

PacLII Note: Due to the size of this Act and the Regulations, PacLII has also published it in four parts. This is Part 4.

"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;

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

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

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

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

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

"taxi" means a public service vehicle constructed and adapted to carry not more than six passengers excluding the driver;

"taxi stand" means any taxi stand, indicated by signs, maintained and controlled by the Council.

(Amended by Local Government Notice 14 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, including derelict vehicles, 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.

(Amended by Legal Notice No. 53 of 1985.)

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 68 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) No person shall upon any street or in the bus station permit the leakage of oil of any description from any vehicle. (*Inserted by Local Government Notice 19 of 1973.*)

(3) 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.

(4) 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.

(5) 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.

Board 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 Council retains to itself the exclusive user of any public park or any part thereof.

Gatekeeper, etc., to be employed by the Council

15.—(1) The Council shall provide a gatekeeper and such other persons as may be necessary

for the purpose of controlling admission to any public park, the collection of admission charges and the sale of tickets, whenever the Council, by resolution, makes a charge based on a percentage of gross gate receipts under the provisions of paragraph (a) of by-law 14.

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

Failing to pay charge for admission

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

Fairgrounds

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

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

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

Hours of entry

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

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

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

Public park

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

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

other substance thereon or therefrom;

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

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

(d) climb any tree therein;

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

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

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

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

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

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

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

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

(2) No person shall in any public park—

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

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

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

PART IV—BUS STATION AND TAXI STANDS

Management of bus station and taxi stands

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

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

(Amended by Local Government Notice 14 of 1969.)

Licence to use bus station or taxi stand

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

(Amended by Local Government Notice 14 of 1969.)

Licences

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

(Amended by Local Government Notice 14 of 1969.)

Fees

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

(2) The licence fees payable in respect of each motor omnibus or taxi using the bus station or a taxi stand, as the case may be, shall be charged in respect of each calendar month 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 the motor omnibus shall have been operating during the month or from any other information which the Transport Control Board shall think fit to supply to the Clerk from its records or from any other information obtained by the Clerk under the provisions of paragraph (4).

(4) If the Clerk considers that the number of visits to the bus station of any motor omnibus cannot be satisfactorily calculated from any time-table, he may, by written notice require the bus operator concerned to supply him with particulars of the numbers of visits to the bus station and the times thereof, of each motor omnibus operating under the operator's road service licence during the month the subject of the computation, and any bus operator so

required to supply such particulars shall, within seven days after the receipt by him of such notice, deliver to the Clerk a written statement, signed by such operator or under his authority, and 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.

(Amended by Local Government Notice 14 of 1969.)

Payments of fees

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

(Amended by Local Government Notice 14 of 1969.)

Bus station or taxi stand not to be used without licence

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

(2) No motor omnibus or taxi shall enter or use the bus station or a taxi stand at any time unless a valid licence issued under the provisions of these By-laws is held by an 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 or a taxi stand while any licence fees owing by him under the provisions of these By-laws remain unpaid after the due date thereof.

(Amended by Local Government Notice 14 of 1969.)

Revocation of licence

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

(Amended by Local Government Notice 14 of 1969.)

Control of bus station or taxi stand

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

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

(3) No person shall display in or on the bus station or on any taxi stand or bus shelter any placard, hand-bill, 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.
(Amended by Local Government Notice 14 of 1969.)

PART V—NOISE PREVENTION

Noise prevention

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

(2) This by-law shall not apply—

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

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

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

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

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

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

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

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

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

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

offence.

PART VI—DANCE HALLS

(Inserted by Local Government Notice 14 of 1969.)

Dance halls to be licensed

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

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

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

(Inserted by Local Government Notice 14 of 1969.)

Exemptions

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

(2) The Council may by resolution exempt from the provisions of paragraph (1) of by-law 29 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 14 of 1969.)

Licences

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

(2) The Council may grant a licence to any person as it shall think fit upon such terms and conditions and subject to such restrictions as it may consider appropriate. Any licence, other than one issued under the provisions of the proviso to paragraph (1) of by-law 29, shall remain in force for a period of one year from the date of issue.

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

(Inserted by Local Government Notice 14 of 1969.)

Transfer of licence

32. 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 14 of 1969.)

Refusal, revocation, etc., of licence

33.—(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 14 of 1969.)

Offences

34. Any person who contravenes the provisions of by-law 29 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 14 of 1969.)

¹PART VII—LIBRARIES

Offences

35. 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 and 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

36. 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

37. 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

38. 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

39. 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 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 persons to the Council.

(Amended by Local Government Notice 10 of 1976.)

FIRST SCHEDULE

(By-law 21)

(Substituted by Local Government Notice 14 of 1969.)

SIGATOKA TOWN COUNCIL

SIGATOKA TOWN BY-LAWS

(By-law 21)

APPLICATION FOR LICENCE FOR MOTOR OMNIBUS OR TAXI TO USE

THE SIGATOKA BUS STATION OR TAXI STAND

I/We of hereby apply for a licence for my/our undermentioned vehicle(s) to use the Sigatoka bus station or taxi stand.

Class of vehicle: Motor Omnibus, taxi (delete vehicles not applicable)

Registered No. Make No. of Passengers

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

Dated this day of, 19.....

Operator.

SECOND SCHEDULE

(By-law 22)

(Substituted by Local Government Notice 14 of 1969.)

SIGATOKA TOWN COUNCIL

SIGATOKA TOWN BY-LAWS

(By-law 22)

LICENCE TO USE SIGATOKA BUS STATION OR TAXI STAND

..... of Bus/Taxi operator is hereby licenced to use the Sigatoka bus station/taxi stand with the following vehicle(s) subject to the Sigatoka Town By-laws.

Class of vehicle(s)

Registered No. Make No. of Passengers

Dated this day of, 19.....

For the Sigatoka Town Council,

.....
Town Clerk

THIRD SCHEDULE

(By-law 23)

(Substituted by Legal Notice 20 of 1982.)

FEES

- 1. For each visit of a motor omnibus to the bus station in each Calendar month 10 cents
- 2. For each taxi in respect of each calendar month \$5.00

FOURTH SCHEDULE
(By-law 32)

(Inserted by Local Government Notice 14 of 1969.)

FORM A

SIGATOKA TOWN COUNCIL

SIGATOKA TOWN BY-LAWS

APPLICATION FOR DANCE HALL LICENCE
(By-law 32)

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

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

FORM B

SIGATOKA TOWN COUNCIL

SIGATOKA TOWN BY-LAWS

DANCE HALL LICENCE
(By-law 32)

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

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

- 1. The licensed premises may be used for the above purpose on, but not before the hour of nor after the hour of on

any such days and not any time on Sundays, Good Friday or Christmas Day.

2.

Dated this day of, 19.....

for the Sigatoka Town Council,
.....
Town Clerk

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

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*By-laws 14 December 1983
Legal Notice No. 28 of 1984*

PART I—PRELIMINARY

Short title

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

Interpretation

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

"council" means Sigatoka Town Council:

"Act" means Local Government Act;

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

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

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

Powers to call meetings

3. The mayor may call special meetings; and if he refuses or delays to call a special meeting after receiving a requisition signed by at least 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 of 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 proposing the same, and delivered to the town clerk not later than ten o'clock on the day fixed for the service of the notices to attend the council meeting. Copies of such motions shall be sent to the members with the said notices. No motion after being placed on the business paper shall be withdrawn without the consent of the council. This by-law shall also apply to motions being considered at special council meetings;

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

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

PART IV—CONDUCT OF MEETINGS OF COUNCIL AND COMMITTEES

Division 1—Quorum

Quorum

8.—(1) All acts of a council and of any committee thereof and all questions coming or arising before a council or any committee 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 15 minutes after the time at which any meeting of the council is appointed to be held, a quorum shall not be present, the meeting shall not be held but shall stand adjourned until such time later in the day or until such day and time as shall be fixed by the chairman or, in his absence, by the majority of the members present.

Particulars to be recorded in minutes

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

Suspension of proceedings

11. If at any time during the sitting of the council the attention of the chairman be called by a member or by the town clerk to the fact that there is not a quorum present, the chairman shall thereupon suspend the proceedings for a period of three minutes, and if a quorum be not present then, the names of those who are present shall be recorded in the minutes, and the chairman shall adjourn the sitting to some hour 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 15 minutes after the time appointed for any duly convened meeting of the council or a committee, the chairman or deputy chairman (as the case may be) is absent, such councillor as may be elected by the council or committee shall preside.

Chairman may take part in proceedings

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

Rulings by Chairman

14. The chairman shall preserve order. His ruling shall be given and obeyed without

discussing 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 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 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 or 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—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.

Division

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 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 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. Any 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 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 negated motion

45. Where a motion has been negated 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 negated by the council shall be signed by three members, if less than three months have elapsed since the resolution was passed, or the motion negated, as the case may be.

Restriction on motions

47. Where a motion to amend or revoke a resolution has been negated, or where a motion has the same effect as a previously negated motion is negated, no similar motion shall be brought forward within six months thereafter; and the effect of this provision shall not be evaded by substituting any motion differently worded but having in principle the same effect:

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

Motions of adjournment excepted

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

PART V—SPECIAL MEETINGS

Special meetings

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

PART VI—COMMITTEES

Division 1—Committees of the Whole

Application of these By-Laws

50. 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

51. 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

52. 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

53. 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 an ex-officio member of every committee.

Meeting of committees

54. 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

55. 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

56. 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

57. 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

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

Communications

59. 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

60. 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

61. 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

62. 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 "loose leaf" book the chairman shall sign each sheet of the minutes as confirmed.

Offences

63. 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

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

SUBSIDIARY LEGISLATION OF LOCAL APPLICATION

SUVA

SECTION 5—CITY OF SUVA

Proclamation No. 28 of 1953

The town of Suva is declared to be a city.

SECTION 5—BOUNDARIES OF THE CITY OF SUVA

Proclamation No. 23, Legal Notice No. 179 of 1980

The boundaries of the city of Suva shall be as prescribed in the Schedule.

SCHEDULE

Commencing at a point on the left bank of the Tamavua River at the intersection of high water mark and the northern boundary of Crown Grant No. 516; thence easterly and southerly following the northern and eastern boundaries of Crown Grant No. 516 and the eastern boundary of Crown Grants Nos. 517 and 515; thence, by lines bearing 190 degrees 38 minutes distance 107.4 links, 96 degrees 29 minutes distance 627.3 links and 92 degrees 11 minutes distance 1.775 links to a point on the right bank of a small tributary of the Samabula River; thence following that bank downstream to high water mark on the right bank of the Samabula River; thence following high water mark of the Samabula River, Laucala Bay, Vatuwaqa River, Suva Point, Leveti Creek, Suva Harbour and Nubukalou Creek to a point bearing 268 degrees 48 minutes distance 50 links from the western corner of Crown Lease No. 151; thence northerly by a line bearing 38 degrees 26 minutes to its intersection with the southern side of Princes Street; thence westerly by the southern side of Princes Street to its intersection with the western side of Harris Road; thence northerly by the western side of Harris Road to its intersection with the northern side of May Street; thence easterly by the northern side of May Street and Walu Bay Road to high water mark at the western corner of Certificate of Title No. 6372; thence following high water mark of Walu Bay and Suva Harbour and the left bank of the Tamavua River to the point of commencement.

Together with—

All that area of land declared as part of the port of Suva and described in paragraph (1)ⁱⁱ of Part I of the First Schedule to Legal Notice No. 5 of 1977 (Declaration of Ports Approaches in terms of section 3 of the Ports Authority of Fiji Act).

The above area is more particularly delineated in red on P.P. 194 kept at the office of the Director of Lands and Surveyor-General and copies are available for viewing at the offices of the Director of Town and Country Planning in Suva, Suva City Council and the District Officer, Suva.

Save and except an area of 43 acres, 2 roods known as Government House Grounds and delineated on plan No. S.888 deposited in the Office of the Director of Lands.

SECTION 5—SUVA WARDS ORDER

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
 2. Redefining of wards
- Schedule—Description of wards

Legal Notice No. 80 of 1972

Short title

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

Redefining of wards

2. The City of Suva shall be divided into four wards which shall be designated as the Suva Ward, Samabula Ward, Muanikau Ward and Tamavua Ward and bounded respectively in the manner prescribed in the Schedule.

