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Crown Law Department,
Perth, 6th May, 1960.

THE undermentioned by-laws made under the provisions of the Metropolitan Market Act, 1926-1941, and amended from time to time prior to the 28th April, 1960, are reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. C. GREEN,
Under Secretary for Law.

METROPOLITAN MARKET ACT, 1926-1941

By-laws.

(Published in the *Government Gazette* on the 26th June, 1931, and incorporating amendments thereto published in the *Gazette* on the 20th October, 1933, 8th March, 1935, 28th January, 1944, 11th June, 1948, 23rd September, 1949, 14th November, 1952, 12th December, 1956, 19th March, 1958, 25th June, 1958, and 16th October, 1959, and reprinted pursuant to the Reprinting of Regulations Act, 1954.)

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 27th June, 1960.

METROPOLITAN MARKET ACT, 1926.

By-laws.

1. These by-laws may be cited as "Metropolitan Market By-laws," and shall come into operation on the date when the same are published in the *Government Gazette*.

Part I.—Interpretation.

2. In these by-laws, unless inconsistent with the context, the following terms have the meanings set against them respectively:—

"Act" means the Metropolitan Market Act, 1926,² and any amendments thereof in force for the time being.

"Fruit" means apples, pears, quinces, oranges, mandarins, lemons, citronelles, pomeloes, peaches, nectarines, apricots, plums, cherries, grapes, loquats, passion fruit, figs, melons, gooseberries, cape gooseberries, tomatoes, bananas, pineapples, and the product of any plant commonly known as fruit in the ordinary course of trade.

"Grower."—The person by whom the commodity is actually grown, produced or prepared. Where the commodity is grown or produced pursuant to any share-farming agreement, the term includes the parties to such agreement.

"Inspector" or "Market Inspector" means the officer appointed by the Trust to carry out the duties of market inspector, and shall include the Secretary, caretaker, foreman, police constable, or any other person appointed by or acting for the Inspector.

"Market" means the market established under the Metropolitan Market Act, 1926,² and proclaimed as provided in section 12 thereof.

"Market building" shall mean the buildings erected on the market area proclaimed in accordance with the Metropolitan Market Act, 1926,² section 12.

"Person" includes any partnership or firm and any body of persons, corporate or unincorporate.

"Secretary" means the Secretary of the Metropolitan Market Trust, or the person acting in that capacity.

"Sell" and "sale" include barter and exchange.

"Trust" or "Market Trust" means the Metropolitan Market Trust duly constituted under the Metropolitan Market Act, 1926.²

"Vegetables" means potatoes, sweet potatoes, onions, beans, peas, pumpkins, marrows, artichokes, spinach, cabbages, parsnips, turnips, swede turnips, beetroot, celery, cucumbers, lettuce, rhubarb, radish, and every other edible plant or product of any plant commonly known as a vegetable in the ordinary course of trade.

3. In these by-laws words importing the masculine gender include the feminine gender, and words importing the singular number include the plural number, and *vice versa*.

Part II.—The Control, Supervision, and Guidance of Officers and Servants of the Trust.

4. The Secretary is the Chief Administrative Officer of the Trust and is the medium of communication between the members of the Staff and the Chairman or other Members of the Trust.

² Now Metropolitan Market Act, 1926-1941.

5. Every collector, and every officer, clerk or servant of the Trust, who shall collect or receive any moneys for or on behalf of the Trust, shall daily pay over same to the Secretary of the Trust, and the receipt of such Secretary for the moneys so received shall be a sufficient discharge to said collector, officer, clerk or servant.

6. The Secretary shall make, or cause to be made, true entries in the books provided by the Trust for that purpose of all moneys or cheques paid to, or received by him for and on behalf of the Trust, and he shall, within twenty-four hours, or such shorter period as the Trust may direct, after the same shall have come to his hands, pay the same moneys and cheques into a bank approved by the Trust at Perth to the credit of an account to be called the Metropolitan Market Trust Account.

By-law 7
substituted
by G.G.
16/10/59,
p. 2616.

7. No moneys shall be drawn out of the Metropolitan Market Trust Account except by cheque drawn on the approved bank and signed by any two members or by one member and the Secretary.

8. The common seal of the Trust shall be kept by the Secretary under lock and key, and shall be affixed by the Chairman of the Trust and one other of the members with the Secretary, or in the absence of such Chairman, by two members and the Secretary.

9. No member or officer of the Trust, and no auditor of the Trust, shall be received as a surety for any officer appointed by the Trust, or for the performance of any contract made with the Trust.

10. It shall be the duty of officers or persons in the employment of the Trust to report to the Secretary anything coming under their notice, or to their knowledge, whereby the revenue of the Trust may be defrauded, or the provisions of the Act or these by-laws be violated.

