

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

GHANZI DISTRICT COUNCIL (BARBERS AND BRAIDERS) BYE-LAWS, 2011
(Published on 26th August, 2011)

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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 Ghanzi District Council hereby makes the following Bye-Laws —

1. These Bye-laws may be cited as the Ghanzi District Council (Barbers and Braiders) Bye-laws, 2011. 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 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;
“Council” means the Ghanzi District Council;
“council area” means the area under the jurisdiction of the Council;
“council officer” means the Council Secretary, the Council Treasurer, a bye-law enforcement officer or an authorised official;

“licensing authority” means the licensing authority appointed under bye-law 5;

“licensing office” means the Council Secretary or an employee of the Council, duly authorised as such by the Council Secretary in writing;

“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; and

“Registrar” means the Council Secretary or an employee of the Council, duly authorised as such, in writing, by the Council Secretary.

Register of barbers and braiders

3. (1) The Registrar shall keep a register of licenced barbers and another register of licenced braiders.

(2) The Registrar shall cause to be entered in the 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 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 the —

- (a) person is a citizen of Botswana;
- (b) person has attained the age of 16 years;
- (c) 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 subbye-law (1) shall be guilty of an offence and is liable to a penalty specified under bye-law 20.

Appointment of licensing authority

5. The Council shall, from amongst its members, appoint a licensing authority to perform the Council's functions under these Bye-laws.

Application for licence

6. (1) A person who wishes to carry on the business of a barber or braider shall apply to the licensing authority, in Form A set out in the Schedule.

(2) 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.

(3) 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 the interests of health or to the public interest.

(4) 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 may be, in Form B set out in the Schedule.

Validity of licence

7. A licence issued under bye-law 6 (4) shall be valid for a period of 12 months and, unless renewed under bye-law 8, shall expire immediately after a period of 12 months from the date of issue.

Renewal of licence

8. (1) 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 subbye-law (2).

(2) A licence may be renewed by application made to the licensing authority in Form C set out in the Schedule 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.

(3) An application for renewal in terms of subbye-law (2) shall be —

(a) in respect of the same premises;

(b) subject to bye-law (4), made not later than the date of the expiry of the licence; and

(c) accompanied by the application fee of P5.

(4) An application for renewal, if made after the expiry of the licence, shall be made no later than one year after the expiry of the licence, and accompanied by the application fee of P5 and a late renewal fee of P10.

(5) Any application for renewal made to the licensing authority after 12 months of the expiry of the licence shall be treated as a new application.

(6) Where an application complies with subbye-law (3), the licensing authority shall, endorse such renewal on the licence and may attach any conditions to the renewal as it may determine.

(7) 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 provisions 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.

(8) Any person who contravenes the provisions of sub bye-law (1) shall be guilty of an offence and liable to the penalty specified in bye-law 20.

9. (1) The licensing authority may, on being satisfied that a licence issued in terms of these Bye-laws has been lost or destroyed, issue a duplicate licence to the licensee, on payment of a fee of P2.50.

Issue of
duplicate
licence

(2) Where a licence which has been lost and replaced is recovered, the duplicate licence shall be returned forthwith to the licensing authority.

10. (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.

Licence not
transferable

(2) Any person who contravenes the provisions of sub bye-law (1) shall be guilty of an offence and liable to the penalty specified under bye-law 20.

11. (1) The licensing authority may suspend a licence issued under these Bye-laws if —

Suspension,
revocation,
etc.

(a) there is non-compliance with any condition of the licence; or

(b) the holder purports to hire, cede or transfer or in any way whatsoever make over the licence to any other person.

(2) The Council may revoke a licence where —

(a) it reasonably believes that it is in the interest of the public to do so;

(b) the continuing use of the licence will constitute a danger to public health; or

(c) the holder is convicted of an offence under these Bye-laws.

12. Any person who wishes to have his licence modified or varied may make an application in writing to the licensing authority giving reasons why a modification or variation is required.

