

Administrator's Notice 520

12 April 1978

**JOHANNESBURG MUNICIPALITY :
MARKET BY-LAWS**

The Administrator hereby, in terms of section 101 of the Local Government Ordinance, 1939, publishes the By-laws set forth hereinafter, which have been approved by him in terms of section 99 of the said Ordinance.

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CHAPTER I

1. *Definitions*

In these By-laws, unless the context otherwise indicates -

"Cold Stores" means that section of the Market where facilities for the refrigerated storage and the ripening of produce are provided;

"consignment" means the produce delivered by any consignor to any Market Agent at any one point of time as reflected on a separate delivery note as envisaged in section 21(1) and as received in terms of section 22;

"Council" means the Greater Johannesburg Transitional Metropolitan Council, that Council's Executive Committee acting under the powers delegated to it in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, and any officer to whom the Executive Committee has been empowered by the Council in terms of subsection (2) of the said section to delegate, and has in fact delegated, the powers, functions and duties vested in the Council in relation to these By-laws;

(New Ordinance?)

"Executive Officer" means the person appointed by the Council to act as the Executive Officer of its Produce Market and includes any person lawfully acting in that capacity and any duly authorised assistant;

"Market" means any area under the control of the Council set aside for conducting thereon sales of produce in accordance with the provisions of these By-laws, and includes all land, buildings, railway sidings, marshalling yards, platforms and other property within the said area, used either wholly or partially, directly or indirectly, for the purpose of conducting the Market;

"Market Agent" means any person registered as a Commission Agent in terms of section 2 of the Agricultural Produce Agency Sales Act, 1975 (Act 12 of 1975), and who has entered into a contract with the Council to occupy an area on the Market sales floor for the receipt and sale of produce and includes a marketing

to be defined as in Act 12?

organisation as later herein defined;

"market sales floor" means any area in the market set aside by the Executive Officer from time to time exclusively for the sale of produce consigned to a Market Agent;

"marketing organisation" means a control board as defined by section 1 of the Marketing Act, 1968 (Act 59 of 1968), or a co-operative society as envisaged in the Co-Operative Societies Act, 1939 (Act 29 of 1939);

"Minister" means the Minister of the National Department of Agriculture;

"prescribed charge" means the charge or charges payable to the Council as prescribed in the tariff fixed by the Minister;

"sales person" means a person who-

- (a) acts on behalf of a Market Agent in any sale on the Market sales floor; and is
- (b) registered as such in terms of section 7 of the Agricultural Produce Agency Sales Act, 1975 (Act 12 of 1975); and is
- (c) duly authorised in terms of these By-laws to be employed as a sales person on the Market sales floor;

"tariff" means the list of rates fixed by the Minister from the time to time in terms of section 19 of the Commission for Fresh Produce Market Acts, 1970 (Act 82 of 1970);

"wholesaler" means any dealer in produce, excluding a Market Agent, to whom the Council has leased premises on the Market; but for the purpose of section 41 includes a Market Agent buying for the purpose of res on his own behalf within the purview and as envisaged in section 44 of the Agricultural Produce Agency Sales Act, 1975.

Acts still applicable?

(new name)

Act 12 (and as in 17.1 of these By-laws?)

Act 82 repealed. To be further discussed.

Excluding M/Agent? Legal opinion?

Section ??? of Act 12

CHAPTER II

GENERAL CONTROL AND MANAGEMENT

2.

*Executive
Officer's
Powers*

In respect of any matter not specifically dealt with by these By-laws, the Executive Officer may from time to time issue oral or written instructions which he considers necessary for the proper and orderly conduct and functioning of the Market, and any person who fails to comply with any such instruction shall be guilty of an offence.

3. *Market Hours*

Save as is provided in subsection (3), the Market shall be open to receive produce at any hour on every day of the year.

Save as is provided in subsection (3), sales on the Market sales floor shall take place on every day of the year, except on Sundays and Public Holidays and during such hours as the Executive Officer may determine.

The Executive Officer may at his discretion restrict or extend the days and time for receiving and selling produce.

4. *Inspection and Control of Vehicles and their Contents*

The Executive Officer may inspect any vehicle and its contents within the Market and may prohibit entry into the Market or the removal therefrom of any vehicle or its contents.

5. *Prohibited Conduct*

Without limiting the scope of the powers vested in the Executive Officer in terms of section 2 no person shall -

- (a) anywhere on the Market -
 - (i) smoke, where a notice

Bill of Rights : Must have person's permission?? Legal advice. 'Contents' to include 'produce without documentation'?