SCHEDULE

SUVA WARD

Commencing at a point on the junction of the northern side of May Street and the western side of Queens Road; thence running across along the junction of May Street and Queens Road to a point on the intersection of the mid-lines of May Street, Queens Road, Edinburgh Drive and Rodwell Road; thence running in a generally easterly direction along the mid-line of Edinburgh Drive for approximately 24 (twenty-four) chains, thence running in a generally southerly direction across the green belt following the mid-line of unformed part of Walu Street and Walu Street to its junction with the mid-line of Waimanu Road; thence running in a generally southerly and easterly direction along the mid-line of Waimanu Road to its junction with the mid-line of Brown Street; thence running in a generally easterly direction along the mid-line of Brown Street and the extension of Brown Street to its junction with the mid-line of Baniwai Road; thence running in a generally southerly direction along the mid-

line of Baniwai Road and Rewa Street to its junction with the mid-lines of Bau Street and Laucala Bay Road; thence running in a generally easterly direction along the mid-line of Laucala Bay Road to its junction with the mid-line of Sukuna Road; thence running in a generally southerly direction along the mid-line of Sukuna Road to its junction with the mid-line of Service Street; thence running in a generally northerly and westerly direction along the mid-lines of Service Street, Maafu Street, Duncan Road and Denison Road to its junction with the mid-lines of Domain Road and Cakobau Road; thence running in a generally southerly direction along the mid-line of Domain Road to its junction with the mid-line of Nasese Road; thence running in a generally westerly direction along the mid-line of Nasese Road and across Queen Elizabeth Drive to a point on the high water mark of Suva Harbour; thence running in a generally northerly direction following the high water mark of Suva Harbour and Nubukalou Creek to a point on the intersection of high water mark and the western side of Stinson Parade; thence running in a generally northerly direction along the western side of Stinson Parade to its intersection with the southern side of Princes Street; thence running in a generally westerly direction along the southern side of Princes Street to its intersection with the western side of Harris Road; thence running in a generally northerly direction along the western side of Harris Road to its intersection with the northern side of May Street; thence running in a generally easterly direction along the northern side of May Street to the point of commencement:

Save and except an area of 43 acres 2 roods known as the Government House Grounds and delineated on Plan No. S.888 deposited in the Office of the Ministry of Lands, Local Government and Housing.

SAMABULA WARD

Commencing at a point on the intersection of the mid-line of Kings Road and a small tributary of Samabula River at the Samabula 3 Miles bridge; thence following high water mark of the said tributary, Samabula River, Laucala Bay and Vatuwaqa River to the centre of Waimai Creek; thence following westerly the centre of Waimai Creek upstream to a point on the mid-line of Grantham Road; thence running in a generally southerly direction along the mid-line of Grantham Road to its junction with the mid-line of Milverton Road; thence running in a generally westerly and southerly direction along the mid-line of Milverton Road to its junction with the mid-line of Baniwai Road; thence across Baniwai Road following generally in the westerly direction along the mid-lines of Brown Street extension and Brown Street to its junction with the mid-line of Waimanu Road; thence running in a generally westerly and northerly direction along the mid-line of Waimanu Road to its junction with the mid-line of Walu Street; thence running in a generally northerly direction along the mid-line of Walu Street and running generally in the same direction through the unformed part of Walu Street and across the green belt to a point on the mid-line of Edinburgh Drive; thence running in a generally easterly and northerly direction along the mid-line of Edinburgh Drive to its junction with the mid-line of Princes Road; thence running in a generally northerly direction along the mid-line of Princes Road to its junction with the mid-line of Votua Road; thence along the mid-lines of Votua Road, Ono Street, Namuka Street, Fulaga Street, Moala Street and Matuku Street to its junction with the mid-line of Kings Road; thence running in a generally easterly and northerly direction along the mid-line of Kings Road to the point of commencement.

Including a small island situate on the north of Vatuwaqa River surrounded by tiri in Vatuwaqa area.

MUANIKAU WARD

Commencing at the point of intersection of the mid-line of Baniwai Road with the mid-lines of Brown Street extension and Milverton Road; thence running in a generally easterly and northerly direction along the mid-line of Milverton Road to its junction with the mid-line of Grantham Road; thence running in a generally northerly direction along the mid-line of Grantham Road to a point on the intersection of the mid-line of Grantham Road and Waimai Creek; thence following in a generally easterly and northerly direction along the centre of Waimai Creek downstream to its intersection with the high water mark of Vatuwaqa River; thence following the high water mark of Vatuwaqa River, Laucala Bay, Suva Point, Leveti Creek and Suva Harbour to its intersection with the mid-line of the Nasese Road on the western side of the. Queen Elizabeth Drive; thence running in a generally easterly direction across the Queen Elizabeth Drive following the mid-line of Nasese Road to its junction, with the mid-line of Domain Road; thence running in a generally northerly direction along the mid-line of Domain Road to its junction with the mid-lines of Cakobau Road and Denison Road; thence running in a generally northerly, easterly and southerly direction along the mid-lines of Denison Road, Mufti Street and Service Street to its junction with the mid-line of Sukuna Road; thence running in a generally northerly direction along the mid-line of Sukuna Road to its junction with the mid-line of Laucala Bay Road; thence running in a generally westerly direction along the mid-line of Laucala Bay Road to its junction with the mid-lines of Bau Street and Rewa Street; thence running in a generally north-easterly and northerly direction along the mid-lines of Rewa Street and Baniwai Road to the point of commencement.

Including a small island situate on the south of Vatuwaqa River surrounded by tiri in Muanivatu area.

TAMAVUA WARD

Commencing at a point on the left bank of Tamavua River at the intersection of high water mark and the northern boundary of Crown Grant No. 516; thence easterly and southerly following the northern and eastern boundaries of Crown Grant No. 516 and the eastern boundary of Crown Grant Nos. 517 and 515; thence by lines bearing 190 degrees 38 minutes distance 107.4 links, 96 degrees 29 minutes distance 6273 links and 92 degrees 11 minutes distance 1,775 links to a point on the right bank of a small tributary of Samabula River; thence following that bank downstream to a point on the intersection of the said tributary and the mid-line of Kings Road at the Samabula 3 Miles bridge; thence running in a generally southerly and westerly direction along the mid-line of Kings Road to its junction with the mid-line of Matuku Street; thence along the midlines of Matuku Street, Moala Street, Fulaga Street, Namuka Street, Ono Street and Votua Road to its junction with the mid-line of Princes Road; thence running in a generally southerly direction along the mid-line of Princes Road to its junction with the mid-line of Edinburgh Drive/Kings Road; thence running in a generally westerly and southerly direction along the mid-line of Edinburgh Drive to its intersection with the mid-lines of Rodwell Road, Queens Road and May Street; thence running across along the junction of May Street and Queens. Road to a point on the function of the northern side of May Street and western side of Queens Road; thence running along the western side of Queens Road to high water mark on the east of Kings Wharf; thence following high water mark of Walu Bay, Suva Harbour and Tamavua River to the point of commencement.

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

Suva City Council-20 members, as follows:—

Each Ward-5 members

SECTION 122 – SUVA (AMUSEMENT PARKS) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Prevention of danger
4. Operation of equipment
5. Offences in relation to use, etc., of equipment
6. Licence to operate equipment
7. Licence to operate amusement park
8. Hours of operation
9. Issue of licence
10. Refusal of licence
11. Nuisance not to be created
12. Intoxicated persons
13. Sale of liquor
14. Inspection of places licensed
15. Revocation of licence
16. Offences

By-laws 28 January 1964, 25 May 1965

Short title

1. These By-laws may be cited as the Suva (Amusement Parks) By-laws.

Interpretation

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

"amusement park" means any place open to the public containing two or more booths,

galleries, stalls, items of fair ground equipment, lawful lotteries and other similar fair ground attractions, and shall include an amusement arcade, shooting gallery or bowling-alley open to the public, not contained in an amusement park;

"Council" means the Suva City Council;

"equipment" means any equipment for an amusement park duly authorised by these By-laws;

"fair ground equipment" includes chair-o-planes, ferris wheels, midget cars, roller-coasters, roundabouts, see-saws, slides and swings and other similar equipment on or in which the public may move, mount, ride, slide or travel on payment of money or money's worth but shall not include any such equipment which is part of the equipment of any school;

"place licensed" means any amusement park duly authorised pursuant to these By-laws.

Prevention of danger

3. Every proprietor of a merry-go-round or swing or chair-o-plane or other moving equipment shall for the prevention of danger from such merry-go-round or swing or chair-o-plane or other equipment—

(a) cause such merry-go-round or swing or chair-a-plane or other equipment when it is in operation to be so placed as to have about it a clear space, the distance across which measured upon the ground from the outermost point covered by such merry-go-round or swing or chair-o-plane or other equipment or which such merry-go-round or swing or chair-o-plane or other equipment may overhang, shall in every part be equal at least to the greatest height of such merry-go-round or swing or chair-o-plane or other equipment;

(b) cause such merry-go-round or swing or chair-o-plane or other equipment to be erected in a proper manner and every part thereof to be carefully and securely fixed;

(c) cause every part of such merry-go-round or swing or chair-o-plane or other equipment and of the apparatus for driving the same to be maintained at all times in good repair and condition and to be under proper management and control;

(d) cause the apparatus for driving such merry-go-round or swing or chair-o-plane or other equipment to be tended and regulated by a competent person responsible exclusively for the care and management of such apparatus;

(e) cause such merry-go-round or swing or chair-o-plane or other equipment, if in motion, and if any person riding in or upon such merry-go-round or swing or chair-o-plane or other equipment be ill, or be desirous of alighting therefrom to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or to be removed from such merry-go-round or swing or chair-o-plane or other equipment;

(f) cause such merry-go-rounds, swings, chair-o-planes or other equipment to be

examined by an engineer or mechanic approved by the Council every three months such at any time the equipment is set up on a new location the cost of such examination to be borne by the proprietor.

Operation of equipment

4. The proprietor or any other person for the time being having the management or control of a merry-go-round or swing or chair-o-plane or other equipment, or of the apparatus for driving the same, or of any part of such merry-go-round or swing or chair-o-plane or other equipment or of such apparatus—

(a) shall in the exercise of such management or control take all reasonable and proper care so as to prevent danger from such merry-go-round or swing or chair-o-plane or other equipment;

(b) shall not cause or suffer such merry-go-round or swing or chair-o-plane or other equipment to be driven at any greater speed than shall be consistent with safety having regard to the age and sex of any persons riding in or upon such merry-go-round or swing or chair-o-plane or other equipment and to all other circumstances attending or affecting the use of such merry-go-round or swing or chair-o-plane or other equipment;

(c) shall not cause or suffer any person to enter or mount upon such merry-go-round or swing or chair-o-plane or other equipment at any time when such merry-go-round or swing or chair-o-plane or other equipment shall be already occupied by the full number of persons for whose accommodation such merry-go-round or swing or chair-o-plane or other equipment shall be constructed or intended or adapted to be used.

Offences in relation to use, etc., of equipment

5. A person shall not—

(a) knowingly enter or mount upon, or seek to enter or mount upon any merry-go-round or swing or chair-o-plane or other equipment or any part thereof at any time when such merry-go-round or swing or chair-o-plane or other equipment or such part thereof be already occupied by the full number of persons for whose accommodation such merry-go-round or swing or chair-o-plane or other equipment shall be constructed or intended or adapted to be used;

(b) be guilty of any disorderly or improper conduct so that the use of such merry-go-round or swing or chair-o-plane or other equipment may be attended with danger to any person;

(c) wilfully and improperly or carelessly or negligently interfere with the due management and control of such merry-go-round or swing or chair-o-plane or other equipment or with the apparatus for driving the same or with any fastening, fitting or appliance connected with such merry-go-round or swing or chair-o-plane or other such equipment or with such apparatus; or

(d) otherwise do any act which may cause danger from such merry-go-round or swing

or chair-o-plane or other equipment.

Licence to operate equipment

6. No person shall operate within the City of Suva any merry-go-round or swing or chair-o-plane or other equipment in any amusement park unless he first applies for and obtains from the Council a licence to operate the same.

Licence to operate amusement park

7. No person shall within the City of Suva operate an amusement park, bowling-alley or similar place of amusement unless he first applies for and obtains from the Council a licence to operate the same.

Hours of operation

8. No merry-go-round or swing or chair-o-plane or other equipment, hoopla stand, bowling-alley or similar amusement park equipment shall be operated before the hours of 10 a.m. and after the hours of 10 p.m, on any day, nor at any time on Sundays, Christmas Day or Good Friday:

Provided that the Council may by resolution extend the hours of operation in special circumstances,

(Amended by By-laws 25 May 1965.)

Issue of licence

9. The licence to operate a merry-go-round or swing or chair-a-plane or other equipment, hoopla stand, bowling-alley or similar place of amusement shall be the form contained in the Schedule and shall be issued by the Town Clerk subject to the provisions of these By-laws upon receipt of the licence fee prescribed in this by-law—

(a) for operating a merry-go-round or swing or chair-o-plane or other equipment the licence fee shall be \$100 per annum or \$40 per quarter payable in advance:

Provided that where the applicant for a licence is the proprietor of more than one such merry-go-round or swing or chair-o-plane or equipment operating on one allotment one licence fee only shall be payable by the applicant;

(b) for operating a hoopla stand, bowling alley or similar place of amusement the licence fee shall be \$20 per annum payable quarterly in advance:

Provided that where the applicant for a licence is the proprietor of more than one such hoopla stand, bowling-alley or similar place of amusement operating on one allotment one licence fee only shall be payable by the applicant.

Refusal of licence

10. The Council shall have the right to refuse a licence for the operation of a merry-go-round, swing or chair-o-plane or other equipment, hoopla stand, bowling-alley or similar place of

amusement if in the opinion of the Council the applicant is not a fit and proper person to hold such a licence and if in the opinion of the Council the equipment to be licensed is unsafe or if operated could endanger members of the public.

Nuisance not to be created

11. The granting of a licence shall in no way authorise the conduct of an amusement park in such a way as to create a nuisance.