11. Should any officer divulge any information of a confidential nature, or knowingly be a party to any act or procedure or conspiracy to defraud the revenue of the Trust, he shall be liable to be dismissed summarily from the service of the Trust.

12. No officer or servant of the Trust shall take or accept any gratuity or present in money or kind from any person having business with the Trust, and no person shall offer or agree to give to any officer or servant any gratuity or present in money or kind. Any officer or servant found guilty of a breach of this by-law shall be liable to be dismissed summarily from the service of the Trust.

13. The duties of the Inspector and his assistants shall be generally as follow:—

- (a) To see that the by-laws are duly observed in and with respect to the Market, and to report to the Secretary any alleged breach by lessees of the conditions and covenants contained in the leases.
- (b) To preserve order and regularity in the Market, and to cause to be removed from the Market any person making a riot or disturbance, or cursing, swearing or using indecent language, or offending against decency, or in any manner provoking a breach of the peace within the precincts of the Market, or in any way hindering the business of the Market; and also to make any complaint or charge against any person necessary for the prosecution of such person for any offence at law or for any breach of these by-laws, by reason of the conduct aforesaid.
- (c) To inspect articles brought into or exposed in the Market for sale or delivery, and to seize and destroy such as are unsound, bad or unwholesome, and to prohibit the sale of any articles in the Market which he may consider noisome, offensive, or diseased, and to make any complaint or charge necessary for the prosecution under the provisions of the Health Act, 1911-1919,¹ or regulations made thereunder, or any

¹ Now Health Act, 1911-1959.

other Act or regulations, of any person selling or exposing for sale or having in his possession any articles in contravention of any such Act or regulations.

- (d) To direct and control all vehicular and pedestrian traffic using the roads and footways in the Market area.
- (e) To weigh or measure any article as to the justness whereof he shall have doubt, and, if found unjust, to seize and retain the same, and to make any complaint or charge necessary for the prosecution of the person for any offence in relation thereto under the Weights and Measures Act, 1915-1926.²
- (f) To appoint the several standing or other places for the deposit of goods, wares and merchandise in the Private Treaty Market, and to order the removal of the same, together with all utensils and materials requisite for the fixing of stalls when and in such manner as he shall deem necessary.
- (g) To collect the several Market dues, tolls, rents, revenues and charges, and pay over the same forthwith to the Secretary of the Trust.
- (h) To remove from the Market any child apparently under the age of sixteen years, who is not accompanied by an adult person.

Part III.—Regulation and Government of the Market.

14. The times between which the Market shall be open for the sale of goods shall be as follows:—

By-law 14
amended by
G.G. 11/6/48,
p. 1342.

- (1) Subject to the Factories and Shops Act, 1920,³ the wholesale market shall be open on every week day during the year with the exception of duly gazetted industrial holidays at the following times:—

- (a) Between the hours of 7 a.m. and 5 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday.
- (b) Between the hours of 7 a.m. and 12 noon on Saturday:

Provided that it may, at the discretion of the Trust, be opened at any such earlier hour than 7 a.m. as may be considered necessary by that Trust on any day or days of the week immediately preceding and the week immediately following Christmas Day, and the week immediately preceding and the week immediately following Good Friday.

- (2) On Mondays, Wednesdays, and Fridays the gates of the Wholesale Market shall be open for the admission of vendors' carts and vehicles at 4 a.m.
- (3) Shops and stores in the Market fronting Wellington Street, having openings to such street and to the interior of the Market therefrom, may be kept open during such hours as are permitted by the Factories and Shops Act, 1920,³ for each class of business respectively.
- (4) Subject to the Factories and Shops Act, 1920,³ the Retail Market shall be open on Tuesdays, Thursdays, and Saturdays between 7 a.m. and 1 p.m., and on Fridays between 2 p.m. and 9 p.m., and occupiers of all standings in the said Retail Market shall remove from such Market all their goods and fittings within one hour after the closing of such Market.

Provided always that, subject to the Factories and Shops Act, 1920,³ the Trust may appoint special hours and make special conditions in relation to the occupancy

² Now Weights and Measures Act, 1915-1958.

³ Now Factories and Shops Act, 1920-1959.

of any standing, shop, stall, enclosure, or space, both in the wholesale and the retail sections of the Market as it shall from time to time think fit.

15. Any person carrying on business in the Market at times other than those prescribed in By-law 14, or in any respect committing a breach of the said by-law, shall be guilty of an offence, and subject to a prosecution for such offence under the Factories and Shops Act, 1920,³ may be prosecuted for such offence, and upon conviction shall be liable to a penalty not exceeding forty shillings.

