



NATIONAL CAPITAL DISTRICT

INFORMAL SECTOR DEVELOPMENT AND CONTROL LAW

2006

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NATIONAL CAPITAL DISTRICT COMMISSION

A LAW

entitled

**NATIONAL CAPITAL DISTRICT INFORMAL SECTOR DEVELOPMENT
AND CONTROL LAW 2006**

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NATIONAL CAPITAL DISTRICT COMMISSION

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**NATIONAL CAPITAL DISTRICT INFORMAL SECTOR DEVELOPMENT
AND CONTROL LAW 2006**

PART I - PRELIMINARY

1 INTERPRETATION

In this law unless the contrary intention appears;

“Informal Sector Law” means the National Capital District Commission Informal Sector Development and Control Law.

“Informal Sector Act” means the Informal Sector Development and Control Act 2004.

“City Administrator” means the City Administrator appointed under Section 19 of the National Capital District Commission Act 2001 or as amended from time to time.

“Commission” means the National Capital District Commission established by Section 3 of the National Capital District Commission Act 2001 as amended.

“Inspector” means the Informal Sector Inspector appointed under Section 3 of this law and the National Capital District Commission Health Inspectors

“The Superintendent” means the Superintendent of Informal Sector appointed under Section 2 of this law.

“Public Place” means –

- (a) Any bus stops, shop fronts, easements,
- (b) any street, road, lane, thoroughfare, or road reserves,
- (c) any park, garden reserve or other place of public recreation.

- (d) Any market or mini-market established under Section 2 of the National Capital District Market and Street Selling Law 1983.
- (e) Any beach, foreshore, water frontage or any river, creek, waterway, canals, bay, lake (whether natural or artificial) or lagoon.
- (f) Any place in the open air to which the public has access.
- (g) Any wharf, pier or jetty.

“Goods” means -

- (a) any agriculture produce, fruits, vegetables, nuts,
- (b) any meat, poultry, eggs,
- (c) any fish and other fresh water food and seafood, smoked fish,
- (d) any food including cooked or prepared food or other foodstuff,
- (e) anything manufactured by hand including carvings, artifacts, handcrafts, shells, beads and other ornaments,
- (f) anything manufactured from a factory other than food
- (g) any live animals,
- (h) any clothes excluding second hand clothing.

“Gaming” means the playing of a game of chance for winning in money or moneys worth, and a “game of chance” includes a games of chance and skill combined but does not include any athletic game or sport.

“Lottery” means scheme for disturbing prices by lot or chance.

“Spot fine” means a fine payable immediately be a person found contravening any provisions of this law.

“No-go zone” means any area such as public places in which the public are not allowed to sell their products.

“Food handler” means a person who is engaged in handling preparations and sale of food

“Food Van” means an enclosed vehicle as described under Section 9 of the Informal Sector Development & Control Act, 2004.

" Peddler" means a person who travels on foot from one place to another to sell his or her goods.

PART I1 - ADMINISTRATION

2. ADMINISTRATOR OF INFORMAL SECTOR LAW

The City Administrator of the Commission

- (a) is the Administrator of the Informal Sector Law; and
- (b) is charged with the administration of this Law.

3. INSPECTORS OF INFORMAL SECTOR LAW

- (1) Every Health Inspector of the Health Division of the Commission is an Inspector of Informal Sector Law.
- (2) The City Administrator shall by written notice appoint an Officer of the Commission to be an Inspector of the Informal Sector in the National Capital District Commission.

4. DELEGATION

- (1) The Administrator may by instrument under his hand, delegate to an Health Inspector or Informal Sector Inspector of all or any of his powers and functions under this Law (except this power of delegation).
- (2) The Administrator may, by instrument under his hand, delegate to an Agent his powers and functions in relation to the;
 - (a) enforcement; or
 - (b) administration; or
 - (c) imposition of fines under the Informal Sector Law.
- (3) The City Administrator, upon delegation of Informal Sector powers and functions shall appoint such Agent(s) to be Informal Sector Inspectors for purposes of Section three (3) of this Law.