Intoxicated persons

12. No person in a state of intoxication shall be permitted to have control of any equipment of an amusement park.

Sale of liquor

13. No person shall be allowed to sell, offer for sale, advertise, store or allow to be stored on the premises of an amusement park any intoxicating liquor of any kind unless subject to the provisions of the Liquor Act.

(Cap. 192.)

Inspection of places licensed

14. The Council or its officers shall at all times have access to the place licensed and shall have the right to inspect all equipment used therein.

Revocation of licence

15. If in the opinion of the Council or its officers the conduct of the place licensed or the standard of the fair ground equipment used therein is likely to cause disturbance or lead to injury the licence may be revoked.

Offences

16. Any person found acting in contravention of these By-laws shall be guilty of an offence.

SECTION 122—SUVA (BUS STAND) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Licensed bus operators may use bus stands
4. Application for licence
5. Issue of licences
6. Licence fees
7. Bus stands shall not be used without licence
8. Overdue fees

9. Revocation of licence
 10. Recovery of fees
 11. Restricted use
 12. Offences
- First Schedule—Application for Licence to Use Bus Stand
Second Schedule—Licence to Use Suva Bus Stand
Third Schedule—Fee

Local Government Notice No. 6 of 1969

Short title

1. These By-laws may be cited as the Suva (Bus Stand) By-laws.

Interpretation

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

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

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

"bus stand" means a stand in any street designated by the Council as a bus stand from which a motor omnibus may operate;

"bus station" means the Suva Bus Station maintained and controlled by the Council and situate between Rodwell Road and Harris Street in the City of Suva the boundaries whereof are shown edged yellow on a plan lodged in the Department of Lands and Surveys under No. S1105 together with the whole of the footpath situate on the southern boundary of the Bus Station and bordering the Rodwell Road Goods Vehicle Park and the Market Taxi Stand;

"Council" means the Suva City Council;

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

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

Licensed bus operators may use bus stands

3. A bus operator whose route does not necessitate the use of the Bus Station may use a bus stand for which he holds a licence under these By-laws.

Application for licence

4. A bus operator desiring to operate from a bus stand shall make application in the form prescribed in the First Schedule for a licence for his motor omnibus or omnibuses to use a bus

stand.

Issue of licences

5. All licences to use bus stands shall be issued on behalf of the Council by the Town Clerk and in the form prescribed in the Second Schedule and shall have effect in respect of the vehicle or vehicles described therein.

Licence fees

6.—(1) The licence fees for use of a bus stand by motor omnibuses shall be in accordance with the fees prescribed in the Third Schedule and shall be computed and charged in accordance with paragraph (2).

(2)

(a) The licence fees payable in respect of each motor omnibus using a bus stand shall be charged in respect of each calendar month and in arrear.

(b) The licence fees to be charged for any such monthly period shall be computed on the total number of visits of the vehicle to the bus stand during the month and shall be calculated from the timetable approved by the Transport Control Board in respect of the road service licence under which the vehicle shall have been operating during the month or from any other information which the said Board shall think fit to supply to the Town Clerk from its records or from any other information obtained by the Town Clerk under sub-paragraph (c).

(c) If the Town Clerk considers that the number of visits to a bus stand of any motor omnibus cannot be satisfactorily calculated from any timetable, he may by written notice require the bus operator concerned to supply him with particulars of the number of visits to the bus stand, and the times thereof, of each vehicle operating under the bus operator's road service licence during the month the subject of the computation; and any bus operator so 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, and containing a true and correct statement of the total number of visits to the bus stand and the times thereof, of each such vehicle during the said month.

(3) Each bus operator shall pay to the Council the licence fees payable by him within fifteen days after the account thereof is rendered to him.

Bus stands not to be used without licence

7.—(1) No bus operator shall be entitled to use a bus stand for the purposes of any motor omnibus unless he holds a valid licence issued under these By-laws in respect of such vehicle.

(2) No motor omnibus shall enter or use a bus stand at any time unless such a valid licence under these By-laws is held by a bus operator in respect thereof.

Overdue fees

8. No bus operator shall be entitled to use a bus stand while any licence fees owing by him under these By-laws or the Suva (Bus Station) By-laws remain unpaid after the due date thereof.

Revocation of licence

9. The Council may revoke the licence of any bus operator who fails to pay by the due date thereof any licence fees payable by him or is convicted of any offence under these By-laws.

Recovery of fees

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

Restricted use

11. No vehicle other than a licensed motor omnibus may enter or use a bus stand.

Offences

12. Any person who shall fail to comply with any of the provisions of these By-laws (except by-law 6) or any person who shall commit any breach of these By-laws (except by-law 6) shall be guilty of an offence.

FIRST SCHEDULE

(By-law 4)

SUVA CITY COUNCIL

SUVA (BUS STAND) BY-LAWS

Application for Licence for Motor Omnibus to use a Bus Stand.

I/We of
HEREBY APPLY for a licence for my/our undermentioned Motor Omnibus(es) to use the Suva Bus Stand No.:

Registered No.	Make	No. of Passengers
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I/We agree to pay the licence fees prescribed under the Suva (Bus Stand) By-laws and to comply with the provisions of the By-laws.

Dated this day of 19 .

.....
Bus Operator

SECOND SCHEDULE
(By-law 5)

SUVA CITY COUNCIL

SUVA (BUS STAND) BY-LAWS

Licence to use Suva Bus Stand No.

Mr of Bus Operator is hereby licensed to use the Suva Bus Stand No. with the following Motor Omnibus(es) subject to the Suva (Bus Stand) By-laws.

Registered No.	Make	No. of Passengers

Dated this day of 19

For the Suva City Council
.....
Town Clerk

THIRD SCHEDULE
(By-law 6)

For each visit of a Motor Omnibus to a Bus Stand A fee of
2.5 cents

SECTION 122—SUVA (BUS STATION) BY-LAWS

TABLE OF PROVISIONS

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3. Licence to use Bus Station
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7. Payment of fees
8. Bus station not to be used without licence
9. Bus not to use Bus Station without licence
10. Overdue fees
11. Revocation of licence
12. Licence for shop, kiosk, etc.

13. Selling goods, etc., at Bus Station
14. Advertising space
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17. Spitting
18. Recovery of fees
19. Offences
 - First Schedule — Application for Licence to Use Bus Station
 - Second Schedule — Licence to Use Bus Station
 - Third Schedule — Fees

*By-laws 28 February 1961, 26 March 1963, Local Government
Notice No. 1 of 1977, Legal Notice No. 94 of 1978*

Short title

1. These By-laws may be cited as the Suva (Bus Station) By-laws.

Interpretation

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

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

"Bus Station" means the Suva Bus Station maintained and controlled by the Council and situate between Rodwell Road and Harris Street in the City of Suva the boundaries whereof are shown edged yellow on a plan lodged in the Department of Lands under No. S1105 together with the whole of the footpath situate on the southern boundary of the Bus Station and bordering the Rodwell Roads Goods Vehicle Park and the Market Taxi Stand;

"bus shelter" means any shelter owned and controlled by the council for the use of bus passengers in the City of Suva;

"Council" means the Suva City Council;

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

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

Licence to use Bus Station

3. Each bus operator desiring to use the Bus Station shall make application in the form prescribed in the First Schedule for a licence for his motor omnibus or omnibuses to use the Bus Station.

Licences to be issued by Town Clerk

4. All licences to use the Bus Station shall be issued on behalf of the Council by the Town Clerk and in the form prescribed in the Second Schedule and shall have effect in respect only of the vehicle or vehicles described therein.

Fees

5. The licence fees for use of the Bus Station by motor omnibuses shall be in accordance with the fees prescribed in the Third Schedule and shall be computed and charged in accordance with by-law 6.

Fees to be charged monthly

6.—(1) The licence fees payable in respect of each motor omnibus using the Bus Station shall be charged in respect of each calendar month and in arrear.

(2) The licence fees to be charged for any such monthly period shall be computed on the total number of visits of the vehicle to the Bus Station during the month and shall be calculated from the timetable approved by the Transport Control Board in respect of the road service licence under which the vehicle shall have been operating during the month or from any other information which the said Board shall think fit to supply to the Town Clerk from its records or from any other information obtained by the Town Clerk under paragraph (3).

(3) If the Town Clerk considers that the number of visits to the Bus Station of any motor omnibus cannot be satisfactorily calculated from any timetable, he may by written notice require the bus operator concerned to supply him with particulars of the number of visits to the Bus Station, and the times thereof, of each vehicle operating under the bus operator's road service licence during the month the subject of the computation; and any bus operator so 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, and containing a true and correct statement of the total number of visits to the Bus Station, and the times thereof, of each such vehicle during the said month.

Payment of fees

7. Each bus operator shall pay to the Council the licence fees payable by him within fifteen days after the account therefor is rendered to him.

Bus Station not to be used without licence

8. No bus operator shall be entitled to use the Bus Station for the purposes of any motor omnibus unless he holds a valid licence issued under these By-laws in respect of such vehicle.

Bus not to use Bus Station without licence

9. No motor omnibus shall enter or use the Bus Station at any time unless such a valid licence under these By-laws is held by a bus operator in respect thereof.

Overdue fees

10. No bus operator shall be entitled to use the Bus Station while any licence fees owing by him under these By-laws remain unpaid after the due date thereof.

Revocation of licence

11. The Council may revoke the licence of any bus operator who fails to pay by the due date thereof any licence fees payable by him or is convicted of any offence under these By-laws.

Licence for shop, kiosk, etc.

12. The Council may at any time let to any person, or licence any person to use, any part of the Bus Station for a shop, kiosk or stall or as a booth for a telephone, or for the purpose of the installation and use of an automatic dispensing machine, for such period, at such rent or fee and upon such terms and conditions as the Council shall think fit.

Selling goods, etc., at Bus Station

13. No person, other than licensed hawkers hawking hot peas and peanuts in baskets or hand-trays, shall sell, or offer or expose for sale, any produce or goods in or around the Bus Station except at a shop, kiosk, stall, or automatic dispensing machine, in respect of which the person selling or offering or exposing for sale produce or goods, or his employer, shall be the Council's tenant or the holder of a licence issued under by-law 12 hereof. (*Substituted by By-laws 26 March 1962.*)

Advertising space

14. The Council may at any time let to any person space in or on the Bus Station or any bus shelter for advertising purposes, for such period, at such rent or fee and upon such terms and conditions as the Council shall think fit.

Placards, etc., in vehicle

15. No person shall place or deposit in or on any vehicle standing in the Bus Station any placard, print, hand-bill, card, advertisement, notice, pamphlet, book or paper without the prior consent of the owner or driver of such vehicle.

Placards, etc., in Bus Station

16. No person shall place or deposit in or on the Bus Station or any bus shelter any placard, print, hand-bill, card, advertisement, notice, pamphlet, book or paper without the prior consent of the Council and on such terms and conditions as the Council shall think fit.

Spitting

17. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath or other part of the Bus Station or in or about any bus shelter.

Recovery of fees

18. All licence fees payable to the Council under these By-laws shall be recoverable by the

Council as civil debts by due process of law.

Offences

19. Any person who shall fail to comply with any of the provisions of these By-laws (except by-law 7) or any person who shall commit any breach of these By-laws (except by-law 7) shall be guilty of an offence.

FIRST SCHEDULE

(By-law 3)

SUVA CITY COUNCIL

SUVA (BUS STATION) BY-LAWS

(By-law 3)

APPLICATION FOR LICENCE FOR MOTOR OMNIBUS TO USE SUVA BUS STATION

I/We of hereby apply for a licence for my/our undermentioned Motor Omnibus(es) to use the Suva Bus Station:

Registered No.	Make	No. of Passengers
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I/We agree to pay the licence fees prescribed under the Suva (Bus Station) By-laws and to comply with the provisions of such By-laws.

Dated this the day of , 19 .

.....
Bus Operator

SECOND SCHEDULE

(By-law 4)

SUVA CITY COUNCIL

SUVA (BUS STATION) BY-LAWS

(By-law 4)

LICENCE TO USE SUVA BUS STATION

..... of Bus Operator is hereby licensed to use the Suva Bus Station with the following Motor Omnibus(es) subject to the Suva (Bus Station) By-laws.

Registered No.	Make	No. of Passengers
----------------	------	-------------------

Dated this day of , 19 .

For the Suva City Council.

.....
Town Clerk

THIRD SCHEDULE
(By-law 5)

*(Substituted by Local Government Notice 1 of 1977;
amended by Legal Notice 94 of 1978.)*

For each visit of a motor omnibus to the Bus Station 12 cents.

SECTION 122—SUVA (CAR PARK) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Attendant
4. Duty to obey directions
5. Prohibitions
6. Entry and exit
7. Maximum weight
8. Charges
9. Opening hours
10. Parking receipt and fees
11. Parking ticket and fees
12. Validity of parking receipt
13. Parking permits
14. Parking places
15. Production of receipt
16. Obstruction of attendant
17. Obstructing entrances, etc.
18. Loitering
19. Avoidance of liability
20. Sale of goods
21. Penalty

Legal Notices Nos. 104 of 1978, 54 of 1983

Short title

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

Interpretation

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

"attendant" means any person appointed by the Council to carry out duties in a car park;

"car park" means any area or building or part of a building set apart by the Council for the use of motor vehicles as a parking place and notified as such by description published in the Gazette and in a daily newspaper published and circulating in Fiji;

"Council" means the Suva City Council;

"commercial vehicle" means a motor vehicle used for the carriage of goods or passengers or both goods and passengers for hire or reward or used in the course of trade or agriculture;

"private motor vehicle" and "taxi" have the meanings assigned to them by the Traffic Act.