- prohibiting smoking is displayed;
- (ii) light a fire;
- (iii) stand, sit or lie upon or against any produce or container;
- (iv) throw anything at a person;
- (v) cause or allow any matter likely to block or damage any drain or gully to enter therein;
- (vi) cause or allow any sewage, oil, foul water or other objectionable substance to enter any storm water drain;
- (vii) without the permission of the Executive Officer, wash, sort, grade or clean any produce or any other thing whatsoever, except on premises on the Market allocated to him in terms of section 15 or hired by him in terms of section 13 and to the extent permitted by such lease;
- (viii) interfere with or molest any person, or tout, or interfere with the proper carrying on of any lawful business on the Market;
- (ix) fail or refuse to depart from the Market or any part thereof, or to remove any animal, vehicle, produce or any other thing whatsoever from the Market or any part thereof if instructed by the Executive Officer to do so;
- (x) stop or park any vehicle under his control, other than in places for stopping and parking designated by the Executive Officer;
- (xi) drive, propel or ride any vehicle, trolley, handcart or mechanical handling equipment in such a way as to endanger person or damaging property;
- (xii) fail to observe traffic signs and regulations within the roadways of the Market;
- (xiii) spit, loiter, or use threatening, obscene, abusive, violent, offensive

- or disgusting language, or make any loud or unseemly noise or commit any nuisance, or act in any manner likely to cause a disturbance;
- (xiv) organise or conduct a meeting otherwise than in the ordinary course of his business without the prior written consent of the Executive Officer;
 - (xv) handle any produce in a manner which may contaminate it or affect its saleability;
 - (xvi) wilfully damage or deface or misuse any part of the Market or its equipment or facilities;
 - (xvii) throw away or deposit in any place other than in receptacles provided for the purpose, any fruit peel, vegetable, leaf or other refuse of any kind whatsoever;
 - (xviii) keep or expose or offer for sale any produce which the Executive Officer considers to have an offensive smell or to be unfit for sale or for human consumption;
 - (xix) conduct, set up, or in any way knowingly be concerned with any lottery, game of chance or betting stand or booth;
 - (xx) without the permission of the Executive Officer wash or clean any vehicle;
 - (xxi) without the prior permission of the Executive Officer and other than in premises hired by him, open the electric light-switch boxes and tamper with or switch on or in any manner alter the degree of lighting in any sales hall, or in any other premises on the Market;
 - (xxii) use the fire hoses placed throughout the buildings on the Market for any purpose other than extinguishing a fire;

- (xxiii) make alterations or additions to any premises hired on the Market or install equipment therein without the Executive Officer's prior approval.
 - (b) on the Market sales floor, without reason handle or remove or permit or cause to be removed, any produce or any container containing produce, or any label on such produce or container.
- ('in possession of drugs' deleted)**
- (2) No person while on the Market shall be under the influence of any intoxicating liquor the consumption of which is prohibited, and no person shall bring or cause or permit to be brought into the Market such liquor: Provided that intoxicating liquor may be consumed in any part of the Market with the prior consent of the Executive Officer.
 - (3) No person shall without the prior permission of the Executive Officer
 - (a) bring any produce to the Market for dumping or storing thereon;
 - (b) remove from the Market any loose spillings, sweepings or produce spilled from any container, or refuse of any kind.
6. *Cleanliness of Premises, Vehicles and Containers*
- 6.1 Every person hiring premises on the Market or to whom the Executive Officer has allocated premises on the Market shall keep such premises in a neat, clean and hygienic condition at all times.
 - 6.2 The Executive Officer may at any time inspect any premises on the Market, or vehicles or containers used on the Market for keeping, storing or conveying produce, to ensure that the provisions of these By-laws are being complied with.
 - 6.3 If any such premises, container or

vehicle is dirty or unhygienic the Executive Officer may instruct the owner or person in control to clean such premises, container or vehicle forthwith, and any person who fails to comply with such instruction shall be guilty of an offence.

7. *Refuse Receptacles*

- 7.1 Any person on the Market to whom the Executive Officer has allocated a refuse receptacle shall be responsible for its safekeeping, cleanliness and for any damage thereto, and shall be responsible for depositing the contents thereof in the bulk refuse receptacles provided by the Executive Officer.

8. *Equipment for Conveying Produce*

- 8.1 No produce sold on the Market sales floor shall be removed therefrom, except by means of equipment hired from the Council, unless removed by hand.

