

Statutory Instrument No. 53 of 1972

THE TOWNSHIP'S PROCLAMATION (CHAPTER 120)

THE TOWN COUNCIL REGULATIONS, 1966

**THE FRANCISTOWN HAWKING AND STREET VENDING BYE-LAWS,
1972**

By-laws made by the Francistown Town Council in exercise of the powers conferred upon it by regulation 31 of the Town Council Regulations, 1966, and of all other powers thereunto enabling and with the approval of the Minister of Local Government and Land:

1. These bye-laws may be cited as the Francistown Hawking and Street Vending Bye-Laws, 1972.

2. In these bye-laws, unless the context otherwise requires –

Inter-
pretation

“Council” means the Francistown Town Council;

“Council area” means the areas referred to in section 3(1) of the Establishment of the Francistown Town Council Order, 1966;

“Council officer” means and includes the Town Clerk, the Treasurer and any employee of the Council duly authorised by the Town Clerk in writing;

“hawker” means a person who, otherwise than as a street vendor, hawks within the meaning of that term as defined in the Trading Act, 1966;

“Licensing Authority” means the committee to which the Council has delegated its functions under the Trading Act, 1966, in accordance with section 2(3) thereof;

“public place” means any road, street, lane, thoroughfare, bridge, foot-path, pavement or any park or open or enclosed space vested in the Council or the State to which the public have access within the Council area;

“street vendor” means a person who carries on the business of selling goods from a pitch at which he stations himself either in a public place or upon open ground over which he has no right of control.

3. (1) A person may not carry on the business of a hawker or a street vendor within the Council area unless he is the holder of a valid hawker's licence or street vendor's licence, as is respectively appropriate, issued (or renewed) by the Licensing Authority.

Licence
required to
carry on
Hawker's or
Street
Vendor's
Business

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence and liable on conviction to a fine of two hundred rand and to imprisonment for six months.

(3) A hawker's licence shall be in Form 1 in the First Schedule and a street vendor's licence shall be in Form 2 in the First Schedule.

(4) A hawker's or street vendor's licence shall have a photograph of the holder as referred to in bye-law 5(3) affixed to it and shall bear the signature of the holder or, in the case of a holder unable to write his name, his right thumb-print. It shall be signed by a Council officer.

Period of Hawkers' and Street Vendors' Licences

4. All hawkers' and street vendors' licences issued by the Licensing Authority shall be half-yearly licences expiring on 30th June or 31st December.

Application for Hawker's or Street Vendor's Licence

5. (1) Any person who wishes to obtain a hawker's or street vendor's licence shall make application therefor to the Licensing Authority in Form 3 in the First Schedule.

(2) In such application the applicant shall specify –

(a) the classes of goods in which he wishes to trade; and

(b) in the case of an application for a hawker's licence, in which of the wards set out in the Second Schedule he wishes to hawk; or

(c) in the case of an application for a street vendor's licence, in which of the areas set out in the Third Schedule he wishes to carry on business.

(3) Together with such application the applicant shall submit to the Licensing Authority two copies of a clearly recognizable head and shoulders photograph of himself, approximately 5 by 4 centimetres in size.

Wards and areas

6. (1) A person may not be licensed to carry on the business of a hawker elsewhere than in the wards named in the Second Schedule, the boundaries of which wards (denominated "polling districts") are defined in Government Notice No. 12 of 1966.

(2) A person may not be licensed to carry on the business of a street vendor elsewhere than in the areas described in the Third Schedule.

(3) Persons may not be licensed to carry on the business of a street vendor in any area described in the Third Schedule which is private property unless the owner of such property has notified the Licensing Authority in writing that he consents to such property being used by street vendors for the purpose of carrying on their business.

Procedure of Licensing Authority

7. Where an application for a licence is made in terms of bye-law 5 the Licensing Authority shall post notice of such application on a notice board at the Council's offices prominently open to public inspection at least fourteen clear days before the meeting at which such application is considered, and shall consider the application so far as may be in accordance with sections 31, 32, 36 and 37 in Part IV of the Trading Act, 1966, and, save as aforesaid, may regulate its own procedure.

Issue of Hawker's or Street Vendor's Licence

8. (1) The Licensing Authority on consideration of an application made in terms of bye-law 5 shall, subject to the provisions of sub-bye-laws (2) and (3) and if the applicant is not debarred by law from obtaining such a licence as he applies for, issue to the applicant such a licence on payment of a fee of R5.00:

Provided that in respect of any such licence issued after 31st March in respect of the period ending on the 30th June following or after 30th September in respect of the period ending on 31st December following a fee of R2.50 only shall be payable.

