

*Northern Province Markets.***No. 19 of 1891.*****An Ordinance relating to Markets in the Northern Province.***(As amended by No. 7 of 1896, No. 6 of 1908, and No. 16 of 1910.)*

Preamble.

WHEREAS it is expedient to provide for the regulation and control of all lands and buildings used or to be used as markets in the Northern Province: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.
Commence-
ment.

1 This Ordinance may be cited for all purposes as "The Jaffna Markets Ordinance, 1891," and shall come into operation at such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.†

Definition
clause.

2 For the purposes of this Ordinance—

A "market" means any place where people usually assemble for the purpose of selling provisions, wares, or cattle.

A "public market" means any market held in any public place.

A "private market" means any market held on private property.

Public
markets to be
vested in the
District
Committee.

3 All public markets in the Northern Province shall from and after the coming into force of this Ordinance, be and the same are hereby vested in the District Committee formed and constituted under "The Road Ordinance, 1861," of the district in which such markets may be situated.

Spaces in public
markets to be
set apart for
certain class of
vendors free of
rent, fee, or
charge.

4 (1) In every public market there shall be set apart from time to time so much uncovered space or spaces as shall be determined by the committee for the accommodation of the poorer classes of vendors of fish, fruit, vegetables, or other perishable articles of food for human consumption, and no rent, fee, or charge whatever, whether in kind or money, shall be levied for or in respect of the use of such space or spaces so set apart as aforesaid.

(2) In such space or spaces no vendor shall be allowed as of right to occupy the same place on two or more successive market days, nor shall he erect any building, hut, or shed of a greater value than one rupee. Every vendor erecting any such building, hut, or shed shall remove the same before the hour of nine in the evening of the day during which the same was erected; and should default be made in the removal

* Repealed as from the date on which any District Council shall be declared to be constituted under section 20 of No. 11 of 1920. Reprinted here for reference. See section 239 of No. 11 of 1920.—*Edd.*

† Proclaimed from July 1, 1892, by Proclamation of April 14, 1892, in *Government Gazette* No. 5,130 of April 14, 1892.—*Edd.*

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of such building, hut, or shed, the market-keeper or any person authorized in writing by the committee may cause such building, hut, or shed to be removed.

5 (1) No private market shall, except with the license of the committee, be held in the Northern Province after the coming into operation of this Ordinance.

Private markets
to be licensed.

(2) It shall be in the discretion of the committee to grant under such conditions as it shall think fit, or to refuse, such license, and the committee shall refuse it if the market is by position, construction, or arrangement unfit in its opinion for the purposes of a market, and calculated to be a nuisance to the neighbourhood.

(3) Where the committee refuses such license, it shall forthwith furnish in writing the ground of such refusal to the person interested, and report such refusal, and the grounds thereof, to the Governor. It shall be open to the person to whom a license has been refused to appeal to the Governor in Executive Council against such refusal, within seven days from the date of the committee's order of refusal being communicated to him, and the decision of the Governor in Executive Council shall be final and conclusive.

6 The committee shall have power to make by-laws for the following purposes :

Power to make
by-laws.

- (1) For the proper maintenance and for the improvement of all public markets ;
- (2) For the imposition and recovery of rents for the use of stalls or spaces in any building used as a public market, and for the issuing of permits with or without conditions to occupy the same ;
- (3) For the imposition and recovery of fees for the use of spaces in any portion of land used as a public market which is outside any building, and not set apart in manner provided in section 4, and for the issuing of permits with or without conditions to occupy the same. Provided that such fees in the aggregate shall not exceed the sum required for keeping such portion of land in a cleanly and wholesome state ;
- (4) For the imposition and recovery of an annual fee not exceeding one rupee for every license issued by the committee to hold a private market ;
- (5) For the inspection of private markets ;
- (6) For the proper regulation of the sale of fish and meat in all public markets, and for the due assigning of spaces therein within which fish, meat, vegetables, or other articles may be sold ;
- (7) For the due prohibition of the sale of any fish, meat, vegetables, or other articles in any public or private market when in the opinion of the committee there exists sufficient reason for such prohibition ;