8.1 to be deleted

- 8.2 The use of private equipment for the removal of produce from the Market sales floor to Buyers' vehicles or Wholesalers' stores shall not be permitted without the prior written permission of the Executive Officer.

8.2 to be deleted

- 8.3 The prescribed charges for the hire of equipment from the Council shall be payable to the Executive Officer in advance.

- 8.4 No person to whom the Council has let any equipment shall permit it to be used by any other person.

- 8.5 The Executive Officer may instruct any person to whom the Council has let equipment to leave it in a specified place at the conclusion of the period for which the equipment was hired.

- 8.6 Any person overloading or causing damage to the equipment hired from the Council shall be liable for the cost of any repair of such equipment.

8.7 Any person operating equipment hired from the Council shall bear the cost of repair or replacement of any Council equipment or part of the Market buildings damaged during the course of such operation.

8.8 All equipment shall be operated in accordance with the instructions issued by the Executive Officer and any person who fails to adhere to such instruction shall be guilty of an offence.

9. *Speed Limit*

9.1 No person shall drive any vehicle within the Market at a speed in excess of 20 km/h.

9.1 any motor vehicle at a speed in excess of 20 km/h on any roadway within the Market.

10. *Parking of Motor Vehicles*

10.1 No person shall leave any vehicle on the Market for longer than 24 hours without the approval of the Executive Officer.

9.2 Anywhere else within the Market the maximum speed is 5 km/h.

11. *Non-liability of Council*

11.1 The Council shall not be liable in any way for any loss or damage resulting from any injury sustained by any person anywhere on the Market, nor for any loss of or damage to any property on the Market, including produce in the Cold Stores, unless such injury, loss or damage is proved to have been caused by the negligence or wilful default of the Council or any of its employees acting within the course and scope of his employment.

No vehicle not on official Market business is allowed on the Market premises without prior written permission of the Executive Officer.

12. *Damage to Market Premises or Equipment*

12.1 Any person who causes damage to buildings, equipment or property on the Market belonging to the Council shall be liable for the cost of replacement or repair of such buildings, equipment or property - in

addition to any damages suffered by the Council for the suspended use of such building, equipment or property during its replacement or repair.

CHAPTER III

MARKET AGENTS, SALES PERSONS AND PORTERS

13. Sales

Subject to the provisions of subsection (2), no person other than the Executive Officer or a sales person shall offer the sale or sell any produce on the Market sales floor.

On proof of having been accepted by Produce Agents Council an Agent may apply to the E.O. : Produce Market to be issued with a Permit to operate as a Commission Agent on the Market sales floor. (May not conduct business unless he has a Permit). E.O. may refuse such Permit if this in his opinion will not be beneficial to Johannesburg Market. E.O. has right to suspend or cancel..... (same as for sales person's permit)

A Market Agent may offer for sale or sell any produce on the Market sales floor: Provided that -

- (a) if the Market Agent is a natural person, that person; or
- (b) if the Market Agent is a partnership, each partner; or
- (c) if the Market Agent is a company, each director; or
- (d) if the Market Agent is a marketing organisation, each member of its duly constituted executive committee;
- (e) if the Market Agent is a Close Corporation, each member;**

complies with requirements (b) and (c) of the definition of a sales person in section 1.

- (3) A Wholesaler shall not, without the consent of the Executive Officer, sell any produce on the Market save on premises leased by him.

Other than is provided in subsections (1), (2) and (3) above, no produce or any other

thing shall be sold or offered for sale anywhere in the Market.

No person may sell anything on the Market without the E.O.'s permission

14. *Statement of Particulars of Market Agents*

14.(1) Every Market Agent shall, before commencing to operate on the Market sales floor, provide the Executive Officer with a written statement containing the following particulars:

- (a) His name and business address; and
 - (i) in the case of a company, also the name and business address of each director of each company; and
 - (ii) in the case of a partnership, also the name and business address of each partner of such partnership; and
 - (iii) in the case of a Close Corporation, also the name and business address of each member of such Close Corporation.**
- (b) The registration number allocated to them in terms of the Agricultural Produce Agency Sales Act, 1975.
- (c) Any endorsement on the registration certificate issued to him in terms of the act referred to in paragraph (b).
- (d) Any additional information which the Executive Officer may consider necessary.
- (e) Where any of the particulars referred in subsection (1) are to be changed, the Market Agent concerned shall forthwith advise the Executive Officer in writing of the proposed change.

Proof of registration in terms of Act 12, 1992, and a copy of the Fidelity Fund Certificate.

