Central District (Abattoir) Bye-Laws
Central District Council (Barbers and Braiders) Bye-Laws
Central District Council (Cemetery) Bye-Laws
Central District Council (Day-Care Centre) Bye-Laws
Central District Council (Dogs) Bye-Laws
Central District Council (Hawking and Street Vending) Bye-Laws
Central District Council (Markets) Bye-Laws
Central District Council (Public Sewer) Bye-Laws
Central District Council (Livestock Control) Bye-Laws
Central District (Phone Shops, Kiosk, Desktop) Control Bye-Laws
Chobe District Council (Barbers and Braiders) Bye-Law
Chobe District Council (Control of Livestock and Other Animals) (Model Bye-Laws) (Adoption) Bye-Laws
Chobe District Council (Day Care Centre) Bye-Laws
Chobe District Council (Dogs) (Model Bye-Laws) (Adoption) Bye-Laws
Chobe District Council (Hawking and Street Vending) (Model Bye-Laws) (Adoption) Bye-Laws
Chobe District Council (Noise and Nuisance) (Model Bye-Laws) (Adoption) Bye-Laws
Chobe District Council (Phone Shops, Kiosk, Desktop) Control Bye-Laws
Control of Boreholes (Model) Bye-Laws
Control of Boreholes (Model) Bye-Laws (Adoption) Order
District Councils (Banking Accounts) Regulations
District Councils (Keeping of Bye-Laws) Regulations
District Councils (Miscellaneous Provisions) Regulations
District Councils (Tender) Regulations
Dogs (Model) Bye-Laws
Dogs (Model) Bye-Laws (Adoption) Order
Establishment of Central District Council Order
Establishment of the Chobe District Council Order
Establishment of Ghanzi District Council Order
Establishment of Kgalagadi District Council Order
Establishment of Kgatleng District Council Order
Establishment of Kweneng District Council Order
Establishment of North East District Council Order
Establishment of North West District Council Order
Establishment of South East District Council Order
Establishment of Southern District Council Order
Ghanzi District Council (Hawking and Street-Vending) Bye-Laws
Ghanzi District Council (Markets) Bye-Laws
Ghanzi District Council (Noise and Nuisance) Bye-Laws
Ghanzi District Council (Refuse) Bye-Laws
Hawking and Street-Vending (Model) Bye-Laws
Hawking and Street-Vending (Model) Bye-Laws (Adoption) Order
Kanye (Water Fees) Bye-Laws
Kgalagadi District Council (Barber) Bye-Laws
Kgalagadi District Council (Control of Livestock) Bye-Laws
Kgalagadi District Council (Day-Care Centre) Bye-Laws
Kgalagadi District Council (Food-Vending) Bye-Laws
ESTABLISHMENT OF THE NORTH EAST DISTRICT COUNCIL ORDER

(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPHS

1. Citation
2. Constitution and establishment of the North East District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

L.N. 38, 1966,
S.I. 110, 1969,
S.I. 68, 1980,
S.I. 114, 1984,
S.I. 94, 1994,
S.I. 63, 1999,

1. Citation
This Order may be cited as the Establishment of the North East District Council Order.

2. **Constitution and establishment of the North East District Council**

   (1) There shall be a district council, to be known as the North East District Council, in respect of the area specified in the First Schedule.

   (2) The North East District Council shall consist of-

      (a) 19 elected members; and

      (b) 4 nominated members.

   (3) The elected members of the North East District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.

   (4) The nominated members of the North East District Council shall be appointed by the Minister by writing under his hand.

   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. **Persons not disqualified for membership of Council**

   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**

   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-

      (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;

      (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. **Functions to be performed by the Council**

   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

   **FIRST SCHEDULE**

   (paragraph 2(1))

   The area of the North East District Council shall be the area defined as the North East District under the Administrative Districts Act.

   **SECOND SCHEDULE**

   (paragraph 3)

   The Federal Republic of Germany
   The French Republic
   The Kingdom of Belgium
   The Kingdom of Denmark
   The Republic of Greece
   The Kingdom of Norway
   The Kingdom of Sweden
   The Republic of Ireland
   The Republic of Italy
   The Republic of South Africa
   The State of Israel
   The State of Spain
   The United States of America

   **ESTABLISHMENT OF THE KGALAGADI DISTRICT COUNCIL ORDER**

   (under section 4)

   (1st July, 1966)

   **ARRANGEMENT OF PARAGRAPHS**

   Copyright Government of Botswana
1. **Citation**
   This Order may be cited as the Establishment of the Kgalagadi District Council Order.

2. **Constitution and establishment of the Kgalagadi District Council**
   (1) There shall be a district council, to be known as the Kgalagadi District Council, in respect of the area specified in the First Schedule.
   (2) The Kgalagadi District Council shall consist of-
      (a) 22 elected members; and
      (b) 4 nominated members.
   (3) The elected members of the Kgalagadi District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.
   (4) The nominated members of the Kgalagadi District Council shall be appointed by the Minister by writing under his hand.
   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. **Persons not disqualified for membership of Council**
   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**
   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-
   (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;
   (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. **Functions to be performed by the Council**
   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to the Act.

**FIRST SCHEDULE**
*(paragraph 2(1))*

The area of the Kgalagadi District Council shall be the area defined as the Kgalagadi District under the Administrative Districts Act.

**SECOND SCHEDULE**
*(paragraph 3)*

The Federal Republic of Germany
1. Citation
This Order may be cited as the Establishment of the Kgatleng District Council Order.

2. Constitution and establishment of the Kgatleng District Council
   (1) There shall be a district council, to be known as the Kgatleng District Council, in respect of the area specified in the First Schedule.
   (2) The Kgatleng District Council shall consist of-
      (a) 23 elected members;
      (b) 4 nominated members; and
      (c) the Chief or tribal authority of the Bakgatla Tribe.
   (3) The elected members of the Kgatleng District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.
   (4) The nominated members of the Kgatleng District Council shall be appointed by the Minister by writing under his hand.
   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.
3. **Persons not disqualified for membership of Council**
   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**
   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-
   
   (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;
   
   (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. **Functions to be performed by the Council**
   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

**FIRST SCHEDULE**
(paragraph 2(1))

The area of the Kgatleng District shall be the area defined as the Kgatleng District under the Administrative Districts Act.

**SECOND SCHEDULE**
(paragraph 3)

The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Republic of Greece
The Kingdom of Norway
The Kingdom of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel
The State of Spain
The United States of America

**ESTABLISHMENT OF THE CENTRAL DISTRICT COUNCIL ORDER**
(section 4)
(1st July, 1966)

**ARRANGEMENT OF PARAGRAPHS**

1. Citation
2. Constitution and establishment of the Central District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

L.N. 41, 1966,
S.I. 106, 1969,
S.I. 63, 1980,
S.I. 119, 1984,
S.I. 93, 1994,

Copyright Government of Botswana
1. **Citation**
   This Order may be cited as the Establishment of the Central District Council Order.

2. **Constitution and establishment of the Central District Council**
   (1) There shall be a district council, to be known as the Central District Council, in respect of the area specified in the First Schedule.
   (2) The Central District Council shall consist of-
      (a) 140 elected members;
      (b) 34 nominated members; and
      (c) the Chief or tribal authority of the Bamangwato Tribe.
   (3) The elected members of the Central District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.
   (4) The nominated members of the Central District Council shall be appointed by the Minister by writing under his hand.
   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. **Persons not disqualified for membership of Council**
   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**
   If the seat of a member of the Council becomes vacant by virtue of any provisions of the Act the vacancy thus caused shall be filled in the case of-
   (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;
   (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. **Functions to be performed by the Council**
   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

   **FIRST SCHEDULE**
   (paragraph 2(1))
   The area of the Central District Council shall be the area defined as the Central District under the Administrative Districts Act.

   **SECOND SCHEDULE**
   (paragraph 3)
   The Federal Republic of Germany
   The French Republic
   The Kingdom of Belgium
   The Kingdom of Denmark
   The Republic of Greece
   The Kingdom of Norway
   The Kingdom of Sweden
   The Republic of Ireland
   The Republic of Italy
   The Republic of South Africa
   The State of Israel
   The State of Spain
   The United States of America

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ESTABLISHMENT OF THE NORTH WEST DISTRICT COUNCIL ORDER
(under section 4)
(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

1. Citation
2. Constitution and establishment of the North West District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

L.N. 42, 1966,
S.I. 107, 1969,
S.I. 69, 1980,
S.I. 117, 1984,
S.I. 84, 1994,
S.I. 61, 1999,
S.I. 110, 2004,
S.I. 9, 2006.

1. Citation
   This Order may be cited as the Establishment of the North West District Council Order.

2. Constitution and establishment of the North West District Council
   (1) There shall be a district council, to be known as the North West District Council, in respect to the area specified in the First Schedule.
   (2) The North West District Council shall consist of-
       (a) 39 elected members;
       (b) eight nominated members; and
       (c) the Chief or tribal authority of the Batawana Tribe.
   (3) The elected members of the North West District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.
   (4) The nominated members of the North West District Council shall be appointed by the Minister by writing under his hand.
   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. Persons not disqualified for membership of Council
   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. Filling of vacancies
   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-
   (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;
   (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. Functions to be performed by the Council
   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act
and may perform any or all of the remaining functions set out in the said Schedule to that Act.

**FIRST SCHEDULE**  
(paragraph 2(1))

The area of the North West District shall be the area defined as the North West District under the Administrative Districts Act.

**SECOND SCHEDULE**  
(paragraph 3)

The Federal Republic of Germany  
The French Republic  
The Kingdom of Belgium  
The Kingdom of Denmark  
The Republic of Greece  
The Kingdom of Norway  
The Kingdom of Sweden  
The Republic of Ireland  
The Republic of Italy  
The Republic of South Africa  
The State of Israel  
The State of Spain  
The United States of America

**ESTABLISHMENT OF THE SOUTH EAST DISTRICT COUNCIL ORDER**  
(section 4)  
(1st July, 1966)

**ARRANGEMENT OF PARAGRAPHS**

1. Citation  
2. Constitution and establishment of the South East District Council  
3. Persons not disqualified for membership of Council  
4. Filling of vacancies  
5. Functions to be performed by the Council

First Schedule  
Second Schedule

1. **Citation**  
   This Order may be cited as the Establishment of the South East District Council Order.

2. **Constitution and establishment of the South East District Council**  
   (1) There shall be a district council, to be known as the South East District Council, in respect of the area specified in the First Schedule.  
   (2) The South East District shall consist of-  
      (a) 21 elected members;

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(b) four nominated members; and
(c) the Chief or tribal authority of the Bamalete Tribe and the Chief or tribal authority of the Batlokwa Tribe.

(3) The elected members of the South East District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.

(4) The nominated members of the South East District Council shall be appointed by the Minister by writing under his hand.

(5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. Persons not disqualified for membership of Council

No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. Filling of vacancies

If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of:
(a) a seat, occupied by an elected member, as in paragraph 2(3) of this Order;
(b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. Functions to be performed by the Council

The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

FIRST SCHEDULE
(paragraph 2(1))

The area of the South East District Council shall be the area defined as the South East District under the Administrative Districts Act.

SECOND SCHEDULE
(paragraph 3)

The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Republic of Greece
The Kingdom of Norway
The Kingdom of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel
The State of Spain
The United States of America

ESTABLISHMENT OF THE SOUTHERN DISTRICT COUNCIL ORDER
(section 4)
(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

1. Citation
2. Constitution and establishment of the Southern District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies

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5. Functions to be performed by the Council

First Schedule
Second Schedule

L.N. 44, 1966,
S.I. 69, 1969,
S.I. 109, 1969,
S.I. 16, 1971,
S.I. 119, 1974,
S.I. 70, 1980,
S.I. 118, 1984,
S.I. 100, 1994,
S.I. 59, 1999,
S.I. 112, 2004,

1. Citation

This Order may be cited as the Establishment of the Southern District Council Order.

2. Constitution and establishment of the Southern District Council

(1) There shall be a district council, to be known as the Southern District Council, in respect of the area specified in the First Schedule.

(2) The Southern District Council shall consist of-

(a) 52 elected members;
(b) 12 nominated members;
(c) the Chief or tribal authority of the Bangwaketse Tribe; and
(d) the Chief or Chief’s representative or tribal authority of the Barolong Tribe.

(3) The elected members of the Southern District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.

(4) The nominated members of the Southern District Council shall be appointed by the Minister by writing under his hand.

(5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. Persons not disqualified for membership of Council

No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. Filling of vacancies

If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-

(a) a seat, occupied by an elected member, as in paragraph 2(3) of this Order;
(b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. Functions to be performed by the Council

The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

FIRST SCHEDULE
(paragraph 2(1))

The area of the Southern District Council shall be the Southern District as defined under the Administrative Districts Act.
SECOND SCHEDULE
(paragraph 3)
The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Republic of Greece
The Kingdom of Norway
The Kingdom of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel
The State of Spain
The United States of America

ESTABLISHMENT OF THE KWENENG DISTRICT COUNCIL ORDER
(section 4)
(1st July, 1966)
ARRANGEMENT OF PARAGRAPHS
PARAGRAPH

1. Citation
2. Constitution and establishment of the Kweneng District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

L.N. 45, 1966,
S.I. 108, 1969,
S.I. 113, 1969,
S.I. 117, 1974,
S.I. 67, 1980,
S.I. 115, 1984,
S.I. 86, 1994,
S.I. 57, 1999,
S.I. 108, 2004,

1. Citation
This Order may be cited as the Establishment of the Kweneng District Council Order.

2. Constitution and establishment of the Kweneng District Council
(1) There shall be a district council, to be known as the Kweneng District Council, in respect of the area specified in the First Schedule.
(2) The Kweneng District Council shall consist of-
(a) 66 elected members;
(b) 16 nominated members; and
(c) the Chief or tribal authority of the Bakwena Tribe.
(3) The elected members of the Kweneng District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one
member.

(4) The nominated members of the Kweneng District Council shall be appointed by the Minister by writing under his hand.

(5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. Persons not disqualified for membership of Council

No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. Filling of vacancies

If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-
(a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;
(b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. Functions to be performed by the Council

The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

FIRST SCHEDULE
(paragraph 2(1))

The area of the Kweneng District Council shall be the Kweneng District as defined under the Administrative Districts Act.

SECOND SCHEDULE
(paragraph 3)

The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Republic of Greece
The Kingdom of Norway
The Kingdom of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel
The State of Spain
The United States of America

ESTABLISHMENT OF THE GHANZI DISTRICT COUNCIL ORDER
(paragraph 4)
(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

1. Citation
2. Constitution and establishment of the Ghanzi District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

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1. **Citation**

This Order may be cited as the Establishment of the Ghanzi District Council Order.

2. **Constitution and establishment of the Ghanzi District Council**

   (1) There shall be a district council, to be known as the Ghanzi District Council, in respect of the area specified in the First Schedule.

   (2) The Ghanzi District Council shall consist of-

       (a) 20 elected members; and

       (b) 4 nominated members.

   (3) The elected members of the Ghanzi District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.

   (4) The nominated members of the Ghanzi District Council shall be appointed by the Minister by writing under his hand.

   (5) For the purposes of this Order “polling district” means a polling district established under the Electoral Act.

3. **Persons not disqualified for membership of Council**

   No person shall be deemed to possess the disqualifications for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**

   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-

       (a) a seat occupied by an elected member, as in paragraph 2(3) of this Order;

       (b) a seat occupied by a nominated member, as in paragraph 2(4) of this Order.

5. **Functions to be performed by the Council**

   The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

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**FIRST SCHEDULE**

*(paragraph 2(1))*

The area of the Ghanzi District Council shall be the Ghanzi District as defined under the Administrative Districts Act.

**SECOND SCHEDULE**

*(paragraph 3)*

The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Republic of Greece
The Kingdom of Norway
The Kingdom of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel

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The State of Spain
The United States of America

KGATLENG DISTRICT COUNCIL (CONTROL OF LIVESTOCK AND OTHER ANIMALS)
BYE-LAWS

(under sections 33 and 34)
(22nd February, 1980)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Power to detain wandering livestock
4. Power to destroy certain animals
5. Power to prohibit the use of certain stables
6. Dangerous animals
7. Causing nuisance
8. Claiming of livestock
9. Penalties

First Schedule - Village Area
Second Schedule - Council Stable Fees


1. Citation
These Bye-laws may be cited as the Kgatleng District Council (Control of Livestock and Other Animals) Bye-laws.

2. Interpretation
In these Bye-laws, unless the context otherwise requires-
"Council" means the Kgatleng District Council or any committee appointed by the Council for the purposes of controlling livestock and other animals;
"Council stable" means a stable established by the Council for the purposes of these Bye-laws;
"livestock" means cattle, sheep, camels, goats, horses, mules, asses, pigs, canines, felines, monkeys, other carnivora and all domesticated birds or poultry;
"stable" includes a cowshed, stall, pen, kraal or sty;
"village area" means any area specified in the First Schedule.

3. Power to detain wandering livestock
(1) Any person authorized by the Council in writing in that behalf may seize and detain in a Council stable any untended livestock found wandering at large within a village area.
(2) Any person who wilfully obstructs another in the exercise of the powers conferred by sub-bye-law (1) shall be guilty of an offence.

4. Power to destroy certain animals
(1) Any person authorized by the Council in writing in that behalf may destroy any animal, other than livestock, found wandering within a village area if-
(a) the animal in his presence causes injury or damage to any person or property; or
(b) he has reasonable grounds to believe that the animal has recently caused or is about to cause such injury or damage.
(2) Any person who wilfully obstructs another in the exercise of the powers conferred by sub-bye-law (1) shall be guilty of an offence.

5. Power to prohibit the use of certain stables

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(1) Where the Council is of the opinion that any stable ought not to be used for the keeping of livestock by reason of its situation, construction, condition or the habitual manner of its use, the Council may, by notice in writing served on the owner or occupier of the stable, prohibit such use until such time as the notice is cancelled by the Council in writing.

(2) Any person who uses a stable for the keeping of livestock after a notice under sub-by-law (1) has been served on the owner or occupier of the stable and before the notice is cancelled in accordance with sub-by-law (1) shall be guilty of an offence and liable to a fine not exceeding P20 or in default of payment to imprisonment for a term not exceeding one month.

6. Dangerous animals

Any person who permits or allows any troublesome or ferocious dog or monkey or any carnivorous wild animal to be at large off the premises on which such animal is normally kept shall be guilty of an offence.

7. Causing nuisance

Any person who keeps any livestock or bees so as to disturb the comfort of the inhabitants of a village area shall be guilty of an offence.

8. Claiming of livestock

(1) Any person entitled to take possession of livestock detained under these Bye-laws in a Council stable may remove the livestock on payment of the appropriate fee specified in the Second Schedule.

(2) Any person who removes or attempts to remove from a Council stable livestock therein detained under these Bye-laws without payment of the appropriate fee shall be guilty of an offence.

9. Penalties

Any person guilty of an offence under these Bye-laws for which no penalty is provided shall be liable on first conviction to a fine not exceeding P10 or in default of payment to imprisonment for a term not exceeding seven days or in the event of a second or subsequent conviction to a fine not exceeding P25 or in default of payment to imprisonment for a term not exceeding one month.

FIRST SCHEDULE
VILLAGE AREA
(by-law 2)

The area within a radius of eight kilometres from Mochudi Post Office.

SECOND SCHEDULE
COUNCIL STABLE FEES
(by-law 8)

<table>
<thead>
<tr>
<th>Animals</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheep, goats, pigs</td>
<td>10t per head per day</td>
</tr>
<tr>
<td>All other animals</td>
<td>20t per head per day</td>
</tr>
</tbody>
</table>

SOUTH EAST DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS
(under sections 33 and 34)
(11th August, 1978)

ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Condition of operating any sound system
4. Restriction on advertising by sound system
5. Prohibition of continuing certain loud or unseemly noises and disturbances
6. Prohibition of continuing certain noises and activities in market squares, etc.
7. Playing of any sound system on Sundays, etc.

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1. **Citation**
These Bye-laws may be cited as the South East District Council (Noise and Nuisance) Bye-laws.

2. **Interpretation**
   In these Bye-laws "Council" means the South East District Council.

3. **Condition of operating any sound system**
   No person shall operate or cause or permit to be operated any wireless, record player, loudspeaker, amplifier or similar device to the annoyance of the occupants or inmates of any premises in the neighbourhood.

4. **Restriction on advertising by sound system**
   No person shall operate any wireless, record player, loudspeaker, amplifier or similar device or play any musical instrument for the purpose of advertising on or adjacent to any street without the consent in writing of the Council.

5. **Prohibition of continuing certain loud or unseemly noises and disturbances**
   No person shall continue to make any loud or unseemly noise or disturbance by shouting, screaming or yelling or by blowing upon any horn or other instrument or by beating upon any drum or other instrument so as to annoy or to disturb or interfere with the rest, peace or tranquillity of the inhabitants of the neighbourhood after having been required to desist from so doing by a police officer or by any inhabitant of the neighbourhood so annoyed or whose rest, peace or tranquillity has been so disturbed or interfered with.

6. **Prohibition of continuing certain noises and activities in market squares, etc.**
   No person shall in any market square, street, park or public place—
   
   (a) continue to ring any bell, sound any horn, blow any whistle, use any noisy instrument or shout; or
   
   (b) continue to hawk, sell or distribute any article or thing whatsoever, to the annoyance, disturbance or inconvenience of any person using the market square, street, park or public place, after having been required to desist from so doing by a police officer or by any person so annoyed, disturbed or inconvenienced:

   Provided that this bye-law shall not apply in the case of a person acting under and in accordance with a written permit issued to him by the Council for the purposes of this bye-law.

7. **Playing of any sound system on Sundays, etc.**
   No person shall at any time on a Sunday or before 8 a.m. or after 4 p.m. on other days play any instrument which, by reason of the noise created thereby, is offensive or constitutes a nuisance or disturbs the comfort or peace of the inhabitants of the neighbourhood.

8. **Singing during certain hours**
   No person shall between 4 p.m. and 8 a.m. the following day sing in such a manner as to disturb the peace and tranquillity of the neighbourhood.

9. **Confiscation of instruments, etc.**
   Any member of the Police Force or any person authorised by the Council may confiscate any instrument, bell, horn, record player, amplifier or similar device used for contravening the Bye-laws.

10. **Penalties**
    Any person who fails to comply with these Bye-Laws shall be guilty of an offence and liable to a fine not exceeding P100 or, in default thereof, to imprisonment for a term

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BYE-LAW

1. Citation
These Bye-laws may be cited as the North West District Council (Refuse) Bye-laws.

2. Application
These Bye-laws shall apply to the village of Maun, and bye-law 8 shall apply throughout the North West District.

3. Interpretation
In these Bye-laws, unless the context otherwise requires-
"Council" means the North West District Council;
"occupier" means any person in actual occupation of premises, or legally entitled to occupy them;
"premises" includes any yard, field, garden or land, whether enclosed or open;
"public place" means any public street, square, road or thoroughfare, any tribal kgotla and any public or communal land;
"refuse" includes any filth, rubbish, trash, garbage, excrement, waste products from any source, rubble, derelict vehicles or tyres, and any matter which may be offensive, or a nuisance, or injurious or dangerous to health, or favour the breeding of flies or mosquitoes or favour the harbouring of rodents.

4. Refuse not to be deposited in public places
No person shall deposit any refuse in or near any public place:
Provided that refuse may be deposited at a refuse dump designated by the Council or in receptacles provided by the Council.

5. Refuse not to be accumulated on private premises
No person who is the owner or occupier of any private premises shall permit any refuse to accumulate or remain thereon so as to be offensive or a nuisance or injurious or dangerous to health or to favour the breeding of flies or mosquitoes or to favour the harbouring of rodents.

6. Refuse to be removed from private premises
(1) The owner or occupier of any private premises shall, within three days after having been given notice to do so by the Council, remove or cause to be removed from such premises any refuse thereon.

(2) If any owner or occupier of premises fails after due notice to comply with sub-bye-law (1) by removing or causing to be removed from such premises any refuse thereon, the Council shall have power to enter by its agents or servants upon such premises and remove such refuse.
and to recover from such owner or occupier the cost of such removal.

(3) Where any Court convicts an owner or occupier of premises of failure to comply with sub-bye-law (1), such Court may, in addition to imposing any penalty prescribed therefor, order that any expense incurred by the Council in removing refuse in consequence of the offender's failure to comply shall be paid by him.

7. **Refuse to be removed to receptacle or place designated**
   No person shall remove or cause to be removed any refuse to any place other than a receptacle provided, or a place designated, by the Council for the reception of such refuse.

8. **Refuse not to be deposited in water supplies**
   No person shall deposit any refuse in, or cause or permit any refuse to enter, any river, stream, spring, pool, well, borehole, dam, catchment basin or any channel or source of water supply.