16. Persons carrying on business in the retail section of the Market shall be subject to the following conditions:—

- (1) The standings, shops, stalls and enclosures, and spaces shall be appropriated to the sale of marketable commodities, garden, farm and dairy produce, goods, wares and merchandise, and such standings, shops, stalls, enclosures and spaces shall be let to occupiers for such days or periods and on such terms as the Trust shall from time to time resolve.
- (2) Every such occupier who shall have in such standing, shop, stall, enclosure or space so let to him as aforesaid any cakes, confectionery, sweets or dairy produce of any kind whatsoever shall protect the same from contamination by flies by means of approved fly-proof coverings.
- (3) Every such occupier in the Meat and Dairy Produce Section of the said Retail Section shall also provide one or more approved fly-proof garbage receptacle or receptacles as may be necessary or requisite, provided with fly-proof lids, and shall cause to be collected and kept therein any garbage or other waste matter arising from his business or in connection therewith, and shall keep the said receptacle or receptacles properly closed, except when being filled or emptied.
- (4) Every such occupier shall as often as may be necessary, and at least once daily, remove all refuse, rubbish, garbage, or other waste matter whatsoever from his standing, shop, stall, enclosure or space to the Market refuse bins or depots, and shall at all times keep his standing, shop, enclosure or space thoroughly cleansed and in an orderly condition to the satisfaction of the Inspector.
- (5) These conditions shall be deemed to form part of and be incorporated in any lease or tenancy granted to any occupier, and failure or neglect of any occupier to observe, perform and comply with any of these conditions to the satisfaction of the Inspector shall be deemed to be a breach of such lease or tenancy, and upon such breach the Trust may, in addition to any other penalty to which the occupier is liable under these by-laws or otherwise, and notwithstanding that he has paid his dues in advance, forthwith without any prior notice whatsoever determine the lease or tenancy and re-enter upon and eject the occupier from the standing, shop, stall, enclosure or space, as the case may be, and may use such force as may be necessary to obtain possession of the same from the occupier without incurring any liability for trespass or otherwise, and upon such re-entry any dues then paid by the occupier shall be forfeited to the Trust.
- (6) In this section "approved" means approved by the Market Inspector or Secretary.
- (7) Any person who shall commit any breach of any obligation imposed upon him by this by-law shall be guilty of an offence, and subject to any prosecution for such offence under any other Act, regulation or by-law,

³ Now Factories and Shops Act, 1920-1959.

may be prosecuted under these by-laws, and upon conviction, shall be liable to a penalty not exceeding five pounds.

17. (a) No assemblage of persons shall be held in or upon the Market area for other than Market purposes unless with the previous consent of the Secretary, and any person who, without such consent first had and obtained, shall in or upon the said area induce the assemblage of any crowd or congregation of persons for other than the selling or buying of any commodities, goods, or wares in accordance with the Market Regulations shall on conviction thereof forfeit and pay a sum not exceeding five pounds for every such offence.

(b) No child, apparently under the age of sixteen years, shall enter or remain in the Market unless accompanied by an adult person without the consent of the Secretary or other responsible officer of the Trust, and any such child who refuses to leave the Market, when requested to do so by an officer of the Trust, shall be guilty of an offence and liable to a penalty not exceeding forty shillings for each offence.

By-law 17A
substituted by
G.G.
14/11/52,
p. 2743.

17A. A person shall not smoke in a room installed in the Market area for the ripening of bananas or in or upon a passage or platform contiguous to the room.

Penalty: Ten pounds.

18. Any person who shall sell or offer for sale by weight or measure, or deliver or cause or permit to be sold or delivered, any commodity deficient in the weight or measure for which the same shall have been offered, sold or delivered, or which when tried by the Market Inspector or his assistants shall be found deficient in the weight or measure represented, any such person shall, subject to any prosecution for such offence under any other Act, regulations or by-laws, be liable to a penalty not exceeding forty shillings for every such offence and forfeit the commodity so found deficient.

By-law 19
substituted
by G.G.
25/6/58,
p. 1366.

19. Any person who shall refuse or neglect to comply—

(a) with any lawful direction of the Market Inspector or any of his assistants; or

(b) with any direction in any notice or sign displayed, marked, placed or erected in or upon the Market or any Market building by authority of the Trust;

shall be guilty of an offence and be liable to a penalty not exceeding forty shillings for each offence.

20. Any person who shall obstruct, hinder or resist the Inspector or any officer or servant of the Trust in the discharge of his duty in the Market shall be guilty of an offence and shall, independently of any other penalty which may be imposed for assault or otherwise, be liable to a penalty not exceeding the sum of five pounds.

