

Markets, Street Traders and Pedlars Act

Principal Act

Act. No. 1953-13	<i>Commencement</i>	1.1.1954
	<i>Assent</i>	30.7.1953

Amending Enactments	Relevant current provisions	Commencement date
Act. 1962-23	ss. 1, 10, 11(3), 13-18	
1966-14	–	
Regs. of 28.5.1970	ss. 9(1)-(2), 11-12, 14, 17, 20	
Act. 1982-11	ss. 2-7, 9(4), 14(3), 17(2), 18(2)	
2017-08	ss. 6(1), 10(1), 11(2), 12(2), 15-16	20.7.2017

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AN ACT TO PROVIDE FOR THE CONTROL OF PUBLIC MARKETS, SLAUGHTER-HOUSES, STREET TRADERS AND PEDLARS, AND OTHER MATTERS CONNECTED THEREWITH.

Short title.

1. This Act may be cited as the Markets, Street Traders and Pedlars Act.

**PART I.
MARKETS**

Interpretation of Part I.

2. In this Part, references to persons using markets are references to persons using a market or part of a market or stall or place in a market for the carrying on by them of business.

Provision of markets.

3.(1) The Government may—

- (a) establish and maintain markets;
- (b) provide buildings, improvement, and other amenities for markets;
- (c) let, in accordance with this Part, any market or part of a market or stall or place in a market;
- (d) charge rent, stallages, fees, and other charges in respect of the use by persons of any market or of any equipment provided under this Act; and
- (e) demolish, abolish, close, reconstruct or move any market.

(2) The Market Place situate below Montague Bastion and between Irish Town and Casemates Square, described in the Schedule, is vested in the Government.

(3) Except as provided in subsection (1), no person shall—

- (a) establish or maintain a market; or
- (b) being the owner, lessee or occupier of any land, permit a market to be established or maintained on that land.

Provision of amenities by Government.

4.(1) Where the Government maintains a market under this Part, it shall—

- (a) provide sufficient scales, weights, measures and weighing machines for the weighing and measuring of articles that are in the market for sale; and
 - (b) cause all such equipment to be verified not less than twice each year by comparison with the working standards kept under section 6 of the Weights and Measures Act¹.
- (2) Where the Government maintains a market under this Part, it may hire out any scales, weights, measures, and weighing machines to persons using the market.

Letting of markets.

5.(1) The Government may let any market or part of a market or stall or place in a market to any person.

(2) Except in the case of the renewal of an existing tenancy, the Government may grant tenancies under this section in the order in which they are applied for, or may grant them in such other manner as it thinks proper.

(3) A person to whom a tenancy is granted under this section shall pay to the Government by way of rent such amount as may from time to time be prescribed, in such manner as may from time to time be prescribed.

(4) Except as provided in subsection (5), a tenancy granted under this section shall be determinable, notwithstanding any other provision in any law, by either party on the giving to the other of not less than 6 months notice in writing to that effect.

(5) The Government may, notwithstanding any other provision in any law, at any time without notice determine a tenancy and reenter and take possession of the area let in any case where—

- (a) the tenant has failed, for a period exceeding one month after being called on in writing by the Government to do so, to pay any rent or other charge due and payable in respect of the tenancy; or
- (b) the tenant has failed, for a period exceeding one month after being called on in writing by the Government to do so—
 - (i) to carry out any other obligation specified by the Government, being an obligation imposed on him under the tenancy or by virtue of this Act; or
 - (ii) to use, for the purposes for which it is let, the area let to him; or

¹ Ord. 1977-29

- (c) the tenant has been convicted of any offence against this Act or against the Food and Drugs Act² or against any regulations made under either Act and in respect of that conviction has been sentenced to a term of imprisonment or has been fined not less than £150.

(6) It shall be a condition of every tenancy granted under this section that the tenant shall be liable to maintain and to yield up at the end of the tenancy the area let to him, including all improvements on or in the area, in good and tenantable repair, fair wear and tear excepted.

Rules.