5. FAILURE TO COMPLY WITH DIRECTIONS OF INSPECTORS, ETC;

Any person who fails to comply with any lawful direction given by a member of the NCDC Informal Sector Inspector and or their agents in exercise of powers conferred pursuant to Section 7 of this Law shall be guilty of an offence.

Penalty: A minimum fine of K20.00 but not exceeding K40.00

6. POWERS AND FUNCTIONS OF THE ADMINISTERING AUTHORITY

Among other things the administering authority must:

- (1) Identify proposed informal sector sites in consultation with relevant Government Agencies
- (2) Get public opinion on proposed informal sector sites
- (3) Recommend for Approval on Informal Sector Sites and advice public
- (4) Make declaration of specific designated sites
- (5) Approve standard type of structure to be used or constructed
- (6) Employ adequate manpower
- (7) Gazettal and appointment of Inspectors.
- (8) Provide Training for Inspectors and Issuance of Certificate
- (9) Allocation of Task and Responsibilities to officers for the Management of the sites
- (10) Registration of all Informal Sector Activities Operating within the approved Sites
- (11) Conduct awareness on Informal Sector Development & Control Act
- (12) Conduct training for informal sector participant on identified informal activities such as food handlers
- (13) Review decision of an inspector if questioned and requested by the informal sector participant
- (14) Liaise with Justice Department on matters relating to court system for adoption in the informal sector for offenders through the Law and Order Division of the administering authority

- (15) Review and make amendments to the NCDC By-Law as and when required.

PART III – MINIMUM STANDARDS

7. A MOBILE TRADER

- (1) A Mobile Trader shall conduct his business within designated areas subject to Section 9 of the Informal Sector Act.
- (2) A Mobile Trader is required to provide a Mobile Van modified to meet the following health requirements provide clean and workable:
- (a) water supply,
 - (b) food storage and display facilities,
 - (c) cooking and cleaning appliances,
 - (d) adequate rubbish bins,
 - (e) Any other requirements as determined by an inspector
- (3) A Mobile Trader shall operate within the hours from 8:00 am – 6:00 pm
- (4) A Mobile Trader who fails to comply with Subsections 1, 2 and 3 is guilty of an offence.

Penalty: A fine of K100.00

8. A FOOD HANDLER

A Food Handler engaged in preparation, handling and selling of food for immediate consumption in the state in which it is bought:

- (1) must wear clean clothes and be clean at all times,
- (2) must not smoke and chew betelnut whilst handling food,
- (3) If suffering from any illness or any skin disease must not prepare, handle or sell food.

9. SALE OF COOKED FOOD

Vendors who sell cooked food must comply with the following -

- (1) No open fire cooking,
- (2) No food shall be prepared on site,
- (3) A person involved in selling cooked food must be clean and wearing clean clothes at all times.
- (4) A person engaged in selling cooked food for sale must not chew betelnut and smoke.
- (5) Any cooked food not sold within three (3) hours from the time of arrival on site for sale shall be removed and disposed.
- (6) A person who fails to comply with subsection 1,2,3,4 and 5 is guilty of an offence.

Penalty: A fine of K20.00

10. SALE OF FROZEN MEAT, CHICKEN, FISH AND OTHER MARINE PRODUCTS, ETC.

Vendors who sell frozen meat, chicken, fish and other marine products must comply with the following -

- (1) All frozen meat, fish and marine products for sale must be stored in separate eskies.
- (2) All eskies containing frozen meat and marine products for sale must be packed with ice at all times.
- (3) All meat products for sale must be packed in clean and clear wrappings except for whole fish and other marine products.
- (4) Trimmed and dressed fish and marine products must be packed in clean and clear wrappings and stored separate from other products.
- (5) Every vendor must identify products for sale in an esky, by way of displaying visible words of the name of the product on top of the esky.
- (6) A person who fails to comply with subsection 1,2,3,4 and 5 is guilty of an offence.