(2) The Licensing Authority may in its discretion refuse to issue a hawker's or street vendor's licence to a person who –

- (a) is a minor;
- (b) is an unrehabilitated insolvent;
- (c) has assigned his estate for the benefit of his creditors;
- (d) has, during the five years preceding the application, been convicted of any offence –
 - (i) under the Trading Act, 1966, or these bye-laws;
 - (ii) under any law repealed by the said Act; or
 - (iii) involving dishonesty;
- (e) is neither a citizen of Botswana nor entitled to reside in Botswana.

(3) The Licensing Authority may in its discretion refuse to issue a hawker's or street vendor's licence to a particular person or in respect of a particular class of goods if it is satisfied that the issue of such licence to that person or in respect of that class of goods would be contrary to the public interest.

9. The Town Clerk, on being satisfied that a hawker's or street vendor's licence issued by the Licensing Authority has been lost or destroyed, shall, on payment of a fee of 50 cents and on being supplied with two copies of a clearly recognizable head and shoulders photograph of the person to whom the licence was issued, approximately 5 by 4 centimetres in size, issue a duplicate licence to that person.

Issue of
duplicate
licence

10. A licensed hawker or street vendor –

- (a) shall not use for the purpose of carrying, storing or exhibiting his goods vehicles greater in number than the number of vehicles permitted by the Licensing Authority and endorsed upon his licence;
- (b) shall trade only in the classes of goods specified in his licence;
- (c) shall keep in clean and sanitary condition at all times all receptacles, utensils, instruments and other articles used in the exercise of his trade;
- (d) shall pick up and remove any paper, litter, refuse, receptacles and other objects which in the exercise of his trade have been deposited or dropped, or have fallen, in or on any public place or private property whereon he has conducted his business;
- (e) shall wear clean clothing while engaged in the conduct of his business;
- (f) if directly or indirectly obstructing traffic in any public place or the use of any public place, or causing a nuisance or danger to persons in the vicinity by means of himself, his vehicles or his goods while engaged in the conduct of his business, shall, at the request of

Duties of a
Licensed
Hawker or
Street
Vendor

	<p>any member of the Botswana Police or Council officer, remove himself, his articles or his goods as the case may be such a distance as may reasonably be required in order to discontinue such obstruction or danger or to clear such articles;</p> <p>(g) shall not give, undertake or purport to transfer his licence to another person.</p>
<p>Duties of a Licensed Hawker</p>	<p>11. A licensed hawker</p> <p>(a) shall not trade on any private property without the consent of the owner, lessee, manager or occupier of the said property;</p> <p>(b) shall not erect, or expose goods for sale in, any tent, booth, stall, stand or similar structure;</p> <p>(c) shall not hawk elsewhere than in the wards specified in his licence;</p> <p>(d) shall not hawk except between the hours of 7 a.m. and 7 p.m.</p>
<p>Further duties of a Licensed Street Vendor</p>	<p>12. A licensed street vendor –</p> <p>(a) shall not in any area erect, or expose goods for sale in, any tent, booth, stall, stand or similar structure unless the Licensing Authority, being satisfied that in such area, being an area described in the Third Schedule, space suitable in all the circumstances for such tent, booth, stall, stand or structure is available, has granted him permission for the use in such area of such tent, booth, stall, stand or structure and has endorsed his licence accordingly;</p> <p>(b) shall, at the request of a member of the Botswana Police or a Council officer, move his goods, receptacles and any other objects associated with his trade so as to permit the Council's sanitary staff to clean any area in which he is conducting his business;</p> <p>(c) shall, when departing from the pitch at which he has been carrying on business, remove all goods, receptacles and other objects associated with his trade and leave such pitch in a clean state;</p> <p>(d) shall not carry on his business elsewhere than in the areas specified in his licence;</p> <p>(e) shall not carry on his business except between the hours of 6 a.m. and 9 p.m.</p>
<p>Offences</p>	<p>13. Any person who contravenes any provision contained in bye-law 10, 11 or 12 shall be guilty of an offence and liable on conviction to a fine of R50 and to imprisonment for one month.</p>
<p>Cancellation of licences</p>	<p>14. The holder of a hawker's or street vendor's licence who is convicted of any offence under these bye-laws shall, in addition to any other penalty to which he may be liable, be liable in the discretion of the Court to have his licence cancelled with effect from such date as the Court may consider it necessary to fix in order to enable him to dispose of his existing stocks.</p>
<p>Licences not transferable</p>	<p>15. A hawker's or street vendor's licence is not transferable.</p>

<p>13. (1) The holder of a taxi licence or street vendor's licence shall present to the police station demanded by any member of the Botswana Police Force a copy of the licence within 48 hours of such demand at the office or station of the police station concerned.</p>	<p><i>Licensee to produce the licence</i></p>
<p>(2) Any person who fails to comply with the provisions of sub-by-law 13.1 shall be guilty of an offence and liable on conviction to a fine of R500 or to imprisonment for one month.</p>	
<p>(3) Any person aggrieved by any decision of the Licensing Authority concerning a taxi licence may appeal to the Minister whose decision shall be final.</p>	<p><i>Appeal</i></p>

