

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

**CHOBÉ DISTRICT COUNCIL (BARBERS AND BRAIDERS)
BYE-LAWS, 2008**

(Published on 19th December, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Register of barbers and braiders
4. Licence required to carry on business of barber or braider
5. Application for licence
6. Period of licence
7. Renewal of licence
8. Issue of duplicate licence
9. Licence not transferable
10. Modification, suspension or revocation of licence
11. Licence to be displayed
12. Licence to be produced for inspection
13. Premises
14. Sanitary conditions
15. Closure of licensed premises
16. Powers of entry
17. Appeals
18. Penalties for offences

SCHEDULE

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 Chobe District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Chobe District Council (Barbers and Braiders) Bye-Laws, 2008. Citation

2. 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 to, or enforcing, these Bye-laws;

“barber” means a person who, in a fixed place of business, carries on the business of shaving and cutting a person’s hair or beard;

“braider” means a person who, in a fixed place of business, carries on the business of braiding, styling and cutting a person’s hair;

“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 the Council’s Bye-laws; Cap. 40:06

“Council” means the Chobe District Council;

“council area” means the area under the jurisdiction of the Council;

Cap. 01:02

“licensing authority” means the licensing authority appointed under bye-law 5 (1);
“licensing officer” means the Council Secretary or an employee of the Council, duly appointed as such by the Council Secretary, in writing;
“Omang” means an identity card issued in accordance with the provisions of the National Registration Act;
“police officer” means any member of the Botswana Police Service or the Local Police Force;
“premises” means the place of business of a barber or braider and includes a tent, booth, shed, stall or similar structure which is duly approved by the licensing authority; and
“Registrar” means the Council Secretary or an employee of the Council, duly authorised as such, in writing, by the Council Secretary.

Register of barbers and braiders

3. (1) There shall be a Registrar who shall keep a register of all licensed barbers and another register of all licensed braiders.

(2) The Registrar shall cause to be entered in such registers the following particulars in respect of each licensed barber and each licensed braider —

- (a) full names;
- (b) licence number;
- (c) the date of issue and expiration of the licence;
- (d) details of all licence renewals; and
- (e) such other details as the Registrar believes to be reasonably necessary;

Licence required to carry on business of barber and braider

4. (1) No person shall carry on the business of a barber or braider within the council area unless —

- (a) such person is a citizen of Botswana;
- (b) such person has attained the age of 16 years;
- (c) such person is duly licensed under these Bye-laws; and
- (d) the premises on which the business is being carried on are approved by the licensing authority in writing.

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

Application for licence

5. (1) The Council shall, from amongst its members, appoint a licensing authority to perform the Council’s functions under these Bye-laws.

(2) A person who wishes to carry on the business of a barber or braider shall apply to the licensing authority, in the form set out in Form A of the Schedule which shall contain —

- (a) the name, sex, place of residence, nationality, Omang number and qualifications, or experience, of the applicant;
- (b) the place at which the business is to be conducted;
- (c) the number and type of scissors, clippers and other equipment to be used; and
- (d) such other information as the licensing authority may, on reasonable grounds, require.

(3) The application shall be accompanied by —

- (a) two photographs, approximately five by four centimetres in size, clearly depicting the face and shoulders of the applicant; and
- (b) a copy of the applicant’s Omang.

(4) The licensing authority may refuse to issue a licence to any person if it is satisfied that the issue of a licence would be contrary to —

- (a) the interests of health; or
- (b) the public interest.

(5) The licensing authority shall, if it is satisfied that the requirements of these Bye-laws have been met, and on payment of an application fee of P50.00, issue a barber's or braider's licence, as the case may be, in the form set out in Form B of the Schedule.

6. A licence issued under sub-bye-law (5) of bye law 5 shall, subject to the provisions of these Bye-laws, be valid for a period of 12 months and, unless renewed under bye-law 7, shall expire immediately after a period of 12 months from the date of issue thereof has elapsed.

Period of licence

7. (1) A licence may be renewed by application, in the form set out in Form C of the Schedule, delivered to the licensing authority, for a period of 12 months from the date of its expiry and thereafter for further periods of 12 months from the date of each subsequent expiry.