Penalty: A fine of K50.00

11. SEIZURE OF UNWHOLESOME FROZEN GOODS

Seizure of unwholesome frozen meat, chicken, fish and other marine products shall be determined by an health inspector using the following conditions:

- (1) Frozen goods sold in the open air.
- (2) Goods sold without the ice cubes/blocks.
- (3) Frozen goods that are discoloured.
- (4) Frozen goods that are smelly or giving off foul odour.
- (5) Any other physical condition of the frozen food item as determined by an inspector.

12. SALE OF LIVE ANIMALS

Vendors who sell live animals such as chicken, pigs etc. must comply with the following -

- (1) sale of live animal shall be restricted to a specific designated market for live stocks only consistent with specific declaration under Section 3(1)(a) of the Act.
- (2) No breeding of animals for sale within the city apart from domesticated animals.
- (3) The Vendor must remove and dispose of all animal waste at the end of the days sale in Commission authorized disposed sites.
- (4) A person who fails to comply with subsection 1, 2 and 3 is guilty of an offence.

Penalty: A fine of K50.00

13. SALE OF BETELNUT

Vendors who sell betelnut must comply with the following -

- (1) Sale of betelnut in the following areas are prohibited:
 - (a) Bus stops
 - (b) Shop fronts

- (c) Schools and Institutions
 - (d) Public Offices
 - (e) Airport and Seaport
 - (f) Sporting Venues
 - (g) Public Motor Vehicle (PMV)
 - (h) Night Clubs and Hotels
 - (i) And any area subject to declaration by the administering authority.
- (2) All wholesale and retailing of betelnut must be done, only in specifically declared markets consistence with section 3(1) (a) of the Act.
 - (3) A person who is caught indiscriminately spitting betelnut spews and discarding betelnut skin is guilty of an offence.
 - (4) Chewing of betelnut in markets and PMVs is prohibited, and any other places as determined by the Administering Authority.
 - (5) No peddling of betelnut.
 - (6) A person who fails to comply with subsection 1,2,3,4 and 5 is guilty of an offence.

Penalty: A fine of K50.00

14. SALE OF SECOND HAND CLOTHING AND SECOND HAND GOODS

The minimum standard for the sale of second hand clothing and second hand goods are -

- (1) No peddling of second hand clothes and goods
- (2) No selling of second hand clothing in the designated Informal Sector Business Markets.
- (3) No vendor shall act as an Agent for Informal Sector Business
- (4) A person who contravenes subsection 1, 2, 3 is guilty of an offence.

Penalty: A fine of K50.00

15. MINIMUM STANDARDS FOR THE SALE OF MANUFACTURED GOODS & PROVISION OF SERVICE

- (1) Restricted activities include;
 - (a) Panel Beating and spray painting
 - (b) Motor & Marine – mechanical workshops
 - (c) Electrical workshop
 - (d) Welding
 - (e) Any other activities that may deem appropriate by the Administering authority – consistent with the next succeeding subsection.

- (2) Permitted activities include;
 - (a) Home Baked products
 - (b) Domestic Catering Services
 - (c) Tailoring
 - (d) Herbal Products
 - (e) Artifacts/Handcraft
 - (f) Any other activities that may deem appropriate by the Administering Authority.

- (3) The following manufactured goods are not PERMITTED for sale:
 - (a) Knives and Forks
 - (b) Axes, bush knives, grass knives and any other sharp or blunt instrument considered as possible health hazard
 - (c) Toxic and Inflammable Products – such as Oil, Petrol, Kerosene etc. and other dangerous goods as determined by an inspector
 - (d) A person who fails to comply to subsection 1, 2 & 3 is guilty of an offence.