Modification
of licence

13. (1) A licence issued under these Bye-laws, or a copy thereof, shall be displayed prominently in the premises used for the business of a barber or braider.

Display of
licence

Licence to be
produced for
inspection

(2) Any person who contravenes the provisions of sub bye-law (1) shall be guilty of an offence and liable to the penalty specified under bye-law 20.

14. (1) A holder of a licence issued under these Bye-laws shall, on demand by a council officer or a police officer, produce the licence for inspection or otherwise shall, within 48 hours of such demand, produce the licence for inspection, at the office of such council officer, or at the station of such police officer, as the case maybe.

Premises

(2) Any person who contravenes the provisions of sub bye-law (1) shall be guilty of an offence and liable to the penalty specified under bye-law 20.

15. (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 and liable to the penalty specified under bye-law 20.

Sanitary
conditions

16. (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 the business of a barber or braider;
- (c) at all times keep his person clean while engaged in the conduct of business of a barber or braider;
- (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 and liable to the penalty specified under bye-law 20.

17. 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 the licensing authority is satisfied that the threat or danger has been remedied.

Closure of
licenced
premises

18. (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.

Powers of
entry

(2) Any person who refuses to allow a council officer or a police officer entry into the premises shall be guilty of an offence and liable to the penalty specified under bye-law 20.

19. (1) Any person aggrieved by the decision of the licensing authority made under these Bye-laws, may appeal to the Council within 30 days of notification of that decision.

Appeals

(2) Any person aggrieved by the decision of the Council, under subbye-law (1), may appeal to the Minister within 30 days of notification of that decision.

20. (1) Any person who is guilty of an offence under these Bye-laws shall be liable —

Penalties

(a) for a first offence, to a fine not exceeding P500, 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 P2 000, 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 licence revoked with effect from a date as the court may determine or have goods associated with his barber or braider business impounded or confiscated.

SCHEDULE

FORM A

APPLICATION FOR A BARBER'S/BRAIDER'S LICENCE (bye-law 6 (1))

(GHANZI DISTRICT COUNCIL)

(This form is to be completed in block letters. Attach two passport size photographs, approximately 5cm x 4cm 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:

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.....

(b) Number and type of scissors, clippers and other equipment to be used:

.....
.....
.....

(c) Other information:

.....
.....
.....

(d) I have the following qualifications/experience:

.....

.....

.....

Date:

.....
Signature or right thumbprint of applicant

FOR OFFICIAL USE ONLY

Date on which the application was received:

Proposed date of hearing:

Date of approval/rejection of application:

OFFICIAL STAMP

.....
Licensing Officer.

FORM B

BARBER'S/BRAIDER'S LICENCE
(Bye-law 6 (4))

(GHANZI DISTRICT COUNCIL)

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 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:

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.....

(b) with no less than the following equipment:

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.....

(c) subject to the following conditions:

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.....
Signature or right thumbprint of applicant

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Signature of Licensing Officer

Date on which application was received:

Date of issue:

Fee Paid:

OFFICIAL STAMP

RENEWALS

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

Date:

Conditions:

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Signature of Licensing Officer

FORM C

APPLICATION FOR RENEWAL OF A BARBER'S/BRAIDER'S LICENCE
(Bye-law 8 (2))

(GHANZI DISTRICT COUNCIL)

(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 thumbprint of applicant

FOR OFFICIAL USE ONLY

Date on which application was received:

Date of approval/rejection of application:
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Conditions of renewal (if any):

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.....

.....
Signature or right thumbprint of applicant

MADE this 8th day of July, 2011.

K.N.M. MOLEPOLOLE,
*Council Secretary,
Ghanzi District Council.*

APPROVED this 12th day of August, 2011.

LEBONAAMANG T. MOKALAKE,
Minister of Local Government.

AGC 5/2/3/18 Temp (40)