

Statutory Instrument No. 165 of 1974

TOWNSHIP PROCLAMATION
(Cap. 120)

SELEBI-PIKWE TOWNSHIP REGULATIONS, 1970
(S.I. 81 of 1970)

SELEBI-PIKWE STREET-VENDING BYE-LAWS, 1974

(Published on the 27th December, 1974)

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BYE-LAWS

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IN EXERCISE of the powers conferred by regulation 31 of the Town Council Regulations, 1966, the Selebi-Pikwe Town Council has, with the approval of the Minister of Local Government and Lands, made the following Bye-Laws ---

1. These Bye-Laws may be cited as the Selebi-Pikwe Street-Vending Bye-Laws, 1974, and shall come into operation on such day as the Minister may, by notice in the Gazette, appoint. Citation

2. In these Bye-Laws, unless the context otherwise requires --- Inter-
pretation

“council” means Selebi-Pikwe Town Council;

“council area” means the area referred to in the Declaration of Selebi-Pikwe Township Notice, 1970; S.I. 26 of
1970

“council officer” means and includes the Town Clerk, the Treasurer or any employee of the council duly authorized by the Town Clerk in writing;

“Licensing Authority” means the committee to which the council has delegated its functions under section 2 (3) of the Trading Act, 1966; 6 of 1966

“public place” means any road, street, lane, thoroughfare, bridge, foot-path, pavement or any park or open or enclosed spaces vested in the council;

“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 ground over which he has no right of control.

Licence required to carry on street vendors' business

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

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine of R200 and to imprisonment for 6 months.

(3) A street vendors' licence shall be in Form 1 in the First Schedule and 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 and shall be signed by a council officer.

Period of street vendors' licence
Application for street vendors' licence

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

5. (1) Any person who wishes to obtain a street vendors' licence shall make an application to the Licensing Authority in Form 2 in the First Schedule.

(2) In such an application the applicant shall specify —

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

(b) the areas set out in the Second Schedule in which 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 approximately 5 by 4 centimetres in size.

Areas

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

(2) Persons may not be licensed to carry on the business of a street vendor in any area described in the Second 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 21 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 39 in Part IV of the Trading Act, 1966, and save as aforesaid, may regulate its own procedure.

Issue of street vendors' licence

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

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

(2) The Licensing Authority may in its discretion refuse to issue a street vendors' 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 5 years preceding the application, been convicted of any offence —
 - (i) under these Bye-Laws;
 - (ii) under the Trading Act, 1966, or any law repealed by the said Act; or
 - (iii) involving dishonesty; or
- (e) is neither a citizen of Botswana nor authorized in writing to remain in Botswana.

(3) The Licensing Authority may in its discretion refuse to issue a street vendors' 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 street vendors' licence issued by the Licensing Authority has been lost or destroyed, shall on payment of a fee of R0,50 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 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 wherein he has conducted his business;
- (e) shall wear clean clothes 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 any member of the Botswana Police or council officer removed himself, his vehicles 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 abate such nuisance;
- (g) shall not agree, undertake or purport to transfer his licence to another person.

Duties of a licensed street vendor

Further duties of a licensed street vendor

11. A licensed street vendor —

- (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 Second Schedule, space suitable in all 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;
- (b) shall at the request of a member of the Botswana Police or a council officer move his goods, receptacles or any other objects associated with his trade so as to permit the council sanitary staff to clean any area in which he is conducting his business;
- (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;
- (d) shall not carry on his business elsewhere than in the areas specified in his licence;
- (e) shall not carry on his business except between the hours of 6 a.m. and 7 p.m.

Offences

12. Any person who contravenes any provision contained in bye-law 10 or 11 shall be guilty of an offence and liable to a fine of R50 and to imprisonment for one month.

Cancellation of licences

13. The holder of a street vendors' 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 stocks.

Licences not transferable

14. A street vendors' licence is not transferable..

Licences to be produced for inspection

15. (1) Every holder of a street vendors' licence shall produce it for inspection on demand by any member of the Botswana Police or council member or within 48 hours of such demand at the office or station of such member or officer.

(2) Any person who fails to comply with the provision of paragraph (1) shall be guilty of an offence and liable to a fine of R50 or to imprisonment for one month.

Appeal

16. Any person aggrieved by any decision of the Licensing Authority made under these Bye-Laws may appeal to the Minister whose decision shall be final.

FIRST SCHEDULE

Form 1

SELEBI-PIKWE TOWN COUNCIL STREET VENDOR'S LICENCE

(Made in terms of bye-law 3 of the Selebi-Pikwe Street Vending Bye-Laws, 1974)

This Licence is not transferable

Name is hereby licensed in accordance with Selebi-Pikwe Street-Vending Bye-Laws, 1974 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 Second Schedule to the said Bye-Laws, namely.....

.....
.....
.....
.....

Signature of Holder

Photograph of Holder

Right Thumb of Holder

Endorsement: (1) Number of vehicles permitted :

(2) Other endorsements :

Date of issue :

Fee paid :

Receipt No :

Council Officer

Form 2

SELEBI-PIKWE TOWN COUNCIL
Application for Street Vendors' Licence

Full Name :
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 :

Fee :

I wish to trade in the following classes of goods: —
.....
.....

I wish to carry on business as a street vendor in the following areas: —
.....
.....
.....

Dated : *Signature/Mark of Applicant*

SECOND SCHEDULE

(bye-law 6)

Areas within which persons may be licensed to carry on the business of a Street Vendor:

- (1) Plot 2237
- (2) Plot 1866
- (3) Plot 778
- (4) Temporary Trading Area
- (5) Botshabelo Trading Areas
- (6) Plot 915

MADE this 2nd day of December, 1974.

B.G. SESINYI,
Town Clerk,
Selebi-Pikwe Town Council.

APPROVED this 11th day of December, 1974.

G. SIKALESELE,
Acting Permanent Secretary,
Ministry of Local Government and Lands.

L2/8/19