MARKETS BILL, 2026

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MARKETS BILL, 2026

A BILL ENTITLED

AN ACT to provide for a national framework for the establishment, regulation, management and development of markets throughout The Gambia, including public and private markets in urban and rural areas; to define the respective functions of the Minister, Councils, market operators and Market Management Committees; to provide for market administration, trading, health, safety, sanitation, revenue management, inspection and enforcement; and for connected matters.

ENACTED by the President and the National Assembly.

[ ]

PART I – PRELIMINARY

1. Short title and commencement

(1) This Act may be cited as the Markets Act, 2026.

(2) This Act shall come into force on such date as the Minister may appoint by Order published in the Gazette.

2. Interpretation

In this Act, unless the context otherwise requires –

“Council” means a City, Municipal or Area Council established under section 10 of the Local Government Act;

[Cap. 33:01]

“market” means a place, whether public or private, permanent, temporary, seasonal or periodic, open or enclosed, at which goods, livestock, agricultural produce, food, crafts or other commodities are sold, bartered or exchanged, or services are provided, and includes a stall, shed, shop, pitch, trading space or other structure forming part of that place;

“market inspector” means a person appointed under section 32;

“market manager” means a person appointed by a market operator to manage the day-to-day affairs of a market;

“market operator” means –

(a) in relation to a public market, the Council or public authority lawfully establishing or operating the market; and

(b) in relation to a private market, the private market operator approved under section 9;

“Market Management Committee” means a committee established under section 12;

“Minister” means the Minister responsible for Local Government;

“prescribed” means prescribed by Regulations made under this Act;

“private market” means a market established or operated by a person other than a Council or public authority;

“private market operator” means a person approved by a Council under section 9 to establish or operate a private market;

“public authority” means a ministry, department, agency, statutory body or other public body established by or under the Constitution or an Act of the National Assembly, but does not include a Council;

“public market” means a market established or operated by a Council or public authority on land lawfully available to that Council or public authority;

“registered vendor” means a vendor whose name is entered in the register maintained under section 16(1);

“trading permit” means a permit issued under section 18 authorising a person to trade in a market in the manner specified in the permit;

“trading space” includes a stall, shop, shed, pitch or other demarcated place allocated for trading in a market; and

“vendor” means a person who carries on trade or business in a market, whether or not the person is registered or is required to hold a trading permit under this Act, and includes a casual, itinerant, temporary or exempt trader.

3. Application

(1) This Act applies to all markets situated within the territory of The Gambia, whether in an urban or rural area and whether public or private, permanent, temporary, seasonal or periodic.

(2) This Act shall be read together with the Local Government Act and any other applicable law relating to public health, physical planning, land use, the environment, fire safety, finance and audit, public-private partnerships, procurement or the regulation of trade.

PART II – ADMINISTRATION, ESTABLISHMENT AND CLASSIFICATION OF MARKETS

4. Functions of Minister

The Minister shall –

(a) formulate national policy and develop minimum national standards for markets for prescription under section 39 in consultation with Councils and relevant public authorities;

(b) maintain the National Register of Markets under section 7;

(c) coordinate national monitoring, technical guidance and inter-Council matters relating to markets;

(d) make Regulations under section 39 within the limits of this Act; and

(e) perform any other national function expressly conferred on the Minister by this Act or another law.

5. Functions of Councils

Subject to this Act and the Local Government Act, a Council shall, within its area of jurisdiction –

(a) establish and administer public markets established or operated by the Council;

(b) approve and supervise private markets;

(c) classify markets in accordance with section 10 and prescribed national criteria;

(d) register vendors and issue trading permits;

(e) allocate, or ensure the transparent allocation of, trading spaces;

(f) appoint market inspectors and enforce this Act within its jurisdiction;

(g) make by-laws for local market administration in accordance with section 40;

(h) maintain such local records as are required by this Act; and

(i) perform any other market function conferred on a Council by this Act, the Local Government Act or another law.

6. Functions of market operators

A market operator shall –

(a) manage and maintain the market in accordance with this Act, applicable law, any lawful approval and applicable Council by-laws;

(b) provide and maintain facilities reasonably appropriate to the size, location and classification of the market;

(c) cooperate with the Council, the Market Management Committee and relevant public officers acting within their lawful authority;

(d) keep records required under this Act; and

(e) comply with lawful notices and directions issued under this Act.

7. National Register of Markets

(1) The Minister shall maintain a National Register of Markets.

(2) The Register shall contain, in respect of each market, its name, location, classification, operator, status as a public or private market, and such other particulars as may be prescribed.

(3) A Council shall notify the Minister, in the prescribed form, of every public market established by the Council, every private market approval granted, varied, suspended or revoked by the Council, and every market materially reclassified by the Council.

(4) Entry in the Register is for administrative purposes only and –

(a) does not confer ownership of, or any right or interest in, land;

(b) does not constitute approval of a private market under section 9; and

(c) does not validate or render lawful a market established or operated in contravention of this Act or any other applicable law.

8. Establishment of public markets

(1) A Council may establish a public market within its area of jurisdiction in accordance with the Local Government Act, this Act and any applicable law relating to land, physical planning, the environment, public health and fire safety.

(2) A public authority may establish or operate a public market only where it is authorised to do so by or under another enactment.

