

CAYMAN ISLANDS



MARKETS LAW

(1997 Revision)

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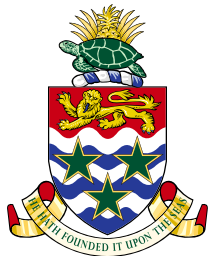
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Arrangement of Sections

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CAYMAN ISLANDS**MARKETS LAW****(1997 Revision)**

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Markets Law (1997 Revision)*.

Definitions

2. In this Law —

“**C.M.O.**” means the Chief Medical Officer or any medical officer acting under his authority;

“**Chief Engineer**” means the Chief Engineer of the Public Works Department or any person acting under his authority;

“**Governor**” means the Governor in Council;

“**market**” means a place or building declared by the Governor to be such for any purpose of this Law;

“**market master**” means any person appointed under section 4; and

“**stallholder**” means any person to whom there is currently allocated a market stall under section 6.

Establishment of markets

3. The Governor may, from time to time, by Order declare any place or building under Government control to be a market for any purpose of this Law.



Market masters

4. (1) The Governor may, from time to time, appoint suitable persons to be market masters and may appoint such subordinate staff as may appear desirable for the proper conduct of any market.
- (2) A market master shall be responsible for the supervision of one or more markets and his duties shall include —
- (a) the opening and closing of markets at the times prescribed;
 - (b) the maintenance of proper standards of hygiene within market areas to the satisfaction of the C.M.O.;
 - (c) the collection of market dues, fees and fines and accounting therefor to the Treasury;
 - (d) the sale or offer for sale by auction of goods brought into the market for such purpose;
 - (e) the allocation of stalls to stallholders;
 - (f) the supervision of weights and measures and the general control of methods of sale of goods by stallholders in the market;
 - (g) maintenance of the electric and water supplies, the drainage and refuse disposal arrangements and the ablutions in the market to the satisfaction of the Chief Engineer;
 - (h) the control of subordinate staff; and
 - (i) the maintenance of public order within the market area.
- (3) In the carrying out of his duties under subsection (2), a market master shall have all the powers of a constable.

Finance of markets

5. Markets shall be established and maintained from public funds voted, from time to time, by the Legislative Assembly, supplemented by dues, fees and fines levied under this Law and shall so far as is practicable be self-financing.

Allocation of market stalls

6. Certain portions of each market may be subdivided into stalls which may be allocated to suitable members of the public either —
- (a) by public auction for a prescribed period of one year or for the unexpired portion of such prescribed period; or
 - (b) for fixed periods of one day or more, but in no case exceeding one year, at prescribed daily, weekly or monthly rates.

Suitability for allocation of a market stall

7. No person who —



- (a) is under the age of eighteen years;
 - (b) has been convicted of an offence under the *Misuse of Drugs Law (1995 Revision)*;
 - (c) has, within five years, been convicted of assault or of an offence involving personal violence;
 - (d) has, within five years, been convicted of a criminal offence involving dishonesty; or
 - (e) is disqualified in that behalf by any other law,
- is a suitable person to be allocated a market stall.

Stallholders

8. Persons holding allocated market stalls at 14th April, 1972 shall be known as stallholders and shall have the exclusive right to sell or re-sell in the market to the public, under the supervision of the market master, such goods as may be prescribed.

Sale of goods by auction

9. (1) Any member of the public may bring into the market any class of goods for sale by the market master by public auction under the prescribed rules, and the market master shall, by notice posted in the market, inform the public when auctions of goods shall be held, together with any other relevant details.
- (2) Any person may bid for and purchase any goods auctioned under subsection (1), but where such goods are prescribed goods, no person other than a stallholder shall re-sell such goods in the market or within a radius of one mile therefrom.
- (3) The market master shall levy a prescribed fee in respect of every lot offered for auction and shall retain a prescribed percentage of the amount realised on each sale.

Fees and dues

10. (1) The market master may levy prescribed fees in respect of the disposal of refuse or any other service rendered to any stallholder or other person arising out of the use of the market.
- (2) Amounts paid to the market master in respect of the allocation of stalls and the amounts retained by the market master in respect of the proceeds of the sale of goods by auction shall be known as dues.

Disposal of goods unfit for consumption

11. (1) All goods intended for human or animal consumption brought into or found in a market in such a state as to be unfit for such consumption shall forthwith be handed to the market master for disposal, and in no case shall any compensation be payable from public funds in respect of such goods by reason of such disposal.
- (2) Where goods are found in the possession or constructive possession of any person which, in the opinion of the C.M.O. or the market master, should have been dealt with under subsection (1) but have not been so dealt with, the market master shall seize such goods and dispose of the same.

Responsibilities of stallholders

12. Stallholders shall be responsible for the cleanliness and hygienic conditions of their stalls and all utensils and furniture used therein and for the accuracy of all weights and measures and shall not deposit any litter in the market or in any way obstruct the market master or his staff in the performance of their duties.

Responsibility of the public

13. Members of the public including stallholders shall not do or cause to be done anything in the market which is calculated to be a nuisance and shall comply with all directions given by the market master under this Law.

Regulations

14. The Governor may make regulations prescribing —
- (a) the times of opening and closing of markets;
 - (b) the amounts or rates at which dues and fees shall be levied;
 - (c) methods of sale in the market by weight or measure and the weights, measures and containers which may be used;
 - (d) the annual period with reference to which market stalls may be allocated;
 - (e) for the allocation of market stalls by auction;
 - (f) for the sale of goods by auction under this Law;
 - (g) the goods which, when not sold by auction under this Law, may in the market and within one mile radius thereof be sold exclusively by stall holders; and
 - (h) any other matter required to be prescribed under this Law.

Offences and penalties

15. Whoever —
- (a) not being a stallholder, sells or attempts to sell prescribed goods contrary to this Law;



- (b) obtains or attempts to obtain the allocation of a stall by any false pretence or misrepresentation;
 - (c) by any act or omission, deceives or attempts to deceive in any material matter any person at or in respect of any auction of goods under this Law;
 - (d) commits any nuisance in any market;
 - (e) obstructs any market master or his staff or any other public officer from carrying out his duty in accordance with this Law; or
 - (f) fails to comply with section 11(1), 12 or 13,
- is guilty of an offence and, without prejudice to any punishment to which he may be liable under any other law, liable on summary conviction to a fine of two hundred dollars and to imprisonment for six months.

Fines

- 16.** Notwithstanding section 15, where any offence is committed against that section, the market master may, at his discretion and with the consent of the offending party, impose a fine upon such party not exceeding ten dollars and the payment of such a fine shall be a good defence to any person charged before a court of summary jurisdiction in respect of the same offence.

Exception

- 17.** Nothing in this Law shall affect the right of any person to carry on business in any place in accordance with a current licence granted under the *Trade and Business Licensing Law (1996 Revision)* in respect of such place.

**Publication in revised form authorised by the Governor in Council this 9th day of
September, 1997.**

Carmena H. Parsons
Clerk of Executive Council