6.(1) The Minister may, from time to time, make rules, not inconsistent with this Act, for all or any of the following purposes:

- (a) regulating the use of markets, and the days and hours during which they may be open to the public;
- (b) providing for the maintenance of cleanliness and the prevention of obstructions in markets;
- (c) prescribing the procedure to be followed in allocating tenancies under this Part, and prescribing conditions of tenancies;
- (d) providing for the demarcation of areas to be let on tenancies under this Part;
- (e) prescribing rents, stallages, fees and other charges for the purposes of this Part;
- (f) prescribing the scales, weights, measures, and weighing machines that may be used in markets, and regulating their use;
- (g) regulating the manner in which articles may be exposed or offered for sale in markets, including the places from which articles may be sold and the display of prices, and the display of other information relating to such articles;
- (h) requiring articles brought into markets for sale to be sold by public auction, and providing for the payment to the Government of fees in respect of amounts realized at such auctions;
- (i) prohibiting or restricting the sale or exposure or offering for sale of specified articles or classes of articles in markets, or within specified distances of markets

² Ord 1964-07

(otherwise than in shops or at the doors of premises to occupants of such premises);
or

- (j) providing for inspections by specified public officers of markets and of articles exposed or offered for sale in markets;
- (k) regulating and controlling porters and carriers in markets, and prescribing the minimum and maximum fees or charges that may be lawfully made for services in, to or from markets, by such persons;
- (l) empowering specified public officers to require persons using or being in markets to attend before such officers and empowering such officers to expel such persons from markets for unlawful conduct in markets;
- (m) providing that breaches of the rules shall be summary criminal offences, and providing for fines not exceeding £500 on conviction for such offences ;
- (n) providing for such other matters as are necessary for or reasonably incidental to the due administration of this Part.

(2) Rules made under this section may make different provisions for any different class of matter to be regulated under this section.

Recovery of money.

7.(1) All rent, stallages, fees and other charges payable under this Part may be recovered by the Crown as a civil debtor or as a simple contract debt in any court of competent jurisdiction.

(2) Without prejudice to subsection (1), where any rent, stallage fee or other charge payable under this Part to the Crown remains owing and unpaid, the Government may levy distress on any article belonging to or in the possession, in the market, of the person by whom such money is payable.

Offences.

7A. A person who contravenes any provision in this Part is guilty of an offence, and is liable, on summary conviction, to a fine of £200 or to imprisonment for one month.

PART II.**SLAUGHTER-HOUSES, KNACKERS' YARDS, COLD-AIR STORES AND REFRIGERATORS.****Interpretation.**

8. In this Part, unless the context otherwise requires—

“knackers’ yard” means any premises used in connection with the business of slaughtering, slaying or cutting up animals, the flesh of which is not intended for human consumption; and

“slaughter-house” means any premises used in connection with slaughtering of animals, the flesh of which is intended for human consumption.

Private slaughter-houses and knackers’ yards.

9.(1) It shall not be lawful for any person to use any premises or to permit any premises to be used as a slaughter-house or as a knackers’ yard unless he holds a licence granted under this section by the Government authorizing him to keep those premises as a slaughter-house or as a knackers’ yard.

(2) The Government may, in its discretion—

- (a) grant to any person a licence authorizing him to keep any particular premises or part thereof as a slaughter-house or as a knackers’ yard for such period as they may deem fit;
- (b) attach to any such licence such conditions as they may deem expedient;
- (c) fix the fees which shall be payable in respect of such licences or renewals thereof; and
- (d) cancel any such licence previously granted.

(3) No person shall sell or offer or expose for sale for human consumption, any part of an animal which has been slaughtered in a knackers’ yard.

(4) A person who contravenes the provisions of this section is guilty of an offence and is liable, on summary conviction, to a fine of £200 or to imprisonment for one month, and if he is licensed to keep either a slaughter-house or knackers’ yard the court may, in addition to any other penalty, cancel his licence.

Rules about slaughter-houses and knackers’ yards.