(3) Before establishing or operating a public market under subsection (2), the public authority shall –

(a) consult the Council within whose area of jurisdiction the market is or is to be situated;

(b) provide the Council with reasonable information concerning the proposed location, classification, layout, infrastructure and intended operation of the market; and

(c) have due regard to any representations made by the Council concerning local planning, traffic, sanitation, public health, market administration or other matters within the Council's lawful functions.

(4) A public market shall not be established on land unless the land is lawfully owned, leased, occupied, acquired or otherwise available to the Council or public authority for that purpose.

(5) Before establishing a public market, the Council or public authority, as the case may be, shall record the proposed location, classification, land rights, layout and such infrastructure and compliance information as may be prescribed.

(6) The Council or public authority establishing the market shall notify the Minister, in the prescribed form, for entry of the market in the National Register of Markets.

9. Approval of private markets

(1) A person shall not establish or operate a private market unless approved in writing by the Council for the area in which the market is situated.

(2) An application shall include evidence of the applicant's lawful right to use the land, the proposed classification, layout and infrastructure where applicable, and evidence of compliance with applicable planning, environmental, public health, fire safety and other legal requirements.

(3) Before determining an application, the Council may require further information reasonably necessary to assess compliance with this Act and applicable law.

(4) The Council may approve the application, with or without reasonable conditions, or refuse it.

(5) The Council shall give the applicant written notice of its decision and, where the application is refused, or conditions are imposed, shall state the reasons.

(6) The Council shall notify the Minister of an approval for entry in the National Register of Markets.

10. Classification of markets

(1) A Council shall classify each market within its area of jurisdiction in accordance with this section and any prescribed national criteria.

(2) A market may be classified according to –

(a) ownership and management, as public or private;

(b) duration or frequency, as permanent, temporary, seasonal or periodic;

(c) scale, as primary, secondary or community;

(d) type, including food, agricultural produce, livestock, fish, craft, general merchandise or mixed; and

(e) trading function, as wholesale, retail or hybrid.

(3) A classification –

(a) shall reflect the actual nature and scale of the market; and

(b) may be varied by the Council after giving the market operator reasonable notice and an opportunity to make representations where the variation would materially affect the operator.

11. Conditions, variation, suspension and revocation of private market approval

(1) An approval under section 9 may contain reasonable conditions necessary to secure compliance with this Act and other applicable law.

(2) A Council may vary, suspend or revoke an approval only where it is reasonably satisfied that the operator has materially breached a condition, failed to comply with this Act or another applicable law relating to the establishment or operation of the market, obtained the approval by fraud or material misrepresentation, or where continued operation presents a serious risk to public health or safety.

(3) Except in an urgent case under subsection (4), the Council shall give the operator written notice of the proposed action, the reasons for it and a reasonable opportunity to make representations.

(4) Where an immediate and serious risk to public health or safety exists, the Council may suspend an approval with immediate effect.

(5) Where the Council suspends an approval under subsection (4), it shall –

(a) give the operator written notice of the suspension and the reasons for it as soon as practicable; and

(b) allow the operator to be heard and review the suspension within seven days after the suspension takes effect.

(6) Following a review under subsection (5), the Council shall confirm, vary or revoke the suspension and shall give the operator written notice of its decision and the reasons for it.

(7) A decision under this section is subject to section 38.

PART III – MARKET MANAGEMENT STRUCTURES

12. Market Management Committees

(1) Subject to subsection (2), every permanent public market and every private market of such size or class as may be prescribed shall have a Market Management Committee.

(2) A Council may determine that a temporary, seasonal, periodic or small community market does not require a separate Committee if it designates an alternative management arrangement appropriate to the market.

(3) A Market Management Committee –

(a) is an advisory and management support body; and

(b) shall not exercise a power reserved by this Act to the Minister, a Council, a market operator, a market inspector or a public officer exercising powers under another enactment.

13. Composition of Market Management Committees

(1) A Market Management Committee shall consist of –

(a) one representative of the Council, who shall be Chairperson;

(b) the market manager, who shall be Secretary;

(c) two representatives of recognised market vendors' associations;

(d) one representative of the public health authority;

(e) one representative of the Gambia Fire and Rescue Services;

(f) one representative of women trading in the market;

(g) one representative of youth trading in the market;

(h) one representative of persons with disabilities or, where none is reasonably available, a person nominated to represent accessibility interests; and

(i) in the case of a private market, one representative of the private market operator.

(2) The Council shall ensure that the appointment process is transparent and that members understand the Committee's functions under this Act.

14. Functions of Market Management Committees

A Market Management Committee shall –

(a) advise the market operator and Council on the efficient, transparent and inclusive administration of the market;

(b) monitor the use of trading spaces and refer allocation concerns to the Council or market operator, as appropriate;

(c) support compliance with hygiene, sanitation, safety and accessibility standards;

(d) consider operational complaints and refer matters requiring statutory action to the competent authority;

(e) promote consultation with vendors and users of the market;

(f) prepare periodic reports on market operations for the Council and operator; and

(g) perform any other advisory function assigned by the Council that is consistent with this Act.

15. Tenure, procedure and accountability

(1) An appointed member of a Market Management Committee shall hold office for two years and may be reappointed once.

(2) The Committee shall meet as often as reasonably necessary and, in the case of a permanent market, at least once every three months.

(3) The Committee shall keep minutes of its meetings and submit an annual report to the Council and, in the case of a private market, to the private market operator.

(4) The Committee shall be accountable to the Council for the performance of its statutory functions.