21. The entrances and exits for vehicles into each section of the Market, respectively, shall be such as may from time to time be appointed by the Trust, and shall be denoted by the words "Way in" and "Way out," but notwithstanding this any person may be required to enter or leave the Market by such road or route as shall be pointed out to him by the Inspector or any of his assistants, and any person refusing to take such road or route so pointed out shall be guilty of an offence and be liable to a penalty not exceeding forty shillings for every such offence.

22. The roads and rights-of-way in the Market area are provided for the use of persons having business in the Market, and are not to be used for through traffic or for purposes not connected with the Market. Any person driving a vehicle contrary to this by-law shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for every such offence.

23. Except the vehicles of vendors occupying standings duly appointed for them, no person shall occupy or continue to occupy with any horse or other animal, or any cart, carriage, truck, motor-car, or other vehicle, or with any matter, article, or thing, any of

the immediate approaches to the said Markets or any of the ways within the Markets, or any of the standings, stalls, enclosures, or footpaths within the Market premises after he shall have been required by the Inspector or any of his assistants to remove the same, nor shall it be lawful for any such person to replace any such horse or other animal, cart, carriage, motor-car, or other vehicle, article or thing, after having been required so to remove it, nor shall any person occupy any other place than such as shall be appointed therefor by the Inspector, and any person refusing or omitting to remove any animal, vehicle or thing, as aforesaid, on being so required, or who shall replace the same, or who shall occupy any other place than such as shall be appointed therefor, as aforesaid, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

24. Drivers of vehicles using the carriage ways contiguous to auctioneers' platforms shall take up such position as shall be indicated by the lessee of the market affected, and every such lessee shall indicate to such drivers the position to be taken up by them, and by such means keep the carriage ways immediately adjacent to his platform open and clear for traffic. If any driver shall fail or neglect to take up the position indicated by the lessee as aforesaid, and shall take up another position whereby the carriage ways shall be blocked or obstructed, or if any such lessee shall suffer any such driver to take up a position whereby the carriage ways are blocked or obstructed, such driver or lessee as the case may be shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

25. Any person who shall place any matter or thing so as to obstruct the roads or footways in the Market, or to occupy any other place than such as shall be appointed therefor by the Inspector, or shall take possession of any standing, stall, enclosure, or ground space other than that which shall have been allotted or assigned to him by the Inspector, or who shall not remove therefrom after having been so required by the Inspector or any of his assistants shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

26. Any person who shall bring into the Market, or offer or expose for sale in the Market, any live poultry, with the legs or the wings of such poultry tied, shall be guilty of an offence, and shall be liable to a penalty not exceeding forty shillings for every such offence.

27. Any person who shall place any nail, hook, or peg in any part of the wood, stone, brick, or ironwork of any standing or stall, or shall in any way fit up or enclose any such standing or stall without the consent or contrary to the directions of the Inspector, and any such person who shall neglect or refuse to take down any hook, nail, peg or fittings in his or her standing or stall when required to do so by the Inspector shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

28. Persons carrying on business in the Private Treaty Section of the Market shall be subject to the following conditions:—

- (1) No tenant of a stall shall permit or suffer any horse or other animal to be attached to his vehicle while occupying such stall.
- (2) Each tenant shall keep clean the position in the stall allotted to him and also keep the footway and roadway contiguous thereto clean and free from paper, fruit, stems, peelings, refuse, and rubbish, during all such time as the said stand is occupied.
- (3) He shall not at any time cause or permit or suffer any nuisance to exist on or contiguous to the position he is for the time being authorised to occupy.
- (4) He shall not use any flap, shelf, or other device except that supplied or approved by the Trust.

