

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

CENTRAL DISTRICT (PHONE SHOPS, KIOSK, DESKTOP)
CONTROL BYE-LAWS, 2005
(Published on 6th January, 2006)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Central District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Central District (Phone Shops, Kiosk, Desktop) Control Bye-laws, 2005. Citation
2. These Bye-laws shall apply to the whole of the Central District Council area as prescribed under the Administrative Districts Act. Application
Cap. 03:02
3. In these Bye-laws, unless the context otherwise requires — Interpretation
“authorised official” means a person authorised by the Council Secretary, in writing, for the purpose of giving effect, or enforcing, these Bye-laws;
“Bye-law Enforcement Officer” means a Local Government officer serving in the Council, who has been appointed under the Unified Local Government Service Act, and whose main duties include giving effect to and enforcing these Bye-laws; Cap. 40:06
“certificate” means a phone shop, kiosk and desktop certificate issued under bye-law 4;
“Council” means the Central District Council;
“Council area” means the area under the jurisdiction of the Council;
“desktop public pay phones” means small phones measuring at most 0.12 m² which are placed on top of a desk and are mostly coin operated;
“meter pay phones” means phones which have meters that determine the bill of the caller;
“telephone attendant” means the owner of the phone or a person employed to operate any type of phone specified in these Bye-laws.

Application
for certificate

4. (1) Any person wishing to carry on the business of a phone shop, kiosk or desktop shall make a written application to the Council, supplying such information as the Council may require and, in particular, specifying the —

- (a) type of phone,
 - (b) providing a sketch plan of the location which he wishes to trade;
- (2) The application shall be accompanied by —
- (a) a certified copy of the applicant's national identity (Oman),
 - (b) in case of subletting, a lease agreement;
- (3) The Council may refuse to issue a certificate to any person —
- (a) if the applicant is not a citizen of Botswana,
 - (b) if it is satisfied that the issue of such certificate would be contrary to public interest,
 - (c) in respect of a particular area or areas, if it is satisfied that the carrying on the business in such area would conflict with the Town and Country Planning Act and the Tribal Land Act;

Cap. 32:09
Cap.32:02

(4) The Council may, if satisfied that the requirements of these Bye-laws have been complied with, and on payment of a fee of P5, issue a phone shop, kiosk or desktop certificate as set out in Form A of the Schedule, subject to such conditions as it considers necessary or expedient, having regard to the provisions of these Bye-laws.

Period of
certificate

5. A certificate issued under bye-law 4 shall, subject to the provisions of these Bye-laws, be valid for a period of two years and, unless renewed under bye-law 6, shall expire immediately after a period of two years from the date of issue thereof.

Renewal of
certificate

6. A certificate may, upon its expiry, be renewed by application made to the Council as set out on Form B of the Schedule, for a further period of two years subject to payment of the prescribed fee.

Prohibited
forms of phone
shop, kiosk or
desktop phones

7. No person shall —

- (a) in any area erect or expose a phone shop, kiosk or desktop phone in any tent, booth, stall, stand or similar structure, unless granted planning permission by the Council to use, in such area;
- (b) decline, at the request of a member of the Police Service or an authorized Council official to move phone shop, kiosk or desktop phone and any other object associated with his trade, so as to permit the Council to clear any area in which he is conducting his business;
- (c) conduct the business of a phone shop, kiosk or desktop along a road reserve;
- (d) conduct the business of a phone shop, kiosk or desktop from a residential house;
- (e) conduct the business of a phone shop, kiosk or desktop in a way that is likely to hinder or obstruct the vision and free movement of motorized and non motorized traffic.

Structures
used for the
business

8. (1) Structures used for the business of a phone shop, kiosk or desktop shall —

- (a) be constructed in a material that is fire resistant and well ventilated to ensure health and safety of the telephone attendant and callers,
- (b) provide enough shade for the attendant so as to protect customers from rain, wind and the sun;

(2) The Council shall have powers to request for any structure to be renovated or replaced and failure to do so may result in the certificate being revoked;

(3) The Council shall provide a mode or sample of preferred telephone structures and may consider other submitted structures if they meet the required standard;

(4) The structure shall only be used for the phone business applied for and not for any other business or purpose;

(5) A phone shop may operate on a commercial, industrial or community plot or building and its structure shall be approved for that purpose by the Council.

10. (1) A telephone attendant shall display a valid certificate at the premises or location where the business is being conducted;

Display of certificate

(2) Any person who contravenes the provisions of sub-bye law (1) shall be guilty of an offence under these Bye-laws.

11. The Council may modify, suspend or revoke a certificate issued under these Bye-laws if —

Modification, suspension or revocation of certificate

(a) the holder purports to hire, cede or transfer in any other way the certificate to another person, without first obtaining permission from the Council;

(b) the Council reasonably believes that it is in the interest of the public to do so, or that the continuing use of the certificate will constitute a danger to public health or interest; or

(c) the holder thereof is convicted of an offence under these Bye-laws.

12. (1) Every holder of a certificate issued under these Bye-laws shall, on demand by a Council officer or any member of the Police Service, immediately produce such certificate for inspection at the office of such Council officer, or at the station of such member of the Police Service, as the case may be;

Certificate to be produced for inspection

(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence under these Bye-laws.

13. Any person aggrieved by the decision of the Council, made under these Bye-laws, may appeal to the Minister.

Appeals

14. (1) Any person who is guilty of an offence under these Bye-laws shall be liable, on conviction for a first offence, to a fine not exceeding P100 or imprisonment for a term not exceeding two months or to both, and for a second and subsequent conviction, to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both;

Penalties for offences

(2) Any person who is convicted of an offence under these Bye-laws may, in addition to any penalty to which he may be liable —

(a) have his certificate cancelled with effect from such date as the court may determine, or

(b) have his associated goods impounded or confiscated.

SCHEDULE

FORM A

PHONE SHOPS, KIOSK AND DESKTOP CERTIFICATE

(Bye-law 4)

Certificate Number

Surname

Other Names

Identity number

Place of Birth

Sex

Physical Address

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The holder of this certificate is hereby granted permission in accordance with the Central District (Phone shops, Kiosk and Desktop) Control Bye-laws to carry on the business of a

-
- (a) in the following location**
 - (b) space measuring**
 - (c) subject to the following conditions**
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.....

.....
Signature or right thumb print of holder.

FOR OFFICIAL USE ONLY

Date on which application was considered

Date of issue

Fee paid

OFFICIAL STAMP

.....
Signature of Council Secretary

FORM B

APPLICATION FOR RENEWAL
(Bye-law 6)

Full name of Applicant

Licence Number

Identity Number

Sex

Physical Address

Date

Signature or right thumb print of applicant.

FOR OFFICIAL USE ONLY

Comments from Building Control Unit

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Conditions of renewal.....

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Approved or rejected

.....
Signature of Council Secretary.

MADE this 5th day of December, 2005.

DAVID VALELA,
Council Secretary,
Central District Council.

APPROVED this 23rd day of December, 2005.

M. NASHA,
Minister of Local Government.