

**PacLII Note: Due to the size of this Act and the Regulations, PacLII has also published it in four parts. This is Part 3.**

*Exchange, subletting and sharing of stalls*

34. No stallholder shall exchange, sublet, surrender or part with the possession of his stall or share his stall with another vendor or person except with the permission of the Market Master.

*Advertising and auctions*

35. No person shall in the market advertise goods by shouting, or conduct a sale by auction except with the permission of the Market Master.

*Selling mixed yaqona prohibited*

36. No person shall sell or offer for sale mixed yaqona in any part of the market without the prior approval of the Council.

*Cooking in the market*

37. No person shall do any cooking in any part of the market without the prior approval of the Council.

*Intoxicating liquor prohibited*

38. No person shall bring into the market any intoxicating liquor or methylated spirit.

*Unwholesome products*

39. No person shall bring into the market anything which in the opinion of the Market Master is bad, obnoxious, unwholesome or dangerous, and the Market Master may remove or cause to be removed any such thing brought within the precincts of the market.

*Hygiene*

40. Stallholders shall keep their produce and expose it for sale in as hygienic a manner as is practicable and shall obey all reasonable directions of the Market Master in this regard.

*Cleanliness*

41. Stallholders shall keep their stalls in a clean and orderly condition, and shall, as and when required, dispose of any litter, empty containers and refuse as directed by the Market Master. Any stallholder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this by-law may, in addition to any fine to which he may be liable under the provisions of these By-laws lawfully be refused the allocation of a stall by the Council or the Market Master.

*Dogs prohibited*

42. No person shall bring a dog into the market or suffer it to remain there, and the Market Master shall have power to remove or order the removal of any dog from the market.

*Spitting*

43. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath, floor or other part of the market or any utensils, produce, article or thing standing or being in the market.

*Disease*

44. No person suffering from any infectious or contagious disease or having recently been exposed to infection by such a disease shall engage in the sale of any goods in the market.

*Restriction on entry*

45. No person shall enter or remain in the market outside the hours during which the market is open for business without the authority of the Market Master.

*Obstruction of officials*

46. No person shall obstruct, prevent, hinder or interfere with the Market Master or any attendant in the performance of any duty under the provisions of this Part, and no person shall enter the market whilst drunk or excite a riot or curse or swear or use any gross, indecent, filthy or abusive language or gamble or be guilty of any other misconduct therein.

*Obstruction of market*

47. No person shall place any matter or thing on any roadway, footpath or passage in the market so as to obstruct the free use of such roadway, footpath or passage, or neglect or refuse to remove such matter or thing on being required to do so by the Market Master.

*Unsold goods*

48.—(1) Goods unsold at the close of the day may be left in the market at the owner's risk with the permission of the Market Master and any goods so left without such permission may be removed by the Market Master and disposed of in such manner as he may consider reasonable.

(2) With his consent goods may be left in the care of the Market Master upon payment in advance of a charge to be prescribed by the Council.

*Offences*

49. Any person contravening or failing to comply with the provisions of this Part, other than those of by-laws 21, 26, 29, 32 and 48, shall be guilty of an offence.

*(Inserted by Local Government Notice 9 of 1971.)*

**PART VI—TAXI STANDS AND GOODS VEHICLE STANDS**

*Management of taxi stand, etc.*

50. Every taxi stand and goods vehicle stand shall be under the immediate management and control of the Clerk:

Provided that the Council may appoint an attendant or attendants to exercise control over a taxi stand or goods vehicle stand with such functions with regard thereto as the Council may, by resolution, determine.

*(Inserted by Local Government Notice 9 of 1971.)*

*Licence to use taxi stand, etc.*

51. Each operator desiring to use a taxi stand or goods vehicle stand shall make application, in the form set out in the First Schedule, for a licence for his taxi to use a taxi stand.

*(Inserted by Local Government Notice 9 of 1971.)*

*Licences*

52. All licences to use a taxi stand or goods vehicle stand shall be issued on behalf of the Council by the Clerk in the form set out in the Second Schedule and shall have effect in respect only of the taxi or goods vehicle described therein.

*(Inserted by Local Government Notice 9 of 1971.)*

*Fees*

53.—(1) The licence fees for the use of a taxi stand or goods vehicle stand shall be \$3.00 per quarter payable in advance.

(2) All licence fees payable to the Council under the provisions of these By-laws shall be recoverable by the Council as civil debts by due process of law.

*(Inserted by Local Government Notice 9 of 1971.)*

**PART VII—MISCELLANEOUS**

*Penalty*

54. Any person guilty of an offence under the provisions of these By-laws shall be liable on conviction to a fine not exceeding \$100, or in the case of a continuing offence to a fine of \$4 for each day during which such offence continues, and, in addition to any such penalty, any expense incurred by the Council in consequence of any breach of these By-laws shall be refunded by such person to the Council.

*(Amended by Local Government Notice 8 of 1976.)*

**FIRST SCHEDULE**

*(By-law 51)*

*(Inserted by Local Government Notice 9 of 1971.)*

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LEVUKA TOWN BY-LAWS  
(By-law 51)

APPLICATION FOR LICENCE TO USE TAXI STAND  
OR GOODS VEHICLE STAND

I/We ..... of ..... hereby apply for  
a licence for my/our undermentioned vehicle(s) to use the Levuka Taxi/Goods Vehicle Stand.

Class of Vehicle: Taxi, Goods vehicle (Delete as appropriate) Registered No. ....  
Make ..... No. of Passengers .....

I/We agree to pay the licence fees prescribed under, and to comply with, the provisions of the  
Levuka Town By-laws.

Dated this                      day of                      , 19     .

*Operator*

**SECOND SCHEDULE**  
(By-law 52)

*(Inserted by Local Government Notice 9 of 1971.)*

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LEVUKA TOWN BY-LAWS  
(By-law 52)

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LICENCE TO USE LEVUKA TAXI STAND OR GOODS VEHICLE STAND

A licence is hereby issued for the undermentioned vehicle to use the Levuka Taxi/Goods  
Vehicle Stand subject to the provisions of the Levuka Town By-laws.

Class of Vehicle: Taxi, Goods Vehicle (delete as appropriate) Registered No. ....  
Make ..... No. of Passengers .....

*Operator*

Dated this                      day of                      , 19

for the Levuka Town Council,

.....  
*Town Clerk*

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SUBSIDIARY LEGISLATION OF LOCAL APPLICATION

**NADI**

**SECTION 5—TOWN OF NADI**

*Proclamations Nos. 13 of 1946, 2 of 1959, 13 of 1962, 42 of 1966,  
Local Government Notice No. 16 of 1973,  
Legal Notices Nos. 188 of 1979, 45 of 1981*

The area defined in the Schedule shall be a town for the purposes of the Local Government Act and shall be known as the town of Nadi.

**SCHEDULE**

All that parcel of land situated in the Tikina of Nadi and Nawaka in the Province of Ba, as described hereunder.

Commencing at a point on the left bank of the Nadi River at its junction with Queen's Road; thence upstream by that river to the northern corner of plan ND 2620 and by the eastern boundary of the said plan to Andrews Road; thence south-easterly by that road to a point approximately 6 chains inside the boundary of plan ND 2380; thence by a direct line north-easterly to Nadi River and by that river upstream to a point opposite the eastern boundary of St. Andrews School site (plan ND 4676); thence by the eastern boundary of the said school site and westerly by the northern boundary of plan ND 3143 to a point at the intersection of the prolongation of the eastern boundary of plan DP 1403; thence by that line southwards to Nadi Back Road.

Thence westerly by that road and northerly by the western boundary of plan DP 1403 and plan ND 2761; thence westerly by the southern boundary of Certificate of Title 3403 to Nadi Back Road; thence by that road and Queen's Road to the south-western corner of plan DP 1833; thence by the western boundary of plans DP 1833 and DP 2630 and the southern boundary of plans ND 4393 and ND 2155; thence by the western boundary of plans ND 2155, ND 3098 and ND 4133 to the Nadi River;

Thence upstream by the Nadi River to the eastern boundary of lot 2 on plan ND 3620; thence by that boundary and the southern and western boundaries of lot 1 of plan ND 3620; thence westerly by the southern boundary of plans ND 2530, ND 2650 and by the southern alignment of the drain on the southern boundary of plan ND 3692 to the Nadi River; thence by the western boundary of the said plan ND 3692 and by Narewa Road to its junction with the eastern boundary of plan ND 4070; thence northerly by that boundary to the southern boundary of plan ND 910; thence easterly to plan ND 4047; and by its western and northern boundaries to plan DP 79; thence by the western, northern and eastern boundaries of that plan to Queen's Road;

Thence by Queen's Road and by the northern and eastern boundaries of plan ND 2183 returning to and following Queen's Road easterly to the western boundary of Certificate of Title XI/05, 162; thence by the western and northern boundaries of that title to the road on the

western boundary of plan DP 2631; thence by that road to a point being at the intersection of the prolongation of the north-western boundary of lot 63 of plan DP 2631; thence north-easterly by that line and the western boundary of lots 63, 4, 6 and 5 of that plan; thence by the eastern boundary of the said lot 5 and of the cul-de-sac to Kennedy Avenue;

Thence by the western boundary of plan DP 2678 and easterly by the northern alignment of Enamanu Road; thence southwards by the southern alignment of Queen's Road to a point intersected by the prolongation of the south-western boundary of lot 54 on Plan DP 2631; thence by that prolongation south-easterly for a distance of 2½ chains; thence south-westerly by a line parallel with Queen's Road to the south-eastern boundary of plan DP 2610; thence by that boundary by a direct line to the north-eastern corner of Certificate of Title XI/05, 261; thence by the southern and western boundaries of that title to Queen's Road; thence westerly and southerly by Queen's Road to the point of commencement;

And being more particularly delineated on plan DP 27 lodged in the office of the Director of Lands at Suva, with a copy at the office of the Nadi Town Council.

Together with—

*Area A—*

All that area of land in varying widths, not exceeding sixty chains, extending generally on both sides of the Queen's Road and Votualevu Road, from Enamanu Road on the south to Legalega Road on the north;

*Area B—*

All that area of land lying on the south of Nadi Airport and bounded generally by Nadi Bay Road on the east, Wailoaloa Road on the south, the high-water-mark of the seacoast on the west and Nadi Airport boundary on the north;

*Area C—*

All that area of land on the south-eastern side of Nadi town situated between the southern boundaries of Nadi town and the Back Road;

*Area D—*

All that rectangular area of land, measuring 16 chains by 7½ chains more or less, situated at the south-western end of Nadi town and adjoining the present town boundary.

The above-described areas of land are more particularly shown edged red on plan P.P. 113 kept at the office of the Permanent Secretary for Lands and Mineral Resources in Suva and a copy available for inspection at the office of the Nadi Town Council.

And together with—

All that parcel of Crown Land represented by survey as Lot 1 on Plan ND 4529 and situated immediately east of the Nadi Airport runway and adjacent to the Namaka

Public School along the existing north-western boundaries of Nadi Town.

The above described area is shown verged red on Plan PP 213 kept in the office of the Director of Lands and Surveyor-General in Suva, and copies are available for inspection at the office of the Director of Town and Country Planning in Suva and the offices of Nadi Town Council and District Officer Nadi and the Commissioner Western at Lautoka.

But excluding—

All that area of land lying approximately between Legalega Road and Votualevu Road and bounded generally on the north and east by the boundaries of Nadi town (as extended by Notice No. 16 of 1973 in the Local Government Supplement to the *Fiji Royal Gazette*), on the south by a road 25 links wide and on the west by a road 40 feet wide.

The above described area is shown verged green on plan PP 174 kept in the office of the Director of Lands and Surveyor-General in Suva, and copies are available for inspection at the office of the Director of Town and Country Planning in Suva and the offices of Nadi Town Council at Nadi.

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## SECTION 5—NADI WARDS ORDER

### TABLE OF PROVISIONS

#### PARAGRAPH

1. Short title
2. Division of Nadi into wards

*Local Government Notice No. 39 of 1973*

#### *Short title*

1. This Order may be cited as the Nadi Wards Order.

#### *Division of Nadi into wards*

2. The town of Nadi is hereby divided into four wards, namely:—

(1) the Nadi Ward, comprising all that portion of the town of Nadi between the Nadi River and the southern boundary of the town;

(2) the Narewa Ward, comprising all that portion of the town of Nadi situated between the Nadi River a line commencing at the western junction of Enamanu Road and the town boundary, thence proceeding in an easterly direction to Queen's Road, thence proceeding along the centreline of Queen's Road to Saunaka Road, thence proceeding along the centreline of Saunaka Road to the town boundary, and the Nadi River;

(3) the Namaka Ward, comprising all that portion of the town of Nadi between a line commencing at the southern junction of the Namaka Public School Compound and the town boundary, thence proceeding in an easterly direction along the southern boundary of such Compound to Queen's Road, thence proceeding in an easterly direction along the centreline of the Nadi Back Road to the town boundary, and the northern boundary of the town;

(4) the Martintar Ward, comprising the remainder of the town of Nadi.

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**SECTION 9—NUMBER OF TOWN COUNCILLORS (NADI) ORDER**

**TABLE OF PROVISIONS**

**PARAGRAPH**

1. Short title
  2. Number of members
- Schedule—Number of Town Councillors

*Local Government Notice No. 38 of 1973*

*Short title*

1. This Order may be cited as the Number of Town Councillors (Nadi) Order.

*Number of members*

2. The number of members to be elected to the Nadi Town Council for each ward shall, with effect from the next general election to such Council, be as specified in the Schedule.

**SCHEDULE**

NADI WARD .....	4 members
NAMAKA WARD .....	4 members
MARTINTAR WARD .....	3 members
NAREWA WARD .....	2 members

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**SECTION 122—NADI (CONTROL AND USE OF STREETS) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**



1. Short title
2. Interpretation
3. Action prohibited
4. Articles falling from vehicles
5. Crossing of gutters, etc.
6. Control of motor vehicles without pneumatic tyres
7. Control of fireworks
8. Street trading

*Local Government Notice No. 3 of 1976*

*Short title*

1. These By-laws may be cited as the Nadi (Control and Use of Streets) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Nadi Town Council;

"Town Clerk" means the Town Clerk appointed by the Council;

"Town Engineer" means the Town Engineer appointed by the Council.

*Action prohibited*

3. No person shall in any street—

(a) place, leave or deposit or permit to be placed, left or deposited any derelict vehicle, glass, refuse, rubbish or any noisome or offensive matter, save under the authority of the Council or, in accordance with the requirements of any law for the time being in force;

(b) wash, repair, grease, dismantle or assemble any vehicle otherwise than in the case of an emergency;

(c) paint any vehicle;

(d) leave any vehicle or any box, crate, barrel or package so as to form an obstruction;

(e) leave any matter or material of an inflammable nature;

(f) wilfully or maliciously damage or destroy any tree, shrub, plant, building or structure, the property of the Council;

(g) wilfully or maliciously extinguish or damage any street lamp or damage any post or power pole;

(h) park or stop an omnibus on any road, street or laneway other than a road, street,

laneway or area specified for such parking or stopping;

(i) encumber or obstruct such street in any manner not hereinbefore described.

*Articles falling from vehicles*

4.—(1) It shall be the duty of the driver of any vehicle to take all reasonable precautions to ensure that no article, substance or material shall fall from or be deposited by such vehicle on any street.

(2) In the event of any such article, substance or material falling from or becoming deposited by any vehicle the driver thereof shall take all reasonable steps to safeguard other traffic on the street and to remove such article, substance or material immediately thereafter.

(3) In the event of failure to remove any such article, substance or material the Council may remove it and the cost thereof may be recovered from the person responsible for its removal.

*Crossing of gutters, etc.*

5.—(1) Without the prior written permission of the Town Engineer, no planks or other material shall be placed by any person in or across any gutter or ditch or against any kerb for the purpose of enabling vehicles to make a crossing of such gutter, ditch or kerb. In granting any such permission, the Town Engineer may, in his discretion, require that the applicant therefor furnish security to an amount considered by the Town Engineer to be reasonable.

(2) No person shall drive any vehicle across any gutter or ditch or on any footpath unless a suitable crossing has been constructed for the purpose and has been approved by the Town Engineer under the provisions of paragraph (1).

*Control of motor vehicles without pneumatic tyres*

6. No person shall drive or take any motor vehicle without pneumatic tyres upon any street unless authorised by the Council.

*Control of fireworks*

7. No person shall discharge any firework, cracker or explosive material in a street or public place without having first obtained permission in writing from the Council:

Provided that no permit shall be required under this by-law for the discharge of fireworks or crackers on New Year's Day, 5 November, Diwali and the Hindu New Year.

*Street trading*

8.—(1) Without a permit in writing obtained from the Town Clerk and payment of such fee as the Council may by resolution prescribe, no person shall use any street or public place for the purpose of—

(a) distributing any pamphlet or advertising matter;

(b) the sale of tickets; or

(c) the carrying on of the business of commercial photography.

(2) Any permit granted under the provisions of paragraph (1) may be granted for such period of time and upon such terms and conditions as the Council may consider appropriate.

## SECTION 122—NADI (HAWKERS) BY-LAWS

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### TABLE OF PROVISIONS

#### BY-LAW

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  2. Interpretation
  3. Hawkers to be licensed
  4. Sale of pigeons and wild birds prohibited
  5. Application for licence
  6. Council may refuse licence
  7. Council may suspend or cancel licence
  8. Issue of licence
  9. Effect of licence
  10. Duration of licence
  11. Duties and obligations of hawker
  12. Penalty
- First Schedule—Application for Hawker's Licence  
Second Schedule—Hawker's Licence

*Local Government Notices Nos. 17 of 1975, 2 of 1977.*

#### *Short title*

1. These By-laws may be cited as the Nadi (Hawkers) By-laws.

#### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Nadi Town Council;

"goods" includes beads, jewellery and native curios and articles of food or produce grown in Fiji;

"hawker" means a person who by going from place to place sells goods carried on his person or from a handcart, box, basket, tray and the like or from a boat, horse-drawn vehicle, bicycle, motor vehicle, or any other type of conveyance;

"officer" means the Town Clerk and also any person acting as such for the time being,

any sanitary inspector appointed, by the Council, or any officer or servant of the Council in the performance of any duty under these By-laws;

"Town Clerk" means the Town Clerk appointed by the Council.  
(Amended by Local Government Notice 2 of 1977.)

*Hawkers to be licensed*

3. No person shall within the town follow the calling of a hawker or hawk for sale any produce, livestock, or other goods whatsoever unless he shall be the holder in his own name of an unexpired hawker's licence issued by the Council.

*Sale of pigeons and wild birds prohibited*

4. No licence issued under these By-laws shall permit the sale of pigeons and/or wild birds.

*Application for licence*

5. Every person desirous of obtaining a hawker's licence shall make application in person in writing to the Town Clerk in the form in the First Schedule.

*Council may refuse licence*

6. The Council may refuse to grant a hawker's licence to any person.

*Council may suspend or cancel licence*

7. The Council may suspend or cancel the licence of any hawker.

*Issue of licence*

8. The Town Clerk shall, upon receiving the application mentioned in by-law 5 and, subject to such directions as he shall receive from the Council in that behalf, issue a licence in the form in the Second Schedule to the applicant.

(Amended by Local Government Notice 2 of 1977.)

*Effect of licence*

9. A hawker's licence issued by the Council under by-law 8 shall authorise only the hawking and sale of such goods as are endorsed on the licence.

*Duration of licence*

10. A hawker's licence shall be issued for not more than three months, and shall expire on 31 March, 30 June, 30 September, and 31 December in each and every year.

*Duties and obligations of hawker*

11. A licensed hawker shall—

(a) at all times when hawking carry his licence with him and shall on demand produce the same to any police officer or officer of the Council;

(b) if by remaining stationary in any road, street, or place, he shall cause any obstruction to pedestrian or other traffic, forthwith move away from such road, street or place in such manner as effectively to remove such obstruction;

(c) when using a handcart or vehicle of any kind, keep such handcart or vehicle as near as practicable to the left hand side of the road or street;

(d) keep his boat, basket, tray, utensils, handcart or vehicle clean to the satisfaction of any sanitary inspector appointed by the Council;

(e) prevent any goods intended for human consumption from coming into contact with or being exposed to any dirt, filth, contagion, infection, flies, or anything likely to render such goods injurious to health;

(f) cease to hawk any goods intended for human consumption while he is suffering from any infection, contagious or offensive disease or skin complaint;

(g) follow the directions of the authorised officers of the Council as to the location of his stall and his movements when hawking.

*Penalty*

12. Any person contravening or failing to comply with these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$10 for each day during which such contravention continues.

**FIRST SCHEDULE**

*(By-law 5)*

**NADI TOWN COUNCIL**

**APPLICATION FOR HAWKER'S LICENCE UNDER NADI (HAWKERS) BY-LAWS**

Name of Applicant:

Address:

Class of goods hawked:

How hawked—

(a) boat, horse, cart or motor vehicle;

(b) carried or borne by hawker.

Dated this                      day of                      , 19

.....  
*Applicant*

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**SECOND SCHEDULE**  
*(By-law 8)*

NADI TOWN COUNCIL

HAWKER'S LICENCE

Issued under Nadi (Hawkers) By-Laws

Licence No.:

Name of Licensee:

Address:

Class of goods hawked:

(a) beads and native curiosities;

(b) vegetables and fruit;

(c) goods other than (a) and (b).

Date of Application:

Date Licence expires:

Date:

Town Clerk and Licensing Officer.

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**SECTION 122—NADI (LITTER) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

1. Short title
2. Interpretation
3. Prohibition
4. Powers of authorised person
5. Provision for identity card
6. Penalties
7. Evidence in legal proceedings

*Short title*

1. These By-laws may be cited as the Nadi (Litter) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"abandon" includes to throw, drop, deposit, place, spill, leave, cast or otherwise part with possession;

"authorised person" means a person appointed by the Council to be an authorised person for the purpose of these By-laws or any police officer;

"Council" means the Nadi Town Council;

"litter" means any matter or thing whether solid or liquid or partly solid or partly liquid, the possession of which has been abandoned by any person having the control of the same in any street or land or public place, and includes building, household, shop, garden and trade refuse or waste; human, animal, fish and vegetable refuse or waste; containers and package of any description, whether manufactured in whole or in part, of wood, glass, metal, paper or plastic; derelict vehicles, household, shop and factory furniture, appliances and machinery or any part thereof; timber, wood, glass, iron, concrete, sand, earth, gravel, stone and clay; or any matter or thing which causes or contributes to or tends to the defacement or defilement of any street, land or public place.

*Prohibition*

3. No person shall abandon or cause to be abandoned any litter in or upon any street, public place or land save under the authority of or in accordance with the requirements of any law for the time being in force.

*Powers of authorised person*

4. An authorised person may require the person whom he finds committing or whom he reasonably suspects to be committing or to have committed an offence against these By-laws to state his full name and usual place of residence.

*Provision for identity card*

5. Every authorised person, other than a police officer, shall be issued with an identity card by the Council wherein shall be specified the name of the authorised person to whom it is issued and the fact that he is an authorised person for the purpose of these By-laws, and in the exercise of his powers and functions under these By-laws an authorised person shall carry an identity card and, should the circumstances require it, exhibit it for the purpose of identification.

### *Penalties*

6. Any person who contravenes or fails to comply with the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$20 for every day during which such contravention or non-compliance continues.

### *Evidence in legal proceedings*

7. In any proceedings for an offence against these By-laws—

(a) the onus of proof that any litter has not been abandoned shall be on the defendant;

(b) a statement in the complaint that a place referred to therein is a street or a part of a street or a public place or open to use by the public as of right shall be evidence, and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

## SECTION 122—NADI (OPEN FIRES) BY-LAWS

### TABLE OF PROVISIONS

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4. Pollutants
5. Authority to burn dead trees, etc.
6. Camp fires
7. Burning of vegetation
8. Penalty

*Local Government Notice No. 7 of 1976*

#### *Short title*

1. These By-laws may be cited as the Nadi (Open Fires) By-laws.

#### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Nadi Town Council;

"Fire Officer" means the Fire Officer employed by the Council;

"incinerator" means any receptacle or construction whether within a building or outside constructed or adapted for the destruction by fire of any object;



"pollutant" means any solid, liquid or gaseous matter prejudicial to health or the safety of any person or, by odour or appearance, offensive or objectionable.

*Burning of objects prejudicial to health or safety*

3. No person shall, without the consent in writing of the Council or the Fire Officer first had and obtained, burn, other than in a building or in an incinerator, any object or matter which may constitute a hazard to health or the safety of any person or property.

*Pollutants*

4. No person shall, without the consent in writing of the Council or the Fire Officer first had and obtained, light any fire from which a pollutant is released into the environment.

*Authority to burn dead trees, etc.*

5. The Council may, upon receipt of written application authorise in writing the applicant to burn dead trees, wood, long grass, scrub, stubble, weeds or the cuttings of mowing or trimming arising out of the normal course of agriculture or horticulture, at such times and subject to such conditions as the Council may prescribe.

*Camp fires*

6. Nothing in these By-laws shall affect the lighting of camp fires for the purpose of the preparation of food or drink.

*Burning of vegetation*

7. Nothing in these By-laws shall affect a controlled burning of vegetation for the protection of life or property.

*Penalty*

8. Any person who contravenes or fails to comply with the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$5 for every day during which such contravention or non-compliance continues.