9. **Offences**
   (1) Any person who contravenes bye-law 4, 5, 6(1) or 7 shall be guilty of an offence and liable on a first conviction to a fine not exceeding P10 or in default of payment, to imprisonment for a term not exceeding one month, and on any subsequent conviction for the same offence to a fine not exceeding P25 or to imprisonment for a term not exceeding three months, or to both.

   (2) Any person who contravenes bye-law 8 shall be guilty of an offence and liable on a first conviction to a fine not exceeding P15 or in default of payment to imprisonment for a term not exceeding six weeks, and on any subsequent conviction to a fine not exceeding P60 or to imprisonment for a term not exceeding six months, or to both.

**GHANZI DISTRICT COUNCIL (REFUSE) BYE-LAWS**

(under sections 33 and 34)

(7th April, 1978)

**ARRANGEMENT OF BYE-LAWS**

BYE-LAW

1. **Citation**
2. **Refuse not to be deposited in water supplies**
3. **Penalties**


1. **Citation**
   These Bye-laws may be cited as the Ghanzi District Council (Refuse) Bye-laws.

2. **Refuse not to be deposited in water supplies**
   (1) No person shall deposit any refuse in or cause or permit or allow any refuse to enter any river, stream, spring, pool, well, borehole, dam, catchment basin or any channel or source of water supply.

   (2) In sub-bye-law (1) "refuse" includes any filth, rubbish, trash, garbage, excrement, waste products from any source, rubble, derelict vehicles or tyres, and any matter which is offensive or a nuisance or injurious or dangerous to health or favours the breeding of flies or mosquitoes or the harbouring of rodents.

3. **Penalties**
   Any person who contravenes bye-law 2(1) shall be guilty of an offence and liable to a fine not exceeding P15, or in default of payment, to imprisonment for a term not exceeding six weeks, or, in the event of a second or subsequent conviction, to a fine not exceeding P60, or in default of payment to imprisonment for a term not exceeding three months.

**KANYE (WATER FEES) BYE-LAWS**

(under sections 33 and 34)

(15th September, 1972)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Annual water fees
5. Liability for water fees
6. Exemption from liability for water fees
7. Collection of water fees and issue of receipts
8. Drawing of water from public taps for use in business
9. Drawing of water from public taps into drums or containers restricted
10. Application for installation of private taps
11. Drawing of water at private taps restricted
12. Livestock not to be watered at public taps
13. Attachment of hosepipes or other conduits to public taps prohibited
14. Interference with pipelines, etc. prohibited
15. Production of water fees receipts
16. Penalty

First Schedule
Second Schedule - Water (Business Use) Permit
Third Schedule - Fees for Water (Business Use) Permits
Fourth Schedule
Fifth Schedule
Sixth Schedule - Price of Water Tickets

S.I. 69, 1972,

1. Citation
   These Bye-laws may be cited as the Kanye (Water Fees) Bye-laws.

2. Application
   These Bye-laws shall apply to the villages of Kanye, Moshupa, Mabutsane, Mmathethe,
   Moshaneng and Good Hope.

3. Interpretation
   In these bye-laws, unless the context otherwise requires-
   "business" means an undertaking carried on for profit or reward from fixed premises
   within the villages where these Bye-laws apply, and where such an undertaking is carried on for
   more than one set of premises the undertaking as carried on in each such set shall be deemed
   to be a separate business;
   "collector" means a collector or assistant collector appointed by the Council to collect
   any tax on behalf of the Council;
   "consumer" means a person entitled by virtue of payments made in accordance with
   bye-law 4, to draw water from public taps provided by the Council;
   "Council" means the Southern District Council;
   "head", in relation to a lolwapa, means the senior male person over the age of 21 years
   residing in such lolwapa or, if no such person resides therein, the senior female person over the
   age of 21 years residing therein;
   "livestock" means cattle, goats, sheep, horses, donkeys and mules;
   "lolwapa" means a customary residential precinct.
   "private tap" means a water drawing point located within the confines of a lolwapa or
   any private property;

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"public tap" means a water drawing point located in a public place and available for public use;
"village of Kanye" means the area described in the First Schedule;
"village of Moshupa" means the area defined in the Fifth Schedule;
"villages of Mabutsane, Mmathethe, Moshaneng and Good Hope" means the area within one kilometre of any public stand-pipe in these villages;
"Water Authority" means the authority appointed for the villages of Kanye and Moshupa under section 4 of the Waterworks Act.

4. Annual water fees
   (1) There shall be payable to the Council in respect of every lolwapa, every private dwelling-house and every set of premises of a business or of any religious, educational or other institution an annual water fee of P2 or as prescribed from time to time by the Council.
   (2) Such fee shall become due and payable on 1st January in every year.
   (3) Payment of such fee shall, subject to bye-laws 9 and 10, entitle persons residing or employed in the lolwapa, private dwelling-house or premises in respect of which it is paid, to draw water when available, from public taps provided by the Council during 12 months from the date on which it became payable.
   (4) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

5. Liability for water fees
   (1) The water fees due and payable in respect of any lolwapa shall be paid by, and may be collected or recovered by legal process from, the head of such lolwapa.
   (2) The water fees due and payable in respect of any private dwelling-house, not being a lolwapa, shall be paid by, and may be collected or recovered by legal process from, the occupier, failing whom the owner, of such dwelling-place.
   (3) The water fees due and payable in respect of any other premises shall be paid by, and may be collected or recovered by legal process from, the occupier, failing whom the owner, of such premises.
   (4) Any person living outside the areas defined as the villages of Kanye, Moshupa, Mabutsane, Mmathethe, Moshaneng and Good Hope who is found to be using water from these villages shall be subject to the provisions of bye-law 4(1).

6. Exemption from liability for water fees
   Any person who would in terms of bye-law 5 be liable to pay water fees shall be exempt from such liability if the Finance and General Purposes Committee of the Council declares itself satisfied that he can reasonably be considered destitute.

7. Collection of water fees and issue of receipts
   (1) Water fees due and payable under these bye-laws may be collected from persons obliged to pay such fees by collectors.
   (2) Every collector who receives a water fee shall immediately deliver to the person paying such a fee an official receipt therefor.
   (3) Whenever the Council receives a water fee otherwise than through a collector who has delivered a receipt therefor in terms of sub-bye-law (2), it shall immediately deliver to the person paying such fee an official receipt therefor.

8. Drawing of water from public taps for use in business
   (1) No person shall draw water from any public tap for use in a business unless he is employed in or by the business and the person carrying on such business has obtained from the Council on payment of the prescribed fee a permit in the form set out in the Second Schedule authorizing persons employed in or by such business to draw water from public taps.
   (2) The fees to be charged for permits referred to in sub-bye-law (1) shall depend on the type of business carried on and shall be as specified in the Third Schedule.
   (3) The period of a permit shall extend from 1st January to the following 31st December.
   (4) In the event of a contravention of sub-bye-law (1), if the person drawing water is not
employed in or by the business for use in which the water is drawn he shall be guilty of an
offence, and if such person is so employed the person carrying on such business shall, unless
he proves that he took all reasonable steps to prevent the contravention, be guilty of an offence.
9.  Drawing of water from public taps into drums or containers restricted
    (1) No person shall draw water from any public tap into a drum or container of 200 litres
        (44 gallons) capacity or more except at a water point named in the Fourth Schedule and after
        presenting to an attendant at such water point, being a person apparently in the service of the
        Council, a water ticket purchased from the revenue department of the Council authorizing the
drawing of a quantity of water not less than the capacity of such drum or container.
    (2) The price of water tickets shall be as specified in the Sixth Schedule.
    (3) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.
10.  Application for installation of private taps
    (1) Any person may apply to the Water Authority or Council, as the case may be, in the
        villages where these Bye-laws apply to have a private tap installed in a lolwapa, private
dwelling-house, premises of a business, religious, educational or other character upon such
terms and conditions as may be agreed by the applicant and the Water Authority or Council.
    (2) There shall be payable to the Council in respect of every private tap in the villages of
        Mabutsane, Mmathethe, Moshaneng and Good Hope a water fee of 11 thebe for 1000 litres (50
        thebe per 1000 gallons) used or as prescribed from time to time by the Council.
11.  Drawing of water at private taps restricted
    (1) No person shall draw water at a private tap without the consent of the head of the
        lolwapa or the occupier or owner of the private dwelling-house or premises within the confines
        of which it is located.
    (2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.
12.  Livestock not to be watered at public taps
    (1) No person shall water livestock at a public tap.
    (2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.
13.  Attachment of hosepipes or other conduits to public taps prohibited
    (1) No person shall attach to a public tap a hosepipe or other such device for conducting
        water other than to fill a drum or container at water points specified in the Fourth Schedule.
    (2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.
14.  Interference with pipelines, etc. prohibited
    (1) No person shall in any way alter or tamper with any pipeline or other installation for
        the supply of water without-
        (a) in the case of a pipeline or installation owned by the Council, the express consent of
            the Council; or
        (b) in the case of a pipeline or installation owned by a person other than the Council, the
            express consent of such other person.
    (2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.
15.  Production of water fees receipts
    (1) Any collector may require the head of any lolwapa and the occupier of any private
dwelling-place or other premises to produce on demand, or at the Council's offices within 24
hours, a water fee receipt in respect of such lolwapa, private dwelling-place or premises issued
in terms of bye-law 7 not earlier than 1st January preceding the date of demand.
    (2) Any head of a lolwapa or occupier to whom a receipt such as is referred to in
sub-bye-law (1) has been issued who fails to produce such receipt or who produces a falsified
receipt shall be guilty of an offence and liable on conviction to a fine not exceeding P20 or to a
term of imprisonment not exceeding one month, or to both.
16.  Penalty
    Any person found guilty of an offence under bye-law 4(1), 8(1), 9(1), 10(2), 11(1), 12(1),
13(1) or 14(1) shall be liable to a fine not exceeding P50 and to imprisonment for a term not
exceeding two years.

**FIRST SCHEDULE**
*(bye-law 3)*

The area contained within the boundary described as follows:
Commencing at a point A the co-ordinates of which are y-115000 x+9055000 the boundary runs in a straight line in a southerly direction to point B the co-ordinates of which are y-115000 x+9063000; thence in a straight line in an easterly direction to point C the co-ordinates of which are y-121000 x+9063000; thence in a straight line in a southerly direction to point D the co-ordinates of which are y-121000 x+9071000; thence in a straight line in a south-westerly direction to point E the co-ordinates of which are y-118000 x+9076000; thence in a straight line in a westerly direction to point F the co-ordinates of which are y-112000 x+9076000; thence in a straight line in a northerly direction to point H the co-ordinates of which are y-104000 x+9065000; thence in a straight line in a north-easterly direction to point J the co-ordinates of which are y-107000 x+9055000; thence in a straight line in an easterly direction to the point of commencement, as will more fully appear from Plan KO-140/1, filed in the Department of Surveys and Lands, the co-ordinates of points A, B, C, D, E, F, G, H and J being expressed in English feet on the Trigonometrical system Lo 25°.

**SECOND SCHEDULE**

**WATER (BUSINESS USE) PERMIT**
*(bye-law 8(1))*

KANYE (WATER FEES) BYE-LAWS

Name of Permit-holder: ............................................................................................
Name of Business, if different from above: ..................................................................
Type of Business: ....................................................................................................
Fee Paid: ..................................................................................................................
Date of Expiration of Permit: 31st December, 20 .........................................................

This is to certify that the permit-holder named above has paid a fee in terms of bye-law 8 of the Kanye (Water Fees) Bye-Laws, and that persons employed in or by the business named above are permitted to draw water from public taps within the village of Kanye for use in the same business.

Date: .................................................................

Authorized Officer

**THIRD SCHEDULE**

**FEES FOR WATER (BUSINESS USE) PERMITS**
*(bye-law 8(2))*

Business requiring General Trading Licence .................. P10 per annum
Business requiring small General Trading Licence .......... P10 per annum
Business requiring Restaurant Licence ........................ P10 per annum
Business requiring Fresh Produce Licence .................... P10 per annum
Business requiring Petrol Filling Station Licence .......... P10 per annum
Brickmaker’s Business ................................................. P10 per annum
Any other business ...................................................... As determined in each case by the Council.

**FOURTH SCHEDULE**
*(bye-laws 9(1) and 13(1))*

Goo Bome Borehole Pumphouse tap, Kanye
Mmasekou Borehole Pumphouse tap, Kanye
Mmatshitswane Borehole Pumphouse tap, Kanye
Moshupa Dam
No. 1102 Borehole Pumphouse tap, Mabutsane
No. 31 Borehole Pumphouse tap, Mmathethe
No. BH 2358 Borehole Pumphouse tap, Moshaneng

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No. BH 110 Borehole Pumphouse tap, Good Hope.

**FIFTH SCHEDULE**
*(bye-law 3)*

Starting from the Spillway of Moshupa dam X 8998000 Y-134700
Following the Spillway and then southeastwards to X 9000000 Y-138000
East of Hatsalatladi River X 9000000 Y-138650
Following the river to X 8998300 Y-144000
North to X 8990000 Y-144000
Northwest to X 8989000 Y-143000
West to X 8989000 Y-137000
South West to X 8990000 Y-136000
West to X 8990000 Y-134000
South Southwest to X 8994000 Y-132000
South to X 8995000 Y-132000
East to X 8995000 Y-133000
East Southeast to X 8995900 Y-134900
South East to X 8996530 Y-135470
Following the dam wall to X 8996840 Y-134870
Following the riverbed back to X 8998000 Y-134700

**SIXTH SCHEDULE**

**PRICE OF WATER TICKETS**
*(bye-law 9(2))*

Tickets authorizing the drawing of not more than 200 litres (44 gallons): 5 thebe

**KGATLENG DISTRICT COUNCIL (REFUSE) BYE-LAWS**
*(under sections 33 and 34)*
*(27th March, 1992)*

**ARRANGEMENT OF BYE-LAWS**

**BYE-LAW**

1. **Citation**
   These Bye-laws may be cited as the Kgatleng District Council (Refuse) Bye-laws.

2. **Application**
   These Bye-laws shall apply to the village areas specified in the Schedule to these Bye-laws and to such village areas as the Council may, by resolution, from time to time, specify:
   Provided that no such resolution of the Council shall have force and effect unless 14 days prior notice of such resolution and the terms thereof has been communicated to the inhabitants of any village area affected or likely to be affected by the operation of such resolution.

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3. **Interpretation**

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

"Council" means the Kgatleng District Council;

"refuse" includes any filth, rubbish, trash, rubble, garbage, excrement, waste product from any source, derelict vehicles or tyres, and any matter which may be offensive, or a nuisance, or injurious or dangerous to health, or favours the breeding of flies or mosquitoes, or the harbouring of rodents;

"refuse dump" means any piece of land designated by the Council, in consultation with the land board concerned, for the disposal of refuse.

4. **Charges for collection of refuse etc.**

The Council may, by resolution, impose such charges in respect of the collection by it of refuse and the emptying of dustbins and septic tanks from or on institutional or private premises as it may, from time to time, determine.

5. **Removal of refuse from private premises**

(1) The Council may, by notice in writing served on the owner or occupier of private premises, require him to remove from such premises, within three days after service of such notice, any refuse thereon.

(2) If any owner or occupier of private premises on whom a written notice has been served in accordance with the provisions of sub-bye-law (1) fails to comply with the requirement to remove refuse stated in such notice, the Council may, by its employees or agents, enter upon the premises and remove the refuse therefrom, and may recover from such owner or occupier any expenses incurred in carrying out such removal.

6. **Accumulation of refuse**

No tenant or occupier of premises shall allow or permit any refuse to accumulate or remain on such premises so as to be offensive or constitute a nuisance to the public, or be or likely to be injurious or dangerous to health, or favour the breeding of flies or mosquitoes, or harbour rodents.

7. **Deposit of refuse**

(1) Any person who removes refuse from a village area as specified in accordance with the provisions of bye-law 2, shall deposit such refuse at a rubbish dump and at no other place.

(2) No person shall deposit any refuse in or near a public place:

Provided that the provisions of this sub-bye-law shall not apply to the deposit of refuse at a refuse dump, or in a receptacle for the deposit of refuse provided by the Council, or provided by the owner or occupier of private premises and approved by the Council.

(3) No person shall deposit any refuse in, or cause or permit any refuse to enter any river, stream, pool, spring, well, borehole, dam, catchment basin, canal or any source of water supply.

8. **Penalties**

(1) Any person who contravenes or fails to comply with any provision of these Bye-laws shall be guilty of an offence and shall be liable, for a first offence, to a fine of P10 or in default of payment to imprisonment for one month, and for a second or subsequent offence to a fine of P25 and to imprisonment for three months:

Provided that where the offence is in respect of the provisions of sub-bye-law (3) of bye-law 7, the penalty for a first offence shall be a fine of P15 and in default of payment to imprisonment for six weeks, and for a second or subsequent offence shall be a fine of P60 and to imprisonment for six months.

(2) Where any person is convicted of an offence under bye-law 5, the court convicting him may, in addition to any penalty imposed, order such person to pay to the Council such expenses incurred by the Council in removing the refuse as may be assessed by the court.

**SCHEDULE**

(bye-law 2)
KGATLENG DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS

(under sections 33 and 34)
(27th March, 1992)

ARRANGEMENT OF BYE-LAWS

1. Citation

These Bye-laws may be cited as the Kgatleng District Council (Noise and Nuisance) Bye-laws.

2. Interpretation

In these Bye-laws "Council" means the Kgatleng District Council.

3. Restriction on operating sound systems

(1) No person shall operate, or cause or permit to be operated, any wireless, record player, loudspeaker, amplifier or similar device to the annoyance of the occupants or inmates of any premises in the neighbourhood.

(2) No person shall operate any wireless, record player, loudspeaker, amplifier or similar device, or play any musical instrument for the purpose of advertising on or adjacent to any street, without the consent in writing of the Council.

4. Restriction on certain loud noises, disturbances and activities

(1) No person shall continue to make any loud or unseemly noise or disturbance by shouting, screaming or yelling, or blowing upon any horn or other instrument, or by beating upon any drum or other instrument so as to annoy, or to disturb or interfere with the rest, peace or tranquillity of the inhabitants of the neighbourhood, after having been required to desist from so doing by a police officer or by any of such inhabitants.

(2) No person shall, in any market place, street, park or public place-

(a) continue to ring any bell, sound any horn, blow any whistle, use any noisy instrument or shout; or

(b) continue to hawk, sell or distribute any article or thing whatsoever, to the annoyance, disturbance or inconvenience of any person using the market place, street, park or public place, after having been required to desist from so doing by a police officer, or by any person so annoyed, disturbed or inconvenienced:

Provided that this sub-by-law shall not apply in respect of a person acting under and in accordance with a written permit issued to him by the Council for the purposes of this sub-by-law.

5. Playing of instruments or singing at certain times
(1) No person shall at any time on a Sunday, or before 8 a.m. or after 4 p.m. on any other day of the week, play any instrument which, by reason of the noise created thereby, is offensive or constitutes a nuisance, or disturbs the peace or tranquillity of the inhabitants of the neighbourhood.

(2) No person shall, between 4 p.m. and 8 a.m. the following day, sing in such a manner as to disturb the peace and tranquillity of the neighbourhood.

6. Penalties

Any person who contravenes or fails to comply with any provision of these Bye-laws shall be guilty of an offence and liable, for a first offence, to a fine of P10 or in default of payment to imprisonment for 14 days, or for a second or subsequent offence to a fine of P50 or in default of payment to imprisonment for two months.

Ghanzi District Council (Noise and Nuisance) Bye-Laws
(under sections 33 and 34)
(16th August, 2002)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Noises and nuisances prohibited
4. Penalties
5. Power to confiscate


1. Citation

These Bye-laws may be cited as the Ghanzi District Council (Noise and Nuisance) Bye-laws, 2002.

2. Interpretation

In these Bye-laws "Council" means the Ghanzi District Council.

3. Noises and nuisances prohibited

(1) No person shall-

(a) operate or cause to be operated any wireless, loudspeaker, record player, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood;

(b) operate any wireless, musical instrument, loudspeaker or other similar device for the purposes of advertising on, or adjacent to, any street without the prior consent of the District Council;

(c) continue to make any loud or unseemly noise or disturbance either by shouting, screaming or yelling, or by blowing upon any horn or any instrument or by beating upon any drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquillity of the inhabitants of the neighbourhood, after having been requested to desist by any member of the Police Force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced;

(d) continue to ring any bell or sound any horn or blow any whistle or use any noisy instrument or shout in any market square, street, park or public place, after having been requested to desist by any member of the Police Force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced;

(e) between the hours of 12 midnight and 7.30 a.m. carry on any business, trade or industry involving the use of machinery which by reason of the noise created by it is offensive or constitutes a nuisance or which disturbs the comfort or peace of the
inhabitants of the neighbourhood;

(f) between the hours of 10 p.m. and 7.30 a.m. sing in any public place, or on any property in such a manner as to be heard outside the confines of such property, and thereby disturb the peace or tranquillity of the neighbourhood;

(g) make or cause to be made any noise by any instrument before 4 p.m. on Mondays to Fridays and before 12 noon during weekends and public holidays, and thereby disturb the peace or tranquillity of the neighbourhood:
Provided that a person may make or cause to be made any noise by any instrument before 4 p.m. on Mondays to Fridays and before 12 noon during weekends and public holidays, if such noise is made for the purposes of announcing to the public; or

(h) between the hours of 12 midnight and 6 a.m. make any noise by any instrument in a place designated as a picnic area or entertainment area unless such person had upon written application been granted permission by the council.

4. Restriction on certain loud noises, disturbances and activities
Any person who fails to comply with these Bye-laws shall be guilty of an offence and on conviction be liable to a fine not exceeding P100 or, in default thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction, to a fine not exceeding R200 or, in default thereof, to imprisonment for a term not exceeding two months.

5. Playing of instruments or singing at certain times
Upon any subsequent convictions under these Bye-laws, a magistrate may, in addition to any penalties imposed by him and on application by the Prosecutor, by warrant authorize any police officer of the rank of inspector or above to confiscate and dispose of any instrument, bell, horn, record player, amplifier or similar device used in the commission of the subsequent offence.

SOUTH EAST DISTRICT COUNCIL (REFUSE) BYE-LAWS
(under sections 33 and 34)
(11th December, 1992)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Charges for collection of refuse etc.
5. Removal of refuse from private premises
6. Accumulation of refuse
7. Deposit of refuse
8. Penalties


1. Citation
These Bye-laws may be cited as the South East District Council (Refuse) Bye-laws.

2. Application
These Bye-laws shall apply to the village areas specified in the Schedule to these Bye-laws, and to such village areas as the Council may, by resolution, from time to time, determine:
Provided that no such resolution of the Council shall have force and effect unless 14 days prior notice of such resolution and the terms thereof has been communicated to the inhabitants of any village area affected or likely to be affected by the operation of such resolution.

3. Interpretation
In these Bye-laws, unless the context otherwise requires-
"Council" means the South East District Council;
"refuse" includes any filth, rubbish, trash, rubble, garbage, excrement, waste product from any source, derelict vehicles or tyres, and any matter which may be offensive, or a nuisance, or injurious or dangerous to health, or favours the breeding of flies or mosquitoes, or the harbouring of rodents;
"refuse dump" means any piece of land designated by the Council, in consultation with the land board concerned, for the disposal of refuse.

4. Charges for collection of refuse etc.

The Council may, by resolution, impose such charges in respect of the collection by it of refuse and the emptying of dustbins and septic tanks from or on institutional or private premises as it may, from time to time, determine.

5. Removal of refuse from private premises

(1) The Council may, by notice in writing served on the owner or occupier of private premises, require him to remove from such premises, within three days after service of such notice, any refuse thereon.

(2) If any owner or occupier of private premises on whom a written notice has been served in accordance with the provisions of sub-by-law (1) fails to comply with the requirement to remove refuse stated in such notice, the Council may, by its employees or agents, enter upon the premises and remove the refuse therefrom, and may recover from such owner or occupier any expenses incurred in carrying out such removal.

6. Accumulation of refuse

No tenant or occupier of premises shall allow or permit any refuse to accumulate or remain on such premises so as to be offensive or constitute a nuisance to the public, or be or likely to be injurious or dangerous to health, or favour the breeding of flies or mosquitoes, or harbour rodents.

7. Deposit of refuse

(1) Any person who removes refuse from a village area as specified in accordance with the provisions of bye-law 2, shall deposit such refuse at a rubbish dump and at no other place.

(2) No person shall deposit any refuse in or near a public place:
Provided that the provisions of this sub-by-law shall not apply to the deposit of refuse at a refuse dump, or in a receptacle for the deposit of refuse provided by the Council, or provided by the owner or occupier of private premises and approved by the Council.

(3) No person shall deposit any refuse in, or cause or permit any refuse to enter any river, stream, pool, spring, well, borehole, dam, catchment basin, canal or any source of water supply.

