

Statutory Instrument No. 100 of 1970

THE TOWNSHIPS PROCLAMATION (CHAPTER 120)

THE TOWN COUNCIL REGULATIONS, 1966

THE LOBATSE HAWKING BYE-LAWS, 1970

(Published on the 27th November, 1970)

It is notified for general information that His Excellency the President has, in terms of regulation 32 of the Town Council Regulations, 1966 (Legal Notice No. 37 of 1966), approved the following bye-laws made by the Lobatse Town Council in the exercise of the powers vested in it by regulation 31 of the said Regulations --

Citation

1. These bye-laws may be cited as the Lobatse Hawking Bye-Laws, 1970.

Interpretation

2. In these bye-laws, unless the context otherwise requires --

“Council” means Lobatse Town Council;

“Council Officer” means and includes the Town Clerk, the Treasurer, the Senior Revenue Officer and any Revenue Collector;

“hawker” means any person who hawks within the meaning of that term as defined in the Trading Act, 1966;

“Licensing Authority” means the committee to which the Council has delegated its functions under the Trading Act, 1966, in accordance with section 2 (3) thereof;

“Township” means the area of the Lobatse Township as defined from time to time in terms of section 1 of the Townships Proclamation (Chapter 120).

Licence Required to Carry on Hawker's Business

3. (1) A person may not hawk in the Township unless he is the holder of a valid hawker's licence issued (or renewed) by the Licensing Authority:

Provided that a person, and members of the immediate family of such person, hawking agricultural or horticultural produce grown by him within the Council area, or eggs from hens within the Council area, may do so without a hawker's licence.

- (2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence and liable on conviction to a fine of two hundred rand, or in default of payment to imprisonment for six months, or to both such fine and imprisonment.

Period of Hawker's Licence

4. All hawkers' licences issued by the Licensing Authority shall be half-yearly licences.

Application for Hawker's Licence

5. Any person who wishes to obtain a hawker's licence shall make application therefor to the Licensing Authority, specifying the classes of goods in which he wishes to trade.

Issue of Hawker's Licence

6. (1) The Licensing Authority shall, subject to the provisions of sub-byelaws (2) and (3), issue to the applicant a licence on payment of a fee of R6 for a half year, if it is satisfied that the applicant is not debarred by law from obtaining such a licence.

(2) The Licensing Authority may in its discretion refuse to issue a licence to a person who:

- (a) is a minor;
- (b) is an unrehabilitated insolvent;
- (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) under any law repealed by the said Act; or
 - (iii) involving dishonesty.

(3) The Licensing Authority may in a particular case 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 a licence to that person or in respect of those goods would be contrary to the public interest.

Issue of Duplicate Licence

7. The Treasurer, on being satisfied that a hawker's licence issued by the Licensing Authority has been lost or destroyed, and on payment of a fee of fifty (50) cents, shall issue a duplicate licence to the hawker.

Procedure of Licensing Authority

8. Where an application for a licence is made in terms of bye-law 5, the Licensing Authority 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, and subject thereto may regulate its own procedure.

Restrictions on Use of Hawker's Licence

9. (1) 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 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;
- (c) shall not erect, or expose goods for sale in, any tent, booth, stall, stand or similar structure;
- (d) shall trade only in the classes of goods specified in the licence.

(2) Any licensed hawker who contravenes any of the provisions of sub-byelaw (1) shall be guilty of an offence and liable on conviction to a fine of one hundred rand,

or in default of payment to imprisonment for three months, or to both such fine and imprisonment.

Cancellation of Licences

10. 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 existing stocks.

Transfer of Licence

11. A hawker's licence is not transferable.

Licence to be Produced for Inspection

12. (1) Every licensee shall produce his licence for inspection on demand by any police or Council officer, or within 48 hours of such demand at the officer of such officer.

(2) Any person who fails to comply with the provisions of sub-bye-law (1) shall be guilty of an offence and liable on conviction to a fine of one hundred rand.

Appeal

13. Any person aggrieved by any decision of the Licensing Authority may appeal to the Minister whose decision shall be final.

P.L. STEENKAMP,
Acting Permanent Secretary

Office of the President,
GABORONE.
18th November, 1970.