

**PacLII Note: Due to the size of this Act and the Regulations, PacLII has also published it in four parts. This is Part 2.**

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**SECTION 122—LABASA TOWN BY-LAWS**

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*By-laws 5 September 1966, Local Government Notices Nos. 12 of 1969, 24 of 1976*

## **PART I—PRELIMINARY**

*Short title*

1. These By-laws may be cited as the Labasa 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;

"Council" means the Labasa 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;

"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 Labasa;

"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 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;

"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 area or sports ground vested in, 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.

*(Amended by Local Government Notice 12 of 1969.)*

## **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 60, 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 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 organization 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 organization 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 organization 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 Board retains to itself the exclusive user of any public part 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 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 pushcart, 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 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 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 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;

(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, recreation, 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;

(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 V—DANCE HALLS**

*(Inserted by Local Government Notice 12 of 1969.)*

##### *Dance halls to be licensed*

21.—(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 any 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 12 of 1969.)*

##### *Exemptions*

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

(2) The Council may by resolution exempt from the provisions of paragraph (1) of by-law 21, 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 12 of 1969.)*

#### *Licences*

23.—(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 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 21, 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 Schedule.

*(Inserted by Local Government Notice 12 of 1969.)*

#### *Transfer of licence*

24. 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 12 of 1969.)*

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

25.—(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 12 of 1969.)*

#### *Offences*

26. Any person who contravenes the provisions of by-law 21 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 12 of 1969.)*

### **PART VI—MARKET**

*Market Master*

27. 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*

28. 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*

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

*Fresh fish*

30. 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*

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

*Hours of business*

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

*Directions given by Market Master*

33. 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*

34. 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*

35. The allocation of stall 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*

36. No person shall make any alterations 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*

37. 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*

38. 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*

39. 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*

40. 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*

41. 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*

42. 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*

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

*Intoxicating liquor prohibited*

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

*Unwholesome products*

45. 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*

46. 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*

47. 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 stall holder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this regulation 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*

48. 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*

49. 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 utensil, produce, article, or thing standing or being in the market.

*Disease*

50. 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*

51. 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*

52. 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*

53. 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*

54.—(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*

55. Any person contravening or failing to comply with the provisions of this Part, other than those of by-laws 27, 33, 38 and 54, shall be guilty of an offence.

**PART VII—LIBRARIES**

*Offences*

56. 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*

57. 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*

58. 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*

59. 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 VIII—MISCELLANEOUS**

#### *Penalty*

60. 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 24 of 1976.)*



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**SCHEDULE**

*(By-law 23)*

*(Inserted by Local Government Notice 12 of 1969.)*

LABASA TOWN COUNCIL

FORM A

LABASA TOWN BY-LAWS

APPLICATION FOR DANCE HALL LICENCE

*(By-law 23)*

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

Signed .....

Date .....

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LABASA TOWN COUNCIL

FORM B

LABASA TOWN BY-LAWS

DANCE HALL LICENCE

*(By-law 23)*

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 Labasa Town Council,

.....  
*Town Clerk*

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**SUBSIDIARY LEGISLATION OF LOCAL APPLICATION**

**LAMI**

**SECTION 5—TOWN OF LAMI**

*Legal Notice No. 12 of 1977*

The area specified in the Schedule shall be constituted a town under the name of the town of Lami.

**SCHEDULE**

All that area of land in the Tikina of Suva in the Province of Rewa; extending westward, in varying widths, not exceeding 1<sup>1</sup>/<sub>2</sub> miles when measured from the highwater mark of the sea coast, from Tamavua River to the western boundaries of the subdivision of part of land known as Waibola represented on Deposited Plan 2579, but excluding the areas of land bounded by the villages of Lami and Suvavou, and the area of land contained in the Native Reserve Claim No. 273.

The boundaries of the area are more particularly shown in red on plan P.P. 109 kept in the office of the Permanent Secretary for Lands and Mineral Resources and available for inspection at the offices of the Permanent Secretary for Urban Development and Housing, and the District Officer, Suva.

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**SECTION 5—LAMI WARDS ORDER**

**TABLE OF PROVISIONS**

**PARAGRAPH**

1. Short title
2. Division of Lami into wards
3. Boundaries of wards
4. Plan of wards

*Legal Notice No. 74 of 1980*

*Short title*

1. This Order may be cited as the Lami Wards Order, 1980.

*Division of Lami into wards*

2. The town of Lami is hereby divided into three wards, designated as the Eastern Ward, the Central Ward and Western Ward.

*Boundaries of wards*

3. The wards are bounded respectively as follows:—

(a) Eastern Ward—Comprising all that portion of the town of Lami situated on the western side of Tamavua River up to the eastern side of Wailoku Creek and Navesi River;

(b) Central Ward—Comprising all that portion of the town of Lami situated between the western side of Wailoku Creek and Navesi River and the eastern side of D.P. 1496, 4430 and 2736;

(c) Western Ward—Comprising all that portion of the town of Lami situated on the western side of Nubulekaleka Bay and Lami River and includes the Vatuvia and Qeleya Roads Sub-divisions on the southern side of Queens Road.

*Plan of wards*

4. The wards established by this Order are more particularly delineated on Plan P.P. 209 kept in the office of the Director of Lands and Surveyor-General with copies available for viewing in the offices of Lami Town Council and the Supervisor of Elections.

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SECTION 9—NUMBER OF TOWN COUNCILLORS (LAMI) ORDER

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
2. Number of councillors  
Schedule—Number of Town Councillors

*Legal Notice No. 73 of 1980*

*Short title*

1. This Order may be cited as the Number of Town Councillors (Lami) Order, 1980.

*Number of councillors*

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

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**SCHEDULE**  
*(Paragraph 2)*

NUMBER OF TOWN COUNCILLORS

Eastern Ward .....	4 Councillors
Central Ward .....	4 Councillors
Western Ward .....	2 Councillors

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**SECTION 122—LAMI (COMMERCIAL VEHICLE STAND) BY-LAWS**

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Attendant
4. Duty to obey directions
5. Prohibitions. Restriction on sale of article
6. Entry to and exit from commercial vehicle stand
7. Permit to use commercial vehicle stand
8. Permit to be issued by the Town Clerk
9. Stand not to be used without permit
10. Revocation of permit
11. Allocation of stands
12. Production of permit
13. Obstructing attendant
14. Obstructing entrances
15. Power to refuse admission
16. Protection from liability
17. Offences

First Schedule—Application for Permit to Use Lami Commercial Vehicle Stand

Second Schedule—Permit to Use Lami Commercial Vehicle Stand

*Legal Notice No. 62 of 1979*

*Short title*

1. These By-laws may be cited as the Lami (Commercial Vehicle Stand) By-laws, 1979.

### *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 a taxi or a lorry;

"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 Gazette and once in a daily newspaper published and circulating in Fiji;

"Council" means the Lami Town Council;

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

"operator" includes any person, firm, company or organisation who or which owns or operates a commercial vehicle;

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

### *Attendant*

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 all reasonable directions given by the attendant for the purpose of observing good order and cleanliness in the stand.

### *Prohibitions*

5.—(1) No person shall, without the prior approval of the Council, make alterations to the alignment of a commercial vehicle stand or exhibit any notice within such stand or introduce any fittings, fixtures or impediments of any kind into such stand and any such thing introduced may be removed by the attendant.

### *Restriction on sale of articles*

(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.

### *Entry to and exit from commercial vehicle stand*

6. All drivers of motor vehicles using a commercial vehicle stand shall observe the directions of entry to and exit from such stand.

*Permit to use commercial vehicle stand*

7. Each operator desiring to use a commercial vehicle stand shall make an application, in the form set out in the First Schedule, for a permit for his taxi or lorry to use the stand.

*Permit to be issued by the Town Clerk*

8.—(1) All permits to use the 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*

9.—(1) No operator or driver 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.

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

*Revocation of permit*

10. The Council may revoke the permit of any operator who is convicted of any offence under the provisions of these By-laws.

*Allocation of stand*

11.—(1) The allocation of stands in a commercial vehicle stand shall be made by the Council.

(2) A vehicle shall park only at the stand allocated to it and specified in the permit issued by the Council.

*Production of permit*

12. 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*

13. No person shall obstruct, prevent, 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*



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**SECOND SCHEDULE**

*(By-law 8(1))*

LAMI TOWN COUNCIL

LAMI (COMMERCIAL VEHICLE STAND) BY-LAWS

*(By-law 8(1))*

PERMIT TO USE THE LAMI COMMERCIAL VEHICLE STAND

..... of ..... Taxi/Lorry operator is hereby permitted to use the Lami Commercial Vehicle Stand with the following vehicles subject to the Lami (Commercial Vehicle Stand) By-laws.

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

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

Allocation of Stand ..... Valid till .....

Dated this                      day of                      , 19

For the Lami Town Council

.....  
*Town Clerk*

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**THIRD SCHEDULE**

*(By-law 8(2))*

FEE

For each taxi or lorry using the commercial vehicle stand—\$10 per month.

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**SECTION 122—LAMI (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
9. Penalty

*Legal Notice No. 29 of 1981*

*Short title*

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

*Interpretation*

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

"Council" means the Lami Town Council;

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

"Works Supervisor" means the Works Supervisor 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) 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 articles, 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 Works Supervisor, no planks or other material shall be placed by any person 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 Works Supervisor may, in his discretion, require that the applicant therefor furnish security to an amount considered by the Works Supervisor 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 Works Supervisor under 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.—(1) No person shall discharge any fireworks, crackers or explosive material in a street or public place without having first obtained permission in writing from the Council.

(2) No permit shall be required under this by-law for the discharge of fireworks or crackers on New Year's Day, the Chinese New Year, 5 November, Diwali and the Hindu New Year.

*Street trading*

8.—(1) No person shall, without a permit in writing obtained from the Town Clerk, use any street or public place for the purpose of—

(a) distributing any pamphlet or advertising matter;

(b) the sale of tickets of any description; or

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

(2) A permit under this by-law shall be issued on payment of such fee as the Council may, with the prior approval of the Minister, by resolution determine and may be granted for such period and upon such terms and conditions as the Council may consider appropriate.

*Penalty*

9. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine not exceeding \$100.

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SECTION 122—LAMI (STREET NUMBERING) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Regulation of numbering of buildings
4. Buildings to have distinguishing numbers
5. Numbering at owner's expense
6. Destruction, etc., of marking
7. Offence

*Legal Notice No. 108 of 1982*

*Short title*

1. These By-laws may be cited as the Lami (Street Numbering) By-laws.

*Interpretation*

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

"town" means the town of Lami;

"Council" means the Lami Town Council;

"Building Inspector" means the Building Inspector appointed by the Council, or any person duly authorised by the Council to act as Building Inspector.

*Regulation of numbering of buildings*

3. The Building Inspector shall, subject to the direction of the Council, plan and supervise the numbering of all buildings in the town.

*Buildings to have distinguishing numbers*

4. The owners or occupiers of land on which buildings are erected and which have entrances or frontages to a street shall, for the purpose of distinguishing them, mark such buildings, entrances or frontages with such numbers and in such manner and form as the Council may from time to time direct or approve, so that such markings may readily be seen from the street, and shall renew such markings as often as they are destroyed, obliterated or defaced.

*Numbering at owner's expense*

5.—(1) All buildings shall be numbered at the expense of the owner.

(2) Where the occupier of any building incurs expense in complying with any of the requirements of these By-laws he shall be entitled to recover such expense from the owner of the building.

*Destruction, etc., of marking*

6. Any person who without the authority of the Council destroys, pulls down, obliterates or defaces any street number marking shall be guilty of an offence.

*Offence*

7. Any owner or occupier who fails, within 30 days of receiving written notice from the Council, to mark any building, entrance or frontage with such number and in such manner and form as the Council may direct or approve, or to renew such marking as aforesaid or who places, maintains, or allows to be placed or maintained thereon any number other than that assigned by the Council shall be guilty of an offence.

