

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

**KUDAT TOWN BOARD
(MARKETS) BY-LAWS 1965
(G.N.L 26 of 1965)**

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

Title.

1. These by-laws may be cited as the Kudat Town Board (Markets) By-laws 1965 and shall come into operation on the 1st day of February 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;

"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 Board.

(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 within a township other than in a market except in accordance with the written permission of the Board:

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].

Allocation of stalls.

7. The Board 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 in the licence;
- (g) food stalls, for the sale of such cooked food as may be specified on the licence.

Letting of stalls.

8. The Board may let the stalls on licences.

Application for licences.

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

Grant of licences.

10. The Board 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 Board so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or registered medical practitioner.

Duration of licence.

12. Licences may be issued for a month, a quarter or year.

Licence not to be transferred.

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

Stallage rents.

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

(2) Fees shall be payable in advance.

Stallage rents.

14A. (1) If a rent is not paid upon the expiry of the first week of each month in which it is due, the licence shall lapse but may be validated by the Board upon payment of a validation fee of one fifth of the monthly rent:

Provided that if the rent is not paid by the 1st week of the succeeding month, the licence shall be deemed to be cancelled but the Board reserves the right to validate such licence upon payment of the fine thrice the amount of the monthly rent.

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 to 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 Board.

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 Board.

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

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 everyday within half an hour after a market is closed for business.

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

Lock-up shops and storage places.

20. The Board may provide lock-up shops and storage places in a market which may be let or used upon such conditions as the Board 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 passages, drains or surroundings of a market.

Handicraft.

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

Liquor.

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

Fires and cooking.

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

Animals.

25. No person may bring any live animal into a market other than poultry for which a licence has been issued under these By-laws.

Obstruction.

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

Directions.

27. All persons using a market shall comply with such directions as may be given by an officer of the Board 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 Board.

Water supply.

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

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 Board.

Penalty.

31. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine of five hundred ringgit.

Board may eject persons.

31A. The Board, its officer or servant may summarily eject any person who acts, or removes from the market an equipment, a vehicle, a machinery, an article or any other thing whatsoever which is used in contravention of any of the provisions of these By-laws or any order or direction given by the Board, its officer or servant under the provisions of these By-laws.

Compounding of offences.

31B. (1) Any officer of the Board duly authorised in writing by the Board may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred and fifty ringgit.

(2) On payment of such sum of money no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

Addition to or substitution for penalty.

31C. In addition to or in substitution for the penalty provided in by-law 31 of these By-laws any expense incurred by the Board in consequence of any breach or contravention of these By-laws or in execution of any work directed by these By-laws to be executed by any person and not executed by such person whether performed by the Board or by some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing the breach or failing to execute such work and may be recovered as if such sum were a civil debt.

Cancellation of licence.

32. The Board 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 Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

32A. (1) Any officer of the Board duly authorised by the Board or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws -

- (a) if the name or address of the person is unknown to him and the person declines to give his name and address; or
- (b) if there is reason to doubt the accuracy of his name or address.

(2) A person arrested under this section shall be brought before a Magistrate's Court within twenty four hours unless his name and address are sooner ascertained.

FIRST SCHEDULE

Kudat Township Market shown on Survey Plan No. 9847.

Kota Marudu Township Market shown on Survey Plan No. 9395.

SECOND SCHEDULE

	<i>Sequati</i>	<i>Kudat</i>
	RM	RM
Fish, meat, pork, poultry and sundries	10.00	25.00 per month
Food stalls	2.00	25.00 per month
Vegetables stalls	7.00	25.00 per month
Open air space50	1.00 per month

Dated at Kudat this 21st day of January 1965.

WONG LOK KHIAM,
Chairman,
Kudat District Council.

I approve the foregoing By-laws.

Dated at Jesselton this 30th day of January 1965.

PANG TET TSHUNG,
Minister for Local Government.