PART IV – MARKET ADMINISTRATION AND TRADING

16. Vendor registration and trading permits

(1) A Council shall maintain a register of vendors registered to trade in markets within its area of jurisdiction.

(2) Subject to subsection (3), a vendor shall not occupy an allocated trading space or carry on such category of market trading as may be prescribed unless the vendor is registered and has been issued with a valid trading permit by the Council.

(3) Regulations may exempt a casual, itinerant, temporary or low-risk vendor or class of trading from –

(a) the requirement to be registered under subsection (2);

(b) the requirement to hold a trading permit under subsection (2); or

(c) both requirements,

subject to such identification or local operational requirements as may lawfully be imposed by a Council.

(4) Registration as a vendor or the grant of a trading permit does not create any proprietary interest in a market or trading space.

17. Allocation of stalls, pitches and trading spaces

(1) A Council shall ensure that trading spaces in a public market are allocated through transparent, published criteria and procedures.

(2) In a private market, the private market operator may allocate trading spaces in accordance with transparent procedures approved by the Council as part of the market approval or required by Council by-law.

(3) Allocation criteria shall be applied objectively and shall have due regard to participation by women, youth and persons with disabilities, without arbitrary discrimination.

(4) An applicant who is refused an allocation shall, on request, be given the principal reasons for the decision.

18. Grant, renewal and conditions of trading permits

(1) Subject to section 19, a Council may grant or renew a trading permit if satisfied that the applicant meets the requirements of this Act, applicable law and any lawful by-law.

(2) A trading permit may specify –

(a) the market and, where applicable, the trading space;

(b) the goods or services authorised;

(c) the period of validity; and

(d) reasonable conditions relating to health, safety, sanitation, use of the space and other operational matters.

(3) A permit shall be renewable at such intervals as may be prescribed or fixed by lawful Council by-law.

(4) A Council shall not impose a tax, rate or levy by means of a permit condition unless independently authorised by another law.

19. Refusal, suspension and revocation of trading permits

(1) A Council may refuse to grant or renew a trading permit only where –

(a) the applicant does not satisfy a requirement for registration or the grant or renewal of a trading permit expressly imposed by this Act;

(b) the applicant does not satisfy an objective operational requirement lawfully prescribed by Regulations or a Council by-law under this Act relating to the category of trading concerned;

(c) the proposed trade or business is prohibited by law or is inconsistent with the classification or lawful use of the market or trading space;

(d) the applicant has knowingly or recklessly provided information that is materially false or misleading in connection with the application or renewal; or

(e) the grant or renewal of the permit would create a serious risk to public health or safety that cannot reasonably be addressed by imposing conditions under section 18.

(2) A Council may suspend or revoke a trading permit only where –

(a) the permit holder has materially or repeatedly breached a condition of the permit;

(b) the permit holder has materially failed to comply with a health, safety or sanitation requirement applicable to the trade or business carried on under the permit;

(c) the permit holder has materially failed to comply with a requirement of this Act directly applicable to the lawful or safe exercise of the permit;

(d) the permit was obtained by fraud or material misrepresentation;

(e) the permit holder has ceased to satisfy a requirement referred to in subsection (1)(a) or (b) that is necessary for the lawful continuation of the trade or business; or

(f) the conduct of the trade or business under the permit creates a serious risk to public health, safety, persons or property.

(3) A Council shall not revoke a trading permit under subsection (2) unless, having regard to the nature, seriousness and frequency of the contravention, it is satisfied that suspension or another lesser enforcement measure would not adequately secure compliance or protect the public interest.

(4) Before refusing to grant or renew, or suspending or revoking, a trading permit, the Council shall –

(a) give the applicant or permit holder written notice of the proposed decision;

(b) specify the ground under subsection (1) or (2) relied upon and the material facts supporting it; and

(c) give the applicant or permit holder a reasonable opportunity to make representations,

except where an immediate suspension is authorised under subsection (5).

(5) Where the Council is satisfied on reasonable grounds that the continued exercise of a trading permit presents a serious and imminent risk to public health or safety, it may suspend the permit with immediate effect.

(6) Where a permit is suspended under subsection (5), the Council shall –

(a) give the permit holder written notice of the suspension and the reasons for it as soon as practicable; and

(b) allow the permit holder to be heard and review the suspension within seven days after the suspension takes effect.

(7) Following a review under subsection (6), the Council shall confirm, vary or revoke the suspension and shall give the permit holder written notice of its decision and the reasons for it.

(8) A decision under this section shall be in writing and shall state –

(a) the ground on which the decision is made;

(b) the reasons for the decision;

(c) the date on which the decision takes effect; and

(d) the right to administrative review under section 38.

(9) Regulations or Council by-laws may prescribe –

(a) procedures for applications, renewals and decisions under this section;

(b) forms, information and evidence reasonably required for those purposes; and

(c) objective operational requirements relating to identification, health, safety, sanitation, use of trading spaces and other matters expressly authorised by this Act,

but shall not create an additional substantive ground for refusing, suspending or revoking a trading permit.

20. Transfer, assignment and subletting

A person shall not transfer, assign or sublet a trading permit or an allocated trading space except with the prior written approval of the Council and, in the case of a private market, the private market operator, in accordance with prescribed or lawful local procedures.

21. Operating days and hours

(1) The market operator, after consultation with the Market Management Committee where one exists and subject to any Council by-law, shall propose the operating days and hours of a market having regard to its classification and local circumstances.

