

G.N.L. 7/04

**LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)**

**BEAUFORT DISTRICT COUNCIL
(MARKETS) BY-LAWS 1964
(G.N.L 16 of 1965)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Beaufort District Council has made the following by-laws:

Title and commencement.

1. These by-laws may be cited as the Beaufort District Council (Markets) By-laws 1964 and shall come into operation on the 1st day of January 1965.

Interpretation.

2. In these By-laws—

"fish" includes crabs and shell fish;

"goods" includes food;

"licensee" means the holder of a licence for a stall;

"market" means any of the markets specified in the First Schedule to these By-laws and owned and/or managed by the Council and where animals, meat, fish, fruit, vegetables, poultry, eggs or other articles of food, whether cooked or uncooked, for human consumption are sold and included other goods;

"sale" includes expose or offer for sale.

Sale in markets.

3. No goods shall be sold in a market except in accordance with these By-laws.

Hours of business.

4. (1) A market shall be opened for business daily from 5.30 a.m. to 6.00 p.m. unless otherwise directed by the Council.

(2) No sale shall take place in a market or part of a market except when it is open for business.

Certain foodstuffs not to be sold outside markets.

5. No fresh fish, fresh beef, fresh mutton, fresh pork, fresh venison, fresh poultry, live poultry, fresh vegetables and fresh fruits shall be sold by retail other than in a market except in accordance with the written permission of the Council:

Provided that this by-law shall not apply —

- (a) to the sale of fresh fish to fish curers;
- (b) to any refrigerated food.

Certain meat not to be sold in markets.

6. No fresh beef, fresh mutton or fresh pork shall be sold in a market unless it is from the carcass of animals slaughtered in slaughterhouses permitted under the Public Health Ordinance 1960 [Ord. 7/60.] and any other written laws.

Allocation of stalls.

7. The Council may allocate in market stalls of the following description for the sale of particular goods —

- (a) fish stalls, for the sale of fresh fish;

- (b) meat stalls, for the sale of meat other than pork;
- (c) pork stalls, for the sale of pork;
- (d) poultry stalls (or cages), for the sale of poultry or other birds and eggs;
- (e) vegetable stalls, for the sale of vegetables, fruits and eggs;
- (f) sundry stalls, for the sale of eggs, flowers, cigarettes, tobacco, fruits, ropes, sweets, matches, manufactured rottan goods and such other goods as may be specified on the licence;
- (g) food stalls, for the sale of such cooked food as may be specified on the licence.

Letting of stalls.

8. The Council may let the stalls on licences.

Licensing of stall-holder.

9. (1) No person shall operate or use or knowingly permit a stall to be used for any purpose without first obtaining a licence from the Council.

(2) An application for a licence for a stall shall be in writing and shall specify the goods the applicant proposes to sell, and shall be accompanied by two photographs of the applicant.

(3) The fee payable for a licence for a stall shall be as set out in the Second Schedule and the fee shall be payable in advance.

Grant of licences.

10. The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

Health certificate.

11. If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from the Health Officer.

Duration of licence.

12. Every licensee shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is granted.

Licence not to be transferred.

13. No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.

Stall rents.

14. (1) The rents to be charged for stalls shall be as set out in the Third Schedule to these By-laws.

(2) Rents shall be payable quarterly and shall be payable in advance.

(3) If a rent is not paid upon expiry of the first week of the month in which it is due, the licence shall lapse but may be validated by the Council upon payment of a validation fee of one-tenth of the monthly rent subject to a minimum of one ringgit:

Provided that if the rent is not paid by the end of the month in which it is due, the licence shall be deemed to be cancelled.

Licensee to exhibit all goods on stalls.

15. All goods for sale shall be exhibited on stalls and not otherwise, and shall be so placed as not project beyond the line of the stall.

Sale from stalls.

16. No goods shall be sold from a stall other than that for which it is licensed, and no licensee shall use any stall other than that allocated to him.

Licensee not to keep or leave goods on floor.

17. No licensee shall keep or leave goods or receptacles on the floor of a market except at places approved by the Council.