Penalty: A fine of K20.00

16. STRUCTURAL DESIGN

Minimum standards for the erecting of Structures include:

- (1) Structures for shelters –
 - (a) No fixed structure
 - (b) All structures must be easily dismantled after use and removed from site as and when not in use.
 - (c) No structure shall exceed 3.24 sq. m.
- (4) Type of Material to be used –
 - (a) Tarpaulin for roof
 - (b) Colour of Tarpaulin to be uniform
 - (c) Steel rods for frames
- (5) Standard Portable Tables
 - (a) Sizes of mini sales table shall be 1 sq. m
 - (b) All sales tables must be clean and free of graffiti
 - (c) Sales table considered as not suitable (dirty, stains) shall be removed

17. MISCELLANEOUS

- (1) Registration :
 - (a) All Food Handlers engaged in sale of ready to eat cooked foods must be registered
 - (b) All mobile traders must be registered with the Administering Authority
 - (c) All craft traders must be registered
- (2) Security

Administrating authority shall request assistance from Police or other authorized Agents to provide security as and when needed.

- (3) Refer attachment for the Minimum Qualification on Appointment of Inspectors
- (4) Training of Inspectors for the purpose of enforcing Informal Sector Development and Control (ISDC) Act in the National Capital District will be provided by the Commission.
- (5) Risk Allowance rates – Current approved allowance is base salary of Grade 4 – K100.00 per fortnight.
- (6) Refer to Schedule 1 for provisions for on the Spot fines

PART IV LICENSES

18. LICENSE

The Commission may, upon payment of a fee, issue a license to a person who applies to carry on an informal business in such manner as specified in the Act

19. FEE

The Commission shall by resolution determine the fee for a license issued under the last preceding section.

(1). Permitted activities license fee include;

- | | | | |
|-----|---|---|---------|
| (a) | Home Baked products | - | K20.00 |
| (b) | Domestic Catering Services | - | K20.00 |
| (c) | Tailoring | - | K20.00 |
| (d) | Herbal Products | - | K20.00 |
| (e) | Artifacts/Handicrafts | - | K20.00 |
| (f) | Mobile Trading | - | K100.00 |
| (g) | Any other activities that may deem appropriate by the Administering Authority | - | K10.00 |

20. SELLERS RIGHT

A person who is the holder of a license issued under Section (18) shall be entitled to a selling space within the designated market from which he shall sell his goods provided such selling space is available.

21. DISPLAY OF LICENSE

A license issued under Subsection (18) shall be produced upon the demand of the Inspectors, authorized Agent or members of the Police Force who are authorized by the Commissioner of Police to do so.

22. SELLING WITHOUT A LICENSES

A person who, not being a holder of a license issued under Section (18), sells any goods in a designated area shall be guilty of an offence penalty.

Penalty: A minimum fine of K5.00 but not exceeding K10.00

23. SELLERS LIABILITY

Any person who sells any goods in an area declared on which an informal business maybe conducted shall:-

- (i) Keep the area around or adjacent to the selling space in a clean and sanitary condition, and;
- (ii) Immediately after the close of the informal business collect and properly dispose of any rubbish or refuse, and
- (iii) remove from the area any goods left unsold.

24. GAMING AND LOTTERY

Any person who conducts or assist in the conduct of any game or lottery of any kind in is guilty of an offence.

Penalty: A Fine of K50.00

PART V – COURT PROCEEDINGS AND PENALTIES

Division 1 – Offences Generally

25. PROHIBITION OF SALE OF GOODS IN PUBLIC

- (1) Any person by himself or his Agent who sells his or her goods in any public places other than the Markets, Mini-Markets or places designated by the Commission shall be guilty of an offence.
- (2) Without limiting the generality of the foregoing any person who operates as a peddler.

PENALTY – A fine of K50.00 in default imprisonment for a period not exceeding six months with hard labour.

26. ON THE SPOT FINES TO BE PAID TO THE COMMISSION

(1) Where the Administrator has delegated to an: –

- (a) Informal Inspector; or
- (b) An Agent

His powers and functions under Section 4 the power, authority, function, duty or responsibility to collect on the Spot Fines in respect of or under the Informal Sector Law is vested in the Health Inspector, Informal Sector Inspector or an Agent.