(2) The Council may approve or vary the proposed operating days and hours where reasonably necessary for public health, safety, traffic management, local amenity or other lawful public interest.

(3) Approved operating days and hours shall be publicly displayed at the market.

22. Vendor identification

(1) A registered vendor shall be issued with an identification card or other prescribed means of identification.

(2) A vendor to whom identification has been issued under subsection (1), or who is otherwise required by Regulations or a lawful Council by-law to hold identification, shall display or produce that identification when reasonably required by a market inspector in the lawful performance of the inspector's functions under this Act.

PART V – HEALTH, SAFETY, SANITATION AND INFRASTRUCTURE

23. General duties of market operator

(1) A market operator shall, having regard to the nature, scale and classification of the market, take reasonable measures to keep the market clean, sanitary and safe during operating periods.

(2) Without limiting subsection (1), the operator shall make reasonable provision for waste collection and disposal, drainage, sanitary facilities, water supply where reasonably available, accessibility, and safe circulation within the market.

(3) Duties under this section are subject to applicable public health, environmental, planning and local government law.

24. Food safety and health requirements

(1) A vendor dealing in food shall comply with applicable public health and food safety law.

(2) A health clearance certificate shall be required only to the extent required by applicable public health law or Regulations lawfully made under that law.

(3) Nothing in this Act limits the lawful powers of a public health officer under another enactment.

25. Fire safety and emergency arrangements

(1) A market operator shall maintain fire prevention and emergency arrangements reasonably appropriate to the size, structures, classification and risks of the market.

(2) Arrangements may include fire extinguishers, access routes, emergency exits and periodic fire safety exercises where reasonably practicable.

(3) The operator shall comply with any applicable fire safety law and lawful directions of the Gambia Fire and Rescue Services.

26. Nuisances and hazardous activities

A person shall not, without reasonable excuse, engage in an activity in a market that creates a material nuisance or a serious risk to public health, safety, property or the environment in contravention of this Act or another applicable law.

27. Market development and environmental management

(1) A Council may prepare plans for the orderly improvement, rehabilitation or expansion of public markets within its jurisdiction, subject to approved budgets and applicable planning, procurement, finance and environmental law.

(2) A private market operator shall maintain and improve the market as reasonably necessary to comply with this Act, the conditions of approval and other applicable law.

(3) Market development shall, where practicable, promote accessibility, drainage, waste reduction and recycling, shaded or green areas, and consultation with vendors and users.

(4) Where works are required from a private market operator, the Council shall proceed by a compliance notice under section 34.

PART VI – MARKET REVENUE, ACCOUNTS AND FINANCIAL MANAGEMENT

28. Rents, service fees and statutory charges

(1) Nothing in this Act authorises the imposition of a tax, rate, levy or other compulsory fiscal charge.

(2) A Council may charge contractual rent for the use of Council market property.

(3) Subject to any statutory limitation or cost recovery requirement, a Council may charge a service or regulatory fee only where and to the extent authorised by the Local Government Act, a lawful by-law or another enactment.

(4) A private market operator may charge contractual rents and commercial charges in accordance with the operator’s approval, applicable law and any agreement with the vendor.

(5) A tax, rate, levy or other compulsory fiscal charge relating to a market may be imposed only under authority conferred by another law and in accordance with the Constitution.

(6) All rents, fees, and charges lawfully payable in a market shall be publicly displayed or otherwise clearly communicated to the persons liable to pay them.

29. Collection and accounting for public market revenue

(1) Revenue collected by or on behalf of a Council or public authority in relation to a public market shall be collected, receipted, banked, recorded and accounted for in accordance with the applicable local government, public finance and audit law.

(2) A person collecting public market revenue shall issue an official receipt or other verifiable proof of payment in the manner authorised by applicable financial law.

(3) Nothing in this section creates a separate financial code or authorises the retention or expenditure of public revenue contrary to applicable finance law.

30. Accounts, records and audit

(1) A Council or public authority operating a public market shall maintain separate accounting records sufficient to identify the revenue and expenditure attributable to that market.

(2) Subsection (1) does not require a separate bank account unless a separate account is authorised or required under applicable finance law.

(3) Public market accounts shall be audited in accordance with the law governing the finances and audit of the relevant public body.

(4) A private market operator shall keep proper records of market revenue, expenditure, rents and charges and shall make records relevant to regulatory compliance available for inspection by the Council on reasonable notice.

(5) Regulations may prescribe proportionate record-keeping requirements for private markets by reference to their scale or classification.

(6) A private market operator shall be subject to an audit only where another law requires an audit.

31. Public-private partnerships and approved market expenditure

(1) A Council may, subject to applicable public-private partnership, procurement, local government and finance law, enter into an arrangement for the construction, rehabilitation or management of a market.

(2) Expenditure by a Council under this Act shall be subject to its approved budget and all applicable financial controls.

(3) In preparing budgets and development plans, a Council shall give appropriate consideration to the maintenance, sanitation, safety and orderly development of public markets, having regard to competing lawful local government priorities.

(4) Nothing in this Act earmarks market revenue or authorises expenditure from the Consolidated Fund or any other public fund independently of applicable law and appropriation requirements.