**SECTION 122—NADI TOWN BY-LAWS**

**TABLE OF PROVISIONS**

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**BY-LAW**

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2. Interpretation

**PART II—SANITATION**

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4. Public drains, etc.
5. Private drains
6. Council may undertake work
7. Collection and disposal of garbage
8. Latrines and privies
9. Cleaning of streets
10. Obstruction, etc., an offence

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12. Method of application and approval
13. Council may retain exclusive user of any public park
14. Charges may be made for admission
15. Gatekeeper, etc., to be employed by the Council
16. Failing to pay charge for admission
17. Fairgrounds
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19. Public parks

### **PART IV—BUS STATION, TAXI AND GOODS VEHICLE STAND**

20. Management of bus station, etc.
21. Licence to use bus station, etc.
22. Licences to be issued by Clerk.
23. Fees
24. Payment of fees
25. Bus station not to be used without licence
26. Revocation of licence
27. Control of bus station, etc.
28. Parking of motor omnibus

### **PART V—NOISE PREVENTION**

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*By-laws 5 September 1966, Local Government Notices Nos. 7 of 1968, 8 of 1969, 15 of 1971, 14 of 1975, 3 of 1977, Legal Notice No. 155 of 1978*

## **PART I—PRELIMINARY**

### *Short title*

1. These By-laws may be cited as the Nadi Town By-laws.

### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"authorised" means duly authorised by the Council;

"book" means any book or other printed or written matter, picture, print, photograph, film, engraving, etching, map, plan, chart, record or similar contrivance for reproducing sound, music score and any article of a like nature forming part of the contents of the library;

"bus operator" includes any person, firm, company or organization which owns or operates a motor omnibus;

"bus shelter" means any shelter owned and controlled by the Council for the use of bus passengers in the town of Nadi;

"bus station" means the bus Station maintained and controlled by the Council situated at Korovulo Park, Nadi and contained in C.T. XI/05-163;

"Council" means the Nadi Town Council;

"dance hall" means any hall, house, room, garden or other place kept or used, other than on an isolated occasion or during the course of religious festivals, for public dancing, singing, music or other public entertainment of a similar nature, but does not include any licensed hotel or licensed cinematograph theatre;

"dump" means the area of land used by the Council for the disposal of garbage;

"fish" means all edible aquatic animals and foods other than shell-fish and turtles;

"goods vehicle" means any motor vehicle used for the carriage of goods for hire or reward or used in the course of trade or agriculture;

"goods vehicle stand" means any goods vehicle stand at Nadi maintained and controlled by the Council;

"handicrafts" means mats, baskets, earthenware or wooden vessels and other articles made, ornamented, finished or adapted for sale manually in Fiji;

"library" means any public library belonging to or controlled by the Council;

"librarian" means the person appointed as such by the Council or any other person authorised in that behalf by the Council;

"loud speaker" includes a megaphone and any other device for amplifying sound;

"market" means the place established as a market in the town of Nadi;

"Market Master" means the Market Master appointed by the Council and includes a deputy duly appointed by the Council;

"motor omnibus" means a public service vehicle constructed or adapted to carry more than six passengers excluding the driver;

"offensive matter" means and includes offal, night soil, putrid meat, entrails of fish or poultry, carrion, blood, dung, manure, shells, bones, rags, fruit or vegetable refuse, soap lees, impure water and any other matter giving off an offensive odour or being in any way a nuisance or likely to be injurious to health;

"operator" includes any person, firm, company or organisation which owns or operates a goods vehicle, motor omnibus or taxi;

"poultry" means any edible live bird;

"produce" means fish (fresh, frozen, dried or smoked), shell-fish, turtles, turtle meat, poultry, eggs, fresh fruits and vegetables, rice, split peas, pulses and any other agricultural, forest or marine product which is an article of food or drink, and includes locally grown tobacco, vegetable oils and ghee;

"public park" means any park, garden, reserve, recreation areas or sports ground vested in, or controlled or maintained by the Council;

"shell-fish" means crabs, prawns, crayfish, oysters, mussels and all other edible molluscs and crustaceans;

"stall" means any place within the market where produce or handicrafts are sold or offered for sale;

"supplier" means a person who supplies produce to a miller, manufacturer or processor;

"taxi" means a public service vehicle licensed to carry not more than six passengers, excluding the driver;

"taxi stand" means all taxi stands at Nadi maintained and controlled by the Council.  
(Amended by Local Government Notice 8 of 1969; 3 of 1977.)

## **PART II—SANITATION**

*Clearing of scrub, brushwood or undergrowth*

3.—(1) The Council or an authorised officer thereof may serve upon the owner, occupier or lessee of any land (whether built upon or not) within the town, a notice requiring him to keep such land clear of all scrub, brushwood, undergrowth, and garbage, including derelict vehicles, and maintain such land in a sanitary condition to the satisfaction of the Council or of an authorised officer thereof.

*(Amended by Local Government Notice 15 of 1971.)*

(2) Any owner, occupier or lessee of any land failing to comply with the provisions of paragraph (1), shall be guilty of an offence.

*Public drains, etc.*

4. Any person who throws or deposits, or causes or suffers to be thrown or deposited, any refuse, garbage or offensive matter or any other kind of matter of a type likely to cause an obstruction, into any public culvert, drain, ditch, sewer or waterway shall be guilty of an offence.

*(Substituted by Local Government Notice 15 of 1971.)*

*Private drains*

5.—(1) The owner, occupier or lessee of any building, premises or land, shall construct such drains as the Council may, by notice, require for the effectual removal of all storm, slop and waste water from such building, premises or land.

(2) Such drains shall be properly connected to a public drain or to such other outlet approved by the Council, and shall be kept in a clean and sanitary condition.

(3) Any person failing to comply with the provisions of paragraphs (1) or (2) shall be guilty of an offence.

*Council may undertake work*

6. If any owner, occupier or lessee of any building, premises or land shall fail to comply with a notice given under the provisions of by-laws 3 or 5 within such time as the Council may, in such notice prescribe, the Council may undertake the work and the cost thereof shall be a debt due to the Council and may be sued for before a court of competent jurisdiction.

*Collection and disposal of garbage*

7.—(1) Garbage shall be deposited only in garbage pans supplied by the occupier and approved by the Council or an authorised officer thereof and such garbage pans shall be in accordance with the requirements of Part X of the Public Health Regulations and shall be fitted with one or more handles.

*(See Cap. 111.)*

(2) No person, other than a servant of the Council, shall collect garbage without the permission in writing of the Council.

(3) No person, other than a servant of the Council, shall deposit or cause or permit any other

person to deposit any garbage or any other refuse of any kind at the dump without the permission in writing of the Council, or an authorised officer thereof, and only at such times and places and in such a manner as the Council or an authorised officer thereof may direct.

(4) Garbage receptacles shall be placed on the footpath adjoining each premises next adjacent to the road taken by the collecting vehicle, or in such other place as the Council or any authorised officer thereof may permit in respect of any particular premises, in which case the owner of such premises shall provide an easy means of access thereto for removal of garbage.

(5) The occupier of any residence, shop, business premises or other building where there may be an accumulation of kitchen refuse or decomposing matter of any kind shall provide the number of garbage receptacles required by the local authority.

(6) Any person committing any breach of the provisions of this by-law shall be guilty of an offence and, in addition to any penalty to which he is liable under the provisions of by-law 70, shall remove or cause to be removed such garbage or other refuse in such a manner and within such time as the Council or an authorised officer thereof may direct:

Provided that the Council may cause the garbage or other refuse to be removed and may recover the costs and expenses incurred in such removal from the occupier.

#### *Latrines and privies*

8.—(1) The owner of any dwelling-house, business premises, lodging house or any place where persons are accommodated or labour is employed shall construct latrines or privies or such type and number as the Council may, by notice, require.

(2) Any person failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

#### *Cleaning of streets*

9.—(1) No person shall upon any street or public place throw or deposit or cause or suffer to be thrown or deposited any offensive matter, tins or refuse of any description.

(2) The occupier of any business premises shall not allow trade goods, cases, boxes, barrels or any merchandise of any description to remain on any street.

(3) No person shall permit any cattle, horse, sheep, pig or goat to graze upon any public place without the written consent of the Clerk or any person authorised by the Council.

(4) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

#### *Obstruction, etc., an offence*

10. Any person who obstructs, molests or hinders any officer or servant of the Council in the execution of his duty or who uses violent or threatening language to or attempts in any way whatsoever to intimidate such servant or who endeavours by any bribe, threat or promise to cause any such servant to neglect or exceed his duty, shall be guilty of an offence.

### **PART III—PUBLIC PARKS**

#### *Exclusive user of public parks may be granted*

11.—(1) Subject to the provisions of these By-laws the Council may grant permission to any sporting, social or other organisation or body to have exclusive use of the whole or any part of the public park on any particular day or days for purposes approved by the Council and may give such organisation or body power to levy charges for admission:

Provided that—

(a) notwithstanding the grant of any such permission, the Council may, in its absolute discretion, revoke such permission to enable the public park to be used for other purposes in connection with a special occasion;

(b) the Council may, in its absolute discretion at any time declare, any public park to be unusable, in which case the flying of a red flag and the posting of a notice declaring such park to be unusable, at the entrance to the park shall be deemed to be sufficient notice to all persons that the park is unusable.

(2) Any person using any public park for sporting, recreational or social purposes when such park has been declared to be unusable shall be guilty of an offence.

#### *Method of application and approval*

12.—(1) Subject to the provisions of paragraph (2), any application for the grant of exclusive user of any public park shall be made to the Clerk not less than fourteen days before the day, or the first of the days, when such user is required and shall be subject to approval by resolution of the Council.

(2) Where, by reason of special circumstances, it is not possible for an application to be made at least fourteen days before the user, or first user, of any park is required, such application may be made to the Clerk who shall consult the Mayor, whose decision shall be deemed to be the decision of the Council and shall be reported to the Council at the next meeting thereof.

#### *Council may retain exclusive user of any public park*

13.—(1) The Council may, by resolution, retain to itself the exclusive user of the whole or any part of any public park on any special occasion.

(2) The Council may from time to time set aside any public park or any portion thereof for use as a children's playground and install therein equipment for use by children in which event the Council may prohibit the use of such equipment by persons of above such age as the Council may, by resolution, determine.

#### *Charges may be made for admission*

14. The Council may, by resolution, from time to time—

(a) make a charge to be paid by the organisation or body to which permission has



been granted for the exclusive user of any public park or any part thereof under the provisions of by-law 11, which charge may be a lump sum or a percentage of the gross gate receipts; or

(b) make a charge to be paid by members of the public on any occasion when the Council retains to itself the exclusive user of any public park or any part thereof.

*Gatekeeper, etc., to be employed by the Council*

15.—(1) The Council shall provide a gatekeeper and such other persons as may be necessary for the purpose of controlling admission to any public park, the collection of admission charges and the sale of tickets whenever the Council by resolution, makes a charge based on a percentage of gross gate receipts under the provisions of paragraph (a) of by-law 14.

(2) The gatekeeper shall be responsible to the Council for certifying the gross gate receipts, and the charges referred to in paragraph (1) shall be calculated in accordance with such certificate and be deducted from such receipts. All such charges shall thereupon be paid by the gatekeeper to the Clerk.

*Failing to pay charge for admission*

16. Any person who shall enter or remain within the bounds of any public park or any part thereof without having paid any lawful charge made for admission thereto under the authority of these By-laws, or who shall neglect or refuse to pay such charge on demand, may forthwith be removed therefrom and shall be guilty of an offence.

*Fairgrounds*

17.—(1) No fair, circus or amusement park run for profit shall be established at any place nor shall any equipment be installed in any fairground or amusement park run for profit except with the permission in writing of the Council and on payment of such fees as the Council may, by resolution, from time to time, prescribe, and subject to such conditions as the Council may, by resolution, impose.

(2) The Council or its officers shall at all times have access to the place prescribed and shall have the right to inspect all equipment used therein.

(3) Any person who contravenes the provisions of paragraph (1) or who fails to observe any condition imposed by the Council under such provisions shall be guilty of an offence.

*Hours of entry*

18.—(1) Subject to the provisions of paragraph (2), any person may enter any public park at any time.

(2) The Council may, by resolution, prescribe particular hours during which any public park, other than a reserve, shall remain closed in which case the Council shall cause a notice to be posted or affixed in a prominent place in such park specifying details of such hours.

(3) Any person who shall enter or remain within any public park during the hours specified

under the provisions of paragraph (2) without the general or specific permission of the Clerk may forthwith be removed therefrom and shall be guilty of an offence.

*Public parks*

19.—(1) No person other than an authorised officer or servant of the Council shall in any public park—

(a) cut, pluck, injure or destroy any turf, tree, bush, shrub, flower, plant or other thing in or upon any part thereof, or dig, cut or remove any sod, turf, loam, sand, gravel or other substance thereon or therefrom;

(b) negligently or wilfully injure, deface or remove any seat, notice, notice board, post, chair, railing fence, barrier, or other thing which may from time to time be erected or placed therein by or with the authority of the Council;

(c) post or paint any bill, placard or notice therein;

(d) climb any tree therein;

(e) wilfully obstruct any entrance, thoroughfare or walk thereof or therein;

(f) wilfully interfere with the authorised user thereof or with any game or sport permitted by the Council therein;

(g) sell or offer or expose for sale any food or other goods therein without the permission of the Council or an authorised officer thereof;

(h) deliver or read any public lecture, prayer, sermon or address of any kind or hold or take part in or cause any public assemblage without the prior permission of the Council, and then only at such times and places as the Council may permit;

(i) draw, take or drive any truck, car, motorcycle, bicycle, scooter, wheelbarrow, carriage or other vehicle other than an invalid's chair or child's perambulator or push-cart therein without the prior permission, of the Council or an authorised officer thereof;

(j) bathe, wade or wash in any pond or pool therein or wilfully or negligently foul or pollute the water of any such pond or pool, or take, injure or destroy, or attempt to take, injure or destroy, any fish in any such pond or pool;

(k) throw or deposit or cause or suffer to be thrown or deposited in a pavilion therein any litter, garbage or offensive matter, except in a receptacle provided by the Council for that purpose;

(l) aid in or abet any act or thing which may not be specifically mentioned in these By-laws and which may tend to the injury or disfigurement thereof or interfere with the use and enjoyment thereof by the public for the purpose of exercise or recreation.

(2) No person shall in any public park—

(a) play at or engage in any game or exercise in such a manner as to injure any path, turf, tree, shrub, flower, plant, building or other structure or thing therein or upon any part thereof;

(b) wilfully obstruct any officer or servant of the Council in the execution of any work in connection with such public park.

(3) Any person contravening or failing to comply with any of the provisions of this by-law shall be guilty of an offence.

#### **PART IV—BUS STATION, TAXI AND GOODS VEHICLE STAND**

*(Substituted by Local Government Notice 3 of 1977.)*

##### *Management of bus station, etc.*

20. The bus station, taxi stand and goods vehicle stand shall be under the immediate management and control of the Clerk:

Provided that the Council may appoint an attendant or attendants to assist the Clerk to exercise control over the bus station and any one or more stands with such functions with regard thereto as the Council may by resolution determine.

*(Substituted by Local Government Notice 3 of 1977.)*

##### *Licence to use bus station, etc.*

21. Each operator desiring to use the bus station, the taxi stand or the goods vehicle stand shall make application in the form set out in the First Schedule, for a licence for his motor omnibus, taxi or goods vehicle (as the case may be) to use the bus station, the taxi stand or the goods vehicle stand.

*(Substituted by Local Government Notice 3 of 1977.)*

##### *Licences to be issued by Clerk*

22. All licences to use the bus station, taxi stand or goods vehicle stand shall be issued on behalf of the Council by the Clerk in the form of licence set out in the Second Schedule and shall have effect in respect only of the motor omnibus, taxi or goods vehicle described therein.

*(Substituted by Local Government Notice 3 of 1977.)*

##### *Fees*

23.—(1) The licence fees for the use of the bus station, taxi stand or goods vehicle stand by motor omnibuses, taxis or goods vehicles shall be in accordance with the form set out in the Third Schedule and shall be collected and charged in accordance with the provisions of the succeeding paragraphs of this by-law.

(2) The licence fees payable in respect of each motor omnibus, taxi or goods vehicle using the bus station, taxi stand or goods vehicle stand shall be charged in respect of each calendar month and in arrear.

(3) In respect of motor omnibuses, the licence fees to be charged for any such monthly period shall be computed on the total number of visits of the motor omnibus to the bus station during the month and shall be calculated from the time-table approved by the Transport Control Board in respect of the road service licence under which such motor omnibus shall have been operating during the month or from any other information which the Transport Control Board shall think fit to supply to the Clerk from its records or from any other information obtained by the Clerk under the provisions of paragraph (4).

(4) If the Clerk considers that the number of visits to the bus station of any motor omnibus cannot be satisfactorily calculated from any time-table, he may, by written notice, require the bus operator concerned to supply him with particulars of the numbers of visits to the bus station and the times thereof of each motor omnibus operating under the bus operator's road service licence during the month the subject of the computation; and any bus operator so required shall, within seven days after the receipt by him of such notice, deliver to the Clerk a written statement, signed by such operator or under his authority, containing a true and correct statement of that total number of visits to the bus station and the times thereof of each such motor omnibus during the said month.

(5) All licence fees payable to the Council under the provisions of these By-laws shall be recoverable by the Council as civil debts by due process of law.

*(Substituted by Local Government Notice 3 of 1977.)*

#### *Payment of fees*

24. Each operator shall pay to the Clerk the licence fees payable by him within fifteen days after he has been notified of the amount thereof.

*(Substituted by Local Government Notice 3 of 1977.)*

#### *Bus station not to be used without licence*

25.—(1) No operator shall be entitled to use the bus station, taxi stand or goods vehicle stand for the purpose of any motor omnibus, taxi or goods vehicle unless he holds a valid licence issued under the provisions of these By-laws in respect of such motor omnibus, taxi or goods vehicle.

(2) No motor omnibus, taxi or goods vehicle shall enter or use the bus station, taxi stand or goods vehicle stand at any time unless a valid licence issued under the provisions of these By-laws is held by the operator in respect thereof and any person who contravenes the provisions of this paragraph shall be guilty of an offence.

(3) No operator shall be entitled to use the bus station, taxi stand or goods vehicle stand while any licence fees owing by him under the provisions of these By-laws remain unpaid after the due date.

*(Substituted by Local Government Notice 3 of 1977.)*

#### *Revocation of licence*

26. The Council may revoke the licence of any operator who fails to pay by the due date any licence fees payable by him or who is convicted of any offence under the provisions of these

By-laws.

*(Substituted by Local Government Notice 3 of 1977.)*

*Control of bus station, etc.*

27.—(1) No person shall without the written authority of the Council sell or offer or expose for sale any produce or goods in or around the bus station, taxi stand or goods vehicle stand.

(2) No person shall place or deposit in or on any motor omnibus, taxi or goods vehicle standing in the bus station, taxi stand or goods vehicle stand any placard, handbill, advertisement or notice without prior consent of the owner or driver of such motor omnibus, taxi or goods vehicle.

(3) No person shall display in or on the bus station, taxi stand or goods vehicle stand or any bus shelter any placard, handbill, advertisement or notice, pamphlet, book or paper without the prior consent of the Council and on such terms and conditions as the Council shall by resolution, determine.

(4) Any person contravening the provisions of this by-law shall be guilty of an offence.

*(Substituted by Local Government Notice 3 of 1977.)*

*Parking of motor omnibus*

28.—(1) No person shall park any motor omnibus in the bus station except for the purpose of loading or unloading passengers and their luggage and in no case for longer than—

(a) fifteen minutes immediately prior to the scheduled time of departure from the said bus station of such motor omnibus; or

(b) is reasonably necessary for the purpose of setting down passengers and their luggage.

(2) Any person contravening the provisions of this by-law shall be guilty of an offence.

*(Inserted by Local Government Notice 3 of 1977.)*

**PART V—NOISE PREVENTION**

*Noise prevention*

29.—(1) Subject to the provisions of paragraph (2), no person shall sound or play upon any musical or noisy instrument or operate a loud speaker in any street, public park or any other park, garden, recreation area, sports ground or reserve to which the public have access, or in any vehicle in any street therein.

(2) This by-law shall not apply—

(a) to the operation of a loud speaker for military or police purposes;

(b) to the sounding or playing of musical instruments by a band or musician playing with the prior permission of the Council;

(c) to the operation of a loud speaker or the sounding or playing of a musical or noisy instrument at a pleasure fair held with the prior permission of the Council;

(d) to the sounding or playing of any musical or noisy instrument or the operation of any loud speaker in a procession or public assembly if permission for such instrument or loud speaker has been given under the provisions of the Public Order Act;  
(Cap. 20.)

(e) to the operation of any mobile cinema van by any department of Government or by any person with the prior permission of the Council;

(f) to the operation, of any loud speaker or the sounding or playing of any musical or noisy instrument operated or played with the prior permission of the Council, at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted with the prior permission of the Council under the provisions of paragraph (1) of by-law 11, or sub-paragraph (h) of paragraph (1) of by-law 19;

(g) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument, operated or played with the prior permission of the Council, at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted in any park, garden, recreation area, sports ground or reserve, other than a public park, to which the public have access;

(h) to the operation of any loud speaker or the sounding or playing of any noisy or musical instrument in any place in respect of which the Council has granted exemption, either generally or on any particular occasion;

(i) to the operation of any loud speaker in case of emergency.

(3) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

## **PART VI—DANCE HALLS**

*(Inserted by Local Government Notice 8 of 1969.)*

### *Dance halls to be licensed*

30.—(1) No person shall, within the town keep or use or permit to be kept or used any dance hall without first obtaining from the Council a licence in respect thereof on payment of an annual fee of \$6:

Provided that a licence may be granted for any period not exceeding thirty days upon payment of a fee \$2.

(2) Notwithstanding the provisions of paragraph (1), no dance hall may be used as such on a Sunday, on Good Friday or on Christmas day.

*(Inserted by Local Government Notice 8 of 1969.)*

### *Exemptions*

31.—(1) No licence shall be required for the use of the Nadi Town Hall as a dance hall.

(2) The Council may by resolution exempt from the provisions of paragraph (1) of by-law 30 any club the main purpose of which is to provide entertainment for its members, but which occasionally holds entertainments which are open to the public if the Council is satisfied that such exemption is not likely to result in annoyance to or disturbance of the public.

(3) The Council may by resolution revoke any exemption granted under the provisions of paragraph (2) if annoyance to or disturbance of the public has occurred.

*(Inserted by Local Government Notice 8 of 1969.)*

#### *Licences*

32.—(1) Any person desirous of obtaining a licence under the provisions of these By-laws shall make application to the Clerk in Form A set out in the Fourth Schedule.

(2) The Council may grant a licence to any person as it shall think fit upon such terms and conditions and subject to such restrictions as it may consider appropriate. Any licence, other than one issued under the provisions of the proviso to paragraph (1) of by-law 30, shall remain in force for a period of one year from the date of issue.

(3) A licence issued under the provisions of this by-law shall be in Form B set out in the Fourth Schedule.

*(Inserted by Local Government Notice 8 of 1969.)*

#### *Transfer of licence*

33. Upon the application of any licensee, the Clerk may permit the transfer of any licence issued under the provisions of these By-laws to such other person as he may consider appropriate.

*(Inserted by Local Government Notice 8 of 1969.)*

#### *Refusal, revocation, etc., of licence*

34.—(1) The Council may refuse to grant a licence to any person or in respect of any premises or may revoke or suspend or amend any licence on any grounds which it considers sufficient.

(2) Where it is proposed that a licence be refused, revoked, suspended or amended under the provisions of paragraph (1), the Council shall give to the applicant or the licensee, as the case may be, fourteen days' notice in writing of the meeting of the Council at which the refusal, revocation, or suspension is to be considered and in such notice the Council shall set out the grounds upon which consideration is being given to such refusal, revocation or suspension.

(3) No licence shall be refused, revoked, suspended or amended by the Council unless the applicant or the licensee has been given an opportunity of being heard by the Council.

*(Inserted by Local Government Notice 8 of 1969)*

#### *Offences*

35. Any person who contravenes the provisions of by-law 30 or any licensee who fails to comply with any condition of a licence granted to him under these By-laws shall be guilty of an offence.

*(Inserted by Local Government Notice 8 of 1969.)*

## **PART VII—MARKET**

### *Market Master*

36. The market shall be under the immediate management and control of the Market Master, who shall be appointed by and be responsible to the Council.

### *Produce which may be sold*

37. No person, except the holder of a wholesale or retail store licence or a butcher's licence issued under the provisions of any Act relating to the licensing of businesses, shall sell or offer for sale any produce, other than fresh fish, or shell-fish in any place within the town, other than in the market:

Provided that this by-law shall not apply to the sale of produce—

(a) by any producer, to a miller, manufacturer or processor where such produce is sold within the confines of property in the occupation of such producers or of such miller, manufacturer or processor; or

(b) by any miller, manufacturer or processor to any of his employees or suppliers where such produce is sold within the confines of property in the occupation of such miller, manufacturer or processor.

### *Cleaning and gutting fish*

38. No person shall bring to the market or offer for sale in the market any fish, other than whitebait or other similar small fish, unless such fish shall first have been gutted, gilled and cleaned.

### *Fresh fish*

39. During the hours in which the market is open for business no person shall sell by retail fresh fish at any place outside the market:

Provided that this by-law shall not apply to the sale of fresh fish wholesale, or by a butcher or fishmonger or a retail or wholesale store holder, licensed under the provisions of any Act for the time being in force relating to the licensing of businesses.

### *Restriction on sales*

40. No person shall sell or offer for sale in the market any article other than produce or handicrafts.



*Hours of business*

41. The market shall be open for business during such hours as the Council may direct.

*Directions given by Market Master*

42. All persons using or being within the precincts of the market shall obey all reasonable directions given by the Market Master for the purpose of observing the good order and cleanliness of the market.

*Sales prohibited except from stalls*

43. No person shall sell or offer for sale any article in the market except at a stall allotted to him by the Council or the Market Master and during the hours that the market is open for business.

*Allocation of stalls*

44. The allocation of stalls in the market shall be made by the Council or the Market Master in as fair and reasonable a manner as possible.

*Alterations to stalls*

45. No person shall make any alteration to a stall or exhibit any notice thereon or introduce any fittings, fixtures, furniture or impediments of any kind without the authority of the Market Master, and any such thing introduced without his authority may be removed by the Market Master.

*Use of stalls*

46. No person shall occupy or use a stall so long as any charges which are due and payable for the use thereof are outstanding.

*Charges for stalls*

47. The Council may, by resolution, from time to time, make a charge for the hire or use of stalls and other space at the market, such resolution to take effect from the date on which notification of the effect thereof is first posted in the market.

*Stall receipts and prices to be exhibited*

48. Every stall holder shall exhibit and keep exhibited on his stall while the same is in use, his current receipt for the payment of the market charges in such manlier as the Market Master shall direct and in such position that it can conveniently be read and inspected at all times by the Market Master or any attendant, and shall have all produce and handicrafts for sale by him at such stall legibly and conspicuously marked with the prices at which he offers the same for sale in a manner clearly to indicate that price to the public.

*Exchange, subletting and sharing of stalls*

49. No stallholder shall exchange, sublet, surrender or part with the possession of his stall or share his stall with another vendor or person except with the permission of the Market Master.

*Advertising and auctions*

50. No person shall in the market advertise goods by shouting, or conduct a sale by auction except with the permission of the Market Master.

*Selling mixed yaqona prohibited*

51. No person shall sell or offer for sale mixed yaqona in any part of the market without the prior approval of the Council.

*Cooking in the market*

52. No person shall do any cooking in any part of the market without the prior approval of the Council.

*Intoxicating liquor prohibited*

53. No person shall bring into the market any intoxicating liquor or methylated spirit.

*Unwholesome products*

54. No person shall bring into the market anything which in the opinion of the Market Master is bad, obnoxious, unwholesome or dangerous, and the Market Master may remove or cause to be removed any such thing brought within the precincts of the market.

*Hygiene*

55. Stallholders shall keep their produce and expose it for sale in as hygienic a manner as is practicable and shall obey all reasonable directions of the Market Master in this regard.

*Cleanliness*

56. Stallholders shall keep their stalls in a clean and orderly condition, and shall, as and when required, dispose of any litter, empty containers and refuse as directed by the Market Master. Any stallholder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this by-law may, in addition to any fine to which he may be liable under the provisions of these By-laws lawfully be refused the allocation of a stall by the Council or the Market Master.

*Dogs prohibited*

57. No person shall bring a dog into the market or suffer it to remain there, and the Market Master shall have power to remove or order the removal of any dog from the market.

*Spitting*

58. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath, floor or other part of the market or any utensils, produce, article or thing standing or being in the market.

