

TRADE ACT
(Cap. 43:02)

TRADE (AMENDMENT) REGULATIONS, 2012
(Published on 13th July, 2012)

ARRANGEMENT OF REGULATIONS

REGULATION

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IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 31 of the Trade Act, the following Regulations are hereby made —

Citation

1. These Regulations may be cited as the Trade (Amendment) Regulations, 2012.

Amendment
of regulation 2
of Cap. 43:02
(Sub. Leg.)

2. Regulation 2 of the Trade Regulations, hereinafter referred to as “the Regulations”, is amended —

(a) by inserting, in their correct alphabetical order, the following new definitions —

“agricultural shop” means a business selling stock-feed, scheduled and unscheduled veterinary medicines and small-scale farming implements, but not vehicles;

“baby shop” means a business selling a wide range of baby products, clothes, toys and related accessories;

“cellphone shop” means a business selling a wide range of cellphones and related accessories, including cordless phones;

“cosmetics shop” means a business selling cosmetics, make-up, fragrances, beauty products and other related items;

“electronics or electrical shop” means a business selling a wide range of electrical goods, electrical appliances, video games and related accessories;

“household shop” means a business selling a wide range of home and household items, including curtains, sheets, cutlery, crockery and gardening accessories;

“jewellery shop” means a business selling a wide range of jewellery and related accessories;

“optician shop” means a business specializing in sight testing and selling contact lenses, spectacles, sunglasses and related accessories;

“sunglass shop” means a business selling sunglasses and related fashion accessories;

“toy shop” means a business selling a wide range of toys and other related items; and

(b) by substituting for the word “non-alcoholic” appearing in relation to the definition of “restaurant”, the word “alcoholic”.

3. The Regulations are amended by substituting for regulation 3, the following new regulation –

“Licences to be issued

3. A licensing committee shall licence the following trades or businesses –

- “(a) agent;
- (b) agricultural shop;
- (c) amusement arcade;
- (d) auctioneer;
- (e) baby shop;
- (f) bookshop;
- (g) car wash;
- (h) cellphone shop;
- (i) cleaning services;
- (j) commercial hardware;
- (k) cosmetics shop;
- (l) curio shop;
- (m) department store;
- (n) distributor;
- (o) driller;
- (p) dry-clean;
- (q) dry-clean depot;
- (r) electronics or electrical shop;
- (s) industrial hardware;
- (t) florist;
- (u) fresh produce;
- (v) funeral parlour;
- (w) furniture shop;
- (x) general clothing;
- (y) general dealer;
- (z) general hire service;
- (aa) gymnasium;
- (bb) haberdashery;
- (cc) hair or beauty parlour;
- (dd) household shop;
- (ee) internet café or copy shop;
- (ff) jewellery shop;
- (gg) laundromat;
- (hh) motor dealer;
- (ii) optician shop;
- (jj) petrol filling station;
- (kk) pharmacy or chemist;

Substitution of regulation 3 of the Regulations

- (ll) plant hire service;
- (mm) restaurant;
- (nn) sunglass shop;
- (oo) supermarket;
- (pp) takeaway;
- (qq) toy shop;
- (rr) wholesale; or
- (ss) workshop.”.

Insertion of regulation 3A in the Regulations

4. The Regulations are amended by inserting, immediately after regulation 3, the following new regulation –
 “Agricultural shop licence
 Cap. 61:04 **3A. An agricultural shop licensee shall not sell any scheduled veterinary medicines unless such medicines have been issued by a veterinary surgeon registered under the Veterinary Surgeons Act.”.**

Amendment of regulation 5 of the Regulations

5. Regulation 5 of the Regulations is amended by substituting for subregulation (2), the following new subregulation –
 “(2 The provisions of subregulation (1) shall not apply to –
 (a) a deputy sheriff; or
 (b) any employee of the holder of an auctioneer’s licence whose name is endorsed on such licence, in respect of any sale under subregulation (1) carried out on behalf of the holder of the licence.”.

Insertion of regulation 21A in the Regulations

Cap. 61:02

6. The Regulations are amended by inserting, immediately after regulation 21, the following new regulation –
 “Optician shop licence
21A. (1) An optician shop licensee shall not carry out any sight testing or sell any contact lenses, spectacles, sunglasses and related accessories unless the optician shop has, in its employ, an optician registered as a member of an allied health profession under the Botswana Health Professions Act.
(2) An optician registered as a member of an allied health profession under the Botswana Health Professions Act who wishes to sell any of the items under subregulation (1) at his or her practice shall not require an optician shop licence.”.

Amendment of regulation 25 of the Regulations

Cap. 43:11

7. Regulation 25 of the Regulations is amended by substituting for subregulation (2), the following new subregulation –
 “(2) A restaurant licensee may serve liquor in an unsealed container, to a person who takes a meal in the licensed premises, for consumption on the premises:
 Provided that the provisions of section 32 of the Liquor Act shall apply to the licensee as if he or she is a licensee under the Liquor Act.”.

