

SOWA TOWNSHIP (HAWKING AND STREET VENDING) BYE-LAWS

(regs 34 and 35*)

(4th March, 1994)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

- [1.](#) Citation
- [2.](#) Interpretation
- [3.](#) Licence required to carry on hawking business
- [4.](#) Street vendors to be registered
- [5.](#) Procedure of licensing authority
- [6.](#) Issue of hawker's licence and street vendor's certificate
- [7.](#) Issue of duplicate hawker's licence and street vendor's certificate
- [8.](#) Cancellation or suspension of licence or certificate
- [9.](#) Duties of hawkers and street vendors
- [10.](#) Further duties of street vendors
- [11.](#) Licence or certificate to be produced for inspection
- [12.](#) Offences and penalties
- [13.](#) Appeal

S.I. 20, 1994,

S.I. 30, 2010,

S.I. 56, 2017.

1. Citation

These Bye-laws may be cited as the Sowa Township (Hawking and Street Vending) Bye-laws.

2. Interpretation

In these Bye-laws, unless the context otherwise requires-

"hawker" means any person who travels from place to place carrying or hawking goods for sale;

"licensing authority" means the Sowa Township Authority or any committee convened by the Township Authority 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, whether in a public place or on ground over which he has no right of control;

"Township Authority" means the Sowa Township Authority;

"township officer" means the Chief Executive officer, the Treasurer or any other employee of the Township Authority duly authorised by the Chief Executive Officer, in writing, for the purpose of enforcing these Bye-laws.

3. Licence required to carry on hawking business

(1) No person shall carry on the business of a hawker within Sowa Township unless he is the holder of a valid hawker's licence issued to him by the licensing authority.

(2) Any person wishing to carry on the business of hawking shall apply to the licensing authority for a hawker's licence on such form and in such manner as the licensing authority may require, specifying the classes of goods in which he wishes to trade and the area in which he wishes to hawk.

(3) If the licensing authority is satisfied that a licence is in order, it may, on payment by the applicant of a fee of P20, issue a licence to the applicant, for such goods and such area, and subject to such conditions or qualifications as may be specified therein.

(4)(a) A hawker's licence must be renewed annually on application made therefor not later than 31st day of March following the date of issue thereof, after which date the licence shall be invalid.

(b) On application made in terms of paragraph (a) hereof, and on payment of a fee of P5, the licensing authority may endorse such renewal on the licence and may attach such conditions or qualifications to the renewal thereof as he may determine.

(5) Any person who carries on the business of hawking in Sowa Township, or any area thereof, without having a licence therefor in his name, and for the area concerned, or who fails to comply with any condition or qualification attached to his licence, shall be guilty of an offence and liable to a fine of P200 or to imprisonment for a term not exceeding three months, or to both.

(6) Notwithstanding the provisions of sub-bye-law (1), or sub-bye-law (4), a manufacturer or producer of perishable goods who operates on a small scale may carry on the business of a hawker of such goods, without being required to obtain a hawker's licence in respect thereof.

4. Street vendors to be registered

(1) No person shall carry on the business of a street vendor within Sowa Township unless he is the holder of a certificate of registration as a street vendor issued to him by the licensing authority.

(2) Any person wishing to carry on the business of a street vendor shall make application therefor to the licensing authority in such form and manner and containing such information as the licensing authority may require.

(3) If the licensing authority is satisfied that the application is in order, and that there are no grounds for rejecting the application under these Bye-laws, it may, on payment of a fee of P5, register the applicant and issue a certificate of registration, in respect of such area and for such goods, and subject to such conditions and qualifications as it may determine, and as shall be specified in the certificate.

(4)(a) A certificate of registration must be renewed annually upon application made therefor not later than the 31st day of March following the date of issue thereof.

(b) On application being made therefor in terms of paragraph (a), and on payment of a fee of P5, the licensing authority shall endorse such renewal on the certificate and may attach such conditions or qualifications to such renewal as it may determine.

(5) Any person who carries on the business of a street vendor in Sowa Township or any area thereof, without being registered therefor and being in possession of a certificate of registration in his name for the area concerned, or who fails to comply with any condition or qualification subject to which such certificate is issued, shall be guilty of an offence and liable to a fine of P200 or to imprisonment for a term not exceeding three months, or to both.

(6) Notwithstanding the provisions of sub-bye-laws (1) and (5), a manufacturer of perishable goods who operates on a small scale may carry on the business of a street vendor in respect of such goods, without being registered therefor.

(7) No person shall be registered to carry on the business of a street vendor on any private property unless the owner of such property has notified the licensing authority, in writing that he consents to such property being used by the street vendor for the purpose of carrying on the business.

5. Procedure of licensing authority

(1) Where an application for a hawker's licence is made in terms of bye-law 6, the licensing 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.

(2) In considering any application for a hawker's licence, the licensing authority may regulate its own procedure.

6. Issue of hawker's licence and street vendor's certificate

(1) Subject to the provisions of sub-bye-laws (2) and (3) the licensing authority, after consideration of an application made in terms of bye-law 6, shall issue the applicant with a hawker's licence on payment of a fee of P5, unless the applicant is otherwise disqualified by law from obtaining such a licence.