8. Penalties

(1) Any person who contravenes or fails to comply with any provision of these Bye-laws shall be guilty of an offence and shall be liable to a fine of P200, or in default of payment to imprisonment for six months:
Provided that where the offence is in respect of a contravention of the provisions of sub-by-law (3) of bye-law 7, the penalty for a first offence shall be a fine of P15 or in default of payment imprisonment for six weeks, and for a second or subsequent offence shall be a fine of P60 and imprisonment for six months.

(2) Where any person is convicted of an offence under bye-law 5, the court convicting him may, in addition to any penalty imposed, order such person to pay to the Council such expenses incurred by the Council in removing the refuse as may be assessed by the court.

SCHEDULE
(Bye-law 2)
Ramotswa
Tlokweng
ARRANGEMENT OF BYE-LAWS

1. Citation
These Bye-laws may be cited as the Kgalagadi District Council (Noise and Nuisance) Bye-laws.

2. Interpretation
In these Bye-laws, "Council" means the Kgalagadi District Council.

3. Restriction on operating sound systems
(1) No person shall operate, or cause or permit to be operated, any wireless, record player, loudspeaker, amplifier or similar device to the annoyance of the occupants or inmates of any premises in the neighbourhood.
(2) No person shall operate any wireless, record player, loudspeaker, amplifier or similar device, or play any musical instrument for the purpose of advertising on or adjacent to any street, without the consent in writing of the Council, or of any authority so delegated by the Council for the purpose.

4. Restriction on certain loud noises, disturbances and other activities
(1) No person shall make or continue to make any loud or unseemly noise or disturbance such as shouting, screaming or yelling, or blowing upon any horn or other instrument, or by beating upon any drum or other instrumented so as to annoy, or to disturb or interfere with the rest, peace or tranquility of the inhabitants of the neighbourhood, after having been required to desist from so doing by a police officer or by any of such inhabitants.
(2) No person shall, in any market place, street, park or public place continue to hawk, sell or distribute any article or thing whatsoever, to the annoyance, disturbance or inconvenience of any person using such market place, street, park or public place, after having been required to desist from so doing by a police officer, or by any person so annoyed, disturbed or inconvenienced:

Provided that this sub-by-law shall not apply in respect of a person acting under and in accordance with a written permit issued to him by the Council for the purposes of this sub-by-law.

5. Playing of instruments or singing at certain times
(1) No person shall at any time on a Sunday, before 8 a.m. or after 10 p.m. on any other day of the week, play any instrument which, by reason of the noise created thereby, is offensive or constitutes a nuisance, or disturbs the peace or tranquillity of the inhabitants of the neighbourhood.
(2) No person shall, between the hours 4 p.m. and 8 a.m. on the following day, sing in such a manner as to disturb the peace and tranquillity of the neighbourhood.

6. Offences and penalties

(1) Any person who contravenes the provision of these Bye-Laws shall be guilty of an offence and liable to a fine not exceeding P100, and in default of payment thereof to imprisonment for a term not exceeding 21 days, or for a second or subsequent offence to a fine not exceeding P200 and in default of payment thereof to imprisonment for a term not exceeding two months.

(2) A person found to have contravened the provisions of the Bye-Laws may be, and shall be for a second or subsequent transgressions, prosecuted and upon conviction shall be liable to have the instrument, bell, horn, wireless, record player, amplifier or similar device by means of which the offence was committed, confiscated, and to a fine not exceeding P200 and in default of payment thereof to imprisonment for a term not exceeding two months.

**Kgalagadi District Council (Refuse) Bye-Laws**

(under sections 33 and 34)

(21st March, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Charges for collection of refuse
5. Removal of refuse from private premises
6. Accumulation of refuse
7. Deposit of refuse
8. Penalties


1. Citation
These Bye-Laws may be cited as the Kgalagadi District Council (Refuse) Bye-Laws.

2. Application
These Bye-Laws shall apply to the whole area of the Kgalagadi District Council as defined under the Administrative Districts Act.

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

"Council" means the Kgalagadi District Council;

"refuse" includes any filth, rubbish, trash, rubble, garbage, excrement, waste product from any source, derelict vehicles or tures and any matter which may be offensive, or a nuisance, or injurious or dangerous to health, or favours the breeding of flies or mosquitoes, or the harbouring of rodents;

"refuse dump" means any piece of land designated by the Council, in consultation with the land board concerned, for the disposal of refuse.

4. Charges for collection of refuse
The Council may, by resolution, impose such charges in respect of the collection by it of refuse and the emptying of dustbins and septic tanks from or on institutional or private premises as it may, from time to time, determine.

5. Removal of refuse from private premises
(1) The Council may, by notice in writing served on the owner or occupier of private premises, require him to remove from such premises, within three days after service of such notice, any refuse thereon.

(2) If any owner or occupier of private premises on whom a written notice has been
served in accordance with the provisions of sub-by-law (1) fails to comply with the requirement
to remove refuse stated in such notice, the Council may, by its employees or agents, enter upon
the premises and remove the refuse therefrom, and may recover from such owner or occupier
any expenses incurred in carrying out such removal.

6. Accumulation of refuse

No tenant or occupier of premises shall allow or permit any refuse to accumulate or
remain on such premises so as to be offensive or constitute a nuisance to the public or be likely
to be injurious or dangerous to health, or favour the breeding of flies or mosquitoes, or harbour
rodents.

7. Deposit of refuse

(1) Any person who removes refuse from a village area as specified in accordance with
the provisions of bye-law 2, shall deposit such refuse at a rubbish dump.

(2) No person shall deposit any refuse-
(a) in or near a public place:

Provided that the provisions of this sub-by-law shall not apply to the deposit of
refuse at a refuse dump or in a receptacle for the deposit of refuse provided by the
Council, or provided by the owner or occupier of private premises and approved by the
Council;

(b) in, or cause or permit any refuse to enter any river, stream, pool, spring, well, borehole,
dam, catchment basin, canal or any source of water supply.

8. Penalties

(1) Any person who contravenes or fails to comply with any provisions of these
Bye-Laws shall be guilty of an offence, and shall be liable to a fine not exceeding P10 or, in
default of payment, to imprisonment for a term not exceeding one month, and for a second or
subsequent offence to a fine of P25 and to imprisonment for three months.

(2) Where any person is convicted of an offence under bye-law 5, the court convicting
him may, in addition to any penalty imposed, order such person to pay to the Council such
expenses incurred by the Council in removing the refuse as may be assessed by the court.

GHANZI DISTRICT COUNCIL (MARKETS) BYE-LAWS
(section 33)
(8th February, 2008)
ARRANGEMENT OF BYE-LAWS
1. **Citation**
   These Bye-Laws may be cited as the Ghanzi District Council (Markets) Bye-Laws.

2. **Interpretation**
   In these Bye-Laws, unless the context otherwise requires—
   "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 under bye-law 3;
   "Council Officer" means the Council Secretary or any Council employee authorised by the Council Secretary in writing for the purpose of these Bye-Laws;
   "Licensing Officer" means the Council Secretary or any Council employee authorised by the Council Secretary in writing for the purpose of these Bye-Laws;
   "stall" includes a building, stand, shelter and table used for the provision of a service to the public; and
   "stall holder" means a person hiring a stall under these Bye-Laws.

3. **Establishment and control of market**
   (1) The Council may establish a market.
   (2) The Council shall control and supervise any market established under sub-bye-law (1).
   (3) No person may erect a building, tent, booth, shelter or other structure within a market without the written permission of the Council.

4. **Application to hire stall**
   (1) A person who wishes to hire a stall shall apply to the Licensing Officer in Form 1 set out in the First Schedule.
   (2) The Licensing Officer shall reject an application made to him or her under sub-bye-law (1) where—
      (a) every stall of the type for which the application is made is already hired;
      (b) the applicant is under 16 years of age; or
      (c) in the opinion of the Licensing Officer, to grant the application would not be in the public interest.
   (3) A Licensing Officer shall, where he or she rejects an application under this bye-law, notify the applicant in writing, stating the reasons for the rejection.
   (4) A Memorandum of Agreement of Lease, as set out in Form 3 in the First Schedule, shall be signed by the Ghanzi District Council as the "Lessor" and the permit holder as the "Lessee".

5. **Issue of permit**
   Where an application under bye-law 4 is approved, the Licensing Officer shall issue a permit in Form 2 set out in the First Schedule.

6. **Hire fees and rent**
   Monthly payments for rent or hire of a stall shall be made in advance at the Ghanzi District Council Revenue Office.

7. **Hours and days of operation**
   The hours and days of operation of a stall shall be as set out in the Second Schedule.

8. **Subletting of stall**
   (1) A stall holder shall not sublet a stall.
   (2) A stall holder who contravenes sub-bye-law (1) commits an offence.
(3) A stall holder who contravenes the provisions of sub-by-law (1) shall forfeit, to the Council, the monthly payment for rent or hire of a stall.

9. Revocation of permit

(1) The Council shall revoke a permit of a stall holder where the stall holder—

(a) does not pay fees in accordance with bye-law 7; or

(b) contravenes bye-laws 8, 11, or 14.

(2) The Council shall, where it revokes a permit under sub-by-law (1), cancel the permit and Memorandum of Agreement of Lease.

10. Cleanliness of stall

(1) A permit holder shall take all reasonable steps to ensure that his or her stall and all utensils, machinery and equipment used therein and all goods sold or displayed for sale therein are at all times in a clean and hygienic condition, and that he or she and every other person engaged in business at the stall are at all times while so engaged, in a proper state of cleanliness.

(2) Any stall holder who contravenes sub-by-law (1) commits an offence and—

(a) is liable to have his or her licence revoked by the Council.

(b) shall forfeit, to the Council, the monthly payment for rent or hire of a stall.

(3) A person—

(a) whose permit and Memorandum of Agreement of Lease have been cancelled; or

(b) who has forfeited monthly payments for rent or hire of a stall to the Council under sub-by-law (2), may appeal to the Minister, in writing, against the cancellation or forfeiture, or both, within 14 days after being so informed.

11. Order in market

(1) No person may beg, gamble, loiter, scream, shout, sing in a loud or unseemly manner, make any loud noise or create any disturbance or conduct himself in an offensive or objectionable manner within a market.

(2) A Council Officer may require a person who misbehaves in his or her presence or whom he or she has reasonable grounds to believe has recently so misbehaved in terms of sub-by-law (1), to leave the market.

(3) A Council Officer may refuse entry into a market to any person who misbehaves in terms of sub-by-law (1).

(4) A person who on being required forthwith to leave a market under sub-by-law (1) refuses to do so or who having left a market on being required to do so under that sub bye-law or having been refused entry to a market, under sub-by-law (2) enters a market or attempts to enter the market without the permission of the Council Officer shall be guilty of an offence and shall be liable to punishment under bye-law 12.

12. Animals not allowed in market

(1) No person may cause or permit any animal to enter or remain within a market.

(2) Notwithstanding the provisions of sub-by-law (1), a stall holder may cause or permit the entry into a market of poultry intended for sale or slaughter within the market.

13. Inspection in market

(1) A Council Officer or health inspector may require a stall holder to remove from a market, produce which in the opinion of the Council Officer or health inspector is unfit for human consumption.

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

14. Condition of stall at end of hire

(1) At the expiration, or on the cancellation of a permit issued under bye-law 5, and within 21 days before handing over the stall keys to the Council, the permit holder shall—

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

(b) remove from the stall all property which does not belong to the Council;
(c) replace to its original position, all furniture and other fittings in the stall belonging to the Council;
(d) remove any item displayed by him or her other than the Council during the period the permit was in force;
(e) repair damage to the stall, its fixtures, furniture, fittings and fences caused during the period the permit was in force and arising out of the hire of the stall, except for fair wear and tear.

15. Appeal
A person aggrieved by a decision of the Council to–
(a) refuse to hire him or her a stall; or
(b) suspend or revoke his or her permit may,
after giving notice of his or her intention to appeal in writing to the Council, and within 30 days of the date on which notice is given to him or her by the Council of the rejection, suspension or revocation, appeal to the Minister.

16. Penalties
A person who contravenes a provision of these Bye-Laws commits an offence and is liable, for a first offence, to a fine not exceeding P100, or, in default thereof to imprisonment for a term not exceeding 14 days, and for a subsequent offence, to a fine not exceeding P200 or, in default thereof, to imprisonment for a term not exceeding two months.

FIRST SCHEDULE
APPLICATION FOR PERMIT TO HIRE STALL
(bye-law 4 (1))

GHANZI DISTRICT COUNCIL (MARKETS) BYE-LAWS

Form 1
Full name and address of applicant .................................................................
Residential address ......................................................................................
Nationality ................................ National Identity Card number......................
Stall location/number ..................................................................................

Period for which the stall is hired ................................................................
Goods to be sold or service(s) to be provided ................................................
Do you have any other market stall ?. yes/no (tick whichever is applicable to you)
If yes, give particulars of its location ..........................................................

Date ................................................... Signature of applicant .....................

Form 2
PERMIT TO HIRE STALL
(bye-law 5)

GHANZI DISTRICT COUNCIL (MARKETS) BYE-LAWS
NOT TRANSFERRABLE

Issued to ........................................................................................................
Residential address and postal address ...........................................................
To trade in the following goods or to provide the following services ..................

At stall number ........................................... situated at .................................. Market
From ................................................ to ..........................................................
At a monthly rental of P...........................................................

Copyright Government of Botswana
Form 3
MEMORANDUM OF AGREEMENT OF LEASE
(by-law 4 (4))
GHANZI DISTRICT COUNCIL (MARKETS ) BYE-LAWS
Made and entered into by and between
(Hereinafter referred to as (the LESSOR))
and
(Hereinafter referred to as (the LESSEE))

INTERPRETATION
Unless such meaning is inconsistent with the context, the following terms shall have the meaning
assigned to them hereunder, namely:
(a) The Premises: ..........................................................................................................................
(b) The Lessor: ................................................................................................................................
(c) The Lessee: ................................................................................................................................

1. LEASE PERIOD
The Lessor hereby lets and the Lessee hereby hires the premises on the terms and conditions set out
below for a period of ONE (1) YEAR commencing on ................................................................. and
terminating on .................................................................................................................................

2. RENTAL
2.1. The Lessee shall pay the Lessor a rental of P ................. per month. The Lessee shall pay one
month rent in advance plus a security deposit equivalent to the rent. Deposit is returnable at the
end of the contract if there are no damages caused by Lessee. Rental shall be paid on or before
the first day of each month.

3. OPTION TO RENEW
The Lessor hereby grants to the Lessee an option to renew this lease for a further period of 12 months on
the same terms and conditions save as to the rental which shall be re-negotiated and agreed to by the
Parties provided the Lessee shall then not be in breach of any of the terms and/or conditions of this lease.
The Lessee shall give notice of its intention to exercise the option herein by giving not less than three
months’ written notice of such intention to the Lessor.

4. USE OF PREMISES
The premises shall be used for business purposes only and shall not be used for any other purposes
without the written consent of the Lessor.
4.1 The Lessee shall not contravene nor permit the contravention of any of the conditions of title
under which the Lessor owns the premises and shall comply and secure the compliance with
any laws, ordinance, proclamations or regulations which the Lessor is required to observe by
reason of its ownership and shall furthermore not use nor permit the use of the premises in such
a manner as to become a nuisance.
4.2. The Lessee indemnifies and holds the Lessor harmless against all actions, proceedings, costs,
damages, losses, claims and demands, against the Lessor as a consequence of the Lessee’s
failure to comply with all the provisions of this clause provided, however, that in the event of
such actions, proceedings, claims and demands the Lessor shall within fourteen (14) days of
acquiring knowledge hereof and before taking any steps as may be necessary to prevent any of
the Lessor’s rights from being prejudiced, give notice in writing hereof to the Lessee and the
Lessee shall then be entitled to be joined as a co-defendant or co-respondent in so far as that
may be allowed in law.

5. UTILITIES AND OTHER CHARGES
The Lessee shall with effect from the commencement date pay to the local authority all deposits required
in respect of services to be provided by such authority and shall pay all charges and rates for such services.

6. CESSIONS AND SUB-LETTING
The Lessee shall not sublet the premises or any of its rights hereunder without the Lessor’s prior written consent which consent shall not be unreasonably withheld.

7. REPAIRS AND MAINTENANCE
7.1 The Lessee shall keep, maintain and repair at its sole cost the inside of the premises, including glass fronts, windows, door entrances, panes, locks, keys, fasteners and fittings of the same, plumbing and electrical fixtures including internal drain, in a good state of repair, condition and cleanliness, and shall not injure or in any way damage any of the Lessor’s fixtures and fittings on the premises, nor make any alteration in the construction or outside appearance of the premises. The Lessee shall also be responsible for unblocking and repair of any drain which, because of negligence on the part of, or damage which is caused by the Lessee, are rendered blocked or completely unfunctional. On the expiration or earlier termination of this lease the Lessee shall return the premises and the appurtenance to the Lessor in good order and condition, fair wear and tear excepted.

7.2. If the Lessee fails to carry out any of its obligations in terms of the provisions of 7.1 within fourteen (14) days after being called upon so to do the Lessor or within any longer period as is reasonably necessary, the Lessor may carry out any such obligations at the Lessee’s cost without prejudice to its rights under this lease.

7.3 If the Lessor on re-taking possession of the premises on the expiration or earlier determination of this lease, finds that any obligations of the Lessee in terms of 7.1 have not been carried out by the Lessee, the Lessor shall be entitled to carry out those obligations necessary in order to place the premises in good order and condition and to recover the cost thereof from the Lessee notwithstanding the expiration or earlier determination of the lease.

7.4 Any obligations of the Lessee in terms of 7.1 carried out on the premises by the Lessee shall be carried out to the reasonable satisfaction of the Lessor by competent and experienced workmen employed by the Lessee for such purposes who shall not use any materials which are inferior to those materials built into or on the premises at the commencement date.

7.5 The Lessee shall at all times keep the premises in a clean, tidy and sanitary condition.

7.6 The Lessee shall not fell, cut or deface any trees on the premises.

7.7 The Lessee shall store refuse in an approved container.

8. RIGHT OF ACCESS
8.1 The Lessor shall have right of entry on the premises at all reasonable times during the currency of this lease, either personally or through a caretaker, workmen, agents or other representatives, for the purposes of inspection.

8.2 The Lessor undertakes that it will not unduly or unreasonably interfere with the conduct of the Lessee’s business during the progress of the matter above referred to and the said inspection will be carried out as expeditiously as possible. The Lessee shall not have any claims for remission of rent, compensation or damage in connection with any of the rights granted in terms of this clause.

9. EXCLUSION OF LESSOR’S LIABILITY
Neither the Lessor nor its agents or employees shall be liable for any damage or injury which may be caused to any of the assets of the Lessor in the premises, for any injury or loss of life of the Lessee’s employees, invitees, agents or licensees as a result of any cause whatsoever nor shall the Lessor be responsible to the Lessee for any interruption of the supply of electric current.

10. BREACH
10.1 If the Lessee fails to pay the agreed rental or other amount payable by him or her in terms of this lease on due date and persists with such failure for seven (7) days after written notice from the Lessor requiring him or her to make such payment; or

10.2 If the Lessee commits any breach of any of the other terms and conditions of this lease and fails to remedy that breach within seven (7) days after written notice from the Lessor to the Lessee, provided that should that breach be one which is not reasonably capable of being remedied within seven (7) days then the Lessee shall be allowed such additional period as is reasonably required therefor; or

10.3 If the Lessee be sequestrated (whether provisionally or finally); or
10.4 If the Lessee fails to satisfy or rescind a default judgment against it within fourteen (14) days of receiving knowledge of judgment then in any of such events the Lessor shall be entitled to cancel this lease immediately by written notice to that effect to the Lessee without prejudice to any other claim of any nature whatever which it may have against the Lessee as a result thereof.

10.5 If the Lessor gives the Lessee notice to quit and the Lessee disputes the Lessor’s right to do so and remains in occupation of the premises pending the determination of that dispute, then the Lessee shall be obliged to continue to carry out his or her obligations under this lease.

10.6 Provided the Lessor continues to carry out its obligation under the lease, the Lessee shall continue to pay all amounts on due dates thereof and the Lessor shall be entitled to recover and/or accept these payments.

10.7 The acceptance by the Lessor of these payments shall be without prejudice to and shall not in any manner prejudice any of its rights under this lease.

10.8 Should any such dispute between the Lessor and the Lessee referred to in 10.5 be determined in favour of the Lessor then the payments made to the terms of 10.6 shall be regarded as amounts paid by the Lessee on account of the loss sustained by the Lessor as a result of the holding over by the Lessee of the premises.

11. TERMINATION
This agreement may be terminated by either party upon giving the other one month’s notice in writing of the intention to do so.

12. NOTICES
The parties choose the following addresses as their domicilium citandi et executandi for all purposes pursuant to this lease at which all notices may be effectively served.

12.1 The Lessor:........................................................................................................
12.2 The Lessee:........................................................................................................

Provided that either party shall be entitled to change its above mentioned address to any other address in Botswana by giving the other party written notice of the change of that effect.

12.3 All notice in terms of this lease shall be in writing.
12.4 Shall either be delivered by hand or sent by prepared registered post to the address in sub-bye-law (1).
12.5 Be deemed to have served on the date of delivery if delivered by hand or on the fifth day after posting if sent by prepaid registered post.

13. IMPLEMENTATION
All parties undertake to do all such things, take all steps as may be necessary to give effect to this lease.

14. WAIVER
No failure, relaxation or indulgence on the part of the Lessor exercising the powers or rights conferred upon it in terms of this lease shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this lease operate as a waiver.

15. VARIATION
No variation of any provision of this lease shall be of any force or effect unless the same shall be confirmed in writing and signed by the parties.

16. WHOLE AGREEMENT
This lease constitutes the whole agreement between the parties and no undertaking or representation of any nature whatsoever other than as set out in this lease has been given by any of the parties.

THUS DONE AND SIGNED AT .................................................. THIS .................................. DAY OF .................................. 20 .......
IN THE PRESENCE OF THE UNDERSIGNED WITNESSES.
AS WITNESSES:
1. .................................................................

.................................................................
THE LESSOR

2. .................................................................

.................................................................
THUS DONE AND SIGNED AT .................................................. THIS .................................. DAY OF .................................. 20 .......
IN THE PRESENCE OF THE UNDERSIGNED WITNESSES.
AS WITNESSES:
1. Citation
   This Order may be cited as the Noise and Nuisance (Model) Bye-Laws (Adoption) Order.

2. Adoption of Bye-Laws
   The Noise and Nuisance (Model) Bye-Laws have been adopted in whole and without variations with effect from the 16th day of February, 1998 by the North East District Council.

SOUTHERN DISTRICT COUNCIL (PUBLIC STANDPIPES) BYE-LAWS
(sections 33 and 34)
(19th June, 1998)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Supervision of public standpipe
5. Use of water from public standpipe
6. Use of water by persons other than occupiers
7. Use of public standpipes
8. Withholding of supply of public standpipe water
9. Inspection of standpipes
10. Misuse of water
11. Damage to public standpipe
12. Prohibition of pollution


1. Citation
   These Bye-Laws may be cited as the Southern District Council (Public Standpipes) Bye-Laws.

2. Application
   These Bye-Laws shall apply to the whole area of the Southern District Council as

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defined under the Administrative Districts Act.

3. Interpretation

In these Bye-Laws, unless the context otherwise requires-
- "authorized officer" means the Council Secretary, or any officer of the Southern District Council duly authorized in writing by the Council Secretary for the purpose of inspecting standpipes;
- "Council" means the Southern District Council;
- "designated area" means an area of the District which has been designated by the Council as an area for occupation by persons holding certificates of right or temporary occupancy permits;
- "emergency" means any situation giving rise to the possible loss of life or property caused by fire or other means;
- "occupier" in respect of a designated area means a person residing within that area;
- "public standpipe" means a water supply point within a designated area, and intended for use by the occupiers thereof;
- "unauthorized connection or attachment" means a connection or attachment which has been made to a standpipe without the written permission of the Council.

4. Supervision of public standpipe

The Council Secretary may, in writing, from time to time authorise any officer or employee of the District Council to inspect and supervise the use of public standpipes.

5. Use of water from public standpipe

Subject to the provisions of bye-law 6, water from a public standpipe shall be available for use by occupiers of the designated area in which it is situated, or to persons so authorised in writing by the Council.

6. Use of water by persons other than occupiers

(1) Except with the written permission of the Council, or in an emergency, water shall not be drawn from a public standpipe for use outside the designated area in which it is located.

(2) An occupier in a designated area shall not supply water from a public standpipe in such area to any person not entitled thereto, for use outside the designated area, except-

(a) for immediate personal consumption within the limits as may be specified by the Council;

(b) in an emergency;

or

(c) as may be permitted in writing by the Council.