*Disease*

59. No person suffering from any infectious or contagious disease or having recently been exposed to infection by such a disease shall engage in the sale of any goods in the market.

*Restriction on entry*

60. No person shall enter or remain in the market outside the hours during which the market is open for business without the authority of the Market Master.

*Obstruction of officials*

61. No person shall obstruct, prevent, hinder or interfere with the Market Master or any attendant in the performance of any duty under the provisions of this Part and no person shall enter the market whilst drunk or excite a riot or curse or swear or use any gross, indecent, filthy or abusive language or gamble or be guilty of any other misconduct therein.

*Obstruction of market*

62. No person shall place any matter or thing on any roadway, footpath or passage in the market so as to obstruct the free use of such roadway, footpath or passage or neglect or refuse to remove such matter or thing on being required to do so by the Market Master.

*Unsold goods*

63.—(1) Goods unsold at the close of the day may be left in the market at the owner's risk with the permission of the Market Master, and any goods so left without such permission may be removed by the Market Master and disposed of in such manner as he may consider reasonable.

(2) With his consent goods may be left in the care of the Market Master upon payment in advance of a charge to be prescribed by the Council.

*Offences*

64. Any person contravening or failing to comply with the provisions of this Part, other than those of by-laws 36, 41, 44, 47 and 63, shall be guilty of an offence.

**PART VIII—LIBRARIES**

*Offences*

65. Any person who—

(a) wilfully obstructs the librarian in the performance of his duties;

(b) wilfully disturbs any other use of the library;

(c) causes or allows any dog or other animal belonging to him or under his control to enter or remain in the library;

(d) bring into any part of the library any wheeled vehicle or conveyance, other than an invalid's chair or child's perambulator;

(e) except in such place as the Council may set aside as a place where smoking is permitted, smokes tobacco or strikes any naked light in the library;

(f) wilfully soils, tears out, defaces, damages, injures or destroys any book forming part of the contents of the library;

(g) except with the permission of the librarian, fixes any bill, placard or notice to or upon any part of the library;

(h) except with the permission of the Council, partakes of any food or drink in the library,

shall be guilty of an offence.

#### *Taking of books*

66. No person shall, except in accordance with rules to be made by the Council Board under the provisions of these By-laws, take any book away from the library, and any person contravening the provisions of this by-law shall be guilty of an offence.

#### *Return of books*

67. Any person having charge or being in possession of any book forming part of the contents of the library shall return such book to the librarian within seven days of the service upon him of a notice requiring him so to do, and any person contravening the provisions of this by-law shall be guilty of an offence.

#### *Rules and charges*

68. The Council may, by resolution—

(a) make rules relating to the use of the library or any part thereof or with regard to the borrowing of any book therefrom;

(b) levy a charge for the use of any book in the library;

(c) levy a charge in respect of the late return of any book.

### **PART IX—STREET NUMBERING**

*(Inserted by Local Government Notice 7 of 1968.)*

#### *Street numbering*

69.—(1) Where the Council decides that numbers shall be affixed on land or on or to buildings for the purpose of designating and numbering such land or building in any road or street, the owners or occupiers of such land or buildings shall be informed of the Council's intention to affix such numbers at least twenty-one days before they are affixed by the publication of a notice in the Gazette and in two consecutive editions of any newspaper published in Fiji and circulating within the town area.

(2) Where any employee of the Council has affixed any number on any land or on or to any building for the aforesaid purpose, it shall be an offence for any person unlawfully to remove, deface, mutilate or tamper with such number.

(3) It shall be an offence for any person to obstruct any person who enters any land or building under the instructions of the Council in order to inspect, affix, reaffix or change such numbers.

*(Inserted by Local Government Notice 7 of 1968.)*

## **PART X—MISCELLANEOUS**

### *Penalty*

70. Any person guilty of an offence under the provisions of these By-laws shall be liable on conviction to a fine not exceeding \$100, or in the case of a continuing offence to a fine of \$4 for each day during which such offence continues, and, in addition to any such penalty, any expense incurred by the Council in consequence of any breach of these By-laws shall be refunded by such person to the Council.

*(Amended by Local Government Notice 14 of 1975.)*

## **FIRST SCHEDULE**

*(By-law 21)*

*(Substituted by Local Government Notice 3 of 1977.)*

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NADI TOWN COUNCIL

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NADI TOWN BY-LAWS

*(By-law 21)*

### **APPLICATION FOR LICENCE FOR OMNIBUS, TAXI OR GOODS VEHICLE TO USE THE NADI BUS STATION, TAXI OR GOODS VEHICLE STAND**

I/We ..... of ..... hereby apply for a licence for my/our under-mentioned vehicle(s) to use the Nadi Bus Station, Taxi or Goods Vehicle Stand:

Class of Vehicle: Omnibus, Taxi, Goods Vehicle (Delete vehicles not applicable).

Registered No. .... Make .....

No. Of Passengers.....Wheelbase .....  
(Goods Vehicle only)

I/We agree to pay the licence fees prescribed under and to comply with the provisions of the Nadi Town By-laws.

Dated this                      day of                      , 19     .

.....  
(Operator)

**SECOND SCHEDULE**

*(By-law 22)*

*(Substituted by Local Government Notice 3 of 1977.)*

NADI TOWN COUNCIL

NADI TOWN BY-LAWS

*(By-law 22)*

**LICENCE TO USE NADI BUS STATION, TAXI OR GOODS VEHICLE STAND**

..... of ..... Bus/Taxi/Goods Vehicle operator is hereby licensed to use the Nadi Bus Station/Taxi Stand/Goods Vehicle with the following vehicles subject to the Nadi Town By-laws.

Class of Vehicle(s) ..... Registered No .....

Make .....No. of Passengers .....

Dated this                      day of                      , 19     .

For the Nadi Town Council

.....  
(Town Clerk)

**THIRD SCHEDULE**

*(By-law 23)*

*(Substituted by Local Government Notice 3 of 1977; amended by Legal Notice 155 of 1978.)*

	Fees
	\$ c
1. For each visit of a motor omnibus to the bus station .....	0.08
2. For each taxi or goods vehicle of wheelbase not exceeding 15 feet in length .....	4.00 per month
3. For each goods vehicle of wheelbase of 15 feet or more in length .....	5.00 per

month

**FOURTH SCHEDULE**

*(By-law 32)*

*(Inserted by Local Government Notice 8 of 1969.)*

FORM A

NADI TOWN COUNCIL

NADI TOWN BY-LAWS

**APPLICATION FOR DANCE HALL LICENCE**

*(By-law 32)*

I/We ..... of ..... hereby  
apply for a licence for a period of one year/ ..... days to use

(Premises)

for the purpose of ..... between  
the hours of .....and ..... on

(days)

Signed.....

Date .....

FORM B

NADI TOWN COUNCIL

NADI TOWN BY-LAWS

**DANCE HALL LICENCE**

*(By-law 32)*

Licence is hereby granted to ..... to use  
..... as a dance hall for the purpose  
of .....

(Nature of entertainment)

This licence is valid for a period of one year/ .....days from the date of issue and is granted subject to the following conditions:—

1. The licensed premises may be used for the above purpose on ..... but not before the hour of ..... nor after the hour of ..... on any such days and not at any time on Sundays, Good Friday or Christmas Day.

2.....  
Dated this ..... day of .....,19.....

For the Nadi Town Council,

.....  
Town Clerk

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**SECTION 122—NADI TOWN COUNCIL (MEETINGS) BY-LAWS**

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*By-laws 28 December, 1983  
Legal Notice No. 29 of 1984*

## **PART I—PRELIMINARY**

### *Short title*

1. These By-laws may be cited as the Nadi Town Council (Meetings) By-laws.

### *Interpretation*

2. In these By-laws, unless the context otherwise requires:—

"council" means Nadi Town Council.

"Act" means Local Government Act.

"town clerk" means town clerk of the council appointed under section **35** of the Act and in his absence shall include the Acting Town Clerk.

"committee" means committee appointed under section **27** of the Act and shall include sub committees or 'ad hoc' committees.

"whole number of members" means the total number of elected councillors on the council as the Electoral Commission may from time to time by order determine under section **9** of the Act.

#### *Powers to call meetings*

3. The mayor may call special meetings; and if he refuses or delays to call a special meeting after receiving a requisition signed by at least three councillors of the council such members may in writing request the town clerk to call such meeting, and shall at the same time state the object thereof. The town clerk shall thereupon call such meeting.

### **PART II—NOTICES OF MEETINGS**

#### *Form of notices*

4. All notices to attend meetings of the council shall be in writing and shall state the place, date and hour of the meeting. To such notices for ordinary meetings shall be attached a copy of every motion of which notice has been duly given to be moved there at. Notices to attend a special meeting shall also contain a brief statement of the business for which the meeting is called.

#### *Mode of service*

5. The town clerk shall send to each member of the council one notice as aforesaid for each meeting, by messenger or by post.

#### *Time of service*

6. Such notices shall be sent so as to reach each member's last known place of business or abode at least 3 clear days before the day fixed for the meeting.

### **PART III—ORDER OF BUSINESS**

#### *Order and conduct of business*

7.—(1) The business shall be presented at all ordinary meetings of the council in the following order:—

(a) reading and confirmation of the minutes of the last ordinary meeting and of all

special meetings held subsequently thereto. No discussion shall be permitted concerning any minutes except as to their accuracy as a record of the proceedings;

(b) Chairman's minutes—the chairman shall have the right of directing attention at any meeting to any matter or subject within the jurisdiction or official cognizance of the council by a minute signed by himself, and such minute shall, when introduced, take precedence over all business before or to come before the council and the adoption thereof may be put by him from the chair as a motion, without being seconded;

(c) petitions—all petitions shall be received only as petitions of the party or parties signing the same. On the presentation of a petition no debate shall take place until notice thereof has been given in the usual manner, and the only question that shall be entertained by the council on the day of its presentation shall be that the petition be received or that it be referred to a committee;

(d) the town clerk shall submit to the council all correspondence which cannot be dealt with departmentally in pursuance of any standing order for general, or special, authority or direction made or given by the council:

Provided that the council may require or the chairman may direct that all or any correspondence in connection with any matter be produced and read at any meeting;

(e) reports of committees—if in a report of a committee distinct recommendations are made, the decision of the council may be taken separately on each recommendation. Any report of a committee or any portion thereof, may be amended by the council in any manner it may think fit, or may referred back to the committee for further consideration. The recommendations of any committee, when adopted by the council, shall be resolutions of the council;

(f) reports of officers;

(g) questions—sufficient notice of every question shall be given to permit consideration of the reply thereto and, if necessary, reference to other persons or to documents.

Every such question shall be put categorically, and without any argument. No discussion shall be permitted respecting any reply or refusal to reply to any question;

(h) motions of which due notice has been given—each such motion shall be in writing signed by the member proposing the same, and delivered to the town clerk not later than ten o'clock on the date fixed for the service of the notices to attend the council meeting. Copies of such motions shall be sent to the members with the said notices. No motion after being placed on the business paper shall be withdrawn without the consent of the council. This by-law shall also apply to motions being considered at Special Council Meetings;

(i) any business which the chairman may think fit to bring under consideration without notice.

(2) Notwithstanding the other provisions of this by-law, the council may, by specific vote, determine to proceed to any particular business out of the regular order and a motion for such a vote may be made without notice and shall take precedence over all other business.

## **PART IV—CONDUCT OF MEETINGS OF COUNCIL AND COMMITTEES**

### *Division 1—Quorum*

#### *Quorum*

8.—(1) All acts of a council and of any committee thereof and all questions coming or arising before a council or any committee therefore may be done and decided by the majority of such members or the council or committee as are present at a meeting held in pursuance of this act or of any regulation or by-law made thereunder, the whole number present at the meeting (whether voting or not) being not less than one half of the number of members of the council or of the committee as the case may be when that number is even or a majority or such number if odd.

(2) Subject to the provisions of sections **21** and **34** of the Act, in the case of equality of votes the person presiding at any meeting of the council or any committee thereof shall have a second or casting vote.

#### *Adjournment for want of quorum*

9. If at the expiration of 15 minutes after the time at which any meeting of the council is appointed to be held, a quorum shall not be present, the meeting shall not be held but shall stand adjourned until such time later in the day or until such day and time as shall be fixed by the chairman or, in his absence, by the majority of the members present.

#### *Particulars to be recorded in minutes*

10. At all meetings of the council when there is not a quorum of the members present, such circumstances, together with the names of the members present, shall be recorded in the minute book.

#### *Suspension of proceedings*

11. If at any time during the sitting of the Council the attention of the chairman be called by a member or by the town clerk to the fact that there is not a quorum present, the chairman shall thereupon suspend the proceedings for a period of three minutes, and if a quorum be not present then, the names of those who are present shall be recorded in the minutes, and the chairman shall adjourn the sitting to some hour latter in the day or to some future day, and the meeting shall stand adjourned accordingly.

### *Division 2—Chairman*

#### *Absence of chairman, etc.*

12. If at expiration of 15 minutes after the time appointed for any duly convened meeting of the council or a committee, the chairman or deputy chairman (as the case may be) is absent,

such councillor as may be elected by the council or committee shall preside.

*Chairman may take part in proceedings*

13. The chairman may take part in all proceedings of a meeting at which he presides unless prevented to do so under section 17 of the act.

*Rulings by chairman*

14. The chairman shall preserve order. His ruling shall be given and obeyed without discussion or comment, and shall be final unless any member forthwith moves a motion of dissent therefrom. Such motion if seconded shall be put without discussion.

*Basis of ruling may be stated*

15. The chairman, when deciding points of order or practice, may state the provision, rule or practice which he deems applicable to the case without discussing or commenting upon the same.

*Chairman to be heard without interruption*

16. When the chairman rises in his place during the progress of a debate, any member then speaking or offering to speak shall immediately resume his seat, and every member shall preserve strict silence, so that the chairman may be heard without interruption.

*Division 3—Order*

*Order*

17. Any member may at any time call the attention of the chairman to any member being out of order or to any other point of order.

*Members to use official designations, etc.*

18. Members shall on all occasions when in Council or committee address and speak to each other by their official designations, as chairman, acting chairman, or member, as the case may be, and, with the exception of the chairman, shall rise in their place and stand while speaking (except when prevented from so doing by bodily infirmity) and shall address the chair.

*Chairman to call on members to speak*

19. If two or more members rise to speak at the same time the chairman shall decide which of them shall be first heard.

*Personal reflections, etc.*

20. No member shall make personal reflections on, or impute improper motives to, any other member or officer.

*Acts of disorder*

21. Any member who at any meeting of the Council or of any committee commits a breach of any act or by-law, or who moves or attempts to move any motion or amendment embodying any matter beyond the legal jurisdiction of the Council or committee, or who in any other way raises or attempts to raise any question or addresses or attempts to address the council or committee upon any subject which the council or committee has no legal right to entertain or to discuss, or who uses any language which according to the common usage of gentlemen would be held disorderly, or who makes use of any expression inconsistent with good order and decorum, or who is offensive or abusive, or who says or does anything calculated to bring the Council or committee into contempt, shall be guilty of an act of disorder.

*Withdrawal of member*

22. Any member who, having been called to order by the chairman for any act of disorder, commits a further act of disorder shall, upon the request of the chairman, withdraw from the council room or council chamber for the remainder of the sitting.

*Removal of member*

23. In the event of a member declining to withdraw from the council room or council chamber on being required so to do by the chairman, the chairman may order his removal until the termination of the sitting.

*Adjournment when disorder arises*

24. If disorder arises at any meeting, the chairman may adjourn the meeting for a period of fifteen minutes and quit the chair. The council on reassembling, shall, on question put from the chair, decide without debate whether the business shall be proceeded with or not.

*Rejection of matter out of order*

25. Whenever it has been decided that any motion, amendment or other matter is out of order, the same shall be rejected.

*Resumption of consideration of interrupted matter*

26. Whenever the consideration of any motion or matter of business has been interrupted by reason of a quorum not having been present, such consideration shall be resumed at the point at when it was so interrupted in its proper order of business at the next regular meeting of the Council.

*Division 4—Voting*

*Voting*

27. The Chairman shall put all questions and declare the sense of the council thereon, and he may put the question as often as necessary to enable him to decide the voting. The members shall vote by a show of hands unless otherwise required by the Act and if any member who is entitled to vote on the question neglects or refuses to do so his vote shall be counted for the negative. The decision of the chairman as to the voting shall be final and conclusive unless it

be immediately challenged and a member rises and demands a division.

*Divisions*

28. Upon a division being called for, the question shall be first put in the affirmative and then in the negative, and the chairman and all members present shall vote by show of hands and the names and votes of the chairman and members present shall be recorded in the minutes of the Town Clerk. The vote of any member of the council present when a division is called for who does not in the manner above indicated vote on such division, not being disabled by law from so voting, shall be counted for the negative.

*Division 5—Debates*

*Motions to be seconded*

29. No motion shall be debated unless it has been seconded.

*Withdrawal of motions*

30. When a motion has been proposed and seconded it shall become subject to the control of the council, and shall not be withdrawn without the consent of the council.

*Amendment of motions*

31. When a motion has been proposed and seconded, any member shall be at liberty to move an amendment thereon, but no such amendment shall be debated unless or until it has been seconded.

*Motions and amendment to be in writing*

32. No motion or amendment shall be debated unless or until it has been reduced to writing, if the chairman so directs.

*Order of moving amendments*

33. No second or subsequent amendment shall be taken into consideration until the previous amendment has been disposed of.

*Motion as amended may be amended*

34. If an amendment has been carried, the motion as amended thereby shall become itself the motion before the council, whereupon any further amendment upon such motion may be moved.

*When amendment negated, further amendment may be moved*

35. If an amendment whether upon an original motion or upon any motion amended as aforesaid has been negated, then a further amendment may be moved to the motion to which such first mentioned amendment was moved, and so on:



Provided that not more than one motion and one proposed amendment thereof shall be before the council at any one time.

*Right to speak and right of reply*

36. The mover of an original motion shall have the right of general reply to all observations which have been made in reference to such motion and of any amendment moved thereon, as well as the right to speak upon every such amendment. Each member other than the mover of an original motion shall have the right to speak once upon such motion and once upon every amendment moved thereon. No member shall, without the consent of the council, speak more than once upon any motion, or for longer than ten minutes at any time unless he claims to have been misrepresented or misunderstood, in which case he may be permitted to explain without adding any further observation that may be necessary for the purpose of such explanation.

*Right to reserve speech*

37. A member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any member who has seconded any motion or amendment, without any further observation than that he seconds the same, may reserve his speech thereon for a later period of the debate.

*Debate confined to matter under consideration*

38. Every member speaking shall confine his remarks to the matter then under consideration.

*Member may require motion, etc., to be read or records to be produced*

39. Any member may request the motion or matter under discussion to be read or stated for his information, or may request the production of any records of the council bearing upon such motion or matter as are readily accessible:

Provided that:

(a) no such request shall be so made as to interrupt any other member when speaking or to materially interrupt the discussion;

(b) if any such request appears to the chairman not to have been made in good faith he may decline to comply therewith; but the council may dissent from his ruling.

*Resolution to be reduced to writing and read aloud*

40. Any resolution of the council or of any committee shall forthwith on adoption be written down by the town clerk who shall then read such resolution aloud before the council or committee passes to the next business.

*Division 6—Adjournment of Meetings*

*Adjournment to later hour or later day*

41. A debate may be adjourned to a later hour of the same day or to another day specified.

*Motions for adjournment*

42. No discussion shall be permitted upon any motion for adjournment of the council. If upon the question being put on any such motion the same is negatived, the subject then under consideration, or next on the business paper, shall be discussed; and it shall not be competent for any member to move again a motion for adjournment until half an hour has elapsed from the time of moving the one that has been negatived.

*Resumption of debate after adjournment*

43. On resuming any discussion which has been adjourned, the mover of such adjournment shall be entitled, if he has not already spoken on the subject under consideration, to speak first.

*Division 7—Revoking or Amending Resolutions*

*Written notice required of motion to amend or revoke a resolution*

44. No resolution which has been passed by the council may be amended or revoked unless—

(a) written notice of motion to propose any such amendment or revocation is served on each member at least three days prior to the date of the meeting at which such proposal is to be moved;

(b) such motion is passed by a majority of the whole number of members:

Provided that any resolution may be amended or revoked by way of a recommendation of a committee to the council and minutes of such committee meeting is circulated to members at least 3 clear days before the meeting at which the recommendation is to be adopted and also such minutes to specify in what form the resolution is being amended.

*Notice to be given of motion having same effect as negatived motion*

45. Where a motion has been negatived by the council, no motion having the same effect shall be considered unless notice thereof be duly given.

*Notice of motion to be signed in certain cases*

46. A notice of motion to amend or revoke a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council shall be signed by three members, if less than three months have elapsed since the resolution was passed, or the motion negatived, as the case may be.

*Restriction on motions*

47. Where a motion to amend or revoke a resolution has been negative, or where a motion which has the same effect as a previously negatived motion is negatived, no similar motion

shall be brought forward within six months thereafter, and the effect of this provision shall not be evaded by substituting any motion differently worded but having in principle the same effect:

Provided that any such motion as aforesaid may be moved at any time upon the report of the committee of the council, and such report shall be specially mentioned in the minutes.

*Motions of adjournment excepted*

48. The foregoing provisions respecting negated motions shall not apply to motions of adjournment.

**PART V—SPECIAL MEETINGS AND ELECTION OF MAYOR**

*Special meetings*

49. The business paper for each special meeting shall contain only such matters as have been stated in the notice thereof.

50. Nominations for the office of the mayor, may be made without notice by any member. If there be only one person nominated, or if all the nominations except one be withdrawn or all the persons nominated except one decline nomination, then that one person shall be declared elected.

*Result of election to be notified*

51. As soon as practicable after each election of mayor, the town clerk shall communicate the result in writing to the Minister responsible for Local Government affairs.

**PART VI—COMMITTEES**

*Division 1—Committees of the Whole*

*Committees of the whole*

52. The council may, for the consideration of any matter, resolve itself into a committee of the whole. All the provisions of these By-laws, so far as they are applicable, shall be extended to and govern all proceedings in committee of the whole, except the provisions limiting the number and duration of speeches.

*Committee to report to council*

53. All reports of proceedings in committee of the whole shall be made to the council by the chairman of such committee, and it shall be sufficient to state the general effect thereof. All such reports shall be recorded in the minute book, but no report shall be considered as adopted by the council until a motion has been put and carried for such adoption.

*Division 2—Standing Committees*

*Constitution of Committees*

54. Standing committee appointed in pursuance of section 27 of the act shall be appointed annually as soon as practicable after the annual election of the Mayor and shall consist of such number of members as the council shall decide.

*Chairman of committee*

55. Each committee, other than a committee of the whole, shall appoint its own chairman for its term of office:

Provided that the Mayor shall *ex officio* be a member of every committee.

*Meetings of committees*

56. The town clerk shall summon meetings of committees when directed by the mayor, or chairman of the committee, and shall give as much notice thereof as practicable to the members.

*Absence*

57. If any member of a standing committee shall absent himself from three consecutive meetings thereof, without having obtained leave of absence from the council or the committee, his seat shall become vacant, and the council may appoint another member in his stead.

*Finance Committee*

58. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the council's revenue. They shall also from time to time inquire into, and report upon, all matters which, in their opinion, affect or are likely to affect the finances of the council, and also such matters of like nature as they may be directed by resolution of the council to inquire into and report upon.

*Division 3—General*

*Special committees*

59. The appointment of every special committee shall be deemed to continue until the duties for which the committee has been appointed have been fully performed.

*Reports*

60. Committee reports submitted to the council shall be signed by the chairman of the committee.

*Communications*

61. No committee shall communicate with any outside person or authority except through the town clerk, as the officer of the council duly authorised for the purpose.

*Confidential business*

62. All matters dealt with or brought before the council in committee, or before any committee of the council, shall be strictly confidential and no information shall, unless the committee transacting the business or the council on reference thereon by such committee otherwise determines, be disclosed to any person outside the council except to approved press representatives under embargo against publication until the matters in question have been made public by the council.

**PART VII—MISCELLANEOUS**

*Keeping of minutes*

63. The minutes of all meetings of the council and of all committees shall be transcribed by or under the direction of the town clerk into minute books, which shall be preserved as permanent records of the council.

*Authentication of minutes*

64. Upon the minutes being approved at any meeting aforesaid the chairman shall sign his name at the end thereof and initial all corrections therein and the date shall be entered against his signature. If the minutes be kept in a "loose leaf" book the chairman shall sign each sheet of the minutes as confirmed.

*Offences*

65. Any person who contravenes or fails to comply with the provisions of by-laws 23 or 62 of these By-laws shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$40 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

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**SUBSIDIARY LEGISLATION OF LOCAL APPLICATION**

**NAUSORI**

**SECTION 5—TOWN OF NAUSORI**

*Proclamations Nos. 17 of 1954, 16 of 1961,  
Local Government Notice No. 24 of 1973, Legal Notice No. 143 of 1979*

The area defined in the Schedule shall be a town for the purposes of the Local Government Act and shall be known as the town of Nausori

**SCHEDULE**

Commencing on the left bank of the Rewa River at a point determined by the production southerly of the eastern side of Buresova Street; thence northerly and following the left bank of the Rewa River upstream for approximately 112 chains to a point determined by the production westerly of the northern boundary of the Nausori Industrial Area shown on Lands

Department Plan R. 1763; thence easterly on a bearing of 59 degrees 36 minutes crossing Kings Road to a concrete peg at the north-western corner of the said Nausori Industrial Area; thence continuing easterly on a bearing of 59 degrees 36 minutes for a distance of 2347.7 links; thence southerly by a line bearing 185 degrees 38 minutes distance 1839.6 links said line being parallel to and distant 200 links east from the eastern side of the 40 foot road east of the said Nausori Industrial Area; thence by line bearing 158 degrees 43 minutes for a distance of 503.4 links to a concrete peg at the northern corner of Certificate of Title No. 10602; thence generally south-easterly by lines bearing-

128	degrees	21	minutes	distance	355.2	links
132	"	11	"	"	1834.4	"
61	"	05	"	"	249.1	"
97	"	23	"	"	420.6	" and
159	"	04	"	"	970.1	"

to a concrete peg at the eastern corner of C.T. No. 10602; thence north-easterly by line bearing 48 degrees 33 minutes distance 7 chains approximately to the right bank of the Waicuku Creek at the northern corner of Native Grant No. 94; thence generally southerly and following the said right bank of the Waicuku Creek downstream for approximately 57 chains to a point opposite the most northerly corner of Nasevaseva Native Lease Book 38 Folio 192; thence crossing the said Waicuku Creek by line bearing 70 degrees distance 160 links approximately to the said most northerly corner of Native Lease Book 38 Folio 192; thence by lines bearing-

122	degrees	27	minutes	0	seconds	distance	352.1	links
55	"	20	"	0	"	"	1161.6	"
145	"	20	"	0	"	"	210.0	"
55	"	20	"	0	"	"	313.4	"
145	"	20	"	0	"	"	310.0	"
235	"	20	"	0	"	"	210.0	"
140	"	28	"	0	"	"	1272.5	"
230	"	28	"	0	"	"	708.3	"
140	"	28	"	0	"	"	60.6	"
230	"	28	"	0	"	"	762.0	" and
204	"	04	"	30	"	"	500.0	"

to the left bank of the Rewa River and being the point of commencement; and being more particularly delineated on Plans D.O. 132 and D.O. 206 held in the office of the Director of Lands.

