

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**NORTH-EAST DISTRICT COUNCIL (TUCK SHOP, KIOSK)
BYE-LAWS, 2018**
(Published on 6th April, 2018)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULE

IN EXERCISE of the powers conferred by sections 44 as read with section 45 of the Local Government Act, and the approval of the Minister of Local Government and Rural Development, the North East District hereby makes the following Bye-laws —

- Citation** 1. These Bye-Laws may be cited as the North East District Council (Tuck Shop, Kiosk) Bye-laws, 2018.
- Application** 2. These Bye-laws shall apply to North East District Council.
- Interpretation** 3. 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 Council; and includes Commercial Environment, Public Health, Bye-law and police officer;
“attendant” means the owner of the tuck shop or kiosk or a person employed to operate the tuck shop or kiosk;
“Council” means the North East District Council; and
“licence” means a tuck shop or kiosk licence under Bye-law 5.
- Application for licence** 4. (1) Any person wishing to carry on the business of a tuck shop or kiosk shall make an application in the Form A set out in the Schedule to the Council, supplying such information as the Council may require and in particular —
(a) a sketch plan of the location and area in which such person wishes to trade; and
(b) types of goods traded.
(2) The application under subbye-law (1) shall be accompanied by —
(a) a certified copy of the applicant’s identity document;
(b) passport size photo; and

- (c) in case of sub-letting, a lease agreement.
- (3) The Council may refuse to issue a licence to a person if –
 - (a) the applicant is not a citizen of Botswana;
 - (b) it is satisfied that the issue of the licence would be contrary to public interest;
 - (c) in respect of a particular area, it satisfied that the carrying on of the business in such area would conflict with the Town and Country Planning Act and the Tribal Land Act; or
 - (d) if the applicant is below the age of 16 years.

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5. Subject to the provisions of bye-law 4, the Council may, if satisfied that the requirements of these Bye-laws have been complied with, and on payment of a fee of P100, issue a tuck shop or kiosk licence as set out in Form B of the Schedule, subject to such conditions as it considers necessary or expedient having regard to these Bye-Laws. Issue of licence

6. (1) A licence issued under bye-Law 5 shall, subject to the provisions of these Bye-Laws, be valid for a period of one year from the date of issue thereof. Period of licence

(2) A licence may, upon expiry, be renewed by application made to the Council in form C set out in the Schedule, for a further period of one year subject to the payment of a renewal fee of P50.

7. No person shall –

- (a) in any area erect, install or operate a tuck shop or kiosk in any booth, stall, stand, or similar structure unless granted planning permission by the Council to use, in such area;
- (b) refuse at the request of an authorised official to move a tuck shop or kiosk and any other object associated with such person's trade, so as to permit the Council to clear anything in which such business is conducted;
- (c) conduct the business of a tuck shop or kiosk in any of undesignated areas unless permission of the Council is sought;
- (d) conduct the business of a tuck shop or kiosk in any Council area, commercial or industrial area unless permission of the Council is sought; or
- (e) conduct the business of a tuck shop or kiosk in a way that is likely to hinder or obstruct the vision and free movement of motorised and non-motorised traffic.

Prohibited forms of tuck shop or kiosk

8. (1) Structures used for business of a tuck shop or kiosk shall –

- (a) be constructed using material that is fire resistant and ventilated to ensure health and safety of the tuck shop or kiosk attendant and customers;
- (b) be in conformity with its surrounding environment so as to ensure that the structure does not become an eye sore or cause injury to the amenity of such surrounding environment; or
- (c) provide enough shade for the tuck shop or kiosk attendant and customers from rain, wind and the sun.

Structures used for business

(2) The council shall have the power to request for any structure to be renovated or replaced and failure to do so may result in the licence being revoked.

(3) The Council shall, where possible, provide a model or sample of preferred tuck shop or kiosk structures and may consider other submitted structures if they meet the required standard.

(4) A tuck shop or kiosk may operate on commercial, industrial or community plot or building and its structures shall be approved for that purpose by the Council.

Sanitary conditions	9. It shall be the responsibility of the tuck shop or kiosk attendant to keep the surroundings of the tuck shop or kiosk clean.
Display of licence	10. (1) A tuck shop or kiosk owner shall display a valid licence at the premises or location where the business is being conducted. (2) Any person who contravenes the provisions of sub bye-law (1) commits an offence.
Modification, suspension or revocation of licence	11. The Council may modify, suspend or revoke a licence issued under these Bye-Laws if — (a) the holder purports to cede or transfer in any other way the licence to another person, without first obtaining permission from the Council; (b) the Council reasonably believes that it is in the interests of the public to do so, or that the continuing use of the licence will constitute a danger to the public health or interest; or (c) the holder thereof is convicted of an offence under these Bye-Laws.
Licence to be produced for inspection	12. (1) Every holder of a licence issued under these Bye-Laws shall, on demand by an authorised official, immediately produce such licence for inspection or otherwise shall, produce it at the office of such authorised official as the case may be within such specified period of time as will be stipulated by Council or authorised official. (2) Any person who contravenes the provisions of sub bye-law (1) commits an offence.
Appeals	13. Any person aggrieved by the decision of the Council, made under these Bye-Laws may appeal to the Minister within a period of 14 days from the notification of the decision of the Council.
Penalties	14. Any person who contravenes these Bye-laws commits an offence and shall be liable, for a first offence, to a fine not exceeding P500 or imprisonment for a term not exceeding two months, or to both, and for a second and subsequent offence, to a fine not exceeding P2000 or imprisonment for a term not exceeding six months, or to both. (2) Any person who is convicted of an offence under these Bye-Laws may, in addition to any penalty to which he or she is liable — (a) have his or her licence cancelled with effect from such date as the court may determine; or (b) have his or her associated goods impounded or confiscated.

SCHEDULE

FORM A

APPLICATION FOR A TUCK SHOP, KIOSK LICENCE
(bye-law 4)

(Attach two copies of passport size photograph, approximately 5cm x 4cm)

Full name of applicant:
(Surname first in block letters)

Place of abode and postal address:
.....

Nationality National Identity No.

I wish to apply for a tuckshop/kiosk as follows:

(1) Location of premises:

(2) Number of tuck shop attendants (if any) and their qualifications (or experience):
.....

Date
Signature of applicant

FOR OFFICIAL USE ONLY

Date on which the application was received by Licensing Officer

Proposed hearing of application

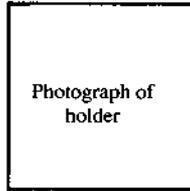
Date of approval/rejection of application

.....
Licensing Officer.

FORM B

TUCK SHOP/KIOSK LICENCE
(bye-law 5)

NOT TRANSFERABLE



Licence No.
Registration Number
Surname.....
Other names
Identity Number
Place of Birth
Sex
Postal address
Physical address
District

Is hereby licensed in accordance with the North East District Council (Tuck Shop/Kiosk) Bye-Laws to carry on the business of a tuck shop/kiosk in the following area/s:
.....
.....

.....
Signature of holder

Or

.....
Right thumb print of holder

Date of issue: Fee paid O/R No.

Date on which application was received by Licensing Officer

FORM C

RENEWAL OF APPLICATION

(bye-law 6 (2))

(1) Applicant for renewal to complete the following:

(a) Location of premises:

(b) Number of attendants:

(2) Conditions (if any) applicable:

Date:

.....

Licensing Officer

MADE this 13th day of March, 2018.

*Council Secretary,
North-East District Council.*

APPROVED this 21st day of March, 2018.

SLUMBER TSOGWANE,
*Minister of Local Government and Rural
Development.*