



Durban National Fresh Produce Market

P.N. 149,1975 SECTION A.7.

CITY OF DURBAN

MARKET BYLAWS: DURBAN NATIONAL FRESH PRODUCE MARKET

PART I: NATIONAL MARKET

DEFINITIONS

1. In these Bylaws, unless inconsistent with the context:

"Article" means any produce, poultry, goods, object or thing brought onto the market for sale;

"Buyer" means any person entering the precincts of the market for the purpose of buying any article on the market or any person with whom a market agent has concluded a direct sale on behalf of a vendor.)

"Buyer's card" means a card issued to a buyer whom the Director shall have permitted to defer payment in terms of section 34(3) of these bylaws;

"Consignment" means any quantity of produce consisting of distinct units of the same kind of produce entrusted to a market agent for sale;

"Container" means any box, carton, tray or pocket, package or other receptacle of a size and shape approved by the Director;

"Council" means the City Council of the City of Durban or any officer or employee of the Council to whom the Council has delegated its powers under these bylaws;



"Direct Sale" means any sale of produce concluded by a market agent between a vendor and a buyer, which has been authorised by the Director in advance and which is in accordance with these bylaws, but in respect of which delivery of such produce is made directly between the vendor and the buyer without the produce concerned arriving at or being place on the market;)

(P.N.

"Director" means the Director of Markets of the City of Durban or his duly authorised representative;

"Market" means any building or place under the control of the Council upon or in which sales shall be conducted in accordance with the provisions of these bylaws or of any amendments thereto, and shall include any land upon which any such building is situated or which is used in connection with or for the purpose of carrying on such market, and which has been declared a national fresh produce market in terms of the Commission for Fresh Produce Market Acts, No. 82 of 1970 but excluding the land, building and structures comprising the Farmers' Retail Market as defined in Part II hereof;

(P.N. 453/78; M.N. 230/89)

"Market Agent" means any person who sells any article or produce on behalf of any person or who conducts any business transactions in articles or produce on behalf of vendors as agent or factor on the market or who concludes any direct sale on a commission basis;

"Market agent's permit" means any official document issued by the Director reflecting a sale on the market or matters relating or incidental thereto;

"Medical Officer of Health" means the duly appointed Medical Officer of Health in the City of Durban or his duly authorised representative;

"National Market" shall have a corresponding meaning to "Market";

(P.N. 453/78)

"Person" means any person or company;

"Private treaty sale" means a negotiated sale between a market agent and a willing buyer recorded in the books of the market;

"Produce" means any kind of agricultural and horticultural produce, poultry and game;



"Salesman" means a person in the employ of a market agent, who acts on behalf of such market agent in any transaction on the market or who concludes any direct sale, and who is registered as such in terms of section 8 of Act 12 of 1975, as amended, and is duly authorised by the Director to be employed as a salesman on the market;

(P.N. 47/87)

"Selling price" means the amount for which any article or produce has been sold to a buyer;

"Standard container" means a container made, woven or constructed in accordance with the specifications as prescribed in the manual of the South African Bureau of Standards, or any container approved by the Director;

"Salesman's permit" means the document issued by the Director authorising a salesman, employed by a market agent, to operate on the market;

"Tariff of Charges" means the tariff of charges, fees, etc. payable to the Council in respect of articles sold or services rendered at the market, as fixed in terms of the first and second schedule to these bylaws;

(M.N. 106/95)

"Unit" means the quantity of any produce which forms the basis upon which the prices of such produce are calculated;

"Vendor" means the owner of produce consigned to or brought onto the market for sale, or any person bringing any article onto the market for sale, either for himself or for any other person or any person on whose behalf a market agent has concluded a direct sale.

(P.N. 47/87)

CONDUCT OF BUSINESS ON THE MARKET

2. The business of the market shall be conducted by the Director in accordance with the various laws relating to markets and the Council's bylaws in force from time to time and subject to such conditions as the Council may by resolution from time to time impose.



MARKET HOURS

3. (1) The Market shall be open on such days and such hours as the Council may from time to time, by resolution, determine.

(2) No person shall enter or remain, or cause any vehicle, animal or other thing to enter or remain on the market on days or at times when the market is closed, save with the permission of the Director.

VEHICLES

4. (1) The Director shall be empowered to control and regulate the volume and movement of traffic entering the market or within the precincts of the market.

(2) No person shall neglect or refuse to place any vehicle under his control in the position assigned to such vehicle by the Director.

(3) The Director in his discretion shall be empowered to set aside parking spaces from time to time which shall be defined by white lines painted upon the surface of the ground or by notices placed or erected in conspicuous places; provided, however, that if circumstances demand, the Director shall, in his discretion, be empowered to prohibit for the time being any person from parking a vehicle in spaces so set aside and defined.

(4) No person in charge of any vehicle shall park such vehicle in any place within the market other than such spaces set aside in terms of subsection (3) hereof, unless he is otherwise directed.

(5) The Director shall, notwithstanding the provisions of subsection (3) hereof, be empowered to designate temporary parking places, other than defined areas.

(6) No handcraft or other vehicle, save and except those supplied by the Council or the South African Railways Administration and used for the purpose of transporting articles to or from the loading bays or for any other purpose, shall be allowed in the market hall; provided always that goods vehicles as defined in the Road Traffic Ordinance No. 21 of 1966 (as amended) may enter the market sales hall for the purpose of off-loading articles consigned to a market agent for sale at times to be determined by the Director. Such goods vehicles shall be off-loaded without delay and shall remain there only during the period necessary for such off-loading as determined by the Director.



(7) The tariff for the hire of each handcraft, supplied by the Director, shall be as prescribed in the tariff charges and shall be payable in advance.

(8) Notwithstanding the provisions of subsection (6) hereof, the Director in his discretion shall be empowered from time to time, to permit the use of pallet trucks, pallets or any other means of conveyance as he may deem fit within the precincts of the market. (P.N. 96/76).

(9) The Director, in his discretion, shall be empowered from time to time to allocate a parking space or parking spaces set aside in terms of subsection (3) hereof, and subject to the proviso of that subsection, to any person or persons for his/their exclusive use, on such conditions as the Director may approve subject to any direction by the Council. The tariff for the exclusive use of parking spaces shall be prescribed in the tariff of charges.

(P.N. 97/76)

(10) No person shall drive, propel or ride any vehicle within the precincts of the market in such way as to endanger persons or property.

(11) No person in control of any vehicle shall permit fuel spillage of any nature from such vehicle within the precincts of the market.

(P.N. 47/87)

(12) No person in control of any vehicle shall permit any unnecessary or excessive running of any internal combustion engine of such vehicle within the sales hall.

(P.N. 47/87)

MARKET AGENTS : PERMITS AND LICENCES

5. (1) No person shall carry on the trade or business of a market agent within the market unless he is in possession of a valid market agent's permit.