**SECTION 122—LAMI 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 use of public parks may be granted
12. Method of application and approval
13. Council may retain exclusive use 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 parks

#### **PART IV—NOISE PREVENTION**

20. Noise prevention

#### **PART V—MARKET**

21. Market Master
22. Produce which may be sold
23. Cleaning and gutting fish
24. Fresh fish
25. Restriction of sales
26. Hours of business
27. Directions given by Market Master
28. Sales prohibited except from stalls
29. Allocation of stalls
30. Alterations of stalls
31. Use of stalls
32. Charges
33. Stall receipts and prices to be exhibited
34. Exchange, subletting and sharing of stalls
35. Advertising and auctions
36. Selling mixed yaqona prohibited
37. Cooking in the market
38. Intoxicating liquor prohibited
39. Unwholesome products
40. Hygiene
41. Cleanliness
42. Dogs prohibited
43. Spitting
44. Disease
45. Restriction on entry
46. Obstruction of officials
47. Obstruction of market
48. Unsold goods
49. Offences

#### **PART VI—LIBRARIES**

50. Offences
51. Taking of books
52. Return of books
53. Rules and charges
54. Penalty

*Legal Notices Nos. 91 of 1980, 62 of 1983*

#### **PART I—PRELIMINARY**

*Short title*

1. These By-laws may be cited as the Lami 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 Lami

"Council" means the Lami 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 Lami;

"Market Master" includes any Deputy Market Master duly appointed by the Council;

"offensive matter" 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;

"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 authorised officer 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 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 buildings, 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 paragraph (1) and (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 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 places 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 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 expense 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 use 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 use 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 use 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 day, or the first of the days, when the use of any park is required, such application may be made to the Clerk who shall consult the Mayor of the

Council, 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 use of any public park*

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

(2) 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 the area so set aside and of any equipment installed therein 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 use 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 use 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 person 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 use 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, wheel barrow, carriage or other vehicle, other than an invalid's chair or child's perambulator or push-cart, therein without the 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 to interfere with the use and enjoyment thereof by the public for the purpose of exercise 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 any 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, sub-paragraph (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.

## **PART 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 business.

*Restriction of 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*

32.—(1) The charges for the use of stalls and other market facilities shall be in accordance with the rates set out in the Schedule and shall be payable in advance to the Market Master.

(2) The Market Master shall, at the time of receiving payment of any charges under this by-law, issue a receipt accordingly.

*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 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 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 provision of this by-law may, in addition to any fine to which he may be liable under the provisions of these By-laws, 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 the 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.

### *Restrictions 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 \$200, or in the case of a continuing offence to a fine of \$10 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.

**SCHEDULE**

*(By-law 32)*

**STALL CHARGES**

Timber Stalls inside Market building—50 cents, per day, or \$2.50 per week.

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

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*By-laws 15 August 1984*  
*Legal Notice No. 104 of 1984*

## **PART I—PRELIMINARY**

### *Short title*

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

### *Interpretation*

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

"council" means Lami Town Council.

"Act" means Lami Town Council.

"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 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 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 OP 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 maybe 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 with 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 thereof 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 a 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 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 wishes to address during the progress at 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 committees address and speak to each other by their official designations, as chairman, acting chairman, or member, as the case may



be, and shall address the chair.

*Chairman to call on members to speak*

19. If two or more members wish 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 or 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 questions 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 which it was so interrupted in its proper order of business at the next regular meeting of the council.

#### *Division 4—Voting and Divisions*

##### *Voting*

27. The chairman shall put all questions and declare the sense of 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 be 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 amendments to 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 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 member, 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 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 be a *ex-officio* 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 only 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.

#### *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 60 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.

#### *Suspension of by-laws*

66. The Council may suspend any provisions of these By-laws by an unanimous resolution at a duly convened meeting.

## SUBSIDIARY LEGISLATION OF LOCAL APPLICATION

### LAUTOKA

#### SECTION 5—CITY OF LAUTOKA

*Legal Notice No. 30 of 1977*

The town of Lautoka is declared to be a city.

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#### SECTION 5—CITY OF LAUTOKA (DECLARATION AND BOUNDARIES)

*Proclamation Nos. 20 of 1952, 22 of 1963*

1. The city of Lautoka shall be a town for the purposes of the Local Government Act.
2. The boundaries of the city of Lautoka shall be as set out in the Schedule.

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#### SCHEDULE

*(Substituted by Proclamation 22 of 1963; amended by Local Government Notice 8 of 1971, Legal Notice 57 of 1984.)*

Starting at high water mark of the sea coast northeast of Namoli village at a point bearing 359 degrees 00 minutes distance 600·0 links from an iron peg marking the north-western corner of Korotu Lane thence by line bearing 179 degrees 00 minutes distance 600·0 links to the said north-western corner of Korotu Lane thence by line bearing 105 degrees 00 minutes distance 602·13 links to an iron peg at the north-eastern corner of Navitua Lane thence by lines bearing 179 degrees 00 minutes distance 625·14 links to an iron peg and 89 degrees 00 minutes distance 305·30 links to an iron peg at the north-eastern corner of Nava Street thence by lines bearing 179 degrees 00 minutes distance 35·87 links to an iron peg and 89 degrees 00 minutes distance 225·3 links to an iron peg at the north-eastern corner of Nanuku Lane thence by line bearing 179 degrees 00 minutes distance 642·86 links to an iron peg thence south-easterly on an arc of radius 27·64 links for a distance of 38·04 links to an iron peg on the northern side of Sautamata Street thence by lines bearing 100 degrees 08minutes 10 seconds distance 303·06 links to an iron peg 110 degrees 15 minutes distance 196·67 links to an iron peg and 20 degrees and 15 minutes distance 70·6 links to high water mark on the south or left bank of the Namoli creek thence following the said left bank of the Namoli creek upstream to a point situated 2 chains east of a concrete peg having co-ordinates from zero of 915712·0 links north and 263412·5 links east thence westerly for 2 chains to the said concrete peg thence south-westerly by line bearing 231 degrees 14 minutes for a distance of approximately 82 chains to an iron peg on the north-eastern side of Tavakubu Street having co-ordinates from zero of 910579·4 links north and 257021·9 links east thence north-westerly and following the north-eastern side of Tavakubu Street to an iron peg having co-ordinates from zero of 912498·7 links north and 255818·7 links east thence south-westerly by line



bearing 242 degrees 25 minutes to an iron peg near the south-eastern corner of the Lautoka Cemetery thence generally westerly and following the southern boundaries of the Lautoka Cemetery by lines bearing—

150	degrees	12	minutes	distance	83.7	links	to an	iron	pipe
247	"	30	"	"	659.8	"	to a	concrete	peg
337	"	30	"	"	83.0	"	to an	iron	pipe
247	"	30	"	"	30.0	"	"	"	"
259	"	52	"	"	323.7	"	"	"	"
261	"	31	"	"	446.2	"	"	"	"
242	"	48	"	"	292.5	"	"	"	"
and 290	"	29	"	"	125.2	links	to its south-western corner		

thence north-westerly by line bearing 285 degrees 45 minutes to a point on the eastern side of Drasa Avenue having co-ordinates from zero of 910250.1 links north and 247862.3 links east thence northerly and crossing Drasa Avenue and Navutu Street by line bearing 347 degrees 09 minutes distance 289.6 links to the western side of Navutu Street thence generally northerly and following the western side of Navutu Street for a distance of 2228.8 links thence north-westerly by line bearing 325 degrees 05 minutes 30 seconds distance 450.0 links approximately to high water mark of the sea coast thence generally north-easterly and northerly and following high water mark of the sea coast to a point on the southern side of the South Pacific Sugar Mill Company's wharf mole having co-ordinates from zero of 918859.1 links north and 250336.8 links east thence by lines bearing 24 degrees 53 minutes 40 seconds distance 115.0 links and 294 degrees 53 minutes 40 seconds distance 427.0 links to an iron peg in concrete marking the southernmost corner of the Customs open storage area and having co-ordinates from zero of 919143.2 links north and 249997.6 links east thence north-easterly by lines bearing 24 degrees 49 minutes 40 seconds distance 587.2 links 114 degrees 49 minutes distance 52.7 links and 24 degrees 49 minutes 40 seconds distance 170 links approximately to high water mark on a rock spall bank thence south-easterly and following high water mark of rock spall bank and the sea coast to the starting point and being as delineated on plan number DO.231 deposited in the office of the Director of Lands in Suva.

Together with all that land adjoining the south-east boundaries and the most easterly south-west boundary of the existing city of Lautoka and containing the area known as the Native Land Trust Board "Waiyavi" subdivision together with that part of the land contained in Certificate of Title No. 7489 recently acquired from the freehold owners by the Crown.

The land above described is more particularly shown by red verge on Plan No. PP59 copies which are available for inspection in the offices of the Lautoka City Council, the offices of the Divisional Surveyor, (Western) at Lautoka and the offices of the Director of Town and Country Planning in Suva.

Together with all that area of Crown Land being an extension to the existing boundaries situated on the West of the existing City boundaries and represented as Lot 10 and 11 on Survey Plan ND. 5096 and being more particularly shown verged yellow on Lands Department Plan PP. 307.

*(Inserted by Legal Notice No. 57 of 1984.)*

## SECTION 5—LAUTOKA WARDS ORDER

## TABLE OF PROVISIONS

### PARAGRAPH

1. Short title
2. Division of Lautoka into wards  
Schedule—Description of Wards

*Legal Notice No. 79 of 1972*

#### *Short title*

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

#### *Division of Lautoka into wards*

2. The City of Lautoka is hereby divided into four wards designated as the Veitari Ward, Waiyavi Ward, Simla Ward and Tavakubu Ward and bounded respectively as set out in the Schedule hereto.

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### SCHEDULE

#### VEITARI WARD

Commencing at the intersection of the high water mark of Lautoka Harbour with the mid line of Namoli Avenue; thence running in a generally southerly direction along the mid-line of Namoli Avenue to its intersection with the of Vitogo Parade; thence along the mid-line of Vitogo Parade in a generally easterly direction to its junction with the mid-line of Drasa Avenue; thence along the mid-line of Drasa Avenue to its intersection with the Lautoka City Boundary; thence following Lautoka City Boundary in a generally northerly direction along a line bearing 347 degrees 09 minutes distance 215.0 links to a point on the western side of Navutu Road; thence along the western side of Navutu Road for a distance of 2228.8 links; thence running in a north westerly direction on a bearing of 325 degrees 05 minutes 30 seconds distance 450.0 links (approximately) to a point on the high water mark of Lautoka Harbour; thence following the high watermark of Lautoka Harbour generally in a north-easterly direction to a point on the southern side of the Fiji Sugar Corporation's wharf mole having co-ordinates from zero of 918859.1 links north and 250336.8 links east; thence by lines on a bearing of 24 degrees 53 minutes 40 seconds distance 115.0 links and 294 degrees 53 minutes 40 seconds distance 427.0 links to a point marking the southernmost corner of the customs open storage area, and having coordinates from zero of 919143.2 links north and 249997.6 links east; thence in a generally north-easterly direction along the lines on a bearing 24 degrees 49 minutes 40 seconds distance 587.2, links, 114 degrees 49 minutes distance 52.7 links and 24 degrees and 49 minutes 40 seconds distance 170 links (approximately) to a point on a rock spall bank on the high water mark of Lautoka Harbour; thence following the high water mark of Lautoka Harbour to the point of commencement.

#### WAIYAVI WARD

Commencing at a point north-east of Namoli Village on the high water mark of Lautoka Harbour; thence following the Lautoka City Boundary along the lines on bearing of 179 degrees distance 600.0 links, 105 degrees distance 602.13 links, 179 degrees distance 625.14 links, 89 degrees distance 305.3 links, 179 degrees distance 35.87 links, 89 degrees distance 225.3 links, 179 degrees distance 642.86 links, thence along an arc of radius 27.64 links for a distance of 38.04 links; thence along a bearing of 100 degrees 08 minutes 10 seconds distance 303.06 links, 110 degrees 15 minutes distance 70.6 links to the left bank of the Namoli Creek; thence following the said left bank of the Namoli Creek along the Lautoka City Boundary in a generally southerly direction and thence running south-westerly and north-westerly along the Lautoka City Boundary to a point on the common boundary of Crown Land as delineated on Plan No. D.P. 3267 and the Native Land Trust Board's Waiyavi Subdivision; thence running on a bearing of 314 degrees 17 minutes 30 seconds for a distance of 5000 links (approximately) along the common boundary of Crown Land and Native Land Trust Board's Waiyavi Subdivision to a point on the mid-line of Vomo Street; thence along the mid-line of Vomo Street in a generally northerly direction to its junction with the mid-line of Drasa Avenue; thence running in a generally easterly direction along the mid-line of Drasa Avenue to its junction with the mid-line of Vitogo Parade; thence in a westerly direction along the mid-line of Vitogo Parade to its intersection with the mid-line of Namoli Avenue; thence in a generally northerly direction along the mid-line of Namoli Avenue to its intersection with the high water mark of Lautoka Harbour; thence following the high water mark in a north-easterly direction to the point of commencement.