15. *Use of Sales Floor Area.*

- (1) An area allocated to a Market Agent on the Market sales floor in terms of the contract entered into with the Council, shall be used by such Market Agent exclusively for the storage of produce consigned to him for sale and for the storage of any

trolleys, scales, labels or other equipment required in connection with such sale.

16. *Market Agents Sign-Boards.*

16.1 Every Market Agent shall at his own expense affix over the area allocated to him sign- boards approved by the Executive Officer, and shall maintain such signboards in a clean and legible condition.

17. *Permits for Sales Persons and Other Employees.*

17. (1) Every Market Agent, before employing any person as a sales person or any person to assist in the completion of market sales notes, shall apply to the Executive Officer for a permit to employ such person.

(2) The Executive Officer may refuse to issue such permit where he is satisfied that the person concerned is not a fit and proper person to be so employed.

(3) Every Market Agent shall, within thirty days after employing any person as a sales person, satisfy the Executive Officer that such person has been registered according to the provisions of the Agricultural Produce Agency Sales, Act, 1975, failing which any permit granted in terms of subsection (i) shall lapse.

(4) The Executive Officer may cancel any such permit if the person in respect of whom it was issued contravenes any provision of these By-laws and may, in addition, if an allegation of such contravention is made, suspend the permit of such person for such period as the Executive Officer may determine in order to enquire into such allegations, and no liability shall devolve upon the Council for such action.

(5) No person under the age of **sixteen years** shall be employed either as a

of a design and in a location approved.....

who shall have no vested interest in the Fresh Produce Industry. Permit for Agent, as well?

(Criminal activity where dishonesty is involved?)

delete (3)

..... may cancel or suspend.....

sales person on the Market sales floor or to assist in the completion of market sales notes.

- (6) Every sales person and every person employed to assist in the completion of market sales notes, in respect of whom a permit has been issued in terms of subsection (I), shall produce proof thereof on demand by the Executive Officer.
- (7) A Market Agent shall advise the Executive Officer of the termination of the services of any sales person in his employ or other persons employed to assist in the completion of market sales notes, together with the reason therefor, immediately upon such termination and shall return any permit issued in respect of such sales person or other person as soon as practicable after the termination of his services.

No Market Agent shall permit an unlicensed person to conduct business on his sales floor.

18. Market Agent Responsible for Employees.

- (1) Every Market Agent shall be responsible for the compliance with the provisions of these By-laws by all persons in his employ when selling or handling produce and for any damage done to the Council's property by his employees.
- (2) No Market Agent shall employ or re-employ any person whose services have been terminated on account of a contravention of these By-laws.

19. Protective Clothing for Employees.

- 19.(1) Every Market Agent shall provide his employees operating on the Market sales floor with such protective clothing as may be required by the Executive Officer, bearing the name or distinctive mark of the Market Agent, and shall ensure that such clothing is kept clean and in good repair.
- 19.(2) No Market Agent shall allow any employee to operate on the Market sales floor unless he is wearing such protective clothing.

20. *Porters.*

- 20.(1) No person shall, without the permission of the Executive Officer, act as a porter on the Market.
- 20.(2) Porters shall be cleanly dressed in protective clothing approved by the Executive Officer and shall, when operating on the Market, wear a badge, issued by the Executive Officer on payment of the prescribed charge.

CHAPTER IV

CONSIGNMENT CONTROL

delete 'wear a badge.....'

21. *Delivery Notes.*

- 21.(1) Every person bringing or causing to be brought into the Market by road any consignment of produce to be offered for sale by a Market Agent on the Market sales floor shall, on arrival at the entrance to the Market, hand to the person in control of such entrance a delivery note containing the following:

- (a) Date of arrival of produce on the Market
- (b) Full name and address of the owner or consignor.
- (c) Description and quantity of the produce and description of the container concerned.
- (d) Variety and quality or grade of the produce.
- (e) Name or code mark of the Market Agent to whom the produce is consigned.
- (f) Registration number of the vehicle.
- (g) Any other particulars that may from time to time be required by the Executive Officer.

delivery note in triplicate

'arrival on' should read 'consignment to'

- 21.(2) No delivery note or railway consignment note shall refer to the name of more than one Market Agent and shall refer only to produce despatched in one and the same vehicle or truck.

22. *Receipt of Produce.*

22.(1) Every Market Agent or his duly authorised employee shall immediately on receipt of every consignment of produce, delivered to him for sale on the Market sales floor, sign and stamp with a rubber stamp bearing such Agent's name, the delivery note or railway consignment note duly completed in terms of section 21 by either the consignor or carrier.