(2) Every person desiring to carry on such trade or business shall submit to the Director an application on such a form as may from time to time be prescribed by the Council, and he shall be liable for the cost of any stamps which may by law be required to be affixed to such application form.



(3) Every applicant shall satisfy the Council that he is a fit and proper person to carry on the trade or business of a market agent and that he is legally qualified to carry to conduct the business of a market agent.

(4) The Council shall have a discretion to refuse to issue or renew a permit in respect of any application.

(5) The Council shall be empowered to cancel any permit issued to any person where it has come to the notice of the Council that such person is not a fit and proper person, or has been found guilty of any contravention of these bylaws.

(6) Any refusal by the Council to issue or renew a permit shall not debar an applicant from again applying for a permit.

(7) Every market agent to whom a permit has been issued by the Council shall comply fully with the provisions of the Agricultural Produce Agency Sales Act, 1975 (Act 12 of 1975), as amended, in the conduct of his business on the market.

(P.N. 47/87)

(8) Every permit shall be valid from its date of issue until the 30th June next ensuing, unless cancelled or withdrawn. (P.N. 335/83)

(9) Every permit holder desiring to renew a permit shall make application therefor in the same manner as prescribed in subsection (2) above.

(10) In addition, to the permit issued by the Council, a market agent shall, before commencing to trade on the market, obtain all such other licences as may be required by law. (P.N. 47/87)

(11) The Council may at any time, without notice, cancel the permit of any market agent who is interested, either directly or indirectly, or concerned in any other business establishment for the sale or purchase of, or dealing in, produce or articles of any kind usually sold on the market, or who acts in any way prejudicial to the interests of the market. (P.N. 47/87)

(12) No liability shall develop on the Council or the Director for any loss or damage resulting from the cancellation of any permit and no refund of any fee paid in respect of such permit, shall be made. (P.N. 47/87)

(13) The refusal or cancellation of a permit in terms of these provisions shall not absolve any applicant or holder from payment of any penalty prescribed for any contravention of these bylaws. (P.N. 47/87)



(14) Whenever it is deemed necessary by the Director, every market agent shall undergo an X-ray examination for tuberculosis at his own expense and shall submit the results of such examination to the Director. (P.N. 47/87)

(15) Whenever a market agent's permit is issued to any market agent in terms of these bylaws the market agent concerned shall immediately pay a registration fee in accordance with the tariff of charges to the Director.

(P.N. 47/87)

EMPLOYEES OF MARKET AGENTS

6. (1) A market agent shall not employ any person as a salesman nor allow any person he wishes to employ as a salesman to commence work, until a salesman's permit in respect of such person has been issued by the Director.

(2) Application for a salesman's permit shall be made by the market agent wishing to employ the person concerned, on a form prescribed by the Director.

(3) The Director shall be empowered to refuse to issue or renew a permit or, at any time, to cancel a permit if, in his discretion, the person concerned is not a fit and proper person to be employed as a salesman, or if such person has contravened any law or regulation relating to the market.

(4) Subsections (8), (11), (12), (13) and (14) of section 5 of these bylaws shall apply *mutatis mutandis* to any salesman employed by a market agent.

(P.N. 47/87)

(5) Every permit holder desiring to renew a permit shall make application therefore in the same manner as prescribed in subsection (2) above.

(6) Every market agent shall notify the Director of any change of personnel or directorship within three days of such change.

(7) Every market agent shall be responsible for the conduct of all persons in his employ, and shall be personally liable for any damage done to Council property by himself or by his employees.



(8) A market agent shall terminate the services of any employee convicted of a contravention of any laws or regulations relating to the market and shall not engage or re-engage within the market any person whose services have been so terminated.

(P.N. 47/87)

(9) Every market agent shall supply to his employees such protective clothing as may be required by the Director and shall ensure that such clothing is distinctly marked with the code mark or name of his firm and such clothing shall at all times be kept clean and in good repair, to the satisfaction of the Director. No market agent shall allow any employee to work on the market unless he is wearing such protective clothing.

(10) A registration fee in accordance with the tariff of charges shall be payable by the market agent concerned in respect of every salesman's permit issued by the Director.

(11) Subsection (14) of section 5 of these bylaws shall apply *mutatis mutandis* to any employee of a market agent; provided that any examination shall be at the cost of the market agent concerned.

(P.N. 47/87)

REGISTRATION OF PORTERS OR CARRIERS

7. (1) No person shall ply for hire as a porter or carrier on the market unless he is in possession of a porter's permit issued by the Director. Such a permit shall be valid for three months and will be issued to persons approved by the Director upon the payment of a charge as set out in the tariff of charges.

(2) Every person plying for hire as a porter or carrier on the market shall wear a numbered overall as directed by the Director.

(3) No porter or carrier on the market shall, at any time while he is not engaged or plying for hire, be upon any portion of the market other than an enclosure or other area set aside by the Director for such purpose.

(4) No porter or carrier on the market shall ply or canvass for hire by shouting or by persistently following a buyer or prospective buyer or fail to keep his person and clothing in a clean and tidy condition to the satisfaction of the Director.

(5) Any porter or carrier contravening any provisions of these bylaws may be ordered off the market by the Director who may also cancel his permit, and no refund of any fee paid by such porter or carrier shall be made in such event.



TRADING AND TENANCIES

8. (1) No person shall in the course of business or trade, within the confines of the market, sell or otherwise dispose of or give delivery of any article purchased by him from a market agent to any other person.

(2) The Council may sell or lease by public tender the right to conduct the business of a cafeteria within the confines of the market for the purchase of supplying refreshments and foodstuffs, in accordance with such conditions as the Council may see fit to impose.

(3) (a) Every market agent shall lease from the Council an office allocated to such market agent by the Director and shall pay to the Director monthly, in advance, such rental as may from time to time be determined by the Council; provided however that the Director shall be empowered, in his discretion, to let such additional offices to a market agent as such market agent may require.

(b) Should any such market agent fail to pay the rent on or before the 7th day of the month in respect of which it is payable, the Council may, after 7 days notice to that effect, cancel his market agent's permit, without prejudice to the Council's right to enforce any other obligation of the market agent.

(c) In the event of a market agent's permit being cancelled, such market agent shall forthwith vacate the office/s occupied by him, and the Council shall not be liable for any loss suffered by such market agent as a result of such cancellation or vacation.

CLEANLINESS OF PREMISES

9. Every person to whom these has been allocated any office area or other place on the market in, on or from which to carry on business shall, at all times, keep such office, area or other place and any roadway, gangway or passage adjoining it, neat and clean to the satisfaction of the Director and shall immediately remove therefrom anything which the Director may instruct him to remove. The Director may, at any time, inspect any such office, area or other place and any such roadway, gangway or passage and any vehicles or containers therein or thereon for the purpose of ensuring that these bylaws are being complied with.