Together with—

*Area I*

All that area of land in the tikina of Naitasiri in the Province of Naitasiri, situated on the right bank of the Rewa River and extending in varying widths to the maximum width of approximately 50 chains, from the Rewa Bridge northward for approximately 70 chains and southward for approximately 50 chains.

*Area II*

All that area of land in the tikina of Bau in the Province of Tailevu, situated on the left bank of the Rewa River and extending in varying widths to the maximum width of approximately 45 chains, from the Rewa Bridge northward for approximately 100 chains and southward for approximately 60 chains, but excluding the areas contained in approved Native Reserve Claim Number 366, and all that area already defined.

Both these areas are shown verged red and are more particularly delineated on plan PP 117 kept in the office of the Permanent Secretary for Lands and Mineral Resources in Suva, and available for inspection at the office of the Permanent Secretary for Urban Development and Housing and at the office of the Nausori Town Council.

And together with—

*Area III*

All that area of land in the tikina of Naitasiri in the Province of Naitasiri situated on the right bank of Rewa River on the south western end of Dilkusha Road and extending approximately 13 chains south west from the western boundary of the notified Nausori town boundary and approximately 26 chains south east along the said boundary south east of survey plan DP. 2686.

*Area IV—*

All that area of land in the tikina of Naitasiri in the Province of Naitasiri situated on the right bank of Rewa River extending in a northerly direction from the northern end of the notified Nausori town boundary for approximately 18 chains and in a westerly direction in varying widths to the maximum width of 15 chains.

Both these areas are shown verged red and are more particularly delineated on Plan PP 175 kept in the office of the Director of Lands and Surveyor-General, Suva and available for inspection at the office of the Director of Town and Country Planning in Suva and the office of the Nausori Town Council at Nausori.

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SECTION 5—NAUSORI WARDS ORDER

TABLE OF PROVISIONS

1. Short title
2. Division of Nausori into wards

*Local Government Notice No. 32 of 1973*

*Short title*

1. This Order may be cited as the Nausori Wards Order.

*Division of Nausori into wards*

2. The town of Nausori is hereby divided into 2 wards, namely—

(i) the Nausori Ward comprising all that portion of the town of Nausori situated on the north-eastern side of the Rewa River; and

(ii) the Davuilevu Ward comprising all that portion of the town of Nausori situated on the south-western side of the Rewa River.

#### SECTION 9—NUMBER OF TOWN COUNCILLORS ORDER

*Local Government Notices Nos. 7 of 1972, 34 of 1973, 40 of 1973*

The number of members of the town councils named in the Schedule and, where the towns are divided into wards, the number of members for each ward shall, with effect from the next general elections to such councils, be as specified in the Schedule.

#### SCHEDULE

Nausori Town Council —10 members, as follows:-  
Nausori Ward —6 members  
Davulevu Ward —4 members

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#### SECTION 122—NAUSORI (HAWKERS) BY-LAWS

##### TABLE OF PROVISIONS

##### BY-LAW

1. Short title
2. Interpretation
3. Hawkers to be licensed
4. Application for licence
5. Council may refuse, cancel or suspend licence
6. Issue of licence
7. Effect of licence
8. Duration of licence
9. Hawkers badge to be issued
10. No hawking outside specified area
11. Allocation of spaces
12. Duties and obligations of hawker
13. Penalties

First Schedule—Application for Hawker's Licence

Second Schedule—Hawker's Licence

*Local Government Notices Nos. 3 of 1973, 8 of 1974,  
Legal Notices Nos. 43 of 1981, 27 of 1982*



*Short title*

1. These By-laws may be cited as the Nausori (Hawkers) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Nausori Town Council;

"goods" means—

(a) any food or drink other than liquor;

(b) cigarettes, cigars, tobacco and matches;

(c) curios and handicrafts, including mats, baskets, fans, articles made of straw and grass skirts;

(d) plants, ferns and cut flowers;

(e) jewellery, ornaments and souvenirs;

(f) live poultry and eggs;

(g)—

(i) books;

(ii) filigree jewellery, imitation jewellery and ladies' evening bags;

(iii) dolls dressed in traditional Fijian costumes or portraying Fijian police officers;

(iv) postcards;

(v) fruit and vegetables;

(vi) scarves, cushion covers, beaded purses, men's belts, with the word "Fiji" thereon on the outside thereof;

(vii) wares of other Pacific islands origin, but not including any produce, article or thing made, manufactured, prepared in, or originating from any territory outside Fiji with the exception of the articles specified in paragraph (g);

"hawker" means a person who by going from place to place sells goods carried on his person or from a handcart, box, basket, bag, tray and the like, or from a boat, horsedrawn vehicle, bicycle, motor vehicle or any other type of conveyance;

"officer" means the Town Clerk, any health inspector appointed by the Council, or

any officer or servant of the Council in the performance of any duty under these By-laws.

*(Amended by Legal Notice 43 of 1981.)*

*Hawkers to be licensed*

3. No person shall within the town follow the calling of a hawker or hawk for sale any article whatsoever (whether or not such article falls within the definition of "goods" contained in by-law 2) unless he shall be the holder in his own name of an unexpired hawker's licence issued by the Council.

*Application for licence*

4. Every person desirous of obtaining a hawker's licence shall make application in person in writing to the Town Clerk in the form in the First Schedule.

*Council may refuse, cancel or suspend licence*

5. The Council may refuse to grant a hawker's licence to any person, and the licence of any hawker may be suspended or cancelled for any good cause after giving the holder thereof due opportunity of being heard.

*Issue of licence*

6. Upon receiving an application mentioned in by-law 4 and subject to such directions as he may receive from the Council, the Town Clerk may issue to the applicant, without payment of fee, a licence in the form set out in the Second Schedule.

*(Substituted by Legal Notice 43 of 1981.)*

*Effect of licence*

7. A hawker's licence issued by the Council under by-law 6 shall authorise only the hawking and sale of such goods or classes of goods as are endorsed on the licence.

*Duration of licence*

8. Hawkers' licences shall be issued for a period of one year.

*Hawkers badge to be issued*

9. With every hawker's licence the Town Clerk shall issue to the licensee a badge of metal which shall be inscribed "Nausori Town Council Licensed Hawker" and with the number of the licence, for which the licensee shall deposit with the Council the sum of \$2. This deposit shall be refunded to the licensee upon his surrendering such badge to the Council.

*No hawking outside specified area*

10. No licensed hawker shall hawk in any place outside such area or areas as shall be specified by the Council.

*Allocation of spaces*

11. The Council may, at its discretion, allocate or provide spaces to licensed hawkers, at a fee of \$6 per month for each space.

*(Inserted by Local Government Notice 8 of 1974; amended by Legal Notice 27 of 1982.)*

*Duties and obligations of hawker*

12. A licensed hawker shall—

- (a) hawk only such goods of classes of goods as are endorsed on his licence;
- (b) at all times when hawking carry his licence with him and shall on demand produce the same to any police officer or officer of the Council;
- (c) at all times whilst hawking wear the badge referred to in by-law 9;
- (d) not remain stationary in any road, street or place unless he is effecting a sale of his goods;
- (e) if by remaining stationary in any road, street or place whilst effecting a sale of his goods he shall cause any obstruction to pedestrian or other traffic, forthwith move away from such road, street or place in such manner as effectively to remove such obstruction;
- (f) when using a handcart or vehicle of any kind to keep such handcart or vehicle as near as practicable to the left hand side of the road or street;
- (g) cease to hawk any goods intended for human consumption while he is suffering from any infection, contagious or offensive disease or skin complaint.

*Penalties*

13. Any person who contravenes or fails to comply with the provisions of by-law 3, 10 or 12 shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$20.

**FIRST SCHEDULE**

*(By-law 4)*

**NAUSORI TOWN COUNCIL**

**APPLICATION FOR HAWKER'S LICENCE UNDER NAUSORI (HAWKERS) BY-LAWS**

Name of Applicant:

Address:

Class of goods hawked:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Applicant.

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**SECOND SCHEDULE**  
*(By-law 6)*

NAUSORI TOWN COUNCIL

HAWKER'S LICENCE

Licence No.:

Issued under Nausori (Hawkers) By-laws.

Name of Licensee:

Address:

Class of goods hawked:

Date of application:

Date licence expires:

Date:

Town Clerk and Licensing Officer.

**SECTION 122—NAUSORI (LITTER) BY-LAWS.**

**TABLE OF PROVISIONS**

**BY-LAW**

1. Short title
2. Interpretation
3. Prohibition
4. Powers of an authorised person
5. Provision for an identity card
6. Penalties
7. Evidence in legal proceedings

*Local Government Notice No. 30 of 1973*

*Short title*

1. These By-laws may be cited as the Nausori (Litter) By-laws.

### *Interpretation*

2. In these By-laws unless the context otherwise requires—

"abandon" includes to throw, to drop, to deposit, to place, to scatter, to spill, to leave, to cast or otherwise to part with possession;

"authorised person" means a person appointed by the Council to be an authorised person for the purpose of these By-laws or any police officer;

"Council" means the Nausori Town Council;

"litter" means any matter or thing whether solid or liquid or partly solid or partly liquid the possession of which has been abandoned by any person having the control of the same in any street or land or public place, and includes building, household, shop, garden and trade refuse or waste; human, animal, fish and vegetable refuse or waste; containers and packaging of any description whether manufactured in whole or in part of wood, glass, metal, paper or plastic; derelict vehicles, household, shop and factory furniture, appliances and machinery or any part thereof; timber, wood, glass, iron, concrete, sand, earth, gravel, stone and clay; or any matter or thing which causes or contributes to or tends to the defacement or defilement of any street, land or public place.

### *Prohibition*

3. No person shall abandon or cause to be abandoned any litter in or upon any street, public place or land save under the authority of and/or in accordance with the requirements of any law for the time being in force.

### *Powers of an authorised person*

4. An authorised person may require the person whom he finds committing or whom he reasonably suspects to be committing or to have committed an offence against these By-laws to state his full name and usual place of residence.

### *Provision for an identity card*

5. Every authorised person other than a member of the Police Force shall be issued with an identity card by the Council wherein shall be specified the name of the authorised person to whom it is issued and the fact that he is an authorised person for the purpose of these By-laws, and in the exercise of his powers and functions under these By-laws an authorised person shall carry an identity card and, should the circumstances require it, exhibit it for the purpose of his identification.

### *Penalties*

6. Any person who contravenes or fails to comply with the provisions of these By-laws, shall be guilty of an offence under these By-laws and shall be liable on conviction to a fine not exceeding \$10 and to a further fine of \$2 for every day during which such contravention or

non-compliance continues.

*Evidence in legal proceedings*

7. In any proceedings for an offence against these By-laws—

(a) the onus of proof that any litter has not been abandoned shall be on the defendant;

(b) a statement in the complaint that a place referred to therein is a street or a part of a street or a public place or open to use by the public or is a place of public resort open to use by the public as of right shall be evidence, and in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

**SECTION 122—NAUSORI TOWN BY-LAWS**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

**BY-LAW**

1. Short title
2. Interpretation

**PART II—SANITATION**

3. Clearing of scrub, brushwood or undergrowth
4. Public drains, etc.
5. Private drains
6. Council may undertake work
7. Collection and disposal of garbage
8. Latrines and privies
9. Cleaning of streets
10. Obstructing, etc., an offence

**PART III—PUBLIC PARKS**

11. Exclusive user of public parks may be granted
12. Method of application and approval
13. Council may retain exclusive user of any public park
14. Charges may be made for admission
15. Gatekeeper, etc., to be employed by the Council
16. Failure to pay charge for admission
17. Fairgrounds
18. Hours of entry
19. Public parks

**PART IV—BUS STATION, TAXI STAND, LORRY STAND**

20. Management of bus station, etc.

21. Licence to use bus station, etc.
22. Licences
23. Fees
24. Payment of fees
25. Bus station or stand not to be used without licence
26. Revocation of licence
27. Control of bus station, etc.
28. Prohibition of vehicles with oil leaks in bus station

#### **PART V—NOISE PREVENTION**

29. Noise prevention

#### **PART VI—DANCE HALLS**

30. Dance halls to be licensed
31. Exemptions
32. Licences
33. Transfer of licence
34. Refusal, revocation, etc., of licence
35. Offences

#### **PART VII—MARKET**

36. Market Master
37. Produce which may be sold
38. Cleaning and gutting fish
39. Fresh fish
40. Restriction on sales
41. Hours of business
42. Directions given by Market Master
43. Sales prohibited except from stalls
44. Allocation of stalls
45. Alterations to stalls
46. Use of stalls
47. Charges
48. Stall receipts and prices to be exhibited
49. Exchange, subletting and sharing of stalls
50. Advertising and auctions
51. Selling mixed yaqona prohibited
52. Cooking in the market
53. Intoxicating liquor prohibited
54. Unwholesome products
55. Hygiene
56. Cleanliness
57. Dogs prohibited
58. Spitting
59. Disease
60. Restriction on entry
61. Obstruction of officials

- 62. Obstruction of market
- 63. Unsold goods
- 64. Offences

## **PART VIII—STREET NUMBERING**

- 65. Street numbering

## **PART IX—MISCELLANEOUS**

- 66. Penalty

First Schedule —Application for Licence to Use Nausori Bus Station, etc.

Second Schedule —Licence to Use Nausori Bus Station, etc.

Third Schedule —Fees

Fourth Schedule —Application for Dance Hall Licence and Licence

Fifth Schedule —Market Charges

*By-laws 5 September 1966, Local Government Notice Nos. 6 of 1968, 13 of 1969, 2 of 1972, Legal Notice No. 85 of 1972, Local Government Notices Nos. 36 of 1973, 37 of 1973, 13 of 1975, 23 of 1976, Legal Notices Nos. 133 of 1978, 156 of 1979, 21 of 1981, 17 of 1982, 28 of 1982, 12 of 1983, 72 of 1983*

## **PART I—PRELIMINARY**

### *Short title*

- 1. These Regulations may be cited as the Nausori Town By-laws.

### *Interpretation*

- 2. In these By-laws unless the context otherwise requires—

"attendant" means any servant of the Council appointed by the Council, or any other person duly authorised by the Council, to carry out duties in the market;

"authorised" means duly authorised by the Council;

"bus shelter" means any shelter owned and controlled by the Council for the use of bus passengers in the town of Nausori;

"bus station" means the Nausori Bus Station maintained and controlled by the Council being more particularly defined and delineated in yellow on plan No. R.1813 lodged in the Department of Lands, together with the whole of the footpath situated on the northern boundary thereof and extending for the whole length of the bus station;

"council" means the Nausori Town Council;

"dance hall" means any hall, house, room, garden or other place kept or used, other than on an isolated occasion or during the course of religious festivals, for public dancing, singing, music or other public entertainment of a similar nature, but does not



include any licensed hotel or licensed cinematograph theatre;

"dump" means the area of land used by the Council for the disposal of garbage;

"fish" means all edible aquatic animals and foods other than shell-fish and turtles;

"handicrafts" means mats, baskets, earthenware or wooden vessels and other articles made, ornamented, finished or adapted for sale manually in Fiji;

"lorry" means any light or heavy goods vehicle plying for hire for the carriage of any cargo for reward;

"lorry stand" means the lorry stand at Nausori maintained and controlled by the Council being more particularly defined and delineated in yellow on plan No. R.1853 lodged in the Department of Lands;

"loud speaker" includes a megaphone and any other device for amplifying sound;

"market" means the place established as a market in the town of Nausori;

"market kava saloon" means that part of the market kiosk situated on the south eastern corner of the market and set aside for the purpose of selling and serving of yaqona;

"Market Master" means the Market Master appointed by the Council and includes a deputy duly appointed by the Council;

"market refreshment bar" means that part of the market kiosk set aside for the purpose of selling and serving of refreshments;

"motor omnibus" means a public service vehicle constructed or adapted to carry more than six passengers excluding the driver;

"offensive matter" means and includes offal, night soil, putrid meat, entrails of fish or poultry, carrion, blood, dung, manure, shells, bones, rags, fruit or vegetable refuse, soap lees, impure water and any other matter giving off an offensive odour or being in any way a nuisance or likely to be injurious to health;

"operator" includes any person, firm, company or organization which owns or operates a motor omnibus, a taxi or a lorry;

"poultry" means any edible live bird;

"produce" means fish, fresh fruit and vegetables, rice, split peas, dried pulses, and goods of that nature, live poultry, and other edible birds and eggs and includes any agricultural or forest product being an article of food or drink in an unprepared state and also includes locally grown tobacco, locally made wares, such as baskets and mats and articles of that nature;

"public park" means any park, garden, reserve, recreation area or sports ground vested in, or controlled or maintained by, the Council;

"shell-fish" means crabs, prawns, crayfish, oysters, mussels and all other edible molluscs and crustaceans;

"stall" means any place within the market where produce or handicrafts are sold or offered for sale;

"supplier" means a person who supplies produce to a miller, manufacturer or processor;

"taxi" means a public service vehicle, other than an omnibus, constructed or adapted to carry passengers;

"taxi stand" means the taxi stand at Nausori maintained and controlled by the Council, being more particularly defined and delineated in yellow on plan No. 1813 lodged in the Department of Lands, together with the whole of the footpath situated on the northern boundary thereof and extending for the whole length of the taxi stand.

*(Amended by Local Government Notice 13 of 1969; Legal Notice 133 of 1978; 72 of 1983.)*

## **PART II—SANITATION**

### *Clearing of scrub, brushwood or undergrowth*

3.—(1) The Council or an authorised officer thereof may serve upon the owner, occupier or lessee of any land (whether built upon or not) within the town, a notice requiring him to keep such land clear of all scrub, brushwood, undergrowth and garbage, and maintain such land in a sanitary condition to the satisfaction of the Council or of an authorised officer thereof.

(2) Any owner, occupier or lessee of any land failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

### *Public drains, etc.*

4.—(1) No person shall throw or deposit, or cause or suffer to be thrown or deposited, any refuse, garbage or offensive matter or any other kind of matter of a type likely to cause an obstruction, into any public culvert, drain, ditch, sewer or waterway.

(2) Any person failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

### *Private drains*

5.—(1) The owner, occupier or lessee of any building, premises or land, shall construct such drains as the Council may, by notice, require for the effectual removal of all storm, slop and waste water from such building, premises or land.

(2) Such drains shall be properly connected to a public drain or to such other outlet approved by the Council, and shall be kept in a clean and sanitary condition.

(3) Any person failing to comply with the provisions of paragraphs (1) or (2) shall be guilty

of an offence.

*Council may undertake work*

6. If any owner, occupier or lessee of any building, premises or land shall fail to comply with a notice given under the provisions of by-laws 3 or 5 within such time as the Council may in such notice prescribe, the Council may undertake the work and the cost thereof shall be a debt due to the Council and may be sued for before a court of competent jurisdiction.

*Collection and disposal of garbage*

7.—(1) Garbage shall be deposited only in garbage pans supplied by the occupier and approved by the Council or an authorised officer thereof and such garbage pans shall be in accordance with the requirements of Part X of the Public Health Regulations and shall be fitted with one or more handles.

*(See Cap. 111.)*

(2) No person, other than a servant of the Council, shall collect garbage without the permission in writing of the Council.

(3) No person, other than a servant of the Council, shall deposit or cause or permit any other person to deposit any garbage or any other refuse of any kind at the dump without the permission in writing of the Council, or an authorised officer thereof, and only at such times and places and in such a manner as the Council or an authorised officer thereof may direct.

(4) Garbage receptacles shall be placed at the side of the road taken by the collecting vehicle, or in such other place as the Council or any authorised officer thereof may permit in respect of any particular premises, in which case the owner of such premises shall provide an easy means of access thereto for removal of garbage.

(5) The occupier of any residence, shop, business premises or other building where there may be an accumulation of kitchen refuse or decomposing matter of any kind shall provide the number of garbage receptacles required by the local authority.

(6) Any person committing any breach of the provisions of this by-law shall be guilty of an offence and, in addition to any penalty to which he is liable under the provisions of by-law 66, shall remove or cause to be removed such garbage or other refuse in such a manner and within such time as the Council or an authorised officer thereof may direct:

*Latrines and privies*

8.—(1) The owner of any dwelling-house, business premises, lodging house or any place where persons are accommodated or labour is employed shall construct latrines or privies of such type and number as the Council may, by notice, require.

(2) Any person failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

*Cleaning of streets*

9.—(1) No person shall upon any street or public place throw or deposit or cause or suffer to be thrown or deposited any offensive matter, tins or refuse of any description.

(2) The occupier of any business premises shall not allow trade goods, cases, boxes, barrels or any merchandise of any description to remain on any street.

(3) No person shall permit any cattle, horse, sheep, pig or goat to graze within the town without the written consent of the Clerk or any person authorised by the Council. (*Amended by Legal Notice 85 of 1972.*)

(4) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

*Obstruction, etc., an offence*

10. Any person who obstructs, molests or hinders any officer or servant of the Council in the execution of his duty or who uses violent or threatening language to or attempts in any way whatsoever to intimidate such servant or who endeavours by any bribe, threat or promise to cause any such servant to neglect or exceed his duty, shall be guilty of an offence.

**PART III—PUBLIC PARKS**

*Exclusive user of public parks may be granted*

11.—(1) Subject to the provisions of these By-laws, the Council may grant permission to any sporting, social or other organisation or body to have exclusive use of the whole or any part of any public park on any particular day or days for purposes approved by the Council and may give such organisation or body power to levy charges for admission:

Provided that—

(a) notwithstanding the grant of any such permission, the Council may, in its absolute discretion, revoke such permission to enable the public park to be used for other purposes in connection with a special occasion;

(b) the Council may, in its absolute discretion at any time, declare any public park to be unusable, in which case the flying of a red flag and the posting of a notice declaring such park to be unusable, at the entrance to the park shall be deemed to be sufficient notice to all persons that the park is unusable.

(2) Any person using any public park for sporting, recreational or social purposes when such park has been declared to be unusable shall be guilty of an offence.

*Method of application and approval*

12.—(1) Subject to the provisions of paragraph (2), any application for the grant of exclusive user of any public park shall be made to the Clerk not less than fourteen days before the day, or the first of the days, when such user is required and shall be subject to approval by resolution of the Council.

(2) Where, by reason of special circumstances, it is not possible for an application to be made at least fourteen days before the user, or first user, of any park is required, such application may be made to the Clerk who shall consult the Mayor, whose decision shall be deemed to be the decision of the Council and shall be reported to the Council at the next meeting thereof.

*Council may retain exclusive user of any public park*

13.—(1) The Council may, by resolution, retain to itself the exclusive user of the whole or any part of any public park on any special occasion.

(2) The Council may from time to time set aside any public park or any portion thereof for use as a children's playground and install therein equipment for use by children in which event the Council may prohibit the use of such equipment by persons of above such age as the Council may, by resolution, determine.

*Charges may be made for admission*

14. The Council may, by resolution from time to time—

(a) make a charge to be paid by the organisation or body to which permission has been granted for the exclusive user of any public park or any part thereof under the provisions of by-law 11, which charge may be a lump sum or a percentage of the gross gate receipts; or

(b) make a charge to be paid by members of the public on any occasion when the Council retains to itself the exclusive user of any public park or any part thereof.

*Gatekeeper, etc., to be employed by the Council*

15.—(1) The Council shall provide a gatekeeper and such other persons as may be necessary for the purpose of controlling admission to any public park, the collection of admission charges and the sale of tickets whenever the Council, by resolution, makes a charge based on a percentage of gross gate receipts under the provisions of paragraph (a) of by-law 14.

(2) The gatekeeper shall be responsible to the Council for certifying the gross gate receipts, and the charges referred to in paragraph (1) shall be calculated in accordance with such certificate and be deducted from such receipts. All such charges shall thereupon be paid by the gatekeeper to the Clerk.

*Failure to pay charge for admission*

16. Any person who shall enter or remain within the bounds of any public park or any part thereof without having paid any lawful charge made for admission thereto under the authority of these By-laws, or who shall neglect or refuse to pay such charge on demand, may forthwith be removed therefrom and shall be guilty of an offence.

*Fairgrounds*

17.—(1) No fair, circus or amusement park run for profit shall be established at any place nor shall any equipment be installed in any fairground or amusement park run for profit except

with the permission in writing of the Council and on payment of such fees as the Council may; by resolution, from time to time, prescribe, and subject to such conditions as the Council may, by resolution, impose.

(2) The Council or its officers shall at all times have access to the place prescribed and shall have the right to inspect all equipment used therein.

(3) Any person who contravenes the provisions of paragraph (1) or who fails to observe any condition imposed by the Council under such provisions shall be guilty of an offence.

#### *Hours of entry*

18.—(1) Subject to the provisions of paragraph (2), any person may enter any public park at any time.

(2) The Council may, by resolution, prescribe particular hours during which any public park, other than a reserve, shall remain closed in which case the Council shall cause a notice to be posted or affixed in a prominent place in such park specifying details of such hours.

(3) Any person who shall enter or remain within any public park during the hours specified under the provisions of paragraph (2) without the general or specific permission of the Clerk may forthwith be removed therefrom and shall be guilty of an offence.

#### *Public parks*

19.—(1) No person other than an authorised officer or servant of the Council shall in any public park—

(a) cut, pluck, injure or destroy any turf, tree, bush, shrub, flower, plant or other thing in or upon any part thereof, or dig, cut or remove any sod, turf, loam, sand, gravel or other substance thereon or therefrom;

(b) negligently or wilfully injure, deface or remove any seat, notice, notice board, post, chair, railing, fence, barrier or other thing which may from time to time be erected or placed therein by or with the authority of the Council;

(c) post or paint any bill, placard or notice therein;

(d) climb any tree therein;

(e) wilfully obstruct any entrance, thoroughfare or walk thereof or therein;

(f) wilfully interfere with the authorised user thereof or with any game or sport permitted by the Council therein;

(g) sell or offer or expose for sale any food or other goods therein without the prior permission of the Council or an authorised officer thereof;

(h) deliver or read any public lecture, prayer, sermon or address of any kind or hold or take part in or cause any public assemblage without the prior permission of the

Council, and then only at such times and places as the Council may permit;

(i) draw, take or drive any truck, car, motorcycle, bicycle, scooter, wheelbarrow, carriage or other vehicle, other than an invalid's chair or child's perambulator or push-cart, therein without the prior permission of the Council or an authorised officer thereof;

(j) bathe, wade or wash in any pond or pool therein or wilfully or negligently foul or pollute the water of any such pond or pool, or take, injure or destroy, or attempt to take, injure or destroy any fish in any such pond or pool;

(k) throw or deposit, or cause, or suffer to be thrown or deposited in a pavilion therein any litter, garbage or offensive matter, except in a receptacle provided by the Council for that purpose;

(l) aid in or abet any act or thing which may not be specifically mentioned in these By-laws and which may tend to the injury or disfigurement thereof or to interfere with the use and enjoyment thereof by the public for the purpose of exercise or recreation.