'...a rubber stamp' should read '...the prescribed rubber stamp' (delete 'such Agent's name')

22.(2) Where the quantity received differs from the quantity reflected on the delivery note or railway consignment note, as the case may be, the Market Agent and the person delivering such produce shall endorse the delivery note or railway consignment note accordingly.

22.(3) in the case of all produce delivered to a Market Agent for sale on the Market sales floor, the Market Agent concerned shall send the delivery note or railway consignment note relating to such produce to the Executive Officer immediately such produce is off-loaded and signed for at the Market, together with the goods received note referred to in section 23.

the Market Agent, the person delivering and the Executive Officer shall endorse.....

23. *Goods Received Note.*

(1) A Market Agent shall, immediately after receipt of every consignment of produce, check the consignment and duly complete, in duplicate, a goods received note provided by the Executive Officer and shall forward one copy thereof to the Executive Officer.

(2) A Market Agent shall not offer for sale any produce from any consignment before the provisions of subsection (1) have been complied with.

delete 'in duplicate'

delete 'and shall forward Officer'

24. *Off-loading.*

(1) A Market Agent to whom produce has been delivered for sale shall

ensure that such produce is off-loaded and placed in the area allocated to him on the Market sales floor as soon as reasonably practicable after its delivery.

- (2) If a Market Agent to whom produce has been consigned is not available to accept delivery thereof or to place such produce on the Market sales floor within a reasonable time, the Executive Officer may at his discretion request any other Market Agent to accept delivery thereof and to sell such produce on behalf of the consignor concerned, and no liability shall devolve on the Council for any such action.
- (3) All off-loading of produce shall cease half-an-hour before the commencement of sales, except where the Executive Officer otherwise permits.
- (4) All vehicles delivering produce to the Market shall be moved away from the off-loading platform immediately on completion of such off-loading.

E.O. has right to, in consultation with producer, consign to another Agent.

25. *Stacking, Arrangement and Display of Produce.*

- (1) Every Market Agent shall make arrangements, to the satisfaction of the Executive Officer, for placing, stacking, arranging and displaying on the Market sales floor all produce received by him.
- (2) No produce shall be stacked on any platform provided by the Council on the Market without the prior permission of the Executive Officer.

26. *Rejection of Produce.*

- 26.(1) The Executive Officer may refuse admission to the Market of any produce not packed in containers which in his opinion are reasonably required to protect the produce from damage, deterioration or contamination and for the ready conveyance of produce, or which are prescribed in any other law, or he may require the produce to be

packed into containers, after admission but prior to the sale thereof.

- 26.(2) The Executive Officer may refuse admission to the Market, or reject for sale, or condemn, any produce the sale of which is prohibited by law or which by reason of its quality or condition in his opinion is unsaleable or should be condemned and not offered for sale, and if such produce is found on the Market sales floor, the Market Agent in whose area such produce is found shall forthwith remove such produce from the Market sales floor.
- 26.(3) The Executive Officer shall at all times have the right to open any container for inspection and place an identifying mark on such container.
- 26.(4) Notwithstanding the provisions of subsection (1) the Executive Officer may require the re-packing into another container of any produce packed in a container which is likely to contaminate such produce or any other produce with which it may come into contact: Provided that such re-packing shall be conducted at a time and place authorised by the Executive Officer: Provided further that every Market Agent so required shall be responsible for maintaining such place in a clean and tidy condition.
- 26.(5) In the event of any dispute regarding the condition of any such produce or container, the Executive Officer's decision shall be final.
- 26.(6) The Executive Officer may take possession of any produce or container referred to in subsection (4) or order its immediate removal for destruction.
- 26.(7) The Executive Officer may instruct any Market Agent to remove condemned or unsaleable produce from the Market, and if such Market

Agent fails to remove such produce within a reasonable time, the Executive Officer may remove such produce at the expense of the Market Agent concerned.

27. *Exhibiting Sales Documents to Director.*

27.1 Before accounting to his principal in terms of the Agricultural Produce Agency Sales Act, 1975, a Market Agent shall on demand exhibit to the Executive Officer all the sales documents which such Market Agent is required to send to this principal in terms of that Act, or any other document relating to the consignment.

replace with Act 12, 1992

C H A P T E R V

SALE OF PRODUCE

28. *Sales Hours on Market Sales Floor.*

(1) Sales shall take place during such hours as the Executive Officer may determine.