DUST AND RUBBISH - RECEPTACLES

10. Any person hiring premises on the market shall provide, at his sole cost and expense, an adequate number of dust or rubbish receptacles of a type and size approved by the Director for use on such premises and it shall be the responsibility of every person hiring such premises to ensure that the contents of such receptacles are regularly removed and dumped in a place to be determined by the Director.

STORAGE OF ARTICLES ON THE MARKET

11. (1) No person occupying any office on the market shall, without the prior written consent of the Director, store in such office any articles except stationery and other office equipment required for current use in any office let to him by the Council.

(2) Subject to the provisions of subsection (1) hereof no person shall store any article on the market without the prior consent of the Director.

(3) The Director, shall, in his discretion, be empowered to permit any person to store any article on the market at such place as the Director may deem fit and against payment of the fee as set out in the tariff of charges.

(4) A special fee, as set out in the tariff of charges, shall be payable to the Director in respect of any article unlawfully left on the market.

COOKING OF THE MARKET

12. No person shall cook food, toast bread or make tea or any other beverage in any part of the market other than in such places as may have been set aside for the purpose; provided that the Director may allow tea or any other beverage to be made in premises set aside for market business subject to such premises being kept neat and clean to the satisfaction of the Director.



DAMAGE TO ACCOMMODATION

13. Every tenant shall be responsible for any damage caused to any part of the accommodation let to him, and shall not erect fittings, shelving, partitions, locks, letter boxes or anything else in such accommodation, without the prior written permission of the Director, and the tenant shall, on vacating the accommodation make good any damage caused by the erection or removal of any such items.

MARKET AGENT'S SIGNS

14. Every market agent shall, at his own expense, have affixed over the door of an office occupied by him, a board duly approved by the Director, bearing in letters of legible size and colour, his own as well as his business name, and shall preserve such name or names legibly and undefaced so long as he shall be an occupier of such office.

CONDUCT OF MARKET AGENT'S BUSINESS

15. Every market agent shall conduct his business solely for the purpose of receiving direct from vendors, articles to be sold on the market, or of concluding direct sales and ensuring delivery of produce sold to buyers on a commission basis, and shall not at any time be directly or indirectly interested or concerned in any other business establishment for the sale or purchase of, or dealing in produce or articles of any kind usually sold on the market.

(P.N. 47/87)

OFF-LOADING ON ARRIVAL

16. (1) Every article to be offered for sale on the market, shall, on arrival, be delivered to a market agent, who shall immediately make all arrangements deemed necessary by the Director to off-load and place such article in the space or enclosure provided for it.



(2) All articles consigned or delivered to a market agent shall be stacked in a position within the market approved by the Director and to his satisfaction.

WAY-BILLS

17. The Director may obtain from the South African Railways Administration a copy of every delivery note or way-bill issued by the said Administration and any other particulars required by him in respect of every article delivered at the market by the said Administration, irrespective of whether such article has been transported by rail or road.

DELIVERY NOTES

18. (1) Every person bringing or causing to be brought to the market any article to be offered for sale thereon shall, immediately on its arrival, register such article with the Director and the market agent to whom the article is consigned.

(2) The Director shall issue or cause to be issued, a delivery note signed by him and such person showing -

- (a) date of arrival;
- (b) the full name and address of the vendor;
- (c) the description of the article;
- (d) the description of the container;
- (e) the mass or quantity;
- (f) the variety and quality;
- (g) the name or code mark of the market agent to whom such article is sent;
- (h) the registration number of the vehicle, if any;
- (i) any other particulars that may from time to time be required by the Director;

(3) The Director shall furnish every such person and the market agent concerned each with a copy of the said delivery note, and shall keep a copy himself.



(4) In the event of a direct sale the market agent shall for the purpose of obtaining his authority provide the Director with the purchase price relating to such sale, a sales docket and a delivery note showing -

- (a) the date;
- (b) the name and address of the vendor;
- (c) the name and address of the buyer;
- (d) the commodity;
- (e) the quantity;
- (f) the price per unit; and
- (g) any other information that the Director shall reasonably require in respect of such sale.

(P.N. 47/87)

REJECTION OF ARTICLES

19. (1) If the Director shall reasonably suspect that any articles submitted for sale are stolen property, he may, in his discretion, refuse to offer such articles for sale or to permit them to be sold, and he may, if he so suspects only after the sale, or if he allows a sale of articles suspected to be stolen, retain the proceeds of such sale in his possession until he has been satisfied as to the ownership of such articles; provided always that neither the Council nor the Director shall be liable for any loss of damage caused to any person by any such sale or refusal to sell.

VARIATION IN QUALITY

20. No person shall bring or offer for sale on the market any produce which is so packed that the produce at the top or sides of the container is of better quality or larger size than the produce in any other part of the container.



SEPARATION OF PRODUCE

21. Every market agent shall remove and effectively separate from any produce received by him for sale on the market, any article which at any time is, or shows signs of being deteriorated or damaged and shall re-sort or re-pack such produce if, in the opinion of the Director, it is necessary to do so.

POULTRY AND BIRDS

22. (1) All live poultry or birds brought upon the market for sale shall be in a healthy condition and free from disease, well exposed in crates or boxes, well open to public view and shall not be tied by the legs.

(2) The market agent shall feed and water such poultry and birds in such a manner and at such times as may be determined by the Director.

(3) The manner in which such poultry and birds are sold shall be determined by the Director.

(4) After sales, poultry and birds shall not be left in the crates or boxes for longer than is necessary for the delivery to be made to the buyer; provided that the Director may instruct a market agent or a buyer to remove the poultry or birds as soon as they have been sold; provided further that the Director may refuse to release poultry or birds if he has reason to believe that they are unhealthy, or if a buyer has failed to comply with any condition of sale imposed by the Director.

(5) No person shall slaughter, destroy, pluck or clean poultry or birds within the confines of the market.

(6) The Director may take all such steps as he may deem advisable to prevent or to stop the infliction of suffering, cruelty or rough handling on any poultry or birds.



STACKING, ARRANGEMENT AND DISPLAY OF ARTICLES

23. Every market agent shall make all arrangements deemed necessary by the Director to place, stack, arrange and display all articles received on the market, at such time as the Director may determine and in such a way that they will have an orderly appearance, be conspicuous to intending buyers and adequately separated from other articles, whether or not the articles are of the same commodity or come from the same vendor. The Director may at any time direct a market agent to remove some or all of such articles to another space or enclosure, or to re-stack, re-arrange or re-display them.

CONTAINERS

24. (1) (a) Every container shall have the name and address of the consignor and market agent clearly and legibly marked in capital letters on such container or on a label securely attached to it.

(b) All other names, addresses or marks, except the name, address or mark of the consignee and such other marks or labels are required by law to appear, shall be obliterated.

