



**VOLUME: VII**

**CHAPTER:40:01 LOCAL GOVERNMENT DISTRICT COUNCILS: SUBSIDIARY LEGISLATION**

**CHOBÉ DISTRICT COUNCIL HAWKING AND STREET VENDING MODEL BYELAWS  
ADOPTION BYELAWS**

*(section 38(2))*  
*(19th December, 2008)*  
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Prohibition of hawking or street vending without certificate
4. Application for certificate
5. Period of certificate
6. Renewal of certificate
7. Register of hawkers and street vendors
8. Issue of duplicate certificate
9. Certificate not transferable
10. Modification, suspension or cancellation of certificate
11. Duties of hawkers and street vendors
12. Prohibited forms of hawking
13. Prohibited forms of street vending
14. Appeals
15. Certificate to be produced for inspection
16. Penalties for offences

Schedule

S.I. 109, 2008.

**1. Citation**

These Bye-Laws may be cited as the Chobe District Council (Hawking and Street Vending) (Model Bye-Laws) (Adoption) Bye-Laws.

**2. Interpretation**

In these Bye-Laws, unless the context otherwise requires

**"authorised official"** means the Council Secretary or any employee of the Council duly authorised as such, in writing, by the Council;

**"certificate"** means a hawker's certificate of registration or a street vendor's certificate of registration, issued under bye-law 4;

**"Council"** means the Chobe District Council;

**"council area"** means the area under the jurisdiction of the Council;

**"hawker"** means a person, being otherwise unemployed, who carries on the business of selling his or her goods from place to place within Botswana, which business has an average monthly turnover of no more than P500 per month;

**"Police Service"** means the Botswana Police Service or the Local Police Force;

**"register"** means any register which the council is required to keep under bye-law 7;

**"Registrar"** means the Council Secretary or any employee of the Council duly authorised as such, in writing, by the Council; and

**"street vendor"** means a person, being otherwise unemployed, who carries on the business of selling goods from a pitch at which he or she stations himself or herself, either in a convenient public place or upon land which he or she has no right to control, which business has an average monthly turnover of no more than P500 per month.

### **3. Prohibition of hawking or street vending without certificate**

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 valid certificate issued in terms of these Bye-Laws.

### **4. Application for certificate**

(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 Registrar, supplying such information as the Registrar may require and, in particular, specifying the

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

(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 identity card (in these Bye-Laws referred to as an "Omang") issued in accordance with the provisions of the National Registration Act.

(3) The Registrar may refuse to issue a certificate to any person

- (a) if he is satisfied that the issue of such certificate would be contrary to the public interest;
- (b) in respect of a particular class of goods, if he is satisfied that the carrying on of business in respect of that class of goods would be contrary to the public interest; or
- (c) in respect of a particular area or areas, if he or she is satisfied that the carrying on of business in such area or areas would be contrary to the public interest.

(4) The Registrar may, if he or she is satisfied that the requirements of these Bye-Laws have been met, issue a hawker's or street vendor's certificate as set out in Forms B and C of the Schedule respectively, subject to such conditions as he or she considers necessary or expedient having regard to the provisions of these Bye-Laws.

### **5. Period of certificate**

A certificate issued under bye-law 4 (4) shall, subject to the provisions of these Bye-Laws, be valid for a period of two years and, unless renewed under bye-law 6, shall expire immediately after a period of two years from the date of issue thereof has elapsed.

### **6. Renewal of certificate**

(1) A certificate may, upon its expiry, be renewed by application made to the Registrar as set out in Form D, for a period of two years and thereafter for further periods of two years.

(2) An application for renewal in terms of sub-bye-law (1), shall be made

- (a) no later than one month before the expiry of that certificate; or

(b) no later than one month before the expiry of any of the subsequent periods for which the certificate has been renewed in terms of sub-bye-law (1) .

(3) Subject to the provisions of sub-bye-law (5), the Registrar shall, on application made in terms of sub-bye-laws (1) and (2), endorse such renewal on the certificate and may attach such conditions to the renewal thereof as he may determine.