PART VII – INSPECTION, COMPLIANCE AND ENFORCEMENT

32. Appointment of market inspectors

(1) A Council may appoint as a market inspector for its area of jurisdiction –

(a) an officer or employee of the Council; or

(b) a public officer, or an officer or employee of another Council, lawfully seconded, assigned or otherwise made available to the Council for that purpose.

(2) A Council shall not appoint a person as a market inspector unless it is satisfied that the person has the knowledge, training and competence necessary for the proper performance of the functions of a market inspector under this Act.

(3) An appointment under this section shall be in writing and shall specify –

(a) the area or markets in respect of which the inspector may exercise powers;

(b) the powers which the inspector is authorised to exercise;

(c) whether the inspector is authorised to issue an urgent direction under section 34;

(d) whether the inspector is authorised to exercise the power of seizure under section 35; and

(e) the period and any conditions of the appointment.

(4) A market inspector shall not exercise the power of seizure under section 35 unless –

(a) the inspector has been specifically authorised in writing under subsection (3)(d) to exercise that power; and

(b) the inspector has completed such training relating to inspection, seizure, custody of goods and procedural safeguards as may be prescribed.

(5) A market inspector shall –

(a) act under the direction and supervision of the Council;

(b) exercise powers only for the purposes for which the inspector is appointed;

(c) comply with this Act, Regulations and any lawful instructions of the Council; and

(d) account to the Council for the exercise of powers under this Act.

(6) The Council shall issue each market inspector with written evidence of appointment and authority, which the inspector shall produce on request when exercising a power under this Act.

(7) The Council shall maintain a register of market inspectors containing the name of each inspector, the scope and duration of the inspector's authority, whether the inspector is authorised to issue an urgent direction under section 34, and whether the inspector is authorised to exercise the power of seizure under section 35.

(8) A Council may suspend or revoke an appointment or authorisation under this section where the inspector –

(a) ceases to satisfy the requirements for appointment;

(b) exceeds or abuses a power conferred by this Act;

(c) fails to comply with a lawful direction of the Council; or

(d) is otherwise no longer suitable to exercise the functions conferred by the appointment.

(9) A public health, fire safety, environmental or other public officer may exercise any power conferred on that officer by the law governing that office and may cooperate with a market inspector, but does not acquire any additional power under this Act merely by reason of that cooperation.

33. Powers and safeguards on inspection

(1) Subject to the terms of the inspector's appointment under section 32, a market inspector may, at a reasonable time and for monitoring or enforcing compliance with this Act –

(a) enter and inspect the commercial or common areas of a market;

(b) inspect a trading space, facility, equipment or goods reasonably relevant to compliance with this Act;

(c) require the production of a permit, approval, register or record reasonably required for that purpose;

(d) take copies of or extracts from such records; and

(e) require a market operator or vendor to provide reasonable assistance necessary for the inspection.

(2) Before exercising a power under subsection (1), a market inspector shall, where reasonably practicable –

(a) identify himself or herself to the person apparently in charge of the premises or trading space; and

(b) produce the written evidence of appointment and authority issued under section 32(6).

(3) A market inspector shall –

(a) exercise a power under this section only to the extent reasonably necessary for the purpose for which it is conferred;

(b) exercise the power proportionately; and

(c) as far as practicable, avoid unnecessary interference with lawful trade or business.

(4) A market inspector shall not enter a dwelling or any part of premises used exclusively as a dwelling without –

(a) the consent of the occupier; or

(b) the authority of a court,

except to the extent that another law expressly authorises entry without such consent or authority in an emergency.

(5) Nothing in this section authorises –

(a) the search of a person except under authority conferred by another law; or

(b) the seizure or detention of goods except in accordance with section 35.

(6) A power conferred on a market inspector under this Act shall not be delegated by the inspector to another person.

34. Compliance notices and urgent directions

(1) Where a Council is satisfied on reasonable grounds that a market operator or vendor is contravening this Act, a lawful condition, permit or applicable market by-law, it may issue a written compliance notice.

(2) A compliance notice shall –

(a) identify the contravention and the legal basis;

(b) specify the action required to remedy it;

(c) allow a reasonable period for compliance;

(d) state the consequences of non-compliance; and

(e) state the right to administrative review under section 38.

(3) Where an immediate and serious risk to public health or safety exists, the Council or a market inspector specifically authorised in writing by the Council for that purpose may issue an urgent direction requiring –

(a) the temporary closure of a market or part of a market;

(b) the temporary cessation of a specified activity; or

(c) such other proportionate action as is reasonably necessary to address the risk.

(4) An urgent direction shall –

(a) be in writing or, where the urgency of the circumstances makes this impracticable, be put in writing as soon as practicable;

(b) identify the risk and state the reasons for the direction;

(c) specify the action required and, where appropriate, the period for which the direction is to remain in force;

(d) state the right to administrative review under section 38; and

(e) remain in force only for so long as is reasonably necessary to address the risk.

(5) A public health, fire safety, environmental or other officer does not, merely by virtue of that office, have power to issue an urgent direction under this section, but may exercise any power conferred on that officer by the law governing that office.

(6) Failure to comply with a compliance notice or urgent direction under this section does not constitute an offence except to the extent expressly provided by section 36.

35. Seizure, detention, return and forfeiture of goods

(1) A market inspector specifically authorised under section 32(3)(d) may seize goods only where the inspector has reasonable grounds to believe that –

(a) the goods constitute evidence of an offence under section 36 and seizure is reasonably necessary and proportionate for the preservation of that evidence; or

(b) the continued trading, use or presence of the goods in the market creates an immediate and serious risk to public health or safety and seizure is reasonably necessary and proportionate to prevent or reduce that risk.

