

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

**KGATLENG DISTRICT (OPERATION OF PAY PHONES)
(CONTROL) BYE-LAWS, 2010**
(Published on 3rd September, 2010)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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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 Kgatleng District Council hereby makes the following Bye-Laws —

1. These Bye-laws may be cited as the Kgatleng District (Operation of Pay Phones) (Control) Bye-Laws, 2010. Citation

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

“authorised official” means the Council Secretary or any employee of the Council duly authorised as such, in writing, by the Council;

“Council” means the Kgatleng District Council;

“certificate” means a desk public pay phone or meter pay phone certificate issued under bye-law 5;

“desk top public pay phone” means a desk placed phone commonly placed at the entrance of shops or any designated place which is mostly coin operated and of a very small space of 0.12m;

“meter pay phone” means a phone which has a meter that determines the bill of the caller immediately after the call; and

“telephone attendant” means the owner of the phone or a person who operates any type of phone specified in these Bye-laws.

Application Cap. 03:02	3. These Bye-laws shall apply to the whole of the Kgatleng District Council area as prescribed under the Administrative Districts Act.
Application for certificate	<p>4. (1) Any person who wishes to carry on the business of operating a desk public pay phone or a meter pay phone may make an application, in writing, to the Council, supplying such information as the Council may require and, in particular —</p> <ul style="list-style-type: none"> (a) specifying the type of phone to be used; (b) providing a sketch plan of the location in which he intends to trade at; (c) providing a certified copy of his identity card; and (d) providing, in case of a sublet, a lease agreement. <p>(2) Any person who wishes to conduct the business of operating a desk public pay phone or a meter pay phone on unallocated land shall apply to the relevant land authority for temporary rights to use the land before applying for a certificate.</p>
Issue of certificate	<p>5. (1) The Council may, if it is satisfied that the requirements of bye-law 4 have been met, and on payment of a fee of P5, issue a certificate to operate a desk public pay phone or meter pay phone as set out in Form A of the Schedule, subject to such conditions as it considers necessary or expedient, having regard to these Bye-laws.</p> <p>(2) The Council may refuse to issue a certificate to a person if —</p> <ul style="list-style-type: none"> (a) the person has not complied with the provisions of bye-law 4; (b) the person is not a citizen of Botswana; (c) the Council is satisfied that the issue of a certificate would be contrary to public interest; or (d) the Council is satisfied that the carrying on of such business in a particular area would conflict with the Town and Country Planning Act or the Tribal Land Act.
Cap. 32:09 Cap. 32:02 Period of certificate	<p>6. A certificate issued under bye-law 5 shall be valid for a period of two years and, unless renewed under bye-law 7, shall expire immediately after the lapse of the two years from the date of issue.</p>
Renewal of certificate	<p>7. A certificate may, upon expiry, be renewed by an application made to the Council in Form B as set out in the Schedule, and on payment of a fee of P5, for a further period of two years.</p>
Issue of duplicate certificate	<p>8. Any person whose certificate is lost or damaged may make an application to the Council for a duplicate certificate and shall on payment of a fee of P5, be issued with such a duplicate certificate.</p>
Display of certificate	<p>9. (1) A certificate holder shall display a valid certificate at the premises or location where the business is being conducted.</p> <p>(2) Any person who contravenes the provisions of subbye-law (1) commits an offence and is liable to the penalty specified in bye-law 17.</p>
Suspension, revocation, etc.	<p>10. (1) The Council may suspend a certificate issued under bye-law 5 if —</p> <ul style="list-style-type: none"> (a) there is non-compliance with any condition of the certificate; or (b) the holder purports to hire, cede or transfer the certificate in any way to another person without permission from the Council. <p>(2) The Council may cancel a certificate where —</p> <ul style="list-style-type: none"> (a) it reasonably believes that it is in the interest of the public to do so; (b) the continuing use of the certificate will constitute a danger to public health; (c) the holder is convicted of an offence under these Bye-laws; or

(d) the certificate holder has failed to comply with a request to renovate or replace a structure under bye-law 13 (2).

11. (1) Any person who wishes to have his or her certificate modified or varied may make an application, in writing, to the Council giving reasons why a modification or variation is required.

Modification of certificate

(2) The Council may, if it considers it necessary or expedient having regard to these Bye-laws, modify or vary the conditions attached to a certificate.