- (5) He shall not (without special permission) place any box, basket, receptacle, or other thing (except his vehicle) upon the said position or on the roadway or footpath contiguous to the same.
 - (6) No rabbits or fish of any kind shall be sold or offered for sale on any stall or position, unless the same shall have been previously cleaned (gutted) to the satisfaction of the Inspector.
 - (7) No rabbit or fish shall be cleaned (gutted) at or near any stand or position, except in a place that may be provided for the purpose by the Trust.
 - (8) The rents and charges payable by tenants of stalls carrying on business as retailers shall be as follows:—
 - (a) For any stall or standing place to be used for selling or exposing for sale any fruit, vegetables, esculent roots, and similar produce by the *bona fide* growers thereof—a sum not exceeding 2s. per day.
 - (b) For any stall or standing place to be used for selling or exposing for sale any of the said commodities by retailers other than the *bona fide* growers thereof—a sum not exceeding 3s. per day.
 - (9) Wholesale agents for and dealers in fruit, vegetables, esculent roots, and garden produce, occupying permanent standings, shall pay therefor in advance such sums for such periods as the Trust shall from time to time resolve.
 - (10) Any person occupying a standing in the Wholesale Vegetable Market shall remove from the Market with his vehicle and commodities within one hour from the closing of the Market, and any person failing to so remove shall be guilty of an offence and be liable to a penalty not exceeding forty shillings for every such offence.
 - (11) The holder of any permanent stall shall, if required so to do by the Inspector after eight o'clock ante meridian, take up such other standing as may be pointed out to him by the Inspector, and if any person shall refuse or fail to remove to such other standing, he shall be guilty of an offence and be liable to a penalty not exceeding forty shillings for every such offence.
 - (12) Any vendor of secondhand clothing who shall sell, expose, or offer for sale in the Market, or bring into the Market for sale, delivery, barter or exchange, any secondhand clothing, unless the same shall have been previously thoroughly cleansed or disinfected, shall be guilty of an offence and shall be liable to a penalty of forty shillings for every such offence. In any prosecution for an offence under this by-law, the onus of proving such cleansing and disinfecting shall be upon the person or persons charged.
29. Any person who shall sweep, or cause to be swept, any dirt or rubbish into or upon any of the roads, gutters, or footways of the Market, and allow the same to remain there, or shall leave or place any filth, offal, or trade refuse or other refuse within the Market premises, or who being the holder of any standing, stall, or enclosure in the Market shall fail to remove any fat, offal, or other refuse or rubbish when required to do so by the Inspector, shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for every such offence.
30. Any person who shall keep any cart, carriage, motor car, vehicle or other matter or thing in any part of the Market, contrary to the direction of the Inspector, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

31. Any person who shall sell or offer for sale or deliver to a purchaser in the Market, any marketable commodity, goods, wares or merchandise before the opening or after the closing of the Market, or before or after the time appointed especially for the sale of such commodity, goods, wares or merchandise, or for the occupancy of any standing, place, stall or enclosure or space for the sale thereof, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

32. Any person wilfully or carelessly damaging any part of the Market erections shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence, in addition to the costs of repair.

33. Any person writing or drawing upon or without permission from the Inspector, posting, nailing or otherwise fastening any placard, handbill, or public notice of any kind within or on part of the Market premises, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

34. No unwholesome food or provisions shall be allowed to be exposed or sold or offered for sale in the Market under any pretence whatever, and if any person shall expose for sale, or attempt to sell, any unwholesome food or provisions within the Market premises the Inspector or any of his assistants may seize, condemn, remove, and destroy the same, and such person shall be guilty of an offence and subject to any prosecution under any other Act, regulation or by-law, shall be liable to a penalty not exceeding five pounds for every such offence.

35. Any person entering upon or using the immediate approaches or other parts of the Auctioneers' Market places for the purpose of soliciting orders or offering for sale any commodity without having first obtained permission from the lessee of the premises, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

By-law 35A
added by
G.G. 19/3/58,
p. 519.

35A. (1) Within the limits of the market established under the Act, a person, other than a tenant or lessee of the Trust or an agent or employee of such a tenant or lessee, shall not—

- (a) buy, or offer to buy, from any other person, nor
- (b) sell, or offer to sell, to any other person, any fruit, vegetables, meat, eggs, poultry or fish, unless that other person is a tenant or lessee of the Trust or an agent or employee of such a tenant or agent.

(2) A person, who contravenes any provision of this by-law, commits an offence against the by-law and on conviction is liable to a penalty not exceeding fifty pounds.

36. Any person who shall ride or drive any bicycle, motor, or horse or other vehicle through or over any part of the Market except at a walking pace, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

37. Any person who shall ride or drive any bicycle, motor, or any cart or other vehicle over the footways of the Market shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

38. Any person occupying any standing, stall, enclosure, or space in the Market, who shall accost passers-by with a view to a sale of his goods or wares, save in, on, or in front of his own standing, stall, enclosure or space, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

39. Any person who shall play at cards or other games in the Market, or who shall loiter or trespass in the Market when the same is closed, or shall make loud outcry in the Market, or who shall hawk goods in the streets, lanes, or ways in the Market, or who shall bring into the Market any dog unless the same shall be led

or tied securely to a vehicle, or who shall wash vegetables or other articles or things in the Market by permitting water from taps to run continuously over them, shall be guilty of an offence and shall, subject to any prosecution for an offence under any other Act, regulation or by-law, be liable to a penalty not exceeding forty shillings for every such offence.

40. Any person who shall go into or appear in the Market in a drunken or disorderly state, or excite any riot or disturbance, or curse or swear, or use any gross, indecent or abusive language, or be guilty of any gross or indecent conduct therein, shall be guilty of an offence and shall, subject to any prosecution for the offence under any other Act, regulation or by-law, be liable to a penalty not exceeding five pounds for every such offence.

