

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

GHANZI DISTRICT COUNCIL (MARKETS) BYE-LAWS, 1997
(Published on 4th April, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment and control of markets
4. Hiring of stalls in markets
5. Order in markets
6. Subletting of stalls prohibited
7. Cleanliness of stalls etc.
8. Prohibition of animals
9. Business days and hours
10. Inspection of scales etc.
11. Removal of merchandise from markets
12. Penalties

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

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

1. These Bye-Laws may be cited as the Ghanzi District Council (Markets) Citation
Bye-Laws, 1997.

2. In these Bye-Laws, unless the context otherwise requires — Interpretation

“Council” means the Ghanzi District Council;

“health inspector” means a health inspector employed by the Government or
by the Council;

“market” means a market established by the Council;

“market master” means a person appointed by the Council to be a market master
for the purposes of these Bye-Laws;

“stall” includes any building, stand, shelter, table, place or plot within a market
set aside for the sale of merchandise, or for the provision of a service to
the public;

“stall-holder” means a person by whom a stall is hired under these Bye-Laws. Establishment
and control of
markets

3. (1) The Council may establish such markets within the Council area as
it deems necessary or desirable.

(2) Every such market shall be under the control and supervision of a market
master appointed by the Council.

(3) Any person who erects any building, tent, booth, shelter or other structure
within a market without the written permission of the Council, and otherwise
than in conformity with any directions given by the Council, shall be guilty of
an offence.

4. (1) A person wishing to hire a stall in a market shall make written application therefor to the Council, in the form set out in the First Schedule.

(2) The Council may approve, or may on good grounds reject, an application made to it under paragraph (1), and in particular may reject it -

(a) where every stall of the type for which application is made is already hired;

(b) if, in its opinion, the applicant is under 16 years of age; or

(c) if, in its opinion, to grant the application would not be in the public interest.

(3) Any person whose application has been rejected under paragraph (2) may appeal in writing against that decision to the Minister.

(4) Where an application under paragraph (1) is approved, the market master shall issue a permit substantially in the form set out in the Second Schedule, and specifying —

(a) the full name, place of abode and postal address, if any, of the person to whom the permit is issued;

(b) the nature of the merchandise to be sold or of the service to be provided;

(c) the period during which the permit shall be in force;

(d) the number of the stall to be hired; and

(e) the rent to be paid for the stall.

(5) The rent to be paid for a stall hired under these Bye-Laws shall be as specified in the Third Schedule.

(6) Every market master shall at all times exhibit at his office, in a conspicuous place where the public may readily read the same, a copy of the Third Schedule; and any market master who fails, without reasonable excuse, to comply with the provisions of this paragraph, shall be guilty of an offence.

(7) All payments of rent for the hire of a stall under these Bye-Laws shall be made monthly or yearly, in advance, at the office of the market master.

(8) Any person who uses a stall without a permit issued under this Bye-Law, or for a purpose not authorized by the permit, or before the current rent has been paid for the hire of the stall, shall be guilty of an offence.

5. (1) Any person who begs, gambles or loiters, or screams, shouts or sings in a loud or unseemly manner, or makes any other loud or unseemly noise, or who creates a disturbance or conducts himself in an offensive or objectionable manner, within a market, shall be guilty of an offence and, without prejudice to the prosecution of any such offence, the market master may require any person who so behaves in his presence, or whom he has reasonable grounds to believe has recently so behaved, forthwith to leave the market.

(2) The market master may refuse entry to a market to any person whom he suspects on reasonable grounds to be suffering from, or to be a carrier of, a communicable disease, or to be under the influence of drink or drugs, or to any person who in his presence does, in or in the immediate vicinity of the market, any act prescribed by paragraph (1).

(3) Any person who, on being required forthwith to leave a market under paragraph (1), refuses to do so or who, having left a market on being required to do so under that paragraph, or having been refused entry to a market under paragraph (2), enters or attempts to enter the market without the permission of the market master shall be guilty of an offence.