(c) No articles shall be displayed for sale, offered for sale or sold unless the container is so marked.

(2) (a) Where articles are sold in containers, such containers shall be included in the purchase price of such articles, except in the case of patent boxes or baskets, or crates used in connection with the poultry, which shall be returned to the market agent concerned.

(b) Buyers shall return such patent boxes, baskets or crates to the market agent concerned in the same condition and state of repair in which such were received, within 3 hours after the sale.

(c) Buyers shall under no circumstances remove such patent boxes, baskets or crates from the precincts of the market.

(d) The market agent concerned shall return such patent boxes, baskets or crates to the vendor within 24 hours after the sale.



INSPECTION, GRADING, PACKING AND MARKING

25. No article required by law to be graded, shall be offered for sale or sold on the market unless it has been submitted by the market agent concerned for inspection and has been inspected as prescribed by law and the grade assigned to it as a result of such inspection has been clearly marked on it by such market agent or inspector and no article required by law to be offered for sale or sold by mass, or to be packed, marked or graded in a prescribed manner shall be offered for sale or sold or removed from the market agent unless it complies in every respect with the requirements of such law; provided that the Director may, in his discretion, direct that any article be sold if he deems it expedient to do so.

(P.N. 47/87)

COMMENCEMENT AND CLOSING OF SALES

26. (1) Sales shall commence and close at such times as may be determined by the Director and no sales shall be held at any other time.

(2) The Director shall cause a bell to be rung or some other sound to be made as a signal for the commencement and for the closing of sales.

(3) The ringing of such bell or the making of such other sound, shall be deemed to mark the commencement and closing respectively of all sales, and no article shall be offered for sale or sold before such commencement or after such closing.

PRIVATE TREATY SALES

27. (1) All sales by market agents shall be conducted by private treaty, unless otherwise directed by the Director.

(2) No market agent shall offer for sale or sell any article by private treaty unless he is in a position to deliver the article concerned as soon as the purchase price has been laid by the buyer, except in the case of a direct sale when delivery may be effected directly between buyer and vendor.



(P.N. 47/87)

(3) Any market agent who concludes a direct sale between a vendor and a buyer and omits or neglects to advise the Director in advance of the details of such direct sale, or fails to obtain his authority shall by such omission or neglect be guilty of a contravention of these Bylaws.

(P.N. 47/87)

AUCTION BY DIRECTOR

28. (1) No person, other than the Director, shall organise or conduct or attempt to organise or conduct any auction sale on the market.

(2) The Director, in his discretion, may direct that any article brought onto the market for sale to be sold by auction.

(3) When any article is put up for sale by auction it shall be deemed to be sold to the highest bidder upon the work "gone" being declared by the Director in respect of such article.

(4) If the Director is in doubt as to the highest bidder, the article shall again be put up for sale.

(5) The Director may declare any article unsold when the highest bid, in his opinion, is unreasonable.

(6) Any article offered for sale by auction shall be deemed to be so offered without a reserve price having been placed thereon, unless the market agent concerned informs the Director of the reserve price so placed before the article is offered for sale. If the highest bid does not equal the reserve fixed by the market agent, the Director may declare such article unsold.

HOW ARTICLES ARE TO BE SOLD

29. (1) No article shall be sold except according to quality, mass, number, quantity or as otherwise required by law or as determined by the Director.

(2) Any article sold or required to be sold by mass shall be sold in accordance with the regulations made in terms of the Trade Metrology Act, 1973 (Act 77 of 1973), as amended, and the mass shall in every case be nett mass.



(P.N. 47/87)

(3) Except in the case of a direct sale, it shall be the responsibility of the market agent concerned to ensure that articles which are required to be sold by mass are arranged in units, the mass of which shall comply with any legal requirements, before such articles are displayed for sale, offered for sale or sold and such mass shall be clearly and legibly marked on such articles or their containers.

(P.N. 47/87)

(4) No market agent shall display a sample of any article for sale or sell any article by sample unless such sample is truly representative of the entire consignment, and the Director may satisfy himself in such manner as he may determine that the entire consignment is truly represented by the sample so displayed or offered for sale.

PREFERENCE

30. No market agent shall, when conducting private treaty sales, give preference to any person in any way whatsoever.

PURCHASE AND SALE BY COUNCIL EMPLOYEES

31. Neither the Director nor any market official shall be allowed to trade or purchase articles on the market, either on his own account or on commission except such articles as they *bona fide* require for their own private consumption.

SALES DOCKETS

33. (1) In the case of all sales, whether by private treaty, direct sale or by public auction, a sales docket complying with the provisions of subsection (2) hereof shall subject to section 18(4) be issued to the Director, the vendor and the buyer by a salesman employed by the market agent concerned immediately upon a sale being concluded; provided that in the case of a direct sale the salesman shall issue the sales docket to the vendor and buyer as soon as reasonably practicable.



(P.N. 47/87)

(2) Every sales docket referred to in subsection (1) shall be clearly and legibly completed and shall contain the following information: -

- (a) the date of transaction;
- (b) the market agent's name;
- (c) the vendor's full name;
- (d) in the case of a credit buyer, his full name and his number;
- (e) a description of the article sold;
- (f) a description of the type of container used;
- (g) the quality of the article sold;
- (h) the mass, quantity or number of units, as the case may be, of the article sold;
- (i) the price per unit;
- (j) the full purchase price in the case of a cash buyer; and
- (k) such other information as may be required by the Director from time to time.

(3) When making payment in terms of section 34 (2) hereof the buyer shall produce the sales docket issued to him to the Director who shall endorse thereon that payment of the purchase price has been received.

(4) A credit buyer shall, immediately after purchasing any article, produce his buyer's card as well as the sales docket issued to him to the Director, who shall, subject to the conditions on which such buyer's card was issued, endorse on the sales docket that payment of the purchase price has been deferred.

PAYMENT OF PURCHASE PRICE

34. (1) No market agent or his employees shall receive or handle cash in respect of any purchase on the market.



(2) The buyer of any article shall pay the purchase price thereof in cash to the Director immediately after it has been sold, unless he is in possession of a valid buyer's card.

(3) The Director shall be and is hereby authorised to furnish any buyer with a buyer's card in terms of which the payment of any purchase may be deferred on such conditions as the Director may deem fit, provided always that the Director shall have a discretion to grant or cancel any buyer's card.

(4) Every holder of a buyer's card shall pay to the Council a fee as set out in the tariff of charges.

(5) Every buyer to whom a buyer's card has been issued shall provide at his cost a bank or insurance company guarantee to the satisfaction of the City Treasurer as security against monies due in respect of credit purchases made in terms of subsections (6) and (7) not being paid by the due date.