(2) No person shall in any public park-

(a) play at or engage in any game or exercise in such a manner as to injure any path, turf, tree, shrub, flower, plant, building or other structure or thing therein or upon any part thereof;

(b) wilfully obstruct any officer or servant of the Board in the execution of any work in connection with such public park.

(3) Any person contravening or failing to comply with any of the provisions of this by-law shall be guilty of an offence.

#### **PART IV—BUS STATION, TAXI STAND, LORRY STAND**

##### *Management of bus station, etc.*

20. The bus station, taxi stand and lorry stand shall be under the immediate management and control of the Clerk:

Provided that the Council may appoint an attendant or attendants to exercise control over the bus station and any one or more stands and with such functions with regard thereto as the Council may, by resolution, determine.

##### *Licence to use bus station, etc.*

21. Each operator desiring to use the bus station, taxi stand or lorry stand shall make application, in the form set out in the First Schedule, for a licence for his motor omnibus, taxi or lorry to use the bus station, taxi stand or lorry stand.

##### *Licences*

22. All licences to use the bus station, taxi stand or lorry stand shall be issued on behalf of the Council by the Clerk and in the form of licence set out in the Second Schedule and shall have effect in respect only of the motor omnibus, taxi or lorry described therein.

#### *Fees*

23.—(1) The licence fees for the use of the bus station, taxi stand or lorry stand by a motor omnibus, taxi or lorry shall be in accordance with the fees set out in the Third Schedule and shall be collected and charged in accordance with the provisions of the succeeding paragraphs of this by-law.

(2) The licence fees referred to in paragraph (1) shall be chargeable in such manner as the Council shall prescribe and, where expressed to be chargeable over any period, shall be payable in arrear. (*Substituted by Local Government Notice 36 of 1973.*)

(3) In respect of motor omnibuses, the licence fees to be charged for any such period shall be computed on the total number of visits of the motor omnibus to the bus station during the period and shall be calculated from the time-table approved by the Transport Control Board in respect of the road service licence under which the motor omnibus shall have been operating during the period or from any other information which the Transport Control Board shall think fit to supply to the Clerk from its records or from any other information obtained by the Clerk under the provisions of paragraph (4). (*Amended by Local Government Notice 36 of 1973.*)

(4) If the Clerk considers that the number of visits to the bus station of any motor omnibus cannot be satisfactorily calculated from any time-table, he may, by written notice, require the bus operator concerned to supply him with particulars of the number of visits to the bus station and the times thereof of each motor omnibus operating under the bus operator's road service licence during the month the subject of the computation; and any bus operator so required shall within 7 days after the receipt by him of such notice, deliver to the Clerk a written statement, signed by such operator or under his authority, and containing a true and correct statement of that total number of visits to the bus station, and the times thereof of each such motor omnibus during the said period. (*Amended by Local Government Notice 36 of 1973.*)

(5) All licence fees payable to the Council under the provisions of these By-Laws shall be recoverable by the Council as civil debts by due process of law.

#### *Payment of fees*

24. Each operator shall pay to the Council the licence fees payable by him within 15 days after he has been notified of the amount thereof.

#### *Bus station not to be used without licence*

25.—(1) No operator shall be entitled to use the bus station, taxi stand or lorry stand for the purpose of any motor omnibus, taxi or lorry unless he holds a valid licence issued under the provisions of these By-Laws in respect of such motor omnibus, taxi or lorry.

(2) No motor omnibus, taxi or lorry shall enter or use the bus station, taxi stand or lorry stand



at any time unless a valid licence issued under the provisions of these By-Laws is held by the operator in respect thereof and any person who contravenes the provisions of this paragraph shall be guilty of an offence.

(3) No operator shall be entitled to use the bus station, taxi stand or lorry stand while any licence fees owing by him under the provisions of these By-Laws remain unpaid after the due date.

#### *Revocation of licence*

26. The Council may revoke the licence of any operator who fails to pay by the due date any licence fees payable by him or who is convicted of any offence under the provisions of this Part.

#### *Control of bus station, etc.*

27.—(1) No person shall without the written authority of the Council sell or offer or expose for sale any produce or goods in or around the bus station, taxi stand or lorry stand.

(2) No person shall place or deposit in or on any motor omnibus, taxi or lorry standing in the bus station, taxi stand or lorry stand any placard, handbill, advertisement or notice without prior consent of the owner or driver of such motor omnibus, taxi or lorry.

(3) No person shall display in or on the bus station, taxi stand or lorry stand or any bus shelter any placard, handbill, advertisement or notice, pamphlet, book or paper without the prior consent of the Council and on such terms and conditions as the Council shall by resolution, determine.

(4) Any person contravening the provisions of this by-law shall be guilty of an offence.

#### *Prohibition of vehicles with oil leaks in bus station*

28.—(1) No operator shall permit any vehicle which leaks oil of any description to enter into or stand in the bus station.

(2) Any person contravening the provisions of this by-law shall be guilty of an offence.

*(Inserted by Local Government Notice 2 of 1972.)*

### **PART V—NOISE PREVENTION**

#### *Noise prevention*

29.—(1) Subject to the provisions of paragraph (2), no person shall sound or play upon any musical or noisy instrument or operate a loud speaker in any street, public park or any other park, garden, recreation area, sports ground or reserve to which the public have access, or in any vehicle in any street therein.

(2) This by-law shall not apply—

(a) to the operation of a loud speaker for military or police purposes;

(b) to the sounding or playing of musical instruments by a band or musician playing with the prior permission of the Council;

(c) to the operation of a loud speaker or the sounding or playing of a musical or noisy instrument at a pleasure fair held with the prior permission of the Council;

(d) to the sounding or playing of any musical or noisy instrument or the operation of any loud speaker in a procession or public assembly if permission for such instrument or loud speaker has been given under the provisions of the Public Order Act;  
(Cap. 20.)

(e) to the operation of any mobile cinema van by any department of Government or by any person with the prior permission of the Council;

(f) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument operated or played with the prior permission of the Council, at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted with the prior permission of the Council under the provisions of paragraph (1) of by-law 11, or sub-paragraph (h) of paragraph (1) of by-law 19;

(g) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument, operated or played with the prior permission of the Council, at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted in any park, garden, recreation area, sports ground or reserve, other than a public park, to which the public have access;

(h) to the operation of any loud speaker or the sounding or playing of any noisy or musical instrument in any place in respect of which the Council has granted exemption, either generally or on any particular occasion;

(i) to the operation of any loud speaker in case of emergency.

(3) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

## **PART VI—DANCE HALLS**

*(Inserted by Local Government Notice 13 of 1969.)*

### *Dance halls to be licensed*

30.—(1) No person shall, within the town keep or use or permit to be kept or used any dance hall without first obtaining from the Council a licence in respect thereof on payment of an annual fee of \$6:

Provided that a licence may be granted for any period not exceeding thirty days upon payment of a fee of \$2.

(2) Notwithstanding the provisions of paragraph (1), no dance hall may be used as such on a Sunday, on Good Friday or on Christmas Day.

*(Inserted by Local Government Notice 13 of 1969.)*

*Exemptions*

31.—(1) No licence shall be required for the use of the Nausori Town Hall as a dance hall.

(2) The Council may by resolution exempt from the provisions of paragraph (1) of by-law 30 any club the main purpose of which is to provide entertainment for its members, but which occasionally holds entertainments which are open to the public if the Council is satisfied that such exemption is not likely to result in annoyance to or disturbance of the public.

(3) The Council may by resolution revoke any exemption granted under the provisions of paragraph (2) if annoyance to or disturbance of the public has occurred.

*(Inserted by Local Government Notice 13 of 1969.)*

*Licences*

32.—(1) Any person desirous of obtaining a licence under the provisions of these By-laws shall make application to the Clerk in Form A set out in the Fourth Schedule.

(2) The Council may grant a licence to any person as it shall think fit upon such terms and conditions and subject to such restrictions as it may consider appropriate. Any licence, other than one issued under the provisions of the proviso to paragraph (1) of by-law 30, shall remain in force for a period of one year from the date of issue.

(3) A licence issued under the provisions of this by-law shall be in Form B set out in the Fourth Schedule.

*Transfer of licence*

33. Upon the application of any licensee, the Clerk may permit the transfer of any licence issued under the provisions of these By-laws to such other person as he may consider appropriate.

*Refusal, revocation, etc., of licence*

34.—(1) The Council may refuse to grant a licence to any person or in respect of any premises or may revoke or suspend or amend any licence on any grounds which it considers sufficient.

(2) Where it is proposed that a licence be refused, revoked, suspended or amended under the provisions of paragraph (1), the Council shall give to the applicant or the licensee, as the case may be, fourteen days' notice in writing of the meeting of the Council at which the refusal, revocation, or suspension is to be considered and in such notice the Council shall set out the grounds upon which consideration is being given to such refusal, revocation or suspension.

(3) No licence shall be refused, revoked, suspended or amended by the Council unless the applicant or the licensee has been given an opportunity of being heard by the Council.

*Offences*

35. Any person who contravenes the provisions of by-law 30 or any licensee who fails to comply with any condition of a licence granted to him under these By-laws shall be guilty of an offence.

## **PART VI—MARKET**

### *Market Master*

36. The market shall be under the immediate management and control of the Market Master, who shall be appointed by and be responsible to the Council.

### *Produce which may be sold*

37. No person, except the holder of a wholesale or retail store licence or a butcher's licence issued under the provisions of any Act relating to the licensing of businesses, shall sell or offer for sale any produce, other than fresh fish, or shell-fish in any place within the town, other than in the market:

Provided that this by-law shall not apply to the sale of produce—

(a) by any producer, to a miller, manufacturer or processor where such produce is sold within the confines of property in the occupation of such producers or of such miller, manufacturer or processor; or

(b) by any miller, manufacturer or processor to any of his employees or suppliers where such produce is sold within the confines of property in the occupation of such miller, manufacturer or processor.

### *Cleaning, and gutting fish*

38. No person shall bring to the market or offer for sale in the market any fish, other than whitebait or other similar small fish, unless such fish shall first have been gutted, gilled and cleaned.

### *Fresh fish*

39. During the hours in which the market is open for business no person shall sell by retail fresh fish at any place outside the market:

Provided that this by-law shall not apply to the sale of fresh fish wholesale, or by a butcher or fishmonger or a retail or wholesale store holder, licensed under the provisions of any Act for the time being in force relating to the licensing of businesses.

### *Restriction on sales*

40. No person shall sell or offer for sale in the market any article other than produce or handicrafts.

### *Hours of business*

41. The market shall be open for business during such hours as the Council may direct.

*Directions given by Market Master*

42. All persons using or being within the precincts of the market shall obey all reasonable directions given by the Market Master for the purpose of observing the good order and cleanliness of the market.

*Sales prohibited except from stalls*

43. No person shall sell or offer for sale any article in the market except at a stall allotted to him by the Council or the Market Master and during the hours that the market is open for business.

*Allocation of stalls*

44. The allocation of stalls in the market shall be made by the Council or the Market Master in as fair and reasonable a manner as possible.

*Alterations to stalls*

45. No person shall make any alteration to a stall or exhibit any notice thereon or introduce any fittings, fixtures, furniture or impediments of any kind without the authority of the Market Master, and any such thing introduced without his authority may be removed by the Market Master.

*Use of stalls*

46. No person shall occupy or use a stall so long as any charges which are due and payable for the use thereof are outstanding.

*Charges*

47.—(1) The charges for the use of stalls and other market facilities shall be in accordance with the rates specified in the Fifth Schedule and shall be payable in advance on demand by the Market Master or an attendant.

(2) Upon the receipt by the Market Master or an attendant of the payment of any charge under this by-law, he shall issue a receipt accordingly.

*(Substituted by Legal Notice 72 of 1983.)*

*Stall receipts and prices to be exhibited*

48. Every stall holder shall exhibit and keep exhibited on his stall while the same is in use, his current receipt for the payment of the market charges in such manner as the Market Master shall direct and in such position that it can conveniently be read and inspected at all times by the Market Master or any attendant, and shall have all produce and handicrafts for sale by him at such stall legibly and conspicuously marked with the prices at which he offers the same for sale in a manner clearly to indicate that price to the public.

*Exchange, subletting and sharing of stalls*

49. No stallholder shall exchange, sublet, surrender or part with the possession of his stall or share his stall with another vendor or person except with the permission of the Market Master.

*Advertising and auctions*

50. No person shall in the market advertise goods by shouting, or conduct a sale by auction except with the permission of the Market Master.

*Selling mixed yaqona prohibited*

51. No person shall sell or offer for sale mixed yaqona anywhere in the market other than in the market kava saloon.

*(Substituted by Legal Notice 133 of 1978; amended by Legal Notice 17 of 1982.)*

*Cooking in the market*

52. No person shall do any cooking in any part of the market without the prior approval of the Council.

*Intoxicating liquor prohibited*

53. No person shall bring into the market any intoxicating liquor or methylated spirit.

*Unwholesome products*

54. No person shall bring into the market anything which in the opinion of the Market Master is bad, obnoxious, unwholesome or dangerous, and the Market Master may remove or cause to be removed any such thing brought within the precincts of the market.

*Hygiene*

55. Stallholders shall keep their produce and expose it for sale in as hygienic a manner as is practicable and shall obey all reasonable directions of the Market Master in this regard.

*Cleanliness*

56. Stallholders shall keep their stalls in a clean and orderly condition, and shall, as and when required, dispose of any litter, empty containers and refuse as directed by the Market Master. Any stallholder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this by-law may, in addition to any fine to which he may be liable under the provisions of these By-Laws lawfully be refused the allocation of a stall by the Council or the Market Master.

*Dogs prohibited*

57. No person shall bring a dog into the market or suffer it to remain there, and the Market

Master shall have power to remove or order the removal of any dog from the market.

*Spitting*

58. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath, floor or other part of the market or any utensils, produce, article or thing standing or being in the market.

*Disease*

59. No person suffering from any infectious or contagious disease or having recently been exposed to infection by such a disease shall engage in the sale of any goods in the market.

*Restriction on entry*

60. No person shall enter or remain in the market outside the hours during which the market is open for business without the authority of the Market Master.

*Obstruction of officials*

61. No person shall obstruct, prevent, hinder or interfere with the Market Master or any attendant in the performance of any duty under the provisions of this Part and no person shall enter the market whilst drunk or excite a riot or curse or swear or use any gross, indecent, filthy or abusive language or gamble or be guilty of any other misconduct therein.

*Obstruction of market*

62. No person shall place any matter or thing on any roadway, footpath or passage in the market so as to obstruct the free use of such roadway, footpath or passage or neglect or refuse to remove such matter or thing on being required to do so by the Market Master.

*Unsold goods*

63.—(1) Goods unsold at the close of the day may be left in the market at the owner's risk with the permission of the Market Master, and any goods so left without such permission may be removed by the Market Master and disposed of in such manner as he may consider reasonable.

(2) With his consent goods may be left in the care of the Market Master upon payment in advance of a charge to be prescribed by the Council.

*Offences*

64. Any person contravening or failing to comply with the provisions of this Part, other than those of by-laws 36, 41, 44, 47 and 63, shall be guilty of an offence.

**PART VIII—STREET NUMBERING**

*(Inserted by Local Government Notice 6 of 1968.)*

*Street numbering*

65.—(1) Where the Council decides that numbers shall be affixed on land or on or to buildings for the purpose of designating and numbering such land or building in any road or street, the owners or occupiers of such land or buildings shall be informed of the Council's intention to affix such numbers at least twenty-one days before they are affixed by the publication of a notice in the Gazette and in two consecutive editions of any newspaper published in Fiji and circulating within the town area.

(2) Where any employee of the Council has affixed any number on any land or on or to any building for the aforesaid purpose, it shall be an offence for any person unlawfully to remove, deface, mutilate or tamper with such number.

(3) It shall be an offence for any person to obstruct any person who enters any land or building under the instructions of the Council in order to inspect, affix, reaffix or change such numbers.

## **PART IX—MISCELLANEOUS**

### *Penalty*

66. Any person guilty of an offence under the provisions of these By-Laws shall be liable on conviction to a fine not exceeding \$100, or in the case of a continuing offence to a fine of \$4 for each day during which such offence continues, and, in addition to any such penalty, any expense incurred by the Council in consequence of any breach of these By-laws shall be refunded by such person to the Council.

*(Amended by Local Government Notice 13 of 1975.)*

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### **FIRST SCHEDULE**

*(By-law 21)*

NAUSORI TOWN COUNCIL

NAUSORI TOWN BY-LAWS

*(By-Law 21)*

#### **APPLICATION FOR LICENCE FOR OMNIBUS, TAXI OR LORRY TO USE THE NAUSORI BUS STATION, TAXI OR LORRY STAND**

I/We ..... hereby apply for a licence for my/our under-mentioned vehicle(s) to use the Nausori Bus Station, Taxi or Lorry Stand:

Class of Vehicle: Omnibus, Taxi, Lorry (Delete vehicles not applicable).

Registered No. .... Make ..... No. of passengers.....

Wheelbase ..... *(Lorry only)*

I/We agree to pay the licence fees prescribed under and to comply with the provisions of the



Nausori Town By-Laws.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Operator*

**SECOND SCHEDULE**

*(By-law 22)*

NAUSORI TOWN COUNCIL

NAUSORI TOWN BY-LAWS

*(By-law 22)*

LICENCE TO USE NAUSORI BUS STATION, TAXI OR LORRY STAND

..... of .....

Bus/Taxi/Lorry operator is hereby licensed to use the Nausori Bus Station/Taxi Stand/Lorry Stand with the following vehicles subject to the Nausori Town By-laws.

Class of Vehicle(s) ..... Registered No .....

Make ..... No. of Passengers .....

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

For the Nausori Town Council

.....  
(Town Clerk)

**THIRD SCHEDULE**

*(By-law 23)*

*(Substituted by Legal Notice 12 of 1983.)*

BUS STATION, TAXI STAND AND LORRY STAND FEES

	\$
1. For each visit of a motor omnibus to the bus station	0.12
2. For the use of a taxi stand, per taxi per month—	
(a) Stand No. 1 (next to Nausori Bus Stand) .....	12.00
(b) other stands .....	10.00
3. For the use of the lorry stand, per lorry per month—	

(a) lorry weighing less than 3050 kg unloaded .....	5.00
(b) lorry weighing 3050 kg or more unloaded .....	7.00

**FOURTH SCHEDULE**  
(By-law 32)

*(Inserted by Local Government Notice 13 of 1969.)*

FORM A

NAUSORI TOWN COUNCIL

NAUSORI TOWN BY-LAWS

**APPLICATION FOR DANCE HALL LICENCE**  
(By-law 32)

I/We ..... of ..... hereby  
 apply for a licence for a period of one year/..... days to use  
 ..... (premises)  
 for the purpose of ..... between  
 the hours of .....and ..... on  
 ..... (days)

Signed .....  
 Date .....

FORM B

NAUSORI TOWN COUNCIL

NAUSORI TOWN BY-LAWS

**DANCE HALL LICENCE**  
(By-law 32)

Licence is hereby granted to ..... to use  
 ..... as a dance hall for the purpose  
 of ..... (nature of entertainment)

This licence is valid for a period of one year/ ..... days from the date of issue  
 and is granted subject to the following conditions:-

The licensed premises may be used for the above purpose on ..... but not  
 before the hour of ..... nor after the hour of  
 ..... on any such days and not at any time on Sundays,

Good Friday or Christmas Day.

2. ....

Dated this ..... day of ....., 19 .....

For the Nausori Town Council,  
.....  
Town Clerk

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**FIFTH SCHEDULE**

*(By-law 47)*

*(Inserted by Legal Notice 72 of 1983.)*

**MARKET CHARGES**

1. Stalls other than stalls for the sale of fish, shell-fish or poultry—

(a) stalls at which groceries are sold (per stall per week) .....	\$12.00
(b) stalls, not being stall at which groceries are sold, at which yaqona is sold (per stall per day) .....	\$ 1.35
(c) centre stalls (along main passages), not being stalls at which groceries are, or yaqona is sold (per stall)—	
(i) per week .....	\$ 5.00
(ii) per day .....	\$ 1.00
(d) other stalls (per stall per day) .....	80c

2. Stalls for the sale of fish, shell fish or both fish and shell fish—a charge, per stall per day, calculated in relation to the fish offered for sale from that stall on that day (whether brought into the market on that or a previous day) according to the following scale:—

(a) fish (per kg) .....	22c
(b) kai and kaikoso (per bag) .....	\$ 2.25
(c) crabs (per kg) .....	25c
(d) prawns (per kg) .....	22c
(e) other shell-fish (per kg) .....	18c

3. Stall for the sale of poultry (per cage per day) ..... \$ 3.00

SECTION 122—NAUSORI TOWN COUNCIL (MEETINGS) BY-LAWS

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*By-laws 22 August, 1984  
Legal Notice No. 105 of 1984*

**PART I—PRELIMINARY**

*Short title*

1. These By-laws may be cited as the Nausori Town Council (Meetings) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires:

"council" means Nausori Town Council;

"Act" means Local Government Act;

"town clerk" means town clerk of the council appointed under section **35** of the Act and in his absence shall include the acting town clerk or assistant town clerk;

"committee" means committee appointed under section **27** of the Act and shall include subcommittees or 'ad hoc' committees;

"whole number of members" means the total number of elected councillors on the council as the Electoral Commission may from time to time by order determine under

section 9 of the Act.

*Powers to call meetings*

3. The mayor may call special meetings; and if he refuses or delays to call a special meeting after receiving a requisition signed by at least 3 councillors of the council such members may in writing request the town clerk to call such meeting, and shall at the same time state the object thereof. The town clerk shall thereupon call such meeting.

**PART II—NOTICES OF MEETINGS**

*Form of notices*

4. All notices to attend meetings of the council shall be in writing and shall state the place, date and hour of the meeting. To such notices for ordinary meetings shall be attached a copy of every motion of which notice has been duly given to be moved thereat. Notices to attend a special meeting shall also contain a brief statement of the business for which the meeting is called.

*Mode of service*

5. The town clerk shall send to each member of the council one notice as aforesaid for each meeting, by messenger or by post.

*Time of service*

6. Such notices shall be sent so as to reach each member's last known place of business or abode at least three clear days before the day fixed for the meeting.

**PART III—ORDER OF BUSINESS**

*Order and conduct of business*

7.—(1) The business shall be presented at all ordinary meetings of the council in the following order:

(a) reading and confirmation of the minutes of the last ordinary meeting and of all special meetings held subsequently thereto. No discussion shall be permitted concerning any minutes except as to their accuracy as a record of the proceedings;

(b) chairman's minutes—the chairman shall have the right of directing attention at any meeting to any matter or subject within the jurisdiction or official cognizance of the council by a minute signed by himself, and such minute shall, when introduced, take precedence over all business before or to come before the council and the adoption thereof may be put by him from the chair as a motion, without being seconded;

(c) petitions—all petitions shall be received only as petitions of the party or parties signing the same. On the presentation of a petition no debate shall take place until notice thereof has been given in the usual manner, and the only question that shall be entertained by the council on the day of its presentation shall be that the petition be

received or that it be referred to a committee;

(d) the town clerk shall submit to the council all correspondence which cannot be dealt with departmentally in pursuance of any standing order for general, or special, authority or direction made or given by the council:

Provided that the council may require or the chairman may direct that all or any correspondence in connection with any matter be produced and read at any meeting;

(e) reports of committees—if in a report of a committee distinct recommendations are made, the decision of the council may be taken separately on each recommendation. Any report of a committee, or of any portion thereof, may be amended by the council in any manner it may think fit, or may be referred back to the committee for further consideration. The recommendations of any committee, when adopted by the council, shall be resolutions of the council;

(f) reports of officers;

(g) questions—sufficient notice of every question shall be given to permit consideration of the reply thereto and, if necessary, reference to other persons or to documents. Every such question shall be put categorically, and without any argument. No discussion shall be permitted respecting any reply or refusal to reply to any question;

(h) motions of which due notice has been given—each such motion shall be in writing signed by the member proposing the same, and delivered to the town clerk not later than ten o'clock on the day fixed for the service of the notices to attend the council meeting. Copies of such motions shall be sent to the members with the said notices. No motion after being placed on the business paper shall be withdrawn without the consent of the council. This by-law shall also apply to motions being considered at Special Council Meetings;

(i) any business which the chairman may think fit to bring under consideration without notice.

(2) Notwithstanding the other provisions of this by-law, the council may, by specific vote, determine to proceed to any particular business out of the regular order and a motion for such a vote may be made without notice and shall take precedence over all other business.

## **PART IV—CONDUCT OF MEETINGS OF COUNCIL AND COMMITTEES**

### *Division 1—Quorum*

#### *Quorum*

8.—(1) All Acts of a council and of any committee thereof and all questions coming or arising before a council or any committee therefore may be done and decided by the majority of such members of the council or committee as are present at a meeting held in pursuance of this Act or of any regulation or by-law made thereunder, the whole number present at the meeting (whether voting or not) being not less than one half of the number of members of the



council or of the committee as the case may be when that number is even or a majority of such number if odd.

(2) Subject to the provisions of sections **21** and **34B** of the Act, in the case of equality of votes the person presiding at any meeting of the council or any committee thereof shall have second or casting vote.

*Adjournment for want of quorum*

9. If at the expiration of fifteen minutes after the time at which any meeting of the council is appointed to be held, a quorum shall not be present, the meeting shall not be held but shall stand adjourned until such time later in the day or until such day and time as shall be fixed by the chairman or, in his absence, by the majority of the members present.

*Particulars to be recorded in minutes*

10. At all meetings of the council when there is not a quorum of the members present, such circumstances, together with the names of the members present, shall be recorded in the minute book.

*Suspension of proceedings*

11. If at any time during the sitting of the council the attention of the chairman be called by a member or by the town clerk to the fact that there is not a quorum present, the chairman shall thereupon suspend the proceedings for a period of three minutes, and if a quorum be not present then, the names of those who are present shall be recorded in the minutes, and the chairman shall adjourn the sitting to some hour later in the day or to some future day, and the meeting shall stand adjourned accordingly.

*Division 2—Chairman*

*Absence of chairman, etc.*

12. If at expiration of fifteen minutes after the time appointed for an duly convened meeting of the council or a committee, the chairman or deputy chairman (as the case may be) is absent, such councillor as may be elected by the council or committee shall preside.

*Chairman may take part in proceedings*

13. The chairman may take part in all proceedings of a meeting at which he presides unless prevented to do so under section **17** of the Act.

*Rulings by chairman*

14. The chairman shall preserve order. His ruling shall be given and obeyed without discussion or comment, and shall be final unless any member forthwith moves a motion of dissent therefrom. Such motion if seconded shall put without discussion.

*Basis of ruling may be stated*

15. The chairman, when deciding points of order or practice, may state the provision, rule or practice which he deems applicable to the case without discussing or commenting upon the same.

*Chairman to be heard without interruption*

16. When the chairman rises in his place during the progress of a debate, any member then speaking or offering to speak shall immediately resume his seat, and every member shall preserve strict silence, so that the chairman may be heard without interruption.