(3) A person who is not an occupier of the designated area, may, without further authorization draw water not exceeding 800 litres in any one day, for immediate personal consumption within the designated area, and such water shall only be drawn from an over head standpipe.

(4) Any person who contravenes the provisions of this bye-law shall be guilty of an offence and liable to a fine not exceeding P100 or in default of payment thereof to imprisonment for a term not exceeding one month.

7. Use of public standpipes

(1) Public standpipe water shall not be used for any purpose other than for domestic purposes, or in an emergency, or as may be specified, in writing, by the Council.

(2) The Council may, from time to time-

(a) limit the quantity of water which may be drawn from a particular standpipe;

(b) by notice in the Gazette and in a newspaper circulating in the country, prohibit the use of water for any specific purpose, in any specified area within the District Council; or

(c) by written notice to occupiers, prohibit the use of public standpipe water for such purpose or purposes as may be specified in the notice.

(3) Any person who uses public standpipe water for any purpose contrary to the
provisions of any notice issued by the District Council under sub-Bye-Law (2), shall be guilty of an offence and liable to a fine not exceeding P200, and in default of payment thereof to imprisonment for a term not exceeding two months, and such fine or imprisonment shall be without prejudice to the right of the District Council to recover the charges for water improperly used.

8. Withholding of supply of public standpipe water

Without prejudice to the right of recovery of any money due to it, the Council may turn off, or curtail, the supply of public standpipe water to any designated area where-
   (a) the occupiers, or any of them, have failed to pay any service levy, or failed to comply with any provision of these Bye-Laws with which it is their duty to comply;
   (b) the repair of, maintenance to or extension of the water system is required; or
   (c) a general water supply shortage occurs in the area.

9. Inspection of standpipes

(1) An authorized officer may, from time to time, inspect public standpipes for the purpose of detecting unauthorized connections or attachments, or the waste or misuse of water, and shall generally supervise the proper use of such standpipes.

(2) Where an authorized officer finds an unauthorized connection or attachment to a public standpipe he-
   (a) shall immediately remove it or cause it to be removed; and
   (b) may either return the unauthorized connection or attachment to the owner together with a stern written warning, or proceed to have the owner prosecuted under sub-Bye-Law (3).

(3) Any person found to have made an unauthorised connection or attachment may be, and shall be for a second or subsequent transgression, prosecuted and upon conviction shall be liable to have the unauthorised connection confiscated and to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding two months.

(4) Any person who hinders, obstructs or uses abusive or insulting language towards an authorised officer in the performance of his duties under these Bye-Laws shall be guilty of an offence and liable to a fine not exceeding P200 and in default of payment thereof to imprisonment for a term not exceeding two months.

10. Misuse of water

Any person who wilfully or negligently wastes or misuses water from a public standpipe shall be guilty of an offence and liable to a fine of P150.

11. Damage to public standpipe

(1) Any person who tampers with or wilfully or negligently causes damage to a public standpipe, or to any appliance or equipment connected therewith, shall be guilty of an offence and liable to a fine not exceeding P300 or in default of payment thereof to imprisonment for a term not exceeding three months.

(2) The imposition of a fine or imprisonment in terms of sub-Bye-Law (1) shall be without prejudice to the right of the District Council to recover from the offender the cost of any repair or replacement arising from the damage to the public standpipe concerned.

12. Prohibition of pollution

Any person who pollutes or causes the pollution of any public standpipe water, or causes or allows any liquid, gas or other matter to enter any fitting connected therewith, shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding two months.
1. **Citation**
   These Bye-Laws may be cited as the Kgatleng District Council (Barber) Bye-Laws.

2. **Interpretation**
   In these Bye-Laws, unless the context otherwise requires-
   
   "authorised official" means any person authorised by the Council for the purpose of giving effect to these Bye-Laws;
   
   "barber" means a person who, in a fixed place of business carries on the business of cutting, trimming or shaving hair particularly men's hair or beards;
   
   "Council" means the Kgatleng District Council.

3. **Application for licence**
   (1) No person shall carry on a business of a barber within the Council area unless-
   
   (a) such person is duly licensed; and
   
   (b) the premises upon which the business is being carried on are licensed.

4. **Licence required to carry on business of barber**
   (1) Any person wishing to operate a business as a barber shall make an application as set out in the First Schedule, to the Council, supplying such information in relation thereto as the Council may require, which information shall include-
   
   (a) the number, identity and qualifications (or experience) of the barbers to be employed; and
   
   (b) the number of apprentices to be employed.
   
   (2) The Council may, if it is satisfied that the requirements of these Bye-Laws are met, and on payment of a fee of P20, issue a barber licence as set out in the Second Schedule, which shall be valid until 31st December of the year of issue.
   
   (3) On application made in terms of sub-Bye-Law (1) and upon payment of a fee of P10, the Council may endorse such renewal on the form set out in the Third Schedule and may attach such conditions to the renewal as it may determine:
   
   Provided the application for renewal is in respect to the premises in the original licence issued.

5. **Premises**
   Premises used for the business of a barber shall-
   
   (a) be approved by the Council in writing;
   
   (b) be of a temporary structure erected using iron sheets, wooden planks or any other material approved by the Council;
   
   (c) be used solely for the business of a barber;

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(d) be within a radius of not less than 30 metres from the nearest residential and or commercial plots as may be approved by the Council;
(e) have adequate lighting and ventilation;
(f) have constant supply of wholesome water;
(g) be maintained at all times in clean and sanitary conditions, both inside and outside;
(h) be at all times maintained in good repair; and
(i) be not less than 7.5 square metres in size.

6. Licence to be produced for inspection
   (1) Licences issued under these Bye-Laws shall be produced on demand to any authorised official or to any member of the Police Force for inspection.
   (2) Licences issued under these Bye-Laws shall not be transferrable without the consent of the Council, and may be revoked by the Council if the holder thereof is convicted of any offence under these Bye-Laws.

7. Sanitary conditions
   The holder of a licence issued under these Bye-Laws shall-
   (a) ensure that all utensils, vessels, containers, hair clippers, scissors, linen, towels, cloths and other articles used in the conduct of the business are maintained in clean and sanitary conditions by washing them with soap and water and the use of approved means of disinfection or sterilisation as the Council may direct;
   (b) use disposable hand gloves and masks where necessary;
   (c) take all reasonable steps to ensure that clean, disinfected or sterilized articles are kept separated from those which have not been washed, disinfected or sterilized;
   (d) ensure that at all times there are sufficient receptacles of galvanized iron or other non-absorbent material, with close fitting covers available for collecting, storing and disposing of all refuse;
   (e) remove and dispose of any hair trimmings within the premises and the surroundings at the close of each working day; and
   (f) ensure that adequate toilet facilities are available for all working staff and patrons of the premises.

8. Powers of entry
   An authorised official or a police officer may at any reasonable time enter and inspect the premises used for the business of a barber for the purpose of ensuring that the condition of the premises and the operation of the business complies with the provisions of these Bye-Laws and the conditions of the licence in respect thereof.

9. Closure of licensed premises
   Where in the opinion of the Council, premises licensed under these Bye-Laws, are such as are likely to constitute a threat or pose a danger to public health, the Council may direct the closure of such premises until it is satisfied that the threat or danger has been remedied.

10. Offences and penalties
    (1) Any person who contravenes the provisions of these Bye-Laws is guilty of an offence and shall be liable, for a first offence, to a fine not exceeding P200.00 and for a second or subsequent offence to a fine not exceeding P100.00 for every day that the offence is committed.
    (2) Any person who is convicted of an offence under these Bye-Laws may, in addition to any penalty to which he may be liable, have his licence cancelled with effect from such date as the court may consider necessary.

FIRST SCHEDULE
APPLICATION FOR A BARBER LICENCE
(Bye-Law 4(1)).
KGATLENG DISTRICT COUNCIL (BARBER) BYE-LAWS, 1998
(S.I. No. 65 of 1998)
(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 ................................................................. ..................................

Nationality ................................................................. National identity No. .......................

I wish to apply for a barber licence as follows:

(1) location of premises: ................................................................. ..................................

(2) number and identity of barbers and their qualifications (or experience): ....................

(3) number of apprentices: .......................... ........................................

Date ................................................................. ........................................

Signature of applicant

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

Proposed hearing of application ................................................................. ..................................

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

Licensing Officer

SECOND SCHEDULE
BARBER LICENCE
(Bye-Law 4(2)).

KGATLENG DISTRICT COUNCIL (BARBER) BYE-LAWS, 1998.
(S.I. No. 65 of 1998)

NOT TRANSFERABLE

Licence No. .................................................................

Name ................................................................. is hereby licensed in accordance with the
Kgatleng District Council (Barber) Bye-Laws to carry on the business of a barber 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 ..................................................

Licensing Officer.

THIRD SCHEDULE
RENEWAL OF APPLICATION
(Bye-Law 4 (3)).

KGATLENG DISTRICT COUNCIL (BARBER) BYE-LAWS, 1998
(S. I. No. 65 of 1998)

1. Applicants for renewal to complete the following:

(a) Name: ................................................................. ..................................

(b) Identity (Omang) Number: ................................................................. ..................................

(c) Location of premises: ................................................................. ..................................

(d) Employees or Barber: ................................................................. ..................................

2. Conditions (if any) applicable: ................................................................. ..................................


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KGALAGADI DISTRICT COUNCIL (CONTROL OF LIVESTOCK) BYE-LAWS
(under sections 33 and 34)
(4th December, 1998)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
   These Bye-Laws may be cited as the Kgalagadi District Council (Control of Livestock) Bye-Laws.

2. Interpretation
   In these Bye-Laws, unless the context otherwise requires-
   "domestic animal" means any animal, bees or poultry under human control or otherwise tamed;
   "authorised official" means any person authorised by the Council for the purpose of giving effect to these Bye-Laws;
   "Council" means the Kgalagadi District Council;
   "council area" means the area under the jurisdiction of the Council;
   "livestock" means any domestic bovine animal, and shall include cattle, goat, sheep, pig, horse, donkey and mule;
   "owner" in relation to any animal, livestock or poultry, means any person having the charge, custody or control of any animal or poultry and the occupier of any premises where any animal or poultry is kept or permitted to remain;
   "poultry" means any fowl, turkey, goose, duck, chicken, peacock, pigeon or any domestic or captive bird under human control;
   "stable" means any kraal, stall, cowshed, pen, sty and shall include any site or enclosure which is used for purposes of keeping domestic animals or poultry;
   "village area" shall include a settlement within the Council area recognised as such.

3. Keeping of livestock
   The Council may prohibit the use, for the keeping of livestock, of any stable which in the opinion of the Council is unfit, undesirable and objectionable by reason of its locality, construction, condition or manner of use.

4. Keeping of troublesome, dangerous animals
   No person shall allow any troublesome, ferocious or dangerous animal to be out of the confines of the premises on which it is normally kept unless under proper control of its owner.

5. Yapping, etc., of dogs, bitches in season and animals at large
   (1) No person shall allow the yapping, whining or backing of dogs so as to disturb the comfort and peace of any inhabitant of the Council area.
   (2) No person shall permit any bitch to be at large at such times as it is on heat or in

season.

(3) No person shall keep any animal or permit such animal to be at large so as to disturb the comfort of the inhabitants of the village area.

6. Bees and poultry
No person shall keep any bees or poultry so as to disturb the comfort and peace of the inhabitants of the Council area.

7. Establishment of livestock stables
The Council may by resolution establish a stable as a holding ground for any domestic animal, livestock or poultry found at large or otherwise in contravention of these Bye-Laws.

8. Claiming of animals, livestock, etc.
The owner of any animal or poultry placed in any stable established in accordance with these Bye-Laws may claim such animal on payment of a fine as the Council may determine:
Provided that the fine paid shall include the cost of maintenance of the animal for the duration of its stay in the stable established by the Council.

9. Inspection of Council or village area
An authorised official or a police officer may at any reasonable time inspect any Council area, village area or stable to enforce the provisions of these Bye-Laws.

10. Offences and penalties
Any person who obstructs or hinders any authorised official or police officer in the exercise of their duties under the provisions of these Bye-Laws shall be guilty of an offence, and liable to a fine not exceeding P100, or in default of payment thereof, to imprisonment for a term not exceeding one month.

KGALAGADI DISTRICT COUNCIL (BARBER) BYE-LAWS
(under sections 33 and 34)
(4th December, 1998)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Licence required to carry on business of barber
4. Application for licence
5. Renewal of licence
6. Premises
7. Licence to be produced for inspection
8. Licence not transferable
9. Sanitary conditions
10. Powers of entry
11. Closure of licensed premises
12. Offences and penalties


1. Citation
These Bye-Laws may be cited as the Kgalagadi District Council (Barber) Bye-Laws.

2. Interpretation
In these Bye-Laws, unless the context otherwise requires-
“authorised official” means any person authorised by the Council for the purpose of giving effect to these Bye-Laws;
“barber” means any person who carries on or assists in carrying on the business of trimming, or cutting the hair or beard of people, as well as carry out manicure, pedicure or other similar beauty treatments;

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"Council" means the Kgalagadi District Council;
"council area" means the area within the jurisdiction of the Council;
"premises" means the place of business of a barber and shall include tent, booth, shed, stall or similar structure as the Council may approve.

3. **Licence required to carry on business of barber**
   (1) No person shall carry on a business of a barber within the Council area, unless-
   
   (a) such person is a citizen of Botswana;
   
   (b) such person has attained the age of 16 years;
   
   (c) such person is duly licensed; and
   
   (d) the premises upon which the business is being carried on are licensed.

4. **Application for licence**
   (1) Any person wishing to carry on a business as a barber shall make an application on the form set out in the First Schedule, to the Council, supplying such information in relation thereto as the Council may require, which information shall include the-
   
   (a) number, identity and qualifications (or experience) of barbers to be employed;
   
   (b) number of apprentices to be employed, if any; and
   
   (c) number and type of scissors, clippers and other hair equipment available for use.
   
   (2) The Council may, if it is satisfied that the requirements of these Bye-Laws are met, and on payment of a fee of P20, issue a barber licence as set out in the Second Schedule, valid until 31st December of the year of issue.

5. **Renewal of licence**
   On application made in terms of Bye-Law 4 and upon payment of a fee of P10, the Council may endorse such renewal on the form set out in the Third Schedule and may attach such conditions to the renewal as it may determine:
   
   Provided that the application for renewal is in respect of the premises in the original licence.

6. **Premises**
   (1) Premises used for the business of a barber shall-
   
   (a) be approved by the Council in writing;
   
   (b) be of a temporary structure erected using iron sheets, wooden planks or any other material approved by the Council.
   
   (c) be used solely for the business of a barber;
   
   (d) be within a radius of not less than 30 metres from the nearest residential or commercial plots as may be approved by the Council;
   
   (e) have adequate lighting and ventilation;
   
   (f) have constant supply of wholesome water;
   
   (g) be maintained at all times in clean and sanitary conditions both inside and the surroundings;
   
   (h) be at all times maintained in good repair;
   
   (i) be not less than 7.5 square metres in size; and
   
   (j) be not located near food premises unless circumstances are such that it would not pose any threat or danger to public health.

7. **Licence to be produced for inspection**
   A licence issued under these Bye-Laws shall be produced on demand to any authorised official or to any member of the Police Force for inspection.

8. **Licence not transferable**
   (1) A licence issued under these Bye-Laws shall not be transferrable without the consent of the Council, and may be revoked by the Council if-
   
   (a) the holder thereof transfers it without the consent of the Council;
   
   (b) the holder thereof is convicted of an offence under these Bye-Laws; and
   
   (c) it is in the interest of the public to do so.
9. **Sanitary conditions**
   (1) The holder of a licence issued under these Bye-Laws shall-
   (a) ensure that all utensils, vessels, containers, hair clippers, scissors, linen, towels, cloths and other articles used in the conduct of the business are maintained in clean and sanitary conditions by washing them with soap and clean water and the use of approved means of disinfection or sterilisation, as the Council may direct;
   (b) use disposable hand gloves and musks where necessary;
   (c) take all reasonable steps to ensure that clean, disinfected or sterilized articles are kept separate from those which have not been washed, disinfected or sterilized;
   (d) ensure that at all times there are sufficient receptacles of galvanized iron or other non-absorbent material, with close fitting covers available for collecting, storing and disposing of all refuse;
   (e) remove and dispose of any hair trimmings within the premises and the surroundings at the close of each working day; and
   (f) ensure that adequate toilet facilities are available for all working staff and patrons.

10. **Powers of entry**
    An authorised official or a police officer may at any reasonable time enter and inspect the premises used for the business of a barber for the purpose of ensuring that the condition of the premises and the operation of the business complies with the provisions of these Bye-Laws and the conditions of the licence in respect thereof.

11. **Closure of licensed premises**
    Where in the opinion of the Council, premises licensed under these Bye-Laws, are such as are likely to constitute a threat or pose a danger to public health, the Council may direct the closure of such premises until it is satisfied that the threat or danger has been remedied.

12. **Offences and penalties**
    Any person who contravenes the provisions of these Bye-Laws commits an offence and shall be liable upon conviction, for a first offence, to a fine not exceeding P200 00 and for a second or subsequent offence to a fine not exceeding P30 00 for every day that the offence is being committed.

**FIRST SCHEDULE**

**APPLICATION FOR A BARBER LICENCE**

(Bye-Law 4(1))

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

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 barber licence as follows:

(1) Location of premises: ..........................................................

(2) Number of barbers (if any) and their qualifications (or experience): ..................

(3) Number of apprentices: ..........................................................

Date ........................................................................................................

Signature of applicant .......................... ........

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

Proposed hearing of application ..................................................................

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

Licensing Officer

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SECOND SCHEDULE
BARBER LICENCE
(Bye-Law 4(2))

NOT TRANSFERABLE

Licence No. ......................................................................................................................
Name ..............................................................................................................................

is hereby licensed in accordance with the Kgalagadi District Council (Barber) Bye-Laws to carry on the business of a barber in the following area(s):

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

Conditions applicable: ........................................................................................................

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

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

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

Licensing Officer

THIRD SCHEDULE
RENEWAL OF APPLICATION
(Bye-Law 4(3))

(1) Applicant for renewal to complete the following:
(a) location of premises: ..........................................................................................
(b) employees or barbers: ..........................................................................................
(2) Conditions applicable: ...............................................................................................
16. Powers of entry
17. Closure of stalls or business premises
18. Cooking and serving of food
19. Transportation of food
20. Food advisory services
21. Offences and penalties


1. Citation
These Bye-Laws may be cited as the Kgalagadi District Council (Food-Vending) Bye-Laws.

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

"appliances" means any utensil, machinery, instrument, apparatus, crockery, article or part thereof, used or intended for use in processing, preparation, handling and serving of food;

"authorised official" means any person authorised by the Council Secretary in writing for purposes of giving effect to these Bye-Laws;

"Council" means the Kgalagadi District Council;

"Council area" means the area within the jurisdiction of the Council;

"crockery" means glasses, plates, dishes, cups, saucers, spoons, forks, ladles, chopsticks, and shall include any disposable articles used or intended for use in or for the making, preparing, keeping, selling, supplying or the serving of food;

"disposable articles" means any appliances, containers, gargets, implements, crockery, utensils or wrappers intended for a single use in the storage, preparation, display, sale or serving of food;

"food-vendor" means a person who prepares, packs, stores, displays and sells ready-to-eat-food or beverages either from a stall, business premises or from place to place;

"food-handler" means a person who assists in the, preparation, cooking, handling and the serving of food;

"medical practitioner" means any Government medical doctor;

"micro-organism" shall include any macroscopic living organisms that can cause disease or food spoilage;

"mobile food-vendor" means a food-vendor who moves from place to place for the purpose of processing, preparing, delivering, displaying and serving of ready to eat food;

"perishable food" means food that consists wholly or partly of milk, milk products, eggs, meat, poultry, fish or other ingredients capable of supporting progressive growth of micro-organisms that cause food spoilage, food-poisoning and food borne diseases;

"pests" means any animal or insect, domestic or otherwise, capable of directly or indirectly contaminating food, and shall include rodents, roaches, flies or other insects or vermin infestation;

"ready-to-eat-food" means any food (including beverages other than alcoholic beverages) which is normally consumed in its raw state, or any food handled, processed, mixed, cooked or otherwise prepared into a form in which it is normally consumed without further processing;

"stall" shall include a cart, caravan or motor-vehicle with or without wheels, or any fixed place equipped with chairs, tables, benches, baskets, or any other structure approved by the Council for food-vending business;

"utensils" shall include appliances, containers, gargets and equipment, including traditional ones, used in the processing, preparation, handling and serving of food;

"waste water" means sullage water arising as a result of the activities of food-vending

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business.

3. **Application for licence**
   (1) No person shall carry on the business of a food-vendor within the Council area, unless such a person-
   (a) has attained the age of 16 years;
   (b) is the holder of a food-vending licence; and
   (c) is free from any communicable or infectious disease.

4. **Licence required to carry on food-vending business**
   (1) Any person wishing to carry on the business of a food-vendor shall make an application on the form set out in the First Schedule to the Council, supplying such information in relation thereto as the Council may require, in particular, specifying the following-
   (a) types of food to be traded;
   (b) the stall or premises upon which the business is to be carried;
   (c) the area within which business is to be carried on; and
   (d) the health status of every food vendor and of any food handler to be employed.
   (2) The Council may, if it is satisfied that the conditions of these Bye-Laws are met, and on payment of a fee of P20, issue a food-vendor's licence on the form set out in the Second Schedule, valid until 31st December of the year of issue.
   (3) The Council may attach such conditions to the licence issued under sub-Bye-Law (2), as it may deem necessary.

5. **Renewal of licence**
   On application made in terms of bye-law 4 and on payment of a fee of P15, the Council may endorse a renewal of the licence on the form set out in the Third Schedule, and may attach such conditions to the renewal as it may deem necessary.

6. **Inspection of Premises**
   An authorised official shall inspect the stall or business premises before any licence can be issued under these Bye-Laws.

7. **Licence to be produced for inspection**
   A licensed food-vendor shall display a licence issued under these Bye-Laws within the stall or business premises and where not displayed shall be produced, on demand, by the food-vendor to any authorised official or to any member of the Police Force for inspection.

8. **Licence not transferable**
   (1) The food-vendor shall not transfer a licence issued under these Bye-Laws without the consent of the Council, and the licence may be revoked by the Council if-
   (a) the food-vendor transfers the licence without the consent of the Council;
   (b) the food-vendor refuses to submit his medical certificate or that of his food handlers from a medical practitioner;
   (c) the food-vendor suffers from a communicable or infectious disease; or
   (d) the food-vendor is convicted of an offence under these Bye-Laws.

9. **Health Status of food-vendors**
   (1) Any food-vendor, or food handler, whether suspected or suffering from an incurable or infectious disease, or is otherwise a carrier of such disease or organism, who is likely to transmit any disease producing organism to food or water, shall not conduct business until he furnishes a certificate from a medical practitioner that he is free from the infection.
   (2) Any food-vendor, helper, or food handler who suffers from diarrhoea or vomiting shall cease to handle food in any capacity and shall seek medical treatment.
   (3) Any food-vendor, or handler who is, or has been a carrier of food or water borne disease or organism, shall not be involved in food handling activities until he furnishes a certificate from a medical practitioner that he is no longer a carrier of the organism or disease.
   (4) Any person who fails to comply with the provisions of this bye-law, shall be guilty of an offence.
10. Personal hygiene of food-vendors
   (1) Every food-vendor, or handler shall, during the conduct of the business-
   (a) wear an identification tag or card issued by Council;
   (b) wear clean light coloured overalls, aprons and other appropriate outer wear, head gear and shoes;
   (d) wash hands thoroughly with soap and clean water before and after handling food, visiting the toilet, handling insanitary articles, toxic and dangerous materials and when necessary;
   (e) keep nails short and clean at all times;
   (f) keep hair clean and tidy and covered during business hours;
   (g) cover sores, wounds and other skin eruptions with a waterproof dressing which is firmly secured and routinely changed;
   (h) not eat, drink, smoke or chew tobacco, gum or other materials while preparing or serving food;
   (i) refrain from any unhygienic practices such as spitting, picking or cleaning nose, ears or any bodily orifice;
   (j) not sneeze or cough on to the food or blow into food bags;
   (k) not allow visitors or customers into the food preparation and serving areas to avoid food contamination;
   (l) not use the stall or business premises for anything other than food-vending; and
   (m) not lick fingers during the preparation, handling and the serving of food.

