoxious, unwholesome, or dangerous.
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- (o) Persons using a public market for the purpose of selling shall keep their produce or other goods offered for sale and expose them for sale in as hygienic a manner as is practicable, and shall obey all reasonable directions of the Market Officer regarding hygiene. As a minimum:
 - (i) goods offered for sale shall be displayed and kept in baskets, bowls or other receptacle, or on leaf placed on the ground, or on the benches or tables provided;
 - (ii) any cooked food must be placed on benches or tables and kept in a covered container; and
 - (iii) any fresh meat, poultry or fish must be kept in an ice chest or other suitable insulated container.
- (p) Every person who is within the precincts of a public market shall obey all reasonable directions given by a Market Officer or other authorised officer.
- (q) No person shall sell, offer or expose for sale in a public market any article except:
 - (i) fresh fruit, vegetables, roots and nuts;
 - (ii) pulses, grains, and cereals grown in Solomon Islands;
 - (iii) livestock for human consumption;
 - (iv) fresh eggs;
 - (v) properly stored fresh meat, poultry, fish or shell fish;
 - (vi) properly stored cooked food;
 - (vii) locally made basketware, mats, earthenware, woodwork or other locally made products;
 - (viii) locally produced tobacco;
 - (viiii) such other goods as may from time to time be authorised by the controlling authority.

regulations

8. (1) Where:

- (a) any person has been issued by a Market Officer, police officer or other authorised officer with a notice of offence giving details of an alleged offence against section 3(5), section 4 or section 7 and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and

- (b) the owner pays the prescribed penalty at the Provincial Treasury or a sub-station office within 21 days of the date of the notice;
- (c) where the offence is against section 4, pays within the same 21 day period the market fee for the day of the offending specified in the notice and obtains the corresponding receipt, and
- (d) where the alleged offence is continuing, offers satisfactory proof to a Market Officer or other authorised officer that the circumstances giving rise to the offence have been rectified;

no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.

- (2) For the purposes of sub-section (1), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any market fee receipt and/or written confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (3) Any fine or penalty collected under this Ordinance, regardless of whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

9. (1) The Executive may by Order make Regulations for the better ^{Regulations} implementation of this Ordinance, including but not limited to:

- (a) prescribing or amending any fees or charges (other than penalties) relating to anything required to be done under or according to the Ordinance;
- (b) describing the places where any public markets is or may be established;
- (c) limiting, banning or imposing conditions on the sale of any goods or class of goods in any public market, whether or not such goods or class would otherwise fall within a class of goods permitted to be sold in a public market;

- (d) prescribing the form of any application form, market receipt, notice of offence, warrant of authority or other document or thing issued in connection with the operation of the Ordinance;
- (e) prescribing any standard relating to the whole soundness or fitness of goods capable of being sold in a public market;
- (f) further prescribing the types of and/or standards for any storage containers or equipment used for displaying goods for sale in a public market;
- (g) such other rules as are necessary or reasonably likely to promote effective public hygiene with respect to public markets or to ensure good order amongst persons within public markets.

Repeal

10. The Temotu Province Market Ordinance 1993 is hereby repealed.

Passed by Temotu Provincial Assembly this nineteenth day of June, 2008.

Clerk to the Assembly
Assented to this 11th day of July, 2008

Hon. David Day Pacha
Minister for Provincial Government