#### SIMLA WARD

Commencing at a point on the intersection of the mid-line of Drasa Avenue and the mid-line of Vomo Street; thence running in a generally south-easterly direction along the mid-line of Vomo Street to its intersection with the common boundary of Crown Land and the Native Land Trust Board's Waiyavi Subdivision; thence running on a bearing of 134 degrees 17 minutes 30 seconds for a distance of 500 links (approximately) along the common boundary of Crown Land and the Native Land Trust Board's Waiyavi Subdivision to its junction with the Lautoka City Boundary; thence running along the Lautoka City Boundary in a generally southerly direction to its intersection with the mid-line of Tavakubu Road; thence following the mid-line of Tavakubu Road in a generally north-westerly direction to its junction with the mid-line of Drasa Avenue; thence running in a generally north-easterly direction along the mid-line of Drasa Avenue to the point of commencement.

#### TAVAKUBU WARD

Commencing at a point on the intersection of the mid-line of Drasa Avenue and the mid-line of Tavakubu Road; thence running south-easterly along the mid-line of Tavakubu Road to its junction with the Lautoka City Boundary; thence following the Lautoka City Boundary in a generally south-westerly and north-westerly direction to a point on the south-eastern side of Drasa Avenue having co-ordinates from zero of 910250.1 links north and 247862.3 links east; thence following the Lautoka City Boundary along a bearing of 347 degrees 09 minutes for a distance of 74.6 links to a point of intersection with the mid-line of Drasa Avenue; thence following the mid-line of Drasa Avenue in a generally north-easterly direction to the point of commencement.

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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

Lautoka City Council—12 members, as follows:

Each Ward—3 members

## SECTION 122—CHURCHILL PARK-BY-LAWS

### TABLE OF PROVISIONS

#### BY-LAW

1. Short title
2. Games
3. Injury to trees, etc.
4. Animals and vehicles
5. Interfering with games
6. Public performances
7. Removing rock, etc.
- 8 Refuse
9. Tents, stalls, etc.
10. Disorderly behaviour
11. Non-payment of charges
12. Ranger
13. Penalty

*By-laws 15 November 1951, 23 March 1959*

#### *Short title*

1. These By-laws may be cited as the Churchill Park By-laws.

#### *Games*

2. The Lautoka City Council may upon the application of any properly constituted club or association set apart for the exclusive use of that club or association certain portion or portions of the Churchill Park for the purpose of playing cricket, football, tennis, hockey, or any other lawful game or sport upon the following terms and conditions:—

(a) the club or association to pay such annual charge and to comply with such arrangements for the maintenance in whole or in part of the portions set apart for its use as may be agreed upon;

(b) no building, fence, or structure of any description shall be erected thereon without the consent of the Council;

(c) no charge for admission to any part of the said portion or to any building erected thereon or to any enclosure thereon shall be made without the consent of the Council;

(d) the Council reserves to itself the right to grant the temporary use of the whole or any part of the portion allocated to any club or association to any other person or persons provided that due notice be given to the club or association of the intended use and provided further that the Council takes measures to see that any damage done to the ground, buildings, and fences by such temporary use is fully repaired.

*Injury to trees, etc.*

3 No person shall cut, break, deface, remove, or otherwise injure or damage any of the lawns, trees, shrubs, flowers, plants, seats, gates, posts, fences, or other erections upon or bounding the said park or write thereon or affix any bill or stencil mark thereon.

*Animals and vehicles*

4. No person shall bring into the said Park any animal or vehicle (including motor cars and motor cycles) or any dog which is not physically held in control.

*Interfering with games*

5. No person, not being a player, shall be allowed to enter or remain upon any cricket ground, tennis court, football, or hockey ground or other place set apart by the Council for the purpose of playing cricket, tennis, football, hockey, or other game or sport, within the said Park during the continuance of a game or sport if, by entering or remaining, he shall in any way interfere with the game or sport.

*Public performances*

6. No performance or entertainment of any kind or public meeting or assemblage of persons for any purpose shall be permitted in the said Park without the permission of the Council.

*Removing rock, etc.*

7. No person shall remove any rock, stone, earth, or other material from the said Park without the leave of the Council.

*Refuse*

8. No person shall cast away, throw or deposit, or cause or suffer to be cast away, thrown or deposited in the said Park except in receptacles provided for that purpose any fruit skins, rind or peel, or any bottles, tins or cans or the like, or any handbills, printed papers, wastepaper, or paper of any kind whatsoever, or any other refuse or waste materials.

*(Inserted by By-laws 23 March 1959.)*

*Tents, stalls, etc.*

9. No tents, booths, or stalls shall be erected, nor any article sold or exposed for sale, on the said Park without the consent of the Council and except upon such terms and conditions as may be determined by the Council.

*Disorderly behaviour*

10. Every person who shall, within the said Park, be in a state of intoxication, or shall behave in a disorderly manner, or shall create, or take part in, any disturbance or shall obstruct any workman, or, not being a player, shall interfere with any game or sport may be removed by the ranger, overseer, or servant of the Council or by a police officer, and shall be liable on conviction to a fine not exceeding \$10.

*Non-payment of charges*

11. Any person entering, or remaining upon the said Park or upon any building or pavilion thereon, without having paid any lawful charge made for admission, or who shall neglect or refuse to pay that charge on demand, may be forthwith removed therefrom and shall be liable on conviction to a fine not exceeding \$10.

*Ranger*

12. The Council may appoint a ranger or overseer over the said Park who shall have power to prosecute in the name of the Council any person infringing any of these By-laws.

*Penalty*

13. For every offence against the provisions of these By-laws where no penalty is provided the offender shall upon conviction be liable to a fine not exceeding \$10.

**SECTION 122—LAUTOKA (BUS STATION, TAXI AND LORRY STAND) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

1. Short title
2. Interpretation
3. Management of bus station, etc.
4. Licence to use bus station, etc.
5. Licences to be used by Town Clerk
- 5A. Stickers
6. Fees
7. Payment of fees
8. Bus station not to be used without licence
9. Revocation of licence
10. Control of bus station, etc.
11. Parking of motor omnibus
12. Penalty

First Schedule—Application for Licence

Second Schedule—Licence to Use Lautoka Bus Station, Taxi or Lorry Stand  
Third Schedule—Licence Fees  
Fourth Schedule—Stickers

*By laws 11 August 1966, Local Government Notices Nos. 9 of 1968,  
4 of 1973, 4 of 1975, 15 of 1976, 22 of 1976; Legal Notices Nos. 18 of 1981  
116 of 1982, 32 of 1985*

*Short title*

1. These By-laws may be cited as the Lautoka (Bus Station, Taxi and Lorry Stand) By-laws.

*Interpretation*

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

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

"bus station" means the bus station at Lautoka maintained and controlled by the Council situate at Namoli Park, Lautoka and contained in Crown Lease 2143;

"Council" means the Lautoka City Council;

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

"lorry stand" means all lorry stands at Lautoka maintained and controlled by the Council;

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

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

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

"taxi stand" means all taxi stands at Lautoka maintained and controlled by the Council.

*(Amended by Local Government Notice 9 of 1968.)*

*Management of bus station, etc.*

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

Provided that the Council may appoint an attendant or attendants to assist the Town Clerk 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.*

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

*Licences to be issued by Town Clerk*

5. All licences to use the bus station, taxi stand, or lorry stand shall be issued on behalf of the Council by the Town 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 lorry described therein.

*Stickers*

5A.—(1) The Town Clerk, acting on behalf of the Council, may issue a sticker in respect of a vehicle referred to in a licence issued under these By-laws.

(2) A sticker issued under sub-clause (1) shall be in a form set out in the Fourth Schedule.

(3) The operator of a vehicle in respect of which a sticker is issued under sub-clause(1) shall, immediately on receipt of that sticker, affix it to the bottom corner of the windscreen of that vehicle which is furthest from the driver's seat.

(4) A sticker issued under sub-clause (1) in respect of a vehicle is valid until—

(a) the date specified on the sticker; or

(b) where the licence issued under these By-laws in respect of that vehicle is revoked by the Council under clause 9—the date of revocation of that licence,

whichever is the earlier.

(5) Where the Council revokes a licence under clause 9 any sticker issued under sub-clause (1) in respect of a vehicle referred to in that licence shall be removed from that vehicle by the operator of the vehicle.

(6) A person shall not remove a sticker issued under sub-clause (1) during its period of validity.

*Fees*

6.—(1) The licence fees for the use of the bus station, taxi stand or lorry stand by motor omnibuses, taxis or lorries shall be as 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 lorry using the bus station, taxi stand or lorry 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 Town Clerk from its records or from any other information obtained by the Town Clerk and the provisions of paragraph (4).

(4) If the Town 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 operator's road service licence during the month the subject of the computation; and any bus operator required to supply such particulars shall, within seven days after the receipt by him of such notice, deliver to the Town Clerk a written statement, signed by such operator or under his authority, containing a true and correct statement of the 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.

#### *Payment of fees*

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

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

8.—(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*

9. 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.

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

10.—(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 the 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.

*Parking of motor omnibus*

11.—(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) five 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.

*Penalty*

12. Any person who is guilty of an offence under the provisions of these By-laws shall, on conviction, be liable to a fine not exceeding \$20.

**FIRST SCHEDULE**

*(By-law 4)*

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LAUTOKA CITY COUNCIL

LAUTOKA (BUS STATION, TAXI AND LORRY STANDS) BY-LAWS

*(By-law 4)*

APPLICATION FOR LICENCE FOR OMNIBUS, TAXI OR LORRY TO USE THE  
LAUTOKA BUS STATION, TAXI OR LORRY STAND.

I/We ..... of ..... hereby apply for  
a licence for my/our undermentioned vehicle(s) to use the Lautoka 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 Lautoka (Bus Station, Taxi and Lorry Stands) By-laws.

Dated this                      day of                      , 19      .

.....  
(Operator)

**SECOND SCHEDULE**  
(By-law 5)

LAUTOKA CITY COUNCIL

LAUTOKA (BUS STATION, TAXI AND LORRY STANDS) BY-LAWS  
(By-law 5)

LICENCE TO USE LAUTOKA BUS STATION, TAXI OR LORRY STAND

..... of .....  
Bus/Taxi/Lorry operator is hereby licensed to use the Lautoka Bus Station/Taxi Stand/Lorry Stand with the following vehicles subject to the Lautoka (Bus Station, Taxi and Lorry Stands) By-laws.

Class of Vehicle(s)

Registered No                      Make                      No of Passengers

Dated this                      day of                      , 19      .

For the Lautoka City Council.

.....  
(Town Clerk)

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

(Substituted by Legal Notice 110 of 1982.)

1. For each visit of a motor omnibus to the bus station .....	.12
2. Taxi base fee per base per month—	
(a) Base at Vakabale Street and Namoli Municipal Car Park .....	15.00
(b) Other bases .....	12.00
3. Lorry base fee per base per month—	
(a) Bases at Yasawa Street, Vakabale Street, and Namoli Municipal Car Park .....	20.00
(b) Other bases .....	15.00

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**FOURTH SCHEDULE**

*(By-law 5A)*

*(Inserted by Legal Notice 32 of 1985.)*

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LAUTOKA (BUS STATION, TAXI AND LORRY STANDS) BY-LAWS

Registration number of vehicle .....

Licensed to operate from ..... stand

Valid to ..... 19

ISSUED BY THE LAUTOKA CITY COUNCIL

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SECTION **122**—LAUTOKA (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. 1 of 1971*

*Short title*

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

*Interpretation*

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

"Council" means the Lautoka City Council;

"Town Clerk" means the person for the time being carrying out the duties of the Town Clerk;

"Town Engineer" means the person for the time being carrying out the duties of the Town Engineer.

*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 except in accordance with the provisions of the Lautoka (Garbage Disposal) By-laws;  
(See Cap. 111.)

(b) 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 lamp post or power pole;

(h) 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 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 articles, substance or material.

(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 of 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—LAUTOKA (DANCE HALLS) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

1. Short title
  2. Interpretation
  3. Dance halls to be licensed
  4. Application for licence
  5. Grant of licence
  6. Transfer of licence
  7. Short-term licence
  8. Refusal, etc., of licence
  9. Form of licence
  10. Condition of licence
  11. Council halls
  12. Exemptions
  13. Penalty
- Schedule—Forms

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*By-laws 18 June 1962*

*Short title*

1. These By-laws may be cited as the Lautoka (Dance Halls) By-laws.

*Interpretation*

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

"city" means the city of Lautoka;

"Council" means the Lautoka City Council;

"dance hall" means any hall, house, room, garden or other place kept or used for public dancing, singing, music or other public entertainment of the like kind but does not include any, licensed hotel, licensed cinematograph theatre, or any licensed merry-go-round or swing;

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

*Dance halls to be licensed*

3. No person shall, within the town, keep or use, or allow to be kept or used any hall, house, room, garden or other place for public dancing, singing, music, or other public entertainment of the like kind (except where the premises are used for any such purpose only on isolated occasions or during the course of religious festivals) without first obtaining from the Council a licence for the purpose or purposes for which the same respectively is to be used; and for such licence a fee of \$6 shall be paid by the person applying therefor.