*Division 3—Order*

*Points of order, etc.*

17. Any member may at any time call the attention of the chairman to any member being out of order or to any other point of order.

*Members to use official designations*

18. Members shall on all occasions when in council or committee address and speak to each other by their official designations, as chairman, acting chairman, or member, as the case may be; and, with the exception of the chairman, shall rise in their place and stand while speaking (except when prevented from so doing by bodily infirmity) and shall address the chair.

*Chairman to call on members to speak*

19. If two or more members rise to speak at the same time the chairman shall decide which of them shall be first heard.

*Personal reflections, etc.*

20. No member shall make personal reflections on, or impute improper motives to, any other member or officer.

*Acts of disorder*

21. Any member who at any meeting of the council or of any committee commits a breach of any Act or by-law, or who moves or attempts to move any motion or amendment embodying any matter beyond the legal jurisdiction of the council or committee, or who in any other way raises or attempts to raise any question or addresses or attempts to address the council or committee upon any subject which the council or committee has no legal right to entertain or to discuss, or who uses any language which according to the common usage of gentlemen would be held disorderly, or who makes use of any expression inconsistent with good order and decorum, or who is offensive or abusive, or who says or does anything calculated to bring the council or committee into contempt, shall be guilty of an act of disorder.

*Withdrawal of member*

22. Any member who, having been called to order by the chairman for any act of disorder, commits a further act or disorder shall, upon the request of the chairman, withdraw from the

council room or council chamber for the remainder of the sitting.

*Removal of member*

23. In the event of the member declining to withdraw from the council room or council chamber on being required so to do by the chairman, the chairman may order his removal until the termination of the sitting.

*Adjournment when disorder arises*

24. If disorder arises at any meeting, the chairman may adjourn the meeting for a period of fifteen minutes and quit the chair, The council on reassembling, shall, on question put from the chair, decide without debate whether the business shall be proceeded with or not.

*Rejection of matter out of order*

25. Whenever it has been decided that any motion, amendment or other matter is out of order, the same shall be rejected.

*Resumption of consideration of interrupted matter*

26. Whenever the consideration of any motion or matter of business has been interrupted by reason of a quorum not having been present, such consideration shall be resumed at the point at which it was so interrupted in its proper order of business at the next regular meeting of the council.

*Division 4—Votings and Divisions*

*Voting*

27. The chairman shall put all questions and declare the sense of the council thereon, and he may put the question as often as necessary to enable him to decide the voting. The members shall vote by a show of hands unless otherwise required by the Act and if any member who is entitled to vote on the question neglects or refuses to do so his vote shall be counted for the negative. The decision of the chairman as to the voting shall be final and conclusive unless it be immediately challenged and a member rises and demands a division.

*Divisions*

28. Upon a division being called for, the question shall be first put in the affirmative and then in the negative, and the chairman and all members present shall vote by show of hands and the names and votes of the chairman and members present shall be recorded in the minutes by the town clerk. The vote of any member of the council present when a division is called for who does not in the manner above indicated vote on such division, not being disabled by law from so voting, shall be counted for the negative.

*Division 5—Debates*

*Motions to be seconded*

29. No motion shall be debated unless it has been seconded.

*Withdrawal of motions*

30. When a motion has been proposed and seconded it shall become subject to the control of the council, and shall not be withdrawn without the consent of the council.

*Amendment of motions*

31. When a motion has been proposed and seconded, any member shall be at liberty to move an amendment thereon, but no such amendment shall be debated unless or until it has been seconded.

*Motions and amendment to be in writing*

32. No motion or amendment shall be debated unless or until it has been reduced to writing, if the chairman so directs.

*Order of moving amendments*

33. No second or subsequent amendment shall be taken into consideration until the previous amendment has been disposed of.

*Motion as amended may be amended*

34. If an amendment has been carried, the motion as amended thereby shall become itself the motion before the council, whereupon any further amendment upon such motion may be moved.

*When amendment negatived, further amendment may be moved*

35. If an amendment whether upon an original motion or upon any motion amended as aforesaid has been negatived, then a further amendment may be moved to the motion to which such first mentioned amendment was moved, and so on:

Provided that not more than one motion and one proposed amendment thereof shall be before the council at any one time.

*Right to speak and right of reply*

36. The mover of an original motion shall have the right of general reply to all observations which have been made in reference to such motion and to any amendment moved thereon, as well as the right to speak upon every such amendment. Each member other than the mover of an original motion shall have the right to speak once upon such motion and once upon every amendment moved thereon. No member shall, without the consent of the council, speak more than once upon any motion, or for longer than ten minutes at any one time unless he claims to have been misrepresented or misunderstood, in which case he may be permitted to explain without adding any further observation that may be necessary for the purpose of such explanation.

*Right to reserve speech*

37. A member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any member who has seconded any motion or amendment without any further observation than that he seconds the same, may reserve his speech thereon for a later period of the debate.

*Debate confined to matter under consideration*

38. Every member speaking shall confine his remarks to the matter then under consideration.

*Member may require motion etc., to be read or records to be produced*

39. Any member may request the motion or matter under discussion to be read or stated for his information, or may request the production of any records of the council bearing upon such motion or matter as are readily accessible:

Provided that:

(a) no such request shall be so made as to interrupt any other member when speaking or to materially interrupt the discussion;

(b) if any such request appears to the chairman not to have been made in good faith he may decline to comply therewith; but the council may dissent from his ruling.

*Resolution to be reduced to writing and read aloud*

40. Any resolution of the council or of any committee shall forthwith on adoption be written down by the town clerk who shall then read such resolution aloud before the council or committee passes to the next business.

*Division 6—Adjournment of Meetings*

*Adjournment to later hour or later day*

41. A debate may be adjourned to a later hour of the same day or to another day specified.

*Motions for adjournment*

42. No discussion shall be permitted upon any motion for adjournment of the council. If upon the question being put on any such motion the same is negatived, the subject then under consideration, or next on the business paper, shall be discussed; and it shall not be competent for any member to move again a motion for adjournment until half an hour has elapsed from the time of moving the one that has been negatived.

*Resumption of debate after adjournment*

43. On resuming any discussion which has been adjourned, the mover of such adjournment shall be entitled, if he has not already spoken on the subject under consideration, to speak first.

*Division 7—Revoking or Amending Resolutions*

*Written notice required of motion to amend or revoke a resolution*

44. No resolution which has been passed by the council may be amended or revoked unless:

(a) written notice of motion to propose any such amendment or revocation is served on each member at least three days prior to the date of the meeting at which such proposal is to be moved;

(b) such motion is passed by a majority of the whole number of members:

Provided that any resolution may be amended or revoked by way of a recommendation of a committee to the council and minutes of such committee meeting are circulated to members at least three clear days before the meeting at which the recommendation is to be adopted and also such minutes to specify in what form the resolution is being amended.

*Notice to be given of motion having same effect as negatived motion*

45. Where a motion has been negatived by the council, no motion having the same effect shall be considered unless notice thereof be duly given.

*Notice of motion to be signed in certain cases*

46. A notice of motion to amend or revoke a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council shall be signed by three members, if less than three months have elapsed since the resolution was passed, or the motion negatived, as the case may be.

*Restriction on motions*

47. Where a motion to amend or revoke a resolution has been negatived, or where a motion which has the same effect as a previously negatived motion is negatived, no similar motion shall be brought forward within six months thereafter; and the effect of this provision shall not be evaded by substituting any motion differently worded but having in principle the same effect:

Provided that any such motion as aforesaid may be moved at any time upon the report of the committee of the council, and such report shall be specially mentioned in the minutes.

*Motions of adjournment excepted*

48. The foregoing provisions respecting negatived motions shall not apply to motions of adjournment.

**PART V—SPECIAL MEETINGS AND ELECTION OF MAYOR**

*Special Meetings*

49. The business paper for each special meeting shall contain only such matters as have been stated in the notice thereof.

#### *Election of Mayor*

50. Nominations for the office of mayor, may be made without notice by any member. If there be only one person nominated, or if all the nominations except one be withdrawn or all the persons nominated except one decline nomination, then that one person shall be declared elected.

#### *Result of election to be notified*

51. As soon as practicable after each election of mayor, the town clerk shall communicate the result in writing to the Minister responsible for Local Government affairs.

### **PART VI—COMMITTEES**

#### *Division 1—Committees of the Whole*

##### *Committees of the whole*

52. The council may, for the consideration of any matter, resolve itself into a committee of the whole. All the provisions of these By-laws, so far as they are applicable, shall be extended to and govern all proceedings in committee of the whole, except the provisions limiting the number and duration of speeches.

##### *Committee to report to Council*

53. All reports of proceedings in committee of the whole shall be made to the council by the chairman of such committee, and it shall be sufficient to state the general effect thereof. All such reports shall be recorded in the minute book; but no report shall be considered as adopted by the council until a motion has been put and carried for such adoption.

#### *Division 2—Standing Committees*

##### *Constitution of committees*

54. Standing committee appointed in pursuance of section 27 of the Act shall be appointed annually as soon as practicable after the annual election of the Mayor and shall consist of such number of members as the council shall decide.

##### *Chairman of committee*

55. Each committee, other than a committee of the whole, shall appoint its own chairman for its term of office:

Provided that the mayor shall *ex officio* be a member of every committee.

##### *Meetings of committees*

56. The town clerk shall summon meetings of committees when directed by the mayor, or chairman of the committee, and shall give as much notice thereof as practicable to the members.

#### *Absence*

57. If any member of a standing committee shall absent himself from three consecutive meetings thereof, without having obtained leave of absence from the council or the committee, his seat shall become vacant, and the council may appoint another member in his stead.

#### *Finance Committee*

58. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the council's revenue. They shall also from time to time inquire into, and report upon, all matters which, in their opinion, affect or are likely to affect the finances of the council, and also such matters of like nature as they may be directed by resolution of the council to inquire into and report upon.

#### *Division 3—General*

#### *Special Committees*

59. The appointment of every special committee shall be deemed to continue until the duties for which the committee has been appointed have been fully performed.

#### *Reports*

60. Committee reports submitted to the council shall be signed by the chairman of the committee.

#### *Communications*

61. No committee shall communicate with any outside person or authority except through the town clerk, as the officer of the council duly authorised for the purpose.

#### *Confidential Business*

62. All matters dealt with or brought before the council in committee, or before any committee of the council, shall be strictly confidential and no information shall, unless the committee transacting the business or the council on reference thereon by such committee otherwise determines, be disclosed to any person outside the council except to approved press representatives under embargo against publication until the matters in question have been made public by the council.

### **PART VII—MISCELLANEOUS**

#### *Keeping of minutes*



63. The minutes of all meetings of the council and of all committee shall be transcribed by or under the direction of the town clerk into minute books, which shall be preserved as permanent records of the council.

#### *Authentication of minutes*

64. Upon the minutes being approved at any meeting aforesaid the chairman shall sign his name at the end thereof and initial all corrections therein and the date shall be entered against his signature. If the minutes be kept in a "loose leaf" book the chairman shall sign each sheet of the minutes as confirmed.

#### *Offences*

65. Any person who contravenes or fails to comply with the provisions of by-laws 23 or 62 of these By-laws shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$40 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

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## **SUBSIDIARY LEGISLATION OF LOCAL APPLICATION**

### **SAVUSAVU**

#### **SECTION 5—TOWN OF SAVUSAVU**

*Local Government Notices Nos. 26 of 1969, 16 of 1971, 23 of 1973*

The area defined in the Schedule shall be a town for the purposes of the Local Government Act and shall be known as the town of Savusavu.

#### **SCHEDULE**

All that portion of land situated in the tikina of Nasavusavu in the province of Cakaudrove, extending generally westward, in varying widths, from Savudrodru Valley Road to a point approximately half a mile west of the Government Wharf. Such area being shown verged red and being more particularly delineated on Plan PP57 deposited in the office of the Director of Lands in Suva and available for inspection at the office of the District Officer, Savusavu, together with all that piece of land in the tikina of Nasavusavu in the Province of Cakaudrove situated north of the Naveria/Balaga Road in varying widths up to high water mark east of approved Native Reserve Claim No. 66 being part of Lot 2 NLC. F/2-2 and west of Saverekareka Bay coloured orange on Plan PP85 deposited in the office of the Director of Lands, Suva and available for inspection at the offices of the Savusavu Town Council and the District Officer, Savusavu, and also all the area of land extending generally south-westerly, in varying widths, from the southern boundaries of Crown Grant 76, known as Navunitavi, to approximately half a mile west of the Government wharf, and including the area of Nawi, Korovesa and Nawi Lilai.

The above described area is shown verged red and is more particularly delineated on Plan PP115 kept in the office of the Permanent Secretary for Lands and Mineral Resources in

Suva and available for inspection at the office of the Permanent Secretary for Urban Development and Housing in Suva, and at the office of the Savusavu Town Council at Savusavu.

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**SECTION 9—NUMBER OF TOWN COUNCILLORS ORDER**

*Local Government Notices Nos. 7 of 1972, 34 of 1973, 40 of 1973*

The number of members of the town councils named in the Schedule and, where the towns are divided into wards, the number of members for each ward shall, with effect from the next general elections to such councils, be as specified in the Schedule.

**SCHEDULE**

Savusavu Town Council — 9 members

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**SECTION 122—SAVUSAVU TOWN BY-LAWS**

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## PART I—PRELIMINARY

### *Short title*

1. These By-laws may be cited as the Savusavu Town By-laws.

### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"authorised" means duly authorised by the Council;

"book" means any book or other printed or written matter, picture, print, photograph, film, engraving, etching, map, plan, chart, record or similar contrivance for reproducing sound, music score and any other article of a like nature forming part of the contents of the library;

"Clerk" means the Town Clerk, or the person for the time being acting as Town Clerk, of Savusavu;

"Council" means the Savusavu Town Council;

"dump" means the area of land used by the Council for the disposal of garbage;

"fish" means all edible aquatic animals and foods other than shell-fish and turtles;

"handicrafts" means mats, baskets, earthenware or wooden vessels and other articles made, ornamented, finished or adapted for sale manually in Fiji;

"library" means any public library belonging to or controlled by the Council;

"librarian" means the person appointed as such by the Council or any other person authorised in that behalf by the Council;

"loud speaker" includes a megaphone and any other device for amplifying sound;

"market" means the place established as a market in the town of Savusavu;

"Market Master" means the Market Master appointed by the Council and includes a deputy duly appointed by the Council;

"offensive matter" means and includes offal, night soil, putrid meat, entrails of fish or poultry, carrion, blood, dung, manure, shells, bones, rags, fruit and vegetable refuse, soap lees, impure water and any other matter giving off an offensive odour or being in any way a nuisance or likely to be injurious to health;

"poultry" means any edible live bird;

"produce" means fish (fresh, frozen, dried or smoked), shellfish, turtles, turtle meat,

poultry, eggs, fresh fruits and vegetables, rice, split peas, pulses, and any other agricultural, forest or marine product which is an article of food or drink, and includes locally grown tobacco, vegetable oils and ghee;

"public park" means any park, garden, reserve, recreation area or sports ground vested in, or controlled or maintained by, the Council;

"shell-fish" means crabs, prawns, crayfish, oysters, mussels and all other edible molluscs and crustaceans;

"stall" means any place within the market where produce or handicrafts are sold or offered for sale;

"supplier" means a person who supplies produce to a miller, manufacturer or processor.

## **PART II—SANITATION**

### *Clearing of scrub, brushwood or undergrowth*

3.—(1) The Council or an authorised officer thereof may serve upon the owner, occupier or lessee of any land (whether built upon or not) within the town, a notice requiring him to keep such land clear of all scrub, brushwood, undergrowth and garbage, and maintain such land in a sanitary condition to the satisfaction of the Council or of an authorised officer thereof.

(2) Any owner, occupier or lessee of any land failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

### *Public drains, etc.*

4.—(1) No person shall throw or deposit, or cause or suffer to be thrown or deposited, any refuse, garbage or offensive matter or any kind of matter of a type likely to cause an obstruction, into any public culvert, drain, ditch, sewer or waterway.

(2) Any person failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

### *Private drains*

5.—(1) The owner, occupier or lessee of any building, premises or land, shall construct such drains as the Council may, by notice, require for the effectual removal of all storm, slop and waste water from such building, premises or land.

(2) Such drains shall be properly connected to a public drain or to such other outlet approved by the Council, and shall be kept in a clean and sanitary condition.

(3) Any person failing to comply with the provisions of paragraphs (1) or (2) shall be guilty of an offence.

### *Council may undertake work*

6. If any owner, occupier or lessee of any building, premises or land shall fail to comply with a notice given under the provisions of by-law 3 or 5 within such time as the Council may in such notice prescribe, the Council may undertake the work, and the cost thereof shall be a debt due to the Council and may be sued for before a court of competent jurisdiction.

*Collection and disposal of garbage*

7.—(1) Garbage shall be deposited only in garbage pans supplied by the occupier and approved by the Council or an authorised officer thereof and such garbage pans shall be in accordance with the requirements of Part X of the Public Health Regulations and shall be fitted with one or more handles.

*(See Cap. 111.)*

(2) No person, other than a servant of the Council, shall collect garbage without the permission in writing of the Council.

(3) No person, other than a servant of the Council, shall deposit or cause or permit any other person to deposit any garbage or any other refuse of any kind at the dump without the permission in writing of the Council, or an authorised officer thereof, and any person so permitted shall only deposit any such material at such times and places and in such a manner as the Council or an authorised officer thereof may direct.

(4) Garbage receptacles shall be placed at the side of the road taken by the collecting vehicle, or in such other place as the Council or any authorised officer thereof may permit in respect of any particular premises, in which case the owner of such premises shall provide an easy means of access thereto for removal of garbage.

(5) The occupier of a residence, shop, business premises or other building where there may be an accumulation of kitchen refuse or decomposing matter of any kind shall provide the number of garbage receptacles required by the Council or its authorised officer.

(6) Any person committing any breach of the provisions of this by-law shall be guilty of an offence and, in addition to any penalty to which he is liable under the provisions of by-law 54, shall remove or cause to be removed such garbage or other refuse in such a manner and within such time as the Council or an authorised officer thereof may direct:

Provided that the Council may cause the garbage or other refuse to be removed and may recover the costs and expenses incurred in such removal from the occupier.

*Latrines and privies*

8.—(1) The owner of any dwelling-house, business premises, lodging house or any place where persons are accommodated or labour is employed, shall construct latrines or privies of such type and number as the Council may, by notice, require.

(2) Any person failing to comply with the provisions of paragraph (1) shall be guilty of an offence.

*Cleaning of streets*

9.—(1) No person shall upon any street or public place throw or deposit or cause or suffer to be thrown or deposited any offensive matter, tins or refuse of any description.

(2) The occupier of any business premises shall not allow trade goods, cases, boxes, barrels or any merchandise of any description to remain on any street.

(3) No person shall permit any cattle, horse, sheep, pig or goat to graze upon any public place without the written consent of the Clerk or any other person authorised by the Council.

(4) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

*Obstruction, etc., an offence*

10. Any person who obstructs, molests or hinders any officer or servant of the Council in the execution of his duty or who uses violent or threatening language to or attempts in any way whatsoever to intimidate such servant or who endeavours by any bribe, threat or promise to cause any such servant to neglect or exceed his duty shall be guilty of an offence.

**PART III—PUBLIC PARKS**

*Exclusive user of public parks may be granted*

11.—(1) Subject to the provisions of these By-laws, the Council may grant permission to any sporting, social or other organisation or body to have exclusive use of the whole or any part of any public park on any particular day or days for purposes approved by the Council and may give such organisation or body power to levy charges for admission:

Provided that—

(a) notwithstanding the grant of any such permission, the Council may, in its absolute discretion, revoke such permission to enable the public park to be used for other purposes in connection with a special occasion;

(b) the Council may, in its absolute discretion at any time, declare any public park to be unusable, in which case the flying of a red flag and the posting of a notice declaring such park to be unusable, at the entrance to the park, shall be deemed to be sufficient notice to all persons that the park is unusable.

(2) Any person using any public park for sporting, recreational or social purposes when such park has been declared to be unusable shall be guilty of an offence.

*Method of application and approval*

12.—(1) Subject to the provisions of paragraph (2), any application for the grant of exclusive user of any public park shall be made to the Clerk not less than fourteen days before the day, or the first of the days, when such user is required and shall be subject to approval by resolution of the Council.

(2) Where, by reason of special circumstances, it is not possible for an application to be made at least fourteen days before the user, or first user, of any park is required, such application may be made to the Clerk who shall consult the Mayor, whose decision shall be deemed to be the decision of the Council and shall be reported to the Council at the next meeting thereof.

*Council may retain exclusive user of any public park*

13.—(1) The Council may, by resolution, retain to itself the exclusive user of the whole or any part of any public park on any special occasion.

(2) The Council may from time to time set aside any public park or any portion thereof for use as a children's playground and install therein equipment for use by children in which event the Council may prohibit the use of such equipment by persons of above such age as the Council may, by resolution, determine.

*Charges may be made for admission*

14. The Council may, by resolution from time to time—

(a) make a charge to be paid by the organisation or body to which permission has been granted for the exclusive user of any public park or any part thereof under the provisions of by-law 11, which charge may be a lump sum or a percentage of the gross gate receipts; or

(b) make a charge to be paid by members of the public on any occasion when the Council retains to itself the exclusive user of any public park or any part thereof.

*Gatekeeper, etc., to be employed by the Council*

15.—(1) The Council shall provide a gatekeeper and such other persons as may be necessary for the purpose of controlling admission to any public park, the collection of admission charges and the sale of tickets, whenever the Council, by resolution, makes a charge based on a percentage of gross gate receipts under the provisions of paragraph (a) of by-law 14.

(2) The gatekeeper shall be responsible to the Council for certifying the gross gate receipts, and the charges referred to in paragraph (1) shall be calculated in accordance with such certificates and be deducted from such receipts. All such charges shall thereupon be paid by the gatekeeper to the Clerk.

*Failing to pay charge for admission*

16. Any person who shall enter or remain within the bounds of any public park or any part thereof without having paid any lawful charge made for admission thereto under the authority of these By-laws, or who shall neglect or refuse to pay such charge on demand, may forthwith be removed therefrom and shall be guilty of an offence.

*Fairgrounds*

17.—(1) No fair, circus or amusement park run for profit shall be established at any place nor shall any equipment be installed in any fairground or amusement park run for profit except



with permission in writing of the Council, and on payment of such fees as the Council may, by resolution, from time to time, decide, and subject to such conditions as the Council may by resolution impose.

(2) The Council or its officers shall at all times have access to the place prescribed and shall have the right to inspect all equipment used therein.

(3) Any person who contravenes the provisions of paragraph (1) or who fails to observe any condition imposed by the Council under such provisions shall be guilty of an offence.

#### *Hours of entry*

18.—(1) Subject to the provisions of paragraph (2), any person may enter any public park at any time.

(2) The Council may, by resolution, decide particular hours during which any public park, other than a reserve, shall remain closed, in which case the Council shall cause a notice to be posted or affixed in a prominent place in such park specifying details of such hours.

(3) Any person who shall enter or remain within any public park during the hours specified under the provisions of paragraph (2) without the general or specific permission of the clerk may forthwith be removed therefrom and shall be guilty of an offence.

#### *Public parks*

19.—(1) No person other than an authorised officer or servant of the Council shall in any public park—

(a) cut, pluck, injure or destroy any turf, tree, bush, shrub, flower, plant or other thing in or upon any part thereof, or dig, cut or remove any sod, turf, loam, sand, gravel or other substance thereon or therefrom;

(b) negligently or wilfully injure, deface or remove any seat, notice, notice board, post, chair, railing, fence, barrier, or other thing which may from time to time be erected or placed therein by or with the authority of the Council;

(c) post or paint any bill, placard or notice therein;

(d) climb any tree therein;

(e) wilfully obstruct any entrance, thoroughfare or walk thereof or therein;

(f) wilfully interfere with the authorised user thereof or with any game or sport permitted by the Council therein;

(g) sell or offer or expose for sale any food or other goods therein without the prior permission of the Council or an authorised officer thereof;

(h) deliver or read any public lecture, prayer, sermon or address of any kind or hold or take part in or cause any public assemblage without the prior permission of the

Council, and then only at such times and places as the Council may permit;

(i) draw, take or drive any truck, car, motor-cycle, bicycle, scooter, wheelbarrow, carriage or other vehicle other than an invalid's chair or child's perambulator or push-cart, therein without the prior permission of the Council or an authorised officer thereof;

(j) bathe, wade or wash in any pond or pool therein or wilfully or negligently foul or pollute the water of any such pond or pool, or take, injure or destroy, or attempt to take, injure or destroy any fish in any such pond or pool;

(k) throw or deposit or cause or suffer to be thrown or deposited, anywhere therein (including in any building thereon) any litter, garbage or offensive matter, except in a receptacle provided by the Council for that purpose;

(l) aid in or abet any act or thing which may not be specifically mentioned in these By-laws but which may tend to the injury or disfigurement thereof or interfere with the use and enjoyment thereof by the public for the purpose of exercise or recreation.

(2) No person shall in any public park—

(a) play at or engage in any game or exercise in such a manner as to injure any path, turf, tree, shrub, flower, plant, building or other structure or thing therein or upon any part thereof;

(b) wilfully obstruct any officer or servant of the Council in the execution of any work in connection with such public park.

(3) Any person contravening or failing to comply with any of the provisions of this by-law shall be guilty of an offence.

#### **PART IV—NOISE PREVENTION**

##### *Noise prevention*

20.—(1) Subject to the provisions of paragraph (2), no person shall sound or play upon any musical or noisy instrument or operate a loud speaker in any street, public park or any other park, garden, recreation area, sports ground or reserve to which the public have access, or in any vehicle in any street therein.

(2) This by-law shall not apply—

(a) to the operation of a loud speaker for military or police purposes;

(b) to the sounding or playing of musical instruments by a band or musician playing with the prior permission of the Council;

(c) to the operation of the loud speaker or the sounding or playing of a musical or noisy instrument at a pleasure fair held with the prior permission of the Council;

(d) to the operation of any mobile cinema van by any department of Government or by any person with the prior permission of the Council;

(e) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument operated or played with the prior permission of the Council at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted with the prior permission of the Council under the provisions of paragraph (1) of by-law 11, or subparagraph (h) of paragraph (1) of by-law 19;

(f) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument, operated or played with the prior permission of the Council, at any sporting, recreational, social, religious or charitable assembly, event or fixture, conducted in any park, garden, recreational area, sports ground or reserve, other than a public park, to which the public have access;

(g) to the operation of any loud speaker or the sounding or playing of any musical or noisy instrument in any place in respect of which the Council has granted exemption, either generally or on any particular occasion;

(h) to the operation of any loud speaker in case of emergency.

(3) Any person failing to comply with the provisions of this by-law shall be guilty of an offence.

## **V—MARKET**

### *Market Master*

21. The market shall be under the immediate management and control of the Market Master, who shall be appointed by and be responsible to the Council.