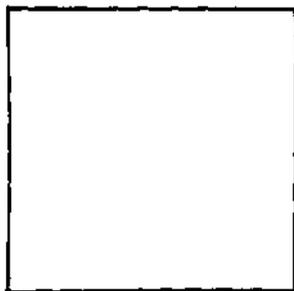
FIRST SCHEDULE

FRANCISTOWN TOWN COUNCIL HAWKER'S LICENCE
This Licence is Not Transferable

(Name)..... is hereby licensed, in accordance with the Francistown Hawking and Street Vending Bye-Laws, 1972 to carry on the business of a hawker trading in the following classes of goods

during the period ----- 19----- to -----

----- 19----- in the following wards, the boundaries of which wards (denominated "polling districts") are defined in Government Notice No. 12 of 1966, namely -----



Photograph of Holder

Signature of Holder



Right Thumb-Print of Holder

Endorsements:

(1) Number of vehicles permitted _____

(2) Other endorsements _____

Date of Issue

Fee Paid.....

Receipt No.

Council Officer

FRANCISTOWN TOWN COUNCIL STREET VENDOR'S
LICENCE

This Licence is Not Transferable

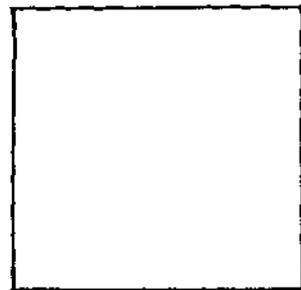
(Name) is hereby licensed in accordance with the Francistown Hawking and Street Vending Bye-Laws, 1972 to carry on the business of a street vendor trading in the following classes

of goods -----

during the period ----- 19----- to -----

----- 19----- in the following areas described in the

Third Schedule to the said Bye-laws, namely -----



Photograph of Holder

Signature of Holder



Right Thumb-Print of Holder

Endorsements:

(1) Number of vehicles permitted _____

(2) Other endorsements _____

Date of Issue

Fee Paid

Receipt No.

Council Officer

**APPLICATION FOR HAWKER'S OR STREET VENDOR'S
LICENCE**

Full Names _____
Print in Block Letters

Address _____

Nationality _____
(If not a citizen of Botswana, state whether you hold a residence permit,
or on what ground (if any) you claim to be entitled to reside in
Botswana.)

Age _____ Sex _____

Type of Licence applied for _____

I wish to trade in the following classes of goods _____

I wish to hawk/carry on business as a street vendor in the following wards/
areas _____

Date

Signature or Mark of
Applicant

SECOND SCHEDULE
(Bye-Law 6)

Wards within which persons may be licensed to carry on the business of a hawker:

Monarch Ward
Francistown Central Ward
Francistown East Ward
Government Camp Ward
Blue Town Ward
White City Ward
Tati West Ward
Riverside South Ward

THIRD SCHEDULE
(Bye-Law 6)

Areas within which persons may be licensed to carry on the business of a street vendor:

- Area No. 1 – On the southwest corner of Botswana Road and Bogaou Street, Bluetown, in a strip 11' wide extending 40' west on Botswana Road and 90' south on Bogaou Street parallel to the road environs.
- Area No. 2 – Under shade trees within 500' of the front of the Tati Beer-hall and Trading Premises on Stands Nos. 18/19, Tati West.
- Area No. 3 – On the west side of Haskins Street, in one strip (5' × 100') parallel to the railway fence between Lobengula and Francis Avenue.
On the west side of Haskins Street in two strips (5' × 30' and 5' × 20') parallel to the railway fence between Baines and Selous Avenues; and
On the west side of Haskins Street in vehicle parking sites along the railway fence between Francistown and Lobengula Avenues (limited to Vendors granted permission to trade from vehicles).
- Area No. 4 – On the southeast corner of Bluejacket Street and Baines Avenue inside the fence of a lot measuring 99' × 266' forming a part of Market Square.

Area No. 5 – On the east side of Jubilee Hospital Road and south of the main Jubilee Hospital entrance in a strip 5' × 60' parallel to the Hospital Fence and sited between the road and a foot-path.

Area No. 6 – On Stand No. 250 within the Central Industrial Area. Corners of all Street Vending Areas will be demarcated with black-and-white striped pipe-poles.

Dated the 25th day of May, 1972.

J.D. HONOLD,
Town Clerk.

Approved by the Minister of Local Government and Lands on the 2nd day of June, 1972.

R. MANNATHOKO,
Permanent Secretary,
Ministry of Local Government and Lands