*Application for licence*

4. Any person desirous of obtaining a licence for all or any of the purposes aforesaid shall

make application in writing to the Town Clerk in accordance with Form A in the Schedule.

*Grant of licence*

5. The Council may grant such licences to such persons as it shall think fit for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions, as it by the respective licences shall determine, and every licence shall expire on 31 December in each year unless the same shall have been previously revoked or suspended as hereinafter provided:

Provided however that, where the application is for a renewal of an existing licence under these By-laws held by the applicant for the same premises such licence may be granted by the Town Clerk.

*Transfer of licence*

6. The Town Clerk may from time to time consent to a transfer of any such licence to such person as he thinks fit.

*Short-term licence*

7. Notwithstanding the provisions of by-laws 3 and 5, the Council may, if and as it thinks fit, grant to any person applying for the same a licence to keep or use any hall, house, room, garden or other place for any of the purposes aforesaid for any period not exceeding 30 days, which shall be specified in the licence and for such licence a fee of \$2 shall be paid by the person applying for the same.

*Refusal, etc., of licence*

8.—(1) The Council may refuse an application for a licence to any person or in respect of any premises or revoke or suspend or amend a licence for any good cause.

(2) The applicant or licence holder shall be given 14 days' notice in writing of the meeting of the Council where the refusal, revocation or suspension is to be considered.

(3) In the case of revocation, suspension or amendment, the grounds on which the Council is considering such revocation, suspension or amendment shall be specified in such notice.

(4) Such refusal, revocation, suspension or amendment shall not be given or made unless the applicant or holder has been given due opportunity of being heard by the Council.

*Form of licence*

9. A licence issued under these By-laws shall be in accordance with Form B in the Schedule.

*Condition of licence*

10. A dance hall although so licensed as aforesaid shall not be opened for any of the said purposes except on the days and between the hours stated in the licence and shall not in any case be open for any of the purposes aforesaid on Sundays, Good Friday or Christmas Day.



*Council halls*

11. No licence under these By-laws shall be required for the holding of public dancing, singing, music or other public entertainment of the like kind in any Council hall.

*Exemptions*

12. The Council may exempt from the necessity of obtaining a licence under these By-laws any club, the main purpose or purposes 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 or disturbance to the public. Exemption under this by-law may be revoked by the Council if such disturbance or annoyance has occurred.

*Penalty*

13. Any person who acts in contravention of or who fails to comply with any of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 for each offence and in the case of a continuing offence to fine not exceeding \$4 a day for each day during which the offence continues after conviction.

**SCHEDULE**  
*(By-laws 4 and 9)*

**LAUTOKA CITY COUNCIL**

FORM A

**LAUTOKA (DANCE HALLS) BY-LAWS**  
*(By-law 4)*

**APPLICATION FOR DANCE HALL LICENCE**

..... of .....  
(full name) (address and occupation)

hereby make application to the Lautoka City Council for a licence for the

.....  
(description of premises)

situated at .....  
(address)

the City of Lautoka, owned/leased by me, to be kept or used for public dancing/public music/public singing<sup>1</sup> .....<sup>2</sup> between the hours of ..... and ..... on .....

The licence is required for the period of one year/.....days.

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

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LAUTOKA CITY COUNCIL

FORM B

LAUTOKA (DANCE HALLS) BY-LAWS  
(By-law 9)

DANCE HALL LICENCE

This is to certify that ..... of  
..... has been granted a licence for the  
..... situate at ..... in the city of Lautoka to  
be kept or used for public dancing, singing, music, or ..... until the  
..... 19.....

Special Conditions

1. The licensed premises may be opened for the above purposes 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 and Christmas Day.

2. ....

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

for the LAUTOKA CITY COUNCIL,  
Town Clerk.

Fee paid \$ .....  
Receipt No. ....

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SECTION 122—LAUTOKA (HAIRDRESSERS AND CHIROPODISTS) BY-LAWS

TABLE OF PROVISIONS

BY-LAWS

1. Short title
2. Interpretation
3. Licence required
4. Transfer of licence
5. Cancellation of licence
6. Display of By-laws, construction of shop, etc.
7. Personal cleanliness, etc.
8. Sterilization of instruments
9. Cleanliness of equipment
10. Use of sponges, etc.
11. Tattooing

12. Infected persons
13. Other business or trade not to be carried on in shop
14. Spitting prohibited
15. Inspection of shops
16. Area around chairs
17. Penalty
18. Exemption

*By-laws 20 February 1956, 31 May 1966*

*Short title*

1. These By-laws may be cited as the Lautoka (Hairdressers and Chiropodists) By-laws.

*Interpretation*

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

"chiropodist" includes any person who for hire or reward manicures, pedicures or in any way treats the hands, skin, finger-nails, toe-nails or feet of any person or tattoos the skin of any person;

"chiropodist's shop" means any premises in which any chiropodist carries on business;

"Council" means the Lautoka City Council;

"disinfectant solution" means a solution of any disinfectant equivalent to a bactericidal strength of a 5 per cent solution of carbolic acid;

"hairdresser's shop" means any premises in which any hairdresser carries on business;

"licence" means a licence granted under these By-laws;

"sanitary inspector" means an authorised officer of the Council or his deputy or assistant.

*Licence required*

3.—(1) It shall be an offence for any person to use any premises as a hairdresser's shop or chiropodist's shop unless such premises are for the time being licensed for the purpose these By-laws.

(2) Application for the issue or renewal of a licence shall be made in writing to the Council, setting out the full name of the applicant, the address of the premises, the nature of the applicant's tenancy and the full name of any manager or other person to be responsible for the management of the premises as a hairdresser's shop or chiropodist's shop, as the case may be.

(3) Such further particulars shall be given by the applicant as the Council may in any case reasonably require.

(4) The Council may refuse to issue or renew any licence in respect of premises which do not conform with the requirements of these By-laws.

(5) The Council may refuse to issue a licence to or renew the licence of any person who has during the period of twelve months immediately preceding the date of application for such issue or renewal been convicted on at least two occasions under these By-laws.

(6) Upon the issue or renewal of any licence the applicant shall pay to the Council a fee of \$4.

(7) A licence shall unless sooner cancelled or suspended remain in force until 31 December next following the date on which it is expressed to come into force.

(8) The Council shall cause to be kept a register of applications made and licences issued, renewed or transferred.

#### *Transfer of licence*

4. The Council may on the application in writing and payment of a fee of \$1 of the holder of a licence transfer that licence to another person by endorsing thereon the name of the transferee and such other particulars as may be necessary consequent upon the transfer:

Provided that the Council may refuse to transfer a licence to any person who during the period of twelve months immediately preceding the date of application of such transfer has been convicted on at least two occasions under these By-laws.

#### *Cancellation of licence*

5.—(1) If it appears that any premises licensed as a hairdresser's shop or as a chiropodist's shop are not constructed, maintained, kept or conducted in accordance with the provisions of these By-laws, the Council, after giving due notice of its intention so to do, and of the grounds of such intention, to the person named in the licence as the holder thereof, and after affording such person a reasonable opportunity of remedying any breach of the by-laws stated in such notice, may, on being satisfied that any such breach has not been remedied, cancel the licence.

(2) No such cancellation shall prevent the making of a fresh application by the same or any other person for a licence in respect of the same premises.

(3) The Council shall give notice in writing of such cancellation to the person to whom the licence has been issued or transferred and any manager or other person named therein as responsible for the management of the premises.

(4) Any person whose licence is cancelled under these By-laws shall forthwith surrender the licence to the Council.

#### *Display of By-laws, construction of shop, etc.*

6.—(1) Any person keeping or maintaining a hairdresser's shop or chiropodist's shop licensed under these By-laws shall display therein a copy of these By-laws.

*(Amended by By-laws 31 May 1966.)*

(2) In any hairdresser's shop or chiropodist's shop—

(a) the floor shall be constructed of cement brought to a smooth surface, tiles, well smoothed wood, or any other material to the satisfaction of the Council;

(b) the internal walls shall be covered by a non-absorbent material having a smooth surface or shall be of wood the boards of which are fixed vertically, smoothly finished and coated with three coats of a washable paint the final coat of which shall be light coloured;

(c) ceiling, lighting and ventilation shall be suitable to the satisfaction of the Council;

(d) sufficient and suitable privy accommodation shall be provided for the staff to the satisfaction of the Council.

(3). In every hairdresser's or chiropodist's shop—

(a) the walls, floor, ceiling, its fittings, furniture and equipment and utensils shall at all times be maintained in good order and repair and in a thoroughly clean condition to the satisfaction of the Council;

(b) there shall be provided an adequate supply of hot and cold water and such utensils, appliances and materials as may be necessary to enable persons employed in or about the premises to comply with these By laws;

(c) there shall be provided at least two receptacles with close fitting lids into one of which all soiled towels and other soiled cloths shall be placed immediately after use and into the other all hair clippings and other trade waste shall be placed as soon as practicable after attendance on a customer.

(4) Any person who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offence.

*(Inserted by By-laws 31 May 1966.)*

*Personal cleanliness, etc.*

7.—(1) Before attending to each customer every hairdresser or chiropodist shall thoroughly cleanse his hands using soap and clean water and when necessary a nail brush and antiseptic for the purpose.

(2) Every hairdresser or chiropodist shall whilst attending to a customer wear a clean properly fitting coat or overall of white or light coloured washable materials.

(3) Face towels, neck protectors, neck cloths, paper towels and other fabrics which come into direct contact with the customer's skin above the shoulders shall be provided fresh and clean for each customer.

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

*Sterilization of instruments*

8.—(1) A hairdresser or chiropodist shall sterilize any scissors, needles, or cutting or piercing instruments before using them on any customer by immersion for at least three minutes in a disinfecting solution.

(2) Any hairdresser or chiropodist who fails to comply with this by-law shall be guilty of an offence.

*Cleanliness of equipment*

9.—(1) A hairdresser shall—

(a) cleanse any pot or mug used to contain water for producing a lather in shaving in boiling water immediately after use on any customer;

(b) sterilize any razor blade or comb after use on any customer by immersion in a disinfecting solution for at least three minutes;

(c) keep hair-brushes in a clean condition and immerse them in a disinfecting solution after use on each customer for at least three minutes;

(d) immerse any new shaving brush in a 10 percent solution of formalin for at least thirty minutes and rinse it in clean water before first using it on any customer;

(e) sterilize any shaving brush before use on each customer by immersion of the bristle portion in boiling water for at least three minutes;

(f) not use any soap other than liquid, powder or cream for the purpose of producing lather in shaving;

(g) brush hair clippers with a sterile brush in order to remove all hair and then wipe them with a sterile cloth soaked with a disinfecting solution before use on each customer.

(2) Any hairdresser who fails to comply with any of the provisions of this by-law shall be guilty of an offence.

*Use of sponges, etc.*

10.—(1) A hairdresser or chiropodist shall not use on any customer any sponge or powder puff nor apply any substance in block form to any customer's skin

(2) When a hairdresser or chiropodist arrests bleeding he shall do so only by a suitable styptic in powder or liquid form applied on sterilised cotton wool.

(3) Any hairdresser or chiropodist who acts in contravention of any of the provisions of this by-law shall be guilty of an offence.

### *Tattooing*

11.—(1) Before tattooing the skin of any person a chiropodist shall efficiently cleanse the area of the skin to be tattooed with surgical or methylated spirit and shall apply an antiseptic solution to the same area.

(2) Any chiropodist who fails to comply with the provisions of this by-law shall be guilty of an offence.

### *Infected persons*

12.—(1) No hairdresser or chiropodist shall accept any person as a customer who is suffering from any infectious or contagious rash or eruption of the face, neck or scalp.

(2) No hairdresser or chiropodist or employee of any hairdresser or chiropodist suffering from any infectious or contagious disease or any infectious or contagious rash or eruption shall attend to any customer.

(3) No hairdresser or chiropodist shall allow any employee suffering from any infectious or contagious disease or any infectious or contagious rash or eruption to work in the hairdresser's shop or chiropodist's shop or handle any equipment or utensils therein.

(4) Any hairdresser or chiropodist who acts in contravention of any of the provisions of this by-law shall be guilty of an offence.

### *Other business or trade not to be carried on in shop*

13. No hairdresser or chiropodist shall carry on or permit to be carried on in the shop premises any business or trade other than hairdressing and chiropody and any hairdresser or chiropodist who acts in contravention of this by-law shall be guilty of an offence.

### *Spitting prohibited*

14. It shall be an offence for any person to spit in any part of a hairdresser's shop or chiropodist's shop.

### *Inspection of shops*

15. The Council or sanitary inspector may at all reasonable times enter in or upon and inspect any chiropodist's or hairdresser's shop. Any person who directly or indirectly wilfully hinders or obstructs the Council or sanitary inspector or any officer of the Council during the course of any inspection shall be deemed to have contravened these By-laws.