(6) Notwithstanding the provisions of subsection (3) hereof, a buyer to whom a buyer's card has been issued shall pay the purchase price of any article not later than 11h00 on the day following the date of purchase, except in the case of purchases on a Saturday, in which case payment shall be made before 11h00 on the following Tuesday, and in the case of purchases made on a day preceding a public holiday payment shall be made by 11h00 on the following business day.

(7) Notwithstanding the provisions of subsection (6) hereof, the Director may in his discretion, on application by a buyer, in writing grant to such buyer an extended period within which he may make purchases on credit subject to such terms and conditions as the Director may prescribe.

(8) Notwithstanding anything contained hereinbefore, interest at a percentage rate per annum approved by the Council from time to time shall accrue and be payable on any amounts owing in respect of any purchase made in terms of subsections (6) and (7) hereof, which have not been paid by due date.

(P.N. 481/81).

(9) The due date, for the purpose of calculating interest accruing in terms of subsection (8) on purchases made in terms of subsection (6) shall be deemed to be the date of purchase and the due date in respect of purchases made in terms of subsection (7) shall be the day following the date on which payment was due.

(P.N. 515/75; 575/80)



REMOVAL OF ARTICLES FROM THE MARKET

35. (1) Unless otherwise permitted by the Director every buyer shall collect and remove all articles bought by him from the market within three hours of purchase.

(2) The market agent concerned shall be responsible for delivering to the buyer the correct quantity, mass, quality, grade and variety of the purchased article in its proper container.

(3) (a) The Director shall be empowered to set aside loading bays to cater for the loading and off-loading of goods, and the provisions of subsection (2), (3), (4) and (5) of section 4 of these bylaws shall *mutatis mutandis* apply to this subsection. (P.N. 47/87)

(b) No person operating or in charge of any vehicle shall, except by reason of a cause beyond his control, allow such vehicle to remain stationary in a loading bay for any purposes other than for the loading or off-loading of goods; provided that any vehicle shall not remain in a loading bay for a period longer than is absolutely necessary for loading or off-loading, and such loading and off-loading shall be conducted without delay.

(4) Any vendor who wishes to remove from the market any article brought onto the market by him shall first obtain the prior written consent of the Director before removing such article. (P.N. 47/87)

PROCEEDS OF SALES

36. (1) The Director shall pay the proceeds of the sale of any article consigned to a market agent and sold on the market, or sold by means of a direct sale, to such market agent after deducting therefrom the market dues, duties, levies or charges payable in respect of such sale; provided that in the case of a direct sale the Director may in his discretion withhold such proceeds pending written certification by the market agent that the sale has been completed and delivery effected to the satisfaction of both vendor and buyer. (P.N. 47/87)

(2) Every market agent shall account promptly, correctly and in full to the vendor for the proceeds of any sale after receiving payment from the Director in terms of subsection (1) hereof and shall within the period, as may be required by any law from time to time, pay the vendor the amount owing to him after deducting from such monies any amount which he is legally entitled to do.

(3) The Director may furnish any vendor with such information relating to the sale of any article, sold by any market agent on behalf of such vendor, as the Director may deem expedient, and



every market agent shall, at the request of the Director, furnish the Director with such information as he may require.

ACCOUNTS

37. The Director shall keep a correct amount of all articles sold and monies handled by him. Such account and all books and documents relating thereto shall at all times be open to inspection by any officer as may from time to time be appointed by the Council to carry out such inspection.

UNCLAIMED AND UNCLEARED ARTICLES

38. (1) Any article left on the market which is not claimed within 4 hours by the person entitled thereto shall be sold by the Director who shall hold the proceeds of such sale, less all market charges, on behalf of any person duly establishing a claim thereto.

(2) No claim referred to in subsection (1) hereof shall be recognised after the expiration of 90 days from the date of sale, and in such case all the proceeds of such sale shall revert to the Council.

(3) If any article already sold on the market remains uncleared at the close of the sale of any day, the Director may re-sell such article on the following day and the buyer in default shall be liable for any changes and losses arising out of the resale of such article.

DISPUTES

39. (1) The Director may demand any information from any person relating to any aspects of private treaty sales and may conduct any investigation which he may deem fit, in the opinion of the Director, any person has suffered or is likely to suffer damage or loss of a result of non-compliance by a market agent with the provisions of these bylaws.

(2) In the event of any dispute arising between a market agent and any buyer, or between a market agent and any vendor, relating to the sale of any article on the market, or any direct



sale, or any matter incidental thereto, the Director shall be empowered to decide the issue, and such decision shall be final and binding on the parties. (P.N. 47/87)

(3) Any problem or dispute relating to any market business and requiring immediate decision, arising in respect of any matter for which no provisions exist elsewhere in these bylaws, shall be dealt with by the Director, whose decision shall be final and binding.

(4) In the event of a dispute arising between a vendor and a buyer in respect of the produce sold under a direct sale authorised by the Director, the Director may at any time prior to payment of the proceeds in terms of section 36(1) refund the purchase price relating to the transaction to the buyer concerned.

(P.N. 47/87)

(5) Any agent who concludes a direct sale in respect of which a dispute arises, shall be responsible for and undertake any negotiations and shall handle any claims between the vendor and buyer in respect of that dispute.

(P.N. 47/87)

SECURITY

40. All purchases shall be subject to inspection and the Director or any police officer shall, within the confines of the market, be empowered, without warrant, to search any vehicle or receptacle of whatever nature and to seize any article in respect of which any offence has been, or on reasonable grounds, is suspected to have been committed.

RISK OF ARTICLES

41. (1) Every article brought onto the market shall at all times be at the sole risk of the agent until such article is sold.

(2) Every article sold on the market shall be at the buyer's sole risk from the moment it is sold.



NON-LIABILITY OF COUNCIL AND DIRECTOR

42. (1) Neither the Council nor the Director shall be liable for any error of description, shortage or excess in quantity or lack of quality in regard to any article sold on the market or in respect of any direct sale.

(P.N. 47/87)

(2) Neither the Council nor the Director shall be liable for any damage, injury or loss arising out of any lawful act or decision on the part of the Director in the execution of his duties in terms of these bylaws.

CONDUCT OF PERSONS WITHIN THE MARKET

43. (1) All persons on the market shall comply with the lawful and reasonable instructions of the Director.