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- (8) For the temporary closing of any public or private market, when the state of the public health renders the same in the opinion of the committee necessary ;
- (9) For the due performance of their duties by market-keepers, watchers, and others employed in any public market ;
- (10) And generally for the proper management, regulation, and control of all public and private markets, and for the maintenance of order, decency, and cleanliness within the limits thereof, and on the high roads bordering the same ;

and such by-laws at any time to repeal, alter, or amend. Provided that no such by-laws shall be repugnant to the provisions of this Ordinance, and the same shall not be of any force or effect unless and until they shall be submitted to and confirmed by the Governor in Executive Council, who is hereby empowered to allow, amend, or disallow the same, or any repeal, alteration, or amendment thereof as he may think proper ; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the *Government Gazette*.

Courts to take cognizance of by-laws.

7 All courts of justice shall take judicial cognizance of such by-laws and of any repeal, alteration, or amendment thereof when and so soon as the same shall have been so duly confirmed and published as aforesaid ; and all officers of police and headmen are hereby required to assist in carrying out the provisions thereof.

Breach of by-laws made an offence.

8 The breach of any by-law so made, confirmed, and published as aforesaid shall be an offence ; and any person convicted of any such breach shall be liable to a fine not exceeding ten rupees, and in the case of a continuing offence to a further fine not exceeding five rupees for each day on which the offence is continued. Every such offence shall be triable in the Police Court, and such Police Court shall have power to impose any fines to which an offender is by this section made liable, notwithstanding that the aggregate amount of such fines may exceed the amount which such court in its ordinary jurisdiction may impose.

Particulars of offences and by-laws to be posted up.

9 The committee shall cause short particulars of the several offences for which by this Ordinance any penalty is imposed, and of the amount of such penalty, together with its by-laws, to be printed in the English and Tamil languages, and copies thereof to be hung up in conspicuous places in every market to which the same shall apply.

Committee may close and open markets.

10 (1) The committee may, with the sanction of the Governor in Executive Council, close any public or private market, and re-open or allow to be re-opened the same, or establish a new public market on any land the property of the Crown on which the said committee shall consider such market necessary or desirable.

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(2) The closing or re-opening of a public or private market under this section, or in pursuance of any by-law made under section 6, shall be published by a notice to that effect in the English and Tamil languages being posted in a conspicuous place in such market.

11 Any person who, after the closing of any market shall have been published in manner aforesaid, knowingly sells or attempts to sell therein articles of any kind whatsoever, shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding twenty rupees, or to imprisonment either simple or rigorous for any period not exceeding one month.

Penalty on
using closed
market.

12 From and after the passing of this Ordinance no person shall occupy any stall or space in a public market, other than the space or spaces set apart under section 4 for the purpose of selling goods therein, without a permit issued under section 6, and no person shall establish or use any private market without a license therefor signed by the Chairman of the committee. Any person acting contrary to the provisions of this section, or who contravenes any of the conditions in any permit or license contained, shall be guilty of an offence, and liable on conviction to any fine which a Police Court has power to award.

Licenses.

13 No dynamite, gunpowder, dangerous petroleum, or other explosive, and no opium, bhang, intoxicating liquor, arrack, rum, toddy, or poison of any kind whatsoever shall be stored or sold within the bounds of any public or private market; and any person found selling or storing any such articles as aforesaid within the market shall be guilty of an offence, and may be arrested without a warrant, and shall on conviction be liable to such fine and imprisonment as a Police Court has power to award.

Sale of
explosives,
drugs, liquor,
&c., forbidden.

14 The committee may, with the sanction of the Governor in Executive Council, sell, or at its own discretion let, to tenants on lease or otherwise, on such terms as it may think fit, any public market or such part thereof as is not set apart under section 4.

Committee may
lease public
market.