10.(1) The Minister may make rules—

- (a) for securing that slaughter-houses and knackers’ yards are kept in a sanitary condition and are properly managed and for preventing cruelty therein;

- (b) for securing the inspection of animals intended for slaughter, and of carcasses of animals, for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption; and
- (c) requiring a person licensed under this Part to keep a knackers' yard, to keep and to produce when required, records of animals brought into the yard and of the manner in which these animals and the different parts thereof were disposed of.

(2) If a person convicted of an offence against any rule made under this section holds a licence under this Part in respect of premises where the offence was committed the court may, in addition to any other punishment, cancel the licence.

Public slaughter-houses.

11.(1) The Government may provide public slaughter-houses and may—

- (a) *Deleted;*
- (b) make such charges in respect of the use of slaughter-houses as they may from time to time determine;
- (c) provide plant or apparatus for treating or disposing of waste matters and refuse resulting from the slaughtering of animals therein.

(2) The Minister may make rules for securing that slaughter-houses are kept in a sanitary condition and are properly managed and for preventing cruelty therein.

(3) Nothing in sections 9 and 10 shall apply in relation to a public slaughter-house provided by the Government under this section.

Establishment of cold-air stores and refrigerators.

12.(1) The Government may provide cold-air stores or refrigerators for the storage and preservation of meat and other refrigerators, articles of food and may make charges for the use of such stores or refrigerators.

(2) The Minister may make rules for the control and regulation of such cold-air stores or refrigerators.

PART III.**STREET TRADERS, PEDLARS AND HANDICRAFTSMEN.****Interpretation and application.**

13.(1) In this Part, unless the context otherwise requires—

“goods” includes articles, commodities, wares and merchandise of any class or description whatsoever;

“handicraftsman” means any person who exercises any trade or sells his skill in handicraft or holds himself out as being ready and willing to carry on, conduct or exercise any trade;

“licence” means a licence issued under this Part;

“pedlar” includes any hawker, handicraftsman or other person who, whether with or without means of transport, goes about from place to place or from house to house carrying to sell any goods or procuring orders for goods immediately to be delivered or selling his skill in handicraft, but who does not sell any goods or exercise his trade in or from a stationary position in any street except when stopped by a prospective purchaser and then for only such time as may be reasonably necessary to complete a transaction, if any;

“receptacle” includes a vehicle or stall and any barrow, contrivance, basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for or for display of any goods;

“sell” and “sale” include offering, exposing and exposure for sale;

“street trader” means any person who, with or without means of transport, sells any goods in or from a stationary position in a street;

“trade” includes occupation, handicraft or calling.

- (2) The provisions of this Part shall not apply to—
- (a) commercial travellers or other persons selling or seeking orders for goods to or from persons who are dealers therein and who buy to sell again, or selling or seeking orders for books as agents authorized in writing by the publishers of such books;
 - (b) any person who sells any goods in the public markets;
 - (c) any person who sells any goods, or carries on any trade in a public fair;
 - (d) any person seeking orders for any goods on behalf of the real worker or maker thereof;
 - (e) vendors of water;

- (f) vendors of milk;
- (g) vendors of newspapers;
- (h) the selling of goods in or from kiosks which are not mobile;
- (i) the delivery of any goods by bona fide tradesmen or their assistants to customers;
- (j) bumboatmen.

(3) Nothing in this Part or in any rules made thereunder shall be so interpreted as to allow any street trader or pedlar to cause any undue interference or obstruction or inconvenience to traffic.

Licensing of street traders and pedlars.

14.(1) No person shall exercise the trade of street trader or pedlar unless he shall be in possession of a licence authorizing him so to do.

(2) The Government shall have power in their discretion to issue and withdraw licences under this section and to impose such conditions as they deem fit in respect of any particular licence which conditions shall be endorsed on the licence.

(3) A person who contravenes the provisions of this section or of any condition imposed by the Government in respect of any particular licence is guilty of an offence and is liable, on summary conviction, to a fine of £100.

Rules.

