

## CHAPTER 126

## MARKETS

*Ordinances Nos. 26 of 1940, 2 of 1945, 25 of 1960, 22 of 1966, Act No. 14 of 1975*

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION  
OF MARKETS.

[1st May, 1945.]

*Short title*

1. This Act may be cited as the Markets Act.

*Power to establish markets*

2. The Minister may, by notice published in the Gazette—
- (a) establish markets;
  - (b) provide all such matters and things as may be necessary for the convenient use of the market;
  - (c) take stallages, rents, fees and tolls in respect of the use by any person of any market;
  - (d) demolish, reconstruct, abolish, close or move any market; and
  - (e) appoint inspectors of markets.

The powers conferred by paragraphs (b), (c), (d) and (e) may be exercised in respect of a market established under the provisions of this Act or before the commencement of this Act. (*Section amended by 22 of 1966, s. 2.*)

*Management of markets*

3. The Commissioner of a Division or such other person as the Minister may appoint shall have control and management of each market established under the provisions of this Act. (*Substituted by 22 of 1966, s. 3.*)

*Power to make regulations and by-laws*

- 4.—(1) The Minister may make regulations for the following purposes:—
- (a) regulating the use of markets and market buildings, and keeping order, preventing obstructions, and maintaining cleanliness therein or in the approaches thereto;
  - (b) prescribing the goods which may be sold in any market;
  - (c) prohibiting the sale of any specified kind of goods within any specified area surrounding a market lawfully established not exceeding three miles from the boundary of the market;
  - (d) requiring goods brought into markets for sale to be sold by public auction, and imposing and providing for the collection of a fee payable on the amount realized;
  - (e) providing for the fixing of stallages, rents and tolls and for the collection thereof; (*Substituted by 25 of 1960, s. 2.*)
  - (f) fixing the days and the hours during each day on which a market may be held and preventing the sale and purchase of goods in the markets on any days or at any hours except those fixed;

- (g) prescribing the weights, scales and measures to be used in the sale of any particular produce and regulating the use thereof;
  - (h) the examination of produce or articles of food;
  - (i) fixing the maximum price which may be demanded on the sale by retail of any article of food in a market;
  - (j) regulating the duties and conduct of inspectors and other persons appointed for the purposes of this Act; and
  - (k) generally for carrying into effect the purposes of this Act.  
(Amended by 22 of 1966, s. 4.)
- (2) Any person offending against any such regulation shall be liable to a fine of forty dollars. (Subsection amended by 2 of 1945, s. 129.)

*Markets not to be established without authority*

- 5.—(1) After the commencement of this Act no person shall, without the consent of the Minister—
- (a) establish any market;
  - (b) being the owner, lessee or occupier of land, permit a market to be established thereon; or
  - (c) maintain, conduct or manage a market established in breach of the provisions of this section.
- (2) Any person offending against the provisions of this section shall be liable to a fine of two hundred dollars and a further penalty of ten dollars in respect of every day on which the offence is continued after conviction.  
(Amended by 2 of 1945, s. 129.)

*Markets not to be continued after closing order*

6. Whenever the Minister has ordered any market, whether established before or after the commencement of this Act, to be closed, any person who, having control over the market or the land on which the market is held, keeps the market open or permits it to be used as a market after he has been notified of such order, shall be liable to the fines prescribed in section 5, and any person who sells or purchases any goods in such market after having been notified of such order as aforesaid shall be liable to a fine of two dollars.  
(Amended by 2 of 1945, s. 129, and 22 of 1966, s. 5.)

*Application*

7. This Act shall not apply to markets established within the boundaries of any town. (Substituted by 22 of 1966, s. 6, and amended by 14 of 1975, s. 28.)

*Controlled by Ministry of Urban Development, Housing and Social Welfare*

CHAPTER 126

MARKETS

SECTION 2—ESTABLISHMENT OF MARKETS

The following markets have been established:—

*Notice 1 July 1952*

(a) Tavua Market, bounded as follows:—

Commencing at a concrete peg on the eastern side of the Kings Road and at the north-eastern corner of Native Lease No. 4087; thence by the Kings Road bearing 53 degrees 07 minutes 30 seconds, distance 336.06 links to an iron pipe on the western side of a 40 foot road; thence by the western side of the said road bearing 151 degrees 04 minutes, distance 247.7 links to a concrete peg; thence by lines bearing 233 degrees 07 minutes 30 seconds, distance 349.9 links and 334 degrees 14 minutes, distance 250 links to the point of commencement; Containing an area of 3 roods 14 perches more or less, as more particularly delineated on Plan No. R.R. 869 deposited in the office of the Director of Lands, Suva.