Employment of assistants.

18. (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.

(2) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed on the licence by an officer of the Council.

Stalls to be kept clean.

19. (1) Every licensee shall always keep his stall in a clean and orderly condition, and shall wash his stall, the floor below his stall and the adjoining passage and drains every day within half an hour after a market is closed for business.

(2) A licensee shall remove his goods whenever required by the Council to enable a market to be thoroughly cleaned.

Lock-up shops and storage places.

20. The Council may provide lock-up shops and storage places in a market which may be let or used upon such conditions as the Council may determine.

Refuse.

21. (1) No person shall deposit any refuse or litter in any place in or in the surroundings of a market except in bins or chutes provided for the purpose.

(2) No article or thing shall be thrown, left or otherwise disposed of in the passage, drains or surroundings of a market.

Handicraft.

22. No person shall carry on any handicraft in a market without the written permission of the Council.

Liquor.

23. No person shall deal in, keep or consume liquor in a market.

Fire and cooking.

24. No fire or cooking shall be permitted in a market, except in places provided by the Council, without the written approval of the Council.

Animals.

25. No person may bring any live animal into a market.

Obstruction.

26. No person shall in any way cause any obstruction in a market.

Directions.

27. All persons using a market shall comply with such directions as may be given by an officer of the Council for the purpose of preserving cleanliness and order in the market.

Sun-blind, etc..

28. No person shall erect any sun blind or any temporary or permanent structure in a market without the written approval of the Council.

Water supply.

29. The water supply in a market is subject to the absolute control of the Council.

Sleeping in the market.

30. No person shall lounge or sleep in a market at any time and no person shall remain in a market at night except a watchman approved in writing by the Council.

Penalty.

31. Any person who contravenes or fails to comply with any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding RM2,000.00 and in the case of a second or subsequent conviction to a fine not exceeding RM5,000.00 or to imprisonment for a term not exceeding 3 months or to both.

Cancellation of licence.

32. The Council may cancel or suspend a licence —

(a) if the licensee or any assistant of the licensee —

(i) is convicted of any offence under these By-law; or

(ii) is convicted of any offence under any written law relating to public health or the use of false weights or measures in respect of goods to which the licence relates; or

(b) if on the certificate of a Health Officer, the licensee is suffering from a contagious or infectious disease.

Compounding of offences.

33. (1) Any officer of the Council authorised in writing either by the Chairman or Executive Officer of the Council may compound any offence committed by any person or

licensee or stall-holder under these By-laws by making a written offer to such person, licensee or stall-holder to compound the offence.

(2) An offer to compound for any one offence shall not be less than RM50.00 but not exceeding RM200.00.

(3) When an offer to compound an offence is accepted by the person who committed the offence, payment shall be made directly to the Council's office, during office hours, within seven (7) days from the date of receipt of an offer to compound.

FIRST SCHEDULE

The following markets shall be deemed to be markets in the Beaufort District Council area:-

- (1) The market building and areas situated at Beaufort Township.
- (2) The market building and areas situated at Beaufort South, Beaufort.
- (3) The market building and areas situated at Membakut Township.
- (4) The old market building and areas situated at Weston Township.
- (5) The new market building and areas situated at Weston Township.

SECOND SCHEDULE

Licence Fee	RM60.00 per year
-------------	-------	------------------

THIRD SCHEDULE
STALL RENTS

Fish	...	...	...	...	...	...	RM30.00 per month
Meat and pork	...	...	...	...	...	...	RM30.00 per month
Vegetables	...	...	...	...	...	...	RM30.00 per month
Poultry	...	...	...	...	...	...	RM30.00 per month
Sundries	...	...	...	...	...	...	RM30.00 per month
Food (including cakes)	...	...	...	...	...	...	RM30.00 per month

Dated at Beaufort this 15th day of December 1964.

MOHD. DUN BIN BANIR,
Chairman,
Beaufort District Council.

I approve the foregoing By-laws.

Dated at Jesselton this 26th day of January 1965.

PANG TET TSHUNG,
Minister for Local Government.