6. A stall-holder shall not sublet the stall hired to him under these Bye-Laws to any other person, and any stall-holder who does so sublet his stall shall be guilty of an offence, and in addition the Council may cancel the permit issued to him under bye-law 4 of these Bye-Laws.	Subletting of stalls
7. (1) Every stall-holder shall take all reasonable steps to ensure that the stall let to him, and all utensils, machinery and equipment used therein, and all merchandise sold or displayed for sale therein, are, and are maintained, in a clean and hygienic condition, and that all persons engaged in the business of the stall are while so engaged in a proper state of cleanliness. (2) Where there is a contravention of any of the provisions of sub-paragraph (1) the stall-holder concerned shall be guilty of an offence, and in addition the Council may cancel the permit issued to him under bye-law 4 of these Bye-Laws.	Cleanliness of stalls
(3) Any person whose permit has been cancelled under this bye-law may appeal in writing to the Minister within 14 days of being informed of such cancellation, and the Minister may order the restoration of such permit, or the dismissal of such appeal as he thinks appropriate.	
8. Any person who causes or permits any animal to enter, or remain within a market, shall be guilty of an offence: Provided that the provisions of this Bye-Law shall not apply to poultry intended for sale by a stall holder within his stall.	Prohibition of animals
9. (1) Every market may be opened for business on any day, and shall be opened and closed at such times between the hours of 06.00 a.m. and 18.30 p.m. as the Council shall determine. (2) Every market master shall exhibit, in a conspicuous place within and outside the market, where the public may readily read the same, a notice clearly stating the times at which the market shall be opened and closed. (3) Any person who, without the permission of the market master, enters or remains within a market when it is closed for business shall be guilty of an offence.	Business days and hours
10. (1) The market master shall, from time to time inspect every scale, weight or measure used in a market and shall require the removal forthwith from the market of any such scale, weight or measure which he has reasonable grounds to believe is faulty. (2) Any stall holder who refuses to comply with a requirement under paragraph (1), or who, having removed a scale, weight or measure from the market on being required to do so under that paragraph, brings or attempts to bring the scale, weight or measure back into the market without the permission of the market master, shall be guilty of an offence.	Inspection of scales etc.
11. (1) The market master or a health inspector may require a stall holder forthwith to remove from the market any of his merchandise which in the opinion of the market master or health inspector is noxious, putrefactive or unfit for human consumption. (2) Any stall-holder who refuses to comply with a request by the market master or a health inspector in accordance with paragraph (1), or who, having removed merchandise from the market in accordance with such a request, brings or attempts to bring the same merchandise back into the market without the permission of the market master, shall be guilty of an offence.	Removal of merchandise from markets

Penalties

12. Any person who is guilty of an offence under these Bye Laws shall be liable, for a first offence, to a fine of P50,00 and to imprisonment for one month, and for a second or subsequent offence to a fine of P100,00 and to imprisonment for three months.

FIRST SCHEDULE

(bye-law 4(1)).

**GHANZI DISTRICT COUNCIL (MARKETS) BYE-LAWS, 1997
(S.I. No. of 1997)**

APPLICATION FOR PERMIT TO HIRE STALL.

(Attach two copies of a passport size photograph, approximately 5 cm x 14 cm)

**Full name of applicant.....
(Surname first) IN BLOCK LETTERS)**

Place of abode and postal address.....

Type of stall applied for.....

Period for which you wish to hire stall

(a) Indefinitely

(b) for.....(days/weeks/

Give particulars of the merchandise or service you intend to sell or provide at your stall

Give the number of any other stall you have in the market

Date.....

Signature of Applicant

FOR OFFICIAL USE ONLY

Date on which application was received by Licensing officer.....

Proposed date of hearing of application.....

Date of approval/rejection of application.....

.....

Licensing Officer

SECOND SCHEDULE

(bye - law 4 (4))

GHANZI DISTRICT COUNCIL (MARKETS) BYE - LAWS, 1997
(S.I. of 1997)

Permit to hire stall

NOT TRANSFERABLE

Issued to :.....

whose place of abode and postal address are :.....

to trade in or to provide the following service (s) :.....

.....,

.....

.....

.....

at Stall No:..... at.....market

indefinitely

or

from:.....to.....both dates inclusive

at the inclusive rental of P.....per day/week/month/year

Date.....

.....

Licensing Officer

THIRD SCHEDULE (*Bye-Law 4(5)*)

Rental for Stalls

<i>Type of Stall</i>	<i>Monthly Rental</i>	<i>Annual Rental</i>
1. Brigade shop	P 3.00	P 36.00
2. Lock-up stall	P 2.00	P 16.00
3. Open stall	P 1.00	P 12.00
4. Any open space	50 thebe	P 6.00

MADE this 28th day of March, 1997.

W.M. MATHUUKWANE,
Chairman,
Ghanzi District Council.

APPROVED this 4th day of April, 1997.

P.K. BALOPI,
Minister of Local Government,
Lands and Housing.

L2/7/68 V