40A. (1) No person shall loiter in or frequent the Market unless he shall have legitimate business to transact therein;

(2) No person shall remain in the Market for a longer time than is reasonably necessary for the transaction of legitimate business therein;

(3) Any person committing a breach of this by-law shall be liable to a penalty not exceeding forty shillings for each offence.

41. Parking places for vehicles and stabling accommodation for horses belonging to the occupiers of stalls in the Market will be set apart by the Trust, and persons in charge of vehicles, and occupiers of stalls in charge of horses, shall not leave their vehicles or their horses as the case may be parked or secured in any place other than those set apart by the Trust for that purpose. Persons using the said parking places or stabling accommodation shall pay in advance to the Trust such fee as the Trust may from time to time determine not exceeding 1s. per day per vehicle or per horse as the case may be.

42. Any person who shall leave a vehicle or a horse in any place other than places provided for the purpose contrary to By-law 41, for more than 15 minutes, and any person having so left a vehicle or horse who refuses to remove the same when requested so to do by the Inspector or any other officer of the Trust, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

43. Vehicles waiting to unload or load shall take up the various positions assigned to them by the Inspector. Any person in charge of such a vehicle who takes up a position other than that assigned to him by the Inspector, or who having taken up such a position refuses to remove therefrom when requested so to do by the Inspector, shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.

44. Notwithstanding anything to the contrary herein contained or implied, the Inspector may, and he is hereby empowered at his sole discretion if he shall think fit, to refuse to let to any person, without assigning any reason therefor, any of the stalls, standings, benches or spaces in the Market.

45. Persons occupying any place or premises in the Market, whether as lessees, tenants, or otherwise, shall keep such place or premises and the roadways and footways contiguous thereto clean and sanitary and free from rubbish and other refuse whatsoever to the satisfaction of the Inspector, and shall flush down such roadways and footways after each market day or as often as the Inspector shall require: Provided that where roadways and footways are common to more than one of the persons aforesaid, the persons concerned shall arrange mutually between them the manner in which they shall comply with their obligations under this by-law, and failing such mutual agreement the Inspector shall direct the portions of the roadways and footways to be cleaned as required by this by-law by the said persons respectively. Any person who shall commit a breach of this by-law shall be guilty of an offence and in addition to any right, power or remedy which the Trust may have against such person under any lease, tenancy or other agreement, shall be liable to a penalty not exceeding five pounds for every such offence.

By-law 46
substituted
by G.G.
8/3/35,
p. 642.

46. (1) Every lessee of premises where produce is sold by the lessee as an agent shall, as soon as practicable after the sale of any such produce, make out—

- (a) an invoice to the buyer, recording the buyer's name or code (number or initials) and details of the goods sold, including quantities, weights (where charged by weight and prices);
- (b) an account sales of such produce in the name or code of the consignor, giving an accurate record of the goods sold on account of the consignor, the date thereof, and showing under separate headings the charges and disbursements deducted from the proceeds of sale.

(2) Every lessee of premises where produce is sold by the lessee as an agent shall keep at his place of business in the Market the following records relating to the sale of all such produce at his premises. Such records shall be kept legibly written up in the English language from day to day:—

- (a) Records showing particulars of all goods received for sale; the date of the receipt thereof and the name or code of the consignor.
- (b) A record showing particulars of weights of all goods sold by weight, showing the name or code of the consignor.
- (c) A sales journal or sales sheets recording details of all goods sold, and the prices, the name or code of the consignors, and the name or code of the buyers.
- (d) Duplicate of invoices, or a book containing particulars of all invoices made out for buyers in accordance with the preceding by-law.
- (e) A register containing the names and addresses of all buyers who have purchased goods on credit, giving the initials and surname of the buyer and business address, and buyer's code.
- (f) Records of all account sales, showing the name or code of the consignor, the date of sale, the gross proceeds and the net proceeds, and the cheque number in respect of the cheque forwarded in payment of each account or record where such payments are made by cash, and the date of such payments.

(3) All such books and records shall be kept for a period not less than six months and shall be available for the inspection by the Secretary during business hours. The Secretary shall be entitled to take such copies of documents as he may consider desirable, but shall not divulge any information secured as a result of his inspection, except to the Trust.

(4) Every lessee who fails or neglects to comply with the obligation of this by-law, or who refuses to permit or delays any inspection by the Secretary of any books or records which are to be kept under this by-law, or who keeps any record which is not correct, or who endeavours to mislead the Secretary in respect of any record, shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds in respect of every such offence.