Renewal of licence

(2) An application for renewal in terms of sub-bye-law (1) shall be —

- (a) in respect of the same premises; and
- (b) subject to paragraph (c), made no later than the expiry of the licence, together with the application fee of P10.00; or
- (c) if made after the expiry of the licence, made no later than 12 months after the expiry of the licence, together with the application fee of P50.00 and a late renewal fee of P20.00.

(3) No person shall carry on business as a barber or braider after such person's licence has expired, unless such person has already applied for a renewal under sub-bye-law (1).

(4) The licensing authority may refuse to renew a licence if it is satisfied that —

- (a) the conditions of the licence have not been complied with;
- (b) the provisions of these Bye-laws have not been complied with;
- (c) the holder of the licence has been convicted of an offence under these Bye-laws; or
- (d) it is in the public interest not to renew the licence.

(5) Subject to the provisions of sub-bye-law (6), the licensing authority shall, on application made under this bye-law, endorse such renewal on the licence and may attach such conditions to the renewal thereof as it may determine.

(6) If a licence expires and an application for renewal is not delivered to the licensing authority within 12 months of such expiry, the licence shall not be renewed, but the applicant may apply for a new licence.

8. (1) The licensing authority, on being satisfied that a licence issued in terms of these Bye-laws has been lost or destroyed, may issue a duplicate licence to a person, on payment of a fee of P5.00.

Issue of duplicate licence

(2) Where a licence which had been lost is recovered, the duplicate licence shall be returned forthwith to the licensing authority.

9. (1) A licence issued under these Bye-laws shall not be hired, ceded, transferred or in any way whatsoever made over to any other person.

Licence not transferable

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

10. The licensing authority may modify, suspend or revoke a licence issued under these Bye-laws if —

Modification, suspension or revocation of a licence

- (a) the holder thereof purports to hire, cede, transfer or in any way whatsoever make over the licence to any other person;
- (b) the holder is convicted of an offence under these Bye-laws;

- (c) the conditions of the licence have not been complied with;
- (d) the licensing authority reasonably believes that the continuing use of the licence constitutes a danger to public health; or
- (e) the licensing authority reasonably believes that it is in the interest of the public to do so.

Licence to be displayed

11. (1) A licence issued under these Bye-laws, or a copy thereof, shall be displayed prominently in the premises.

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

Licence to be produced for inspection

12. (1) Every holder of a licence issued under these Bye-laws shall, on demand by a council officer or a police officer, immediately thereon produce it for inspection or otherwise shall, within 48 hours of such demand, produce it for inspection, at the office of such council officer, or at the station of such police officer, as the case may be.

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

Premises

13. (1) Premises used for the business of a barber or braider shall —

- (a) be constructed of materials and in a manner approved by the licensing authority, having regard to public health and safety;
- (b) be used solely for the business of a barber or braider;
- (c) not be within a radius of 30 metres from the nearest residential or commercial plots;
- (d) have adequate lighting and ventilation;
- (e) have a constant supply of clean water;
- (f) be maintained at all times in a clean and sanitary condition;
- (g) be at all times maintained in good repair;
- (h) be free of insects, rodents or other vermin;
- (i) be not less than 7.5 square metres in size; and
- (j) not be within a radius of 30 metres from food premises, unless circumstances are such that it would not pose any threat or danger to public health.

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

Sanitary conditions

14. (1) The holder of a licence under these Bye-laws shall —

- (a) ensure that all utensils, vessels, containers, hair clippers, scissors, linen, towels, cloths and other articles used in the conduct of the business are maintained in a sanitary condition, and disinfected or sterilised in such manner as the licensing authority may direct;
- (b) at all times keep the premises and surrounding area clean while engaged in the conduct of his or her trade;
- (c) at all times keep his or her person clean while engaged in the conduct of his or her trade;
- (d) use disposable hand gloves and masks where necessary;
- (e) take all reasonable steps to ensure that clean, disinfected or sterilised articles are kept separate from those which have not been washed, disinfected or sterilised;
- (f) ensure that at all times there are sufficient receptacles of galvanised iron or other non-absorbent material, with close fitting covers available for collecting, storing and disposing of all refuse;

- (g) remove and dispose of any hair trimmings, litter or refuse which has been deposited in or through the conduct of his or her business, within the premises and the surrounding area, at the close of each working day; and
 - (h) ensure that adequate toilet facilities are available within a minimum walking distance of 400 metres for all working staff and patrons.
- (2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

15. Where in the opinion of the licensing authority, premises licensed under these Bye-laws are such as are likely to constitute a threat or pose a danger to public health, the licensing authority may direct the closure of such premises until it is satisfied that the threat or danger has been remedied.