(2) No person shall, in or about the market -

(a) cause a nuisance, or behave in a manner which is disorderly or unseemly, or use threatening, obscene, abusive, violent, offensive or disgusting language;

(b) interfere with or molest any other person or tout for custom;

(c) interfere with or obstruct any employee of the market in the execution of his duties;

(d) throw anything at any person or object;

(e) organise or conduct a meeting without obtaining the prior written consent of the Director;

(f) touch, taste, smell, handle or remove any article exposed for sale in such way as to make it liable to contamination;

(g) keep or expose for sale any article of an offensive nature;

(h) smoke in any part where a notice prohibiting smoking is displayed;



- (i) light a fire, save at such times and in such places as have been authorised by the Director;
 - (j) stand, sit or lie upon or lean against any article or container;
 - (k) without lawful reason tamper with or remove or cause to be removed any article placed or exposed for sale, or any container, or any label on such article or container;
 - (l) without the written permission of the Director erect any additional fence or buildings on premises hired from the Council, or convert existing buildings or erect partitions or install or extend existing water or electrical leads or fittings or make any other changes of a like nature on such premises;
 - (m) cause or permit any solids or other matter likely to cause blockage in or damage to drains to enter any drain or gulley, or cause to permit any sewage, oil, foul water or other objectionable substance to enter any stormwater drain;
 - (n) without the permission of the Director wash, pack, sort, grade or clean fruit, vegetables or any other article; or
 - (o) throw or deposit in any place other than receptacles provided for the purpose, any fruit peel or any other vegetable matter or refuse.
- (3) No person shall bring or convey any intoxicating liquor onto the market, or have intoxicating liquor in his possession whilst in the market, or enter or remain upon the market while under the influence of intoxicating liquor.
- (4) No person shall damage, ruin or tamper with any article brought to the market, or any building or property belonging to the Council. Any person committing a breach hereof shall pay the Council the amount of the damage done, as well as the penalty imposed for the breach hereof.
- (5) No person shall dispose of any article by way of gift or in any manner give delivery of any article to another person within the precincts of the market, save as in accordance with the provisions of these bylaws.
- (6) It shall be lawful for the Director or any policeman to exclude or remove from the market any person who is in a state of intoxication or who behaves in a manner which is disorderly or unseemly or who causes a nuisance in the precincts of the market.
- (7) No person excluded or removed from the market in terms of subsection (6) hereof shall enter or re-enter any part of the market on the same day that he was so excluded or removed.



(8) Notwithstanding the provisions of subsections (6) and (7) hereof, the Director shall be empowered to exclude any person referred to in subsection (6) hereof from the market for any period not exceeding fourteen days.

(9) The Director or any police officer shall be empowered to arrest, without warrant, any person found committing any offence within the precincts of the market or any person who he on reasonable grounds believes to have recently contravened any of the provisions of these bylaws.

(10) No person shall bring onto the market any refuse, garbage or vegetable matter for the purpose of discarding such refuse, garbage or vegetable matter within the precincts of the market. (P.N. 47/87)

OBSTRUCTIONS

44. (1) No person shall place any article or thing anywhere in the market so as to cause inconvenience or obstruction or so as to prevent the proper sweeping, washing or cleaning of the market.

(2) Any person in control of any article or thing shall immediately remove such article or thing when instructed to do so by the Director.

(3) Should any person refuse or neglect to comply with any instructions issued by the Director in terms of subsection (2) hereof or should any article or thing causing obstruction or inconvenience be unattended, the Director may, without notice, remove the obstruction, and no liability shall attach to the Director or to the Council for any damage, injury or loss resulting from such removal.

COLD STORE AND RIPENING CHAMBER

45. (1) The Director shall be empowered to place in cold storage or in the ripening chamber at the request of any person, any article approved by the Director, and to charge a fee for such storage in accordance with the tariff of charges.

(2) Neither the Council nor the Director shall be liable for any loss, damage or injury to goods placed in the cold store, or the ripening chamber, whether caused by maintaining too high or



too low a temperature, by excessive or insufficient moisture, by failure of machinery or any other cause whatsoever.

PROTECTIVE CLOTHING

46. All persons concerned with marketing or the handling of produce shall wear such protective clothing whilst performing their duties as may be required by the Director.

RECOVERY BY DIRECTOR OF MONIES OUTSTANDING

47. (1) The Director shall be empowered on behalf of the Council to recover any monies due and outstanding in respect of any business conducted on the market, including monies owing by either vendors or buyers in respect of any market sales, and any monies due and payable in respect of any provisions of these bylaws.

(2) The Director shall be empowered to set off against any outstanding debts any monies in his possession belonging to the debtor.

(3) The Director may sue on behalf of the Council in connection with any matter relating to the provisions of subsection (1) hereof.

(4) The Director shall be empowered to submit to the South African Railways Administration claims on behalf of vendors arising out of breakages, shortages or undue delays in delivery, etc. or articles consigned to the market.

NAME OF MARKET



48. The market established by the Council, in terms of these bylaws, shall be known as the Durban National Fresh Produce Market.

OFFENCES AND PENALTIES

49. (1) Any person who -

(a) contravenes any provision of these bylaws; or

(b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these bylaws; or

(c) fails to comply with the terms of any notice served upon him in terms of these bylaws,

shall be guilty of an offence and liable, upon conviction, to the maximum penalty prescribed for the offence by section 266(7)(a) of the Local Authorities Ordinance, No. 25 of 1974.

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

(P.N. 366/83)

50. Notwithstanding anything hereinbefore contained, the provisions of Part I shall have no application to the Temporary Farmers' Market as defined in Part II of these Bylaws.

(P.N. 453/78)



PART II : FARMERS' RETAIL MARKET

DEFINITIONS

1. In these Bylaws, unless inconsistent with the context:

"Agricultural Produce" means anything grown on a farm or in a garden for human consumption and includes flowers, green lucerne, green forage, eggs, live poultry and such dried and any other produce which the Director of Markets may permit to be sold;

"Article" means any produce, goods, object or thing brought onto the market for sale;

"Council" has a corresponding meaning to "Council" as defined in Part I of these bylaws;

"Container" has a corresponding meaning to "Container" as defined in Part I of these bylaws;

"Director" has a corresponding meaning to "Director" as defined in Part I of these bylaws;

"Farmer" means any person authorised in writing by the Director to sell or expose for sale, within the retail market, agricultural produce produced by him;

"Farmers' Retail Market" means the Market located within a fenced area on the raised platform section on the east side of the Cold Storage Complex in the National Market;

(M.N. 227/89)

"Manufacturer" means any person who sells or expose for sale within the retail market, baskets or such articles manufactured by himself, as the Director may authorise;

"Market" - Deleted by M.N. 227/89;

"National Market" means the retail market defined in Part I of these Bylaws;



"Permit" means the document issued to a farmer by the Director in terms of section 4(1) authorising him to sell or expose for sale within the Retail Market, agricultural produce produced by him;

(M.N. 227/89)

"Produce Entry document" means a document issued to a farmer by the Director prior to the entry of the farmer into the Retail Market which shall contain such information as the Director from time to time may determine;

(M.N. 227/89)

"Retail Market" means the Farmers' Retail Market; (M.N. 227/89)

"Seller" means a Farmer or Manufacturer as defined; (M.N. 227/89)

"Stall" means any space demarcated and allotted by the Director to a farmer or manufacturer for the purpose of selling authorised articles therefrom;

"Temporary Farmers' Market" - Deleted by M.N. 227/89

MARKET HOURS

2. (1) The retail market shall remain open every day except Sundays and the public holidays referred to in the second schedule of the Public Holidays Act, 1952 (Act No. 5 of 1952).