(5) Any consignor who is dissatisfied as to the correctness of any return received by him from any lessee in respect of goods sold by such lessee as an agent shall be entitled to complain to the Trust. Such consignor may be required to furnish particulars of his complaint in writing, and upon receipt of same the matter shall be investigated by the Secretary, who shall report his investigation to the Trust. The Trust shall not be obliged to divulge either the details or the result of such investigation.

47. Persons occupying any place or premises in the Market, whether as lessees or tenants or otherwise, may use the water available from the mains of the Metropolitan Water Supply, Sewerage, and Drainage Department for drinking purposes only, but for no other purpose, and shall use only water supplied by the Trust for purposes other than drinking purposes. If any person shall

commit a breach of this by-law he shall be guilty of an offence, and shall be liable to a penalty not exceeding ten pounds, and upon conviction for such offence the person convicted shall be ordered also to pay forthwith to the Trust such amount as the Trust shall estimate to be the value of the water used by such person in contravention of this by-law.

48. No person shall sell by auction or permit or suffer to be sold by auction in the metropolitan area any fruit, vegetables, meat, eggs, or poultry elsewhere than in the Market. Any person who shall commit a breach of this by-law shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty pounds.

By-law 48A
added by
G.G. 20/10/33,
p. 1622,
substituted
by G.G.
8/3/35,
p. 642-3.

48A. (1) No person shall sell by auction, or permit or suffer to be sold by auction in the metropolitan area, any fish elsewhere than in the premises of the Metropolitan Market Trust as established and conducted as the Fish Market by the said Trust under the Act.

(2) Any person who shall commit a breach of this by-law shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

By-law 48B
added by
G.G. 28/1/44,
p. 59.

48B. (1) No person shall sell in the metropolitan area any fruit, vegetables, meat, eggs or poultry in any market other than the market established under the Act or a market place referred to in the proviso to subsection (1) of section 12 of the Act except with the consent of the Trust and subject to these by-laws.

For the purpose of this by-law "market" shall mean any place where a number of producers of prescribed produce, products or provisions or their agents congregate for the purpose of selling or offering for sale any such prescribed produce, products or provisions.

(2) Any person who shall commit a breach of this by-law shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty pounds.

By-law 48C
added by
G.G. 28/1/44,
p. 59,
amended by
G.G.
12/12/56,
p. 2920.

48C. No person shall sell by wholesale in the metropolitan area, fruit and vegetables (except potatoes and onions), fish, poultry and eggs by agents elsewhere than in the market established under the Act. For the purposes of this by-law, "agent" means a person whose business either alone or as a part of or in connection with any other business, is to sell on behalf of producers or other persons any of the goods referred to herein on commission, whether such sale be by auction or otherwise. Nothing in this by-law shall prevent any person (not acting as agent for a producer) from selling or exposing for sale in his own shop or warehouse any prescribed produce, products or provisions.

By-law 48D
added by
G.G.
12/12/56,
p. 2920.

48D. (1) No person other than the original owner shall sell fish by wholesale, whether by auction or otherwise, within the metropolitan area unless the fish has been sold previously by auction in the market established under the Act. Penalty £50.

(2) For the purposes of paragraph (1) of this by-law the expression—

"fish" includes every variety of marine and freshwater fishes and crustacea, and marine animal life which, after being taken from the waters in which they are found, are not subjected to any process, other than freezing, for the purposes of preserving same;

"original owner" means—

- (a) the person by whom or by whose servants any fish is taken from the waters in which it is found, when such person is resident within the State; and
- (b) the person who first receives any fish within the State when the person by whom or by whose servants such fish is taken from the waters in which it is found, is not resident within the State.

By-law 49
substituted
by G.G.
19/3/58,
p 519.

49. (1) Outside the limits of the Market established under the Act, a person shall not at any place within a radius of 500 yards from any portion of those limits, sell or buy any fruit, vegetables, meat, eggs, poultry or fish, which has not or have not been obtained by him through a tenant or lessee of the Trust, unless the sale takes place on the premises of the seller.

(2) A person who contravenes any provision of this by-law, commits an offence against this by-law and on conviction is liable to a penalty not exceeding fifty pounds.

50. Where any matter or thing is by these by-laws directed or forbidden to be done, or where any authority is given by these by-laws to any person to direct or forbid any matter or thing to be done, and such act directed to be done remain undone, or such act forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be deemed to be guilty of an offence against these by-laws, although in any by-law a breach thereof shall not be specifically stated to be an offence.

51. Every person guilty of an offence against these by-laws shall for every such offence be liable to the penalty expressly imposed by these by-laws, and, if no other penalty is imposed, to a penalty not exceeding fifty pounds.