(Cap. 176.)

Attendant

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

Duty to obey directions

4. 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.

Prohibitions

5. No person shall make any alterations to the alignments of a car park or introduce any unauthorised fitting, fixture or obstruction into a car park and any thing so introduced may be removed forthwith by the attendant.

Entry and exit

6. All persons driving motor vehicles using a car park shall observe the directions posted at such car park relating to means of entrance thereto and egress therefrom.

Maximum weight

7. The Council may prohibit or restrict the use of a car park by motor vehicles exceeding a specified net weight.

Charges

8. The charges for admission to, and use of, a car park are as follows:—

(a) casual rate (per admission)-20c for each hour or part of an hour, with a maximum

of \$1.00 per day;

(b) monthly unlimited use rate (per vehicle)—\$20.00.

(Substituted by Legal Notice 54 of 1983.)

Opening hours

9. The Council may, by resolution, prescribe the hours of opening and closing of any car park.

Parking receipt and fees

10.—(1) Subject to paragraph (2), the charge for the use of a car park for which the Council has not prescribed hours of opening and closing shall be paid in advance to the attendant in exchange for which a parking receipt will be issued.

(2) No fee shall be paid for entry into a car park referred to in paragraph (1) before 8.00 a.m. on Mondays to Saturdays inclusive after 5.00 p.m. on Mondays to Fridays inclusive, after 2.00 p.m. on Saturdays or on Sundays:

Provided that any private motor vehicle remaining in a car park after 8.00 a.m. on week days shall be deemed to have entered the car park after that hour and fees in accordance with these By-laws shall be payable by the driver or owner of the vehicle.

Parking ticket and fees

11.—(1) On admission to a car park for which the Council has prescribed hours of opening and closing the attendant shall issue to the driver of the motor vehicle a parking ticket and payment of the charges for the use of the car park shall be made to the attendant when the motor vehicle leaves the car park.

(2) In any case where the parking ticket is not presented to the attendant before the motor vehicle leaves the car park a charge shall be made for that vehicle from the hour at which the car park opened on that day until the time the vehicle leaves the car park.

(3) No person shall remove any motor vehicle from a car park after the prescribed closing hour.

Validity of parking receipt

12. A parking receipt issued under by-law 10 in respect of a taxi or commercial vehicle shall be valid for seven days including the day of issue and only for the vehicle in respect of which it is issued and a parking receipt issued in respect of a private motor vehicle shall be valid for the day of issue only.

Parking permits

13. Nothing in these By-laws shall preclude the Council from issuing a pre-paid monthly or annual permit granting the holder thereof exclusive rights to park a motor vehicle in the parking place specified in the permit.

Parking places

14. Different classes of motor vehicles using a car park shall park only within the limits set apart from the use of vehicles of the class to which they belong as indicated by car park notices and as directed by the attendant.

Production of receipt

15. The driver of any motor vehicle shall show for inspection his parking receipt, ticket or permit upon demand of the attendant.

Obstruction of attendant

16. No person shall obstruct, prevent or interfere with an attendant in the performance of his duties.

Obstructing entrances, etc.

17.—(1) No motor vehicle shall be parked in a car park so as to obstruct any of the entrances, divisions or thoroughfares of the car park and the driver of any such vehicle, if called upon to do so by the attendant shall forthwith remove the vehicle.

(2) If the driver of any motor vehicle fails to comply with a direction given by the attendant under paragraph (1) or if the driver is not available, the attendant may cause the vehicle to be removed to such other place, whether in the car park or not, as the attendant considers reasonable in the circumstances and the Council shall not be responsible for any loss or damage to the vehicle resulting from such removal.

(3) Any costs incurred by the council in effecting the removal of a vehicle in terms of this by-law shall be recoverable from the registered owner of the vehicle.

Loitering

18. No person shall loiter in any of the entrances, thoroughfares or divisions of a car park.

Avoidance of liability

19. Nothing in these By-laws or in any parking receipt, ticket or permit shall be deemed to make the Council responsible for any loss or damage to any motor vehicle admitted to or using a car park or for injury to any person entering a car park.

Sale of goods

20. No person shall sell or offer or expose for sale any produce or goods in a car park without the prior consent in writing of the Council.

Penalty

21. 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 or to imprisonment for three months or to both such fine and imprisonment.

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

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Actions prohibited
4. Articles falling from vehicles
5. Crossing of gutters, etc.
6. Control of fireworks
7. Street trading

Local Government Notice No. 17 of 1969

Short title

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

Interpretation

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

"City Engineer" means the person for the time being carrying out the duties of the City Engineer;

"Council" means the Suva City Council,

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

Actions 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 Suva (Garbage Disposal) By-laws;

(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 article, substance or material shall fall from or be deposited by such vehicle on any street.

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

Crossing of gutters, etc.

5.—(1) Without the prior written permission of the City 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 City Engineer may, in his discretion, require that the applicant therefor furnish security to an amount considered by the City 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 City Engineers under the provisions of paragraph (1).

Control of fireworks

6. No person shall discharge any firework, cracker or explosive material in any 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

7.—(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 (4) may be granted for such period of time and upon such terms and conditions as the Council may consider appropriate.

SECTION 122—SUVA (CURIO AND HANDICRAFT CENTRE) BY-LAWS

TABLE OF PROVISIONS

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Legal Notices Nos. 134 of 1980, 55 of 1983

Short title

1. These By-laws may be cited as the Suva (Curio and Handicraft Centre) By-laws.

Interpretation

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

"attendant" means any servant of the Council appointed to carry out duties at the Centre;

"Council" means the Suva City Council;

"Centre" means the Curio and Handicraft Centre maintained and controlled by the Council situated at the corner of the Central Street and Stinson Parade, and being Lot 1, on D.P. 2616 and being part of Crown Reclamation of Suva Foreshore Lease No. 3359;

"goods" means—

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

(b) plants, ferns and cut flowers;

(c) jewellery, ornaments and souvenirs;

(d)

(i) books;

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

(iii) dolls dressed in traditional Fijian or Indian costume or portraying Fiji police officers or soldiers;

(iv) postcards;

(v) scarves, cushion covers, beaded purses, men's belts, with the words "Fiji Islands" on the outside thereof;

(vi) wares of other Pacific Island origin such as curios and handicrafts,

not including any produce, article or thing made, manufactured, prepared in, or originating from any territory outside Fiji with the exception of the articles specified in paragraph (d);

"stall" includes any place in the Centre used for the sale of goods;

"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 who holds a valid identity card issued by the Council;

Provided that a person may, with the prior approval of the Council or the Centre Supervisor 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 the issue to the stallholder;

"kiosk" means any place set aside within the Centre for the cooking and sale of light meals.

Centre Supervisor

3. The Centre shall be under the immediate management and control of a Centre Supervisor appointed by and responsible to the Council.

Restriction on sales

4. No person shall sell or offer for sale in the Centre any article other than those specified in by-law 2.

Hours

5.—(1) The Centre shall be open for business on such days and during such hours as may be determined by resolution of the Council.

(2) Every resolution made in terms of this by-law shall be published once in the Gazette and once in a newspaper published in Fiji and circulating in Suva.

Directions by Centre Supervisor

6. All persons using or being within the precincts of the Centre shall obey all reasonable directions given by the Centre Supervisor for the purpose of observing the good order and cleanliness of the Centre.

Sale from stalls

7. No person shall sell or offer or expose for sale in the Centre any goods, except at a stall allotted to him by the Council or the Centre Supervisor and except during the hours that the Centre is open for business.

Allocation of stalls

8. The allocation of stalls in the Centre shall be made by the Council or the Centre Supervisor in its or his discretion and the decision of the Council or Centre. Supervisor shall be final.

Receipt to be exhibited

9. Every stallholder shall exhibit and keep exhibited on his stall while the same is in use his current receipt for the payment of the Centre charges in such manner as the Centre Supervisor shall direct and in such position that it can conveniently be read and inspected at all times by the Centre Supervisor.

Price of goods

10. No person shall offer goods for sale without displaying a notice legibly and conspicuously marking the price at which he offers such goods for sale.

Alterations to stalls

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

Charges to be paid

12. 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

13.—(1) The charges for the use of stalls at the Centre are as follows:—

(a) for a day or a part of a day—\$4.40;

(b) for a month—\$110.

(2) Charges shall be payable in advance.

(Substituted by Legal Notice 55 of 1983.)

Exchanging, sub-letting, etc. of stalls

14. No stallholder shall exchange, sublet, surrender or part with the possession of his stall or share his stall with another vendor or person without the authority of the Council or the Centre Supervisor.

Cleanliness

15.—(1) 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 Centre Supervisor.

(2) Stallholders shall keep their goods offered for sale and expose them for sale, in as acceptable a manner as is practicable and shall obey all reasonable directions of the Centre Supervisor in this regard.

(3) All stallholders shall abide by the directions of the Centre Supervisor in regard to cleaning and maintenance of the Centre.

Litter

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

Selling mixed yaqona prohibited

17. No person shall sell or offer for sale mixed yaqona in any part of the Centre.

Cooking in the Centre

18. No person shall do any cooking in any part of the Centre except at a kiosk.

Shouting

19. No person shall in the Centre advertise goods by shouting or conduct a sale by auction.

Unwholesome goods

20. No person shall bring into or keep in the Centre anything which is bad, obnoxious, unwholesome, or dangerous and the Centre Supervisor may remove or cause to be removed any such thing brought within the precincts of the Centre and the cost of such removal shall be paid by the owner.

Diseases

21. 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 Centre.

Dogs

22. No person shall bring any dog into the Centre or suffer it to remain there and the Centre Supervisor shall have power to remove same at the risk of the owner.

Entry prohibited outside business hours

23. No person shall enter or remain in the Centre outside business hours without the authority of the Centre Supervisor.

Obstruction of officials

24. No person shall obstruct, prevent, hinder or interfere with the Centre Supervisor or any attendant in the performance of any duty under these By-laws, and no person shall enter the Centre 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

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

Empty casks, etc.

26.—(1) No person shall bring or cause to be brought into the Centre any casks, crates or lumber of any kind without the consent of the Centre Supervisor and the Centre Supervisor 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.

(2) No person shall erect any structure without the permission of the Council.

Unsold goods

27. Goods unsold at the close of the day may be left in the Centre at the owner's risk.

Spitting

28. No person shall spit or discharge any nasal fluid or mucus on to any roadway, footpath, floor or other part of the Centre or on to any utensil, goods, article or thing standing or being in the Centre.

Obstruction of roadway, etc.

29. No person shall place any matter of thing in any roadway, footpath, or passage in the Centre 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 so to do by the Centre Supervisor or any attendant.

Penalty

30. 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 or to imprisonment for a term not exceeding three months, or both, and to a further fine of \$10 for every day during which such contravention continues.

SECTION 122—SUVA (DANCE HALLS) BY-LAWS

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 7. Short term licence
 8. Refusal, revocation, suspension or alteration of licence
 9. Form of licence
 10. Condition of licence
 11. Suva Town Hall
 12. Exemption
 13. Penalty
- Schedule—Forms

By-laws 30 August 1960

Short title

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

Interpretation

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

"city" means the city of Suva;

"Council" means the Suva 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 city, 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 30 June unless the same shall have been previously revoked or suspended as hereinafter provided:

Provided 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 thirty 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, revocation, suspension or alteration 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.

Suva Town Hall

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 the Suva Town Hall.

Exemption

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 a fine not exceeding \$4 a day for each day during which the offence continues after conviction.

SCHEDULE
(By-Laws 4, 10)

SUVA CITY COUNCIL

FORM A

SUVA (DANCE HALLS) BY-LAWS
(By-law 4)

APPLICATION FOR DANCE HALL LICENCE

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

hereby make application to the Suva City Council for a licence for the
..... (description of premises) situate at
(address)

the city of Suva, owned/leased by me, to be kept or used for:

(strike out any purpose not
applicable)

public dancing,
public music,
public singing,

(state any other form of public
entertainment to be held)

.....
.....

between the hours of and on
.....

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

Date Signed

SUVA CITY COUNCIL

FORM B

SUVA (DANCE HALLS) BY-LAWS
(By-law 10)

DANCE HALL LICENCE

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

Special Conditions

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.

Dated thisday of, 19.....

for the SUVA CITY COUNCIL,
Town Clerk.

Fee paid \$
Receipt No.

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

TABLE OF PROVISIONS

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7. Personal cleanliness, etc.
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10. Use of sponges, etc.
11. Tattooing
12. Infected persons
13. Other businesses or trades not to be carried on in shop
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18. Exemption

By-laws 20 February 1956, 31 May 1966

Short title

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

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

"Council" means the Suva 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 chiropracist's shop unless such premises are for the time being licensed for the purpose under 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 chiropracist'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 Suva City 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 28 June 1966.*)

(2) In any hairdresser's 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 28 June 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 two or 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 per cent 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 sterilized 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 businesses or trades 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 or chiropody and the sale of goods and articles ancillary to the business or trade of hairdressing and chiropody including sale of hair creams and lotions, toilet articles and smoking requisites and any hairdresser or chiropodist who acts in contravention of this by-law shall be guilty of an offence.

