

*Statutory Instrument No. 47 of 1975*

TOWNSHIPS PROCLAMATION  
(CAP. 120)

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

**SELEBI-PIKWE HAWKING BYE-LAWS, 1975**

*(Published on the 11th April, 1975)*

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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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 Hawking Bye-Laws, 1975, and shall come into operation on such day as the Minister may, by notice published in the Gazette, appoint. Citation

2. In these Bye-Laws, unless the context otherwise requires, --- Inter-  
pretation  
"Council" means Selebi-Pikwe Town Council or Selebi-Pikwe Township Authority, as the case may be;

"Council area" means the areas 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 space vested in the Council area;

"hawker" means a person who hawks within the meaning of that term as defined in the Trading Act, 1966.

Licence required to carry on hawker's business	<p><b>3.</b> (1) A person may not carry on the business of a hawker within the Council area unless he is the holder of a valid hawker's licence issued or renewed by the Licensing Authority.</p> <p>(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence and liable on conviction to a fine of R200 and to imprisonment not exceeding 6 months.</p> <p>(3) A hawker's licence shall be in Form 1 in the First Schedule.</p> <p>(4) A hawker'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 the holder unable to write his name his thumb print and shall be signed by a Council Officer.</p>
Period of hawker's licence	<p><b>4.</b> All hawkers' licences issued by the Licensing Authority shall be half-yearly licences expiring on 30th June or 31st December.</p>
Application for hawker's licence	<p><b>5.</b> (1) Any person who wishes to obtain a hawker's licence shall make application to the Licensing Authority in Form 2 in the First Schedule.</p> <p>(2) In such application the applicant shall specify —</p> <p>(a) the classes of goods in which he wishes to trade; and</p> <p>(b) in which of the Wards set out in the Second Schedule he wishes to carry on business.</p> <p>(3) Together with such application, the applicant shall submit to the Licensing Authority 2 copies of a clearly recognizable head and shoulders photograph of himself, approximately 5 by 4 centimetres in size.</p>
Wards	<p><b>6.</b> 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. 151 of 1973.</p>
Procedure of Licensing Authority	<p><b>7.</b> 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 37 in Part IV of the Trading Act, 1966, and, save as aforesaid, may regulate its own procedure.</p>
Issue of hawker's licence	<p><b>8.</b> (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, issue to the applicant such a licence on payment of a fee of R5,00:</p> <p>Provided that in respect of any licence issued after 31st March in respect of the period ending on 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.</p> <p>(2) The Licensing Authority may in its discretion refuse to issue a hawker's licence to a person who —</p> <p>(a) is a minor;</p> <p>(b) is an unrehabilitated insolvent;</p>

- (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; or
  - (ii) involving dishonesty; or
- (e) is neither a citizen of Botswana nor authorized in writing to reside in Botswana.

(3) The Licensing Authority may in its discretion refuse to issue a hawker'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 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 2 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 —

Duties of a licensed hawker

- (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 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, remove 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, without the approval of the Council.

**11.** A licensed hawker —

Further duties of a licensed hawker

- (a) shall not trade on any private property without the consent of the owner, lessee, manager or occupier of the said property;
- (b) shall not erect, or expose goods for sale in any tent, booth, stall, stand or similar structure;

	(c) shall not hawk elsewhere than in the Wards specified in his licence ; (d) shall not hawk except between the hours of 7 a.m. and 7 p.m.
Offences	<b>12.</b> 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 not exceeding one month.
Cancellation of licences	<b>13.</b> The holder of a hawker'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 stocks.
Licences not transferable	<b>14.</b> A hawker's licence is not transferable.
Licences to be produced for inspection	<b>15.</b> (1) Every holder of a hawker'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 station or office of such officers. (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 not exceeding one month.
Appeal	<b>16.</b> 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.

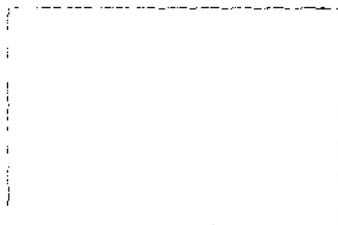
FIRST SCHEDULE  
Selebi-Pikwe Town Council  
Hawker's Licence  
THIS LICENCE IS NOT TRANSFERABLE

(Name) ..... is hereby licensed, in accordance with the Selebi-Pikwe Hawking Bye-laws, 1974, to carry on the business of a hawker trading in the following classes of goods -----

-----  
-----  
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during the period -----19----- to -----19-----  
in the following Wards, the boundaries of which Wards (denominated "polling districts") are defined in Government Notice No. 151 of 1973, namely-----

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-----  
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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

Selebi-Pikwe Town Council  
Application for Hawker'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 -----

I wish to trade in the following classes of goods -----  
-----  
-----

I wish to hawk in the following Wards -----  
-----  
-----  
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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 ;*

Extensions IV, VI and VII

Extensions II, V and Industrial Sites

Extension I

Extension III

Botshabelo East

Botshabelo West

MADE this 21st day of March, 1975.

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

APPROVED this 25th day of March, 1975.

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

L2/8/10