### *Area around chairs*

16. Every chair in a hairdresser's or chiropodist's shop shall be provided with an area of at least 50 square feet, provided that the Council may in special cases approve a smaller area where it considers that such smaller area is reasonably warranted.

### *Penalty*

17. Any person who is convicted of an offence under these By-laws shall be liable to a fine not exceeding \$10 for each offence and in the case of a continuing offence to a fine not exceeding \$2 for each day during which the offence continues after conviction.

*Exemption*

18. Nothing in these By-laws shall be deemed to apply to any person registered under the Medical and Dental Practitioners Act or to any person attending as a student or probationer nurse at any public hospital or clinic.

*(Cap. 255.)*

SECTION 122—LAUTOKA (HANDICRAFT MARKET) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Attendant
4. Sale outside the handicraft market
5. Restriction on sale
6. Opening of market
7. Directions by attendant
8. Sale from stalls
9. Allocation of stalls
10. Revenue receipt
11. Prices to be exhibited
12. Alteration to stall
13. Fees to be paid
14. Fees
15. Exchange, subletting and sharing stalls
16. Cleanliness
17. Litter
18. Exclusive use and prohibition
19. Obstruction of attendant and conduct
20. Obstruction
21. Admission
22. Unsold goods
23. Penalty

First Schedule—Fees

*By-laws 4 December 1984  
Legal Notice 25 of 1985*

*Short title*

1. These By-laws may be cited as the Lautoka (Handicraft Market) By-laws.



### *Interpretation*

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

"attendant" means any officer of the council appointed by the town clerk to carry out duties at the handicraft Market;

"council" means the Lautoka City Council.

"handicraft" means local curios and handicrafts and includes mats, baskets, fans, wood carving, articles made of straw, grass or synthetic grass skirts, souvenirs, post cards, books about Fiji Islands, dolls dressed in traditional Fijian or Indian costumes or portraying Fiji police officers or soldiers, curios and handicrafts of other Pacific Islands origin, imported scarfs, cushion covers, beaded purses, men's belts with the words 'Fiji Island' on the outside thereof.

"handcraft market" means the Lautoka Handicraft Market situated along Vitogo Parade on the northern side between Walu Street and sugar mill injection canal and along Daniva Street, maintained and controlled by the Lautoka City Council.

"stall" means any place in the Handicraft Market used for the sale of handicraft and includes the ground spaces from where handicrafts are being sold.

"stall holder" means the holder of a current revenue receipt issued to him in accordance with by-law 14.

### *Attendant*

3. The handicraft market shall be under the immediate management and control of the attendant.

### *Sate outside the handicraft market*

4. A person shall not sell handicraft in any place within the city of Lautoka other than at the handicraft market:

Provided that this by-law does not apply to the sale of handicraft at Lautoka Municipal Market established under the Lautoka (Market) By-laws and at premises in the city of Lautoka duly licensed under the Business Licensing Act.

### *Restriction on sale*

5. A person shall not sell, offer or expose for sale, or display in the handicraft market any article other than handicraft.

### *Opening of market*

6. The handicraft market shall be open for business during such hours as are permitted by the council and only on a day that—

- (a) an international cruise ship is berthed in Lautoka harbour; or
- (b) the council permits.

*Directions by attendant*

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

*Sale from stalls*

8. A person shall not sell, offer or expose for sale, display or stock any handicraft at the handicraft market except at the stall allocated to him by the attendant and except during the hours the handicraft market is open for business.

*Allocation of stalls*

9. The allocation of stalls in the handicraft market shall be made by the attendant and his decision in that regard shall be final.

*Revenue receipt*

10. Every stall holder shall whilst the stall is open for business, exhibit and keep exhibited on his stall, as the attendant may direct, his current revenue receipt for the payment of the handicraft market fee.

*Prices to be exhibited*

11. Every stall holder shall have all handicraft for sale by him at a stall legibly and conspicuously marked with the prices at which he offers the same for sale and in a manner clearly indicating the price to the public.

*Alteration to stall*

12. A person shall not make any alteration to any stall or exhibit any notice thereon or introduce any fitting, fixtures, furniture or obstructions of any kind without the authority of the council and any such things introduced without the approval of the council may be removed by the attendant without notice to the stall holder.

*Fees to be paid*

13.—(1) A person shall not occupy or use a stall whilst any charges which are due and payable for the use thereof are outstanding.

(2) If any person fails to pay the fee within the required time then the attendant may remove any goods from the stall or withhold the goods until the outstanding fee and any costs associated with the removal or withholding are fully paid.

*Fees*

14.—(1) The fee for the use of a stall shall be in accordance with the rates set out in the First Schedule to these By-laws and shall be paid in advance on demand by the attendant.

(2) Upon receiving payment of the stall fee under this by-law, the attendant shall immediately issue a revenue receipt which shall contain the name of the stall holder, the date for which the fee is paid and the amount paid.

(3) A stall holder shall, on demand by any officer of the council, produce his current revenue receipt.

*Exchange, subletting and sharing stalls*

15. A stall-holder shall not exchange, sublet, surrender or part with the possession of his stall or share his stall with any other vendor or person except with the permission of the attendant.

*Cleanliness*

16. Stall-holders shall keep their stalls in a clean and orderly condition and shall as and when required dispose of any litter and refuse as directed by the attendant.

*Litter*

17. A person shall not abandon or cause to be abandoned any litter in or upon any part of the handicraft market except in receptacles provided for the purpose.

*Exclusive use and prohibition*

18. A stall shall be exclusively used for the sale of handicraft and no person shall cook food or sell yaqona in any part of the handicraft market.

*Obstruction of attendant and conduct*

19. A person shall not obstruct, prevent or hinder the attendant or any other officers of the council in the performance of any duty under the by-laws and shall not enter the handicraft market whilst drunk or incite 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, or spit or discharge any nasal fluid or mucus in the handicraft market.

*Obstruction*

20. A person shall not obstruct any entrances, thoroughfares, passages or divisions of the handicraft market and shall not loiter therein.

*Admission*

21. The attendant shall have the power to refuse admission to, or to eject from, the handicraft market, any person of undesirable character or any person causing any nuisance or young children unattended.

*Unsold goods*

22. The unsold goods and other chattels belonging to a stall-holder shall be removed immediately upon the closure of the handicraft market.

*Penalty*

23. Any person who fails to comply with any of the provisions of these By-laws shall be guilty of an offence and shall be subject on conviction to a fine not exceeding \$100 and to a further fine of \$10 for every day during which such offence continues.

**FIRST SCHEDULE**

*(By-law 14)*

(1) Timber stalls in covered area — \$2.00 per day or part thereof.

(2) Ground space in open area — \$2.00 per day or part thereof.

**SECTION 122—LAUTOKA (HAWKERS) BY-LAWS**

**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

*By-laws 11 May 1944, 6 July 1945, 26 March 1947,  
Local Government Notice No. 14 of 1976, Legal Notice No. 77 of 1981*

*Short title*

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

*Interpretation*

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

"Council" means the Lautoka City Council;

"goods" includes beads and native curiosities and articles of native food or produce grown in Fiji;

"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 city 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. Upon receiving an application mentioned in by-law 5, 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.

*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.

*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 hand-cart or vehicle of any kind, keep such hand-cart or vehicle as near as practicable to the left-hand side of the road or street;

(d) keep his boat, basket, tray, utensils and cart 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.

*Penalty*

12. Any person contravening or failing to comply with these By-laws shall be liable to a fine not exceeding \$20.

**FIRST SCHEDULE**

*(By-law 5)*

**LAUTOKA CITY COUNCIL**

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

Name of Applicant:

Address:

Class of goods hawked:

How hawked:—

(a) boat, horse or motor vehicle;

(b) carried or borne by hawker:

Dated this            day of            , 19    .

.....  
*Applicant*

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**SECOND SCHEDULE**  
*(By-law 8)*  
*(Substituted by By-laws 26 March 1947.)*

LAUTOKA CITY COUNCIL

HAWKER'S LICENCE

*Issued under Lautoka (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—LAUTOKA (LITTER) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

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2. Interpretation
3. Prohibition
4. Powers of an authorised person
5. Provision for an identity card
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## 7. Evidence in legal proceedings

*Local Government Notice No. 6 of 1972*

### *Short title*

1. These By-laws may be cited as the Lautoka (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 Lautoka City 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.

*Penalty*

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 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—LAUTOKA (MARKET) BY-LAWS**

**TABLE OF PROVISIONS**

**BY-LAW**

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3. Market Master
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5. Sale of fish
6. Fish to be gutted, etc.
7. Hours
8. Directions by Market Master
9. Sale from stalls
10. Allocation of stalls
11. Receipt and prices to be exhibited
12. Price of fish
13. Alterations to stalls
14. Charges to be paid
15. Charges
16. Exchange, subletting and sharing of stalls
17. Cleanliness
18. Litter
19. Hygiene
20. Selling mixed yaqona prohibited
21. Cooking in the market
22. Shouting, etc.
23. Unwholesome goods
24. Diseases

25. Dogs
26. Entry prohibited outside hours
27. Obstruction of officials
28. Obstruction
29. Admission to market
30. Empty casks, etc.
31. Unsold goods
32. Care of goods
33. Spitting
34. Obstruction of roadway, etc.
35. Penalty  
    Schedule—Charges

*Local Government Notice No. 19 of 1976,  
Legal Notices Nos. 118 of 1980, 19 of 1981, 68 of 1983, 29 of 1985*

*Short title*

1. These By-laws may be cited as the Lautoka (Market) By-laws.

*Interpretation*

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

"market" means the Lautoka Market building and includes the land contained in section 10 (part of) bounded by Naviti, Vakabale and Bila Streets and the stormwater drain passing to the rear of the Market building, City of Lautoka maintained and controlled by the Lautoka City Council (hereinafter called "the Council");

"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;

"fish" means fresh fish, dried or smoked fish, fresh turtle, and shell-fish;

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

"stall" includes any place in the market used for the sale of produce;

"attendant" means any servant of the Council appointed by the Council to carry out duties in the market;

"stallholder" means, in the case of a permanent stallholder, the person in personal charge of the stall, in whose name the receipt for the current month's stall charges is issued; and in the case of a casual or daily stallholder, the person in personal charge of the stall who has currently paid the fees for the stall and who is the holder of the receipt in accordance with by-law 11:

Provided that a person may, with the prior approval of the Council or the Market Master, act as a temporary relief for a stallholder in his absence for a period not exceeding the expiry date of the current receipt for the stall on issue to the stallholder.

*(Amended by Legal Notice 68 of 1983.)*

*Market Master*

3. The market shall be under the immediate management and control of a Market Master appointed by and responsible to the Council.

*Sales outside the market*

4.—(1) No person, not being the holder of a wholesale or retail store licence, shall sell produce, other than fish, in any place within the city of Lautoka outside the market.

*Restriction on sales*

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

*Sale of fish*

5.—(1) During the hours in which the market is open for business, no person shall sell by retail fresh fish at any place other than the market.

(2) During the hours in which the market is closed for business, no person shall sell by retail fresh fish at any place other than at the King's Jetty on the Waterfront.

(3) This by-law shall not apply to the sale of fresh fish wholesale or by a butcher or fishmonger, or a wholesale or retail storeholder, licensed under the provisions of any Act for the time being in force relating to the licensing of businesses.

*Fish to be gutted, etc.*

6. No person shall bring to, or offer for sale in, the market any fresh fish, other than white-bait or other similar small fish, shell-fish or turtles, unless such fish shall first have been gutted, gilled and cleaned.

*Hours*

7.—(1) The market shall be open for business as follows:—

On Mondays to Fridays, inclusive—between the hours of 7 a.m. and 5.30 p.m.

On Saturdays, not being public holidays—between the hours of 5.30 a.m. and 4 p.m.

On Saturdays, being public holidays—between the hours of 5.30 a.m. and 12 noon.

On Sundays (Fish market only)—between the hours of 7 a.m. and 11 a.m.

(2) On such Sundays and public holidays as shops are authorised by the Council to remain open due to the presence in the port of tourist ships, the market may remain open during the same hours as are permitted by such authorisation in the case of such shops.

*Directions by Market Master*

8. 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.

*Sale from stalls*

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

Provided that—

(a) fish shall not be sold at any place in the market other than the stall set aside by the Council or the Market Master for the sale of fish; and

(b) such produce shall not be placed in direct contact with the floor of the market building or in direct contact with any path, road, grass or ground but shall be placed on the raised concrete stalls provided or upon tables, benches, mats, sacking or on in or from other articles and materials as may be approved or as directed by the Market Master.