11. Location
   (1) The stall or business premises shall be located in a place which will not encourage contamination of food during its preparation and serving.
   (2) Stalls and business premises shall not be located in restricted areas such as solid waste disposal areas, rubbish dumps, sewage treatment or oxidation lagoons, animal habitats or husbandry centres.
   (3) Mobile food-vendors shall operate in areas which are reasonably free from objectionable odours, smoke, dust or toxic fumes.
   (4) Stalls and business premises shall be located in areas readily accessible to toilet facilities.
   (5) The space in and around the stalls and business premises shall be free from unnecessary stored goods or articles, discarded articles and obstruction in order to enable the food vendor and handlers to carry out their duties efficiently and to allow easy access during cleaning and other business activities.
   (6) The location of stalls and business premises shall allow easy disposal of waste.

12. Structure
   (1) A food-vendor's stall and business premises shall not be approved by the Council unless-
   (a) constructed from easily cleanable material such as stainless steel, aluminium, glazed tiles or any other material as may be approved by the Council;
   (b) maintained in a state of good repair at all times;
   (c) it has preparation areas and working surfaces made of smooth and impermeable food grade materials;
   (d) all cooking areas, washing equipment, working tables, shelves and food cupboards are placed at least 45 c. m., above ground; and
   (e) it has sufficient light at all times.
   (2) A food vendor's stall and business premises shall be approved in writing by an authorised official before a licence can be issued under these Bye-Laws.

13. Sanitary conditions
   (1) A food-vendor shall-
(a) ensure that all appliances, crockery and other articles used in the conduct of the business are kept in clean and sanitary conditions by washing them with clean water and detergent, and the use of approved means of disinfection or sterilisation, where necessary;
(b) take all reasonable steps to ensure that clean, disinfected or sterilised utensils are kept separate from those which have not been washed, disinfected or sterilised;
(c) ensure that towels and dish cloths used for the purpose of wiping appliances and crockery are kept clean and handled in a sanitary manner, and are not be used for any other purpose;
(d) ensure, at all times, that there is sufficient wholesome water available for use including drinking water;
(e) ensure that there is an efficient waste water disposal system in the form of a soakaway, as the Council may direct;
(f) avoid contamination of food and water by waste;
(g) remove and dispose of any food left overs, waste, discarded articles from working surfaces, tables, floors and the surrounding area as often as necessary and at the close of each day;
(h) ensure that solid waste is disposed into suitable containers which are then secured with tight fitting lids or placed in rubbish bins or a pit which is then covered after disposal to avoid attracting flies;
(i) clean waste receptacles after disposal of waste; and
(j) ensure that adequate toilet facilities, hygienically maintained, are available for the food vendor, handlers and patrons.

14. Appliances
(1) All appliances used in the conduct of the food-vending business shall-
(a) be made of non-absorbent and non-toxic material;
(b) not be capable of producing any odour or taste;
(c) be free from cracks, crevices, chips, except as a result of reasonable wear and tear;
(d) have cleanable surfaces on all sides;
(e) be maintained in a state of good repair at all times;
(f) be cleaned thoroughly and regularly with clean water and detergent and approved means of disinfection where necessary, and in the case of a mobile food-vendor, with clean portable water;
(g) be kept clean and washed separate from unwashed ones; and
(h) be kept clean and washed separate from unwashed ones during transportation.
(2) It shall be the duty of any food-vendor to remove any cracked, chipped and any unsuitable appliance and crockery from use in the serving of food, and ensure that where disposable crockery is used in the conduct of the business, it shall be disposed off after a single use.

15. Pest control
(1) A food-vendor shall, at all times, ensure that his stall or business premises are free from roaches and other pests, as well as other food contaminants.
(2) On becoming aware of pest infestation in the stall or business premises, the food-vendor shall, as soon as reasonably practicable, take steps to eliminate pests and to prevent re-infestation.
(3) An authorised official shall, at any reasonable time, inspect any stall or business premises, and upon being aware that perishable food and any food which is ready for consumption has been contaminated, take the perishable food or any contaminated food for examination, together with the food-vendor, and if food is found to be contaminated or decayed, it shall be destroyed and the licence of such vendor may be suspended by the Council.
16. **Powers of entry**

An authorised official or a police officer may at any reasonable time enter and inspect the stall or business premises of a food-vendor for the purpose of ensuring that the conditions of the stall or business premises, and the operation of the business complies with the provisions of these Bye-Laws, and the conditions of the licence in respect thereof, if any.

17. **Closure of stalls or business premises**

Where in the opinion of the Council, stalls or business premises licensed under these Bye-Laws are such as are likely to constitute a threat or pose a danger to public health, the Council may direct the closure of such stall or business premises until it is satisfied that the threat or danger has been remedied.

18. **Cooking and serving of food**

1. A food-vendor shall ensure that vegetables and fruits shall be thoroughly washed with clean water before being served to clients.
2. All ingredients, including meat, poultry, fish, eggs, fruit or any perishable ingredients used during the processing, preparation and cooking of food, shall be fresh and wholesome.
3. Ready-to-eat-food shall be bought from a licensed reliable source.
4. Ready-to-eat food shall be served with clean tongs, forks, spoons or gloved hands.
5. A food-vendor shall ensure that ready-to-eat food, where not served in disposable crockery, shall be served in proper disposable material meant for serving food, which shall include-
   - grade aluminium foil;
   - waxed paper;
   - food grade plastic; or
   - any other suitable material as may be approved by the Council.

19. **Transportation of food**

1. It shall be the duty of the food-vendor to ensure that food is kept clean and free from toxic material, pests and other contaminants at all times, and shall be stored at proper temperatures during transportation.
2. Non-perishable food shall be kept in clean containers with tight fitting lids, and shall be kept separate from perishable and raw food to prevent contamination.
3. Perishable food shall be stored in clean refrigerated or frozen containers which shall not be overloaded to prevent spoilage.
4. Any motor-vehicle or other means of transport used for the transportation of food shall be in a clean and good condition.

20. **Food advisory services**

1. The Council shall take all necessary steps to make the provisions of these Bye-Laws known to food-vendors and patrons.
2. The Council may, offer basic training in food hygiene to food-vendors and may, through an authorised official, offer on-site advise and guidance on food hygiene, either before the issuance of a licence under these Bye-Laws or as the Council may deem necessary.
3. An authorised official shall educate consumers through publicity campaigns, or any suitable method on food hygiene.

21. **Offences and penalties**

Any person who contravenes the provisions of these Bye-Laws commits an offence and shall be liable, on conviction, to a fine not exceeding P200.00, or in default of payment to imprisonment for a term not exceeding three months or to both.

**FIRST SCHEDULE**

APPLICATION FOR A FOOD-VENDOR'S LICENCE

(Bye-Law 4)

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

Full name of applicant ............................................................

Copyright Government of Botswana
(Surname first (in block letters))

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

Nationality ............................................................ National Identity No. ................................................

I wish to apply for a food-vendor's licence as follows:

(1) Location of premises: ........................................................
(2) Number of food-vendors (if any) and their qualifications (or experience): .........................................................

Date ...........................................................

Signature of applicant

FOR OFFICIAL USE ONLY

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

Proposed hearing of application ............................................................................................................

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

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

Licensing Officer

SECOND SCHEDULE

FOOD-VENDING LICENCE

(Bye-Law 4(2))

NOT TRANSFERABLE

Licence No. .............................................................................................................................

Name ........................................................................................................................................

is hereby licensed in accordance with the Kgalagadi District Council (Food-vending) Bye-Laws to carry on

the business of a food-vendor in the following area(s):

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

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

Conditions (if any) applicable: ........................................................................................................

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

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

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

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

Licensing Officer

THIRD SCHEDULE

RENEWAL OF APPLICATION

(Bye-Law 5)

(1) Applicant for renewal to complete the following:

(a) location of premises: .............................................................................................................

(b) number of food-handlers: ....................................................................................................

(2) Conditions (if any) applicable: ...............................................................................................}

Date .................................................................

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

Licensing Officer

KGALAGADI DISTRICT COUNCIL (HAWKING AND STREET VENDING) BYE-LAWS

(under sections 33 and 34)

(4th December, 1998)

ARRANGEMENT OF BYE-LAWS

Copyright Government of Botswana
BYE-LAW

1. Citation
   These Bye-Laws may be cited as the Kgalagadi District Council (Hawking and Street-vending) 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 by the Council Secretary in writing;
   - "certificate" means a street-vendor's certificate of registration issued under Bye-Laws 4;
   - "council" means the Kgalagadi District Council;
   - "council area" means the area under the jurisdiction of the Council;
   - "hawker" means a person who carries on the business of selling goods from place to place within the prescribed council area;
   - "Licensing Authority" means the Council or any committee convened by the Council 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 either in a public place or upon a ground which he has no right or control.

3. Licence required to carry on hawking or street-vending business
   (1) 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 hawker's licence or street-vendor's certificate issued by the Licensing Authority.
   (2) Notwithstanding the provisions of sub-Bye-Law (1), a manufacturer or producer of perishable goods who operates on a small scale may carry on the business of a hawker or street-vendor and shall not be required to obtain a licence or certificate.
   (3) The Council may refuse to issue a hawker's licence or street-vendor's certificate to any person, if it is satisfied that the issue of such licence or certificate would not be in the public interest.

4. Application for licence or 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 Council, supplying such information in relation thereto as the Council may require, and in particular, specifying the-

(a) class of goods to be traded; and
(b) area in which he wishes to operate.

(2) The Council may, if it is satisfied that the requirements of these Bye-Laws are met, and on payment of a fee of P20, issued a hawker's licence or street-vendor's certificate as set out in Form B of the Schedule, valid until 31st December of the year of issue, and subject to such conditions the Council may prescribe.

(3) The application shall be accompanied by two copies of a photograph, approximately five by four centimetres in size, clearly depicting the head and shoulders of the applicant.

5. **Renewal of licence or certificate**

(1) On application made in terms of bye-law 4 (2) and upon payment of a fee of P10, the Council may endorse a renewal of the licence or certificate as set out in Form C of the Schedule, and may attach such conditions to the renewal as it may determine.

(2) Notwithstanding the provisions of sub-Bye-Law (1), the Council may refuse to renew a hawker's licence or street-vendor's certificate to any person, if it is satisfied that the renewal of such licence or certificate would not be in the public interest.

6. **Procedure of Licensing Authority**

(1) Where an application for a hawker's licence or street vendor's certificate is made in terms of bye-law 4, 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.

7. **Issue of duplicate licence or certificate**

(1) The Licensing Authority may, upon being satisfied that a licence or certificate issued in terms of these Bye-Laws has been lost or destroyed, issue a duplicate hawker's licence or street-vendor's certificate on payment of a fee of P10.

(2) Where a licence or certificate which had been lost and replaced is recovered, the duplicate licence or certificate shall be returned forthwith to the Licensing Authority.

8. **Licence or certificate not transferable**

(1) A licence or certificate issued under these Bye-Laws shall not be transferable without the consent of the Council, and may be revoked by the Council if-

(a) the holder thereof transfers the licence without the consent of the Council;
(b) the holder thereof is convicted of an offence under these Bye-Laws; and
(c) it is in the public interest to do so.

9. **Licence or certificate to be produced for inspection**

(1) A licence or certificate issued under these Bye-Laws shall be produced on demand to any authorised official or to any member of the Police Force for inspection, or shall, within 7 days of such demand, be made available to the Licensing Authority.

(2) Any person who contravenes the provisions of sub-Bye-Law (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding P50, or to imprisonment to a term not exceeding three weeks.

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

(1) The Council may, modify, suspend or cancel a licence or certificate, if the conditions of the licence or certificate have not been complied with, as the case may be, or the continuing use of the licence or certificate constitute a danger to public health.

(2) The Council may, at any time withdraw or cancel a licence or certificate issued under these Bye-Laws, if in its opinion, it is in the interest of the public to do so:

Provided that the Council shall allow the licence or certificate holder such time as is necessary to dispose off the businesses' existing stock.

(3) A holder of a licence or certificate shall not be entitled to any refund or fees paid in respect of any licence or certificate that has been suspended, withdrawn or cancelled by the
11. **Duties of a hawker or street-vendor**

   (1) The holder of a hawker's licence or street-vendor's certificate issued under these Bye-Laws shall-

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

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

   (c) at all times keep his or her person clean while engaged in the conduct of the business;

   (d) provide a separate storage compartment for the goods to be traded; and

   (e) not, directly or indirectly obstruct traffic in public or cause himself to be nuisance to members of the public.

12. **Further duties of a hawker**

   (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; and

   (c) hawk elsewhere than in areas specified on the licence.

13. **Further duties of street-vendor**

   (1) No street-vendor shall-

   (a) erect, or expose goods for sale in any tent, booth, stall, stand or similar structure, unless permitted by the Council to do so; and

   (b) when departing from the pitch at which he has been carrying on business, leave behind goods, receptacles, or other object associated with his trade and leave such pitch in unclean state.

14. **Offences and penalties**

   Any person who carries on the business of a hawker or street-vendor within the Council area without being the holder of a hawker's licence or street-vendor's certificate issued in terms of these Bye-Laws, or otherwise contravenes the provisions of these Bye-Laws commits an offence and shall be liable, on conviction, for a first offence, to a fine not exceeding P75 and for a second or subsequent offence to a fine not exceeding P30 for every day that the offence is being committed.

**SCHEDULE**

**Form A**

**APPLICATION FOR A HAWKERS LICENCE OR STREET-VENDOR'S CERTIFICATE**

(Bye-Law 4(1))

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

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 hawker's licence or 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 by Licensing officer ..........................................

Proposed hearing of application ..........................................................

---

Copyright Government of Botswana
Date of approval/rejection of application .................................................................

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

Licensing Officer

Form B

HAWKER’S OR STREET-VENDOR’S LICENCE
(Bye-Law 4(2))

Licence Certificate No. ..................................................
Name..............................................................................is hereby licensed in accordance with
the Kgalagadi District Council (Hawker's or Street-vendor's) Bye-Laws to carry on the business
of a hawker or street-vendor in the following area/s:
....................................................................................................
....................................................................................................

Conditions (if any) applicable: .................................................................................

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

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

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

Licensing officer

Form C

RENEWAL OF APPLICATION
(Bye-Law 5)

(1) Applicant for renewal to complete the following;
(a) Areas: ...........................................................................................

(2) Conditions (if any) applicable .............................................................................

Date ........................................................

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

Licensing officer

CENTRAL DISTRICT (LIVESTOCK CONTROL) BYE-LAWS
(under sections 33 and 34)
(23rd January, 1970)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation and application
2. Interpretation
3. Power to detain stray livestock
4. Yapping, etc., of dogs and bitches in season
5. Troublesome or dangerous animals
6. Bees, pigeons and poultry
7. Establishment of livestock kraals
8. Claiming of livestock
9. Enforcement
10. Offences and penalties
11. Period of detention of livestock

Schedule

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1. **Citation and application**
   These Bye-Laws may be cited as the Central District (Livestock Control) Bye-Laws, and shall apply to any village area in the area under the jurisdiction of the Central District Council.

2. **Interpretation**
   In these Bye-Laws unless the context otherwise requires-
   - "authorised officer" means a person authorised by the Council, in writing, for the purpose of giving effect to, or enforcing these Bye-Laws;
   - "livestock" includes any domestic bovine animal, goat, sheep, swine, horse, donkey, mule, monkey or any canine, feline or carnivore;
   - "owner" means, in relation to any animal, in addition to its ordinary meaning, any person having the charge, custody or control of any animal and the occupier of any premises where any animal is kept or permitted to remain;
   - "poultry" means any fowl, turkey, goose or duck;
   - "stable" includes a cowshed, stall, pen and sty;
   - "Council" means the Central District Council and includes any Committee of the Central District Council set up to deal with livestock control;
   - "village area" means any village within the jurisdiction of the Council.

3. **Power to detain stray livestock**
   (1) An authorised officer may seize and detain in any Council kraal or any other stable, any livestock found astray, at large or reported in a village.
   (2) Any person who wilfully obstructs an authorised officer in the exercise of powers conferred by sub-bye-law (1) commits an offence.

4. **Yapping, etc., of dogs and bitches in season**
   (1) No person shall permit the yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the village area.
   (2) No person shall allow any bitch to be at large at such times as she is on heat or in season.

5. **Troublesome or dangerous animals**
   No person shall allow any wild, troublesome, ferocious dog, monkey, carnivorous wild animal or reptile to be at large off the premises on which such animal is normally kept.

6. **Bees, pigeons and poultry**
   No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the village area.

7. **Establishment of livestock kraals**
   The Council may by resolution establish any kraal or enclosure for the purposes of these Bye-Laws.

8. **Claiming of livestock**
   (1) A person entitled to take possession of any livestock detained under these Bye-Laws in a kraal or enclosure established in accordance with these Bye-Laws may, upon production of certified documents and payment of the prescribed fee, claim and take possession of such livestock.
   (2) Any person who removes or attempts to remove any livestock detained under this bye-law without payment of the prescribed fee commits an offence.

9. **Enforcement**
   The Council may by resolution request the assistance of any person or organization for the better carrying out of the provisions of these Bye-Laws.

10. **Offences and penalties**
(1) Any person who-
(a) obstructs or hinders an authorised officer in the exercise of such officer's functions under these Bye-Laws; or
(b) fails to comply with bye-laws 3, 5, or 6 commits an offence and shall be liable on conviction to a fine not exceeding P50, or to imprisonment for a term not exceeding one month, and on a second or subsequent conviction to a fine not exceeding P100, or to imprisonment for a term not exceeding two months.

(2) Any person who commits an offence under these Bye-Laws for which no specific penalty is prescribed shall be liable on conviction to a fine not exceeding P100, or to imprisonment for a term not exceeding two months, and for a second or subsequent conviction to a fine not exceeding P200, or to imprisonment for a term not exceeding six months or to both.

11. Period of detention of livestock

Any livestock detained under these Bye-Laws shall, if not claimed within a period of seven days be handed over to a matimela kraal as defined under the Matimela Act.

SCHEDULE

(a) Sheep, goats and pigs  
P5 per head per day
(b) Cattle, donkeys, mules and horses  
P10 per head per day
(c) Other animals  
P2 per head per day

CENTRAL DISTRICT COUNCIL (DOGS) BYE-LAWS

(under section 33)

(9th September, 2005)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation

These Bye-Laws may be cited as the Central District Council (Dogs) Bye-Laws.

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—
"authorised officer" means the Council Secretary or any officer of the Council duly authorised in writing by the Council Secretary to perform duties under these Bye-Laws;
"Council" means the Central District Council;
"public place" means any road, street, thoroughfare, bridge, foot pavement, open space or park, within the area of jurisdiction of the Council and any enclosed space controlled by the Council;
"rabies certificate" means a certificate signed by a veterinary officer stating that the dog, being a dog which was over the age of six months at the time of vaccination has been
vaccinated against rabies; and

"veterinary official" means a veterinary officer, livestock officer or stock inspector employed in the service of the Government and includes a veterinary surgeon as defined under the Veterinary Surgeons Act.

3. Licensing of dogs

(1) No person shall keep a dog that is over the age of six months unless it is licensed under these Bye-Laws within a period of four weeks after attaining the age of six months.

(2) In case of a dispute as to whether a dog is over the age of six months, the opinion of a veterinary official shall be final.

(3) A dog licence shall be issued by an authorised officer, on written application by the owner of the dog and on production of a rabies certificate.

(4) A licence issued under sub-bye-law (3) shall be valid for 12 months and shall be renewable for further periods of 12 months each upon application by the owner of the dog.

(5) A licence issued under sub-bye-law (3) shall be issued on payment of a fee set out in the First Schedule.

Provided that where a dog is brought into the council area, or attains the age of six months, on or after the 1st July in any year the fees payable under this sub-bye-law shall be half the amount prescribed in this sub-bye-law.

(6) An authorised officer may at anytime withdraw or cancel a licence issued under sub-bye-law (3) if in his or her opinion it is necessary to do so.

(7) A licence issued under sub-bye-law (3) shall be a metal tag in the form set out in the Second Schedule.

(8) A person in charge of a dog shall not permit the dog which is required to be licensed under the provisions of this bye-law to be at large unless a current licence issued under sub-bye-law (3) is affixed to the dogs neck by means of a dog collar.

(9) Where a dog licence issued under sub-bye-law (3) has been lost, an authorised officer may issue a duplicate licence on payment by the owner of a dog of the fee set out in the First Schedule.

4. Yapping, etc., of dogs and bitches in season

A person in charge of a dog shall—

(a) take all such steps as are necessary to ensure that the yapping, whining or barking of that dog does not unduly disturb other people or create a nuisance; or

(b) not, in the case of a female dog, allow the dog to be at large at such time as the dog is on heat or in season.

5. Troublesome, dangerous or infected dogs

(1) A person in charge of a dog shall not allow any troublesome, ferocious or dangerous dog, or any dog which is suffering from a contagious or infectious disease, to be at large outside the premises on which such dog is normally kept.

(2) Any person who keeps a dog of the nature described in sub-bye-law (1) shall display, at the principal entrance of the property where the dog is kept, a clearly legible sign reading "BEWARE OF THE DOG" or "TSHABA NTSA".

6. Detention and destruction of abandoned or diseased dogs

(1) An authorised officer may detain and remove to kennels or other premises owned by the council, any dog which is at large in a public place.

(2) If a dog referred to in sub-bye-law (1) is wearing a dog collar with a current licence tag affixed to it, the authorised officer shall, forthwith, notify in writing the person to whom the licence was issued that the dog has been detained and shall also notify him or her of the place where it is detained.

(3) If a dog detained under the provisions of sub-bye-law (1) is not claimed by or on behalf of its owner within seven days of such detention or, where notification has been given in terms of sub-bye-law (2), within seven days of such notification, the Council Secretary may
cause such dog to be destroyed or otherwise disposed of:

Provided that the Council Secretary may authorize the destruction of the dog prior to the expiration of the period of seven days referred to in this sub-bye-law where he has reason to believe that it is genuinely abandoned or is without an owner, or that it is suffering from an infectious or contagious disease of a serious nature, and that the destruction of the dog is necessary for the purpose of controlling the spread of such disease.

(4) The owner of any dog detained under the provisions of this bye-law may reclaim such dog on payment of the fee set out in the First Schedule.

7. **Diseased dogs to be presented for treatment**

Any person who keeps a dog shall, where that dog shows signs of suffering from an infectious or contagious disease, immediately present such dog for treatment to a veterinary official.

8. **Dogs to be vaccinated against rabies**

(1) No person shall keep a dog that is over the age of six months unless the dog has been vaccinated against rabies and the person keeping the dog is in possession of a rabies certificate relating to the dog.

(2) The Council Secretary may authorize the destruction of a dog if the person who keeps the dog is unable to produce a rabies certificate relating to that dog.

(3) For the purposes of this bye-law, a dog licence tag in respect of a particular dog shall be deemed to be equivalent to a rabies certificate.

9. **Penalties**

Any person who contravenes the provisions of these Bye-Laws shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding two months, or to both, and, for a second or subsequent offence, to a fine not exceeding P200, or to imprisonment for a term not exceeding six months or to both.

**FIRST SCHEDULE**

(bye-laws 3 (5) and (10) and 6 (4))

<table>
<thead>
<tr>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>P5 per day</td>
</tr>
<tr>
<td>P10 per annum</td>
</tr>
<tr>
<td>P5</td>
</tr>
</tbody>
</table>

**SECOND SCHEDULE**

Dog Licence

(by-law 3 (3))

This is to certify that.....................................................................(name of applicant) of P. O. Box/Private Bag.......................................................is licensed to keep a dog over the age of six (6) months in accordance with the provisions of bye-law 3 (8) from the ................................................................. (date) to the............................................... Date of issue:............................................

Official receipt No........................................

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

Authorized Officer.

NB: This licence is issued subject to the production of a rabies certificate required under bye-law 8 (1).

**CENTRAL DISTRICT COUNCIL (HAWKING AND STREET VENDING) BYE-LAWS**

(section 33)

(7th November, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW
1. **Citation**
These Bye-Laws may be cited as the Central District Council (Hawking and Street Vending) 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 5;
- **Council** means the Central District Council;
- **council area** means the area under the jurisdiction of the Council;
- **hawker** means a person, under section 3, who carries on the business of selling goods from place to place within the Central District;
- **Police Service** means the Botswana Police Service and the Local Police Force;
- **register** means any register which the Council is required to keep under bye-law 8;
- **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, under section 3, who carries on the business of selling goods from a pitch at which he stations himself, either in a convenient public place or upon land on which he has no right to control.

3. **Prohibition of hawking or street vending without certificate**
   (1) A person shall not carry on the business of a hawker or street vendor within the council area unless such person—
   a. is otherwise unemployed or an employee covered by the minimum wages;
   b. is not forbidden by the conditions of his employment;
   c. is a citizen of Botswana;
   d. has attained the age of 16 years; and
   e. is the holder of a valid certificate issued in terms of these Bye-Laws.
   (2) Notwithstanding the provisions of sub-by-law (1), a person who is not required to obtain a licence to carry on any business in terms of section 32(3) of the **Trade Act**, may carry
on the business of a hawker or street vendor and shall not be required to obtain a certificate.

