

MARKET REGULATIONS, 1970

(Under section 115 of the Act)

Date of commencement: 2nd January, 1970.

Arrangement of Regulations

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PART I
GENERAL

Citation.

1. These regulations may be cited as the Market Regulations, 1970.

Interpretation.

2. In these regulations, unless inconsistent with the context —
 - “goods”, in addition to its ordinary accepted meaning, includes livestock, fruit, vegetables, foodstuffs and non-alcoholic drinks;
 - “market” means a gathering of vendors and purchasers in an open space or covered building for the sale and purchase of goods, publicly exposed, whether or not there is present any form of competition for the purpose of determining the prices or values of the goods;
 - “market master” means the person appointed by the local authority under regulation 6 to be the market master;
 - “Medical Officer of Health” has the meaning assigned to it by section 2 of the Public Health Act, No. 5 of 1969;
 - “Minister” means the Minister for Local Administration;
 - “pitch” means a portion of ground or floor of a market building allotted to a vendor for the purpose of exposing goods for sale;
 - “sale” includes lease, barter, exchange, and any other manner of disposing of goods; and “sell” or “expose for sale” have corresponding meanings;
 - “stall” means a bench, table, board or the like, upon which goods are exposed for sale, or a booth or covered stand for the sale of goods in a market;
 - “vendor” means a person wishing to sell, offer, or expose for sale, anything in a market.

Establishment of markets and existing markets.

3. (1) A local authority may by notice in the Gazette establish a market or markets for the public sale of goods at any place within its urban area.

(2) The boundaries of a market established by a local authority shall be demarcated by the local authority in such a manner as to make the boundaries clearly evident to the public and to indicate that it is a market established by the local authority.

(3) The existing markets falling under the control of a local authority shall, when demarcated by the local authority in terms of the provisions of paragraph (2), be deemed to be markets established under the provisions of these regulations.

Prohibition against establishment of markets.

4. (1) No person other than a local authority shall utilize or cause or permit to be utilized any place in an urban area as a market save —

(a) with the written consent of the Minister; or

(b) where the market is conducted wholly or mainly for the following purposes, namely —

(i) charitable purposes,

(ii) participation in or support of athletic sports or games or cultural activities,

(iii) purposes other than those mentioned in sub-paragraphs (i) and (ii) and not being purposes of private gain or purposes of a commercial undertaking approved by the Minister:

Provided that no such market shall endure for more than forty-eight hours in any period of two months.

(2) No person shall sell or purchase or otherwise acquire goods in a market other than a market permitted by these regulations.

Wholesale and retail markets.

5. (1) The local authority may establish separate markets for wholesale and retail transactions.

(2) Where the local authority does not establish separate markets for wholesale and retail transactions, the market master may set aside separate sections of the market for the wholesale and retail sale of goods.

Market master.

6. (1) A local authority shall appoint a market master to supervise each market established by it in terms of these regulations.

(2) The market master shall —

(a) be responsible for the efficient control of the market;

(b) collect market dues;

(c) ensure that these regulations and the provisions of any other law are carried out within the market; and

(d) perform the duties and exercise the powers assigned to him by the Minister by notice in the Gazette.

(3) Subject to paragraph 2(d), the market master shall at all times and in all matters be subject to, and act in accordance with, the directions and instructions of the local authority.

Allocation of parts of market to specific purposes.

7. (1) The market master may set aside any part of a market for an exclusive purpose specified by him.

(2) Except with the prior written consent of the market master, no stall, pitch or other part of the market shall be used for more than one such purpose at the same time.

Sale of goods in a market.

8. (1) No person shall sell, or offer or expose for sale, anything in a market other than from a stall or pitch let to him by the market master in terms of regulation 9 and in respect of which the rental has been paid.

(2) No person shall purchase or attempt to purchase or in any other manner acquire or attempt to acquire any goods offered for private sale in a market save at a stall or pitch let to a vendor in terms of regulation 9.

Letting of stalls and pitches and other places.

9. The market master may let stalls and pitches for the sale of goods, or other places in the market for use by a vendor for cooking, the parking of his vehicle, the storage of fuel, goods, or animals or otherwise, upon such terms and conditions (including rental) as the local authority may prescribe:

Provided that no stalls or pitches for the sale of cooked foods shall be let by him without the production to him of the written approval, conditional or otherwise, of the Medical Officer of Health.

Times.

10. (1) A market shall be open on such days and at such times as the Minister may from time to time prescribe by notice in the Gazette, and the Minister may specify different dates and different times for wholesale and retail markets and for the wholesale and retail sections of any market, and different times for the sale of different goods.