12. A person shall not —

Prohibited forms of use of desk public pay phone or meter pay phone

(a) in any area operate a desk public pay phone or meter pay phone unless he is granted permission by the Council to do so;

(b) in any area erect or install a booth stall or similar structure unless he is granted planning permission by the Council to do so;

(c) refuse, at the request of a police officer or an authorised official, to move a desk public pay phone or meter pay phone or any other object associated with his trade, so as to allow the Council to clear an area in which such business is conducted;

(d) conduct the business of a desk public pay phone or meter pay phone in any undesignated area unless the permission of the Council has been granted; or

(e) conduct the business of a desk public pay phone or meter pay phone in a way that is likely to hinder or obstruct the vision and free movement of traffic.

13. (1) A person who carries on the business of a desk public pay phone or meter pay phone shall use structures which —

Structures used for business

(a) are constructed with material that is fire resistant and well ventilated to ensure health and safety of the telephone attendant and customers;

(b) are in conformity with its surrounding environment so as to ensure that the structure does not become an eyesore or cause injury to the amenity of such surrounding environment;

(c) provide enough cover for the telephone attendant and customers against rain, wind and the sun.

(2) The Council may request for the renovation or replacement of a structure used for operating the business of a desk public pay phone or meter pay phone.

(3) The Council may, where possible, provide a model or sample of a preferred booth or stall and may consider other booth or stall models submitted to the Council if they meet the required standard.

(4) The booth or stall shall only be used for the phone business applied for.

14. A telephone attendant shall have the responsibility of keeping the surroundings of a desk public pay phone or meter pay phone business clean by providing a rubbish bin next to such desk public pay phone or meter pay phone.

Sanitary conditions

15. (1) A certificate holder shall, on demand by a police officer or an authorised official, produce the certificate for inspection or otherwise shall, within a specified period of time as will be stipulated, produce such certificate for inspection at the station of such police officer or the office of such authorised official.

Inspection of certificate

(2) Any person who contravenes the provisions of subbye-law (1) commits an offence and is liable to a penalty specified in bye-law 17.

16. Any person aggrieved by any decision of the Council under these Bye-laws may appeal to the Minister within 30 days of notification of that decision.

Appeals

Penalties

17. (1) Any person who commits an offence under these Bye-Laws shall be liable —

- (a)* for a first offence, to a fine not exceeding P300, or to imprisonment for a term not exceeding two months, or to both; and
- (b)* for a second or subsequent offence, to a fine not exceeding P500, or to imprisonment for a term not exceeding six months, or to both.

(2) A person convicted of an offence under these Bye-Laws may, in addition to any penalty to which he may be liable, have his certificate cancelled with effect from a date as the court may determine or have goods associated with his desk public pay phone or meter pay phone business impounded or confiscated.

SCHEDULE

Form A

DESK PUBLIC PAY PHONE/METER PAY PHONE CERTIFICATE

(bye-law 5 (1))

Certificate number:

Surname:

Other names:

Identity number:

Place of birth:

Gender:

Physical address:

Contact number:

Plot No./Ward:

The holder of this certificate is hereby granted permission in accordance with the Kgatleng District Council (Operation of Pay Phones) (Control) Bye-Laws to carry on the business of a

.....

in the following location —

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.....

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space measuring –

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Subject to the following conditions –

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Signature or right thumb-print of holder.

FOR OFFICIAL USE ONLY

Date on which the application was considered:

Date of issue:

Fee paid:

OFFICIAL STAMP

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Council Secretary.

Form B

APPLICATION FOR RENEWAL OF A DESK
PUBLIC PHONE/METER PAY PHONE CERTIFICATE
(bye-law 7)

Full names of applicant:

Postal Address:

Identity number:

Gender:

Physical address:

Hereby makes an application for the renewal of —

Certificate Number:.....

Issued on the.....
(Date of issue)

At:
(Place of issue)

In respect of operating a phone shop business at the following location —

Location:.....

Space measuring:.....

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.

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Council Secretary.

MADE this 16th day of August, 2010.

JIMMY NSALA,
Council Secretary,
Kgatleng District Council.

APPROVED this 19th day of August, 2010.

LEBONAAMANG T. MOKALAKE,
Minister of Local Government.

AGC 5/2/13 I (24)