(2) Where On the Spot Fines are collected under this section by the Inspectors or Agent referred to in Subsection (1) the amounts so collected –

- (a) shall be deemed to be monies of the Commission and shall be remitted to the Commission as revenue and
- (b) shall be paid into the general revenue of the Commission.

(3) Where it appears to a Informal Sector Inspector of the Commission or Officer, or employee of the Agent that a person has committed a prescribed offence against this Law, the Informal Sector Inspector of the Commission or the Agent of the Commission may serve on the person a notice in the prescribed form to the effect that if he does not desire to have the matter determined by a court he may pay to an officer specified in the notice, within the time specified in the notice, the amount of the penalty prescribed for the offence if dealt with under this section.

27. NON PAYMENT OF ON THE SPOT FINE

(1) Where it appears to a member of the NCDC Informal Sector Inspector, a Health Inspector or a Market Supervisor that a person has committed a prescribed offence against this Law, a member of the NCDC Inspector and or its agents, or a Market Supervisor may serve on the person a notice in the form prescribed by the Commission to the effect that he may pay immediately to an officer specified in the notice the amount of the penalty prescribed for the offence.

(2) Where the amount of the prescribed penalty for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the offence:-

- (3) Payment, in accordance with this section, of a penalty in respect of an alleged offence:-
 - (a) shall not be regarded as an admission of liability for the purposes of; and
 - (b) does not affect or prejudices,
 - (c) any criminal proceedings other than proceedings for the alleged offence or any civil claim, action or proceeding arising out of the same occurrence.
- (4) A penalty prescribed for the purposes of this section for a prescribed offence shall not exceed:-
 - (a) the maximum amount of penalty that could be imposed for the offence by a court; or
 - (b) a fine of K200.00 whichever is the less.
- (5) Subject to Subsections (4) and (5), this section is supplementary to, and not in derogation of, any other provision of this Law or any other law in relation to proceedings that may be taken in respect of prescribed offences.
- (6) For the purpose of this Section the failure or refusal to pay fines levied shall be deemed an offence.

Penalty: A fine not exceeding K200.00.

Division II – Court Proceedings

28. SERVICES

- (1) A notice may be served –
 - (a) personally or by post; or
 - (b) by leaving it on or in, or attaching it to, his last place of abode.

29. COURT PROCEEDINGS

- (1) In proceedings under this law against a person for the actions of his agent and if the question of agency is disputed the onus of proof shall be on the person against whom the complaint is made.

- (2) No person shall distribute any hand bill, advertising sheet or notice unless it bears the name of the person authorizing its printing.
- (3) In the proceedings under the last preceding sub-section the person distributing the handbill, advertising sheet or notice and the person authorizing its printing shall be jointly and severally liable.

30. JURISDICTION OF VILLAGE COURTS

- 1) Subject to this Law a village court has jurisdiction over all offences committed under this law, whether Civil or criminal.
- 2) Subject to this law a Village Court has jurisdiction over;
 - a) any offences as prescribed under this Law;
 - b) the failure or refusal to pay fines prescribed under this law;
 - c) the failure to comply with the directions of members of the NCDC Inspectors and or their agents for the purposes of regulating this Law.
- 3) For the purposes of conferring jurisdiction under subsection (2) a reference in a law in force in the country to a District Court, a court of summary jurisdiction on to the powers of one or more justices shall be deemed to include a reference to a village court or a village court magistrate, as the case requires.

