

*Statutory Instrument No. 96 of 2021*

LOCAL GOVERNMENT ACT  
(Cap. 40:01)

**KGALAGADI DISTRICT COUNCIL (MARKETS) BYE-LAWS, 2021**  
*(Published on 12th November, 2021)*

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULE

IN EXERCISE of powers conferred by sections 44 and 45 of the Local Government Act, and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Kgalagadi District Council hereby makes these Bye-laws —

- Citation           1. These Bye-laws may be cited as the Kgalagadi District Council (Markets) Bye-laws, 2021.
- Interpretation     2. In these Bye-laws, unless the context otherwise requires —
- “authorised officer” means a commercial officer, public health officer, physical planning officer, bye law officer, police officer or any other officer appointed by the Council to enforce these Bye-laws;
  - “commercial officer” means a person appointed by the Council to be a commercial officer for the purpose of these Bye-laws;
  - “Council” means the Kgalagadi District Council;
  - “Council area” means the area within the jurisdiction of the Council;
  - “health inspector” means a health inspector employed by the Government or by the council;

“market” means an area where commercial dealings are conducted and shall be established by the council under these Bye-laws;

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

“stall holder” means a person by whom a stall is hired under these Bye-laws.

3. (1) The Council may establish markets within the council area as it considers necessary. Establishment of market

(2) A market shall be under the control and supervision of a commercial officer.

4. (1) A person shall not operate any stall in a market within the Council area without a permit issued under these Bye-laws. Permit to operate stall in market

(2) Any person who operates a stall without a permit in terms of subbye-law (1) commits an offence.

5. Any person who wishes to operate a stall in a market shall apply to the Council in Form A set out in Schedule 1. Application for permit to operate stall

6. (1) A commercial officer may, where the applicant meets all the requirements, issue a permit in Form B set out in Schedule 1. Issue of permit to operate stall

(2) A commercial officer may refuse to issue a permit to an applicant where —

(a) there is no available stall for the type which the application is made;

(b) the applicant is under 18 years of age; or

(c) it would not be in the public interest to issue the permit.

(3) A person shall not operate a stall —

(a) for purposes not authorised by the permit; or

(b) before payment of the monthly rental for the operation of the stall.

7. The Council may cancel a permit where —

(a) a stall holder uses the permit for purposes not authorised by the permit; Cancellation of permit

(b) a stall holder sublets the stall to another person without permission of the council;

(c) a stall holder fails to keep the stall in a clean and hygienic condition; or

(d) the Council reasonably believes that it is in the interest of the public to do so.

8. (1) A stall holder shall pay the monthly rent specified under Schedule 2. Rent payable

(2) A commercial officer shall at all times display at his or her office, in a conspicuous place, a copy of Schedule 2.

(3) The monthly rent specified in Schedule 2 shall be paid by the stall holder at the beginning of every month at the office of the commercial officer.

9. (1) A stall holder shall not sublet a stall hired out to him or her under these Bye-laws to another person. Subletting of stall prohibited

(2) A stall holder who contravenes sub bye-law (1) commits an offence.

10. (1) A stall holder shall, on cancellation or on expiration of a permit issued under bye-law 6 — Condition of stall at end of hire

(a) leave the stall in a clean and sanitary condition;

(b) remove from the stall, property which does not belong to the council;

(c) replace in its original position furniture and other fitting belonging to the Council that were removed or displayed by any person other than the Council during the rental period; and

(d) fix any damage to the stall, its fixtures, furniture, fittings and fences caused during and arising out of hire of the stall.