### *Produce which may be sold*

22. No person, except the holder of a wholesale or retail store licence or a butcher's licence issued under the provisions of any Act relating to the licensing of businesses, shall sell or offer for sale any produce, other than fresh fish, or shell-fish, in any place within the town, other than in the market:

Provided that this by-law shall not apply to the sale of produce—

(a) by any producer, to a miller, manufacturer or processor where such produce is sold within the confines of property in the occupation of such producer or of such miller, manufacturer or processor; or

(b) by any miller, manufacturer or processor to any of his employees or suppliers where such produce is sold within the confines of property in the occupation of such miller, manufacturer or processor.

### *Cleaning and gutting fish*

23. No person shall bring to the market or offer for sale in the market any fish, other than white-bait or other similar small fish, unless such fish shall first have been gutted, gilled and cleaned.

*Fresh fish*

24. During the hours in which the market is open for business no person shall sell by retail fresh fish at any place outside the market:

Provided that this by-law shall not apply to the sale of fresh fish wholesale or by a butcher or fishmonger or a retail or wholesale store holder, licensed under the provisions of any Act for the time being in force relating to the licensing of businesses.

*Restriction on sales*

25. No person shall sell or offer for sale in the market any article other than produce or handicrafts.

*Hours of business*

26. The market shall be open for business during such hours as the Council may direct.

*Directions given by Market Master*

27. All persons using or being within the precincts of the market shall obey all reasonable directions given by the Market Master for the purpose of observing the good order and cleanliness of the market.

*Sales prohibited except from stalls*

28. No person shall sell or offer for sale any article in the market except at a stall allotted to him by the Council or the Market Master and during the hours that the Market is open for business.

*Allocation of stalls*

29. The allocation of stalls in the market shall be made by the Council or the Market Master in as fair and reasonable a manner as possible.

*Alterations of stalls*

30. No person shall make any alteration to a stall, or exhibit any notice thereon or introduce any fittings, fixtures, furniture or impediments of any kind without the authority of the Market Master, and any such thing introduced without his authority may be removed by the Market Master.

*Use of stalls*

31. No person shall occupy or use a stall so long as any charges which are due and payable for the use thereof are outstanding.

### *Charges for stalls*

32. The Council may, by resolution, from time to time, make a charge for the hire or use of stalls and other space at the market, such resolution to take effect from the date on which notification of the effect thereof is first posted in the market.

### *Stall receipts and prices to be exhibited*

33. Every stallholder shall exhibit and keep exhibited on his stall while the same is in use, his current receipt for the payment of the market charges in such manner as the Market Master shall direct and in such position that it can conveniently be read and inspected at all times by the Market Master or any attendant, and shall have all produce and handicrafts for sale by him at such stall legibly and conspicuously marked with the prices at which he offers the same for sale and in a manner clearly to indicate that price to the public.

### *Exchange, subletting, and sharing of stalls*

34. No stallholder shall exchange, sublet, surrender or part with the possession of his stall or share his stall with another vendor or person except with the permission of the Market Master.

### *Advertising and auctions*

35. No person shall in the market advertise goods by shouting, or conduct a sale by auction except with the permission of the Market Master.

### *Selling mixed yaqona prohibited*

36. No person shall sell or offer for sale mixed yaqona in any part of the market without the prior approval of the Council.

### *Cooking in the market*

37. No person shall do any cooking in any part of the market without the prior approval of the Council.

### *Intoxicating liquor prohibited*

38. No person shall bring into the market any intoxicating liquor or methylated spirit.

### *Unwholesome products*

39. No person shall bring into the market anything which in the opinion of the Market Master is bad, obnoxious, unwholesome or dangerous, and the Market Master may remove or cause to be removed any such thing brought within the precincts of the market.

### *Hygiene*

40. Stallholders shall keep their produce and expose it for sale in as hygienic a manner as is

practicable and shall obey all reasonable directions of the Market Master in this regard.

#### *Cleanliness*

41. Stallholders shall keep their stalls in a clean and orderly condition, and shall, as and when required, dispose of any litter, and empty containers and refuse as directed by the Market Master. Any stallholder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this by-law may, in addition to any fine to which he may be liable under the provisions of these By-laws, lawfully be refused the allocation of a stall by the Council or the Market Master.

#### *Dogs prohibited*

42. No person shall bring a dog into the market or suffer it to remain there, and the Market Master shall have power to remove or order the removal of any dog from the market.

#### *Spitting*

43. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath, floor or other part of the market or on to any utensil, produce, article or thing standing or being in the market.

#### *Disease*

44. No person suffering from any infectious or contagious disease or having recently been exposed to infection by such a disease shall engage in the sale of any goods in the market.

#### *Restriction on entry*

45. No person shall enter or remain in the market outside the hours during which the market is open for business without the authority of the Market Master.

#### *Obstruction of officials*

46. No person shall obstruct, prevent, hinder or interfere with the Market Master or any attendant or any person authorised by the Market Master in the performance of any duty under the provisions of this Part, and no person shall enter the market whilst drunk or excite a riot or curse or swear or use any gross, indecent, filthy or abusive language or gamble or be guilty of any other misconduct therein.

#### *Obstruction of market*

47. No person shall place any matter or thing on any roadway, footpath or passage in the market so as to obstruct the free use of such roadway, footpath or passage, or neglect or refuse to remove such matter or thing on being required to do so by the Market Master.

#### *Unsold goods*

48.—(1) Goods unsold at the close of the day may be left in the market at the owner's risk with the permission of the Market Master and any goods so left without such permission may

be removed by the Market Master and disposed of in such manner as he may consider reasonable.

(2) With his consent goods may be left in the care of the Market Master upon payment in advance of a charge to be decided by the Council.

#### *Offences*

49. Any person contravening or failing to comply with the provisions of this Part, other than those of by-laws 21, 26, 29, 32 and 48, shall be guilty of an offence.

### **PART VI—LIBRARIES**

#### *Offences*

50. Any person who--

- (a) wilfully obstructs the librarian in the performance of his duties;
- (b) wilfully disturbs any other user of the library;
- (c) causes or allows any dog or other animal belonging to him or under his control to enter or remain in the library;
- (d) brings into any part of the library any wheeled vehicle or conveyance other than an invalid's chair or child's perambulator;
- (e) except in such place as the Council may set aside as a place where smoking is permitted, smokes tobacco or strikes any naked light in the library;
- (f) wilfully soils, tears out, defaces, damages, injures or destroys any book forming part of the contents of the library;
- (g) except with the permission of the librarian, fixes any bill, placard or notice to or upon any part of the library;
- (h) except with the permission of the Council, partakes of any food or drink in the library, shall be guilty of an offence.

#### *Taking of books*

51. No person shall, except in accordance with rules to be made by the Council under the provisions of these By-laws, take any book away from the library, and any person contravening the provisions of this by-law shall be guilty of an offence.

#### *Return of books*

52. Any person having charge or being in possession of any book forming part of the contents of the library, shall return such book to the librarian within seven days of the service upon him of a notice requiring him so to do, and any person contravening the provisions of this by-

law shall be guilty of an offence.

*Rules and charges*

53. The Council may, by resolution—

(a) make rules relating to the use of the library or any part thereof or with regard to the borrowing of any book therefrom;

(b) levy a charge for the use of any book in the library;

(c) levy a charge in respect of the late return of any book.

**PART VII—MISCELLANEOUS**

*Penalty*

54. Any person guilty of an offence under the provisions of these By-laws shall be liable on conviction to a fine not exceeding \$100, or in the case of a continuing offence to a fine of \$4 for each day during which such offence continues, and, in addition to any such penalty, any expense incurred by the Council in consequence of any breach of these By-laws shall be refunded by such person to the Board.

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**SUBSIDIARY LEGISLATION OF LOCAL APPLICATION**

**SIGATOKA**

**SECTION 5—TOWN OF SIGATOKA**

*Proclamations Nos. 11 of 1959, 13 of 1966,  
Local Government Notices Nos. 1 of 1970, 22 of 1973, Legal Notice No. 144 of 1980*

The area defined in the Schedule shall be a town for the purposes of the Local Government Act and shall be known as the town of Sigatoka.

**SCHEDULE**

**WESTERN PORTION**

Commencing at a point on the right bank of the Nalele Creek and being the most northerly corner of Native Lease No. 7732; thence in an easterly direction for approximately 9 chains following the said right bank of the Nalele Creek downstream, crossing the Sigatoka Valley Road and continuing to its junction with the right bank of the Sigatoka River; thence in a southerly direction and following the said right bank of the Sigatoka River downstream for approximately 65 chains to its junction with the left bank of the Lawaqa Creek at a point on the southern boundary of C.T. 6621; thence in a generally westerly direction and following the said left bank of the Lawaqa Creek upstream to a point directly opposite the junction of the left bank of the Solevu Creek with the right bank of the Lawaqa Creek; thence in a



southerly direction by a direct line crossing the Lawaqa Creek to the aforesaid junction of the left bank of the Solevu Creek with the right bank of the Lawaqa Creek; thence continuing in a southerly direction and following the said left bank of the Solevu Creek upstream to a point being the north-eastern corner of Native Lease No. 6149; thence in a south-westerly direction and following the south-eastern boundary of the said Native Lease No. 6149 for approximately 590 links to its most southerly corner and being a point on the northern boundary of Native Lease No. 6887; thence in an easterly direction and following the said northern boundary of Native Lease No. 6887 for approximately 30 links to rejoin the left bank of the Solevu Creek; thence in a southerly direction and following the said left bank of the Solevu Creek for approximately 4<sup>1</sup>/<sub>4</sub> chains to the south-eastern corner of the said Native Lease No. 6887; thence in a westerly direction for approximately 7 chains following the southern boundary of the said Native Lease No. 6887, crossing the Queen's Road and Fiji Sugar Corporation's Cuvu to Muasara Railway Reserve to the western boundary of the said Railway Reserve; thence in a north-westerly direction following the western boundary of the said Railway Reserve for 615 links approximately to the north-eastern corner of Native Lease No. 6312; thence crossing the said Railway Reserve by a line bearing 30 degrees 09 minutes for a distance of 71.5 links to the south-eastern boundary of Lawaqa Government Station—Crown Lease No. IV/88,61; thence following the south-western and western boundaries of Crown Lease No. IV/88,61 by a line bearing 300 degrees 09 minutes for a distance of 2444 links and by a line bearing 40 degrees 17 minutes for a distance of 4258 links; thence crossing a 25 links Right of Way and following the southern, western and northern boundaries of surrendered Native Lease No. 2191, by a line bearing-

252	degrees	05	minutes	distance	573·0	links
26	"	13	"	"	820·0	"
297	"	18	"	"	377·1	"
32	"	09	"	"	244·5	"
29	"	28	"	"	248·6	"
108	"	48	"	"	402·3	"
166	"	57	"	"	568·6	" and
122	"	59	"	"	210·2	"

to the north-western corner of Crown Lease No. IV/88,61; thence following the northern boundary of the said Crown Lease No. IV/88, 61 in a south-easterly direction by a line bearing 127 degrees 46 minutes for a distance of 214·0 links and a line bearing 109 degrees 36 minutes for a distance of 380 links approximately to the western side of a formed road leading to the reservoir; thence by a line bearing 19 degrees 25 minutes for a distance of 220 links approximately crossing the said road and the Lawaqa Creek to its left bank; thence following the Lawaqa Creek downstream for 38 chains approximately to the western side of the 25 links Right of Way as shown on Plan No. N. 629; thence generally northerly following the western side of the said Right of Way for 20 chains approximately to the north-western boundary of Native Lease No. 7918; thence north-easterly following the western boundary of Native Lease No. 7918 by a line bearing 30 degrees 05 minutes 30 seconds for a distance of 612.5 links to the northernmost corner of the said Native Lease No. 7918; thence crossing Native Lease No. 6577 by a line bearing 88 degrees 30 minutes for a distance of 290 links approximately; thence following the south-eastern boundary of Native Lease No. 6577 by a line bearing 83 degrees 19 minutes for a distance of 190·2 links and by a line bearing 155 degrees 02 minutes for a distance of 399·9 links to the western boundary of C.T. 5216; thence in a north-easterly direction and following the north-western boundary of the said C.T. 5216 by a line bearing 30 degrees 12 minutes for a distance of 962·4 links to its most northerly

corner at Korodrigo Native Lands Commission mound; thence in north-easterly and south-easterly directions and following the north-western and north-eastern boundaries of Native Lease No. 5052 and the north-western boundary of Native Lease No. 35/39 by lines bearing-

24	degrees	36	minutes	distance	231.0	links	
66	"	19	"	"	26.0	"	
112	"	23	"	"	266.6	"	
137	"	34	"	"	186.3	"	and
59	"	54	"	"	253.2	"	; thence in a

north-easterly direction by a direct line bearing 46 degrees distance 180 links approximately to a point being the junction of the south-eastern boundary of Native Lease No. 2341 with the western boundary of Native Lease No. 848; thence in north-westerly, north-easterly and south-easterly directions and following the south-western, north-western and north-eastern boundaries of the said Native Lease No. 2341 by lines bearing-

295	degrees	26	minutes	distance	335.6	links	
315	"	17	"	"	397.3	"	
22	"	39	"	"	178.5	"	
23	"	19	"	"	377.9	"	and
130	"	03	"	"	521.1	"	to the

south-western corner of expired Native Lease No. 1818; thence in a north-easterly direction by a direct line bearing 41 degrees 42 minutes distance 945.2 links to the south-western corner of Native Lease No. 10417; thence in a northerly direction and following the western boundaries of the said Native Lease No. 10417 and Native Lease No. 10542 by a line bearing 358 degrees 04 minutes distance 943.9 links to the western most corner of Native Lease No. 7732; and thence in an easterly direction and following the northern boundary of the said Native Lease No. 7732 by lines bearing 53 degrees 52 minutes distance 136.4 links and 75 degrees 36 minutes distance 380.0 links to the right bank of the Nalele Creek and being the point of commencement.

#### EASTERN PORTION

A. Commencing at a point on the eastern boundary of Fiji Sugar Corporation's Cuvu to Kavanagasau Railway Reserve and being the north-western corner of Native Lease No. 447; thence by a line bearing 100 degrees 53 minutes distance 171.6 links to the north-eastern corner of the said Native Lease No. 447; thence in a southerly direction by lines bearing 187 degrees 01 minutes distance 570.8 links and 189 degrees distance 570.3 links and following the eastern boundaries of Native Leases Nos. 447, 6513 and 40/6 to the south-eastern corner of the said Native Lease No. 40/6; thence in a westerly direction by a line bearing 281 degrees 52 minutes distance 516 links and following the southern boundary of the said Native Lease No. 40/6 to the north-eastern corner of Native Lease No. 4408; thence in a southerly direction and following the eastern boundary of the said Native Lease No. 4408 by a line bearing 194 degrees 38 minutes distance 108.2 links to the northern boundary of Fiji Sugar Corporation's Cuvu to Muasara Railway Reserve; thence in a north-westerly direction and following the boundary arc of the said Cuvu to Muasara Railway Reserve for 245 links to its junction with the south-eastern boundary arc of the said Cuvu to Kavanagasau Railway Reserve; and thence in a north-easterly direction and following the south-eastern boundary of the said Cuvu to Kavanagasau Railway Reserve for 1261 links to the north-western corner of

Native Lease No. 447 and being the point of commencement.

B. Commencing at a point being the junction of the left bank of the Sigatoka River with the southern boundary of Fiji Sugar Corporation's Cuvu to Muasara Railway Reserve; thence in a south-easterly direction and following the south-western boundary of the said Railway Reserve for approximately 15 chains to a point bearing 81 degrees 15 minutes distance 25 links from the south-eastern corner of Native Lease No. 4804; thence in a westerly direction by a line bearing 261 degrees 15 minutes distance 3 ¼ chains approximately and following the northern boundary of a Native Reserve to the eastern boundary of the Queen's Road; thence in a southerly direction and following the said eastern boundary of the Queen's Road for approximately 10·8 chains to meet the prolongation of the southern boundary of Plan No. N. 1642. (approved lease N.L.T.B. 4/11/2980); thence crossing the Queen's Road and following the southern and western boundaries of the said Plan No. N. 1642 by a line bearing 284 degrees 29 minutes for a distance of 195 links approximately and by a line bearing 343 degrees 03 minutes for a distance 302·1 links and by a line bearing 13 degrees 35 minutes for a distance of 526·8 links to the southern side of a 16·5 link road; thence westerly following the southern side of the said road and crossing Nayawa Street by a line bearing 280 degrees 38 minutes for a distance of 3 chains approximately to the left bank of the Sigatoka River; and thence in a northerly direction and following the said left bank of the Sigatoka River upstream for approximately 13 ½ chains to the southern boundary of the said Cuvu to Muasara Railway Reserve and being the point of commencement.

The above descriptions are more particularly delineated on Plan No. PP 3 kept in the office of the Director of Lands, Suva, with copies of at the office of the Sigatoka Town Council.

And also all that area of land lying on the western side of the Queen's Road and the Kavanagasau-Rarawai railway and extending in variable widths, not exceeding 45 chains, from the present southern town boundaries at Lawaqa Government Station to the southern boundaries of the Sigatoka District Hospital at Nakoromumu, but excluding the areas contained in Native Reserve Claim Numbers 3, 9, 29 and 57.

The above described area is shown verged red and is more particularly delineated on Plan PP116 kept in the office of the Permanent Secretary for Lands and Mineral Resources in Suva and available for inspection at the office of the Permanent Secretary for Urban Development and Housing in Suva, and at the office of the Sigatoka Town Clerk.

Together with all those parcels of land in the Tikina of Nasigatoka in the Province of Nadroga and Navosa adjacent to the Township of Sigatoka shown on the following plans deposited with the Department of Lands, Mines and Surveys at Suva:—

N.109 (Part)

N.629 (Part)

N.1085 (Part)

N.1541

L/8-2, N.L.C. Lot 45 (Part).

All such parcels of land are more particularly delineated on Plan No. PP 62 lodged in the office of the Sigatoka Town Council at Sigatoka, the Director of Town and Country Planning in Suva and the Director of Lands in Suva.

And together with the following areas of land situated in the tikina of Sigatoka in the Province of Nadroga and Navosa:-

Area 1—

All that area of land lying on left bank of Sigatoka River and adjacent to the southern boundaries of Sigatoka town as proclaimed by Proclamation 13 of 1966, and bounded generally on the east by the Suva-Nadi highway, on the west by the Queens Road and on the south by the 5 metre wide road connecting the Suva-Nadi Highway and the Queens Road.

Area 2—

All that area of land lying between the left bank of Sigatoka River and the eastern alignment of the Queens Road and adjoining the southern boundaries of Sigatoka Town as proclaimed by Proclamation 13 of 1966.

The above areas are shown verged red and are more particularly delineated on plans PP 165 and PP 172 and marked 'A' and 'C' respectively, kept in the office of the Director of Lands and Surveyor-General, Suva with copies available for inspection at the office of the Director of Town and Country Planning in Suva and the office of the Sigatoka Town Council at Sigatoka.

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SECTION 5—SIGATOKA WARDS ORDER

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
2. Division of Sigatoka into wards

*Local Government Notice No. 33 of 1973*

*Short title*

1. This Order may be cited as the Sigatoka Wards Order.

*Division of Sigatoka into wards*

2. The town of Sigatoka is hereby divided into three wards, namely—

(1) the Laselase Ward comprising all that portion of the town of Sigatoka situated to the east of the Sigatoka River;

(2) the Vunialu Ward comprising all that portion of the town of Sigatoka situated to the west of the Sigatoka River between the northern boundary of the town and the Lawaqa Creek;

(3) the Lawaqa Ward comprising all that portion of the town of Sigatoka situated to

the west of the Sigatoka River between the Lawaqa Creek and the southern boundary of the town.

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**SECTION 9—NUMBER OF TOWN COUNCILLORS ORDER**

*Local Government Notices Nos. 7 of 1972, 34 of 1973, 40 of 1973*

The number of members of the town councils named in the Schedule and, where the towns are divided into wards, the number of members for each ward shall, with effect from the next general elections to such councils, be as specified in the Schedule.

**SCHEDULE**

Sigatoka Town Council—10 members, as follows:—

- Vunasalu Ward — 5 members
- Lawaga Ward — 3 members
- Laselase Ward — 2 members

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**SECTION 122—SIGATOKA (COMMERCIAL VEHICLE STAND) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

1. Short title
2. Interpretation
3. Management of stand
4. Duty to obey directions
5. Prohibitions
6. Permit to use commercial vehicle stand
7. Permit to be issued by the Town Clerk
8. Stand not to be used without permit
9. Allocation of stand
10. Production of permit
11. Obstructing attendant
12. Obstructing entrances
13. Speed limit
14. Attendance on vehicle
15. Power to refuse admission
16. Protection from liability
17. Revocation of permit
18. Penalty

First Schedule — Application for Permit to Use Sigatoka Commercial Vehicle Stand

Second Schedule — Permit to Use Sigatoka Commercial Vehicle Stand

*Legal Notice No. 25 of 1983*

*Short title*

1. These By-laws may be cited as the Sigatoka (Commercial Vehicle Stand) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"attendant" means any person appointed by the Council to carry out duties at a commercial vehicle stand;

"commercial vehicle" means any light or heavy goods vehicle plying for hire for the carriage of any cargo for reward;

"commercial vehicle stand" means any area set apart by the Council for the use of commercial vehicles as a parking place and notified as such by description published once in the *Fiji Royal Gazette* and once in a daily newspaper published and circulating in Fiji;

"Council" means the Sigatoka Town Council;

"operator" includes any person, firm, company or organisation who or which owns or operates a commercial vehicle.

*Management of stand*

3. A commercial vehicle stand shall be under the immediate management and control of the attendant.

*Duty to obey directions*

4. All persons using or being in the precincts of a commercial vehicle stand shall obey reasonable directions given by the attendant for the purpose of observing good order and cleanliness in such stand.

*Prohibitions*

5.—(1) No person shall, without the prior approval of the Council, make alterations to the alignments of a commercial vehicle stand or exhibit any notice within such stand or introduce fittings, fixtures or impediments of any kind into such stand and any such thing introduced may be removed by the attendant.

(2) No person shall sell or offer or expose for sale any produce or goods in a commercial vehicle stand without the prior consent of the Council in writing.

*Permit to use commercial vehicle stand*

6. Each operator desiring to use a commercial stand shall make an application, in the form set out in the First Schedule, for a permit to use such stand.

*Permit to be issued by the Town Clerk*

7.—(1) All permits to use a commercial vehicle stand shall be in the form set out in the Second Schedule and shall be issued by the Town Clerk on behalf of the Council.

(2) The fee for the issue of a permit shall be as prescribed in the Third Schedule.

(3) No permit shall be issued until the prescribed fee has been paid.

*Stand not to be used without permit*

8. No operator of a commercial vehicle shall cause or permit such vehicle to enter or use a commercial vehicle stand unless a valid permit issued under these By-laws is held by the operator in respect of the vehicle.

*Allocation of stand*

9.—(1) The allocation of bases in a commercial vehicle stand shall be made by the Council.

(2). A vehicle shall park only at the base allocated to it and specified in the permit issued by the Council.

*Production of permit*

10. The operator or driver of a commercial vehicle shall, upon demand by the attendant, produce for inspection the permit issued in respect of the vehicle.

*Obstructing attendant*

11. No person shall obstruct, hinder or interfere with any attendant in the performance of any duties under these By-laws and no person shall enter a commercial vehicle stand whilst drunk or excite a riot or curse or swear or use any gross or indecent language or gamble or be guilty of any other misconduct therein.

*Obstructing entrances*

12. No person shall obstruct any of the entrances, thoroughfares or divisions of a commercial vehicle stand or loiter therein.

*Speed limit*

13. No person shall drive a motor vehicle upon or within a commercial vehicle stand at a speed in excess of 10 kilometres per hour.

*Attendance on vehicle*

14. The drivers of commercial vehicles shall constantly be in attendance on their vehicles while the vehicles are in any commercial vehicle stand.

*Power to refuse admission*

15. The attendant shall have the power to refuse admission to or eject from a commercial vehicle stand any persons of undesirable character or any young children unattended.

*Protection from liability*

16. Nothing contained in these By-laws or in any permit issued by the Council shall be deemed to make the Council responsible for any loss or damage to any vehicle admitted to or using any commercial vehicle stand or for any injury to any person entering therein.

*Revocation of permit*

17. The Council may revoke the permit of any operator who is convicted of any offence under these By-laws.

*Penalty*

Any person contravening by-laws 4, 5 or 6 or by-laws 8 to 14, both inclusive, shall be guilty of an offence, and shall be liable to a fine not exceeding \$20.

**FIRST SCHEDULE**

*(By-law 6)*

**SIGATOKA TOWN COUNCIL**

**SIGATOKA (COMMERCIAL VEHICLE STAND) BY-LAWS  
(BY-LAW 6)**

**APPLICATION FOR PERMIT BY COMMERCIAL VEHICLE OPERATOR  
TO USE THE SIGATOKA COMMERCIAL VEHICLE STAND**

I/We ..... of ..... hereby apply for a permit for my/our under-mentioned vehicle(s) to use the Sigatoka Commercial Vehicle Stand.

Class of Vehicle:

Registered No. .... Make .....No. of passengers .....

Wheelbase .....

I/We agree to pay the parking fees as prescribed and to comply with the provisions of the Sigatoka (Commercial Vehicle Stand) By-laws.

Dated this .....day of .....19.....

Operator

**SECOND SCHEDULE**



(By-law 7(1))

SIGATOKA TOWN COUNCIL

SIGATOKA (COMMERCIAL VEHICLE STAND) BY-LAWS  
(BY-LAW 7(1))

PERMIT TO USE THE SIGATOKA COMMERCIAL VEHICLE STAND

..... of .....  
commercial vehicle operator, is hereby permitted to use the Sigatoka Commercial Vehicle  
Stand with the following vehicles subject to the Sigatoka (Commercial Vehicle Stand) By-  
laws.

Class of Vehicle ..... Registered No. ....

Make ..... No. of Passengers .....

Wheelbase .....

Allocation of Stand ..... Valid till .....

Dated this .....day of .....19.....

Town Clerk  
for Sigatoka Town Council

**THIRD SCHEDULE**

(By-law 7(2))

SIGATOKA TOWN COUNCIL

SIGATOKA (COMMERCIAL VEHICLE STAND) BY-LAWS  
(BY-LAW 7(2))

FEES

For each commercial vehicle — \$5.00 per base per month.

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SECTION 122—SIGATOKA (CONTROL AND USE OF STREETS) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

- 1. Short title
- 2. Interpretation
- 3. Action prohibited

4. Article falling from vehicles
5. Crossing of gutters, etc.
6. Control of motor vehicles without pneumatic tyres
7. Control of fireworks
8. Street trading

*Local Government Notice No. 25 of 1976*

*Short title*

1. These By-laws may be cited as the Sigatoka (Control and Use of Streets) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Sigatoka Town Council;

"Town Clerk" means the Town Clerk appointed by the Council.