(2) The Executive Officer shall cause an audible signal to be made for the starting and termination of sales hours.

delete (2)

(3) No produce shall be sold on the Market sales floor except during sales hours, nor shall any produce be removed therefrom before the start of sales hours without the prior permission of the Executive Officer.

29. *Manner of Sale.*

29.1 Sales on the Market sales floor shall be directly negotiated between the Executive Officer, a Market Agent or sales person on the one hand, and a buyer on the other hand, or in such other manner as the Executive Officer may from time to time determine.

30. *Market Sales Notes.*

- (1) Immediately upon the conclusion of any sale on the Market sales floor, the Market Agent concerned shall duly complete a market sales note provided by the Executive Officer and in a manner prescribed by the Executive Officer.
- (2) Every sale duly reflected on a market sales note shall relate exclusively to produce from one particular consignment only.
- (3) No market sales note shall be altered without the written consent of the Executive Officer.
- (4) The Market Agent shall pay the prescribed charge for any copy of a market sales note or for any market sales note issued in substitution for a spoiled or cancelled market sales note.
- (5) A market sales note complying with the requirements of subsections (1) and (2) shall be handed to the buyer at the conclusion of every sale.

31. *Payment for Produce Sold.*

- 31.1 No payment for any produce sold on the Market sales floor shall be made to any person other than the Executive Officer.

32. *Deferred Payment.*

- 32.(1) Every buyer of produce on the Market sales floor shall pay the purchase price to the Executive Officer in coins or bank notes of current legal tender immediately after the sale in respect of such produce has been concluded: Provided that the Executive Officer, in consultation with the Strategic Officer : Metropolitan Financial Services, may permit payment to be deferred for not more than seven days where the buyer has lodged a guarantee to the mutual satisfaction of the Executive Officer and the Strategic Officer : Metropolitan Financial Services.

delete (4)

deferred for a period as determined by the E.O. in consultation with the S.E. : Metropolitan Financial Services

Subst. : A.N. 1123 : 3/10/79

32.(2) Every buyer wishing to avail himself of deferred payment facilities referred to in subsection (1), shall lodge an application with the Executive Officer on a Deed of Suretyship form provided by the Executive Officer on payment of the prescribed charge.

32.(3) Every buyer to whom deferred payment facilities referred to in subsection (1) have been granted, shall pay the prescribed charge for the issue to him of a card granting such facilities to such buyer.

32.(4) Every buyer to whom the deferred payment facilities referred to in subsection (1) have been granted, who fails to pay any amount due within the time specified in subsection (1) shall, in addition to such amount due, be liable to pay the additional prescribed charge.

32.(5) Every buyer who has obtained the facilities referred to in subsection (1), who requires a copy of the statement of account in respect of purchase made by him on the Market sales floor, shall be entitled to such copy on payment of the prescribed charge.

33. *Validation of Market Sales Note.*

33.1 A market sales note shall be deemed to be validated when such note bears stamped confirmation of such validation.

delete 33.1

33.2 Notwithstanding anything to the contrary, every sales note shall be validated during sales hours on the day on which the market sales note in respect of such sale is issued.

delete 33.2

34. *Information and Particulars.*

34.1 The Executive Officer may demand any information, particulars, documents or explanation from any person regarding any aspect of any sale on the Market sales floor to ensure compliance with the provisions of these By-laws or any

other law or regulation.

35. *Removal of Produce.*

35.(1) No produce purchased on the Market sales floor shall be removed therefrom until a copy of the duly validated market sales note in respect of such produce has been handed to the Market Agent concerned, unless the Executive Officer otherwise permits.

replace 'a copy of sales note' with 'an official removal note'

35.(2) Produce purchased on the Market sales floor shall be removed therefrom by the buyer as soon as reasonably practicable, failing which the buyer shall, in addition to any other penalty herein prescribed, be liable for any storage charges as envisaged in section 37(2).

35.(3) Notwithstanding the provisions of subsection (2), where a buyer fails to remove any produce purchased within one hour of such purchase, the Market Agent may re-sell such produce unless prior arrangements have been made with the Market Agent concerned to leave such produce for such longer period as may be agreed by such buyer and such Market Agent, but not later than 14:00.

delete 'but not later than 14:00'

35.(4) The Executive Officer may check and inspect any produce being removed from the Market sales floor.