*Notice 17 February 1956*

(b) Vaileka Market, bounded as follows:—

Commencing at a point where the northern side of the Government Road through Vaileka meets the left bank of the Wailevu River; thence by lines bearing 352 degrees 32 minutes, distance 181 links; 275 degrees 32 minutes, distance 202 links; 174 degrees 30 minutes, distance 191 links to the northern side of the Government Road; thence by line bearing 90 degrees and following the northern side of the Government Road for a distance of 231 links to the point of commencement; Containing an area of 1 rood 24 perches more or less and as more particularly shown on tracing No. 346 filed in the office of the Director of Lands, Suva.

All bearings referred to the Magnetic Meridian;

*Notice 23 June 1961*

(c) Korovou Market, bounded as follows:—

Starting at a point on the right bank of the Waibula River situated approximately 7 chains downstream from the Korovou Bridge and being the north-western corner of Naivakawesi Native lease 27/379; thence in a south-easterly direction and following the south-western boundary of the said Native lease 27/379 by a line bearing 128 degrees 06 minutes, distance 346.0 links to a concrete peg on the northern side of the Kings Road; thence in a westerly direction

and following the northern side of the Kings Road by a line bearing 277 degrees 03 minutes, distance 193.9 links to a concrete peg on the south-eastern corner of lot 5 on deposited plan 274 which lot is held under registered native sub-lease 36839; thence in a north-westerly direction and following the north-eastern boundary of said lot 5 on deposited plan 274 by a line bearing 308 degrees 06 minutes, distance 572.2 links to the right bank of the said Waibula River; thence in a south-easterly direction and following the said right bank of the Waibula River downstream for approximately 4 chains to the starting point; Containing an area of 1 rood and 30 perches more or less and being as delineated on plan T.L. 1327 deposited in the office of the Director of Lands, Suva or otherwise as delineated on Native Lease 6792 registered in the office of the Registrar of Titles.

*Legal Notice No. 17 of 1981*

**(d) Nakelo Market—**

At Nakelo in the tikina of Nakelo in the province of Tailevu, situated to the west of the western end of the extension to Nakelo Road, shown as part of Lot 22 on Native Lands Commission sheets M<sup>3</sup>/<sub>2</sub>4 and M<sup>3</sup>/<sub>2</sub>2 and more particularly delineated and shown coloured red on plan P.P. 215 in the custody of the Director of Lands and Surveyor-General; copies of which plan are available for inspection at the offices of the Permanent Secretary for Lands, Local Government and Housing, the Commissioner, Central, the District Officer, Nausori, and Nausori District Council.

### SECTION 3—AUTHORISATION OF COMMISSIONERS OF DIVISIONS

*Notice 9 September 1963*

Any Commissioner of a Division has been authorised to exercise all the powers specified in section 2 of the Act in respect of markets established or to be established in the Division under the charge of such Commissioner.

### SECTION 4—MARKET REGULATIONS

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Regulations 20 June 1947, 3 December 1947, 8 October 1957,  
18 August 1961, 14 March 1963

*Short title*

1. These Regulations may be cited as the Market Regulations.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—  
“authority” means a person having the management or the control of the market in pursuance of the provisions of section 3 of the Act;  
“market” means a place established as a market outside the limits of a town in pursuance of the provisions of section 2 of the Act;  
“produce” means fresh meat, fresh vegetables (including rice, split peas, dried pulses, and goods of that nature), fresh fruit, fresh, dried, smoked and salted fish, shell fish, pigeons, poultry and other edible birds, eggs, locally grown tobacco, locally made wares, such as baskets, mats and other native handicrafts, and any other agricultural or forest product being an article of food or drink sold in a natural unprocessed state;  
(Substituted by Regulations 8 October 1957.)

*Market master*

3. Every market shall be under the immediate management and control of a market master who shall be appointed by and be responsible to the authority.

*Prohibited sales*

4. No person, other than the holder of a wholesale or retail store licence, shall sell produce other than fresh fish in any place within two miles of a market except at the market.

(Substituted by Regulations 3 December 1947.)