(4) Any certificate which is not renewed pursuant to an application made in accordance with sub-bye-laws (1) and (2) shall expire and may be renewed only by applying for a new certificate.

(5) The Registrar may refuse to renew a certificate if he is satisfied that ♦

- (a) the conditions of the certificate have not been complied with;
- (b) the conditions of these Bye-Laws have not been complied with; or
- (c) it is in the public interest not to renew such licence.

## **7. Register of hawkers and street vendors**

(1) The Registrar shall keep a register of all hawkers and another of all registered street vendors.

(2) The Registrar shall cause to be entered in such registers the following particulars in respect of each registered hawker or street vendor ♦

- (a) his or her full names;
- (b) his or her registration certificate number;
- (c) the date of registration;
- (d) the types of goods allowed to be sold (as contained in the certificate);
- (e) the area in which such goods may be sold (as contained in the certificate) ; and
- (f) any other particulars which the Registrar may consider necessary.

## **8. Issue of duplicate certificate**

(1) The Registrar, on being satisfied that a certificate issued in terms of these Bye-Laws has been lost or destroyed, shall issue a duplicate certificate to that person.

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

## **9. Certificate not transferable**

(1) A certificate 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 provision of sub-bye-law (1) shall be guilty of an offence under these Bye-Laws.

## **10. Modification, suspension or cancellation of certificate**

(1) The Registrar may modify, or suspend or cancel a certificate if the conditions of the certificate have not been complied with or if the continuing use of the certificate constitutes a danger to public health.

(2) The Registrar may, at any time, withdraw or cancel a certificate issued under these Bye-Laws if ♦

- (a) the holder thereof purports to hire, cede, transfer or in any way whatsoever make over the certificate to any other person;
- (b) the holder thereof is subsequently convicted of an offence under these Bye-Laws; or
- (c) in his or her opinion, it is in the interest of the public to do so:

Provided that the Registrar shall, where practicable, allow the certificate holder such time as he or she may consider necessary to enable the holder of the certificate to dispose of his existing stock.

## **11. Duties of hawkers and street vendors**

(1) Every hawker or street vendor shall ♦

- (a) at all times keep in a clean and sanitary condition all receptacles, instruments and other articles used in the conduct of his or her trade;

- (b) pick and remove any litter or refuse which, in or through the conduct of his or her trade, has been deposited, dropped or has fallen on any public place or private property;
- (c) at all times keep his or her person clean while engaged in the conduct of his trade;
- (d) provide a separate storage compartment for the goods to be traded; and
- (e) if directly or indirectly obstructing traffic in any public place or obstructing the use of any public place, or causing a nuisance or danger to persons in the vicinity by means of himself or herself, his or her vehicles or his or her goods, at the request of any member of the Police Service or authorised officer, remove himself or herself, his or her vehicles or his or her goods, as the case may be, to such other place, as may reasonably be required, in order to discontinue such obstruction or danger or to abate such nuisance.

(2) No hawker or street vendor shall

- (a) agree, undertake or purport to hire, cede, transfer or in any way whatsoever make over his certificate to any other person;
- (b) trade in goods other than those specified in his certificate; or
- (c) trade in areas other than those allowed by his certificate.

(3) Any person who contravenes the provisions of sub-bye-laws (1) or (2) shall be guilty of an offence under these Bye-Laws.

## **12. Prohibited forms of hawking**

(1) No hawker shall

- (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; or
- (c) hawk except between the hours of 7 a.m. and 7 p.m.

(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence under these Bye-Laws.

## **13. Prohibited forms of street vending**

(1) No street vendor shall

- (a) in any area erect or expose goods for sale in any tent, booth, stall, stand or similar structure, unless approved by the Council to use, in such area, such tent, booth, stall, stand or similar structure and the Registrar has endorsed such permission on the certificate;
- (b) refuse, at the request of a member of the Police Service or an authorised official, to move his or her goods, receptacles and any other objects associated with his trade, so as to permit the Council's sanitary staff to clear any area in which he is conducting his business;
- (c) when departing from the pitch at which he or she has been carrying on trade, leave behind goods, receptacles or other objects associated with his or her trade or leave such pitch in an unclean state;
- (d) carry on business except in between the hours of 6 a.m. and 10 p.m.