(2) No person shall sell, offer, or expose for sale, goods in a market at times other than those specified by the Minister under the provisions of paragraph (1).

Duties of vendor of stall or pitch as to cleanliness, removal of refuse, etc.

11. A vendor occupying a stall, pitch or other place in a market shall —

- (a) confine and keep all goods for sale and all other things, packages and materials within the area occupied by him;
- (b) at all times keep such area and the stall let to him, and all fittings and utensils used therein, thoroughly clean and free from dirt or smell to the satisfaction of the market master;
- (c) remove all dry refuse or sweepings, garbage and waste from his stall into such receptacles as may be provided for the purpose;

- (d) dispose of all liquid waste from his stall, pitch or other place in the market by such devices or channels as may be provided for the purpose;
- (e) when cutting fish, poultry or game, have a watertight vessel at his stall, pitch or other place in the market, into which to put the offal;
- (f) not bring into the market or keep or use therein any block, stand, vessel, container or utensil which is not of a nature or character approved by the market master;
- (g) erect a placard in some conspicuous part of his stall clearly indicating his name.

Animals.

12. No person shall permit his animal or an animal under his control to be in a market except in such place as the market master may have set aside for animals of the particular class to which it belongs.

Vehicles.

13. No person shall bring a vehicle, other than one belonging to the local authority, into a market except within such area as the market master may have set aside for use by such vehicles, and subject to such conditions as to the times and periods of such use as the market master may determine and notify in a prominent place in such market.

Prohibition of certain acts.

14. No person shall —

- (a) enter or leave a market except by the entrances or exits indicated by the market master;
- (b) attempt to procure custom in a market except by means of the display of goods, or advertisements thereof, on a stall or pitch;
- (c) place or exhibit any signboard or notice board in a market without the permission of the market master;
- (d) deface, foul or misuse any part of a market or any of the appurtenances thereof or connected therewith;
- (e) in or upon any part of a market —
 - (i) use any obscene, indecent, offensive, abusive or threatening language or shout in an objectionable manner;
 - (ii) make any unseemly noises, including whistling, singing or playing any musical instrument or radio to the annoyance of any person in the market; and continue to do so after having been requested by the market master to desist therefrom;
 - (iii) expectorate;
 - (iv) play games;
 - (v) be drunk;
 - (vi) behave in a disorderly manner;

- (vii) beg;
 - (viii) make a fire or cook, except in such places as may be set aside for such purposes by the market master;
 - (ix) commit a nuisance or behave in any way so as to cause a disturbance, inconvenience or annoyance to any person; or
 - (x) remain therein after having been required by the market master to remove himself therefrom;
- (f) obstruct or interfere with or cause any obstruction to or interference with the market master or any market official in the discharge of his duties.

Licences.

15. Nothing in these regulations shall be deemed to relieve any person selling any goods from a stall or pitch, or his servant, from obtaining any licence or permit required by this or any other law.

Prohibition of sale of certain goods.

16. (1) The following goods shall not be sold in a market —
- (a) hides and skins, other than under a permit issued by a veterinary officer and subject to such conditions as may be contained in the permit;
 - (b) live animals other than poultry and such other animals as the Minister may specify by notice in the Gazette;
 - (c) fresh meat and offal, except from stalls reserved for such sales by licensed butchers;
 - (d) manufactured goods other than local handicrafts and such other manufactured goods as the Minister may permit by notice in the Gazette; and
 - (e) such other goods as the Minister may specify by notice in the Gazette.
- (2) Any notice referred to in paragraph (1) may relate to all markets lawfully established in terms of these regulations or to a particular market, or a particular type of market.

Prohibition against bringing diseased and other such goods into the market and the right of inspection by market master.

17. (1) No person shall bring into a market —
- (a) any goods which are diseased, unwholesome, dangerous or injurious to health, or in any way unfit for consumption by human beings;
 - (b) any animal suffering from a contagious disease.
- (2) A market master may inspect any goods exposed for sale in a market and if, as a result of such inspection, he finds any such goods to be diseased, unwholesome, or dangerous or injurious to health or, in the case of foodstuffs, unfit for consumption by human beings, he may condemn such goods and may, upon a certificate of a health inspector, destroy them, and the owner of such goods shall not be entitled to any compensation in respect thereof.

Authority to sell.

18. (1) A person dealing in any goods in the market shall satisfy the market master on reasonable grounds that he is the owner of such goods or that he is duly authorized by the owner to deal in them.