(2) In exercising the power under subsection (1), a market inspector shall not seize more goods, or retain goods for longer, than is reasonably necessary for the purpose for which the seizure is made.

(3) On seizure, the market inspector shall, so far as practicable, give the person from whom the goods are taken a written receipt or inventory stating –

(a) a description of the goods;

(b) the ground and legal basis for the seizure;

(c) the date and place of seizure;

(d) the place at which the goods are to be kept; and

(e) the right to seek review under section 38.

(4) Goods seized under this section shall –

(a) be safely and securely kept;

(b) be properly recorded and identifiable; and

(c) not be used, altered, destroyed or otherwise disposed of except in accordance with this section or another applicable law.

(5) Subject to subsection (7), seized goods shall not be retained for longer than fourteen days unless –

(a) proceedings relating to an offence in respect of which the goods constitute evidence have been commenced;

(b) a court orders or authorises further detention; or

(c) another enactment authorises continued detention.

(6) Goods shall be returned as soon as the grounds for their detention cease and, in any event, on expiry of the period permitted under subsection (5), unless they have been lawfully forfeited, destroyed or otherwise disposed of.

(7) Where goods seized under subsection (1)(b) are perishable, contaminated or dangerous and the Council is satisfied on reasonable grounds that immediate disposal is necessary to prevent an immediate and serious risk to public health or safety –

(a) the Council may direct that the goods be destroyed or otherwise safely disposed of;

(b) the reasons for the decision and the manner of disposal shall be recorded in writing; and

(c) so far as reasonably practicable, appropriate evidence of the nature and condition of the goods shall be preserved before disposal.

(8) Forfeiture of goods under this Act may be ordered only by a court on conviction, unless another enactment expressly provides otherwise.

(9) A person claiming an interest in goods seized under this section may seek review of the seizure or continued detention under section 38 and may apply to a court for appropriate relief.

(10) Nothing in this section limits a power of seizure, detention, destruction or disposal conferred on a person by another enactment, and any such power shall be exercised in accordance with that enactment.

36. Offences and penalties

(1) A person commits an offence if the person –

(a) establishes or operates a private market without approval required by section 9, unless protected by section 41;

(b) knowingly trades in a market without a trading permit where a permit is required under section 16;

(c) knowingly transfers, assigns or sublets a permit or trading space in contravention of section 20;

(d) without reasonable excuse, obstructs a market inspector acting lawfully in the exercise of a power under this Act;

(e) knowingly gives materially false information in an application, register or record required under this Act; or

(f) without reasonable excuse, fails to comply with a compliance notice or urgent direction lawfully issued under section 34 in respect of a serious health or safety contravention.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding six months, or both.

(3) Nothing in this section makes a person criminally liable merely for breach of a provision of Regulations unless the Act expressly creates the offence.

37. Offences by bodies corporate

Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or similar officer of the body, that person also commits the offence.

38. Administrative review and access to court

(1) A person aggrieved by an adverse decision or exercise of power by –

(a) a private market operator exercising a function under this Act; or

(b) a market inspector,

may, within thirty days after being notified of the decision or becoming aware of the exercise of power, apply in writing to the Council for review.

(2) Without limiting subsection (1), a review may be sought in respect of –

(a) an urgent direction issued by a market inspector under section 34; or

(b) the seizure or continued detention of goods under section 35.

(3) A review under subsection (1) shall be determined by a person or committee not directly responsible for the original decision or exercise of power.

(4) A person aggrieved by an adverse decision of a Council under sections 9, 10, 11, 17, 18, 19 or 34, or under section 35(7), may, within thirty days after notification of the decision, request the Council to reconsider the decision on stated grounds and may submit any relevant material in support of the request.

(5) A reconsideration under subsection (4) shall be determined by a person or committee not directly responsible for the original decision.

(6) A person aggrieved by a decision of the Minister under this Act may, within thirty days after notification of the decision, request the Minister to reconsider the decision and may make further written representations.

(7) Subject to subsection (8), a review or reconsideration under this section shall be determined as soon as reasonably practicable and, in any event, within fourteen days after receipt of the application or request.

(8) Where a matter is of such complexity that it cannot reasonably be determined within the period specified in subsection (7), the reviewing authority may extend that period once for a further period not exceeding fourteen days and shall, before expiry of the original period, give the applicant written notice of the extension and the reasons for it.

(9) Notwithstanding subsection (8), where the review or reconsideration concerns –

(a) an urgent direction under section 34;

(b) the seizure or continued detention of goods under section 35; or

(c) a decision under section 35(7),

it shall be determined as soon as reasonably practicable and, in any event, within seven days after receipt of the application or request.

(10) On a review or reconsideration under this section, the reviewing authority may –

(a) confirm the decision or exercise of power;

(b) vary it;

(c) set it aside; or

(d) remit the matter to the person or authority concerned for reconsideration in accordance with any lawful direction given by the reviewing authority,

and shall give the applicant written notice of the determination and the reasons for it.

(11) An application or request under this section does not automatically stay the decision or exercise of power concerned.

(12) The reviewing authority may grant a temporary stay where it is satisfied that –

(a) a stay is necessary to prevent substantial prejudice; and

(b) public health or safety does not require the decision or exercise of power to remain immediately effective.