*Allocation of stalls*

10. The allocation of stalls in the market shall be made by the Council or the Market Master in its or his discretion and the decision of the Council or Market Master shall be final.

*Receipt and prices to be exhibited*

11. 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 goods for sale by him at such stall legibly and conspicuously marked with the price at which he offers the same for sale and in a manner clearly to indicate that price to the public.

*Price of fish*

12. No person shall offer fish for sale without displaying a notice legibly and conspicuously marked in letters and figures of not less than 15 centimetres in height the price at which he offers such fish for sale and in such manner as clearly to indicate such price to the public.

*(Amended by Legal Notice 118 of 1980.)*

#### *Alterations to stalls*

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

#### *Charges to be paid*

14. 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*

15.—(1) The charges for the use of stalls and other market facilities shall be in accordance with the rates set out in the Schedule and shall be payable in advance to the Market Master or an attendant.

(2) Upon receiving payment of any charges under this by-law, the Market Master or an attendant, as the case may be, shall immediately issue a receipt accordingly.

#### *Exchange, subletting and sharing of stalls*

16. 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 permission of the Market Master.

#### *Cleanliness*

17. Stallholders shall keep their stalls in a clean and orderly condition, and shall as and when required dispose of any litter and refuse as directed by the Market Master.

#### *Litter*

18. No person shall abandon or cause to be abandoned any litter in or upon any part of the Market except in a receptacle provided for the purpose.

#### *Hygiene*

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

#### *Selling mixed yaqona prohibited*

20. 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*

21. No person shall do any cooking in any part of the market.

*Shouting, etc.*

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

*Unwholesome goods*

23. No person shall bring into or keep in the market anything which 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 and the cost of such removal shall be paid by the owner.

*Diseases*

24. 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 produce in the market.

*Dogs*

25. No person shall bring a dog into the market or suffer it to remain there and the Market Master shall have power to remove the same at the risk of the owner.

*Entry prohibited outside hours*

26. No person shall enter or remain in the market outside business hours without the authority of the Market Master.

*Obstruction of officials*

27. No person shall obstruct, prevent, hinder or interfere with the Market Master or any attendant in the performance of any duty under these By-laws 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*

28. No person shall obstruct any of the entrances, thoroughfares, passages or divisions of the market or shall loiter therein.

*Admission to market*

29. The Market Master shall have power to refuse admission to or to eject from the market any persons of undesirable character or any young children unattended.

*Empty casks, etc.*

30. No person shall bring or cause to be brought into the market any casks, crates or lumber of any kind without the consent of the Market Master and the Market Master may remove or cause to be removed all such articles and store them. Such removal and storage shall be at the

risk and cost of the owner of such articles.

*Unsold goods*

31. Produce 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 produce so left without such permission may be removed by the Market Master and disposed of in such manner as he may consider reasonable.

*Care of goods*

32. With his consent produce may be left in the care of the Market Master upon payment in advance of a charge to be prescribed by the Council.

*Spitting*

33. 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.

*Obstruction of roadway, etc.*

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

*Penalty*

35. Any person who fails to comply with any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

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**SCHEDULE**

*(By-law 15)*

*(Substituted by Legal Notice 29 of 1985.)*

**CHARGES**

1. Stalls other than lock-up stalls or stalls for the sale of fish, poultry or other livestock—a charge, per stall per day or part thereof, ascertained in accordance with the following table being, in a case where more than one such charge is applicable, the highest applicable single charge:—

<i>Type of Stall</i>	<i>Commodities traded</i>			
	<i>Groceries</i>	<i>Kava and Fiji Tobacco</i>	<i>Handicraft</i>	<i>Other</i>
Concrete stalls within market building	70c	70c	68c	70c

Wooden stalls within market building	60c	60c	58c	60c
Wooden stalls outside market building	50c	50c	48c	50c
Ground space outside market building	50c	50c	48c	50c
Ground space outside market building but under covered area .....	70c	70c	68c	70c
2. Lock-up stalls (per week)	\$24	\$24	\$24	\$24

3. Stalls for the sale of fish, poultry or other livestock—a charge, per stall per day or part thereof, calculated in relation to the fish, poultry or other livestock offered for sale from that stall on that day (whether brought into the market on that or previous day) according to the following scales:

(a) fish—	\$ c
(i) fish other than shell-fish (per kg) .....	14
(ii) kai (per sack) .....	40
(iii) crabs (per bundle) .....	15
(iv) other shell-fish (per bundle or basket) .....	10
(b) poultry—	
(i) meat birds (per head) .....	20
(ii) day-old chicks (per dozen) .....	20
(c) other livestock—	
(i) goats (per head) .....	1.00
(ii) pigs (per head) .....	1.00
4. Produce offered for sale on a day, in sacks or boxes, to stallholders (per sack or box brought into the market on that day) .....	40
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**SECTION 122—LAUTOKA CITY COUNCIL (MEETINGS) BY-LAWS**

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*By-laws 13 April 1984  
Legal Notices Nos. 43 of 1984, 20 of 1985, 66 of 1985*

**PART I—PRELIMINARY**

*Short title*

- 1. These By-laws may be cited as the Lautoka City Council (Meetings) By-laws.

*Interpretation*

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

"council" means Lautoka City 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 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 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 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 motion 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;

*(Amended by Legal Notices 20 of 1985.)*

(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 a 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 the expiration of fifteen 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*

*Points of 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*

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 at council meetings and shall address the chair. Members need not rise in their place nor stand while speaking at committee meetings or when prevented by bodily infirmity.

*(Amended by Legal Notice No. 66 of 1985.)*

*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 which it was so interrupted in its proper order of business at the next regular meeting of the council.

## *Division 4—Voting 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 than 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 in attendance 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 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 anytime upon the report of a 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*

#### *Committee 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 and the provision requiring members to rise in their place and stand while speaking.

*(Amended by Legal Notice No. 66 of 1985.)*

#### *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 committees 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 of 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.

### *Repeal*

66. Lautoka (Meetings) By-laws, are repealed.

## SECTION 122—LAUTOKA (MUNICIPAL CAR PARK) BY-LAWS

### TABLE OF PROVISIONS

#### BY-LAW

1. Short title
2. Interpretation
3. Attendant
4. Duty to obey directions
5. Maximum weight
6. Opening hours
7. Charges and schedule 2
8. Collection of charges
9. Parking permits
10. Production of ticket
11. Parking spaces
12. Other offences
13. Liability of council
14. Penalty
  - Schedule 1—Car Parks
  - Schedule 2—Charges

*By-laws 22 April 1985*  
*Legal Notice No. 60 of 1985*

*Short title*

1. These By-laws may be cited as the Lautoka (Municipal Car Park) By-laws.

*Interpretation*

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

"Act" means the Local Government Act;

"attendant" means a person, appointed by the town clerk to carry out any duties at a car park;

"car park" means an area, building or part of a building, described in Schedule 1 which is maintained by the council for the parking of motor vehicles;

"council" means the Lautoka City Council;

"town clerk" means the 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.

*Attendant*

3. A car park shall be under the immediate management and control of the attendant.

*Duty to obey directions*

4.—(1) The driver of a vehicle in a municipal car park or within the precincts of a municipal car park, shall at all times observe and comply with any reasonable direction of the attendant regarding parking or movement of the vehicle within such area, and shall comply with any directions, signs, or paint marking at the car park relating to the movement, parking, entry and exit of vehicles or any particular class of vehicles.

(2) All persons using or being within the precincts of a car park shall obey all reasonable directions given by the attendant for the purpose of observing good order and cleanliness in the car park.

*Maximum weight*

5.—(1) The Council may, by resolution, prescribe a maximum weight for vehicles permitted to enter a car park.

(2) An attendant may refuse the entry of any vehicle to a car park which exceeds, or appears to exceed, the maximum weight prescribed by the council.

*Opening hours*

6. The council may, by resolution, prescribe the hours of opening and closing of a car park and matters incidental thereto.

### *Charges and Schedule 2*

7.—(1) Subject to paragraph 3, the driver of any vehicle occupying a car park shall pay the charges set out in Schedule 2.

(2) Charges payable under these by-laws are a debt due to the council and may be recovered in a civil action from the driver but, if he cannot be identified, there is a prima facie presumption that the owner of a vehicle is the driver liable under paragraph (1).

(3) Drivers of the following vehicles are exempt from the requirement to pay the charges pursuant to paragraph (1)—

(a) a motor omnibus, taxi or lorry licensed under the Lautoka (Bus Station, Taxi and Lorry Stand) By-laws and then using its station or stand as the case may be; and

(b) such vehicles as the council, by resolution, determines.

### *Collection of charges*

8.—(1) The driver of a vehicle entering a car park shall collect a parking ticket from the attendant before parking his vehicle.

(2) The driver of a vehicle leaving a car park shall present his parking ticket to an attendant and pay the charge calculated by the attendant in accordance with the charges set out in Schedule 2.

(3) Where the driver of a vehicle wishes to remove the vehicle from a car park and cannot produce his parking ticket, it shall be presumed that the vehicle entered the car park at the time of the opening of the car park on that day and the charge shall be calculated accordingly.

(4) No person shall remove a motor vehicle from a car park after the prescribed closing hour unless the attendant is present and the charge prescribed by the council pursuant to by-law 7 is paid.

### *Parking permits*

9.—(1) The council may issue a pre-paid monthly or annual permit which shall entitle the vehicle described thereon to park that vehicle at a car park in the bay specified and for the period specified, free of any other charge.

(2) The permit referred to in paragraph (1) is not transferable and no refund is payable in the event that the permit is not used.

### *Production of ticket*

10. The driver of a motor vehicle in a car park shall produce his ticket or permit for inspection when required by an attendant.

### *Parking spaces*



11.—(1) A driver shall not park or stop his vehicle in a car park, unless so directed by an attendant, other than wholly within an unoccupied parking space as defined by a line, stud, pad, plate or other device.

(2) A driver shall not allow his motor vehicle to obstruct or hinder the passageways within a car park.

*Other offences*

12. A person shall not—

- (a) obstruct or hinder an attendant in the performance of his duties;
- (b) make any alteration to the alignments of a car park or bring any obstruction into a car park;
- (c) sell or offer or expose for sale any produce or goods in a car park;
- (d) solicit or distribute pamphlets or bills in a car park without the consent of the council.

*Liability of council*

13. Nothing in these By-laws or in any ticket or permit of itself makes the council liable to any person for loss or damage to any motor vehicle or its contents or for the personal injury of any person in a car park.

*Penalty*

14. A person who contravenes any provision of these By-laws is guilty of an offence and is liable on conviction to a fine not exceeding \$100 or to imprisonment for three months or to both such fine and imprisonment.

**SCHEDULE 1**

*(By-law 2)*

1. Namoli Municipal Car Park contained in Crown Lease 2143
2. Tukani Street Municipal Car Park contained in Crown Lease 197814

**SCHEDULE 2**

*(By-law 7)*

<i>Type of vehicles</i>	<i>Charges for each 60 minutes or part thereof</i>		<i>Charges for each month or part thereof</i>	
	Namoli car park	Tukani St. Municipal car park	Namoli Municipal car park	Tukani St. Municipal car park
	\$	\$	\$	\$

(a) Private cars .....	0.20	0.10	20.00	16.00
(b) Other private vehicles not exceeding 2000kg .....	0.25	0.20	25.00	20.00
(c) All other vehicles not included in (a) & (b) above	0.30	0.25	37.50	30.00

SECTION 122—LAUTOKA (NOISE PREVENTION) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Noise prevention
4. Exceptions
5. Penalty

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*By-laws 16 August 1966, Legal Notice No. 106 of 1982*

*Short title*

1. These By-laws may be cited as the Lautoka (Noise Prevention) By-laws.

*Interpretation*

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

"Council" means the Lautoka City Council;

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

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

*Noise prevention*

3.—(1) Subject to the provisions of by-law 4, 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) Subject to the provisions of by-law 4, no person shall play, or cause or permit to be played, any record player, tape recorder, radio or musical instrument so as to cause annoyance or disturbance to the public or to members of the public.

*(Inserted by Legal Notice 106 of 1982.)*

*Exceptions*

4. By-law 3 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 by-law 13 of the Lautoka (Parks and Reserves) By-laws, or by-law 2 or by-law 6 of the Churchill Park By-laws;

(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, recreational area, sports ground or reserve other than a public park, to which the public has 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 or occasions;

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

*Penalty*

5. Any person failing to comply with the provisions of by-law 3 shall be liable on conviction to a fine not exceeding \$100.

**SECTION 122—LAUTOKA (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 or litter
8. Penalty

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*Local Government Notice No. 18 of 1976*

### *Short title*

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

### *Interpretation*

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

"Council" means the Lautoka City 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 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 preparation of food or drink.

