

Statutory Instrument No. 54 of 1975

TOWNSHIPS PROCLAMATION
(Cap. 120)

TOWN COUNCIL REGULATIONS, 1966
(L.N. 37 of 1966)

LOBATSE HAWKING AND STREET VENDING BYE-LAWS, 1975

(Published on the 2nd May, 1975)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Licence required to carry on hawker's or street vendor's business
4. Period of hawker's or street vendor's licence
5. Application for hawker's or street vendor's licence
6. Wards and areas
7. Procedure of Licensing Authority
8. Issue of hawker's or street vendor's licence
9. Issue of duplicate licence
10. Duties of licensed hawker or street vendor
11. Further duties of a licensed hawker
12. Further duties of a licensed street vendor
13. Offences
14. Cancellation of licences
15. Licences not transferable
16. Licences to be produced for inspection
17. Appeal

IN EXERCISE of the powers conferred by regulation 31 of the Town Council Regulations, 1966, the Lobatse 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 Lobatse Hawking and Street Vending Bye-Laws, 1975.

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

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| “Council” means the Lobatse Town Council; | Inter-
pretation |
| “Council area” means the areas referred to in section 3 (1) of the Establishment of the Lobatse Town Council Order, 1966; | L.N. 48
of 1966 |
| “Council Officer” means and includes the Town Clerk, the Treasurer and any employee of the Council duly authorized 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; | 6 of 1966 |
| “Licensing Authority” means the committee to which the Council has delegated its functions under section 2 (3) of the Trading Act, 1966; | |
| “public place” means any road, street, land thoroughfare, bridge, foot-path, pavement 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.

Licence required to carry on hawker's or street vendor's business

3. (1) A person may not carry on the business of a hawker or 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.

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence and liable to a fine of R200 or to imprisonment for 6 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 hawker's street vendor's licence

4. All hawker's or street vendor's 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 street vendor's licence, in which of the areas set out in the Second 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 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 businesses.

Procedure of Licensing Authority

7. When an application for a licence is made in terms of bye-law 5, the Licensing Authority shall post notice of such application on notice boards at the Council's office, District Commissioner's office, and the Post Office, prominently open to public inspection at least 14 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 R6,00:

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 R3,00 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 5 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 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 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 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 any member of the Botswana Police or Council Officer remove himself,

Duties of licensed hawker or street vendor

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.

Further duties
of a licensed
hawker

11. A licensed hawker shall not —

- (a) trade on any private property without the consent of the owner, lessee, manager or occupier of the said property;
- (b) erect, or expose goods for sale in any tent, booth, stall, stand or similar structure;
- (c) hawk except between the hours of 7 a.m. and 7 p.m.

Further duties
of a licensed
street vendor

12. 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 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;
- (b) shall, at the request of any member of the Botswana Police or a Council Officer, move his goods, receptacles and 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.
- (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 9 p.m.

Offences

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

Cancellation
of licences

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.

Licences not
transferable

15. A hawker's or street vendor's licence is not transferable.

Licences to
be produced
for inspection

16. (1) Every holder of a hawker's or street vendor's licence shall produce it for inspection on demand by any member of the Botswana Police or Council Officer, 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 provisions of sub-bye-law (1) shall be guilty of an offence and liable to a fine of R50 and to imprisonment for one month.

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

Form I

LOBATSE TOWN COUNCIL HAWKER'S LICENCE

This Licence is *not* Transferable

(Name) is hereby licensed, in accordance with the Lobatse Hawking and Street Vending Bye-Laws, 1974, to carry on the business of a hawker 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

Form 2

LOBATSE TOWN COUNCIL STREET VENDOR'S LICENCE

___ This Licence is *not* Transferable

(Name) is hereby licensed in accordance with the Lobatse Hawking and Street Vending Bye-Laws, 1974, to carry on the business of a street vendor trading in the following classes of goods —

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

during the 19..... to 19..... in the following areas described in the Third Schedule to the said Bye-laws, namely,

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



Photograph of the Holder

Signature of Holder



Right Thumb-Printer of Holder

Endorsements:

(1) Number of vehicles permitted :

(2) Other endorsements :

.....

Date of Issue

Fee Paid :

Receipt No.

Council Officer

Form 3

**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 if not 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

Area No. 1	.....	Under trees west of the Cumberland Hotel on the eastern side of the highway to Gaborone in a strip extending 11' x 50' north of the road entering the Cumberland Hotel.
Area No. 2	.....	Along the western fence of the Rhodesia Station extending 508' north of the Bus Terminus.
Area No. 3	.....	Along the southern fence of the Community Centre - Peleng on the space extending 50' west of the big gate.
Area No. 4	.....	Near the Openshaw/Musolf recruiting compounds.
Area No. 5	.....	B.M.C. east of the Railway line and east of B.M.C. southern gate.
Area No. 6	.....	High Street between Sondela supermarket and Lobatse Hotel.

MADE this 16th day of April, 1975.

G.M. BASELE,
Town Clerk,
Lobatse Town Council.

APPROVED this 16th day of April, 1975.

B.G. MAKOBILE,
Permanent Secretary,
Ministry of Local Government and Lands.

L2/8/10