Insertion of regulation 25A in the Regulations

8. The Regulations are amended by inserting, immediately after regulation 25, the following new regulation –
 “Sunglass shop licence
25A. A sunglass shop licensee shall not sell any optical items that would require sight testing or the expertise of an optician.”.

9. The Regulations are amended by substituting for regulation 29, the following new regulation —

“Licence holders restricted to fixed premises

29. A holder of the following licences shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence —

- (a) agent’s licence;
- (b) agricultural shop licence;
- (c) amusement arcade licence;
- (d) baby shop licence;
- (e) bookshop licence;
- (f) car wash licence;
- (g) cellphone shop;
- (h) cleaning services licence;
- (i) commercial hardware licence;
- (j) cosmetics shop;
- (k) curio shop licence;
- (l) department store licence;
- (m) dry-clean licence;
- (n) dry-clean depot licence;
- (o) electronics or electrical shop;
- (p) florist licence;
- (q) fresh produce licence;
- (r) funeral parlour licence;
- (s) furniture shop licence;
- (t) general clothing licence;
- (u) general dealer’s licence;
- (v) general hire service licence;
- (w) gymnasium licence;
- (x) haberdashery licence;
- (y) hair or beauty parlour licence;
- (z) household shop;
- (aa) industrial hardware licence;
- (bb) internet café or copy shop licence;
- (cc) jewellery shop;
- (dd) laundromat licence;
- (ee) motor dealer’s licence;
- (ff) optician shop;
- (gg) petrol filling station licence;
- (hh) pharmacy or chemist licence;
- (ii) plant hire service licence;
- (jj) restaurant licence;
- (kk) sunglass shop;
- (ll) supermarket licence;
- (mm) toy shop;
- (nn) wholesale licence; and
- (oo) workshop licence.”.

Substitution of regulation 29 of the Regulations

Amendment of
First Schedule
to the
Regulations

10. The First Schedule to the Regulations is amended —

- (a) by substituting for the words “undertaking lease in lieu of agreement” appearing in paragraph 2 at the end of Form 1, the words “undertaking in lieu of lease agreement”; and
- (b) by substituting for the words “Note: Fill the part that is applicable to you.” appearing at the end of Form 3, the words “Note: Fill the part that is applicable to you.”

Note further that under Part B, the following should accompany a notice to transfer a trade licence from the licensed premises to other premises —

1. Satisfactory zoning report.
2. Proof of availability of premises (letter of availability from landlord).”.

Substitution
of Second
Schedule to
the Regula-
tions

11. The Regulations are amended by substituting for the Second Schedule, the following new Schedule —

“SECOND SCHEDULE

FEES

(reg. 31(3) and reg. 33)

A. LICENCE FEE

Type of Licence

<i>Type of Licence</i>	<i>Fee</i>
1. Agent’s licence	P1,000
2. Agricultural shop licence	P1,000
3. Amusement arcade licence	P500
4. Auctioneer’s licence	P1,200
5. Baby shop licence	P1,000
6. Bookshop licence	P750
7. Car wash licence	P150
8. Cellphone shop licence	P1,000
9. Cleaning services licence	P200
10. Commercial hardware licence	P1,000
11. Cosmetics shop licence	P1,000
12. Curio shop licence	P500
13. Department store licence	P2,000
14. Distributor’s licence	P1,500
15. Driller’s licence	P1,000
16. Dry-clean licence	P1,500
17. Dry-clean depot licence	P500
18. Electronics or electrical shop licence	P1,000
19. Florist licence	P250
20. Fresh produce licence	P250
21. Funeral parlour licence	P1,500
22. Furniture shop licence	P1,500
23. General clothing licence	P750
24. General dealer’s licence	P250
25. General hire service licence	P500
26. Gymnasium licence	P1,000

27. Haberdashery licence	P750
28. Hair or beauty parlour licence	P750
29. Household shop licence	P1,500
30. Industrial hardware licence	P1,000
31. Internet café or copy shop licence	P500
32. Jewellery shop licence	P1,000
33. Laundromat licence	P100
34. Motor dealer's licence	P1,500
35. Optician shop licence	P1,000
36. Petrol filling station licence	P500
37. Pharmacy or chemist licence	P750
38. Plant hire service licence	P500
39. Restaurant licence	P1,000
40. Sunglass shop licence	P1,000
41. Supermarket licence	P1,500
42. Takeaway licence	P150
43. Toy shop licence	P1,000
44. Wholesale licence	P1,500
45. Workshop licence	P1,500

B. ANNUAL LICENCE FEE

25 per cent
of a licensee's
licence fee".

MADE this 28th day of June, 2012.

DORCAS MAKGATO-MALESU,
Minister of Trade and Industry.

L2/7/89 IV