

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

KGALAGADI DISTRICT COUNCIL (HAWKING AND STREET VENDING)
BYE-LAWS, 1998
(Published on 4th December, 1998)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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IN EXERCISE of the powers conferred by section 29 as read with section 30 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, Lands and Housing, the Kgalagadi District Council hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the Kgalagadi District Council Citation
(Hawking and Street-vending) Bye-Laws, 1998.

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 by the Council Secretary in writing;

“certificate” means a street vendor’s certificate of registration issued under bye-laws 4;

“council” means the Kgalagadi District Council;

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

“hawker” means a person who carries on the business of selling goods from place to place within the prescribed council area;

“Licencing Authority” means the Council or any committee convened by the Council to perform its functions under these Bye-Laws;

“street-vendor” means any person who carries on the business of selling goods from a pitch at which he stations himself either in a public place or upon a ground which he has no right or control.

Licence required to carry on hawking or street-vending business

3. (1) No person shall carry on the business of a hawker or street-vendor within the Council area unless such person —

- (a) is a citizen of Botswana;
- (b) has attained the age of 16 years; and
- (c) is the holder of a hawker's licence or street-vendor's certificate issued by the Licencing Authority.

(2) Notwithstanding the provisions of sub-bye-law (1), a manufacturer or producer of perishable goods who operates on a small scale may carry on the business or a hawker or street-vendor and shall not be required to obtain a licence or certificate.

(3) The Council may refuse to issue a hawker's licence or street-vendor's certificate to any person, if it is satisfied that the issue of such licence or certificate would not be in the public interest.

Application for licence or certificate

4. (1) Any person wishing to carry on the business of a hawker or street-vendor shall make an application as set out in Form A of the Schedule, to the Council, supplying such information in relation thereto as the Council may require, and in particular, specifying the —

- (a) class of goods to be traded; and
- (b) area in which he wishes to operate.

(2) The Council may, if it is satisfied that the requirements of these Bye-Laws are met, and on payment of a fee of P20, issued a hawker's licence or street-vendor's certificate as set out in Form B of the Schedule, valid until 31st December of the year of issue, and subject to such conditions the Council may prescribe.

(3) The application shall be accompanied by two copies of a photograph, approximately five by four centimetres in size, clearly depicting the head and shoulders of the applicant.

Renewal of licence or certificate

5. (1) On application made in terms of bye-law 4 (2) and upon payment of a fee of P10, the Council may endorse a renewal of the licence or certificate as set out in Form C of the Schedule, and may attach such conditions to the renewal as it may determine.

(2) Notwithstanding the provisions of sub-bye-law (1), the Council may refuse to renew a hawker's licence or street-vendors certificate to any person, if it is satisfied that the renewal of such licence or certificate would not be in the public interest.

Procedure of Licencing Authority

6. (1) Where an application for a hawker's licence or street vendor's certificate is made in terms of bye-law 4, the Licencing Authority shall, at least 14 days before the date of the meeting at which such application is to be considered, post a notice of such application at the Council's office and such notice shall be open to public inspection.

Issue of duplicate licence or certificate

7. (1) The Licensing Authority may, upon being satisfied that a licence or certificate issued in terms of these Bye-Laws has been lost or destroyed, issue a duplicate hawker's licence or street-vendor's certificate on payment of a fee of P10.

(2) Where a licence or certificate which had been lost and replaced is recovered, the duplicate licence or certificate shall be returned forthwith to the Licencing Authority.

8. (1) Licence or certificate issued under these Bye-Laws shall not be transferable without the consent of the Council, and may be revoked by the Council if —

Licence or certificate not transferable

- (a) the holder thereof transfers the licence without the consent of the Council;
- (b) the holder thereof is convicted of an offence under these Bye-Laws; and
- (c) it is in the public interest to do so.

9. (1) A licence or certificate issued under these Bye-Laws shall be produced on demand to any authorised official or to any member of the Police Force for inspection, or shall, within 7 days of such demand, be made available to the Licencing Authority.

Licence or certificate to be produced for inspection

(2) Any person who contravenes the provisions of sub-bye-law (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding P50, or to imprisonment to a term not exceeding three weeks.