(2) Notwithstanding the provisions of subsection (1), the Council may close the retail market on any other public holiday, or on such other days or during such period as it deems fit.

(3) Notwithstanding the provisions of subsection (1) and (2) hereof, the retail market shall be closed on the days the National Market is closed.

(4) Notice of the opening and closing hours or the closure of the retail market on public holidays and other days in terms of sub-sections (1), (2) and (3) shall be posted on the notice board within the retail market by the Director.

(5) No person shall enter or remain, or cause any vehicle, or other thing to enter or remain on the retail market on days or at times when the retail market is closed, save with the permission of the Director.



STALLS

3. (1) The Director may, in his discretion, from time to time, determine the position and extent of any stall in the retail market.

(2) (a) The Director may from time to time, divide the retail market into sections for the sale of different classes of articles.

(b) No article may be sold from or in any section which does not belong to the class of article for the sale of which that section has been set aside.

(3) The Director may for purposes of identification allot a distinctive number to each stall as he deems fit.

(4) Notwithstanding the provisions of section 4, stalls shall be allotted on a daily basis and the right acquired under these Bylaws in respect thereof shall not be transferable.

OCCUPATION OF STALLS

4. (1) No person shall occupy a stall in any section of the Retail Market unless he -

(a) is not less than 18 years of age;

(b) has made application to the Director in a form prescribed by the Director;

(c) had lodged with the Director -

(aa) (i) an affidavit

(ii) an undertaking in forms approved by the Director, and

(bb) all documents called for in the application;

(d) has been granted a permit by the Director;



(e) has furnished proof to the satisfaction of the Director that he is a farmer when called upon by the Director to do so.

(M.N. 227/89)

(2) (a) No person shall occupy any stall in the retail market other than the stall allotted to him by the Director.

(b) No seller shall be permitted or be entitled to occupy more than one stall at any time.

(3) Every seller shall -

(a) be in personal attendance at the stall allotted to him;

(b) personally supervise the business carried on his stall during the hours when sales take place, unless he has first obtained the written permission of the Director to allow some other person to supervise and carry on the said business on his behalf;

(c) at all times keep his stall clean and tidy to the satisfaction of the Director;

(d) pay at a time specified by the Director on the Produce Entry Document -

(i) a 5% *ad valorem* tariff of the value of the produce brought onto the Retail Market as assessed by the Director, or

(ii) the sum of R1,00 (whichever is the greater).

(M.N. 227/89)

PROHIBITIONS

5. (1) (a) No person shall sell, expose or offer for sale any article in the Retail Market unless -

(i) he shall first have received the authorisation of the Director so to do;

(ii) such article has been declared and assessed on a Produce Entry Document;

(iii) the tariff prescribed in section 4(3)(d) has been paid.



(b) The Director may take any such action as may be reasonable to exclude any person who has failed to pay any tariff prescribed in section 4(3)(d) hereof by the time stipulated in the Produce Entry Document from selling or exposing for sale any articles on the Retail Market.

(M.N. 227/89)

(2) No seller or manufacturer shall take into the retail market any child under the age of 7 (seven) years.

(3) No seller or member of the public shall take into the retail market any dog, bicycle or tricycle.

(4) No person shall perform any service or conduct any business in the retail market for reward otherwise than in accordance with these Bylaws.

OBSTRUCTIONS

6. Every seller shall confine his business to the limits of the stall allotted to him in terms of these Bylaws.

ALTERATIONS TO STALLS

7. No seller shall construct or attach any fittings or fixtures to, or make any erections in, or alterations to his stall.

CLEANLINESS

8. (1) Every person who brings into the market any vehicle or any basket or other container for the conveyance of goods for sale at the retail market shall keep the same clean and tidy to the satisfaction of the Director.

(2) The Director may, in his discretion, prohibit the cleaning, stripping or peeling of any articles in any section of the retail market.



VEHICLES

9. (1) The Director shall be empowered to control and regulate the volume and movement of traffic entering the retail market or within the precincts of the retail market.

(2) No person shall neglect or refuse to place any vehicle under his control in the position assigned to such vehicle by the Director.

(3) The Director in his discretion shall be empowered to set aside parking spaces from time to time which shall be defined by white lines painted upon the surface of the ground or by notices placed or erected in conspicuous places; provided, however, that if circumstances demand, the Director shall, in his discretion, be empowered to prohibit for the time being any person from parking a vehicle in spaces so set aside and defined.

(4) No person in charge of any vehicle shall park such vehicle in any place within the retail market other than in such spaces set aside in terms of subsection (3) hereof, unless he is otherwise directed.

(5) The Director shall, notwithstanding the provisions of subsection (3) hereof, be empowered to designate temporary parking places, other than defined areas.

(6) Every person in charge of a vehicle which is admitted to the retail market for the purpose of conveying goods for sale therein, or for the purpose of removing goods therefrom, shall unload, or as the case may be, load such vehicle without delay and forthwith remove same from the retail market.

(7) (a) The tariff for the hire of each handcraft, supplied by the Director, shall be as prescribed in Item 3 of Part I of the tariff charges referred to in section 5 (1) hereof and shall be payable in advance.

(7) (b) Any person to whom a receipt is issued in respect of a payment made in terms of (a) above, shall retain it for the period of its validity and shall, when required to do so, during that period, produce such receipt for the purpose of inspection or examination by the Director.

(7) (c) The rights acquired in terms of (7)(a) above shall not be transferable.

(8) The Director, in his discretion, shall be empowered from time to time to allocate a parking space or parking spaces set aside in terms of section (3) hereof and subject to the provisions of that subsection, to any person or persons for his/their exclusive use, on such conditions as the Director may approve subject to any direction by the Council. The tariff for the exclusive use of parking shall be as prescribed in Item 5 (d) of the aforementioned tariff of charges.



(9) No person shall drive, propel or ride any vehicle within the precincts of the retail market in such way as to endanger persons or property.

COMMENCEMENT AND CLOSING OF SALES

10. (1) Sales shall take place only during such periods as may be determined by the Director and no sale shall take place at any other time.

(2) The Director shall cause a bell to be rung or some other sound to be made as a signal for the commencement and for the closing of the periods mentioned in (1) above.

(3) The ringing of such bell or the making of such other sound, shall be deemed to mark the commencement and closing respectively of such periods, and no article shall be offered for sale or sold before such commencement or after such closing.

(4) After such closing sellers shall forthwith remove all articles from the retail market.