(13) Nothing in this section limits a person's right to seek judicial review or any other relief from a court of competent jurisdiction.

(14) In this section, “reviewing authority” means the person, committee or Minister determining a review or reconsideration under this section.

PART VIII – SUBSIDIARY LEGISLATION AND LOCAL BY-LAWS

39. Regulations

(1) The Minister may, after consultation with Councils and such other relevant stakeholders as the Minister considers appropriate, make Regulations for carrying out the purposes of this Act.

(2) Regulations may prescribe –

(a) forms and procedures for notification, registration and the National Register of Markets;

(b) national criteria for market classification;

(c) minimum technical, accessibility, sanitation and safety standards appropriate to different classes of market;

(d) application forms and procedural requirements for private market approval;

(e) vendor registration and trading permit forms, identification methods and exempt classes of low-risk or casual trading;

(f) proportionate record-keeping requirements for private market operators;

(g) the qualifications, training and competency requirements of market inspectors, including market inspectors authorised under section 32 to issue urgent directions under section 34 or exercise powers under section 35;

(h) administrative procedures relating to notices, inspections and the custody of seized goods, consistent with the safeguards contained in this Act; and

(i) any other procedural or technical matter that this Act expressly requires to be prescribed.

(3) Regulations under this section shall not –

(a) impose or authorise a tax, rate, levy or other compulsory fiscal charge;

(b) create an offence or increase a penalty beyond that expressly provided by this Act;

(c) authorise compulsory acquisition of property;

(d) remove or materially reduce a notice, hearing, review or seizure safeguard contained in this Act; or

(e) displace a Council's lawful by-law power except to the extent necessary to give effect to an express national rule in this Act.

40. Council by-laws

(1) Subject to the Local Government Act, this Act and Regulations, a Council may make by-laws for local operational matters relating to markets within its jurisdiction.

(2) Without limiting subsection (1), by-laws may deal with –

(a) local allocation procedures and waiting lists for trading spaces;

(b) operating arrangements, cleanliness, waste management, local traffic and public conveniences;

(c) local vendor conduct and use of common areas;

(d) procedures for lawful service fees or charges where independently authorised by law; and

(e) other local matters reasonably incidental to the Council's market functions.

(3) Nothing in this section confers a power to impose taxation, create an offence, prescribe a penalty or charge a fee beyond the authority already conferred on the Council by the Local Government Act or another law.

(4) A by-law inconsistent with this Act or Regulations made under it is, to the extent of the inconsistency, of no effect.

PART IX – TRANSITIONAL, SAVINGS AND RELATIONSHIP WITH OTHER LAWS

41. Transitional provisions

(1) A public market lawfully operating immediately before the commencement of this Act, and a private market lawfully operating immediately before the commencement of this Act, shall be deemed to be an existing market under this Act.

(2) An existing public market referred to in subsection (1) is deemed to have been established under section 8.

(3) An existing private market referred to in subsection (1) is deemed provisionally approved under section 9 for twelve months after the commencement of this Act or until the application made under subsection (5) is finally determined, whichever is later, provided that the operator complies with any lawful health and safety direction.

(4) During the period for which the provisional approval under subsection (3) remains in force, the person operating the existing private market is deemed to be a private market operator for the purposes of this Act.

(5) An operator of an existing private market shall apply to the Council for approval under section 9 within six months after the commencement of this Act, or within such longer period as the Council may allow for reasonable cause.

(6) A person does not commit an offence under section 36(1)(a) in respect of an existing private market while the provisional approval under subsection (3) remains in force.

(7) An existing vendor licence, permit, stall allocation or similar authorisation lawfully in force immediately before the commencement of this Act continues in force until its expiry or for twelve months after the commencement of this Act, whichever occurs first, unless sooner lawfully suspended or revoked on health, safety or other lawful grounds, and, while it remains in force, shall be treated as satisfying any corresponding registration, trading permit or allocation requirement under this Act to the extent of its terms.

(8) Councils and market operators shall take reasonable steps to bring existing market administration into conformity with this Act during the applicable transitional period under this section.

42. Savings and existing instruments

(1) Subject to section 41, a by-law, rule, order, approval, licence, permit or other instrument relating to markets and lawfully in force immediately before the commencement of this Act continues in force, so far as it is consistent with this Act, until it expires, is revoked or is replaced under this Act or another law.

(2) Anything lawfully done under an instrument preserved by subsection (1) shall, so far as consistent with this Act, continue to have effect.

43. Relationship with Local Government Act and other laws

(1) This Act is a specialised law for markets and shall, so far as possible, be read consistently with the Local Government Act.

(2) Except where this Act expressly provides otherwise, nothing in this Act limits the general powers, functions, financial autonomy or by-law powers of a Council under the Local Government Act.

(3) Nothing in this Act authorises conduct contrary to applicable law relating to land, physical planning, public health, the environment, fire safety, finance and audit, public-private partnerships, procurement or any other regulated matter.

(4) Where there is an inconsistency between this Act and a Council by-law, this Act prevails to the extent of the inconsistency.

EXPLANATORY MEMORANDUM
(OBJECTS AND REASONS)

Section 101(2) of the Constitution
Standing Order 64 of the Revised Standing Orders of the National Assembly

1. Nature of the issue and defects to be addressed

This Bill provides a national legal framework for markets throughout The Gambia while preserving local government's operational role. It responds to the need for a coherent framework covering urban and rural, public and private, permanent, temporary, seasonal and periodic markets, and for clearer rules on establishment, management, trading, health and safety, revenue administration and enforcement.