	<p>(2) A stall holder shall carry out the duties imposed by —</p> <p>(a) subbye-law (1) (a), (b) and (c) before the market closes on the day the permit expires or is cancelled, and where the permit —</p> <p>(i) expires on the day on which the market is closed for business, those duties shall be fully carried out before the market closes on the first day it is next open for business, or</p> <p>(ii) is cancelled on a day on which the market is closed for business those duties shall be carried out before the market closes on the first day it is next open for business; and</p> <p>(b) subbye-law 1 (d) within such a period as may be determined by the Council in the notice of cancellation.</p> <p>(3) Any person who, on being required forthwith to leave the market under subbye-law (1) refuses to do so, or who, having left the market on being required to do so under sub bye-law (1) or having been refused entry to the market under subbye-law 13 (3), enters or attempt to enter the market without the permission of the commercial officer commits an offence.</p>
Cleanliness of stall	<p>11. (1) A stall holder shall take reasonable steps to ensure that the stall, utensils, machinery and equipment used in the stall and goods sold in that stall are at all times in a clean and hygienic condition, and that the stall holder and any other person who uses the stall are at all times while operating the stall, in a proper state of cleanliness.</p> <p>(2) Any person who contravenes subbye-law (1) commits an offence.</p>
Erection of structure within market prohibited	<p>12. Any person who erects any building, tent, booth, shelter or other structure within a market without the permission of the Council commits an offence.</p>
Order in market	<p>13. (1) Any person who begs, gambles, loiters, screams, shouts, sings in a loud or unseemly manner, makes any loud or unseemly noise, creates a disturbance or conducts himself or herself in an offensive or objectionable manner within a market commits an offence.</p> <p>(2) The commercial officer may require any person who contravenes subbye-law (1), to leave the market.</p> <p>(3) The commercial officer may refuse entry to a market to any person —</p> <p>(a) whom he or she suspects to be under the influence of alcohol or drugs; or</p> <p>(b) who in the immediate vicinity of the market does any act specified under subbye-law (1).</p>
Animals not allowed in market	<p>14. (1) Any person who causes or permits an animal to enter or remain within a market commits an offence.</p> <p>(2) The provisions of subbye-law (1) shall not apply to service animals and to poultry intended for sale within a market by a stall holder.</p>
Business days and hours of market	<p>15. (1) A market shall be opened and closed for business on any day between the hours of 6:00am and 9:00pm.</p> <p>(2) A commercial officer shall display, in a conspicuous place within and outside the market, notices stating the times at which the market shall be opened and closed for business.</p> <p>(3) A person who, without the permission of the commercial officer enters or remains within the market when it is closed for business commits an offence.</p>
Inspection of scales, weights and measures	<p>16. (1) A stall holder shall use scales, weights and measures that have been certified by Botswana Bureau of Standards and shall check the calibration on such scales on a regular basis.</p>

(2) An authorised officer shall, inspect every scale, weight or measure used in the market and shall require removal from the market of any scale, weight or measure which he or she finds to be faulty or not certified by Botswana Bureau of Standards.

(3) Any stall holder who refuses to comply with a requirement under subbye-law (2) or who, having removed a scale, weight or measure from the market on being required to do so brings or attempts to bring the scale, weight or measure back into the market commits an offence.

17. (1) An authorised officer shall, inspect goods in the market and shall require removal from the market, any goods in the nature of produce which in the assessment of the authorised officer is noxious, putrefactive or unfit for human consumption.

Inspection of  
merchandise

(2) Any person who contravenes subbye-law (1) or who, having removed his or her goods from the market, on being required to do so under subbye-law (1) brings or attempts to bring the goods back into the market commits an offence.

18. Any person who contravenes any of the provisions of these Bye-laws commits an offence and is liable —

Penalties

- (a) on the first conviction, to a fine not exceeding P100 or to imprisonment for a term not exceeding one month, or to both; and
- (b) for a second or subsequent conviction, to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

19. A person aggrieved by any decision of the Council under these Bye-Laws may appeal in writing, to the Minister within 14 days of notification of that decision.

Appeal

**SCHEDULE 1**

**Form A**

**APPLICATION FOR PERMIT TO OPERATE STALL  
(bye-law 5)**

**Full names of Applicant**

.....

**(Surname first in BLOCK LETTERS)**

**Place of abode and postal address (if any)**

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

**Type of stall applied for (stand, plot, table or other)**

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

**Period for which it is hired:**

*(a)* Indefinitely

*(b)* For.....days/weeks/months

**Particulars of goods or service to be sold or provided at the stall**

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

**Numbers of any other stalls that applicant has in the market**

.....

**Date.....**

**Signature of Applicant .....**

**FORM B**  
**PERMIT TO OPERATE STALL**  
*(Bye-law 6 (I))*

**NOT TRANSFERABLE**

Issued to.....

Place of abode and address (if any)

.....

.....

To trade on or provide the following service

.....

.....

At stall No.....at.....Market

Indefinitely or from.....to..... (Both dates inclusive)

at the inclusive rental of P.....per month

Date.....

Signature of Commercial officer .....

**SCHEDULE 2**

**RENTAL FOR STALL PER MONTH**  
*(Bye-law 8 (1))*

<b>TYPE OF STALL</b>	<b>RENT</b>
Open stall	P 50
Closed stall	P100

**MADE** this 16th day of October, 2021.

**BAIPELELENG PHOTLOKWE,**  
*Council Secretary,*  
*Kgalagadi District Council.*

**APPROVED** this 18th day of October, 2021 .

**ERIC MOTHIBI MOLALE,**  
*Minister of Local Government and Rural*  
*Development.*