(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence under these Bye-Laws.

## **14. Appeals**

Any person aggrieved by the decision of the Registrar, made under these Bye-Laws, may appeal to the Minister.

## **15. Certificate to be produced for inspection**

(1) Every holder of a certificate issued under these Bye-Laws shall, on demand by any authorised official or any member of the Police Service, immediately thereon produce it for inspection or otherwise shall, within 48 hours of such demand, produce it for

inspection at the office of such authorised official or at the station of such member of the Police Service, as the case may be.

(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence under these Bye-Laws.

**16. Penalties for offences**

(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 P500 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 P1,000 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

- (a) have his certificate cancelled with effect from such date as the court considers necessary taking into account the time needed to enable him or her to dispose of his or her existing stock; or
- (b) have his or her goods impounded or confiscated.

**SCHEDULE**

**Form A**

**APPLICATION FOR HAWKER'S OR STREET VENDOR'S CERTIFICATE**

*(bye-law 4)*

(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 .....

Postal address .....

Identity No. ....

[xxi]\* I wish to apply for a hawker's/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 .....

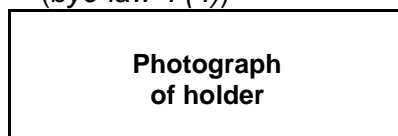
[xxii]\* Date of approval/rejection of application .....

*Registrar*

**Form B**

**HAWKER'S CERTIFICATE**

*(bye-law 4 (4))*



Registration number: .....

Surname: .....

Other names: .....

Identity number: .....

Place of birth: .....  
Sex: .....  
Postal address: .....  
Physical address: .....  
District: .....

The holder of this certificate is entitled to hawk in the following areas/places ◆  
.....  
.....  
and to trade in the following classes of goods ◆  
.....  
.....  
subject to the following conditions ◆  
.....  
.....  
.....

.....  
*Signature or thumb-print of holder*  
Date of issue .....  
Office of issue .....

OFFICIAL STAMP

.....  
*Signature of Registrar*

**RENEWALS**

Date: .....  
Conditions: .....  
.....  
.....

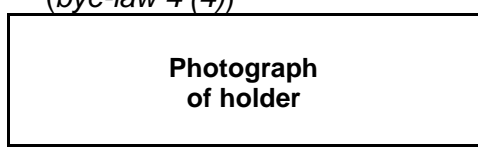
Date: .....  
*Signature of Registrar*  
Conditions: .....  
.....  
.....

Date: .....  
*Signature of Registrar*

Date: .....  
Conditions: .....  
.....  
.....  
.....

.....  
*Signature of Registrar*

**Form C**  
**STREET VENDOR'S CERTIFICATE**  
*(bye-law 4 (4))*



Registration number: .....  
Surname: .....  
Other names: .....  
Identity number: .....

Place of birth: .....  
Sex: .....  
Postal address: .....  
Physical address: .....  
District: .....

The holder of this certificate is entitled to vend in the following areas/places ◆  
.....  
.....

and to trade in the following classes of goods ◆  
.....  
.....

subject to the following conditions ◆  
.....  
.....

.....  
*Signature or thumb-print of holder*

Date of issue .....  
Office of issue.....

OFFICIAL STAMP

.....  
*Signature of Registrar*

**RENEWALS**

Date: .....  
Conditions: .....

Date: .....

*Signature of Registrar*

Conditions: .....

Date: .....

*Signature of Registrar*

Date: .....

Conditions: .....

Date: .....

.....  
*Signature of Registrar*

**Form D**  
**APPLICATION FOR RENEWAL OF A HAWKER◆S OR STREET VENDOR◆S**  
**CERTIFICATE**  
*(bye-law 6 (1))*

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

Full names of applicant: .....  
(Surname first)

Registration number: .....

Place of residence: .....

.....

Postal address: .....

Identity No. ....

[xxiii]\* I wish to apply for the renewal of my hawker/s/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:.....

[xxiv]\* Date of approval/rejection of application: .....

.....

*Registrar*