(3) A person who contravenes the provisions of sub-by-law (2), shall be guilty of an offence.

4. **Application for certificate**

   (1) A person wishing to carry on the business of a hawker or street vendor may make an application to the Registrar in Form A set out in the Schedule, supplying such information as the Registrar may require and, in particular, specifying—
   
   (a) the class of goods to be traded; and
   
   (b) the area at which he intends to trade at.

   (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;
   
   (b) 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; and
   
   (c) a non-refundable application fee as shall be determined by the Council from time to time.

5. **Issue of certificate**

   (1) The Registrar may refuse to issue a certificate—
   
   (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 is satisfied that the carrying on of business in such area or areas would be contrary to the public interest.

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

6. **Renewal of certificate**

   A certificate issued under bye-law 5 (2) shall, subject to the provisions of these Bye-Laws, be valid for a period of two years and, unless renewed under bye-law 7, shall expire immediately after the lapse of two years from the date of issue.

7. **Period of certificate**

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

   (2) An application for renewal in terms of sub-by-law (1), shall be made—
   
   (a) not later than one month before the expiry of the certificate; or
   
   (b) not later than one month before the expiry of any of the subsequent periods for which the certificate has been renewed in terms of subby-law (1).

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

   (4) A certificate which is not renewed under sub-by-law (1) shall expire and the holder thereof may apply 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 certificate.

8. **Register of hawkers and street vendors**

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

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

(a) his full name;
(b) his certificate number;
(c) his 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.

9. **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.

(2) Where a person recovers a certificate which has been lost and replaced, such duplicate certificate shall be returned without delay to the Registrar.

10. **Certificate not transferable**

(1) A certificate issued under these Bye-Laws shall not be hired, ceded or transferred:

Provided that—

(a) a certificate may be transferred upon the death of the holder to his legal representative, upon application; and
(b) an application for a transfer under paragraph (a) shall be treated as if it were an application for a new certificate and accordingly, the provisions relating to the conditions and procedures to be complied with in applying for a new certificate shall apply.

11. **Modification, suspension, etc.**

(1) The Registrar may modify, suspend or cancel a certificate if the conditions of the certificate have not been complied with or if the continued 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 purports to hire, cede, transfer or in any way make over the certificate to another person;
(b) the holder is convicted of an offence under these Bye-Laws; or
(c) in his 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 may consider necessary to enable the holder of the certificate to dispose of his existing stock.

12. **Duties of hawkers and street vendors**

(1) A 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 trade;
(b) pick and remove any litter or refuse which, through the conduct of his trade, has been deposited, dropped or has fallen on any public place or private property;
(c) at all times keep himself clean while engaged in the conduct of his trade; and
(d) 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, his vehicles or his goods, remove himself, such vehicles or goods, as the case may be, at the request of a member of the Police Service or an authorised official, in order to discontinue obstruction or danger or to abate nuisance.

(2) A hawker or street vendor shall not—

(a) trade in goods other than those specified in his certificate; or
(b) trade in areas other than those allowed by his certificate.

(3) A person who contravenes the provisions of sub-by-law (1) or (2) shall be guilty of
an offence.

13. **Prohibited forms of hawking**

   (1) A hawker shall not—

   (a) hawk 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) A person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

14. **Prohibited forms of street vending**

   (1) A street vendor shall not—

   (a) within a council area, erect or expose goods for sale in a 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 approval on the certificate;

   (b) refuse, at the request of a member of the Police Service or an authorised official, to move his goods, receptacles and any other objects associated with his trade, so as to permit the Council’s sanitary staff to clear an area in which he is conducting his business;

   (c) when departing from the pitch at which he has been carrying on trade, leave behind goods, receptacles or other objects associated with his trade or leave such pitch in an unclean state; and

   (d) carry on business except between the hours of 6 a.m. and 10 p.m.

   (2) A person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

15. **Appeals**

   A person aggrieved by the decision of the Registrar, made under these Bye-Laws, may appeal in writing to the Minister within 20 days of notification of the decision.

16. **Certificate to be produced for inspection**

   (1) A holder of a certificate issued under these Bye-Laws shall, on demand by a member of the Police Service or an authorised official, immediately produce the certificate for inspection or otherwise shall, within 48 hours of such demand, produce such certificate for inspection at the station of such member of the Police Service or the office of such authorised official, as the case may be.

   (2) A person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

17. **Offences and penalties**

   (1) A person who contravenes any of these Bye-Laws or any direction or prohibition duly given in terms thereof shall be guilty of an offence and liable—

   (a) on first conviction, to a fine not exceeding P2,000, or in default of payment thereof, to imprisonment for a term not exceeding nine months, or to both; and

   (b) on a second or subsequent conviction, to a fine not exceeding P5,000, or in default of payment thereof, to imprisonment for a term not exceeding two years, or to both.

   (2) Where a person fails to pay a fine within the stipulated period, the Council may recover the fine in a court of law as a civil debt.

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**SCHEDULE**

**Form A**

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

(by-e-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.)

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Full names of applicant .................................................................
(Surname first)
Place of residence .................................................................
Postal address ........................................................................
Identity No .................................................................

1 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 ........................................

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

Registrar

Form B

HAWKER’S CERTIFICATE
(by-law 5)

Photograph of holder

Registration number .................................................................
Surname ........................................................................................
Other names ........................................................................
Identity number ........................................................................
Place of birth ........................................................................
Gender ....................................................................................
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–
..............................................................................................................................................
..............................................................................................................................................
STREET VENDOR’S CERTIFICATE
(by-law 5)

Registration number ............................................................................................................
Surname ...................................................................................................................................
Other names ............................................................................................................................
Identity number.......................................................................................................................
Place of birth...........................................................................................................................
Gender ......................................................................................................................................
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–
..................................................................................................................................................
..................................................................................................................................................
Form D
APPLICATION FOR RENEWAL OF A HAWKER’S OR STREET VENDOR’S CERTIFICATE
(by-law 7)

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

Full names of applicant ..................................................................................................................

(Surname first)
Registration number .....................................................................................................................
Place of residence ..........................................................................................................................
Postal address .................................................................................................................................
Identity No......................................................................................................................................

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

iv 2 Date of approval/rejection of application ..............................................

Registrar

Council Secretary

NORTH EAST DISTRICT COUNCIL (PUBLIC STANDPIPES) BYE-LAWS
(under section 33)
(28th October, 2005)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Supervision of use of public standpipes
4. Use of water from public standpipes
5. Use of water by persons other than residents
6. Restriction on use of public standpipe water
7. Use of water to extinguish fire
8. Withholding of supply of public standpipe water
9. Inspection of public standpipes
10. Misuse of water
11. Damage to public standpipes
12. Prohibition of pollution

S.I. 64, 2005.

1. Citation
These Bye-Laws may be cited as the North East District Council (Public Standpipes) Bye-Laws.

2. Interpretation
In these Bye-Laws, unless the context otherwise requires—
"authorised officer" means the Council Secretary, or any person authorised by him under bye-law 3;
"Council" means the North East District Council;
"designated area" means a settlement or village within the Council allocated to persons for occupation;
"public standpipe" means a Council water supply point within a designated area, intended for use by persons residing in that area; and
"unauthorised connection or attachment" means a connection or attachment made to a public standpipe without the written permission of the Council.

3. Supervision of use of public standpipes
The Council Secretary may, in writing, from time to time, authorise any officer or
employee of the Council to inspect and supervise the use of public standpipes.

4. **Use of water from public standpipes**
   (1) No person shall draw water or cause water to be drawn from a public standpipe unless he resides within the designated area in which the standpipe is located or has the written authority of the Council to draw water from the standpipe.
   (2) A person who contravenes the provisions of sub-by-law (1) is guilty of an offence and is liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month.

5. **Use of water by persons other than residents**
   (1) Notwithstanding the provisions of bye-law 4, a person who is not resident or authorised as therein provided may draw water or cause water to be drawn from a public standpipe, but shall not, within any one period of 24 hours, draw water or cause water to be drawn more than once from—
      (a) the same public standpipe; or
      (b) more than one public standpipe located in the same designated area.
   (2) No person shall supply water drawn from a public standpipe to another person who is forbidden by sub-by-law (1) from drawing water from that standpipe except—
      (a) for domestic use by that other person; or
      (b) as may be authorised, in writing, by the Council.
   (3) A person who contravenes this bye-law is guilty of an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding one month.

6. **Restriction on use of public standpipe water**
   (1) No person shall, without the written authorisation of the Council, supply water drawn from a public standpipe to another person who is forbidden by bye-law 5 (1) from drawing water from that standpipe unless there is a water shortage in that other persons designated area.
   (2) Water from a public standpipe shall not be used for any purpose other than for domestic purposes, or as may be specified, in writing, by the Council Secretary.
   (3) The Council may from time to time—
      (a) limit the quantity of water which may be drawn from a particular public standpipe;
      (b) by notice published at its principal office, its health facilities, kgotla or any other place that the Council may consider appropriate, prohibit the drawing of water from a particular public standpipe for the purposes specified in the notice; or
      (c) by written notice served on any person, prohibit the use of water drawn from a public standpipe, by that person and by any other person under his authority, for any purpose specified in the notice.
   (4) A person who uses water from a public standpipe for any purpose other than a domestic purpose, or contrary to the provisions of any notice issued by the Council is guilty of an offence and is liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months.
   (5) A fine or a term of imprisonment imposed in terms of sub-by-law (4) shall be without prejudice to the rights of the Council to recover the charges for any water improperly drawn or used.

7. **Use of water to extinguish fire**
   Notwithstanding the provisions of these bye-Laws, a person may draw water or cause water to be drawn from any public standpipe, or supply water so drawn to another person, for the purposes of extinguishing a fire.

8. **Withholding of supply of public standpipe water**
   Without prejudice to the right of recovery of any money due to it, the Council may turn off or curtail the supply of public standpipe water to any designated area where—
      (a) a person resident therein, fails to comply with these bye-laws;
      (b) the water system is damaged or requires repair, maintenance or extension, or where
such works are being carried out on that system;
(c) a general water supply shortage occurs in the area; or
(d) the public standpipe is no longer needed.

9. Inspection of public standpipes
(1) An authorised officer shall—
(a) inspect public standpipes for the purpose of detecting unauthorised connections or attachments, or the waste or misuse of water; and
(b) supervise the proper use of public standpipes.
(2) Where an authorised officer finds an unauthorised connection or attachment to a public standpipe he or she shall immediately—
(a) remove it or cause it to be removed; and
(b) confiscate it.
(3) A person who makes an unauthorised connection or attachment to a public standpipe is guilty of an offence and is liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month.
(4) A person who hinders, obstructs or uses abusive or insulting language towards an authorised officer in the performance of his or her duties under these bye-laws is guilty of an offence and is liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months.

10. Misuse of water
A person who wilfully or negligently wastes or misuses water, or causes or allows to be wasted or misused, any water drawn from a public standpipe is guilty of an offence and is liable to a fine not exceeding P50, or to imprisonment for a term not exceeding one month.

11. Damage to public standpipes
(1) A person who tampers with or wilfully or negligently causes damage to a public standpipe, or to any appliance or equipment connected thereto, is guilty of an offence and is liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months.
(2) A fine or term of imprisonment imposed in terms of sub-by-e-law (1) is without prejudice to the rights of the Council to recover, from the offender, the cost of any repair or replacement arising from the damage to the public standpipe concerned.

12. Prohibition of pollution
A person who pollutes or causes the pollution of any public standpipe water, or causes or allows any foul liquid, gas or other noxious matter to enter any fitting connected to a standpipe is guilty of an offence and is liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

NORTH WEST DISTRICT COUNCIL (HAWKING AND STREET-VENDING) (MODEL)
BYE-LAWS (ADOPTION) ORDER
(under section 38(2))
(16th December, 2005)
ARRANGEMENT OF PARAGRAPHS
PARAGRAPH

1. Citation
2. Adoption of Bye-Laws S.I. 38 of 2001

1. Citation
This Order may be cited as the North West District Council (Hawking and Street-Vending) (Model) Bye-Laws (Adoption) Order.

2. Adoption of Bye-Laws S.I. 38 of 2001
The North West District Council has adopted the Hawking and Street-Vending (Model) Bye-Laws in whole and without variations as bye-laws for the District Council with effect from
BYE-LAW

1. Citation
2. Interpretation
3. Registration of day care centres
4. Registration licence to be displayed
5. Transfer of licence
6. Age of admission
7. Hours of operation
8. Premises of day care centres
9. Toilets
10. First aid requirements
11. Classroom equipment
12. Curriculum
13. Outdoor play areas
14. Kitchens
15. Staff
16. Pets
17. Smoking prohibited
18. Responsibilities of owner
19. Powers of entry

Schedule

S.I. 89, 2005.

1. Citation

These Bye-Laws may be cited as the Kgatleng District Council (Day Care Centre) Bye-Laws.

2. Interpretation

In these Bye-Laws—

"Council means the Kgatleng District Council;
"day care centre" means a place for the care, education and supervision of children below the age of 6;
"infectious diseases" includes diphtheria, cerebral-spinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body and typhoid fever.

3. Registration of day care centres

(1) No person shall operate a day care centre without a registration licence issued by the Council, authorizing him or her to operate a day care centre.

(2) An application to operate a day care centre shall be made to the Council on Form 1 as set out in the Schedule.

(3) The Council may require the applicant to provide any such information as is necessary to determine the application for the day care centre.

(4) Upon receipt of the application, the Council shall cause to be conducted such inspection as it may consider appropriate to ensure that the premises of the day care centre comply with the relevant health and building control standards.

(5) Where the Council is satisfied that the proposed day care centre meets all the requirements of these Bye-Laws, it may on payment of P150 register the day care centre and
issue to the applicant a registration licence on Form 2 as set out in the Schedule.

(6) A registration licence shall be valid for 12 months from the date of issue.

(7) An application to renew a registration licence shall be made on Form 3 as set out in the Schedule and the registration licence may be renewed on payment of P150.

4. **Registration licence to be displayed**
   A registration licence shall be displayed in a conspicuous place in the principal office in the premises of the day care centre.

5. **Transfer of licence**
   No person, to whom a licence has been issued may cede, transfer or lease the licence to another person.

6. **Age of admission**
   A child who is above six years old shall not be enrolled at a day care centre.

7. **Hours of operation**
   A day care centre shall operate between 7:00 hours and 17:00 hours on week days unless otherwise authorised by the Council.

8. **Premises of day care centres**
   (1) Subject to sub-bye-law (2), an occupied residential house or a garage shall not be used as a day care centre.
   
   (2) An occupied residential house may, with the written approval of the Council, be used as a day care centre where the part for the day care centre can be adequately and satisfactorily partitioned or separated from the part used for residential purposes.
   
   (3) The size of the rooms to be used as classrooms shall be directly related to the number of children permitted to use them at one time, so that for each child there shall be equivalent of 1.5 square metres space.
   
   (4) A day care centre shall have a room, equipped with a bed which has a mattress and clean linen, in which a sick child can rest and be isolated for the day.
   
   (5) Premises used for day care centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads.

9. **Toilets**
   (1) A day care centre shall be provided with separate toilets for staff and for children, which shall be well lit, well ventilated, and have adequate running water.
   
   (2) Toilets for children shall be provided with standard junior toilets and handwash basins, so that there shall be one toilet and one handwash basin for every 15 children.
   
   (3) Storage facilities for towels, face cloths and personal belongings of staff shall be separate from those of children.

10. **First aid requirements**
    In a day care centre there shall be maintained, and readily accessible a first aid box or a cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins and a tourniquet.

11. **Classroom equipment**
    (1) A day care centre shall, considering the number of children attending the day care centre, provide adequate supply of equipment suitable for use in the day care centre, such as reading material, picture books, blackboard, toys, paints, crayons, moulding clay, puzzles and beads.
    
    (2) The Council may require and approve additional equipment not referred to in sub-bye-law (1).

12. **Curriculum**
    The curriculum followed at a centre shall adhere to the standards set by the Ministry of Education.

13. **Outdoor play areas**
    (1) Outdoor play areas shall be adequate in size, providing a minimum area equivalent
to not less than 1.5 cubic metres for each child attending the day care centre.

(2) Outdoor play areas shall have a flat, generally dry surface, with adequate shade; and shall be provided with play equipment such as sand pits, swings, slides and climbing frames, which are to the satisfaction of the Council, and adequate for the number of children attending the day care centre.

14. Kitchens

(1) Where food is provided by a day care centre, there shall be available in the kitchen
(a) adequate hot and cold water;
(b) adequate hygienic storage space for food;
(c) adequate cutlery and crockery of a suitably hygienic type; and
(d) a detailed menu of food and provision of a balanced diet.

(2) Where food is brought into a day care centre by the children there shall be provided suitable facilities for the storage and refrigeration of the food.

15. Staff

(1) A day care centre shall have a minimum of two qualified teachers to supervise and look after children at the centre.

(2) There shall always be at least one teacher on duty for every 30 children at the day care centre.

(3) Assistants may be employed to assist the qualified teachers to supervise and look after the children.

(4) All staff employed at a day care centre shall be
(a) medically examined, including being X-rayed, before taking up employment, and thereafter at six monthly intervals; and
(b) at all times wear clean uniform or clothing.

16. Pets

Pets shall not be permitted within the day care centre without the written permission of the Council.

17. Smoking prohibited

(1) Smoking is prohibited within the premises of a day care centre.

(2) A notice shall be displayed in a conspicuous place at the entrance of the day care centre, on which it shall be written in English and Setswana, words to the effect that smoking is prohibited within the premises of the day care centre.

(3) A person who contravenes sub-by-e-law (1) commits an offence and is liable to a fine of P200 or to imprisonment for three months.

18. Responsibilities of owner

(1) The owner of a day care centre shall ensure that any child or member of staff suffering from, or suspected to be suffering from an infectious disease is immediately isolated from contact with other children or staff members.

(2) The owner of a day care centre shall ensure that at all times a high standard of maintenance and cleanliness is established and maintained within the day care centre.

19. Powers of entry

(1) An officer of the Council so authorised in writing by the Council secretary may at any reasonable time enter a day care centre for the purpose of inspection, and to ensure compliance with these Bye-Laws.

(2) Where an officer of the Council who has inspected a day care centre reports in writing to the Council secretary that the day care centre has contravened any provision of these Bye-Laws, such day care centre may be closed.

SCHEDULE

(FORMS)

Form 1

APPLICATION TO REGISTER A DAY CARE CENTRE (KGATLENG DISTRICT COUNCIL)
(Bye Law 3)

(A) Particulars of the Applicant:
1. Name of the Applicant .................................................................
2. Postal address of the Applicant .....................................................
3. Residential address of the Applicant .............................................
4. Nationality of the Applicant ........................................................
5. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant ..............................................................
6. Where the Applicant is a company, the registration number of the company ..............................................................

(B) Proposed Centre:
1. Type of day care centre: baby care, day care centre, nursery, or pre primary school (Tick where applicable)
2. Location of the day care centre:
   (a) Village ..................................................................................
   (b) Ward ..................................................................................
   (Please attach a copy of a sketch map showing the location of the school in relation to main routes or busy roads)
3. Premises:
   (a) Area of school plot ..............................................................
   (b) Number of classrooms or rooms.........................................
   (c) Number of Children per classrooms ...................................
   (d) State the number of toilets for children and number of toilets for Staff ..........................................................
   (Also attach a list of all equipments at the school)
4. Staff:
   (a) Number of teachers: ..........................................................
   (b) Qualifications and experience of the teachers:......................
   (c) Number of assistant teachers:.............................................
   (d) Number of support staff......................................................
* (Attach the following documents to the application):
   (a) Zoning approval or land use permit,
   (b) Fire inspection report,
   (c) Environmental health report,
   (d) certificate of incorporation where the applicant is a company.

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.

Applicant's signature.................................................................
Date.......................................................................................

FOR OFFICIAL USE ONLY
The Health Works and Development Committee of Kgatleng District Council, meeting at .............................................. on .............................................. have studied the foregoing application.

A. The Health Works and Development Committee is of the opinion that the proposed ............................................................. meet the requirements as provided by the Bye- Laws.

B. The Health Works and Development Committee does not recommend registration of the day care centre for the following reasons:
   ................................................................................................
   ................................................................................................
   ................................................................................................
   ................................................................................................
   ................................................................................................

Date: .......................................................................................

Signed:
Chairman................................................................. Council Secretary............................................
FORM 2
REGISTRATION LICENCE
(Not Transferable)
(Bye Law 3(5))

Licence No...................................................................................................................

(Name)..............................................................................................................................
is hereby licensed in accordance with bye-law 3 (5) of the Kgatleng District Council (Day Care Centre) Bye Laws to operate a baby care centre/day care centre /nursery/ pre primary school (tick where applicable) known as .................................................................at (village and ward)

Conditions (if any) applicable.......................................................................................

This permit expires on the ..............................................Fee paid ......................................

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

Licensing officer.

FORM 3
RENEWAL APPLICATION
(KGATLENG DISTRICT COUNCIL)
(Bye Law 3(7))

(A) Particulars of the Applicant:
1. Name of the Applicant ............................................................................................
2. Address of the Applicant ...........................................................................................
3. Nationality of the Applicant ....................................................................................... 
4. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant ......................................................................................
5. Where the Applicant is a company, the registration number of the company
...........................................................................................................................................

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.

Applicants signature: ............................................................................................

Date: .........................................................................................................................

FOR OFFICIAL USE ONLY

Having considered the application for the renewal of a day care centre licence of

..........................................................................................................................
dated.......................................................... licence No. .................................................is hereby renewed in accordance with bye-law 3(7) of these Bye-Laws.

Conditions (if any) applicable.....................................................................................

This permit expires on the .........................................................................................

Date of renewal .......................................................... Fee paid ..................................

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

Licensing officer.

CENTRAL DISTRICT (PHONE SHOPS, KIOSK, DESKTOP) CONTROL BYE-LAWS

(under section 33)

(6th January, 2006)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Application for certificate
5. Period of certificate
6. Renewal of certificate

Copyright Government of Botswana
7. Prohibited forms of phone shop, kiosk or desktop phones
8. Structures used for the business
9. Display of certificate
10. Modification, suspension or revocation of certificate
11. Certificate to be produced for inspection
12. Appeals
13. Penalties for offences

Schedule

S.I. 1, 2006.

1. Citation
   These Bye-Laws may be cited as the Central District (Phone Shops, Kiosk, Desktop) Control Bye-Laws.

2. Application
   These Bye-Laws shall apply to the whole of the Central District Council area as prescribed under the Administrative Districts Act.

3. Interpretation
   In these Bye-Laws, unless the context otherwise requires-
   "authorised official" means a person authorised by the Council Secretary, in writing, for the purpose of giving effect, or enforcing, these Bye-Laws;
   "Bye-Law Enforcement Officer" means a Local Government officer serving in the Council, who has been appointed under the Unified Local Government Service Act, and whose main duties include giving effect to and enforcing these Bye-Laws;
   "certificate" means a phone shop, kiosk and desktop certificate issued under bye-law 4;
   "Council" means the Central District Council;
   "Council area" means the area under the jurisdiction of the Council;
   "desktop public pay phones" means small phones measuring at most 0.12 m² which are placed on top of a desk and are mostly coin operated;
   "meter pay phones" means phones which have meters that determine the bill of the caller;
   "telephone attendant" means the owner of the phone or a person employed to operate any type of phone specified in these Bye-Laws.

4. Application for certificate
   (1) Any person wishing to carry on the business of a phone shop, kiosk or desktop shall make a written application to the Council, supplying such information as the Council may require and, in particular, specifying the-
      (a) type of phone,
      (b) providing a sketch plan of the location which he wishes to trade;
   (2) The application shall be accompanied by-
      (a) a certified copy of the applicant's national identity (Omang),
      (b) in case of subletting, a lease agreement;
   (3) The Council may refuse to issue a certificate to any person-
      (a) if the applicant is not a citizen of Botswana,
      (b) if it is satisfied that the issue of such certificate would be contrary to public interest,
      (c) in respect of a particular area or areas, if it is satisfied that the carrying on the business in such area would conflict with the Town and Country Planning Act and the Tribal Land Act;
   (4) The Council may, if satisfied that the requirements of these Bye-Laws have been complied with, and on payment of a fee of P5, issue a phone shop, kiosk or desktop certificate as set out in Form A of the Schedule, subject to such conditions as it considers necessary or
expedient, having regard to the provisions of these Bye-Laws.

5. **Period of certificate**

A certificate issued under bye-law 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.

6. **Renewal of certificate**

A certificate may, upon its expiry, be renewed by application made to the Council as set out on Form B of the Schedule, for a further period of two years subject to payment of the prescribed fee.