(Substituted by By-laws 19 December 1962.)

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 sq. 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.

(Amended by By-laws 28 June 1966.)

(Cap. 255.)

SECTION 122—SUVA (HAWKERS AND STREET TRADERS) BY-LAWS

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Local Government Notice No. 12 of 1977

Short title

1. These By-laws may be cited as the Suva (Hawkers and Street Traders) By-laws.

Interpretation

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

"city" means the city of Suva;

"Council" means the Suva City Council;

"goods" mean—

(a) any food or drink other than liquor;

(b) cigarettes, cigars, tobacco and matches;

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

(d) plants, ferns and cut flowers;

(e) jewellery, ornaments and souvenirs;

(f) live poultry and animals and eggs;

(g)

(i) books;

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

(iii) dolls dressed in traditional Fijian or Indian costume or portraying Fiji police officers or soldiers;

(iv) postcards;

(v) fruits and vegetables;

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

(vii) wares of other Pacific Island origin such as curios and handicrafts,

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

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

"officer" means the town clerk, deputy town clerk or any health inspector appointed by the Council or any other officer or servant of the Council in the due performance of any duty under these By-laws;

"public" and "public place" shall have the same meanings as are ascribed to them in the Public Order Act;

(Cap. 20.)

"street" has the same meaning as in ascribed to it in the Act;

"street trader" means a person who sells goods in any street or other public place from a stationary pitch allotted to him by the Council;

"town clerk" means the town clerk for the time being of the Council and includes a deputy town clerk or any person duly authorised by the Council to act as town clerk.

Hawkers and street traders to hold permit

3. No person shall within the city follow the calling of either a hawker or a street trader unless he shall be the holder in his own name of a valid permit under these By-laws issued by the Council.

Application for permit

4. Every person desirous of obtaining either a hawker's permit or a street trader's permit shall make application in writing to the town clerk in the form in the First Schedule:

Provided that no person may apply for or hold at any one time more than one permit under these By-laws.

Refusal, cancellation or suspension of permits

5. The Council may refuse to grant a hawker's permit or a street trader's permit to any person and any permit already granted may be suspended or cancelled by the Council for any good cause after giving the holder thereof an opportunity of being heard.

Issue of permits

6. Upon receiving an application mentioned in by-law 4 and subject to such directions as he may receive from the Council, the town clerk may issue to the applicant, without payment of fee, a permit, valid for a period not exceeding twelve months, in the form set out in the Second or Third Schedule as the case may be:

Provided that in the case of a street trader the Council may, with the prior approval of the Minister, by resolution prescribe a fee to be paid for the occupation of the stationary pitch allotted to such street trader by the Council and may prescribe different fees for different pitches.

Duration and condition of permits

7.

(a) Every permit issued under these By-laws shall be valid for the period stated in the permit. The minimum period shall be three months.

(b) No permit shall be transferable and it shall be valid only for the person named in the permit.

(c) Notwithstanding any of the other provisions of these By-laws any permit may be restricted to authorise only the hawking of or trading in and sale of such goods or classes of goods as are endorsed on the permit and may be subject to such other general or special conditions as may be prescribed by the Council.

Register of permits

8. The town clerk shall maintain or cause to be maintained a register of all permits issued under these By-laws containing the information referred to in the Fourth Schedule and such register shall be open for inspection, without payment of fee, to any member of the public during the normal office hours of the Council.

Duties of hawkers

9. A hawker holding a permit under these By-laws shall at all times when proceeding to hawk, hawking or returning from hawking or when carrying any goods for hawking:—

(a) carry his permit with him and shall upon demand produce the permit to any officer or police officer;

(b) not enter or remain in any municipal market;

(c) not enter or remain in any retail or retail and wholesale shop or any other premises without the prior consent of the proprietor or manager of such shop or other premises;

(d) not obstruct any doorway, display window or driveway nor prevent nor stop the free passage of cause any hindrance to any persons in any place or public place nor obstruct, stop or cause any hindrance to any vehicle;

(e) operate alone;

(f) not use for hawking a conveyance of any type not fitted with efficient handbrakes capable of stopping and holding such conveyance on a one foot in six incline and not fitted with pneumatic or solid rubber tyres as approved by the Council and if used at night not fitted with two white lights at the front outer extremities and one red lamp at the rear and shall when at any time on streets used by motor vehicles only move or operate such conveyance in accordance with traffic laws;

(g) move on immediately when directed so to do by any officer or police officer and obey all lawful orders or directions for the maintenance of public movement and good order and discipline.

Duties of street traders

10. A street trader holding a permit under these By-laws shall at all times when selling his goods:—

(a) have his permit with him and shall upon demand produce such permit to any officer or police officer;

(b) remain on the stationary pitch allotted to him by the Council;

(c) not call out to any person for the purpose of attracting business but may cry out his goods in general advertisement stating what they are and that they are for sale.

Duties of hawkers and street traders

11. No hawker or street trader holding a permit under these By-laws shall at any time:—

(a) behave in any manner that is or appears to be aggressive or menacing nor force or attempt to force any sale nor act in a noisy, offensive, disturbing or persistent manner;

(b) thrust any object at, nor point either by hand, or with any object therein, at, any person;

(c) touch either with his person or with any object he is holding any other person or part of any other person's clothing or anything any other person is carrying.

Penalties

12.—(1) If any hawker or street trader contravenes or fails to comply with any of the provisions of these By-laws he shall be guilty of an offence and shall upon a first or second

conviction for any such contravention or failure to comply be liable to a fine not exceeding \$50 and upon a third or subsequent conviction to a fine not exceeding \$100.

(2) If any person other than the holder of a valid permit under these By-laws engages in hawking or street trading within the city boundaries he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$100 and in any such proceedings the onus of proof of issue of such valid permit to him shall be on that person.

FIRST SCHEDULE

(By-law 4)

SUVA CITY COUNCIL

APPLICATION FOR HAWKER'S/STREET TRADER'S PERMIT UNDER THE SUVA
(HAWKERS AND STREET TRADERS) BY-LAWS

I *(Name of applicant)*

a male/female, whose permanent residential address is:—

Number Street

Town or city

If a Suva resident, state Ward do hereby apply for a hawker's/street trader's permit. (delete whichever does not apply).

2. I am familiar with the above by-laws and upon the issue of such permit undertake to comply with the provisions thereof.

Dated at Suva this day of 19 .

.....
Applicant

SECOND SCHEDULE

(By-law 6)

SUVA CITY COUNCIL

HAWKER'S PERMIT

Permit No. issued atp.m./a.m.
..... day of 19 at Suva and valid from the time
and date of issue to
 / / 19 to:

..... *(full name)*
of *(full permanent residential address)*

to hawk goods of the following class or classes
.....
.....

within the City of Suva in accordance with the Suva (Hawkers and Street Traders) By-laws.

.....
Issuing Officer

(This permit is not transferable and must be carried by the permit holder when engaged in hawking. The permit is personal only to the person named herein and is not valid for any partner, employer, employees, assistant or other person).

THIRD SCHEDULE

(By-law 6)

SUVA CITY COUNCIL

STREET TRADERS PERMIT

Permit No.

Issued at Suva at a m./p.m. on the
..... day of 19..... and valid
from the time and date of issue to, 19..... to:

..... *(Full name)*
of *(Full
permanent residential address)*

to sell goods at the special area or space allotted to him/her at within
the City of Suva under the Suva (Hawkers and Street Traders) By-Laws

The conditions under which the goods may be sold are:

(a)

(b)

(c)

(Full permanent residential address)

.....
(Issuing Officer)

(This permit is not transferable and must be with the permit holder when engaged in selling the goods under these By-laws. This permit is personal to the person named herein and is not valid for any partner, employer, employee, assistant or other person).

FOURTH SCHEDULE

(By-law 8)

SUVA CITY COUNCIL

INFORMATION TO BE CONTAINED IN REGISTER OF PERMITS

Full name of permit holder

Permanent residential address

Age and sex of holder

SECTION 122—SUVA (LITTER) BY-LAWS.

TABLE OF PROVISIONS

BY-LAW

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

Local Government Notice No. 1 1972

Short title

1. These By-laws may be cited as the Suva (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 Suva 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 or in accordance with the requirements of any law for the time being in force.

Powers of an authorised person

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

Provision for an identity card

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

Penalties

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

Evidence in legal proceedings

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

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

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

SECTION 122—SUVA (MARKET) BY-LAWS

TABLE OF PROVISIONS

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5. Preference to producers
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32. Empty casks, etc.
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35. Spitting
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Schedule—Charges

*By-laws 30 October 1962, 26 March 1963, 30 April 1964, 26 July 1966,
Legal Notices Nos. 123 of 1982, 53 of 1983*

Short title

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

Interpretation

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

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

"fish" means an aquatic animal, or a portion of such an animal, that is, or purports to be, edible either in whole or in part;

"market" means the Suva Market maintained and controlled by the Suva City Council (hereinafter called the Council), situated at the corner of Princes Street and Harris Road in the City of Suva and being—

(a) the land comprised in Crown lease No. 2737 after excepting therefrom all that part of the said land which contains the Private Vehicle Park, Goods Vehicle Park and Market Taxi Stand and is situate on the south-east and north-east sides of two intersecting lines, commencing from Princes Street and Harris Road respectively and running parallel with, and at distances of 44 feet and 34 feet from, the south-east and north-east walls respectively of the market building; together with

(b) the strip of raised concrete pavement forming the south-west boundary of the Goods Vehicle Park;

"poultry" means any edible live bird;

"produce" means fish, turtle meat, fresh fruit and vegetables, poultry and eggs and includes any agricultural or forest product being an article of food or drink;

"stall" includes any place within the market used for the sale of produce or any other goods;

"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 123 of 1982; 53 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.

Prohibited sales

4.—(1) Except as is otherwise permitted by this by-law, no person shall sell or offer or expose for sale in the market any article other than fresh vegetables (including rice, split peas,

dried pulses and goods of that nature), fruit, fish, poultry, eggs and locally grown tobacco.
(Amended by Legal Notice 123 of 1982; 53 of 1983.)

(1A) Provided stall space is available, locally made wares and wares of other Pacific Island origin such as curios, baskets, mats, fans, beads and articles of a similar nature may be sold in the market. (Amended by By-laws 26 July 1966; Legal Notice 53 of 1983.)

(2) Notwithstanding the provisions of paragraph (1), on the strip of raised concrete pavement forming the south-west boundary of the Goods Vehicle Park, cigarettes, confectionery, cakes and pastries, Indian sweet-meats, tobacco and matches and toilet items and no other goods shall be sold. (Substituted by By-laws 30 April 1963.)

(3) Any person who is the holder of an unexpired hawker's licence shall be entitled, without payment of any market charges, to sell within the market from a hand-carried tray or basket, peanuts or hot peas.

(4) The Council may at any time allocate to any person space for the installation and use of an automatic soft drink dispensing machine upon such terms and conditions as the Council shall think fit.

Preference to producers

5. Preference for stalls or space in the market shall be given to producers or their agents selling direct to the public.

Sales outside the market

6. No person not being the holder of a wholesale and retail or retail store licence or an unexpired hawker's licence shall sell produce, other than fish, in any place outside the market within the City of Suva:

Provided that the Council may approve the sale of certain items of produce outside the market within the City of Suva at festivals, carnivals, bazaars and functions of that nature.
(Amended by By-laws 30 April 1963.)

Sale of fish

7. 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 other than at the following sales points established by the Council:—

(a) on the waterfront opposite the end of Nasova Road;

(b) at the landing-place up-stream from the Vatuwaqa Bridge and opposite the end of Tanoa Street;

(c) in the Samabula Creek area on the seaward side of King's Road from a point opposite the junction of Mead Road and King's Road to the northerly boundary of the city at Nabua:

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

(Substituted by By-laws 26 July 1966.)

Hours

8.—(1) The market, excluding the Market Kava Kiosk, shall be open for business between the hours of 6 a.m. and 5.30 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays and between the hours of 6 a.m. and 8 p.m. on Fridays. On public holidays the market shall be open between the hours of 7 a.m. and 9 a.m. The market shall not be open on Sundays, Easter Friday or Christmas Day.

(2) The Market Kava Kiosk may be open for business between the hours of 6 a.m. and 11.30 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and between the hours of 6 a.m. on Friday and midnight on Saturdays. The Market Kava Kiosk shall not be open on Sundays, Easter Friday or Christmas Day.

(3) The provisions of paragraph (1) shall not apply to that section of the market described in paragraph (b) of the definition of "market" in by-law 2, which shall be open for business at all times.

(4) On such Sundays and public holidays as shops in the city 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.

(Inserted by By-laws 26 July 1966.)

Directions by Market Master

9. 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 stall

10. Unless otherwise permitted under paragraphs (3) and (4) of by-law 4, no person shall sell or offer or expose for sale any article, other than fish, 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.

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.