15 All moneys recovered under this Ordinance by way of rents, fees, or otherwise shall be deposited in the Jaffna Kachcheri, and shall be known as the "Markets Fund," and the moneys required may from time to time be, with the concurrence of the committee, drawn on bills signed by the Chairman and expended in the upkeep, improvement, and maintenance of public markets, or in the purchase, with the consent of the Governor in Executive Council, of land for new public markets, or for the purpose of establishing new and extending old public markets, or for the payment of such costs, charges, and expenses as are referred to in section 17.

Markets fund.

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Accounts to be published half-yearly in the *Gazette*.

16 An account of all receipts and disbursements of the "Markets Fund" shall be published half-yearly in the *Government Gazette*.

The committee may borrow money.

[§ 2, 7 of 1896.]

16 A (1) *It shall be lawful for the committee, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for the improvement, by erecting buildings or otherwise, of existing markets, or for the purchase of land for the purpose of establishing new markets and for the erection of buildings thereon.*

Interest thereon.

(2) *Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction.*

Revenue to be charged.

(3) *And for the purpose of securing the repayment of the sum or sums so borrowed and the interest accruing thereon, the committee may mortgage and assign over its revenue or such part of its revenue as to it shall seem meet.*

Mortgage to be by instrument in writing.

(4) *Every mortgage and assignment executed under this Ordinance shall be by instrument in writing free of stamp duty and signed by the Chairman and any two members of the committee.*

Chairman to sue and be sued.

17 All suits, actions, or legal proceedings brought by or against the committee shall be brought by or against the Chairman of the said committee, who shall sue and be sued by his style and description of such Chairman. No action shall abate by reason of the death, resignation, retirement, or removal of such Chairman; and all costs, charges, and expenses arising from, or in respect of, any suit, action, or legal proceeding which the committee may become liable to pay, or be chargeable with, shall be paid from the "Markets Fund," and no member shall, if he acts *bona fide*, be or become personally liable for the payment thereof. The service of all processes in any legal proceeding against the committee shall be made upon the Chairman thereof.

By-laws to be laid before the Legislative Council.

18 All by-laws made under this Ordinance, and confirmed by the Governor in Executive Council, shall be laid before the Legislative Council within one month of the commencement of the session next after the confirmation of such by-laws, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

Transfer of public markets to Local Board of Health.

[§ 2, 6 of 1908.]

[§ 2, 16 of 1910.]

19 *Whenever any town in the Northern Province has been or may hereafter be brought within the operation of "The Local Boards' Ordinance, 1898," or of "The Small Towns Sanitary Ordinance, 1892," the following consequences shall ensue:*

(1) *The provisions of this Ordinance with regard to the regulation of public markets shall, subject to the other provisions of this section, cease to be applicable to any public market situated or held within the limits of such town.*

- (2) *Any such public market and the land on which the same is held shall, from the date when the town is brought within the operation of the said Local Boards' Ordinance, or of the said Small Towns Sanitary Ordinance, be deemed to be vested in and under the control of the Local Board of Health of the town, or of the Sanitary Board of the district, as the case may be.* [§ 2, 16 of 1910.]
- (3) *The committee shall transfer to the Local Board of Health or the Sanitary Board such proportion of the " Markets Fund " as in their opinion should properly be placed to the credit of the public market or markets so vested in the Local Board of Health or the Sanitary Board. Any dispute or question which may arise as to the amount which should be transferred to the Local Board of Health or the Sanitary Board shall be referred for determination to the Governor in Executive Council, whose decision shall be final and conclusive.* [§ 2, 16 of 1910.]
- (4) *The transfer of any public market to the Local Board or the Sanitary Board under this section shall not affect the validity—* [§ 2, 16 of 1910.]
- (a) *Of any by-laws made under section 6 of this Ordinance, but such by-laws shall continue in force until rescinded, varied, or amended by by-laws made by the Local Board of Health or the Sanitary Board ;*
- (b) *Of any lease of a public market or of any part thereof granted by the committee in accordance with section 14 of this Ordinance.*

16th December, 1891.