Section 193(1) of the Constitution requires local government administration to be based on democratically elected councils with a high degree of local autonomy. Section 193(3) identifies infrastructure, commercial enterprise, local services, local revenue, financial management, by-laws, and environmental preservation as matters for local government legislation. Section 193(4) further provides that local policy and administration should, so far as possible, be decided at the local level.

The Local Government Act reinforces this scheme. Section 48 gives Councils broad local executive and service powers; Schedule II, Part II expressly includes the establishment, acquisition, erection, maintenance, promotion, assistance or control of markets; item 35 permits Councils to regulate, control, manage, administer, promote or license services within their competence and fix fees or charges; sections 54 to 57 provide for Council by-laws; and sections 127 to 131 address financial autonomy, Council revenue and funds, and rates and taxes.

The Bill complements the Local Government Act, under which markets are already a local government function. It therefore distinguishes national policy and minimum-standard functions from local establishment, approval, administration, licensing and enforcement functions.

2. Main policy approach and options

The principal policy options are: reliance exclusively on Council by-laws under the Local Government Act; a centrally administered national market regime; or a national framework statute that preserves local administration while establishing common minimum rules.

The Bill adopts the third approach. The Minister has national policy, standard-setting, registration, and coordination functions, while Councils remain responsible for establishing local markets, private market approval, vendor regulation, inspection, and by-laws.

3. Principal provisions of the Bill

The Bill –

- covers all markets throughout The Gambia, including urban and rural and public and private markets;
- defines the respective functions of the Minister, Councils, market operators and Market Management Committees;
- creates a National Register of Markets while leaving local market establishment and private market approval principally to Councils;
- creates a vendor registration and trading permit framework, with transparent allocation and procedural safeguards;
- places sanitation, safety, accessibility and infrastructure duties on identifiable market operators;
- separates public market revenue from private commercial charges and does not itself confer authority to impose taxation;
- subjects public market revenue and expenditure to applicable finance and audit law;
- consolidates inspection and enforcement powers and places core safeguards for entry, notices and seizure in the Act;
- provides for administrative review and preserves access to the courts;
- limits delegated legislation to procedural and technical matters and expressly preserves lawful Council by-law powers; and
- protects existing markets, permits and allocations during a transitional period.

4. Consultation

The Bill sponsor has not undertaken any separate consultative process in relation to the Markets Bill.

The Bill responds to concerns raised by most Members of the National Assembly during the consideration stage of the Urban Markets Bill, 2026. Members considered that the Bill's scope was too narrow because it was confined to urban markets and argued that the proposed legislation should instead provide a broader framework applicable to all markets throughout The Gambia.

The Markets Bill, 2026 therefore reflects that concern by extending the proposed statutory framework to markets in both urban and rural areas and to the different categories of markets operating throughout The Gambia.

5. Delegated legislative powers

Section 39 permits the Minister, after consultation, to make Regulations on forms, procedures, classification criteria, minimum technical standards, vendor registration matters, market inspector qualifications and training, and other procedural or technical matters expressly contemplated by the Act.

The power is expressly limited: Regulations may not impose taxation, create offences beyond the Act, authorise compulsory acquisition, remove statutory safeguards or unnecessarily displace Council by-law competence.

Section 40 preserves Council by-law powers for local operational matters within the authority conferred by the Local Government Act and other law.

6. Fundamental rights and procedural safeguards

The Bill may engage property and procedural interests through market approval, permit decisions, inspection, compliance notices and seizure of goods.

The Bill therefore limits public market establishment to land lawfully available to the public authority; restricts entry into dwellings; requires reasons and opportunities to be heard for adverse decisions; places core seizure and return safeguards in the Act; restricts forfeiture to court authority unless another law provides otherwise; and preserves access to judicial review and other court relief.

7. Regional/local government implications

The Bill concerns local government. It is drafted to operate as a specialised markets statute alongside the Local Government Act and to preserve the high degree of local administration contemplated by the constitutional and statutory framework.

National functions are confined principally to policy, minimum standards, the National Register and coordination, while Councils perform the main operational functions within their jurisdictions.

8. Financial implications

The Bill does not itself impose any tax, rate or levy, nor does it authorise expenditure from the Consolidated Fund or any other public fund except in accordance with applicable law.

Implementation of the Bill may, however, involve administrative and operational expenditure by Councils and other relevant public authorities, including expenditure relating to vendor registration, maintenance of market records, inspections, sanitation and safety measures, and market development.

A quantified estimate of the Bill's financial implications is not presently available. Where possible, the relevant implementing institutions should provide the necessary financial information.

The fact that implementation entails administrative costs does not, by itself, convert the Bill into an appropriation measure. Any expenditure incurred under the Bill shall be subject to approved budgets and applicable public finance, accounting and audit requirements.

9. Necessity for the Bill

The Bill seeks to provide consistent national minimum rules without replacing Councils' established role in local market administration. It also addresses the legal and administrative differences between public and private markets, and between permanent, temporary, seasonal and periodic markets, while providing clearer financial, enforcement and review safeguards.

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HON. MUSA CHAM
NATIONAL ASSEMBLY MEMBER FOR SEREKUNDA