(2) In the event of a person failing so to satisfy the market master, the market master may prohibit such goods being dealt with, or may permit them to be disposed of on condition that the proceeds of the sale thereof be handed over to him and be retained by him until adequate proof is produced that the person is the owner of the goods concerned or has been duly authorized to deal with them.

(3) The rights of any person affected by the decision of the market master acting in terms of paragraph (2) shall not in any way be prejudiced by this regulation.

PART II
RETAIL MARKETS

Retail sales.

19. A retail vendor shall only sell goods in a retail market or in sections set aside by the market master for the retail sale of goods in terms of regulation 5 and shall not sell any goods by public auction.

PART III
WHOLESALE MARKETS

Application of Part.

20. This Part only applies where the local authority has established separate markets in terms of regulation 5(1).

Restriction on sales by wholesalers.

21. (1) Subject to the provisions of paragraph (2), a wholesale vendor may sell goods in a wholesale market or in a section set aside by the market master for the wholesale sale of goods in terms of regulation 5 either out of hand or by public auction.

(2) Save that a wholesale vendor of fruit and vegetables or grain may sell such goods to any person in quantities not less than those referred to in regulation 25, no wholesale vendor shall sell his goods to a person who has not been let a stall or pitch in terms of regulation 9.

Market master not to bid.

22. The market master and any person employed by or under him shall not bid or purchase for himself or for other persons in a wholesale market or a wholesale section of a market.

Bidding.

23. (1) All goods brought to a wholesale market for sale by public auction shall be sold to the highest bidder and all sales at such auctions shall be for cash.

(2) The vendor may decline to accept a bid from any defaulting purchaser so long as he shall be in default of payment.

Samples.

24. (1) Every person who brings produce to the market for sale by public auction shall, if required by the market master before such sale, furnish the market master with a sample for comparison with what is offered for sale.

(2) The sample need not be larger than is required to enable a judgment to be formed of the quality of the produce exposed for sale.

(3) No purchaser shall be obliged to take delivery of what is sold if it is worse than the sample.

(4) In the event of a dispute arising as a result of the provisions of paragraph (3), it shall be referred to the market master whose decision shall be binding, and the party found to be at fault by him shall pay the market master's costs therein, not exceeding one lilangeni.

(5) A vendor shall only be entitled to sell out of hand goods actually exposed to the public view for sale.

Number and quantity.

25. (1) No person shall sell in a wholesale market any of the following articles, except according to the number or quantity marked against such article in the following list —

Meal and crushed mealies	per bag of (180 lbs.) 80 kg.
Mealies	per bag of (200 lbs.) 90 kg.
Corn	per bag of (200 lbs.) 90 kg.
Potatoes, table	per bag of (37½ lbs. 75 lbs. or 150 lbs.) 15 kg, 35 kg, 65 kg.
Barley	per bag of (150 lbs.) 65 kg.
Oats	per bag of (150 lbs.) 65 kg.
Rye	per bag of (150 lbs.) 65 kg.
Dried forage of any description	per bale of (100 lbs.) 45 kg.
Green forage and lucerne	per bundle as determined by the market master
Firewood	per load or lot as determined by the market master.
Butter	per (lb.) gm and kg.
Eggs	per dozen.
Fruit	per hundred, box or lot as determined by the market master.
Dried fruit	per box or per (lb.) gm as determined by the market master.

Vegetables in lots as the seller may desire.

Horses, cattle, mules, donkeys,
sheep, goats, pigs, poultry, etc. per head.

(2) The weight in every case shall be "net" weight.

(3) Articles not enumerated above may be exposed for sale in such quantities or lots as the market master may determine.

(4) Anything therein to the contrary notwithstanding, the market master may in his discretion permit the sale of goods in quantities or lots other than those specified in this regulation:

Provided that he shall do so by notice exhibited in a prominent place in the market.

PART IV MISCELLANEOUS

Offences and penalties.

26. Any person who —

(a) contravenes or fails to comply with any of the provisions of regulation 4, 7 or 8, or regulation 10(2), or regulation 11, 12, 13, or 14, or regulation 16(1) or 17, or regulation 19, 21 or 22, or regulation 24(1) or (5) or regulation 25; or

(b) fails to comply with any lawful request of the market master in the exercise of his powers and duties;

shall be guilty of an offence and liable on conviction to a fine of one hundred emalangeni or, in default of payment, to one month's imprisonment, and in the case of a continuing offence to an additional fine of four emalangeni for each day such offence continues to be committed.

Revocation.

27. The Urban Area Market Regulations, being regulations 79 to 96, inclusive, of the Urban Areas Regulations, published at page 1025 of Volume II of the Laws of Swaziland (1959 edition) are hereby revoked.