31. PROCEDURE ON INFORMAL SECTOR INFRINGEMENT SUMMONS

- (1) For the purpose of this section –
 - “defendant” means a person on whom a Informal Sector Infringement Summons has been served.
 - “specified” means specified in the Informal Sector Infringement Summons.
- (2) Following the service of a Litter Infringement Summons –
 - (a) where the defendant pays the specified penalty to the Clerk of the specified court within the specified period, the matter proceeds no further; or
 - (b) where payment is not made under Paragraph (a) the case is called in the specified court on the first day on which the court sits following the expiry of the specified period; or

- (c) where the case is called under Paragraph (b) and –
 - (i) the defendant is not present or represented, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court; or
 - (ii) the defendant is present or represented, the matter shall
 - (iii) be dealt with in accordance with the procedure of the court.

32. COMMENCEMENT OF PROCEEDINGS

- 1) Subject to this Act, all matters in a Village Court shall be commenced by way of a charge as prescribed by administering the authority of the NCDC.
- 2) A notice under subsection (1) shall be in Form 2 and may be served personally.

33. CHARGES

- 1) A charge of an offence may be brought before a Village Court by:-
 - (a) an Inspector for the purposes of this Act.
 - (c) a person authorized for the purpose by or under the law in his official capacity.
- (2) A person arrested for an offence that maybe dealt with by a village court shall as soon as practicable, be brought before a village court.
- (3) If it is not practicable to bring a person before the village court within 24 hours after his arrest a village court magistrate or a commission officer or the Police Force shall inquire into the case and except where in his opinion there is a likelihood that the person may not appear for trial or where bail should be refused for the protection of that person or of other persons, may in his directions discharge the person on bail or his entering into a recognizance, in writing, with or without securities to appear before a village court at a day time and place named in the recognizance.

34. PRESENCE OF PARTIES

- (1) A village court shall not proceed in the absence of a party.
- (2) Where a party is represented before a village court in accordance with Section 80 of this Law, he is deemed to be present before the Village Court

- (3) Where a village court is satisfied that:-
- (a) a party is normally resident in the area of the village court is deliberately absenting himself from the area of the village court, the village court may proceed in the absence of the party.

35. SUMMONING PARTIES AND WITNESSES

- (1) In any proceedings under this Law a village court may order any person who is, or in its opinion maybe a party to appear before it at a time and place specified in the order.
- (2) An order under subsection (1) or (2) shall be in the prescribed form.

36. PROCEDURES GENERALLY

- (1) Subject to this Section the procedures of a village court are as determined by the court.

37. GENERAL LAW

- (1) In exercising its jurisdiction under this law, a village Court is not bound by any Law (other than the Constitution and this law) that is not expressly applied to it, to decide all matters before it in accordance with substantial justice.
- (2) A person charged with an offence before a Village Court is presumed innocent until proved guilty.

38. EVIDENCE ETC...

- (1) Subject to Subsection (2), in any proceedings before it a Village Court shall not apply technical rules of evidence but shall admit and consider such information as is available.
- (2) The powers and procedures of a Village Court shall be exercised in accordance with the principles of natural justice.

39. INTERPRETATION

In this Division, unless a contrary meaning appears, "officer-in-charge" means the officer-in-charge of the Corrective Institution, police lock-up or other place in which a person is detained for failure to obey an order of a Village Court for the payment of a fine.

40. NON-PAYMENT OF FINE

- (1) A person who fails, without reasonable excuse (proof of which is on him), to obey an order of a Village Court for the payment of a fine is guilty of an offence.

Penalty: Subject to Subsection (2), imprisonment for a term not exceeding one week:-

- (a) for each K10.00 or part of K10.00 unpaid; or
 - (b) where a fine is ordered otherwise than in money, for each K10.00 or part of K10.00 of the value of the fine not rendered.
- (2) A term of imprisonment under Subsection (1) shall not exceed six (6) months.

41. DISCHARGE ON PAYMENT IN FULL

- (1) Where a person is detained under an order of imprisonment for non-payment of a fine:-
- (a) he may pay or cause to be paid to the officer-in-charge the sum specified in the order of imprisonment; and
 - (b) the officer-in-charge shall:-
 - i) discharge the person unless the person is in custody on some other matter.
- (2) The Officer-In-Charge shall immediately pay the sum received under Subsection (1) to the Village Court.