*Burning of vegetation or litter*

7. Nothing in these By-laws shall affect a controlled burning of vegetation for the protection of life or property, or the burning of litter in an incinerator installed with the approval of the Council.

*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—LAUTOKA (PARKS AND RESERVES) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Injury to tree, etc.
4. Games
5. Indecency
6. Obstruction
7. Firearms, etc.
8. Bathing, etc., fishing
9. Vehicles
10. Refuse
11. Animals
12. Stalls
13. Special privileges
14. Ranger
15. Penalty

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*By-laws 15 November 1951, 22 June 1959*

*Short title*

1. These By-laws may be cited as the Lautoka (Parks and Reserves) By-laws.

*Interpretation*

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

"Council" means the Lautoka City Council;

"park" means the area bounded by Naviti Street, Yasawa Street, Tukani Street and Vakabale Street, known as Namoli Park being Crown Lease No. 2143, city of Lautoka;

"reserve" means the open spaces situate—

(a) at the corner of Vitogo Parade and Tui Street, city of Lautoka, having an area of 3 acres 2 roods and 16 perches, and known as the "Town Hall Reserve";

(b) at the intersection of Vitogo Parade and Tavewa Avenue, city of Lautoka;

(c) Waiyavi Park, in section 43, city of Lautoka and having frontages to Waiyavi Street.

(Amended by By-laws 22 June 1959.)

*Injury to tree, etc.*

3. No person shall destroy or injure any tree, shrub or plant, pluck any fruit, flower or leaf thereof or injure, or deface any structure, seat, railing or other property in or enclosing the park or reserves, or put up, fix or exhibit any advertisement, posting bill or other paper in the park or in any reserve.

*Games*

4. No person shall without the permission of the Council play at or engage at football, or any game or exercise calculated to injure the paths, turf, trees, shrubs, plants or other things in or upon any part of the park or reserves.

*Indecency*

5. No person shall wilfully commit any act in violation of public decency or use profane, indecent or obscene language to the annoyance of any other person in the use and employment of the park or reserves.

*Obstruction*

6. No person shall wilfully obstruct any of the entrances, thoroughfares or walks of the park or reserves.

*Firearms, etc.*

7. No person shall discharge any firearms or wantonly throw or discharge any stone or other missile to the damage or danger of any person, or make any bonfire or throw or set fire to any firework in the park or reserves.

### *Bathing, etc., fishing*

8. A person shall not bathe, wade or wash in any lake or ornamental water in the park or reserves, or wilfully, carelessly or negligently foul or pollute any such water, or take, injure or destroy or attempt to take, injure or destroy or wilfully disturb any fish in any such water.

### *Vehicles*

9. No person shall without the permission of the Council draw, take or drive any cart, truck, wheel-barrow, carriage or other vehicle into or through the park or reserves:

Provided that this section shall not apply to invalid's chairs or children's perambulators.

### *Refuse*

10. No person shall cast away, throw or deposit, or cause or suffer to be cast away, thrown or deposited in the park or reserve except in receptacles provided for that purpose any fruit skins, rind or peel, or any bottles, tins or cans or the like, or any handbills, printed papers, wastepaper, or paper of any kind whatsoever, or any other refuse or waste materials.

*(Substituted by By-laws 22 June 1959.)*

### *Animals*

11. No person shall, without the written authority or permission of the Council, take, bring or admit any dog or any other animal into the park or reserves or suffer any animal to accompany him, or to stray therein;

Provided always that it shall be lawful for any person to bring or take therein a dog with him if such dog is kept under continuous control while therein by a leading strap or chain or other efficient contrivance.

### *Stalls*

12. No person shall, without the written authority or permission of the Council, put up, erect or keep any stall or booth in the park or reserves, or use any such stall or booth for any other purpose, or put up or erect any such stall or booth of any other dimensions, than shall respectively be stated in the authority or permission to use, put up or erect the same as the case may be.

### *Special privileges*

13. The Council may, from time to time by resolution, grant special privileges and rights of user of, over and in connection with the park or reserves or portions thereof, for games, sports and purposes of recreation or amusement and fix special fees and charges for and in respect of such privileges and rights.

### *Ranger*

14. The Council may appoint a ranger or overseer for the said park and reserves who shall

have power to prosecute in the name of the Council any person infringing any of these By-laws.

*Penalty*

15. Any person who offends against any of the provisions of these By-laws shall be liable on conviction to a fine not exceeding \$10.

BY-LAW

1. Short title
2. Buildings to have distinguishing numbers
3. Offence
4. Numbering at owner's expense
5. Destruction, etc., of marking
6. Application
7. Penalty

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*By-laws 28 May 1956*

*Short title*

1. These By-laws may be cited as the Lautoka (Street Numbering) By-laws.

*Buildings to have distinguishing numbers*

2. The owners or occupiers of lands on which buildings are erected or which are subdivided into building allotments and which have frontages to or entrances from roads shall for the purpose of distinguishing them mark the buildings or fences or road frontages with such numbers and in such manner and form as the Lautoka City Council may from time to time direct or approve, so that such markings may be readily seen from the road, and shall renew such markings as often as they are destroyed, obliterated or defaced.

*Offence*

3. If any such owner or occupier neglects for one week after written notice to him from the Lautoka City Council to mark any such building, or fence or road frontage with such number and in such manner and form as the Council may direct or approve, or to renew the marking thereof as aforesaid, he shall be guilty of an offence under these By-laws.

*Numbering at owner's expense*

4. Where the occupier of any land incurs expenses in complying with the requirements of any notice given to him under the preceding by-law he shall be entitled to recover such expenses from the owner of the land.

*Destruction, etc., of marking*



5. Any person who without the authority of the Council destroys, pulls down, obliterates or defaces any such marking or who marks any such number otherwise than in accordance with this by-law shall be guilty of an offence under these By-laws; and the Council may cause any unlawful marking to be obliterated or destroyed.

*Application*

6. These By-laws shall apply only to such part or parts of the city of Lautoka as the Lautoka City Council shall from time to time direct by notice published in the Gazette and in a newspaper circulating within the Lautoka city area.

*Penalty*

7. Any owner or occupier aforesaid who is convicted of any offence under these By-laws shall be liable to a fine not exceeding \$10 for each offence and in the case of a continuing offence to a fine not exceeding \$2 for each day during which the offence continues after conviction.

**SECTION 122—LAUTOKA (SUBDIVISION OF LAND) BY-LAWS**

**TABLE OF PROVISIONS**

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Schedule—Scale of Fees

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*By-laws 14 December 1944, 20 February 1956, Legal Notice No. 112 of 1970,  
Local Government Notice No. 6 of 1977, Legal Notice No. 104 of 1981*

*Short title*

1. These By-laws may be cited as the Lautoka (Subdivision of Land) By-laws.

*Interpretation*

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

"building" means any fixed structure which is either wholly or in part enclosed by walls, and which is roofed;

"Council" means the Lautoka City Council;

"plan of subdivision" means any plan which shows a subdivision of any land into two or more parts or any new road, street, lane, pathway, or reserve over such land or any part thereof;

"plan" includes any map, diagram, drawing, section or detail plan;

"right-of-way" includes any public or private right-of-way, footpath, passage or other thoroughfare not being a road or street or lane;

"subdivide" means and refers to—

(a) dividing a parcel of land, described in one instrument of title as defined by the Land Transfer Act, where the owner thereof by way of sale or lease, or otherwise howsoever, disposes of any specified part thereof less than the whole, or advertises or offers for disposition any such part or makes application to the Registrar of Titles for the issue of a separate instrument of title under the Land Transfer Act; or

*(Cap. 131.)*

(b) dividing a parcel of land described in one instrument of title for the purpose of building on any part thereof in such a manner that the balance thereof remains adapted for building or for occupation separately from the part to be built upon;

and the corresponding nouns shall be construed accordingly.

*Application*

3. Any proprietor proposing to subdivide land within the limits of the area under the jurisdiction of the Council shall submit, for the approval of the Council, a plan of subdivision prepared by a registered surveyor, showing the separate allotments and the streets and reserves, if any, proposed to be made, before any such subdivision may be proceeded with:

Provided that nothing in the provisions of these By-laws shall apply to the issue of a separate instrument of title for any land which is shown as a separate allotment on a plan of subdivision or re-parcelling of leases prepared before 3 February 1945 and deposited in the office of the Director of Lands or Registrar of Titles but which is included with other such allotments in one instrument of title or is otherwise held as part of a contiguous holding of land.

*Draughting and scale of plans*

4. Such plan of subdivision shall be drawn in duplicate, on good quality drawing paper, in waterproof black ink and shall be accurately plotted with the north point upwards and shall be drawn to the following scales:—

- (a) showing lots not exceeding 1,000 m<sup>2</sup> in area, 1:1,000;
- (b) showing lots exceeding 1,000 m<sup>2</sup> but not exceeding 2,000 m<sup>2</sup> in area, 1:2,000;
- (c) showing lots exceeding 2,000 m<sup>2</sup> but not exceeding 4 ha in area, 1:2,500;
- (d) showing lots exceeding 4 ha in area, 1:5,000:

Provided that diagrams on larger scales shall, when necessary for the clear representation of details, be drawn on the plan.

*(Amended by Legal Notice 104 of 1981.)*

*Information to be shown on plan*

5. Such plan of subdivision in duplicate shall show—

- (a) the Titles Office reference to the title;
- (b) the scale to which the plan is drawn;
- (c) the limits and total area of the parcel of land proposed to be subdivided;
- (d) the positions, names and widths of all existing roads, streets, lanes, pathways, rights-of-way, easements or reserves abutting on or adjacent to the land proposed to be subdivided;
- (e) the lot numbers and area of adjoining subdivisions, the positions in which the boundaries of such subdivisions abut on to the boundaries of the land to be subdivided and the dimensions between and along such abutting boundaries;
- (f) the positions of all existing buildings erected on or within 3 m of the boundaries of the land proposed to be subdivided;

- (g) the intended method of drainage and the directions of flow or discharge thereof;
- (h) the intended use of the allotments or parcels of land;
- (i) the lot number, area, shape and dimensions of each separate allotment, reserve or parcel of land in the proposed subdivision;
- (j) the positions, names and widths of all proposed new roads, streets, lanes, pathways, or easements provided to afford access to the separate allotments;
- (k) the proposed widenings of existing roads, streets, lanes or pathways;
- (l) the proposed treatment of corners, junctions, or intersections of roads or streets which shall be planned in the interests of safety and to the satisfaction of the Council in such manner as will facilitate the flow of traffic;
- (m) the levels of the present surface of the ground, if so required by the Council, shown by contours at 1 m intervals and referred to some known datum;
- (n) the proposed building lines between which lines and the road boundary lines no building shall be erected.

*(Amended by Legal Notice 104 of 1981.)*

#### *Colouring of plans*

6. Such plan of subdivision, in duplicate, shall show—

- (a) the limits of the land proposed to be subdivided edged in red;
- (b) existing roads, streets, lanes or pathways coloured sienna;
- (c) proposed new roads, streets, lanes, pathways or easements or widenings to existing roads, streets, lanes or pathways -coloured pink;
- (d) drainage easements coloured blue;
- (e) reserves coloured green;
- (f) allotment boundaries edged yellow.

#### *Discrepancies to be disclosed*

7. The surveyor preparing such plan of subdivision shall disclose to the Council any doubts, discrepancies, or difficulties, and shall afford all other information obtained by him relative to the land with a view to securing accuracy and completeness.

#### *Owner to supply information*

8. In addition to the foregoing particulars required to be shown on the plan of subdivision the

person submitting the plan shall furnish such further particulars as the Council may require.

#### *Encroachment*

9. Where, after the erection of a building on land, the property of one owner, it is found that such building encroaches upon land the property of another owner to the extent of not more than three feet and where the encroaching owner desires to purchase the land upon which the encroachment stands, the Council shall, upon the application of the owner of the land which is encroached upon, and upon satisfying itself that there has not been collusion but that everything has been done in good faith without intention to evade the law, approve of the necessary subdivision.