36. *Produce at Risk of Market Agent or Buyer.*

36.1 All produce delivered to a Market Agent shall be and remain at the risk of such Market Agent until a copy of the duly validated market sales note in respect of such produce has been exhibited to such Market Agent and the produce referred to therein has been delivered to the buyer.

replace '.....a copy of.....sales note....' with 'an official removal note'

37. *Storage Charges*

37.1 The Executive Officer may -

- (a) require Market Agents to furnish full particulars of any produce remaining unsold on the Market sales floor after the termination of sales; and
- (b) levy on such produce the prescribed charge in respect of storage.

Where any produce which has been sold is left on the Market sales floor after 14:00, the buyer of such produce shall be liable for the prescribed storage charge.

38. *Accounting to Principal.*

- 38.1 Every Market Agent shall account in full to his principal for each particular consignment separately.

add: 'within 24 hours if consignment is sold/destroyed, but in any event within 15 days of receipt of produce, and thereafter every 3 days'

39. *Doubt as to Ownership.*

- 39.1 The Executive Officer may prohibit the sale of any produce when any doubt exists as to the ownership or origin thereof, or may allow such produce to be sold conditionally upon the proceeds of the sale thereof remaining in his possession until he is satisfied as to the ownership or origin of such produce.

40. *Sale of Produce Consigned to Director.*

- 40.1 Where any produce is consigned to the Executive Officer for sale on behalf of the consignor, the Executive Officer may request any Market Agent to sell such produce in accordance with these By-laws.

discuss with E.O.

41. *Direct Consignments to Wholesalers.*

delete 'to Wholesalers'

- 41.(1) Subject to the provisions of subsection (2), no Wholesaler or Market Agent acting in his capacity as a wholesaler may sell produce on the Market other than that purchased on the Market sales floor.

replace with 'no fresh produce other than purchased on the Market sales floor may be sold on the Market'

- 41.(2) A Wholesaler, other than a Market Agent in his capacity as a Wholesaler, may, with the written

delete 'other thanWholesaler' and replace with 'occupying premises on the

permission of the Executive Officer, sell produce delivered directly to him from the consignor: Provided that separate written permission shall be required in respect of each consignment: Provided further that the produce in each such consignment is duly entered on a market sales note completed by a Market Agent of the Wholesaler's choice and reflecting, inter alia, the price agreed upon by the Wholesaler and the consignor concerned.

Market'

41.(3) No person NOT occupying premises on the Market shall receive any produce directly from a producer for resale or otherwise.

42. Marking of Containers.

42.(1) No person shall offer or expose for sale or sell on the Market sales floor any produce otherwise than in a container which is clearly and legibly marked or labelled with such information as is reasonably required to enable a seller to duly complete a market sales note in terms of section 30, and with such other information as may be required in terms of any other law.

42.(2) The provisions of subsection (1) shall not apply to produce which, in the opinion of the Executive Officer, is not suitable for sale in containers.

43. Sales by Sample.

43.(1) Where any produce is sold or offered for sale on the Market sales floor, a portion of such produce shall be exposed to view and such portion shall be deemed between the Market Agent and the Buyer to be a true sample of the bulk of such produce offered.

43.(2) Where produce is sold or offered for sale by sample, the Executive Officer may prescribe the manner in which the sample is to be selected and displayed.

44. *Re-introduction and Re-sale of Produce bought on Market Sales Floor.*

44.1 Produce bought on and removed from the Market sales floor shall not be re-introduced and offered for re-sale thereon without the prior consent of the Executive Officer, which shall only be granted where such resale is in the public interest.

45. *Unclaimed Produce.*

45.1 Any produce found in the Market, the ownership of which cannot readily be established, may be sold by the Executive Officer and the proceeds thereof retained by the Council: Provided that if the ownership of such produce is established to the satisfaction of the Executive Officer within fourteen days after the date on which such produce was sold by the Executive Officer, such proceeds shall be paid to the owner of such produce.

CHAPTER VI

COLD STORES

46. *Hire of Cold Stores.*

46.(1) Produce may be accepted in the Cold Stores according to the provisions of these By-laws and according to the directions fixed by the Executive Officer from time to time.

46.(2) Produce delivered for cold storage shall be accompanied by written instructions as to the particulars of the goods to be stored and the temperature required: Provided that a minimum of 24 hours notice shall be given to enable the Executive Officer to provide for such temperature.

