

CHAPTER 290 THE MARKETS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment of markets
4. Management of markets
5. Regulations and by-laws
6. Market leases
7. Fees, etc., to be paid into general fund of local authority
- 7A. Market levy
8. Markets not to be established without authority
9. Markets not to be continued after closing order
10. Exemption

CHAPTER 290 MARKETS

An Act to provide for the establishment and management of markets;
and to provide for matters incidental thereto or connected therewith.

[24th December, 1937]

21 of 1937
48 of 1951
69 of 1965
*Government
Notices*

202 of 1964
338 of 1964
481 of 1964
Act No. 7 of
1988
13 of 1994

1. This Act may be cited as the Markets Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"local authority" means a municipal council, township council or rural council.

(No. 69 of 1965)

3. (1) The Minister or, with the approval of the Minister, a local authority, may-

Establishment
of markets

(a) establish markets;

(b) provide all such matters and things as may be necessary for the convenient use of the market;

(c) take stallages, rents, fees and tolls in respect of the use by any person of any market;

(d) demolish, reconstruct, abolish, close or move, any market; and

(e) appoint inspectors of markets.

(2) The powers conferred by paragraphs (b), (c), (d) and (e) of subsection (1) may be exercised in respect of a market established under this Act or before the commencement of this Act.

(As amended by G.N. No. 338 of 1964 and No. 69 of 1965)

4. Every market established-

Management of
markets

(a) in the area of a local authority, shall be under the control and

management of that local authority;

(b) in any other area, shall be under the control and management of the Provincial Local Government Officer for the Province in which such area is situate.

(No. 69 of 1965)

5. (1) The Minister may, by statutory instrument, make regulations, and a local authority may make by-laws for the purposes following: Regulations and by-laws

(a) regulating the use of markets and market buildings, and keeping order, preventing obstructions, and maintaining cleanliness therein or in the approaches thereto;

(b) prescribing the goods which may be sold in any market;

(c) prohibiting the sale of any specified kind of goods within any specified area (hereinafter referred to as the market area) except in a market established under this Act;

(d) requiring goods brought into markets for sale to be sold by public auction, and imposing and providing for the collection of a fee payable on the amount realised;

(e) enabling the local authority from time to time to determine by resolution stallages, rents or tolls and fees for inspection of produce and providing for the collection thereof;

(f) enabling the local authority from time to time to determine by resolution the days and the hours during each day on which a market may be held and preventing the sale and purchase of goods in the markets on any days or at any hours except those determined;

(g) prescribing the weights, scales and measures to be used in the sale of any particular produce and regulating the use thereof;

(h) the examination of produce or articles of food and prohibiting the adulteration thereof;

(i) enabling the local authority from time to time to determine by resolution the maximum price which may be demanded on the sale by retail of any article of food in a market;

(j) regulating the duties and conduct of inspectors and other persons appointed for the purposes of this Act;

(k) prohibiting the purchase of any specified kind of goods for export from any specified area except at a specified market;

(l) prescribing that purchases of any specified kind of goods on any market shall be paid for in cash;

(m) the inspection of any specified produce, the fixing of grades and the manner of inspection and grading; and

(n) generally for carrying into effect the purposes of this Act.

(2) All by-laws made by a local authority under this section shall be in the English language:

Provided that nothing in this subsection shall be construed as precluding the use of another language as well as English to bring the content of any such by-laws to the notice of any person concerned.

(3) The provisions of sections *eighty-six, eighty-seven and eighty-eight* of the Local Government Act shall, with the necessary modifications, apply in relation to by-laws made under this section as they apply in relation to by-laws made under that Act. Cap. 281

(4) Any person who contravenes a by-law or regulation made under this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(As amended by No. 48 of 1951, G.N. No. 202 of 1964 and No. 69 of 1965 and No. 13 of 1993)

6. The Minister may, in respect of a particular market established under this Act, authorise the grant (in this Act referred to as "a market lease") of the right to collect and retain the fees, other than inspection fees, and the stallages, rents and tolls prescribed for such market by by-laws made under subsection (1) of section *five* in consideration of the

Market leases

payment of such sum of money as may be agreed between the grantee and the authority empowered under subsection (4) to make such grant.

(2) Every grantee of a market lease is, in this Act, referred to as a market lessee.

(3) The period of a market lease shall be determined in each case by the Minister.

(4) The following authorities are empowered to make market leases, the grant of which has been approved by the Minister under subsection (1), namely in respect of markets established:

(a) in the area of a local authority, that local authority;

(b) in any other area, the Provincial Local Government Officer for the Province in which such area is situate.

(5) A market lease shall be in writing and shall contain provisions to the following effect:

(a) an undertaking by the market lessee not to demand any fee, stallage, rent or toll in excess of the amount prescribed;

(b) the payment by the market lessee of an amount by way of deposit upon the signature of the lease and a provision for the forfeiture of such deposit if the Provincial Local Government Officer is satisfied that the market lessee has been guilty of a breach or non-performance of any undertaking or condition on his part to be observed or performed under the lease, the decision of the Provincial Local Government Officer to be final;

(c) an undertaking by the market lessee to issue receipts in respect of sums collected and retained by him, such receipts to be of a form approved by the authority empowered to grant the lease and to be identifiable by illiterate persons in respect of the amounts for which they are issued by reason of their colour or of designs thereon.

(As amended by G.N. Nos. 202 and 481 of 1964 and No. 69 of 1965)

7. All stallages, rents, tolls and fees collected by, and all sums paid in consideration of the grant of market leases to, a local authority shall be paid into the general fund of the local authority.

(No. 69 of 1965)

Fees, etc., to be paid into general fund of local authority

7A. (1) Every person who desires to sell goods in any market shall pay to the person to whom stallage, rents, tolls and fees are ordinarily paid, a levy in the sum of ten kwacha per month.

Market levy

(2) All the monies collected under the provisions of subsection (1) shall be paid into the general fund of the District Council, and shall be used for the development of markets.

(As amended by No 7 of 1988)

8. (1) After the commencement of this Act no person shall, without the consent of the Minister-

Markets not to be established without authority

(a) establish any market;

(b) being the owner, lessee or occupier of land, permit a market to be established thereon; or

(c) maintain, conduct or manage a market established in breach of the provisions of this section.

(2) Any person contravening any of the provisions of subsection (1) shall be liable to a fine not exceeding one thousand five hundred penalty units and a further fine not exceeding one hundred and fifty penalty units in respect of every day on which the offence is continued after conviction.

(As amended by G.N. No. 338 of 1964 and Act No. 13 of 1993)

9. Whenever the Minister, or, with the approval of the Minister, a local authority, shall have ordered any market, whether established before or after the commencement of this Act, to be closed, any person who having control over the market or the land on which the market is held

Markets not to be continued after closing order

shall keep the market open or permit it to be used as a market after he has been notified of such order shall be liable to the penalties prescribed in subsection (2) of section *eight*, and any person who shall sell or purchase any goods in such market after having been notified of such order as aforesaid shall be liable to a fine not exceeding thirty penalty units.

(As amended by G.N. No. 338 of 1964 and No. 69 of 1965 and Act No. 13 of 1993)

10. Nothing in this Act shall be taken to apply to markets established or maintained by any person upon land owned, leased or lawfully occupied by him primarily for the supply of persons employed by him upon such land. Exemption