Allocation of stalls

12. The allocation of stalls in the market shall be made by the Council or the Market Master in their or his discretion and the decision of the Council or Market Master in this respect shall be final.

Alteration to stall

13. 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 Council or the Market Master and any such thing introduced without its or his authority may be removed by him.

Dues 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.

Fish stalls

15. No person shall sell fish in the market other than at the stall set aside by the Council or Market Master for the sale of fish and any person offering fish for sale shall display a notice legibly and conspicuously marked in letters and figures of not less than 3 inches 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.

Charges

16.—(1) The charges for the use of stall and other market facilities shall be in accordance with the rates prescribed in the Schedule and shall be payable in advance on demand by the Market Master or any attendant. The Market Master or attendant shall at the time of receiving payment of any charges under this by-law issue a receipt therefor. *(Inserted by By-laws 26 July 1966; amended by Legal Notice 123 of 1982.)*

[(2) ***** *(Omitted by Legal Notice 123 of 1982.)*]

(3) On such Sundays and public holidays on which, under the provisions of paragraph (4) of by-law 8, the market remains open, the charges for the use of a stall shall be double the charges specified in the Schedule. *(Inserted by By-laws 26 July 1966.)*

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. Any stallholder refusing or neglecting to obey the reasonable directions of the Market Master under the provisions of this by-law may, in addition to any fine to which he may be liable under these By-laws, lawfully be refused the allocation of a stall by the Council or the Market Master.

Exchange, sub-letting and surrendering of stalls

18. No stallholder shall exchange, sub-let, surrender or part with the possession of his stall or

any part thereof without the prior approval in writing of the Council.

Sharing of stalls

19. No stallholder shall share his stall with another vendor or person without the prior approval of the Market Master.

Selling of mixed kava

20. Mixed kava shall not be sold at any stall or in any part of the market save only at the Market Kava Kiosk authorised for such purpose by the Council and licensed under the Business Licensing Act.

(Cap. 204)

Wholesaling

21. The market shall not be used by any stallholder for the conduct of a wholesale business.

Hygiene

22. Stallholders shall keep their produce or other goods 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.

Shouting, etc.

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

Unwholesome goods

24. 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.

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 same at the risk of the owner.

Disease

26. 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.

Closing hours

27. No person shall enter upon or remain in the market or sell or offer for sale any produce in the market outside the business hours hereinbefore specified, without the prior approval in

writing of the Council or the Market Master save and except as provided in by-law 8.

Obstruction of officials

28. 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

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

Entrance and exit: vehicles

30. The entrance to the roadway along the eastern and northern sides of the market for all vehicular traffic shall be from Princes Street and the exit therefrom shall be at Harris Road and no vehicle shall use the said roadway save in the direction from Princes Street to Harris Road nor shall any vehicle be parked on the said roadway save only for so long as is in the opinion of the Market Master reasonably necessary for the bona fide purpose of loading and unloading goods at the market or for the person in charge of such vehicles or any occupant thereof to purchase goods in the market, nor shall any taxi be parked at any time on the Private Vehicle Park between the eastern end of the market and Rodwell Road. The owner of any vehicle which is used on the roadway in contravention of any of the provisions of this by-law or which shall not at the request of the Market Master be removed therefrom shall be guilty of an offence.

Admission to market

31. The Market Master shall have power to refuse admission to or to eject from the market any person of undesirable character or any young children unattended and any person contravening or failing to comply with any of the provisions of by-laws 24, 27, 28 and 31.

Empty casks, etc.

32. No person shall, without the consent of the Market Master, bring or cause to be brought into the market any empty casks, crates or lumber of any kind 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. (*Amended by By-laws 26 July 1966.*)

Unsold goods

33. 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.

Care of goods

34. 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.

Spitting

35. 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.

36. 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 so to do by the Market Master or any attendant.

SCHEDULE

(By-law 16)

(Substituted by Legal Notice 53 of 1983.)

CHARGES

1. Stalls other than stalls for the sale of fish or poultry (per stall per day or part thereof)—

(a) kava and tobacco stalls	\$2.45
(b) other stalls-	
(i) concrete stalls within market building	\$1.95
(ii) wooden stalls within market building	\$1.65
(iii) verandah stalls	\$2.95
(iv) open-air stalls situated on the strip of raised concrete pavement forming the south-west boundary of the goods vehicle park	\$2.45
(v) other open-air stalls	\$2.95

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

(a) kai in sacks (per sack)	\$2.20
(b) kai, kaikoso, vivili, veata, dairo, nama, lumi, cawaki and vasua in bundles or baskets (per bundle or basket)	6c

(c) kuka, mana and lairo (per 500g or part thereof)	6c
(d) fresh-water prawns and smoked fish (per 500g or part thereof)	17c
(e) sea prawns and crabs (per 500g or part thereof)	25c
(f) turtle meat and any other fish (per 500g or part thereof)	15c
3. Stalls for the sale of poultry (per cage per day or part thereof)	\$1.00
4. Spaces for carts used as stalls (per single cart space per day or part thereof)	\$2.40
5. Freezer storage of fish—	
(a) subject to paragraph (b), per 500g per day or part thereof	10c
(b) where-	
(i) a person, at one time, lodges for storage a quantity of fish that is not less than 500kg; and	
(ii) that person makes fish included in that quantity of fish available for sale in sufficient quantities to meet demand on each day (other than a Sunday) on which any part of that quantity of fish is stored in the market freezer per 500g per day or part thereof in relation to each day after the first day and before the eighth day, of the period of storage	5c
6. Produce cooler storage of goods in cases or packages each not exceeding 0.5m ³ in overall volume (per case or package per week or part thereof)	30c

SECTION 122—SUVA (MEETINGS) BY-LAWS

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By-laws 24 July 1919, Legal Notice No. 113 of 1979

PART I—PRELIMINARY

Short title

1. These By-laws may be cited as the Suva (Meetings) By-laws.

PART II—NOTICES OF MEETINGS

Form of notices

2. All notices to attend meetings of the Council shall be in writing and shall state the place, day, 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

3. The Town Clerk shall send to each Member one notice as aforesaid for each meeting by messenger or by post.

Time of service

4. Such notices shall be sent so as to reach each Member's last known place of business or abode in the case of an ordinary meeting three clear days before the day fixed for the meeting, and in the case of a special meeting so as to give as much notice as practicable which shall be not less than three hours.

PART III—ORDER OF BUSINESS

Order and conduct of business

5. The business shall be presented at all ordinary meetings of the Council in the following order, provided that the Council may deal with any particular matter on the business paper out of its 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 cognisance of the Council by a minute signed by himself, and such minute shall, when introduced, take precedence of 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 has been given in the usual manner, and the only question that can 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) Correspondence—All incoming correspondence to the Council shall be addressed to the Town Clerk and no letter shall be presented or read to the Council by any member. All outgoing correspondence from or on behalf of the Council shall be signed either by the Town Clerk or, with his authority, any other officer.

The Town Clerk shall submit to the Council all correspondence which cannot be dealt with departmentally in pursuance of any standing order, or 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 servants.

(g) Questions—Sufficient notice of every question shall be given to permit of 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 have been given—Each such motion shall be in writing signed by the Member giving 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.

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

PART IV—CONDUCT OF MEETINGS OF COUNCIL AND COMMITTEES

Division 1—Want of Quorum

Adjournment for want of quorum

6. If at the expiration of half an hour 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

7. 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

8. If at any time during the sitting of the Council the attention of the Chairman be called by a Member or by the 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 upon 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.

9. If at the expiration of half an hour after the time appointed for any duly convened meeting of the Council or a Committee, the Chairman or Acting Chairman (as the case may be) is absent, the senior member present shall if there be a quorum be the Chairman.

Chairman may take part in proceedings

10. The Chairman may take part in all proceedings of the meeting at which he presides.

Rulings by Chairman

11. 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

12. 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

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

Division 3—Order

Points of order, etc.

14. 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 and to address Chairman standing

15. Members shall on all occasions when in Council or Committee address and speak to each other by their official designations, as Chairman, Acting Chairman, or Member, as the case may be; and, with the exception of the Chairman, shall rise in their place and stand while speaking (except when prevented from so doing by bodily infirmity) and shall address the Chair.

Chairman to call on Members to speak

16. 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.

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

Acts of disorder

18. 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 says or does anything calculated to bring the Council or Committee into contempt, shall be guilty of an act of disorder.

Withdrawal of member

19. Any Member who, having been called to order by the Chairman for any act of disorder, shall commit a further act of disorder, shall upon the request of the Chairman, withdraw from the Council Room for the remainder of the sitting.

Removal of member

20. In the event of a Member declining to withdraw from the Council Room on being required so to do by the Chairman, the Chairman may order his removal until the termination of the sitting, and such Member shall be deemed guilty of an offence against these By-laws.

Adjournment when disorder arises

21. If disorder arise 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

22. 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

23. 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.

Resolution to be reduced to writing and read aloud

24. Any resolution of the Council or of any Committee shall forthwith on adoption be written down by the Clerk in attendance who shall then read such resolution aloud before the Council or Committee passes to the next business.

Division 4—Voting and Divisions

Voting

25. 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 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 rise and demand a division.

Divisions

26. Upon a division being so 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 Clerk. 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 guilty of an offence against these By-laws, and his vote shall be counted for the negative.

Division 5—Debates

Motions to be seconded

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

Withdrawal of motions

28. 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

29. 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 be in writing

30. 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

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

Motion as amended may be amended

32. 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

33. 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 firstmentioned 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

34. 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. Every 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 when 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

35. 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 thereof for a later period of the debate.

Debate confined to matter under discussion

36. 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

37. 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) that 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.

Division 6—Adjournment of Meetings

Adjournment to later hour or later day

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

Motions for adjournment

39. 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 again move a motion for adjournment until half an hour has elapsed from the time of moving the one that has been negative.

Resumption of debate after adjournment

40. 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 Altering Resolutions

Written notice required of motion to alter or revoke a resolution

41. A resolution which has been passed by the Council shall not be altered or revoked except upon notice of motion duly given.

Notice to be given of motion having same effect as negated motion

42. Where a motion has been negated by the Board, no motion having the same effect shall be considered except notice thereof be duly given.

Notice of motion to be signed in certain cases

43. A notice of motion to alter or revoke a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, shall be signed by three Members, if less than three months have elapsed since the resolution was passed, or the motion negated as the case may be.

Restriction on motions

44. Where a motion to alter or revoke a resolution has been negated, or where a motion which has the same effect as a previously negated motion is negated, 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 in principle the same.

Exception to by-law 44

45. Provided that any such motion as aforesaid may be moved at any time upon the report of a Committee of the Council, and such report shall be specially mentioned on the minutes.

Motion of adjournment excepted

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

PART V—SPECIAL MEETINGS AND ELECTION OF MAYOR

Special meetings

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

Election of Mayor

48. 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 the Returning Officer shall declare that one elected.

Result of election to be notified

49. As soon as practicable after each election of Mayor, the Town Clerk shall communicate the result in writing to the Government.

PART VI—COMMITTEES

Division 1—Committees of the Whole

Application of these By-laws

50. 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 provision limiting the number and duration of speeches.

Committee to report to Council

51. 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

52. 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

53. 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 and may when present preside.

Meetings of Committees

54. 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

55. 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

56. 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

57. The appointment of every Special Committee shall be considered to continue until the duties for which the Committee has been appointed have been fully performed.

Reports

58. Committee reports submitted to the Council shall be signed by the Chairman of the Committee.

Communications

59. No Committee shall communicate with any outside person or authority except through the Clerk, as the servant of the Council duly authorised for the purpose.

Confidential business

60. 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. Any person contravening this clause shall be guilty of an offence against these By-laws.

PART VII—MISCELLANEOUS

Keeping of Minutes

61. 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

62. 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.

Penalty

63. Any person who shall offend against any of the provisions of these By-laws shall be liable on conviction to a fine of \$20.

SECTION 122—SUVA (NOISE PREVENTION) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

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

By-laws 30 August 1966, Local Government Notice No. 7 of 1970

Short title

1. These By-laws may be cited as the Suva (Noise prevention) By-laws.

Interpretation

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

"Council" means the Suva 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) 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 members of the public. (*Inserted by Local Government Notice 7 of 1970.*)

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 3 or of paragraph (h) of by-law 11 of the Suva (Parks, Reserves and Gardens) 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 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;

(j) 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—SUVA (PARKS, RESERVES AND GARDENS) BY-LAWS

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Exclusive user of public parks may be granted
4. Method of application and approval
5. Board may retain exclusive user of any public park
6. Charges may be made for admission
7. Gatekeeper, etc., to be employed by the Council
8. Failing to pay charge for admission
9. Fairgrounds
10. Hours of entry
11. Public parks

Local Government Notice No. 29 of 1969, Legal Notice No. 58 of 1981

Short title

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

Interpretation

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

"Council" means the Suva City Council;

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

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

"unauthorized person" means any person other than a person for the time being duly authorized in writing by the Town Clerk or an officer or a servant of the Council employed by the Council in or about any work in connection with the planting or improving or maintaining any park.

Exclusive user of public parks may be granted

3.—(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

4. Any application for the grant of exclusive user of any public park shall be made to the Town Clerk not less than thirty days before the day, or the first of the days, when such user is required.