15. The Minister may make rules in respect of street traders and pedlars and generally for the purpose of carrying this Part into effect and without prejudice to the generality thereof such rules may—

- (a) divide street traders and pedlars into various categories or classes;
- (b) prescribe the fees chargeable to any pedlar or street trader for a licence, which fees may vary according to the particular category or class of pedlar or street trader;
- (c) prescribe that no fee shall be paid for any licence issued in respect of any particular category or class of street traders or pedlars;
- (d) provide that licences shall be in respect of such period of time as he may deem expedient;

- (e) provide for the manner in which licensees shall conduct themselves in exercising their trade;
- (f) prohibit street traders and pedlars or any category or class thereof from exercising their trade in any specified street or area;
- (g) provide for the issuing of licences;
- (h) provide for the means to be adopted for identifying the person to whom the licence relates;
- (i) provide for the measures to be taken by licensees for the disposal of any refuse or litter arising out of the exercise of their trade;
- (j) prescribe the class or classes of goods which may or may not be sold by street traders or pedlars;
- (k) prohibit the sale of goods by instalments or on any hire purchase system by street traders or pedlars;
- (l) limit the issue of any licence or any particular class of licence to Gibraltarians or persons ordinarily residing in Gibraltar.

Power of Minister.

16. The Minister shall have power–

- (a) to designate the stationary position or positions at which and the times during which a street trader may sell his goods and to specify such stationary position or positions and times in the licence issued to such street trader;
- (b) to impose requirements as to the class, dimensions, construction and arrangement of receptacles which may be used by any street trader or pedlar in the exercise of his trade and to specify such requirements in the licence issued to such street trader;
- (c) to limit the number of licences to be issued in respect of all or of any particular category or class of street traders or pedlars;
- (d) to revoke or suspend a licence on account of misconduct or on conviction for an offence against this Part or the rules thereunder or for any other sufficient reason;
- (e) to recover from any street trader any expenses incurred in the removal of any refuse left in any street by such street trader or by any person employed by him.

Pedlars, etc., to carry licences.

17.(1) Every pedlar and street trader shall carry his licence and shall, on being required to do so by any police officer or by any officer of the Government or by any person to whom he offers his goods or services, produce the same and in default of compliance with such requirement is guilty of an offence.

(2) A person guilty of an offence against this section is liable, on summary conviction, to a fine of £100.

Forging, etc., of licences.

18.(1) No person shall fraudulently imitate, alter or use or fraudulently lend or allow to be used by any other person any licence issued or deemed to have been issued under this Part.

(2) A person guilty of an offence against this section is liable, on summary conviction, to a fine of £100 or to imprisonment for one month.

PART IV.
MISCELLANEOUS AND GENERAL.

19. *Revoked.*

Application of Public Health Act.

20. The following provisions of the Public Health Act³ shall be deemed to be incorporated in this Act, that is to say—

- Section 325 (interpretation of “provide”)
- Section 329 (power of Government to require information as to ownership of premises).
- Section 332 (notices to be in writing; forms of notices, etc.)
- Section 333 (authentication of documents).
- Section 336 (power to enter premises) .
- Section 337 (penalty for obstructing execution of Act)
- Section 351 (judges and justices not to be disqualified by liability to rates).
- Section 357 (powers of Act to be cumulative)

Meaning of Minister.

21. In this Act “Minister” means the Minister with responsibility for Business and Commercial Affairs.

³ Ord 1950-07

SCHEDULE.

Section 2.

MARKET PLACE.

All that piece or parcel of land situate below and to the North, West and South of Montague Bastion and lying to the North of Irish Town, to the West of Casemates Square, bounded on the North by the public thoroughfare known as Market Square and Fish Market Road, on the East by a fortification wall below Smith Dorrien Avenue, and on the South and West by Fish Market Road, containing in the whole 41,930 square feet and more particularly delineated and coloured red on the plan market DRG.No.p/73 dated the 5th day of February 1953, and deposited for safe custody in the office of the Director of Crown Lands.