52. Every penalty payable in respect of any offence against these by-laws may be recovered before any court of summary jurisdiction under the provisions of the Justices Act, 1902.¹

Common Carriers plying for Hire upon the Premises of the Trust.

By-law 53
added by
G.G. 8/3/35,
p. 642.

53. (a) (1) No person, whether as principal or agent or servant of another person, shall carry on or attempt to carry on the business of a common carrier upon any portion of the premises of the Metropolitan Market Trust, or frequent or use any portion of the said premises for the purpose of carrying on the business of a common carrier, unless and until such person being the principal shall have obtained a permit in writing so to do, signed by the Secretary of the Trust.

(2) Any person desiring to obtain a permit under this by-law shall apply in writing signed by him to the Secretary.

(3) Upon receipt of the application, and subject to payment of the fee fixed by the Trust for the hire of the identification disc or plate, hereinafter mentioned, the Secretary may issue to the applicant a permit under and for the purposes of this by-law, together with an identification disc or plate.

(4) The Secretary may, and shall, if so directed by the Trust, refuse any application for a permit made under this by-law.

By-law 54
added by
G.G. 8/3/35,
p. 642.

54. (1) A permit issued under the authority of the next preceding by-law shall, during the currency thereof, authorise the person to whom it is issued, or his *bona fide* servant or agent, while the identification disc or plate is exhibited conspicuously upon his vehicle, and, subject in other respects to the Act and these by-laws, to carry on the business of a common carrier upon or to frequent and use the premises of the Trust for the purpose of carrying on the business of a common carrier during the hours when such premises are open for the transaction of business in such places, and upon such ways as may be determined from time to time by the Trust.

(2) Every such permit shall remain in force until revoked.

(3) The Secretary may at any time, and shall, if so directed by the Trust, revoke any permit without giving any notice or reason of or for such revocation.

(4) A permit may be revoked by notice in writing signed by the Secretary and given to the holder thereof.

¹ Now Justices Act, 1902-1959.

(5) If the holder of a permit shall be convicted of any offence against the Act or these by-laws, or, if he or his servant or agent shall fail to keep his identification disc or plate exhibited conspicuously upon his vehicle whilst carrying on the business of a common carrier upon the premises of the Trust, the permit of such holder shall forthwith be revoked.

(6) Every identification disc or plate issued to the holder of a permit shall be and remain at all times the property of the Trust, and the person for the time being holding the same shall be deemed to be a hirer thereof only; and every such identification disc or plate shall be returned forthwith by the holder thereof to the Secretary on demand. If any such disc or plate be not so returned, when demanded, the same shall be recoverable at the suit of the Secretary from the person for the time being having the same in his possession as being the property of the Trust.

By-law 55
added by
G.G. 8/3/35,
p. 642.

55. A permit and an identification disc or plate issued under these by-laws shall not be transferable by the person to whom the same is issued to any other person:

Provided that this by-law shall not apply to the use of a permit, or to an identification disc or plate, by the servant or agent of the person to whom the same were issued in the ordinary course of his employment or service by or for such permit holder.

By-law 56
added by
G.G. 8/3/35,
p. 642.

56. (1) Any person upon the premises of the Trust who appears to be carrying on or to be engaged in the business of a common carrier, may be required by the Secretary or any other officer of the Trust to produce his permit.

(2) Any such person who fails to comply with any such requisition or otherwise to satisfy the Secretary or officer aforesaid that he is not carrying on or engaged in the carrying on of the business of a common carrier upon the premises of the Trust, shall be guilty of an offence, and shall be liable to a penalty not exceeding ten pounds.

By-law 57
added by
G.G. 8/3/35,
p. 642.

57. Ingress and egress between North Road and Railway Reserve:—

(1) No person shall use or attempt to use the gateway between the railway reserve and that portion of the premises of the Trust known as North Road for the purpose of passing from North Road aforesaid to the railway reserve, or from the railway reserve to North Road aforesaid, without a permit in writing first obtained from the Secretary of the Trust.

(2) The Secretary may issue a permit in writing signed by him to any person for the purposes of this by-law. Such permit shall remain in force until revoked by the Secretary by notice in writing given to the holder thereof. A permit given under this by-law may be revoked at any time.

(3) Any person found by any officer of the Trust using or attempting to use the said gateway for the purpose mentioned in subclause (1) of this by-law shall, upon demand, forthwith produce his permit under this by-law for inspection by such officer.

(4) Any person who commits any breach or contravention of any provision of this by-law shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds.

By-law 58
added by
G.G. 23/9/49,
p. 2367.

58. Any person committing a breach of these by-laws and who shall refuse to give his name and address to the Inspector or other authorised officer when requested so to do by the Inspector or other authorised officer shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings for every such offence.