*Action prohibited*

3. No person shall in any street—

(a) place, leave or deposit or permit to be placed, left or deposited any derelict vehicle, glass, refuse, rubbish or any noisome or offensive matter, save under the authority of the Council or in accordance with the requirements of any law for the time being in force;

(b) wash, repair, grease, dismantle or assemble any vehicle otherwise than in the case of an emergency;

(c) paint any vehicle;

(d) leave any vehicle or any box, crate, barrel or package so as to form an obstruction;

(e) leave any matter or material of an inflammable nature;

(f) wilfully or maliciously damage or destroy any tree, shrub, plant, building or structure, the property of the Council;

(g) wilfully or maliciously extinguish or damage any street lamp or damage any post or power pole;

(h) park or stop an omnibus on any road, street or laneway other than a road, street, laneway or area specified for such parking or stopping;

(i) use any vehicle having an oil or fuel leakage;

(j) encumber or obstruct any street in any manner not hereinbefore described.

*Article falling from vehicles*

4.—(1) It shall be the duty of the driver of any vehicle to take all reasonable precautions to ensure that no article, substance or material shall fall from or be deposited by such vehicle on any street.

(2). In the event of any such article, substance or material falling from or becoming deposited by any vehicle the driver thereof shall take all reasonable steps to safeguard other traffic on the street and to remove such article, substance or material immediately thereafter.

(3) In the event of failure to remove any such article, substance or material the Council may remove it and the cost thereof may be recovered from the person responsible for its removal.

*Crossing of gutters, etc.*

5.—(1) Without the prior written permission of the Council, no planks or other material shall be placed by any person in or across any gutter or ditch or against any kerb for the purpose of enabling a vehicle to make a crossing of such gutter, ditch or kerb. In granting any such permission, the Council may, in its discretion, require that the applicant therefor furnish security to an amount considered by the Council to be reasonable.

(2) No person shall drive any vehicle across any gutter or ditch or on any footpath unless a suitable crossing has been constructed for the purpose and has been approved by the Council under the provisions of paragraph (1).

*Control of motor vehicles without pneumatic tyres*

6. No person shall drive or take any motor vehicle without pneumatic tyres upon any street unless authorised by the Council.

*Control of fireworks*

7. No person shall discharge any firework, cracker or explosive material in a street or public place without having first obtained permission in writing from the Council:

Provided that no permit shall be required under this by-law for the discharge of fireworks or crackers on New Year's Day, 5 November, Diwali and the Hindu New Year.

*Street trading*

8.—(1) Without a permit in writing obtained from the Town Clerk and payment of such fee as the Council may by resolution prescribe, no person shall use any street or public place for the purpose of—

(a) distributing any pamphlet or advertising matter;

(b) the carrying on of the business of commercial photography.

(2) Any permit granted under the provisions of paragraph (1) may be granted for such period

of time and upon such terms and conditions as the Council may consider appropriate.

SECTION 122—SIGATOKA (HAWKERS) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Hawkers to be licensed
4. Sale of pigeons and wild birds prohibited
5. Application for licence
6. Council may refuse licence
7. Council may suspend or cancel licence
8. Issue of licence
9. Effect of licence
10. Duration of licence
11. Duties and obligations of hawker
12. Penalty
  - First Schedule Application for Hawker's Licence
  - Second Schedule Hawker's Licence

*Legal Notices Nos. 115 of 1977, 82 of 1981*

*Short title*

1. These By-laws may be cited as the Sigatoka (Hawkers) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Sigatoka Town Council;

"goods" includes beads, jewellery and native curios and articles of food or produce grown in Fiji;

"hawker" means a person who by going from place to place sells goods carried on his person or from a handcart, box, basket, tray and the like or from a boat, horse-drawn vehicle, bicycle, motor vehicle, or any other type of conveyance:

"officer" means the Town Clerk and also any person acting as such for the time being, any sanitary inspector appointed by the Council, or any officer or servant of the Council in the performance of any duty under these By-Laws:

"Town Clerk" means the Town Clerk appointed by the Council.

*Hawkers to be licensed*

3. No person shall within the town follow the calling of hawker or hawk for sale any produce,

livestock, or other goods whatsoever unless he shall be the holder in his own name of an unexpired hawker's licence issued by the Council.

*Sale of pigeons and wild birds prohibited*

4. No licence issued under these By-laws shall permit the sale of pigeons or wild birds.

*Application for licence*

5. Every person desirous of obtaining a hawker's licence shall make application, in person, in writing, to the Town Clerk in the form in the First Schedule.

*Council may refuse licence*

6. The Council may refuse to grant a hawker's licence to any person.

*Council may suspend or cancel licence*

7. The Council may suspend or cancel the licence of any hawker for any good cause after giving the holder thereof due opportunity of being heard.

*Issue of licence*

8. The Town Clerk shall upon receiving the application mentioned in by-law 5 and, subject to such directions as he shall receive from the Council in that behalf, issue a licence in the form in the Second Schedule to the applicant.

*Effect of licence*

9. A hawker's licence issued by the Council under by-law 8 shall authorise only the hawking and sale of such goods as are endorsed on the licence.

*Duration of licence*

10. A hawker's licence under these By-laws shall be issued for a period of one year.  
(*Substituted by Legal Notice 82 of 1981.*)

*Duties and obligations of hawker*

11. A licensed hawker shall—

(a) at all times when hawking carry his licence with him and shall on demand produce the same to any police officer or officer of the Council;

(b) if by remaining stationary in any road, street, or place, he shall cause any obstruction to pedestrian or other traffic, forthwith move away from such road, street or place in such manner as effectively to remove such obstruction;

(c) when using a handcart or vehicle of any kind, keep such handcart or vehicle as near as practicable to the left hand side of the road or street;

(d) keep his boat, basket, tray, utensils, handcart or vehicle clean to the satisfaction of any sanitary inspector appointed by the Council;

(e) prevent any goods intended for human consumption from coming into contact with or being exposed to any dirt, filth, contagion, infection, flies, or anything likely to render such goods injurious to health;

(f) cease to hawk any goods intended for human consumption while he is suffering from any infection, contagious or offensive disease or skin complaint;

(g) follow the directions of the authorised officers of the Council as to the location of his stall and his movements when hawking.

*Penalty*

12. Any person contravening or failing to comply with these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$10 for each day during which such contravention continues.

**FIRST SCHEDULE**

*(By-law 5)*

SIGATOKA TOWN COUNCIL

APPLICATION FOR HAWKER'S LICENCE UNDER  
SIGATOKA (HAWKERS) BY-LAWS

Name of Applicant:

Address:

Class of goods hawked:

How hawked—

(a) boat, horse, cart or motor vehicle:

(b) carried or borne by hawker.

Dated this                    day of                    19                    .

.....  
Applicant

**SECOND SCHEDULE**

*(By-law 8)*

SIGATOKA TOWN COUNCIL

## HAWKER'S LICENCE

Issued under Sigatoka (Hawkers) By-Laws

Licence No.:

Name of Licensee:

Address:

Class of goods hawked:

(a) beads and native curios;

(b) vegetables and fruit;

(c) goods other than (a) and (b).

Date of Application:

Date Licence expires:

Date:

.....  
Town Clerk and Licensing Officer.

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### SECTION 122—SIGATOKA (LITTER) BY-LAWS

#### TABLE OF PROVISIONS

##### BY-LAW

1. Short title
2. Interpretation
3. Prohibition
4. Powers of an authorised person
5. Provision for an identity card
6. Penalties
7. Evidence in legal proceedings

*Local Government Notice No. 7 of 1973*

##### *Short title*

1. These By-laws may be cited as the Sigatoka (Litter) By-laws.

##### *Interpretation*

2. In these By-laws unless the context otherwise requires—

"abandon" includes to throw, to drop, to deposit, to place, to scatter, to spill, to leave, to cast or otherwise to part with possession;

"authorised person" means a person appointed by the Council to be an authorised person for the purpose of these By-laws or any police officer;

"Council" means the Sigatoka Town Council;

"litter" means any matter or thing whether solid or liquid or partly solid or partly liquid the possession of which has been abandoned by any person having the control of the same in any street or land or public place, and includes building, household, shop, garden and trade refuse or waste; human, animal, fish and vegetables refuse or waste; containers and packaging of any description whether manufactured in whole or in part of wood, glass, metal, paper or plastic; derelict vehicles, household, shop and factory furniture, appliances and machinery or any part thereof; timber, wood, glass, iron, concrete, sand, earth, gravel, stone and clay; or any matter or thing which causes or contributes to or tends to the defacement or defilement of any street, land or public place.

#### *Prohibition*

3. No person shall abandon or cause to be abandoned any litter in or upon any street, public place or land save under the authority of, or in accordance with, the requirements of any law for the time being in force.

#### *Powers of an authorised person*

4. An authorised person may require the person whom he finds committing or whom he reasonably suspects to be committing or to have committed an offence against these By-laws to state his full name and usual place of residence.

#### *Provision for an identity card*

5. Every authorised person, other than a member of the Police Force, shall be issued with an identity card by the Council wherein shall be specified the name of the authorised person to whom it is issued and the fact that he is an authorised person for the purpose of these By-laws, and in the exercise of his powers and functions under these By-laws an authorised person shall carry an identity card and, should the circumstances require it, exhibit it for the purpose of his identification.

#### *Penalties*

6. Any person who contravenes or fails to comply with the provisions of these By-laws, shall be guilty of an offence under these By-laws and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$2 for every day during which such contravention or non-compliance continues.

#### *Evidence in legal proceedings*



7. In any proceedings for an offence against these By-laws—

(a) the onus of proof that any litter has not been abandoned shall be on the defendant;

(b) a statement in the complaint that a place referred to therein is a street or a part of a street or a public place or open to use by the public or is a public resort open to use by the public as of right shall be evidence, and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

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## SECTION 122—SIGATOKA (MARKET AND MERCHANDISING) BY-LAWS

### TABLE OF PROVISIONS

#### BY-LAW

1. Short title
2. Interpretation
3. Division of market
4. Market Master
5. Hours of business
6. Limitation on sale of certain merchandise
7. Cleaning and gutting fish
8. Smoking prohibited in certain areas
9. Directions given by Market Master
10. Sale to be from stalls
11. Placing of produce for sale
12. Stall receipts and prices to be exhibited
12. Alterations to stalls
14. Use of stalls
15. Exchange, subletting and sharing of stalls
16. Litter
17. Hygiene
18. Permitted merchandise only to be sold
19. Cooking prohibited
20. Shouting and auctions prohibited
21. Unwholesome products
22. Diseases
23. Dogs prohibited
24. Restriction on entry
25. Obstruction of Market Master
26. Disorderly conduct
27. Gambling prohibited
28. Obstruction and loitering
29. Certain structures prohibited
30. Spitting
31. Obstruction of Market
32. Selling mixed yaqona prohibited

33. Washing of market
34. Unauthorised occupation of stall
35. Merchandise may be left in Market
36. Allocation of stall
37. Removal of casks, etc.
38. Fines
39. By-laws

*By-laws 12 July 1985*  
*Legal Notice No. 52 of 1985*

*Short title*

1. These By-laws may be cited as the Sigatoka (Market and Merchandising By-laws).

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"fruit and vegetables" means fresh fruit and vegetables, and includes root crops;

"fish" means—

(a) fresh, dried or smoked fish;

(b) fresh turtle; and

(c) shell-fish;

"groceries" means—

(a) potatoes, onions, garlic, dhal, peas, spices, rice, edible oil, ghee, imported fruits, Fiji tobacco, bessan, vermicelli, sultanas, agarbatti, suji, dates, eggs, peanuts, tamarind, chicken mash, camphor and yaqona; and

(b) such other grocery items as the Council may by resolution permit to be sold in the Market;

"handicrafts" means—

(a) mats, baskets, jewellery, beaded purses, souvenirs, wood-carvings and other ornamental articles, all locally manufactured;

(b) wares and curios of Pacific Island origin; and

(c) such other handicraft articles as the Council may, by resolution, permit to be sold in the Market;

"Market" means the Sigatoka Market Building and its surrounding as indicated by notice boards;

"Market Master" means—

(a) the person appointed by the Council as Market Master; and

(b) any attendant appointed by the Council to assist the Market Master;

"sell" includes display or offer for sale;

"shell-fish" means edible molluscs and crustaceans;

"stall" includes any place in the Market set aside by the Council for the sale of merchandise:

"stallholder" means-

(a) the person in whose name the receipt for the stall charges is issued; or

(b) the person in charge of the stall with the permission of the person specified in paragraph (a) and the Market Master.

#### *Division of Market*

3. The Market may be divided into sections and different charges may be prescribed by By-laws made by the Council for each section of the Market.

#### *Market Master*

4. The Market is under the management and control of the Market Master.

#### *Hours of business*

5. The Market shall be open during such hours as the Council determines.

#### *Limitation on sale of certain merchandise*

6.—(1) A person, who is not the holder of a wholesale or retail store licence, shall not sell fish, fruit and vegetables, handicrafts, or groceries, within the Town of Sigatoka except within the Market.

2. A person shall not sell or offer for sale in the Market anything other than fish, fruit and vegetables, handicrafts, or groceries.

3. A person is guilty of an offence if he contravenes paragraph (1) or (2).

#### *Cleaning and gutting fish*

7.—(1) Subject to paragraph (2), a person shall not bring into or offer for sale in the Market fresh fish that has not been gutted, gilled and cleaned.

(2) Paragraph (1) does not apply to white-bait and similar small fish, shell fish or turtles.

(3) A person is guilty of an offence if he contravenes paragraph (1).

*Smoking prohibited in certain areas*

8. A person is guilty of an offence if he smokes in any section of the Market where the sale of fish is permitted.

*Directions given by Market Master*

9. A person using or within the Market is guilty of an offence if he fails to obey reasonable directions given by the Market Master in respect of good order and cleanliness of the Market.

*Sale to be from stalls*

10. A person is guilty of an offence if he sells merchandise in the Market except—

(a) at a stall allotted to him by the Market Master; and

(b) during the hours when the Market is open for business.

*Placing of produce for sale*

11.—(1) A person shall not place in direct contact with the floor of the Market building or in direct contact with any paths, road, grass or ground merchandise offered or exposed for sale in the Market.

(2) A person shall place merchandise offered or exposed for sale in the Market—

(a) on the raised concrete stalls provided in the Market; or

(b) on tables, benches, mats, sacking or other articles or materials approved by the Market Master.

(3) A person is guilty of an offence if he contravenes paragraph (1) or (2).

*Stall receipts and prices to be exhibited*

12.—(1) A stallholder shall exhibit on his stall the last receipt for the payment of the Market charges on that stall.

(2) A stallholder shall exhibit the receipt required to be exhibited under paragraph (1) in such a position that it can conveniently be read and inspected at any time by the Market Master.

(3) A stallholder is guilty of an offence if he fails to comply with paragraph (1) or (2).

*Alterations to stalls*

13.—(1) A person is guilty of an offence if, without the Market Master's approval, he—

- (a) alters a stall;
- (b) exhibits a notice on a stall; or
- (c) introduces fittings, fixtures, furniture or impediments of any kind on to a stall.

(2) Where—

- (a) a notice is exhibited on a stall; or
- (b) a fitting, fixture, furniture or impediment has been placed on a stall without the Market Master's approval, the Market Master may remove that article.

(3) The cost of the removal of an article under paragraph (2) is a debt due to the Council from the stallholder and may be recovered in a Court of competent jurisdiction.

#### *Use of stalls*

14.—(1) A person shall not occupy or use a stall unless he has paid the prescribed charges in respect of that stall.

(2) A person is guilty of an offence if he contravenes paragraph (1).

#### *Exchange, subletting and sharing of stalls*

15.—(1) A stallholder shall not exchange, sublet, surrender or part with the possession of the whole or any part of his stall to another person nor shall he share his stall with another person.

(2) A stallholder is guilty of an offence if he contravenes paragraph (1).

#### *Litter*

16. A person is guilty of an offence if he throws, drops, deposits or otherwise parts with the possession of litter or refuse in the Market except in receptacles provided for that purpose.

#### *Hygiene*

17. A stallholder is guilty of an offence if he—

- (a) keeps the merchandise he is offering or exposing for sale in an unhygienic condition; or
- (b) fails to obey a reasonable direction of the Market Master given in respect of the hygiene of his merchandise.

#### *Permitted merchandise only to be sold*

18. A stallholder in a section of the Market set aside for the sale of particular merchandise is

guilty of an offence if he sells any other type of merchandise.

*Cooking prohibited*

19. A person is guilty of an offence if he cooks anything in the Market.

*Shouting and auctions prohibited*

20.—(1) A person shall not advertise merchandise for sale in the Market by shouting.

(2) A person shall not sell merchandise in the Market by auction.

(3) A person is guilty of an offence if he contravenes paragraph (1) or (2).

*Unwholesome products*

21.—(1) A person is guilty of an offence if he brings into, or keeps, in the Market anything which is bad, obnoxious, unwholesome, or dangerous.

(2) The Market Master may remove or cause to be removed, anything brought into, or kept in, the Market contrary to paragraph (1).

(3) The cost of removal of an article under paragraph (2) is a debt due to the Council from the person who brought that article into, or kept that article in the Market and may be recovered in a Court of competent jurisdiction.

*Diseases*

22.—(1) A person who—

(a) is suffering from an infectious or contagious disease; or

(b) has recently been exposed to an infectious or contagious disease, shall not engage in the sale of merchandise in the Market.

(2) A person is guilty of an offence if he contravenes paragraph (1).

*Dogs prohibited*

23.—(1) A person is guilty of an offence if he brings a dog into the Market or allows a dog to remain in the Market.

(2) The Market Master may remove or order the removal of a dog from the Market.

(3) A person is guilty of an offence if he fails to obey an order given to him by the Market Master to remove a dog from the Market.

*Restriction on entry*

24. A person is guilty of an offence if, without the Market Master's approval he enters or remains in the Market when it is closed.

*Obstruction of Market Master*

25. A person is guilty of an offence if he obstructs, hinders or interferes with the Market Master in the performance of his duties under these By-laws.

*Disorderly conduct*

26. A person is guilty of an offence if he—

- (a) enters the Market whilst drunk;
- (b) excites public disorder in the Market; or
- (c) uses indecent or abusive language in the Market.

*Gambling prohibited*

27. A person is guilty of an offence if he gambles in the Market.

*Obstruction and loitering*

28. A person is guilty of an offence if he—

- (a) obstructs an entrance, thoroughfare or passage of the Market; or
- (b) loiters in the Market.

*Certain structures prohibited*

29. A person is guilty of an offence if he erects a structure in the Market without the Market Master's approval.

*Spitting*

30. A person is guilty of an offence if he—

- (a) spits; or
- (b) discharges nasal fluid or mucus,

on to a roadway, footpath, floor, wall or other part of the Market, or on to any utensil, merchandise, article or thing standing or being in the Market.

*Obstruction of market*

31.—(1) A person is guilty of an offence if he places anything on a roadway, footpath or passage in the Market so as to obstruct the free use of the roadway, footpath or passage.

(2) A person is guilty of an offence if he fails to remove anything he has placed on a

roadway, footpath or passage in the Market upon being requested to do so by the Market Master.

*Selling mixed yaqona prohibited*

32. A person is guilty of an offence if he sells or offers for sale mixed yaqona in any part of the Market.

*Washing of Market*

33.—(1) A person is guilty of an offence if he fails to remove his merchandise and all other articles he has in the Market from the Market when requested to do so by the Market Master prior to the Market being washed by the Council.

(2) The Council shall not be liable for loss or damage to merchandise left in the Market contrary to paragraph (1).

(3) The Market Master shall give stallholders 7 days' notice of the intention of the Council to wash the Market.

*Unauthorised occupation of stall*

34.—(1) The Market Master may remove the merchandise of a person who is occupying a stall without the Market Master's permission.

(2) The cost of removing merchandise under paragraph (1) is a debt due to the Council from the person who occupied the stall and may be recovered in a Court of competent jurisdiction.

*Merchandise may be left in Market*

35.—(1) Merchandise may, with the permission of the Market Master, be left in the Market while the Market is closed.

(2) Merchandise which has been left in the Market when the Market is closed without the Market Master's permission may be removed and disposed of by the Market Master.

(3) The cost of the removal and disposal of merchandise under paragraph (2) shall be a debt due to the Council from the person who left that merchandise in the Market and may be recovered in a Court of competent jurisdiction.

(4) Neither the Council nor the Market Master is liable for loss or damage to merchandise left in the Market with the Market Master's permission when it is closed unless the loss or damage results from a deliberate or negligent act of the Market Master.

(5) Merchandise may be left in the care of the Market Master on payment in advance of the prescribed charges

*Allocation of stall*

36.—(1) The Market Master shall allocate stalls in the Market.



(2) A person aggrieved by a decision of the Market Master under paragraph (1) may, within 3 days of being informed of that decision, or such longer period as the Council may allow appeal against the decision to the Council.

(3) The Council's decision on an appeal made to it under paragraph (2) is final.

*Removal of empty casks, etc.*

37. A cask, crate or lumber brought into the Market may be removed by the Market Master and stored at the risk and cost of its owner.

*Fines*

38. Where a person is guilty of an offence under these By-laws he is liable conviction to a fine not exceeding \$100.

*By-laws*

39. Part VII of the Sigatoka Town By-laws is repealed.

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SECTION 122—SIGATOKA (MARKET FEES) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Fees
- Schedule

*By-laws 12 April 1985*  
*Legal Notice No. 54 of 1985*

*Short title*

1. These By-laws may be cited as the Sigatoka (Market Fees) By-laws.

*Interpretation*

2. Words and phrases defined in the Sigatoka (Market and Merchandising) By-laws shall have the same meaning in these By-laws.

*Fees*

3. The fees specified in the Schedule shall apply in the Market.

## SCHEDULE

<i>Facility</i>	<i>Daily fee</i>	
	\$	
Fruit and vegetable stall .....	0.50	
Grocery stall .....	1.00	
Handicraft stall .....	1.30	
Fish stall .....	0.10	for each kg of fish offered for sale during the day.
Chicken sales .....	0.10	for each kg of chicken offered for sale during day; or
	2.00	whichever is the greater.
Goat sales .....	2.00	for each goat offered for sale.
Wholesalers .....	2.00	

The fee for the use of the shower is 50c per use.

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## SECTION 122—SIGATOKA (OPEN FIRES) BY-LAWS

### TABLE OF PROVISIONS

#### BY-LAW

1. Short title
2. Interpretation
3. Burning of objects prejudicial to health or safety.
4. Pollutants
5. Authority to burn dead trees, etc.
6. Camp fires
7. Burning of vegetation
8. Penalty

*Local Government Notices Nos. 7 of 1975, 15 of 1975*

#### *Short title*

1. These By-laws may be cited as the Sigatoka (Open Fires) By-laws.

#### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"Council" means the Sigatoka Town Council;

"incinerator" means any receptacle or construction whether within a building or outside constructed or adapted for the destruction by fire of any object;

"pollutant" means any solid, liquid or gaseous matter of a poisonous or noxious nature prejudicial to health or the safety of any person or, by odour or appearance, offensive or objectionable.

*Burning of objects prejudicial to health or safety*

3. No person shall, without the consent in writing of the Council first had and obtained, burn other than in a building or an incinerator any object or matter which may constitute a hazard to health or the safety of any person or property.

*Pollutants*

4. No person shall, without the consent in writing of the Council first had and obtained, light any fire from which a pollutant is released into the environment.

*Authority to burn dead trees, etc.*

5. The Council may, upon receipt of written application, authorise in writing the applicant to burn dead trees, wood, long grass, scrub, stubble, weeds or the cuttings of mowing or trimming arising out of the normal course of agriculture or horticulture, at such times and subject to such conditions as the Council may prescribe.

*Camp fires*

6. Nothing in these By-laws shall affect the lighting of camp fires for the purpose of the preparation of food or drink.

*Burning of vegetation*

7. Nothing in these By-laws shall affect a controlled burning of vegetation or the protection of life or property.

*Penalty*

8. Any person who contravenes or fails to comply with the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 and to a further fine of \$5 for every day during which such contravention or non-compliance continues.

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SECTION 122—SIGATOKA TOWN BY-LAWS

TABLE OF PROVISIONS

## **PART I—PRELIMINARY**

### **BY-LAW**

1. Short title
2. Interpretation

## **PART II—SANITATION**

3. Clearing of scrub, brushwood or undergrowth
4. Public drains, etc.
5. Private drains
6. Council may undertake work
7. Collection and disposal of garbage
8. Latrines and privies
9. Cleaning of streets
10. Obstruction, etc., an offence

## **PART III—PUBLIC PARKS**

11. Exclusive user of public parks may be granted
12. Method of application and approval
13. Board may retain exclusive user of any public park
14. Charges may be made for admission
15. Gatekeeper, etc., to be employed by the Council
16. Failing to pay charge for admission
17. Fairgrounds
18. Hours of entry
19. Public park

## **PART IV—BUS STATION AND TAXI STANDS**

20. Management of bus station and taxi stands
21. Licence to use bus station or taxi stand
22. Licences
23. Fees
24. Payment of fees
25. Bus station or taxi stand not to be used without licence
26. Revocation of licence
27. Control of bus station or taxi stand

## **PART V—NOISE PREVENTION**

28. Noise prevention

## **PART VI—DANCE HALLS**

29. Dance halls to be licensed
30. Exemptions

31. Licences
32. Transfer of licence
33. Refusal, revocation, etc., of licence
34. Offences

## **PART VII—LIBRARIES**

35. Offences
36. Taking of books
37. Return of books
38. Rules and charges

## **PART VIII—MISCELLANEOUS**

39. Penalty
  - First Schedule—Application for Licence to Use Sigatoka Bus Station, etc.
  - Second Schedule—Licence to Use Sigatoka Bus Station, etc.
  - Third Schedule—Fees
  - Fourth Schedule—Application for Dance Hall Licence and Licence

*By-laws 25 July 1966, Local Government Notices Nos. 14 of 1969, 19 of 1973, 1 of 1975, 10 of 1976, 11 of 1977, Legal Notices Nos. 44 of 1981, 20 of 1982, 52 of 1985, 53 of 1985*

## **PART I—PRELIMINARY**

### *Short title*

1. These By-laws may be cited as the Sigatoka Town By-laws.

### *Interpretation*

2. In these By-laws, unless the context otherwise requires—

"authorised" means duly authorised by the Council;

"book" means any book or other printed or written matter, picture, print, photograph, film, engraving, etching, map, plan, chart, record or similar contrivance for reproducing sound, music score, and any article of a like nature forming part of the contents of the library;

"bus operator" includes any person, firm, company or organization which owns or operates a motor omnibus;

"bus shelter" means any shelter owned and controlled by the Council for the use of bus passengers in the town of Sigatoka;

"bus station" means the Sigatoka Bus Station maintained and controlled by the Council, being more particularly defined and delineated as Lot 1 on plan N.1646 lodged in the Department of Lands;

"Council" means the Sigatoka Town Council;

"dance hall" means any hall, house, room, garden or other place kept or used, other than on an isolated occasion or during the course of religious festivals, for public dancing, singing, music or other public entertainment of a similar nature, but does not include any licensed hotel or licensed cinematograph theatre;

"dump" means the area of land used by the Council for the disposal of garbage;

"library" means any public library belonging to or controlled by the Council;