*Sale of produce only*

5. No person shall sell or offer for sale in the market anything other than produce.

(Inserted by Regulations 14 March 1963.)

*Fresh fish*

6. No person shall sell fresh fish at any place within one mile of a market except at the market:

Provided that this regulation shall not apply to a person holding a butcher's licence issued under the provisions of the Business Licensing Act. (Cap. 204.)

*Fish to be gutted and cleaned*

7. No person shall sell or offer for sale in the market any fish unless such fish shall first have been gutted and cleaned.

(Inserted by Regulations 14 March 1963.)

*Hours of business*

8. Every market shall be open for business during such times as the authority may direct.

*Directions of market master*

9. All persons using or being within the precincts of the market shall obey all reasonable directions given by the market master for the purpose of observing the good order and cleanliness of the market.

*Sale only from stall*

10. No person shall sell any article in the market except at a stall allotted to him by the market master and during the hours that the market is open for business.

*Allocation of stalls*

11.—(1) The allocation of stalls in a market shall be in the discretion of the market master, whose decision shall be final.

(2) In allocating stalls the market master shall give priority to persons selling nothing but produce.

(3) The allocation of stalls shall be made in as fair and reasonable a manner as possible. (Substituted by Regulations 8 October 1957.)

*Alterations to stalls*

12. No person shall make any alteration to a stall or exhibit any notice thereon or introduce any fittings, fixtures, furniture or impediments of any kind without the authority of the market master, and any such thing introduced without his authority may be removed by him.

*Use of stall*

13. No person shall occupy or use a stall so long as any charges which are due and payable for the use thereof are outstanding.

*Charges for the use of stalls*

14.—(1) The charges for the use of stalls in a market may be fixed by resolution of the local authority appointed from time to time for the rural sanitary district in which such market is situated.

(2) A resolution made by a local authority as aforesaid shall come into force

when published in the Gazette and a copy of such resolution shall be prominently displayed in the market.

(3) Until a local authority fixes charges for the use of stalls under the provisions of this regulation, the daily charges for the use of a stall in all markets shall be as follows:—

- (a) where nothing but produce is sold..... 10c
- (b) in other cases..... 20c:

Provided that the charges for the use of a stall for a period of four and a half hours or less shall be 5c and 10c respectively.

*(Substituted by Regulations 18 August 1961.)*

*Cleanliness of stalls*

15. Stallholders shall keep their stalls in a clean and orderly condition and shall as and when required dispose of any litter and refuse as directed by the market master.

*Hygiene*

16. Stallholders shall keep their produce and expose it for sale in as hygienic a manner as is practicable and shall obey all reasonable directions of the market master in this regard.

*Advertising and auctions*

17. No person shall in a market advertise goods by shouting or conduct a sale by auction except with the permission of the market master.

*Unwholesome produce*

18. No person shall bring into a market anything which in the opinion of the market master is bad, obnoxious, unwholesome or dangerous, and the market master may remove or cause to be removed any such things brought within the precincts of the market.

*Dogs prohibited*

19. No person shall bring a dog into the market or suffer it to remain there.

*Infection*

20. No person who is suffering from an infectious or contagious disease shall make use of the market.

*Restriction on entry, etc.*

21. No person shall enter or remain in a market outside business hours without the authority of the market master.

*Unsold produce*

22.—(1) Goods unsold at the close of the day may be left in the market at the owner's risk with the permission of the market master and any goods so left without such permission may be removed by the market master and disposed of in such manner as he may consider reasonable.

(2) With his consent goods may be left in the care of the market master upon payment in advance of a charge of 2 cents per sack or any less quantity for a period of fifty-eight hours.

*Disorderly, etc., behaviour*

23. No person shall within the precincts of a market behave in a disorderly, offensive, obscene or insulting manner, or shall obstruct or interfere with any person lawfully exercising his rights or performing his duties within the market.

**SECTION 4—MARKET REGULATIONS**

**RESOLUTIONS UNDER REGULATION 14**

**TAVUA MARKET—STALL FEES**

	c.
1. For a 4 ft. x 3 ft. size stall situated within the building at the market, a fee of .....	15
2. For a 4 ft. x 3 ft. size stall situated outside the building at the market, a fee of .....	10
3. For a designated space on the ground outside the building at the market, a fee of .....	05
4. For fish (per lb.) .....	01

*Controlled by Ministry of Housing and Urban Affairs*