Board may retain exclusive user of any public park

5.—(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 unauthorised persons of above such age as the Council may, by resolution, determine.

(Amended by Legal Notice 38 of 1981.)

(3) A person shall not use any equipment which he is prohibited by the Council from using under paragraph (2). *(Inserted by Legal Notice 58 of 1981.)*

Charges may be made for admission

6. 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 3, 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

7.—(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 provision of paragraph (a) of by-law 6.

(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 Town Clerk.

Failing to pay charge for admission

8. 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

9.—(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's 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

10.—(1) Subject to the following provisions of this by-law, 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 event the Council shall cause a notice to be posted or affixed in a conspicuous position in such park stating that the park shall be closed during those hours.

(3) The Council may, by resolution, prohibit any unauthorized person (not being a child or the parent or other person in charge of a child) above such age as shall be specified in the resolution, from entering any public park or part thereof which has been set aside under paragraph (2) of by-law 5 for use as a children's playground.

(4) An unauthorized person shall not enter or remain within any public park during the hours prescribed under paragraph (2).

(5) A person shall not enter or remain within any public park or part thereof which has been set aside as aforesaid and which he is prohibited from entering by virtue of a resolution under paragraph (3).

(Substituted by Legal Notice 58 of 1981.)

Public parks

11.—(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 or to interfere with the use and enjoyment thereof by the public for the purpose of exercise or recreation.

(2) No person shall in any public park—

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

(b) wilfully obstruct any officer or servant of the 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 these By-laws shall be guilty of an offence.

SECTION 122—SUVA (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. Entrances to buildings to be numbered
6. Numbering at owner's expense
7. Offence
8. Occupier may recover expense of numbering from owner
9. Destruction, etc., of marking
10. Penalty

By-laws 29 March 1960

Short title

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

Interpretation

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

"city" means the city of Suva;

"Council" means the Suva City Council;

"City Engineer" means the City Engineer, or any person duly authorised by the Council to act as City Engineer;

"owner" in relation to land whereon there are premises requiring to be numbered means a person other than a mortgagee not in possession who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents, profits or use of the land under a registered lease or registered agreement;

"occupier" means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

"street" means any road, lane, footpath, square, alley or passage whether a thoroughfare or not, over which the public has a right of way and includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses or shops whether the public has a right of way thereover or not.

Regulation of numbering of buildings

3. The City Engineer of the Council or his designated assistant shall have the power and it shall be his duty to plan and regulate the numbering of all buildings in the city.

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 the buildings or fences or street frontages with such numbers as the 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.

Entrances to buildings to be numbered

5. All main entrances to building premises shall be numbered and the City Engineer or his designated assistant shall assign to each building or premises its proper number or numbers and furnish, free of charge to the owner or occupier, a certificate designating each number and location.

Numbering at owner's expense

6. All buildings shall be numbered at the expense of the owner.

Offence

7. If any such owner or occupier neglects for 30 days after written notice to him from the Council to mark any such building, or fence or road frontage with such number and form as the Council may direct or approve, or to renew the marking thereof as aforesaid or who shall place, maintain or allow to maintain thereon any number or numbers other than that assigned by the City Engineer or his designated assistant, shall be guilty of an offence under these By-laws.

Occupier may recover expense of numbering from owner

8. Where the occupier of any land incurs expenses in complying with the requirements of any notice issued to him under by-law 7 he shall be entitled to recover such expenses from the owner of the land.

Destruction, etc., of marking

9. Any person who without the authority of the Council destroys, pulls down, obliterated or defaces any street number marking shall be guilty of an offence under these By-laws.

Penalty

10. Any person 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—SUVA (SUBDIVISION OF LAND) BY-LAWS

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*By-laws 14 September 1938, 9 July 1952, 5 May 1954, 15 July 1955, 29 August 1961,
Legal Notices Nos. 112 of 1970, 121 of 1978*

Short title

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

Interpretation

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

"Council" means the Suva City Council;

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

"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) the erection on a parcel of land of two or more buildings adapted for separate occupation and being either dwelling-houses or business premises or both;

and the corresponding nouns shall be construed accordingly.

(*Amended by By-laws 9 July 1952.*)

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—

(a) nothing in the provisions of these By-laws shall apply to the disposal as one allotment of, or to the issue of a separate instrument of title for—

(i) any part of any land where such part was before 4 November 1938 separately fenced and had erected thereon a dwelling or other substantial building which is standing at the time of such disposal or application for a separate instrument of title, conditional upon a separate instrument of title for such part being obtained within a period of 3 years from 4 November 1938 and notice in writing being given under the signature of the owner of the instrument of title to the Council within 12 months of the said date that registration of a separate instrument of title will be sought, and such notice shall be accompanied by sufficient particulars to enable the Council to locate the lands;

(ii) any land which is shown as a separate allotment on a plan of subdivision deposited in the office of the 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;

(b) the Council may exempt from the provisions of this by-law any parcel of land upon which the proprietor intends to erect—

(i) one dwelling-hous0 for occupation solely by himself or his employee on a

parcel of land on which his factory or workshop has already been erected;

(ii) more than one dwelling for occupation solely by his employees or more than one office, warehouse, factory or workshop used solely in the particular business of such proprietor.

Such exemption shall be subject to any conditions which the Council may think fit to impose but so nevertheless that every such dwelling or other building shall be so sited as to enable the requirements of these By-laws or of any town planning scheme in force relating to street frontage, building line, area of lot, space about buildings, coverage and accessory buildings in the zone in which the said parcel of land is situated, to be complied with in the event of the future subdivision of the land.

(Amended by By-laws 9 July 1952.)

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 of one-quarter of an acre or less in area: 1 chain to 1 inch;
- (b) showing lots of one-quarter of an acre to one-half of an acre: two chains to 1 inch;
- (c) showing lots of one-half of an acre to 10 acres: 4 chains to 1 inch;
- (d) showing lots exceeding an area of 10 acres: 8 chains to 1 inch:

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

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 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 10 feet 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 5 feet 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;

(o) the positions and description of all existing electricity and telephone poles, cables, sub-stations, water mains, sewer mains, other services and installations, on all existing streets or roads adjacent to the sub-division. (*Inserted by By-laws 29 August 1961.*)

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 3 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 of less width than 40 feet:

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 52 feet no more than 66 feet 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 5 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 5 acres provisions 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 by-law 5 (l); 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 50 feet and the minimum area is less than 6,600 square feet except that in an allotment the depth of which is not more than 165 feet, the minimum street frontage may be not less than 16 feet, provided the mean width of the allotment is not less than 50 feet; or

(i) the minimum frontage of any allotment or parcel of land intended for the erection of a shop with dwelling-house attached is less than 33 feet with a minimum depth of 100 feet, provided that when the depth is less than 100 feet the width shall be proportionately increased; or

(j) the minimum frontage of any allotment intended to be used solely for business purposes is less than 20 feet and the minimum depth is less than 70 feet; or

(k) lanes of a minimum width of 16 ½ feet 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

(l) building lines, satisfactory to the Council have not been specified and indicated on the plan; or

(m) provision is not made for the opening of any new road, street or lane or any sewerage or drainage system made necessary by any obligation to comply with the provisions of any Town Planning Scheme in force in the area in which the proposed subdivision is situated, or the plan or scheme of subdivision does not otherwise comply, in all respects, with the provisions of any such Town Planning Scheme notwithstanding that such provisions may differ from any of the foregoing provisions of this by-law. (*Inserted by By-laws 15 July 1955.*)

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 to 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 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 2 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 developments since the former approval was given.

Approved plan not to be altered

15. No subdivision which has been approved shall, within 2 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. Data to be shown on plans

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—

(a) longitudinal and cross sections along each new road, street or lane showing levels at intervals not exceeding 1 chain, 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.

(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 purposes 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.

(Amended by Legal Notice 112 of 1970.)

Fees

27. Every plan of subdivision submitted to the Council for approval shall be accompanied by a fee calculated in accordance with the Schedule.

(Substituted by Legal Notice 121 of 1978.)

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 28)

(Inserted by Legal Notice 121 of 1978.)

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 fees	15.00

- (b) Lot fee 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	

SECTION 122—SUVA SWIMMING POOLS BY-LAWS

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Local Government Notice No. 5 of 1977

Short title

1. These By-laws may be cited as the Suva Swimming Pools By-laws.

Interpretation

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

"Council" means the Suva City Council;

"pool" means—

(a) the Suva Olympic Pool at Victoria Parade, Suva;

(b) the Falvey Swimming Pool at Raiwai, Suva; and

(c) any other swimming pool,

maintained and controlled by the Council and includes the swimming pool and any bath or spectators' stand and all rooms, compartments, cubicles and other structures and places comprised in or forming part of the building and premises of the said pools;

"Supervisor" means the Supervisor of any pool and includes any attendant employed by the Council and for the time being in charge of a pool;

"Town Clerk" means the Town Clerk for the time being of the Council, and, in the absence of the Town Clerk, includes any officer when performing any act or discharging any duty which the Town Clerk may lawfully do or is required by law to do.

Hours of opening

- 3.—(1) A pool shall be open for swimmers or bathers during such hours as may from time to time be fixed by resolution of the Council, unless the pool shall be closed for the purpose of cleaning or repairing or repainting or for the purpose of holding swimming matches, sports or carnivals.

(2) Except when attending, as competitors or spectators, at any swimming matches, sports or carnivals authorised by the Town Clerk, children under the age of fourteen years shall be admitted to the pool only until 6.00 p.m.

Children

4. Any child under the age of ten years shall be admitted to the pools only if accompanied by, and in the charge of, a person who has attained the age of seventeen years or is known by the Supervisor to be a competent swimmer.

Charges

5. Every person applying for admission to a pool shall pay an admission charge in accordance with the scale of charges fixed from time to time by resolution of the Council and approved by the Minister.

Power of Supervisor

6.—(1) No person shall be entitled to be admitted to a pool, or to be given cubicles, or to remain therein, unless by the authority and with the consent of the Supervisor, who shall have power to refuse admission to, or require that person to leave, the pool and any person who, in the Supervisor's opinion, commits a breach of any of these By-laws or does not otherwise comply with the standards or requirements of these By-laws may be required to leave.

(2) The Supervisor may demand the name and address of any person guilty of a breach of any of the provisions of these By-laws, and such person shall comply with such demand; and the Supervisor shall report such breach to the Council for such action as it may deem appropriate.

(3) No person shall obstruct or hinder a Supervisor in the performance of his duties or in the exercise of his powers which shall include the power of ejection.

Dress

7.—(1) No person shall dress or undress except in a dressing room or cubicle set aside for the purpose, and no person shall be in or about any other part of the pool in view of other persons unless he is wearing such proper and sufficient swimming costume as is hereinafter prescribed or is otherwise properly clothed.

(2) No person shall use the pool or diving platforms unless he is wearing a proper and sufficient swimming costume, made or manufactured for the purpose of swimming and which is not, in the opinion of the Supervisor, indecent or offensive.

(3) No person shall remain in or about the spectators' stand while in swimming costume except when swimming competitions or carnivals are in progress.

Restrictions on entry

8.—(1) No person shall be entitled to admission to the pool while suffering, or appearing to the Supervisor to be suffering, from any infectious, contagious or offensive disease or skin

complaint.

(2) No person shall be entitled to admission to the pool while intoxicated nor shall he introduce or drink any intoxicating liquor therein.

(3) No person shall enter a swimming pool while in a dirty or unclean condition.

(4) No person shall enter a swimming pool without having first had a shower-bath.

Obstruction, etc.

9.—(1) No person shall do any act which is likely to injure, endanger, obstruct, inconvenience or annoy any person in the pool nor shall any person use offensive, insulting or indecent language or gestures or behave in a disorderly manner in or about the pool, or damage, deface or write on any part of the pool area.

(2) No person shall, by any disorderly or improper conduct; disturb or interrupt any other person in the proper use of the swimming pools, or any dressing-room or cubicles.

Use of dressing rooms, etc.

10. No person shall enter, remain in, or loiter in the vicinity of any dressing-room, compartment, or other part of the pool set aside for the exclusive use of persons of the opposite sex.

No entry when pool is closed or full

11. No person shall by forcible or improper means seek admission to the pool or any part thereof when or where in terms of these By-laws the same shall not be open to such person or, by direction of the Town Clerk, shall be closed, nor when the swimming pools or the dressing rooms or cubicles, are occupied by the full number of persons who can, in the judgment of the Supervisor, conveniently use the same at one and the same time, nor to any dressing room or cubicle or shower bath before any person who, in the judgment of the Supervisor, is by priority of admission to the pools entitled to prior admission to such dressing room, cubicle or shower-bath, nor to any cubicle rented by any other person.

No smoking

12. No person shall smoke tobacco while at the pool.

No spitting

13. No person shall spit or discharge any nasal fluid or mucus in or about any part of the pool area excepting the water closets and urinals.

Pollution of pool

14. No person shall wilfully foul or pollute a swimming pool or water or throw or deposit any glass, paper, burnt match sticks, cigarette butts or partly used tobacco, refuse, rubbish or fruit skins therein, but shall place any such article in a receptacle provided by the Council therefor.