#### *Power of Council*

10. Without in any way limiting the discretion of the Council it shall be sufficient reason for refusing approval of any such plan of subdivision if—

(a) any existing road or street bounding the land proposed to be subdivided or any proposed new road or street shown on such plan is less than 12 m in width:

Provided that if in the opinion of the Council in anticipation of future development any such proposed new road or street will form an important thoroughfare or be located in an industrial or commercial area the Council may require any such new road or street to be not less than 16 m nor more than 20 m wide; or

(b) for the preservation of public health, amenity, or convenience the land or any part thereof is considered unsuitable for building purposes; or

(c) provision is not made for reserves as open space of not less than five per cent of the total area of the land to be subdivided, in addition to and apart from the area of any new road, street, lane, pathway or widening:

Provided that if the total area of land to be subdivided is less than 2 ha provision for a reserve as open space may not be insisted upon; or

(d) satisfactory provision is not made for drainage and sewerage easements which in the opinion of the Council may be necessary to enable any part or parts of the proposed subdivision to be drained and sewered; or

(e) the intersection of roads or streets, so far as is practicable, are not at right angles, or treated in a manner prescribed in paragraph (1) of by-law 5; or

(f) the side boundaries of allotments, as far as is practicable, are not at right angles to the road boundary; or

(g) sufficient crossroads are not provided to ensure the future development of an adequate and convenient road system; or

(h) the minimum street frontage of any allotment or parcel of land, intended solely for residential purposes, is less than 15 m and the minimum area is less than 600 m<sup>2</sup>

except that in an allotment the depth of which is not more than 50 m, the minimum street frontage may be not less than 5 m, provided the main width of the allotment is not less than 15 m; or

(i) the minimum frontage of any allotment or parcel of land intended for the erection of business premises with or without a dwelling-house attached is less than 10 m with a minimum depth of 30 m, provided that when the depth is less than 30 m the width shall be proportionately increased; or

(j) lanes of a minimum width of 5 m are not provided as means of access to the rear of allotments or parcels of land intended to be used partly or wholly for business purposes; or

(k) building lines, satisfactory to the Council have not been specified and indicated on the plan.

*(Amended by Legal Notice 104 of 1981.)*

*Roads to be dedicated and formed*

11. No person shall in any subdivision erect any building upon any allotment or parcel of land having a frontage to any new road, street or widening until such widening has been dedicated, or such road, street or lane has been dedicated and constructed in accordance with the specification approved by the Council, or other agreement entered into with the Council has been executed.

*Plans not approved may be amended*

12. Where any plan of subdivision is not approved by the Council it shall be returned to the applicant together with a statement giving the reasons therefor and such plan may be resubmitted to the Council for its approval after the amendments, alterations or modifications required by the Council have been made.

*Notice of approval*

13. Where any plan of subdivision has been approved by the Council, one copy of the plan shall be returned to the applicant together with a written notice informing the applicant of the Council's decision. The duplicate copy of the plan shall be retained by the Council.

*Period of validity of approval*

14. The Council's approval of a plan of subdivision shall remain valid for a period of two years. If the subdivision has not been finalized within that time a further approval must be sought when the Council may require modification of the original design in the light of development since the former approval was given.

*Approval plan not to be altered*

15. No subdivision which has been approved shall, within two years of the date of approval, be withdrawn, cancelled or altered without the written consent of the Council, provided that the Council may cancel any approval fraudulently obtained.

*Survey and deposit plan*

16. On receipt of notification of approval of the plan of subdivision, the applicant may proceed with the subdivision and shall where required for the registration of any instrument of title, cause the land to be surveyed in accordance with the provisions of the Surveyors Act and the regulations made thereunder; and shall have a plan of such survey prepared for deposit in the office of the Registrar of Titles; such plan shall be duly certified by the registered surveyor.

*(Cap. 260.)*

*Certified plan to be forwarded for approval*

17. The certified plan, together with a certified copy thereof, shall then be forwarded to the Council for approval.

*Council may not approve certified plan*

18. Upon receipt of the said certified plan the Council shall—

(a) approve such plan under the common seal of the Council; or

(b) refuse to seal such plan—

(i) where it is found to differ materially from the approved plan of subdivision until such certified plan is modified to agree with the said plan of subdivision to the satisfaction of the Council; or

(ii) until the construction of any new road, street, lane, drain or sewer has been completed to the satisfaction of the Council; or

(iii) until any bond, security or agreement required by the Council has been executed.

*Notification of approval of certified plan*

19. Upon sealing of a certified plan the Council shall so notify the applicant and shall return such plan. The certified copy shall remain the property of the Council.

*Disposal of land to be in accordance with approved plan*

20. Where the Council has sealed any plan under these By-laws no person shall build upon, sell or otherwise howsoever dispose of any portion of the land, except in accordance with such plan.

*Plans and specifications*

21.—(1) In any proposed subdivision which necessitates the opening of any new road, street or lane or any sewerage or drainage system the applicant shall submit to the Council for approval complete plans and specifications for the construction of such works; such plans and

specifications shall define the methods to be followed and the materials to be used in carrying out the work of constructing such roads, streets or lanes or sewerage or drainage system and shall show—

*Data to be shown on plans*

(a) longitudinal and cross sections along each new road, street or lane showing levels at intervals not exceeding 20 m, the proposed grades (which should not exceed 1 in 10) and the depth of cutting or filling proposed to be done;

(b) a typical cross section of each new road, street or lane showing the proposed width and convexity of carriageway, width and slope of footway, details of the proposed construction of kerbing, guttering, footway and carriageway;

(c) the positions, levels, gradient, dimensions and details of construction of any drains, stormwater drains or sewers proposed to be constructed.

*(Amended by Legal Notice 104 of 1981.)*

(2) Such plans and specifications shall be submitted to the Council for approval, in the manner prescribed for a plan of subdivision in the preceding by-laws.

*Works to be executed*

22. On receiving notice of approval of such plans and specifications the applicant may proceed with and complete the construction of the specified new roads, streets, lanes, drains and sewers, as the case may be, to the satisfaction of the Council, or may deposit with the Council a cash deposit, or bond with sufficient securities to the satisfaction of the Council, of such sum as may be agreed upon with the Council as the estimated cost of executing such work, and agree with the Council as to when such work shall be executed by the Council, or of such sum that the Council determines as a guarantee that he will execute and complete such work within such time as may be fixed by the Council.

*Plans not to be deposited until approved*

23. In no case shall the plan of any land, within the limits of the area under jurisdiction of the Council, which it is proposed to subdivide be lodged in the office of the Registrar of Titles unless and until the aforesaid certified plan has been duly sealed by the Council.

*Roads and reserves to be vested in the Council*

24. On the deposit, in the office of the Registrar of Titles, of any approved plan all lands shown thereon as reserves shall vest in the Council free from encumbrances, and shall be set apart for the purpose indicated on that plan and all lands shown as roads, streets, lanes or widening of any road, street or lane shall be dedicated by instrument in writing under the hand of the owner and registered by him in the office of the Registrar of Titles and such road, street, lane or widening shall henceforth vest in and be under the control of the Council.

*Time limit*

25. Every plan of subdivision submitted to the Council for approval shall be dealt with not



later than the ordinary meeting of the Council held next after the expiration of 14 days from the date on which the plan is lodged with the Council.

*Appeal*

26. An applicant for approval to subdivide any lands may appeal to the Minister against the decision of the Council or any neglect or delay of the Council to give within 50 days after the service of his application a decision with respect thereto.

*Fees*

27.—(1) Every plan of subdivision submitted to the Council for approval shall be accompanied by a fee in accordance with the Schedule:

Provided that where any lot is intended to be used solely for the purpose of constructing or widening a public road, or is intended to be dedicated as an open space, or is intended to be used solely for the purposes of a public utility service, such lot shall not be included in calculating for the purpose of this by-law the number of lots into which the land is to be subdivided.

*(Amended by Local Government Notice 6 of 1977.)*

(2) All fees received by the Council under the provisions of this by-law shall be paid into the funds of the Council.

*(Substituted by By-laws 20 February 1956.)*

*Penalty*

28. Any person committing a breach of these By-laws shall be guilty of an offence and shall be liable to a fine not exceeding \$20.

**SCHEDULE**

*(By-law 27)*

*(Inserted by Local Government Notice 6 of 1977.)*

**SUBDIVISION OF LAND**

**SCALE OF FEES**

1. The following fees shall be charged on the submission of applications to subdivide land:—

**SUBDIVISIONAL SCHEME PLAN EXAMINATION**

(a) Basic fee ..... \$15·00

(b) Lot fees for each lot up to a maximum of 20 lots ..... \$1·00

(c) For subdivision over 20 lots the fee shall be \$35·00 plus \$0·50 for every lot in excess of 20 lots.

(d) Lots for open space reserves or for roads, that is, lots intended to be dedicated or otherwise transferred to the Crown or local authority shall not be included in the lot charge.

2. Where the submission of engineering plans is required the following additional fees shall be charged:—

#### ENGINEERING PLAN EXAMINATION

(a) Basic fee .....	\$10·00
Plus additional fees calculated as below;	
(b) For engineering work of a value exceeding \$2,000 but not exceeding \$5,000 .....	\$5·00
(c) For the value of work exceeding \$5,000 but not exceeding \$10,000 .....	\$10·00
(d) For the value of work exceeding \$10,000 but not exceeding \$15,000 .....	\$20·00
(e) For the value of work exceeding \$15,000 but not exceeding \$20,000 .....	\$25·00
(f) For the value of work exceeding \$20,000 the fee shall be \$25·00 plus \$1·00 for every \$1,000 (or part thereof) value in excess of \$20,000.	

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#### SECTION 122—TOWNS—(BUILDING) REGULATIONS

#### (MODIFICATION—LAUTOKA) BY-LAWS<sup>3</sup>

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#### SUBSIDIARY LEGISLATION OF LOCAL APPLICATION

#### LEVUKA

#### SECTION 5—TOWN OF LEVUKA

*Proclamations Nos. 8 of 1935, 13 of 1948, Local Government Notice No. 10 of 1974*

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 Levuka.

#### SCHEDULE

Commencing at the most westerly corner of Crown Grant No. 37 at a point on the right bank of the Levuka Creek; thence following the said bank of the Levuka Creek downstream to the sea coast at high-water-mark; thence southerly following high-water-mark to its intersection

with the prolongation of the southern boundary of Certificate of Title 4569; thence westerly, following the southern boundary of Certificate of Title 4569 and its prolongation to its most southerly corner, being a point on the eastern boundary of Lot No. 37 shown on Native Lands Commission Sheet J/15,3; thence in a general northerly and westerly direction following the eastern boundary of the said lot to the southern boundary of Lot 31 shown on Native Lands Commission Sheet 3/15,3; thence following the southern and eastern boundaries of the said lot to the right bank of Totoga Creek; thence crossing the Totoga Creek by a prolongation of the eastern boundary of Lot 31 to the southern boundary of Lot 30, both the said lots being shown on Native Lands Commission Sheet J/15,3; thence in a general northerly direction following the eastern boundaries of Lots Nos. 30 and 42 as shown on Native Lands Commission Sheet Nos. J/15,1 and J/15,3 to the most westerly corner of Crown Grant No. 37, to the point of commencement.

Together with all those areas of Crown land adjacent to the existing southern boundaries of the town of Levuka and being the whole of land contained in Crown Lease No. 2719, Crown Lease No. 3727, Crown Grant No. 479, and parts of land contained in Lot 27 on Native Lands Commission Sheet J/15,3 and Crown Grant No. 22.

The above described area is more particularly shown in red on plan P.P. 125 kept in the office of the Permanent Secretary for Lands and Mineral Resources and available for inspection in the office of the Levuka Town Council.

#### **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**

Levuka Town Council—9 members

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#### **SECTION 122—LEVUKA TOWN BY-LAWS**

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*By-laws 5 September 1966, Local Government Notices Nos. 9 of 1971, 8 of 1976*

## **PART I—PRELIMINARY**

### *Short title*

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

### *Interpretation*

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

"authorised" means duly authorised by the Council;

"Council" means the Levuka 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;

"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 that part of any road indicated by signs erected by or on behalf of the Board as a goods vehicle stand;

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

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

"market" means the places established as a market in the town of Levuka;

"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 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;

"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 area or sports ground vested in, 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 any stand indicated by signs erected by or on behalf of the Council for use as a taxi stand.

*(By-law amended by Local Government Notice 9 of 1971.)*

## **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 Board, 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.

*Board 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 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 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.—(1) 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, lay down.

(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 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 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 any offence.

## **PART 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 whitebait 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 to 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 in a manner clearly to indicate that price to the public.

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<sup>1</sup> Strike out any purpose not applicable.

<sup>2</sup> State other form of public entertainment to be held.

<sup>3</sup> These By-laws were originally cited as the Towns (Building) Regulations (Lautoka) (Amendment) By-laws, 1972. The Towns (Building) Regulations, which, in their application to the city of Lautoka, are affected by these By-laws, were originally made under the Towns Ordinance, 1935 and continued in force by the Towns Ordinance, 1948 and by the Local Government Act. Those Regulations are now, by Act No. 13 of 1977, deemed to have been made under section 39 of the Public Health Act and, accordingly, are published as part of the subsidiary legislation under that Act.

For ease of reference, these By-laws have been published with the subsidiary legislation under the Public Health Act (Chapter 111), immediately following the Towns (Building) Regulations.