42. ACCOUNTS TO BE KEPT.

A Village Court Clerk and an officer-in-charge shall keep a true and exact account of all money received under Section 63 or 65, showing:-

- (a) the person from whom and the time when the money is received; and
- (b) the person to whom, and the time when the money is paid; and
- (c) the person in respect of who the money is received or paid.

43. ORDER FOR IMPRISONMENT

- (1) An Order of a Village Court for imprisonment under this Act shall be in the prescribed form and, pending the endorsement of the order under Section 68, the convicted person:-
 - (a) shall be held in such custody; or
 - (b) shall be-released on such terms, as the Village Court orders in the prescribed form.
- (2) Where, under Subsection (1), a person is ordered to be held in custody, the Village Peace Officer shall convey and deliver the person and the order for imprisonment and the order for custody to the Officer-in-charge of the nearest Corrective Institution, Police Station, police post, police lock-up or rural lock-up, as the case may be.
- (3) The Officer-in-charge shall:-
 - (a) detain the person covered and delivered under Subsection (2); and
 - (a) cause the person and the order for imprisonment to be brought before a Magistrate as soon as practicable.

44. ENDORSEMENT OF ORDER FOR IMPRISONMENT

- (1) Subject to Section 71, an order for imprisonment under this Act is of no force or effect unless it is endorsed by a Magistrate.
- (2) The Village Court that made the order shall immediately cause it to be presented to a Magistrate for endorsement under Subsection (1).
- (3) The Magistrate to whom the Order for imprisonment is presented under Subsection (2) shall, unless he has reason to believe that the Village Court:-
 - (a) acted without jurisdiction; or
 - (b) acted in excess of its powers, endorse the order.
- (4) If the Magistrate believes that the Village Court may have:-
 - (a) acted without jurisdiction; or
 - (b) acted in excess of its powers, by Division II he shall exercise the power of review provided under this Law.

45. WHERE CONVICTED PERSON IS UNDER 17 YEARS.

- (1) Subject to Subsections (2) and (3), where:-
- (a) an order is presented to a Magistrate for endorsement under Section 68 (2); and
 - (b) the Magistrate is satisfied that the person is under the age of 17 years, the Magistrate shall not endorse the order but shall refer the order and the person to the Children's court to be dealt with by that court.
- (2) Where, in respect of an order for imprisonment under subsection (1), there is no Children's Court in a particular area, the Magistrate shall exercise the power conferred on the Children's Court to be dealt with by that court.

46. CHILDREN'S COURT TO DEAL WITH OFFENDER

Where a person is referred to a Children's Court under Section 69 (1), the Children's Court shall:-

- (a) endorse the order for imprisonment; or
- (c) make such other order under the *Child Welfare Act* (Chapter 276) as it considers appropriate, and the *Child Welfare Act* (Chapter 276) shall apply to and in relation to that person.

47. EFFECT OF ENDORSED ORDER FOR IMPRISONMENT

- (1) Subject to Subsection (2), the **Corrective Institutions Act** (Chapter 63) and all other laws apply to and in relation to a sentence of imprisonment:-
- (a) imposed by an order for a Village Court under this Act; and
 - (b) endorsed by a Magistrate under Section 32, in the same way that they apply to and in relation to a sentence of imprisonment imposed under any other law.

48. UNIFORMITY OF CIVIL AND CRIMINAL PROCEDURES.

There is no procedural distinction between the Civil and the criminal jurisdiction of a Village Court under this Division and in any proceedings before it, a Village Court may make such order as it thinks fit.

49. APPEALS.

- (1) Subject to Subsection (2), a person aggrieved by a decision of a Village Court may, within three months after the day on which the decision is pronounced, appeal, orally or in writing, to a Magistrate of a District Court.
- (2) Subject to Subsection (3), a Magistrate may, in the special circumstances of a particular case, allow such extension of time for appealing, as to the Magistrate seems fit.
- (3) No appeal against a decision shall be made after the expiration of twelve months from the day on which decision is pronounced.