7. **Prohibited forms of phone shop, kiosk or desktop phones**

No person shall-

(a) in any area erect or expose a phone shop, kiosk or desktop phone in any tent, booth, stall, stand or similar structure, unless granted planning permission by the Council to use, in such area;

(b) decline, at the request of a member of the Police Service or an authorized Council official to move phone shop, kiosk or desktop phone and any other object associated with his trade, so as to permit the Council to clear any area in which he is conducting his business;

(c) conduct the business of a phone shop, kiosk or desktop along a road reserve;

(d) conduct the business of a phone shop, kiosk or desktop from a residential house;

(e) conduct the business of a phone shop, kiosk or desktop in a way that is likely to hinder or obstruct the vision and free movement of motorized and non motorized traffic.

8. **Structures used for the business**

(1) Structures used for the business of a phone shop, kiosk or desktop shall-

(a) be constructed in a material that is fire resistant and well ventilated to ensure health and safety of the telephone attendant and callers,

(b) provide enough shade for the attendant so as to protect customers from rain, wind and the sun;

(2) The Council shall have powers to request for any structure to be renovated or replaced and failure to do so may result in the certificate being revoked;

(3) The Council shall provide a mode or sample of preferred telephone structures and may consider other submitted structures if they meet the required standard;

(4) The structure shall only be used for the phone business applied for and not for any other business or purpose;

(5) A phone shop may operate on a commercial, industrial or community plot or building and its structure shall be approved for that purpose by the Council.

9. **Display of certificate**

(1) A telephone attendant shall display a valid certificate at the premises or location where the business is being conducted;

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

10. **Modification, suspension or revocation of certificate**

The Council may modify, suspend or revoke a certificate issued under these Bye-Laws if-

(a) the holder purports to hire, cede or transfer in any other way the certificate to another person, without first obtaining permission from the Council;

(b) the Council reasonably believes that it is in the interest of the public to do so, or that the continuing use of the certificate will constitute a danger to public health or interest; or

(c) the holder thereof is convicted of an offence under these Bye-Laws.

11. **Certificate to be produced for inspection**
(1) Every holder of a certificate issued under these Bye-Laws shall, on demand by a Council officer or any member of the Police Service, immediately produce such certificate for inspection at the office of such Council officer, 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.

12. **Appeals**

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

13. **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 P100 or imprisonment for a term not exceeding two months or to both, and for a second and subsequent conviction, to a fine not exceeding P200 or to 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 may be liable-

(a) have his certificate cancelled with effect from such date as the court may determine, or

(b) have his associated goods impounded or confiscated.

**SCHEDULE**

**FORM A**

**PHONE SHOPS, KIOSK AND DESKTOP CERTIFICATE**

(bye-law 4)

Certificate Number .................................................................................................................................
Surname ......................................................................................................................................................
Other Names ............................................................................................................................................... ...............................
Identity number ..............................................................................................................................................
Place of Birth ................................................................................................................................................
Sex ..............................................................................................................................................................
Physical Address .........................................................................................................................................
.................................................................................................................................................................
The holder of this certificate is hereby granted permission in accordance with the Central District (Phone Shops, Kiosk and Desktop) Control Bye-Laws to carry on the business of a .................................................................
.................................................................................................................................................................
(a) in the following location ..............................................................................................................................
(b) space measuring ........................................................................................................................................
(c) subject to the following conditions ..............................................................................................................
.................................................................................................................................................................
.................................................................................................................................................................

Signature or right thumb print of holder.

FOR OFFICIAL USE ONLY

Date on which application was considered .............................................................................................
Date of issue ................................................................................................................................................
Fee paid ......................................................................................................................................................
OFFICIAL STAMP .................................................................................................................................

Signature of Council Secretary

**FORM B**

**APPLICATION FOR RENEWAL**

(bye-law 6)
CHOBE DISTRICT COUNCIL (BARBERS AND BRAIDERS) BYE-LAWS

(section 33)
(19th December, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Register of barbers and braiders
4. Licence required to carry on business of barber or braider
5. Application for licence
6. Period of licence
7. Renewal of licence
8. Issue of duplicate licence
9. Licence not transferable
10. Modification, suspension or revocation of licence
11. Licence to be displayed
12. Licence to be produced for inspection
13. Premises
14. Sanitary conditions
15. Closure of licensed premises
16. Powers of entry
17. Appeals
18. Penalties for offences

Schedule

S.I. 106, 2008

1. Citation
   These Bye-Laws may be cited as the Chobe District Council (Barbers and Braiders)
   Bye-Laws.
2. Interpretation
   In these Bye-Laws, unless the context otherwise requires—
   "authorised official" means a person authorised by the Council Secretary, in writing,
for the purpose of giving effect to, or enforcing, these Bye-Laws;

"barber" means a person who, in a fixed place of business, carries on the business of shaving and cutting a person’s hair or beard;

"braider" means a person who, in a fixed place of business, carries on the business of braiding, styling and cutting a person’s hair;

"Bye-law enforcement officer" means a local government officer serving in the Council, who has been appointed under the Unified Local Government Service Act, and whose main duties include giving effect to and enforcing the Council’s Bye-Laws;

"Council" means the Chobe District Council;

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

"licensing authority" means the licensing authority appointed under bye-law 5 (1);

"licensing officer" means the Council Secretary or an employee of the Council, duly appointed as such by the Council Secretary, in writing;

"Omang" means an identity card issued in accordance with the provisions of the National Registration Act;

"police officer" means any member of the Botswana Police Service or the Local Police Force;

"premises" means the place of business of a barber or braider and includes a tent, booth, shed, stall or similar structure which is duly approved by the licensing authority; and

"Registrar" means the Council Secretary or an employee of the Council, duly authorised as such, in writing, by the Council Secretary.

3. **Register of barbers and braiders**

   (1) There shall be a Registrar who shall keep a register of all licensed barbers and another register of all licensed braiders.

   (2) The Registrar shall cause to be entered in such registers the following particulars in respect of each licensed barber and each licensed braider—

   (a) full names;

   (b) licence number;

   (c) the date of issue and expiration of the licence;

   (d) details of all licence renewals; and

   (e) such other details as the Registrar believes to be reasonably necessary.

4. **Licence required to carry on business of barber or braider**

   (1) No person shall carry on the business of a barber or braider within the council area unless—

   (a) such person is a citizen of Botswana;

   (b) such person has attained the age of 16 years;

   (c) such person is duly licensed under these Bye-Laws; and

   (d) the premises on which the business is being carried on are approved by the licensing authority in writing.

   (2) Any person who contravenes the provisions of sub-by-law (1) shall be guilty of an offence.

5. **Application for licence**

   (1) The Council shall, from amongst its members, appoint a licensing authority to perform the Council’s functions under these Bye-Laws.

   (2) A person who wishes to carry on the business of a barber or braider shall apply to the licensing authority, in the form set out in Form A of the Schedule which shall contain—

   (a) the name, sex, place of residence, nationality, Omang number and qualifications, or experience, of the applicant;

   (b) the place at which the business is to be conducted;

   (c) the number and type of scissors, clippers and other equipment to be used; and

   (d) such other information as the licensing authority may, on reasonable grounds, require.
(3) 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 Omang.

(4) The licensing authority may refuse to issue a licence to any person if it is satisfied that
the issue of a licence would be contrary to—
   (a) the interests of health; or
   (b) the public interest.

(5) The licensing authority shall, if it is satisfied that the requirements of these Bye-Laws
have been met, and on payment of an application fee of P50, issue a barber’s or braider’s
licence, as the case may be, in the form set out in Form B of the Schedule.

6. **Period of licence**

   A licence issued under sub-bye-law (5) of bye-law 5 shall, subject to the provisions of
these Bye-Laws, be valid for a period of 12 months and, unless renewed under bye-law 7, shall
expire immediately after a period of 12 months from the date of issue thereof has elapsed.

7. **Renewal of licence**

   (1) A licence may be renewed by application, in the form set out in Form C of the
Schedule, delivered to the licensing authority, for a period of 12 months from the date of its
expiry and thereafter for further periods of 12 months from the date of each subsequent expiry.

   (2) An application for renewal in terms of sub-bye-law (1) shall be—
       (a) in respect of the same premises; and
       (b) subject to paragraph (c), made no later than the expiry of the licence, together with the
       application fee of P10; or
       (c) if made after the expiry of the licence, made no later than 12 months after the expiry of
the licence, together with the application fee of P50 and a late renewal fee of P20.

   (3) No person shall carry on business as a barber or braider after such person’s licence
has expired, unless such person has already applied for a renewal under sub-bye-law (1).

   (4) The licensing authority may refuse to renew a licence if it is satisfied that—
       (a) the conditions of the licence have not been complied with;
       (b) the provisions of these Bye-Laws have not been complied with;
       (c) the holder of the licence has been convicted of an offence under these Bye-Laws; or
       (d) it is in the public interest not to renew the licence.

   (5) Subject to the provisions of sub-bye-law (6), the licensing authority shall, on
application made under this bye-law, endorse such renewal on the licence and may attach such
conditions to the renewal thereof as it may determine.

   (6) If a licence expires and an application for renewal is not delivered to the licensing
authority within 12 months of such expiry, the licence shall not be renewed, but the applicant
may apply for a new licence.

8. **Issue of duplicate licence**

   (1) The licensing authority, on being satisfied that a licence issued in terms of these
Bye-Laws has been lost or destroyed, may issue a duplicate licence to a person, on payment of
a fee of P5.

   (2) Where a licence which had been lost is recovered, the duplicate licence shall be
returned forthwith to the licensing authority.

9. **Licence not transferable**

   (1) A licence 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 provisions of sub-bye-law (1) shall be guilty of an
offence.

10. **Modification, suspension or revocation of licence**

    The licensing authority may modify, suspend or revoke a licence issued under these
Bye-Laws if—

(a) the holder thereof purports to hire, cede, transfer or in any way whatsoever make over the licence to any other person;

(b) the holder is convicted of an offence under these Bye-Laws;

(c) the conditions of the licence have not been complied with;

(d) the licensing authority reasonably believes that the continuing use of the licence constitutes a danger to public health; or

(e) the licensing authority reasonably believes that it is in the interest of the public to do so.

11. Licence to be displayed

(1) A licence issued under these Bye-Laws, or a copy thereof, shall be displayed prominently in the premises.

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

12. Licence to be produced for inspection

(1) Every holder of a licence issued under these Bye-Laws shall, on demand by a council officer or a police officer, immediately thereon produce it for inspection or otherwise shall, within 48 hours of such demand, produce it for inspection, at the office of such council officer, or at the station of such police officer, as the case may be.

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

13. Premises

(1) Premises used for the business of a barber or braider shall—

(a) be constructed of materials and in a manner approved by the licensing authority, having regard to public health and safety;

(b) be used solely for the business of a barber or braider;

(c) not be within a radius of 30 metres from the nearest residential or commercial plots;

(d) have adequate lighting and ventilation;

(e) have a constant supply of clean water;

(f) be maintained at all times in a clean and sanitary condition;

(g) be at all times maintained in good repair;

(h) be free of insects, rodents or other vermin;

(i) be not less than 7.5 square metres in size; and

(j) not be within a radius of 30 metres from food premises, unless circumstances are such that it would not pose any threat or danger to public health.

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

14. Sanitary conditions

(1) The holder of a licence under these Bye-Laws shall—

(a) ensure that all utensils, vessels, containers, hair clippers, scissors, linen, towels, cloths and other articles used in the conduct of the business are maintained in a sanitary condition, and disinfected or sterilised in such manner as the licensing authority may direct;

(b) at all times keep the premises and surrounding area clean while engaged in the conduct of his or her trade;

(c) at all times keep his or her person clean while engaged in the conduct of his or her trade;

(d) use disposable hand gloves and masks where necessary;

(e) take all reasonable steps to ensure that clean, disinfected or sterilised articles are kept separate from those which have not been washed, disinfected or sterilised;

(f) ensure that at all times there are sufficient receptacles of galvanised iron or other non-absorbent material, with close fitting covers available for collecting, storing and
disposing of all refuse;

(g) remove and dispose of any hair trimmings, litter or refuse which has been deposited in or through the conduct of his or her business, within the premises and the surrounding area, at the close of each working day; and

(h) ensure that adequate toilet facilities are available within a minimum walking distance of 400 metres for all working staff and patrons.

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

15. Closure of licensed premises

Where in the opinion of the licensing authority, premises licensed under these Bye-Laws are such as are likely to constitute a threat or pose a danger to public health, the licensing authority may direct the closure of such premises until it is satisfied that the threat or danger has been remedied.

16. Powers of entry

(1) A council officer or a police officer may at any reasonable time enter and inspect the premises used for the business of a barber or braider for the purposes of ensuring that the condition of the premises and the operation of the business complies with the provisions of these Bye-Laws and the conditions of the licence in respect thereof.

(2) Any person who refuses a council officer or a police officer entry into the premises shall be guilty of an offence.

17. Appeals

(1) Any person aggrieved by the decision of the licensing authority, made under these Bye-Laws, may appeal to the Council.

(2) Any person aggrieved by the decision of the Council, under sub-bye-law (1), may appeal to the Minister.

18. 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 or she may be liable, be liable to have his or her licence revoked.

SCHEDULE

FORM A

APPLICATION FOR A BARBER’S/BRAIDER’S LICENCE
(by-law 5 (2))

(This form is to be completed in block letters. Attach two passport size photographs, approximately 5 cm x 4 cm and a copy of the applicant’s Omang.)

Full names of the applicant: ...................................................................................................

(Surname first)

Place of Residence: ................................................................................................................

Sex: Male/Female

Postal Address: .......................................................................................................................

Nationality: .............................................................................................................................

Omang No.: ...............................................................................................................................

I wish to apply for a barber’s/braider’s licence as follows:

(a) Location of premises: ........................................................................................................

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

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

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

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

..............................................................................................................................................
(b) Number and type of scissors, clippers and other equipment to be used:

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

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

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

(c) I have the following qualifications/experience:

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

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

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

Date

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

Signature or right thumb-print of applicant

FOR OFFICIAL USE ONLY

Date on which application was received: ........................................................................

Proposed date of hearing of application: ........................................................................

Date of approval or rejection of application: .................................................................

Signature of Licensing officer

FORM B
BARBER’S / BRAIDER’S LICENCE (bye-law 5 (5))

Licence Number: .................................................................

Surname: ............................................................................

Other Names: ......................................................................

Omang No.: ........................................................................

Place of birth: .................................................................

Sex: ...................................................................................

Postal address: ....................................................................

Physical address: ............................................................

The holder of this licence is hereby licensed in accordance with the Chobe District Council
(Barbers and Braiders) Bye-Laws to carry on the business of a barber/braider:

(a) in the following place:

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

(b) with no less than the following equipment:

........................................................................................................................................
FORM C
APPLICATION FOR RENEWAL OF A BARBER’S XVII/BRAIDER’S XVIII LICENCE
(by-law 7 (1))

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

Applicants for renewal of licence to complete the following:

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

(b) Licence Number: ........................................................................

(c) Place of residence: ........................................................................

(d) Postal address: ........................................................................

(e) Omang No.: ........................................................................

........................................................................................................
Date .........................................................................................
Signature or right thumb-print of applicant
FOR OFFICIAL USE ONLY

Date on which application was received: ........................................
Date of approval/rejection of application: ....................................
Conditions of renewal (if any): .....................................................
........................................................................................................
........................................................................................................
........................................................................................................
........................................................................................................

........................................................................................................
Signature of Licensing officer

CHOBE DISTRICT COUNCIL (CONTROL OF LIVESTOCK AND OTHER ANIMALS) (MODEL BYE-LAWS) (ADOPTION) BYE-LAWS
(section 38(2))
(19th December, 2008)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Keeping of livestock
4. Troublesome, dangerous or infected animals
5. Bees, pigeons and poultry
6. Establishment of livestock stables
7. Claiming of livestock, animals, etc.
8. Enforcement
9. Offences and penalties
10. Period of detention of livestock
11. Destruction of certain animals

Schedule

S.I. 107, 2008.

1. Citation
These Bye-Laws may be cited as the Chobe District Council (Control of Livestock and Other Animals) (Model Bye-Laws) (Adoption) Bye-Laws.

2. Interpretation
In these Bye-Laws, unless the context otherwise requires—
"authorised officer" means a person authorised by the Council, in writing, for the purpose of giving effect to or enforcing these Bye-Laws;
"Council" means the Chobe District Council or any committee appointed by the Council for the purposes of controlling livestock and other animals;
"herdsman" means an employee of the Council so authorised to drive stray or reported animals and detain them into the Council kraals;
"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey, or mule;
"other animals" includes canines, felines, monkeys and other carnivores;
"owner" means, in relation to any animal, in addition to its ordinary meaning, any person having the charge, custody or control of any animal and the occupier of any premises where any animal is kept or permitted to remain;
"poultry" means any fowl, turkey, goose or duck;
"stable" includes a kraal, cowshed, stall, pen and sty and shall include any site or enclosure which is used for the purposes of keeping domestic animals or poultry;
"veterinary official" means a veterinary officer, livestock officer, or stock inspector employed in the service of the Government, and includes a veterinary surgeon as defined under the Veterinary Surgeons Act; and
"village area" means any village within the jurisdiction of the Council.

3. Keeping of livestock
The Council may prohibit the use, for the keeping of livestock, of any stable which in the opinion of the Council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

4. Troublesome, dangerous or infected animals
No person shall allow any troublesome, wild, ferocious or dangerous animal to be out of the confines of the premises on which such animal is normally kept unless under the proper control of its owner.

5. Bees, pigeons and poultry
No person shall keep any bees, pigeons or poultry in such a manner that will disturb the comfort and peace of the inhabitants of the village area.

6. Establishment of livestock stables
The Council may by resolution establish a stable as a holding ground for any domestic animal, livestock or poultry found at large or otherwise in contravention of these Bye-Laws.

7. Claiming of livestock, animals, etc.
(1) The owner of any animal or livestock placed in any stable established in accordance with these Bye-Laws may, upon production of certified documents and payment of a fine prescribed under the Schedule, claim and take possession of such animal or livestock.
(2) Any person who removes or attempts to remove any animal or livestock detained without payment of the prescribed fine in accordance with sub-bye-law (1) commits an offence.

8. **Enforcement**

The Council may by resolution request the assistance of any person or organisation for the better carrying out of the provisions of these Bye-Laws.

9. **Offences and penalties**

   (1) Any person who—

   (a) obstructs or hinders an authorised officer in the exercise of such officer’s functions under the provisions of these Bye-Laws; or

   (b) fails to comply with bye-laws 4, 5, or 6 commits an offence and shall be liable on conviction to a fine not exceeding P50 or in default of payment thereof, to a term of imprisonment not exceeding one month, and on a second or subsequent conviction to a fine not exceeding P100 or in default of payment thereof, to a term of imprisonment not exceeding two months.

   (2) Any person who commits an offence under these Bye-Laws for which no specific penalty is prescribed, shall be liable on conviction to a fine not exceeding P500, or to a term of imprisonment not exceeding two months, or to both, and for a second or subsequent conviction to a fine not exceeding P1,000, or to a term not exceeding six months, or to both.

10. **Period of detention of livestock**

    Any livestock detained under these Bye-Laws shall, if not claimed within a period of seven days be handed over to a matimela kraal as defined under the Matimela Act.

11. ** Destruction of certain animals**

    It shall be lawful for the Council to destroy any impounded animal suffering from a contagious disease or likely to prove dangerous to human life or destructive to other animals, on detention, without any compensation to the owner:

    Provided that the Council may only destroy such animal upon the written report of a veterinary officer to the effect that such animal has a contagious disease, or may be dangerous to human life or destructive to other animals.

    **SCHEDULE**

    **FEES**

    (by-law 7 (1))

    | LIVE STOCK AND OTHER ANIMALS | AMOUNT (per day) |
    |-----------------------------|-----------------|
    | (a) Sheep, goats and pigs   | P5 per head     |
    | (b) Cattle, donkeys, mules and horses | P10 per head |
    | (c) Other animals           | P2 per head     |

**CHOBE DISTRICT COUNCIL (PHONE SHOPS, KIOSK, DESKTOP) CONTROL BYE-LAWS**

*(section 33)*

*(19th December, 2008)*

ARRANGEMENT OF BYE-LAWS

**BYE-LAW**

1. Citation
2. Application
3. Interpretation
4. Application for certificate
5. Issue of certificate
6. Period of certificate
7. Prohibited forms of phone shop, kiosk or desktop phones
8. Structures used for business
9. Sanitary conditions
1. **Citation**
   These Bye-Laws may be cited as the Chobe District Council (Phone Shops, Kiosk, Desktop) Control Bye-Laws.

2. **Interpretation**
   These Bye-Laws shall apply to the whole of the Chobe District Council area as prescribed under the Administrative Districts Act.

3. **Application**
   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;
   - "Council" means the Chobe District Council;
   - "council area" means the area under the jurisdiction of the Council;
   - "certificate" means a phone shop, kiosk and desktop certificate issued under bye-law 5;
   - "desktop public pay phones" means desk placed phones commonly placed at the entrance of shops or any other designated place and are mostly coin operated and measuring at most 0.12 square metres;
   - "meter pay phones" means phones which have meters that determine the bill of the caller; and
   - "telephone attendant" means the owner of the phone or a person employed to operate any type of phone specified in these Bye-Laws.

4. **Application for certificate**
   (1) Any person wishing to carry on the business of a phone shop, kiosk or desktop shall make a written application to the Council, supplying such information as the Council may require and in particular—
   (a) specifying the type of phone; and
   (b) providing a sketch plan of the location in which such person wishes to trade.
   (2) The application shall be accompanied by—
   (a) a certified copy of the applicant’s identity document (Omang); and
   (b) in case of subletting, a lease agreement.
   (3) The Council may refuse to issue a certificate to any person—
   (a) if the applicant is not a citizen of Botswana;
   (b) if it is satisfied that the issue of such certificate would be contrary to public interest; or
   (c) in respect of a particular area or areas, if it is 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.

5. **Issue of certificate**
   Subject to the provisions of sub-by-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 P50, issue a phone shop, kiosk or desktop certificate as set out in Form A of the Schedule, subject to such conditions as it considers necessary or expedient having regard to the provisions of these Bye-Laws.
Bye-Laws.

6. **Period of certificate**
   
   (1) A certificate issued under bye-law 5 shall, subject to the provisions of these Bye-Laws, be valid for a period of two years and, unless renewed under sub-bye-law (2), shall expire immediately after a period of two years from the date of issue thereof.
   
   (2) A certificate may, upon its expiry, be renewed by application made to the Council in the form set out in Form B of the Schedule, for a further period of two years subject to the payment of a fee of P50.

7. **Prohibited forms of phone shop, kiosk or desktop phones**
   
   (1) No person shall—
   
   (a) in any area erect, install or operate a phone shop, kiosk or desktop phone 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 a police officer or an authorised official to move a phone shop, kiosk or desktop phone and any other object associated with such person’s trade, so as to permit the Council to clear any area in which such business is conducted;
   
   (c) conduct the business of a phone shop, kiosk or desktop in any of the undesignated areas unless permission of the Council is sought;
   
   (d) conduct the business of a phone shop, kiosk or desktop from a residential house; or
   
   (e) conduct the business of a phone shop, kiosk or desktop in a way that is likely to hinder or obstruct the vision and free movement of motorised and non-motorised traffic.
   
   (2) Where a person conducts the business of a phone shop, kiosk or desktop on unallocated land, such person shall apply to the relevant land authority for the temporary rights to use the land and then apply for a phone shop, kiosk or desktop certificate in accordance with bye-law 4.

8. **Structures used for business**
   
   (1) Structures used for the business of a phone shop, kiosk or desktop shall—
   
   (a) be constructed in a material that is fire resistant and well ventilated to ensure health and safety of the telephone attendant and customers;
   
   (b) be in conformity with its surrounding environment so as to ensure that the structure does not become an eyesore or cause injury to the amenity of such surrounding environment; or
   
   (c) provide enough shade for the telephone attendant and customers from rain, wind and the sun.
   
   (2) The Council shall have powers to request for any structure to be renovated or replaced and failure to do so may result in the certificate being revoked.
   
   (3) The Council shall, where possible, provide a model or sample of preferred telephone structures and may consider other submitted structures if they meet the required standard.
   
   (4) The structure shall only be used for the phone business applied for and not for any other business or purpose.
   
   (5) A phone shop may operate on a commercial, industrial or community plot or building and its structures shall be approved for that purpose by the Council.

9. **Sanitary conditions**
   
   It shall be the responsibility of the telephone attendant to keep the surroundings of the phone shop, kiosk or desktop business clean by providing a rubbish bin next to such phone shop, kiosk or desktop.

10. **Display of certificate**
    
    (1) A telephone attendant shall display a valid certificate at the premises or location where the business is being conducted.
    