10. (1) The Council may, modify, suspend or cancel a licence or certificate, if the conditions of the licence or certificate have not been complied with, as the case may be, or the continuing use of the licence or certificate constitute a danger to public health.

Modification, suspension or cancellation of licence or certificate

(2) The Council may, at any time withdraw or cancel a licence or certificate issued under these Bye-Laws, if in its opinion, it is in the interest of the public to do so:

Provided that the Council shall allow the licence or certificate holder such time as is necessary to dispose of the businesses' existing stock.

(3) A holder of a licence or certificate shall not be entitled to any refund or fees paid in respect of any licence or certificate that has been suspended, withdrawn or cancelled by the Council in terms of these Bye-Laws.

11. (1) The holder of a hawker's licence or street-vendor's certificate issued under these Bye-Laws shall —

Duties of a hawker or street-vendor

- (a) at all times keep in clean and sanitary condition all receptacles, instruments and other articles used in the conduct of his trade;
- (b) pick and remove any litter, refuse or paper which, in the conduct of the business has been deposited or dropped, or has fallen in or on any public place or private property;
- (c) at all times keep his or her person clean while engaged in the conduct of the business;
- (d) provide a separate storage compartment for the goods to be traded; and
- (e) not, directly or indirectly obstruct traffic in public or cause himself to be nuisance to members of the public.

12. (1) No hawker shall —

Further duties of a hawker

- (a) trade on any private property without the consent of the owner, lessee, manager, or occupier of the said property;
- (b) erect or expose goods for sale in any tent, booth, stall, stand or similar structure; and
- (c) hawk elsewhere than in areas specified on the licence.

13. (1) No street-vendor shall —

Further duties of street-vendor

- (a) erect, or expose goods for sale in any tent, booth, stall, stand or similar structure, unless permitted by the Council to do so; and
- (b) when departing from the pitch at which he has been carrying on business, leave behind goods, receptacles, or other object associated with his trade and leave such pitch in unclean state.

Offences and
penalties

14. Any person who carries on the business of a hawker or street-vendor within the Council area without being the holder of a hawker's licence or street-vendor's certificate issued in terms of these Bye-Laws, or otherwise contravenes the provisions of these Bye-Laws commits an offence and shall be liable, on conviction, for a first offence, to a fine not exceeding P75 and for a second or subsequent offence to a fine not exceeding P30 for everyday that the offence is being committed.

Revocation
of Cap. 40:01
(Sub.Leg.)

15. The Kgalagadi District Council (Hawkers and Street-Vendors (Model) Bye-Laws (Adoption) Order is hereby revoked.

SCHEDULE

FORM A
(bye-law (4))

APPLICATION FOR A HAWKERS LICENCE OR STREET-VENDOR'S
CERTIFICATE.

(Attach two copies of passport size photograph, approximately 5 cm x 4 cm)

Full name of applicant
(Surname first (in block letters))

Place of abode and postal
Address
.....

Nationality National Identity No.

I wish to apply for a hawker's licence or street-vendor's certificate as follows;

(1) Areas to be covered;

(2) Trading in the following classes of goods;

Date
Signature of applicant

FOR OFFICIAL USE ONLY

Date on which application was received by Licensing officer

Proposed hearing of application

Date of approval/rejection of application

.....
Licensing Officer.

FORM B
(bye-law 4 (2))

HAWKER'S OR STREET-VENDOR'S LICENCE

NOT TRANSFERABLE

Licence Certificate No

Name.....is hereby licenced in accordance
with the Kgalagadi District Council (Hawker's or Street-vendor's) Bye-Laws to carry on
the business of a hawker or street-vendor in the following area/s:

.....

.....

Conditions(if any) applicable:

.....
Signature of holder
or

.....
Right thumb print of holder

Date of issue:..... Fee paid.....O/R No.....

Date on which application was received by Licencing officer

.....
Licencing officer.

FORM C
(bye-law 5)

RENEWAL OF APPLICATION

(1) Applicant for renewal to complete the following;

(a) Areas;

(2) Conditions (if any) applicable

Date

.....
Licencing officer.

MADE this 23rd day of November, 1998.

.....
*Chairman,
Kgalagadi District Council.*

APPROVED this 23rd day of November, 98.

D.K. KWELAGOBÉ,
*Minister of Local Governmet,
Lands and Housing.*

L2/8/20 IV.