46.(3) Produce shall be packed in containers which will permit their convenient handling and stocking by the Council's mechanical handling

equipment: Provided that -

- (a) it shall not be the responsibility of the Council to provide labour for the packing of produce onto pallets; and
- (b) where labour is not made available by persons intending to store produce, such produce shall remain outside the Cold Stores until labour is available and the Council shall not be held responsible for any loss of or damage to such produce.

delete 46.(4)

- 46.(4) Pallets and racking shall remain the property of the Council and shall not be removed from the Cold Stores without the permission of the Executive Officer.
- 46.(5) Cold storage facilities shall be provided during the hours determined by the Executive Officer from time to time and no produce shall be delivered to or withdrawn from the Cold Stores other than during such hours: Provided that where reasonable prior notice of such delivery or withdrawal has been given, the Executive Officer may permit such delivery or withdrawal at such other times as he may determine.
- 46.(6) The Executive Officer may at any time refuse to accept any produce for cold storage if, in his opinion, circumstances then existing justify such refusal and he may order the owner or his duly authorised agent to effect the immediate removal from the Cold Stores of any produce deemed by him to be unsound or liable to cause damage or constitute a nuisance, and if the owner of the produce concerned or his duly authorised agent fails to comply with such an order the Executive Officer may remove such produce from the Cold Stores at the expense of such owner or agent, and no liability for any resulting loss, damage or inconvenience shall devolve upon the Council.

- 46.(7) No forklift trucks other than those powered by gas, electricity or battery shall be permitted to operate inside the Cold Stores.**
47. Delivery of Produce to Cold Stores.
- 47.(1) Produce may be delivered to the Cold Stores by Market Agents, Wholesalers or any other person wishing to use the facilities provided.
- 47.(2) Every Market Agent, Wholesaler or other person wishing to store produce in the Cold Stores shall, when he delivers such produce, exhibit to the person in control of the Cold Stores his copy of the goods received note referred to in section 23, or his copy of the market sales note referred to in section 30(1) or such other document containing a description of the produce and the quantity of units of the produce to be stored, together with the owner's or his duly authorised agent's name and address, as the case may be.
- 47.(3) The person in control of the Cold Stores shall hand to every storer a receipt bearing such details as will enable the owner or his duly authorised agent to identify the produce stored.
- 47.(4) No produce shall be withdrawn from the Cold Stores unless and until the person wishing to withdraw such produce tenders the receipt referred to in subsection (3).
- 47.(5) Where parts of a consignment are withdrawn from the Cold Stores, the details of such part- withdrawals shall be entered on the receipt tendered as envisaged in subsection (4), and the withdrawer shall sign that the goods detailed therein have in fact been withdrawn.
- 47.(6) The signature of such withdrawer on the receipt shall constitute acceptance of liability for any charges due for the period during which such withdrawn goods were

stored.

- 47.(7) Notwithstanding the provisions of subsection (4), the Executive Officer may refuse to release any produce stored in terms of this chapter, until the charges due to the Council in respect thereof have been paid: Provided that the Executive Officer may enter into credit arrangements for the payment of any charges due for such storage.
- 47.(8) Where any produce is left in the Cold Stores in excess of any period for which charges have been paid, and where the Executive Officer is unable to trace the owner or his duly authorised agent after diligent effort, the Executive Officer may sell the produce concerned in order to defray any outstanding storage charges in respect thereof, and no liability shall devolve upon the Council for such action.

CHAPTER VII

GENERAL

48. *Right of Inspection.*

- 48.1 The Executive Officer may, for any purposes connected with the carrying out of these By-laws, at all reasonable times and without previous notice, enter upon any premises within the Market and make such examination, enquiry and inspection thereof as he may deem necessary.

49. *Contravention of By-Laws.*

- 49.1 Any person who contravenes or causes or permits any other person to contravene any of the provisions of these By-laws, or who fails to give, or refuses access to the Executive Officer to enter upon and inspect any premises, if he requested entrance to such premises, or obstructs or hinders the Executive Officer in the execution of his duties in terms of these By-laws, or who

fails or refuses to give information that he may lawfully be required to give to the Executive Officer, or who gives the Executive Officer false or misleading information knowing it to be false or misleading, shall be guilty of an offence and on conviction liable to a fine not exceeding R300 or, in default of payment, to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment and, in the case of a continuing offence, to a fine not exceeding R5,00 for each day during which such offence continues.

50. *Revocation of By-Laws.*

50.1 The Market By-laws of the Johannesburg Municipality, published under Administrator's Notice 438, dated 9 July 1947, as amended, are hereby revoked.

A.N. 520 of 12/4/78 now revoked?

NB: refer to E.O.:

- * **cold-rooms rented by Agents :
Market Authority not responsible**
- * **permits for Agents (as for
salespersons)?**
- * **'hijacking' of an Agent's produce
by another Agent**
- * **failure to open GRNs**