No dogs

15. No person shall cause or allow any dog belonging to, or accompanying him, or under his control, to enter or remain in the pool.

Swimming matches, etc.

16. The Town Clerk may grant permission for the use of a pool for swimming matches, sports or carnivals, and no such swimming matches, sports or carnivals shall be held in the pools unless the programme and arrangements therefor shall have been first submitted to and approved by the Town Clerk.

Swimming teachers

17. The Council may in its discretion grant permission to professional teachers of swimming to enter the pools at appointed times for the purpose of teaching swimming on such terms as the Council may decide, and the Council may refuse to grant or renew any permission in any case without assigning any reason, and may at any time cancel any such permission which may have been granted, and no professional teacher shall use a pool for the purpose of teaching swimming unless permitted by the Council so to do.

Non-liability of Council

18. The Council shall not be liable in any way for the security of any money or valuable belonging to, or in the possession of, any person entering the pools.

SECTION 122—SUVA (TOUTING AND SOLICITING) BY-LAWS

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By-laws 31 July 1985
Legal Notice No. 65 of 1985

Short title

1. These By-laws may be cited as the Suva (Touting and Soliciting) By-laws.

Interpretation

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

"city" means the City of Suva;

"business" means a sale of, or offering to sell of, any item of commercial value, or general trading or indulgence in any commercial transaction;

"employ" includes employment for wages or for any reward, direct or indirect;

"person" includes any company or association or body of persons, corporate or unincorporate;

"public place" has the same meaning as is ascribed to it in the Public Order Act.

Touting etc.

3.—(1) It shall be unlawful for any person to tout or obtrusively solicit for any business for himself or for any other person in any street or public place within the city.

(2) Paragraph (1) does not prohibit the orderly distribution of written notices, written advertisements or other written material.

Employment of touts etc.

4. It shall be unlawful for any person to employ a person to tout or obtrusively solicit business for him in any street or public place within the city.

Penalties

5.—(1) Any person guilty of an offence against by-law 3 shall be liable upon conviction to a fine not exceeding \$50 and upon a third or subsequent conviction to a fine not exceeding \$100.

(2) Any person guilty of an offence against by-law 4 shall be liable upon conviction to a fine not exceeding \$200 and upon a third or subsequent conviction to a fine not exceeding \$400.

Powers of police officers

6. Any police officer may arrest without warrant any person he finds in any public place whom he finds committing or whom he reasonably suspects to be committing or to have committed an offence against these By-laws.

Evidence in legal proceedings

7. In any proceedings for an offence against these By-laws, a statement in a complaint that a place referred to therein is a street or a part of a street or a public place shall be prima facie evidence of that matter.

SECTION 122—SUVA (TOWN HALL) BY-LAWS

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24. Exemption from liability
25. Offences

Local Government Notice No. 15 of 1968, Legal Notice No. 112 of 1970

Short title

1. These By-laws may be cited as the Suva (Town Hall) By-laws.

Interpretation

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

"Town Hall" means the new Town Hall owned and managed by the Council;

"Council" means the Suva City Council;

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

"hall keeper" means the person appointed by the Council to look after the Town Hall building.

Council may let on hire parts of Town Hall

3. The Council may let on hire any part or parts of the Town Hall on such terms and conditions, not inconsistent with the provisions of these By-laws, as the Council may consider appropriate.

Applications for hire

4. Applications for the hire of any part of the Town Hall shall—

(a) be made to the Town Clerk in writing and contain such particulars as may be required by him;

(b) in case of an application by an organization or body of persons, state the name of such organization or body of persons and indicate the authority of the person signing to make the application;

(c) state the part or parts of the Town Hall required for hire and the time and the purpose of such hire; and

(d) contain an undertaking to comply with any conditions imposed by the Council in respect of the hire.

Tentative reservation

5.—(1) Applications for tentative reservation of any part of the Town Hall shall be made not less than one calendar month before the commencement of the period for which such part is required.

(2) The period of any tentative reservation shall not exceed seven days.

Deposit and charges

6.—(1) Applications for the hire of the main auditorium or the lower hall of the Town Hall shall be accompanied by a deposit of \$20 and no such application shall be considered until such deposit has been received by the Town Clerk.

(2) Charges for the hire of several parts of the Town Hall shall be as determined by the Council from time to time and shall be paid in full by the hirer not less than forty-eight hours before the commencement of the period for which such part, or parts, are hired.

(3) Where the hirer fails to vacate the part of the Town Hall hired by him at the end of the period of hire, he shall be liable to pay such additional charges as may be imposed by the Council.

Refund of deposit and charges

7.—(1) The Council shall refund to the hirer any charge or deposit paid by him—

(a) where the hirer by written notification addressed to the Town Clerk cancels the reservation not less than one calendar month before the commencement of the period

of hire:

Provided that the Town Clerk may in any particular case reduce the period of one calendar month to such other period as he may consider just;

(b) where the application for hire is refused by the Council;

(c) where, owing to any public disturbance or other emergency, it is rendered impractical to carry out the purpose of the hire.

(2) For the purposes of sub-paragraph (c) of paragraph (1) the Town Clerk shall be the sole judge of whether a public disturbance has occurred or an emergency exists.

Damage, etc., to be made good

8.—(1) Any damage caused during the period of hire to the part of the Town Hall hired, or to any fittings or furnishings therein, shall be made good to the Council by the hirer.

(2) No notice, sign, advertisement, lights, or other fittings of whatsoever kind shall be affixed to or installed in any part of the Town Hall by the hirer without the prior permission of the Town Clerk and the hirer shall upon termination of the period of hire remove any notice, sign, advertisement, lights or other fittings so affixed or installed by him and restore the part of the Town Hall hired by him to its condition at the time of hiring.

(3)

(a) Where any damage is caused as aforesaid or where the hirer fails to restore the hired part of the Town Hall to its condition at the time of hiring, the Town Clerk shall deduct from any deposit paid by the hirer the cost of making good such damage or of such restoration and, where such cost exceeds the amount deposited, the hirer shall forthwith pay to the Town Clerk the amount of such excess.

(b) For the purposes of this by-law the assessment of any damage or cost of restoration made by the Council's building surveyor shall be final.

Seating arrangement

9. The hirer may, with the approval and under the supervision of the hall keeper, vary the arrangement of seats in the part of the Town Hall hired by him but not so as to contravene any of the provisions of the Public Health Act or of any by-laws made thereunder.

(Cap. 111.)

Different parts may be let at the same time

10.—(1) The Council may, at its discretion, let different parts of the Town Hall to different hirers, or for different purposes, at the same time.

(2) A hirer shall not, without the permission of the Town Clerk, use or permit to be used any part of the Town Hall other than that hired by him.

Subject of lecture, etc., to be submitted to Town Clerk

11. Where any part of the Town Hall is hired for a lecture, play or other entertainment of the like nature, the subject thereof shall be submitted to the Town Clerk seven days before the day on which such lecture, play or entertainment is to take place.

Power to refuse application and to cancel reservation

12.—(1) The Town Clerk may, at his discretion—

(a) refuse any application for the hire of any part of the Town Hall; or

(b) at any time, cancel any reservation of any part already made.

(2) The Town Clerk shall not be bound to disclose any reasons for such refusal or cancellation nor shall the Council be liable under any law to the hirer for any loss or damage in consequence of such refusal or cancellation.

Power of cancellation in special cases

13. Without prejudice to the powers of the Town Clerk conferred by the provisions of by-law 12 the Town Clerk may cancel any reservation made of any part of the Town Hall if such part is required for the purposes of Parliamentary elections, municipal elections or any other Council function and in case of such cancellation the provisions of paragraph (2) of by-law 12 shall apply in the like manner as they apply in respect of a cancellation of reservation under that by-law. (*Amended by Legal Notice 112 of 1970.*)

Attendants and police

14. The hirer shall—

(a) at his own expense, arrange with the hall keeper for the supply of attendants necessary for the purpose for which any part of the Town Hall is hired; and

(b) if directed by the Town Clerk arrange for the police to be in attendance during any period when the Town Clerk considers such attendance necessary.

Supply of refreshments, etc.

15. The hirer shall not without the prior consent of the Council—

(a) sell, or permit to be sold, any confectionery or soft drinks in any part of the Town Hall;

(b) serve, or permit to be served, any refreshments of any kind in the lower hall or the main auditorium.

Prohibition on games of chance, etc.

16. The Town Clerk shall not consider any application for the hire of any part of the Town Hall for the purpose of—

(a) organizing or conducting any game of chance where money or money's worth is given as a prize; or

(b) staging any boxing, wrestling or other prize-fighting contest:

Provided that the Council may, in any special case, by resolution approved by not less than half of the total number of its members waive the restrictions imposed by this by-law and in so doing it may impose such conditions as it may consider appropriate.

Interference with installations, etc.

17. The hirer shall not—

(a) interfere, or permit interference with electrical or water installations in any part of the Town Hall;

(b) without the prior consent of the Town Clerk, bring into any part of the Town Hall any piano other than a piano owned by the Council;

(c) use, or permit the use of, confetti in any part of the Town Hall.

Directions to be obeyed

18. The hirer shall—

(a) at all times maintain the part of the Town Hall hired by him in good and clean condition;

(b) obey all lawful directions as to the management and control of the Town Hall, and the part thereof hired by him, given by the Town Clerk or any other person authorized by him in that behalf;

(c) obey all lawful directions of the Fire Officer on duty at the Town Hall.

Insurance and subletting

19.—(1) The hirer shall not do or neglect to do or permit to be done or left undone anything in the Town Hall which will affect the Council's insurance policy or policies relating to the Town Hall in respect of fire or any other risk.

(2) Where any such policy or policies are, to any extent, adversely affected by any act or omission of the hirer, the hirer shall be liable to indemnify the Council to that extent.

(3) The hirer shall not, either wholly or in part, sublet the part of the Town Hall hired by him or in any other way deal with any of the rights and liabilities acquired by or imposed upon him under the terms of the hire.

Stage equipment

20. The hirer shall not without the prior permission of the Town Clerk bring into the Town Hall, or any part thereof, any stage equipment, decorations or other installations or articles of the like nature and the hirer shall, where such permission is granted, ensure that all equipment, decorations and instalments brought by him are removed from the Town Hall at the termination of the period of hire or so soon thereafter as the Town Clerk may permit.

Prohibition of performance in breach of copyright, etc.

21. The hirer shall not produce or perform or permit to be produced or performed any dramatic or musical work in infringement of any copyright or performing rights and shall, in the event of any contravention of the provisions of this by-law, indemnify the Council against any claim for the breach of such right or rights.

Provisions of Public Health Act to be complied with

22. The hirer shall not, while in occupation of any part of the Town Hall, contravene any provision of the Public Health Act or of any by-laws made thereunder.

(Cap. 111.)

Intoxicating drink, etc., not to be permitted

23.—(1) No person shall—

(a) except with the prior permission of the Council, supply, consume or have in his possession any intoxicating drink in any part of the Town Hall other than the licensed restaurant;

(b) within the precincts of the Town Hall make any utterance of a defamatory, blasphemous or seditious character or say or do anything likely to cause racial hatred or ill-will or to incite disorder or violence;

(c) smoke in the auditorium or in any other part of the Town Hall in which Council may by notice prohibit smoking;

(d) spit or use threatening or obscene language or behave in a disorderly manner in any part of the Town Hall.

(2) The Town Clerk, or any person authorized by him, may order any person contravening the provisions of paragraph (1) to be removed from the Town Hall.

Exemption from liability

24. Without prejudice to any other provision of these By-laws exempting the Council from liability, the Council shall not be liable to the hirer or any other person for any loss or damage howsoever suffered in any part of the Town Hall except where such loss or damage is caused by a deliberate act or omission of the Town Clerk or of any other servant of the Council.

Offences

25. Any hirer or any part of the Town Hall who contravenes the provisions of by-laws 17, 18,

19 (1), 19 (3), 20 or 22, or any person who contravenes the provisions of by-law 23 (1) shall be guilty of an offence.

**SECTION 122—TOWNS (BUILDING) REGULATIONS
(MODIFICATION—SUVA) BY-LAWSⁱⁱⁱ**

Controlled by Ministry of Housing and Urban Affairs

ⁱ Former PART VII (relating to Market) repealed by Legal Notice No. 52 of 1985.

See now Sigatoka (Market and Merchandising) By-laws (s-311).

ⁱⁱ Paragraph (1) of Part I of the First Schedule to Legal Notice No. 5 of 1977 reads as follows:—

"(1) The King's Wharf Site: Being all that area of Crown Land adjacent to the King's Wharf, and the areas covered by the King's Wharf and Princes Wharf, and generally bounded on the east by Harris Road, Usher Street and Stinson Parade, and on the north, west and south by the faces of King's Wharf and Princes Wharf."

ⁱⁱⁱ These By-laws, made under the Towns Ordinance, 1948 and continued in force by the Local Government Act, were originally cited as the Towns (Building) Regulations (Suva) (Amendment) By-laws.

The Towns (Building) Regulations, which, in their application to the city of Suva, 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, therefore, these By-laws have been published with the subsidiary legislation under the Public Health Act (Chapter 111), after the Towns (Building) Regulations and the Towns (Building) Regulations (Modification-Lautoka) By-laws.