50. STAY OF EXECUTION.

Where –

- (a) an appeal is made under Section 86; or
- (b) a Magistrate is exercising the power of review, under Section 87, the Magistrate may, pending the outcome of the appeal or review, as the case may be, order a stay of execution.

51. HEARING OF APPEALS AND CONDUCT OF REVIEWS.

- (1) A Magistrate hearing an appeal against, or making a review of, a decision of a Village Court shall appoint two or more Village Magistrates of that Village Court to sit with him.
- (2) A Village Magistrate who made the decision that is appealed against or that is under review is eligible for appointment under Subsection (1).
- (3) The Village Magistrate shall advise the Magistrate hearing the appeal or making the review -
 - (a) on relevant matters within their knowledge, but shall not otherwise take part in the proceedings and shall not take part in the decision.
- (4) The Magistrate hearing the appeal or making the review shall -
 - (a) consider the records (if any) relevant to the decision; and
 - (b) receive such evidence (if any) and make such enquiries (if any) as he thinks necessary.

52. REVIEW

A Magistrate may review a decision of a Village Court at any time within a period of 12 months from the day of the decision.

53. DECISION ON APPEAL OR REVIEW

- (1) A Magistrate hearing an appeal against, or making a review of, a decision of a Village Court may –
 - (a) confirm the decision; or
 - (b) quash the decision; or
 - (c) order that the matter be dealt with again by the Village Court and, if he thinks fit, give with the order a direction as to how any defect in the earlier proceedings may be overcome.

- (2) The decision shall be confirmed unless the Magistrate is satisfied that –
 - (a) the Village Court acted in contravention of any Constitutional Law, Act or subordinate enactment applying to it; or
 - (b) the Court was not properly constituted; or
 - (c) except as provided for by this law, a party was not present; or
 - (d) a party was not given a reasonable opportunity to present his case personally or by a representative; or
 - (e) the Court exceeded its jurisdiction or its powers; or
 - (f) the Village Magistrates constituting the Court included a Village Magistrate who had a substantial interest in the subject matter of the proceedings such as to disqualify him from adjudicating on the matter, and there has been a substantial miscarriage of justice.



SCHEDULE 1

FORM 1

INFORMAL SECTOR INFRINGEMENT NOTICE

NAME:.....(BLOCK LETTERS)

POSTAL ADDRESS:.....(BLOCK LETTERS)

It is alleged that.....(time) on the.....day of.....200.....you did
(description of the act) at

 (description of place in such a manner that the offence indicated below was committed).

..... Or
 Informal Inspector Authorized Agent

 Person Receiving

OFFENCE	PENALTY	INITIAL & SURNAME	ID NUMBER	INSPECTOR NUMBER
Mobile Trader or Agent who fail to operate in undesignated sites	K 50.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Cooked Food.</u>	K 20.00	You may dispose of this matter (a) By paying the prescribed Penalty to the NCDC cashier before close of business. (b) By having it dealt with by a Village Court.		
Informal Sector Vendor caught <u>Peddling</u>	K 50.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Betelnut.</u>	K 50.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Second Hand etc....</u>	K 50.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Manufactured Goods</u>	K 20.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Frozen Meats</u>	K 50.00			
Informal Sector Vendor abusing Minimum standard for Sale of <u>Live Animals</u>	K 50.00			
Informal Sector Vendors caught <u>Gaming and Lottery</u>	K50.00			
Failure to comply with Directions of Inspectors etc...	A fine of K20.00 but not exceeding K40.00			
Informal Sector vendor selling without a License.	A minimum fine of K5.00 but not exceeding K10.00			

WARNING: IF PRESCRIBED PENALTY IS NOT PAID WITHIN THE TIME SPECIFIED COURT PROCEEDINGS WILL BE TAKEN AGAINST YOU.