Closure of licensed premises

16. (1) A council officer or a police officer may at any reasonable time enter and inspect the premises used for the business of a barber or braider for the purposes of ensuring that the condition of the premises and the operation of the business complies with the provisions of these Bye-laws and the conditions of the licence in respect thereof.

Powers of entry

(2) Any person who refuses a council officer or a police officer entry into the premises shall be guilty of an offence.

17. (1) Any person aggrieved by the decision of the licensing authority, made under these Bye-laws, may appeal to the Council.

Appeals

(2) Any person aggrieved by the decision of the Council, under sub-bye-law (1), may appeal to the Minister.

18. (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 P500.00 or to imprisonment for a term not exceeding two months, or to both, and for a second and subsequent conviction, to a fine not exceeding P1,000 or to imprisonment for a term not exceeding six months, or to both.

Penalties for offences

(2) Any person who is convicted of any offence under these Bye-laws may, in addition to any penalty to which he or she may be liable, be liable to have his or her licence revoked.

SCHEDULE

FORM A

APPLICATION FOR A BARBER'S*/BRAIDER'S*LICENCE (Bye-law 5 (2))

(This form is to be completed in block letters. Attach two passport size photographs, approximately 5 cm x 4 cm and a copy of the applicant's Omand.)

Full names of the applicant:
(Surname first)

Place of Residence:

Sex: Male*/Female*

Postal Address:

Nationality:

Omang No.:

I wish to apply for a barber's* /braider's* licence as follows:

(a) Location of premises:

.....

.....

(b) Number and type of scissors, clippers and other equipment to be used:

.....

.....

(c) I have the following qualifications/experience:

.....

.....

.....

.....
Date

.....
*Signature or right thumb-print of
applicant*

FOR OFFICIAL USE ONLY

Date on which application was received:

Proposed date of hearing of application:

Date of approval* / rejection* of application:

.....
Signature of Licensing officer

*Delete as necessary

FORM B

BARBER'S*/BRAIDER'S* LICENCE
(Bye-law 5 (5))

Photograph of holder



NOT TRANSFERABLE

Licence Number:

Surname:

Other Names:

Omang No.:

Place of birth:

Sex:

Postal address:

.....

Physical address:

.....

The holder of this licence is hereby licensed in accordance with the Chobe District Council (Barbers and Braiders) Bye-laws to carry on the business of a barber*/braider*:

(a) in the following place:

.....

.....

(b) with no less than the following equipment:

.....

.....

(c) subject to the following conditions:

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

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

Date on which application was received:

Date of issue:

Fee paid:

OFFICIAL STAMP

.....
Signature of Licensing officer

*Delete as necessary

FORM C

APPLICATION FOR RENEWAL OF A BARBER'S*/BRAIDER'S* LICENCE
(Bye-law 7 (1))

(This form is to be completed in block letters.)

Applicants for renewal of licence to complete the following:

(a) Full names of the applicant:
(Surname first)

(b) Licence Number:

(c) Place of residence:

.....

(d) Postal address:

.....

(e) Omang No.:

.....
Date

.....
Signature or right thumb-print of applicant

FOR OFFICIAL USE ONLY

Date on which application was received:

Date of approval*/rejection* of application:

Conditions of renewal (if any):

.....

.....

.....
Signature of Licensing officer

MADE this 21 day of October, 2008.

M. THUSO,
*Deputy Council Secretary,
Chobe District Council.*

APPROVED this day of , 2008.

M.N. NASHA,
Minister of Local Government.

AGC 5/2/3 II I (13)