

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

CENTRAL DISTRICT COUNCIL (BARBERS AND BRAIDERS) BYE-LAWS, 2002
(Published on 14th June, 2002)

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BYE-LAW

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SCHEDULE

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

1. These Bye-laws may be cited as the Central District Council (Barbers and Braiders) Bye-laws, 2002. 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 Central District Council;

“council area” means the area under the jurisdiction of the council;
 “council officer” means the Council Secretary, the Council Treasurer, a By-law Enforcement Officer and an authorised official;
 “licensing authority” means the licensing authority appointed under bye-law 5(1);
 “licensing office” means the Council Secretary or an employee of the council, duly authorised 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 office” means any member of the Botswana Police Force 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;
 “Registrar” means the Council Secretary or an employee of the council, duly authorised as such, in writing, by the Council Secretary.

Cap. 01:02

Register of
barbers and
braiders

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

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

- (a) his full names;
- (b) his 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 or
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 licenced 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, national identity 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 P5, issue a barber's or braider's licence, as the case might be, in the form set out in Form B of the Schedule.

6. A licence issued under bye-law 5(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 P5; or
- (c) if made after the expiry of the licence, made no later than one year after the expiry of the licence, together with the application fee of P5 and a late renewal fee of P10.

(3) No person shall carry on business as a barber or braider after his licence has expired, unless he 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 conditions of these Bye-laws have not been complied with;
- (c) the holder of the licence is 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.

(7) Any person who contravenes the provisions of sub-bye-law (3) shall be guilty of an offence.

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 that person, on payment of a fee of P2,50.

Issue of
duplicate
licence

Licence not transferable	(2) Where a licence which has been lost and replaced 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. (2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.
Modification, suspension or revocation of licence	10. The licensing authority may modify, suspend or revoke a licence issued under these Bye-laws if — (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 thereof 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 approved by the licensing authority, having regard to public health and safety; (b) be constructed in a manner approved by the licensing authority, having regard to public health and safety; (c) be used solely for the business of a barber or braider; (d) not be within a radius of 30 metres from the nearest residential or commercial plots; (e) have adequate lighting and ventilation; (f) have a constant supply of wholesome water; (g) be maintained at all times in a clean and sanitary condition; (h) be at all times maintained in good repair; (i) be free of insects, rodents or other vermin; (j) be not less than 7.5 square metres in size; and (k) 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.

14. (1) The holder of a licence issued 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 trade; (c) at all times keep his person clean while engaged in the conduct of his trade; (d) use disposable hand gloves and masks where necessary; (e) take all reasonable steps to ensure that clean, disinfected or sterilized articles are kept separate from those which have not been washed, disinfected or sterilized; (f) ensure that at all times there are sufficient receptacles of galvanized 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 business, within the premises and the surrounding area, at the close of each working day; and (h) ensure that adequate toilet facilities are available for all working staff and patrons. (2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.	Sanitary conditions
15. Where in the opinion of the licensing authority, premises licenced 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 licenced premises
16. (1) A council officer or a police officer may at any reasonable time enter and inspect the premises for the purpose 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. (2) Any person who refuses a council officer or a police officer entry into the premises shall be guilty of an offence;	Powers of entry
17. (1) Any person aggrieved by the decision of the licensing authority, made under these Bye-laws, may appeal to the council. (2) Any person aggrieved by the decision of the council, under sub-Bye-law (1), may appeal to the Minister.	Appeals
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 P 100 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 P200 or to imprisonment for a term not exceeding six months, or to both. (2) Any person who is convicted of any offence under these Bye-laws may, in addition to any penalty to which he may be liable, be liable to have his licence revoked.	Penalties for offences

SCHEDULE

FORM A

(Bye-law 5(2))

APPLICATION FOR A BARBER'S*/BRAIDER'S* LICENCE

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

Full names of applicant:
(Surname first)

Place of residence:
.....

Sex: Male*/Female*
Postal address:
.....

Nationality:
National Identity 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

(Bye-law 5(5))

BARBER'S* /BRAIDER'S* LICENCE

Photograph of holder

NOT TRANSFERABLE

Licence number
Surname
Other names
Identity number.....
Place of birth
Sex
Postal address
Physical address

The holder of this licence is hereby licenced in accordance with the Central 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

RENEWALS

Date:

Conditions:
.....
.....

.....
Signature of Licensing Officer

Date:

Conditions:
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Signature of Licensing Officer

Date:

Conditions:
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Signature of Licensing Officer

Date:

Conditions:
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Signature of Licensing Officer

*Delete as necessary

FORM C

(Bye-law 7(1))

APPLICATION FOR RENEWAL OF A BARBER'S*/ BRAIDER'S* LICENCE

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

Applicants for renewal to complete the following:

(a) Full names of applicant:

(Surname first)

(b) Licence number:

(c) Place of residence:

(d) Postal address:

.....

.....

(e) Identity (Oman) 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

* Delete as necessary

MADE this 3rd day of May, 2002.

*Chairperson,
Central District Council.*

Approved this 22nd day of May, 2002.

M.N. NASHA,
Minister of Local Government.