(2) The licensing authority may refuse to issue a hawker's licence or a street vendor's certificate, as the case may be, to any person who-

- (a) is a minor under 16 years of age;
- (b) is an unrehabilitated insolvent;
- (c) has assigned his estate for the benefit of his creditors;
- (d) has, during the five years preceding the application, been convicted of any offence-
 - (i) under these bye-laws; or
 - (ii) involving dishonesty; or
- (e) is neither a citizen of Botswana nor entitled to reside in Botswana.

(3) The licensing authority may refuse to issue a hawker's licence or a street vendor's certificate as the case may be, to any person if it is satisfied that the issue of such licence or certificate, as the case may be, would be contrary to the public interest.

(4) The licensing authority, may refuse to issue a hawker's licence or a street vendor's certificate, as the case may be, in respect of a particular class of goods if it is satisfied that the carrying on of business in respect of that class of goods would be contrary to the public interest.

7. Issue of duplicate hawker's licence and street vendor's certificate

(1) The licensing authority, on being satisfied that a hawker's licence issued by it has been lost or destroyed, shall on payment of a fee of P50 and on being supplied with two copies of a clearly recognizable head and shoulders photograph of the person to whom the licence was issued, approximately 5 by 4 centimetres in size, issue a duplicate licence to that person.

(2) The licensing authority shall, on being satisfied that a street vendor's certificate issued by him has been lost or destroyed, and on payment of a fee of P50, issue a duplicate certificate to that person.

(3) Where a licence or certificate which had been lost and replaced is recovered, the duplicate licence or certificate, as the case may be, shall be returned forthwith to the licensing authority.

8. Cancellation or suspension of licence or certificate

(1) The licensing authority may at any time, modify, or suspend or cancel a licence or a certificate issued under these Bye-laws, if, in its opinion, the continued use of such licence or certificate constitutes a danger to public health.

(2) A licence or certificate which has been suspended under the provision of sub-bye law (1) shall continue to be so suspended until the holder of such a licence or certificate, as the case may be, has complied, to the satisfaction of the licensing authority, with such requirements designed to remove the danger to public health as the licensing authority may specify.

9. Duties of hawkers and street vendors

(1) No hawker or street vendor shall-

(a) agree, undertake or purport to cede or transfer his licence or certificate of registration, but may hire the services of a hawker or vendor representative to hawk or vend on his behalf during his absence, upon approval, in writing, by the licensing authority;

(b) trade in any goods other than those specified in his licence or certificate of registration;

(c) conduct his business on any private property without the consent of the owner, lessor, manager or occupier of the said property;

(b) for the purpose of conducting his business, erect, or expose goods for sale in, any tent, booth, stall, stand or similar structure:

Provided that the provisions of this paragraph shall not apply to a street vendor to whom the licensing authority has granted permission for the use in such area of such tent, booth, stall, stand, or structure and has endorsed his certificate accordingly.

(2) 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 business;

(b) pick up and remove any paper, litter, refuse, receptacle or other object which, in the conduct of his business has been deposited or dropped, or has fallen in or on any public place or private property;

(c) wear clean clothing while engaged in the conduct of his business;

(d) if, while engaged in the conduct of his business, he directly or indirectly obstructs traffic in any public place, or obstructs the use of any place, or causes a nuisance or danger to persons in the vicinity by the presence of himself, his vehicles or his goods, at the request of any police officer or a township officer, remove himself, his vehicles or his goods, as the case may be, to such a distance as may reasonably be required to discontinue such obstruction or to abate such nuisance;

(c) provide a separate storage compartment for the goods in which he trades.

(3) No hawker shall engage in the business of selling cooked food.

(4) No hawker shall hawk his goods on any day except between the hours of 7 am and 7 pm.

(5) No street vendor shall carry on his business as such on any day except between the hours of 6.00 a.m and 10.00 p.m.

10. Further duties of street vendor

Every street vendor shall-

(a) at the request of a police officer, or health inspector or any other township vendors officer, move his goods, vehicles, receptacles and any other objects associated with the conduct of his business, so as to permit the Township Authority's sanitation staff to clean any area in which he is so conducting his business; and

(b) when departing from the pitch at which he has been carrying on business, remove all goods, vehicles, receptacles, or any other objects associated with his business, and leave such pitch in a clean state.

11. Licence or certificate to be produced for inspection

(1) Every holder of a hawker's licence or a street vendor's certificate shall produce such licence or certificate for inspection on demand by any police officer or by a township officer, or otherwise shall, within 48 hours of such demand, produce it at the nearest police station or at the office of such township officer, as the case may be.

(2) Every holder of a hawker's licence or a street vendor's certificate shall comply with any instructions properly given by any police officer or by a health inspector or any other township officer for the due enforcement of these Bye-laws, and shall not in any way afford or cause any obstruction to such police officer, inspector or officer in the exercise of his duties.

12. Offences and penalties

(1) Any person who contravenes any provision of these Bye-laws, or who fails to comply with any provision with which it is his duty to comply shall be guilty of an offence and liable, where no other penalty is herein provided, to a fine of P100 or to imprisonment for a term not exceeding three months, or to both.

(2) Any person who contravenes any provision of these Bye-laws may, in addition to any penalty to which he may be otherwise liable, have his hawker's license or his certificate of registration, as the case may be, revoked by the licensing authority, with effect from such date as the licensing authority considers reasonable, in order to enable him to dispose of any existing stock.

13. Appeal

Any person aggrieved by any decision of the licensing authority made under these Bye-laws may appeal to the Minister, whose decision shall be final.