REJECTION OF ARTICLES

11. (1) If the Director reasonably suspects that any article submitted for sale is stolen property, he may, in his discretion, refuse to permit such article to be offered or displayed for sale or refuse to permit it to be sold until he has been satisfied as to the ownership of such article; provided always that neither the Council nor the Director shall be liable for any loss or damage caused to any person by any such sale or refusal to sell.

(2) The Director may reject from the retail market or may decline to accept for sale in the retail market any article which in his opinion is offensive, diseased, unsound, unwholesome or unfit for consumption by human beings or animals, or is contained in a container likely to contaminate it or any other article with which such container may come into contact. Upon the issue of a certificate of condemnation by the Medical Officer of Health, in respect of any offensive, diseased, unsound, unwholesome or unfit article, the Director may seize and destroy it, and the owner of such article shall not be entitled to any compensation in respect thereof.

INSPECTION, GRADING, PACKING AND MARKING

12. (1) No article required by law to be graded, shall be offered for sale or sold unless it has been submitted by the seller concerned for inspection and has been inspected as prescribed by



law and the grade assigned to it as a result of such inspection has been clearly marked on it by such seller or inspector and no article required by law to be offered for sale or sold by mass, or to be packed, marked or graded in a prescribed manner shall be offered for sale or sold or removed from the retail market unless it complies in every respect with the requirements of such law; provided that the Director may, in his discretion, direct that any article be sold if he deems it expedient to do so.

(2) (a) The Director may by notice on the Market notice board prescribe containers or specifications for containers for different classes of articles.

(b) Any person who sells or exposes for sale any articles in containers which fail to comply with the prescriptions or specifications of the Director as aforesaid shall be guilty of an offence.

(M.N. 227/89)

UNCLAIMED AND UNCLEARED ARTICLES

13. (1) Any article left on the retail market which is not claimed within 4 hours after the closing period referred to in subsection 10 hereof by the person entitled thereto, may be sold by the Director who shall hold the proceeds of such sale, less any storage fees and retail market dues due in terms of the tariff of charges referred to in section 5 (1), on behalf of any person duly establishing a claim thereto.

(2) No claim referred to in subsection (1) hereof shall be valid after the expiration of 90 days from the date of sale, and in such case all the proceeds of such sale shall revert to the Council.

RISK OF ARTICLE

14. (1) Every article brought onto the retail market shall at all times be at the sole risk of the seller until such article is sold.

(2) Every article sold on the retail market shall be at the buyer's sole risk from the moment it is sold.



RECORDING OF ARTICLES

15. (1) Every person bringing or causing to be brought to the retail market any article to be offered for sale thereon shall, forthwith, on its arrival, register such article with the Director, in a manner to be prescribed by him.

(2) The Director, for statistical or any other lawful purpose, may demand any information from any person relating to any aspects of sales, and may conduct any investigation which he may deem fit if, in his opinion, any person has suffered or is likely to suffer damage or loss as a result of non-compliance by a seller with the provisions of these bylaws.

CONDUCT OF PERSONS WITHIN THE MARKET

16. (1) All persons on the retail market shall forthwith comply with the lawful and reasonable instructions of the Director.

(2) No person shall, in or about the retail market -

(a) cause a nuisance, or behave in a manner which is disorderly or unseemly, or use threatening, obscene, abusive, violent, offensive or disgusting language or expletives;

(b) interfere with or molest any other person or tout for custom;

(c) interfere with or obstruct any employee of the retail market in the execution of his duties;

(d) throw anything at any person or object;

(e) organise or conduct a meeting without obtaining the prior written consent of the Director;

(f) touch, taste, consume, smell, handle or remove any article exposed for sale unless otherwise authorised by the seller;

(g) keep or expose for sale any article of an offensive nature;

(h) smoke in any part where a notice prohibiting smoking is displayed;

(i) light a fire, save at such times and in such places as have been authorised by the Director;

(j) stand, sit or lie upon or lean against any article or container;



(k) without lawful reason tamper with or remove or cause to be removed any article placed or exposed for sale, or any container, or any label on such article or container;

(l) cause or permit any solids or other matter likely to cause blockage in or damage to drains, to enter any drain or gulley, or cause to permit any sewage, oil, foul water or other objectionable substance to enter any stormwater drain;

(m) without the permission of the Director wash, pack, sort, grade or clean fruit, vegetables or any other article; or

(n) throw or deposit in any place other than receptacles provided for the purpose, any fruit peel or any other vegetable matter or refuse;

(o) save with the prior written authority of the Director, remove any refuse or waste matter from the retail market.

(3) No person shall bring or convey any intoxicating liquor onto the retail market, or have intoxicating liquor in his possession whilst in the retail market, or enter or remain upon the retail market while under the influence of intoxicating liquor.

(4) No person shall damage, ruin or tamper with any article brought to the retail market, or any building or property belonging to the Council. Any person committing a breach hereof shall pay the Council the amount of the damage done, as well as the penalty imposed for the breach hereof.

(5) It shall be lawful for the Director or any policeman to exclude or remove from the retail market any person who is in a state of intoxication or who behaves in a manner which is disorderly or unseemly or who causes a nuisance in the precincts of the retail market.

(6) No person excluded or removed from the retail market in terms of subsection (5) hereof shall enter or re-enter any part of the retail market on the same day that he was so excluded or removed.

(7) Notwithstanding the provisions of subsections (5) and (6) hereof, the Director shall be empowered to exclude any person referred to in subsection (5) hereof from the retail market for any period he may deem fit, and if deemed necessary by him for the orderly and proper conduct of the retail market, the Director shall be empowered to order the permanent exclusion of such person from the retail market.

(8) The Director shall be empowered to arrest, without warrant, any person found committing any offence referred to in Schedule 3 of the Criminal Procedure Act, No. 51 of 1977, within the precincts of the retail market or any person whom he on reasonable grounds believes to have recently contravened any of the provisions of these bylaws.



NON-LIABILITY OF COUNCIL AND DIRECTOR

17. (1) Neither the Council nor the Director shall be liable for any error in regard to the sale of any article on the retail market or for any other error in regard to any article on the retail market.

(2) Neither the Council nor the Director shall be liable for any damage, injury or loss arising out of any lawful act or decision on the part of the Director in the execution of his duties in terms of these bylaws.

NAME OF MARKET

18. Deleted by M.N. 227/89.

OFFENCES AND PENALTIES

19. (1) Any person who -

(a) contravenes any provision of these bylaws; or

(b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these bylaws; or

(c) fails to comply with the terms of any notice served upon him in terms of these bylaws,

shall be guilty of an offence and liable, upon conviction, to the maximum penalty prescribed for the offence by section 266(7)(a) of the Local Authorities Ordinance, No. 25 of 1974.

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

(P.N. 366/83)



EXEMPTION OF NATIONAL MARKET

20. Notwithstanding anything hereinbefore contained, the provisions of Part II shall have no application to the National Market as defined in Part I of these Bylaws.

(P.N. 453/78)