    (2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.
11. Modification, suspension or revocation of certificate

The Council may modify, suspend or revoke a certificate issued under these Bye-Laws if—

(a) the holder purports to hire, cede or transfer in any other way the certificate to another person, without first obtaining permission from the Council;

(b) the Council reasonably believes that it is in the interest of the public to do so, or that the continuing use of the certificate will constitute a danger to public health or interest; or

(c) the holder thereof is convicted of an offence under these Bye-Laws.

12. Certificate to be produced for inspection

(1) Every holder of a certificate issued under these Bye-Laws shall, on demand by a Council officer or a police officer, immediately produce such certificate for inspection, or otherwise shall, produce it at the office of such Council officer or at the station of such police officer, as the case may be, within such specified period of time as will be stipulated by the Council officer or police officer.

(2) Any person who contravenes the provisions of sub-by-law (1) shall be guilty of an offence.

13. Appeals

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.

14. Penalties

(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 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 an offence under these Bye-Laws may, in addition to any penalty to which he or she is liable—

(a) have his or her certificate cancelled with effect from such date as the court may determine; or

(b) have his or her associated goods impounded or confiscated.

15. Revision and adoption of levies

The Council reserves the right to review, propose and adopt levies from time to time as it deems fit.

SCHEDULE

FORM A

PHONE SHOP, KIOSK AND DESKTOP CERTIFICATE
(by-law 5)

Certificate Number: ..........................................................
Surname: ...........................................................................
Other Names: .................................................................
Identity No.: .................................................................
Place of Birth: .................................................................
Sex: ............................................................................... 
Postal Address: ............................................................... 
Contact Numbers: ............................................................
Plot No./Ward: .................................................................

The holder of this certificate is hereby granted permission in accordance with the Chobe District Council (Phone Shops, Kiosk and Desktop) Control Bye-Laws to carry on the business of a:

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

Copyright Government of Botswana
FORM B
APPLICATION FOR RENEWAL
(by-law 6(2))

Full name of Applicant: .................................................................
Licence Number: ...........................................................................
Identity No.: ..............................................................................
Sex: ..........................................................................................
Physical Address: .................................................................

Date: .......................................................................................

Signature or right thumb print of applicant

FOR OFFICIAL USE ONLY

Comments from the Building Control Unit: ..............................................................

 Conditions for renewal: ..............................................................................
..........................................................................................

Approved or rejected: ..............................................................................

Signature of Council Secretary

CHOBEDISTRICTCOUNCIL(HAWKINGANDSTREETVENDING)(MODELBYE-LAWS)
(ADOPTION)BYE-LAWS
(section38(2))
(19thDecember,2008)
ARRANGEMENTOFBYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Prohibition of hawking or street vending without certificate
4. Application for certificate

CopyrightGovernmentofBotswana
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...
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-by-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-by-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-by-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. ..............................................................................................................................................

xxii. 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–


Copyright Government of Botswana
Form B
HAWKER’S CERTIFICATE
(by-law 4 (4))

Photograph of holder

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: ..................................................................................
..........................................................................................................................

Copyright Government of Botswana
Form C
STREET VENDOR'S CERTIFICATE
(by-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 .................................................................

Copyright Government of Botswana
Form D
APPLICATION FOR RENEWAL OF A HAWKER’S OR STREET VENDOR’S CERTIFICATE
(by-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. .................................................................

xiii 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: .................................................................
xiv Date of approval/rejection of application: .................................................................
.................................................................
Registrar

CHOBE DISTRICT COUNCIL (DAY CARE CENTRE) BYE-LAWS
(section 33)
(24th December, 2008)
ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Registration of day care centres
4. Registration licence to be displayed
5. Transfer of licence
6. Age of admission
7. Hours of operation
8. Premises of day care centres
9. Toilets
10. First aid requirements
11. Classroom equipment
12. Curriculum
13. Outdoor play areas
14. Kitchens
15. Staff
16. Pets
17. Smoking prohibited
18. Responsibilities of owner
19. Powers of entry
20. Penalties

Schedule

S.I. 110, 2008

1. Citation
These Bye-Laws may be cited as the Chobe District Council (Day Care Centre) Bye-Laws.

2. Interpretation
In these Bye-Laws, unless the context otherwise requires—
"Council" means the Chobe District Council;
"day care centre" means an institution for the care, education and supervision of children below the age of 6; and
"infectious disease" includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body and typhoid fever.

3. Registration of day care centres
(1) No person shall operate a day care centre without a registration licence issued by the Council, authorising such person to operate a day care centre.
(2) An application to operate a day care centre shall be made to the Council on Form 1 as set out in the Schedule.
(3) The Council may require the applicant to provide any such information as is necessary to determine the application for the day care centre license.
(4) Upon receipt of the application, the Council shall cause to be conducted such inspection as it may consider appropriate to ensure that the premises of the day care centre comply with the relevant health and building control standards.
(5) Where the Council is satisfied that the proposed day care centre meets all the requirements of these Bye-Laws, it may on payment of a fee of P150, register the day care centre and issue the applicant a registration license as set out in Form 2 of the Schedule.
(6) A registration licence shall be valid for a period of 12 months from the date of issue.
(7) An application to renew a registration license shall be made on Form 3 as set out in the Schedule and the registration license may be renewed on payment of P150.

4. Registration licence to be displayed
   A registration licence shall be displayed in a conspicuous place in the principal office in the premises of the day care centre.

5. Transfer of licence
   No person, to whom a licence has been issued may cede, transfer or lease the licence to another person.

6. Age of admission
   A child who is above six years old shall not be enrolled at a day care centre.

7. Hours of operation
   A day care centre shall operate between 0700 hours and 1700 hours on week days unless otherwise authorised by the Council.

8. Premises of day care centres
   (1) Subject to sub-bye-law (2), an occupied residential house or a garage shall not be used as a day care centre.
   (2) An occupied residential house may, with the written approval of the Council, be used as a day care centre where the part for the day care centre can be adequately and satisfactorily partitioned or separated from the part used for residential purposes.
   (3) The size of the rooms to be used as classrooms shall be directly related to the number of children permitted to use them at one time, so that for each child there shall be equivalent of 1.5 square metres space to occupy.
   (4) A day care centre shall have a room, equipped with a bed which has a mattress and clean linen, in which a sick child can rest and be isolated for the day.
   (5) Premises used for a day care centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads.

9. Toilets
   (1) A day care centre shall be provided with separate toilets for staff and for children, which shall be well lit, well ventilated and have adequate running water.
   (2) Toilets for children shall be provided with standard junior toilets and handwash basins, so that there shall be one toilet and one handwash basin for every 15 children.
   (3) Storage facilities for towels, face cloths and personal belongings of staff shall be separate from those of children.

10. First aid requirements
    In a day care centre there shall be maintained, and readily accessible a first aid box or a cupboard containing an adequate supply of dressings, bandages, sterilised cotton wool, adhesive plasters, disinfectant, safety pins and a tourniquet.

11. Classroom equipment
    (1) A day care centre shall, considering the number of children attending the day care centre, provide adequate supply of equipment suitable for use in the day care centre, such as reading material, picture books, blackboard, toys, paints, crayons, moulding clay, puzzles and beads.
    (2) The Council may require and approve additional equipment not referred to in sub-bye-law (1).

12. Curriculum
    The curriculum followed at a day care centre shall adhere to the standards set by the Ministry of Education and Skills Development.

13. Outdoor play areas
    (1) Outdoor play areas shall be adequate in size, providing a minimum area equivalent to not less than 1.5 square metres for each child attending the day care centre.
    (2) Outdoor play areas should have a flat, generally dry surface, with adequate shade;

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and shall be provided with play equipment such as sand pits, swings, slides and climbing frames, which are to the satisfaction of the Council, and adequate for the number of children attending the day care centre.

14. Kitchens
   (1) Where food is provided by a day care centre, there shall be available in the kitchen—
      (a) adequate hot and cold water;
      (b) adequate storage space for food;
      (c) adequate cutlery and crockery of a suitably hygienic type; and
      (d) a detailed menu of food and provision of a detailed balanced diet.
   (2) Where food is brought into a day care centre by the children, there shall be provided suitable facilities for the storage and refrigeration of the food.

15. Staff
   (1) A day care centre shall have a minimum of two qualified teachers to supervise and look after the children at the centre.
   (2) There shall always be at least one teacher on duty for every 30 children at the day care centre.
   (3) Assistants may be employed to assist the qualified teachers to supervise and look after the children.
   (4) All staff employed at a day care centre shall—
      (a) be medically examined, including being X-rayed, before taking up employment, and thereafter at six monthly intervals; and
      (b) at all times wear clean uniforms or clothing.

16. Pets
    Pets shall not be permitted within the day care centre without the written permission of the Council.

17. Smoking prohibited
    (1) Smoking is prohibited within the premises of a day care centre.
    (2) A notice shall be displayed in a conspicuous place at the entrance of the day care centre, on which it shall be written in English and Setswana, words to the effect that smoking is prohibited within the premises of the day care centre.
    (3) A person who contravenes the provisions of sub-by-law (1) commits an offence and is liable to a fine of P200, or to imprisonment for a term of three months, or to both, upon conviction.

18. Responsibilities of owner
    (1) The owner of a day care centre shall ensure that any child or member of staff suffering from, or suspected to be suffering from an infectious disease is immediately isolated from contact with other children or staff members.
    (2) The owner of a day care centre shall ensure that at all times high standard of maintenance and cleanliness is established within the day care centre.

19. Powers of entry
    (1) An officer of the Council so authorised in writing by the Council Secretary may at any reasonable time enter a day care centre for the purpose of inspection, and to ensure compliance with these Bye-Laws.
    (2) Where an officer of the Council who has inspected a day care centre reports in writing to the Council Secretary that the day care centre has contravened any provision of these Bye-Laws, such day care centre may be closed.

20. Penalties
    Any person who commits an offence under these Bye-Laws shall be liable, on conviction, to a fine not exceeding P500, and in default of payment thereof, to a term of imprisonment not exceeding two months, 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.
SCHEDULE
FORM 1
APPLICATION TO REGISTER A DAY CARE CENTRE
(by-law 3 (2))

(A) PARTICULARS OF THE APPLICANT
1. Name of the Applicant: .................................................................
2. Postal Address of the Applicant: ......................................................
3. Residential Address of the Applicant: ..............................................
4. (i) Nationality of the Applicant: ....................................................
   (ii) Identity (Omang): .................................................................
5. Where the Applicant is a non-citizen, residence permit number and date of expiry of the
   residence permit of the Applicant: ..............................................
6. Where the Applicant is a company, the registration number of the company:

(B) PROPOSED DAYCARE CENTRE
1. Type of day care centre: (baby care, day care centre, nursery or preprimary)
   (Tick where applicable)
2. Location of the day care centre:
   (a) Village/Town/Township: ......................................................
   (b) Ward/Suburb: .................................................................
   (Please attach a copy of the sketch map showing the location of the school in relation
   to main routes or busy roads)
3. Premises:
   (a) Area of the school plot (m²): .............................................
   (b) Number of classrooms or rooms: ......................................
   (c) Number of children per classroom: ....................................
   (d) Number of toilets for children: ........................................
   (e) Number of toilets for staff: ..............................................
   (Attach a list of all equipments at the school)
4. Staff:
   (a) Number of teachers: .......................................................
   (b) Number of assistant teachers: .........................................
   (c) Number of support staff: .................................................
   (d) Buildings inspection report: .............................................
   (Please attach the following documents to the application) :
   (a) Zoning approval or land use permit
   (b) Fire inspection report
   (c) Environmental health report
   (d) Certificate of incorporation where the applicant is a company
   (e) Qualifications and experience of teachers

I, the undersigned state that the information given in this application is to the best of
my knowledge true and accurate.

Applicant’s signature Date

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The Education, Health and Social Services Committee of the Chobe District Council, meeting held at ........................................ on .................................................................

having studied the foregoing application:

(a) is of the opinion that the proposed ............................................................... meet the requirements as provided by these Bye-Laws.
(b) does not recommend registration of the day care centre for the following reasons:

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

Date            Chairman

Council Secretary

--- FORM 2 ----------------------------------
REGISTRATION LICENCE
(bye-law 3 (5))
(Not Transferable)

License No.: .......................................................... ........................................
(Name) ..................................................................................................................

is hereby licensed in accordance with bye-law 3 (5) of the Chobe District Council (Day Care Centre) Bye-Laws to operate a day care centre/baby care centre/nursery/pre-primary school (tick where applicable) known as .......................................................... at (village and ward) ..........................................................

Conditions (if any) applicable: ..............................................................................

This permit expires on the ......................................................................................

Date of issue: ........................................... Fee paid: ...............................

Licensing officer

--- FORM 3 ----------------------------------
RENEWAL APPLICATION
(bye-law 3 (7))

Particulars of the Applicant:
1. Name: .......................................................... ..........................................................
2. Address: .............................................................................................................
3. Nationality: .......................................................... .............................................
4. Where the Applicant is a non-citizen, residence permit number and date of expiry of the
citizenship permit of the Applicant: .................................................................
5. Where the Applicant is a company, the registration number of the company:

I, the undersigned state that the information given in this application is to the best of my
knowledge true and accurate.

Applicant’s signature         Date

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Having considered the application for the renewal of a day care centre licence of:

dated .............................................. Licence No. .............................................
is hereby renewed in accordance with bye-law 3 (7) of these Bye-Laws.
Conditions (if any applicable) : ..............................................................................
........................................................................................................................................
........................................................................................................................................
1. Citation
   These Bye-Laws may be cited as the North East District Council (Public Sewer) Bye-Laws.

2. Interpretation
   In these Bye-Laws, unless the context otherwise requires-
   "authorised officer" means a person authorised by the Council to inspect public sewers or pipes or drains connected to public sewers;
   "Council" means the North East District Council;
   "drainage installation" means a system of drains, pipes and sewers used for the sewerage of a building, including any fitting, appliance or equipment connected to public sewers;
   "foul water" means water contaminated by soil water, waste water or trade effluent;
   "latrine" includes a privy, urinal, earth-closet or water-closet;
   "owner" in relation to immovable property, means the person or the person’s agent.
receiving the rent or profits for land or premises from the occupier of the land or premises, or a
person who occupies or holds land in accordance with terms of a lease agreement;
"public sewer" means any piped sewer, ditch or water course for the passage of foul
water, constructed or maintained by or vested in the Council;
"sewer" means a pipe conveying foul water, forming part of the sewerage or drainage
installation of a building, including any pipe connecting a drain to a public sewer;
"soil water" means water containing excreted matter, of human or animal origin;
"storm water" means surface water or rain water;
"trade effluent" means liquid, either with or without particles of matter in suspension,
which is wholly or in part produced in the course of trade, industry or research; and
"waste water" means used water, not being soil water, trade effluent or storm water.

3. Existence of public sewer
A building shall be deemed to have-
(a) a public sewer available where there exists or there is, in the course of construction
within 30 metres of the site of the building, a public sewer or a sewer connecting
thereto at a suitable invert level which the owner of the building is entitled to use; or
(b) a sufficient supply of water, where such is laid on or where a supply can be connected
from a point within 30 metres of the site of the building:
Provided that, where the distance of a public sewer or the point from which a
supply of water available exceeds 30 metres, and the Council agrees to undertake the
construction, at its expense, of a drain to connect a public sewer or the laying of a pipe
to the point of connection to a supply of water, the 30 metres limit shall not apply.

4. Map showing sewers
The Council shall keep deposited at its office for inspection by any person during normal
working hours, a map showing and distinguishing each public sewer and any sewer in the
course of construction within its area.

5. Alteration or closure of public sewer
The Council may alter the size or course of any public sewer or discontinue and prohibit
the use thereof:
Provided that the Council shall, at its expense, execute any work necessary to connect
another sewer, the drainage installations of the users of the sewer under alteration or
discontinued.

6. Adoption of sewer or sewerage disposal works
The Council may enter into an agreement with any person constructing or proposing to
construct a sewer or sewerage disposal works, to the effect that upon completion of the work to
the satisfaction of the Council or on a specified date, the sewer or works shall be vested in and
thereafter be maintained by the Council.

7. Certain matter not to be passed into sewer
(1) No person shall throw or empty or permit to be thrown or emptied into a public sewer
or into any drainage, installation or sewer connecting to a public sewer, any-
(a) matter which is likely to cause damage to the fabric of the sewer or interfere with the
free flow of its contents;
(b) chemicals, refuse or waste stream, or liquid which alone or in combination with the
contents of the sewer, is dangerous or would cause a nuisance or be prejudicial to
health;
(c) petroleum product, carbide or calcium; or
(d) radioactive substance.
(2) Any person who contravenes subbye-law (1) commits an offence and is liable to a
fine not exceeding P100 for each day on which the offence continues.

8. Storm water not to enter public sewer
No person shall discharge or cause or permit the discharge, directly or indirectly, of
9. **Sewage not to enter storm water drains**

No person shall discharge or cause or permit the discharge, directly or indirectly, of any sewage or foul water into a storm water drain, a river, a stream or other watercourse, whether natural or artificial.

10. **Right to connect to public sewer**

(1) Subject to the provisions of bye-law 12, an owner shall, at the owner's expense, be entitled to have the drainage installation of his or her premises connected to a public sewer.

(2) Notwithstanding the provisions of subbye-law (1), no person shall discharge, directly or indirectly, into a public sewer, any liquid or other matter-

(a) from a factory or trade premises or a manufacturing process except with the written permission of the Council under bye-law 18; or

(b) the discharge of which is prohibited under these Bye-Laws or any enactment.

11. **Connection to public sewer**

Where a public sewer and sufficient supply of water is available and the Council is of the opinion that-

(a) satisfactory provision has not been made for the hygienic and adequate disposal of foul water; or

(b) any cesspool, septic tank, latrine or appliance or equipment provided for the collection or disposal of foul water is defective or insufficient and likely to be prejudicial to health or a nuisance, the Council may, within a specified time and the owner's expense, require the owner to remove any latrine or other non-waterborne system and replace it with a water closet connected to the Council's sewerage system.

12. **Procedure for connection to public sewer**

(1) A person who requires the drainage installation on that person's premises to be connected to a public sewer shall apply in writing to the Council.

(2) Where the Council receives an application under subbye-law (1) it shall, within 21 days of receipt of the application, advise the applicant in writing whether or not the application has been granted.

(3) A rejection of an application under subbye-law (1) shall be in writing to the applicant and shall state the reason for the rejection.

(4) Where an application is granted, the Council shall advise the applicant whether or not it intends to carry out the work required on behalf of the applicant.

(5) Where the Council intends to carry out the work under subbye-law (4) it shall, before work commences, require the applicant to pay the cost of such work to the Council.

(6) Where the applicant carries out or causes to be carried out the work required, the applicant shall give the Council reasonable notice of his intention in writing, and shall accord to an authorised officer reasonable access to inspect the work.

(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this bye-law shall vest in the Council, and the maintenance, repair or renewal of the connecting drain, pipe or sewer shall, at the expense of the owner of the premises served, be carried out by the Council.

(8) Any person who causes a drain, pipe or sewer to be connected to a public sewer in contravention of the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P500, and the Council may close the connection in question and recover from the offender any costs incurred thereby.

(9) Where a payment made under subbye-law (5)-

(a) exceeds the cost incurred, the Council shall repay the excess to the applicant; or

(b) is insufficient, the balance shall be recoverable from the person for whom the work was done.

13. **Common sewer or drain**
The Council may, in its discretion and with the agreement of the owners concerned, permit the drainage installation of two or more buildings to connect with a public sewer by means of a common sewer or drain.

14. Fees

(1) A person who intends to connect the sewage drains on the person’s premises to the public sewer shall pay a sewerage connection fee at the rates set out in the First Schedule, and shall enter into a sewerage service agreement with the Council after connection of the premises to the sewerage system.

(2) A person whose premises are connected to a public sewer shall pay an annual sewerage service fee at the rates set out in the Second Schedule.

(3) The due date for the payment of any fees shall be 30 calendar days from the date reflected on any statement sent by the Council.

(4) Where the due date under subbye-law (3) lapses, a period of 90 calendar days shall be allowed for the payment of any fees without interest, thereafter, all arrears shall be subject to an interest rate of 12 per cent per annum.

(5) The interest accrued on any arrears shall be calculated from the date on which any fee becomes overdue until the date of payment.

(6) In the case of change of ownership of the premises or of the postal address of any owner, the person who appears, from the Council records to be the owner of the premises shall continue to be liable to pay the fees under these Bye-Laws unless the person notifies the Council, in writing, of such change.

15. Maintenance

(1) The Council shall be responsible for the operation and maintenance of any sewer mains within the streets and public easements.

(2) An owner shall be responsible for the maintenance of the sewer line within his or her property.

(3) Any maintenance or work carried out under subbye-law (2) shall be at the expense of the owner.

(4) In the event that any blockage exists between a Council manhole and an inspection chamber, the Council shall be responsible for clearing the blockage at no expense to the owner.

(5) Any work carried out on the Council sewer system shall take place with the approval of the Council.

16. Disconnection and re-connection

(1) The sewer line of an owner shall be disconnected and legal action shall commence against such owner if the period of 90 calendar days referred to in bye-law 14 (4) has lapsed without the owner paying the fees due under bye-law 14 (1) and (2).

(2) A re-connection fee of P150 in respect of residential property and P400 in respect of commercial or industrial property shall be payable by the owner of premises upon his or her request for the re-connection of the sewer line.

(3) The Council shall not re-connect any sewer line unless all amounts due to the Council have been paid in full.

(4) No person shall obstruct any authorised person executing his or her duties in accordance with this bye-law.

17. Discharge of trade effluent into public sewer

(1) The Council may, subject to the written approval of the Minister and to any condition the Minister may think fit to impose, grant permission in writing for the discharge into a public sewer of trade effluent from any premises.

(2) An approval under subbye-law (1) may incur a charge for alteration which may be necessary to a pump, sewer, sewage disposal works or machinery connected therewith as set out in the Second Schedule.

(3) A person who wishes to discharge trade effluent into a public sewer shall make an
application, in writing, to the Council for permission to do so, and shall sign a Trade Effluent Agreement as set out in the Third Schedule, and shall submit to the Council—

(a) the chemical composition, nature and volume of the effluent;
(b) a description of the industrial process or trade giving rise to the effluent;
(c) the number of persons employed on the premises; and
(d) such other information, including the submission of samples, which the Council may consider necessary.

(4) A person permitted in terms of subby-law (1) to discharge trade effluent into a public sewer shall, prior to any discharge in the nature or volume of that effluent, notify the Council in writing of the date on which the proposed change will take place and the Council may impose any other conditions it considers necessary.

(5) A person who discharges or causes or permits the discharge, directly or indirectly, of trade effluent into a public sewer without the prior written permission of the Council commits an offence and is liable to a fine not exceeding P500 and to such charge as the Council may, with the approval in writing of the Minister, incur for the conveyance and treatment of the effluent so discharged.

(6) Without prejudice to its rights in terms of subby-law (5), the Council may recover from any person who discharges, directly or indirectly, trade effluent into a public sewer, any costs which may be incurred by it as a result of any damage caused thereby to a public sewer or sewage treatment works.

18. Control of trade effluent
The Council shall—

(a) be responsible for the control of individual discharges into public sewers to ensure compliance with the Trade Effluent Agreement; and

(b) formulate the necessary mechanisms and regulations for the control of trade effluent.

19. Metering and assessment of trade effluent
The Council shall conduct regular sampling and analysis of discharges from the industries to ensure compliance with the discharge limits set out in the Fourth Schedule.

20. Installation of interceptors
(1) The Council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, hair salon, bakery, food-processing company, laundry, or other premises from which waste water of a fatty, oily, greasy or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice, to install, to the satisfaction of the Council, a proper and efficient fat, oil and grease interceptor for the reception of the waste water prior to the waste water being discharged into the sewer or drain.

(2) A fat, oil and grease interceptor shall be equipped with a sampling port for periodical inspection purposes by an authorised official from the Council.

21. Penalties
(1) A person found guilty of an offence against any provision of these Bye-Laws shall, where no penalty is prescribed therefore, be liable to a fine not exceeding P500 and a further fine not exceeding P100 for each day on which the offence continues.

(2) Any person who contravenes any provision of these Bye-Laws on second or subsequent conviction commits an offence and is liable to a fine not exceeding P500 or to imprisonment not exceeding six months or to both.

FIRST SCHEDULE
SEWERAGE CONNECTION FEES
(bye-law 14 (1))

<table>
<thead>
<tr>
<th>TYPE OF SERVICE</th>
<th>CHARGES (P)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection to residential premises:</td>
<td>Perusal fee</td>
<td>Plot owner bears the full cost of all</td>
</tr>
<tr>
<td>TYPE OF PREMISES</td>
<td>CHARGES (PULA PER SERVICE)</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>P100</td>
<td></td>
</tr>
<tr>
<td>Commercial (a):</td>
<td>Laundries, hair salons,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>bakeries, restaurants and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>garages</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P300</td>
<td></td>
</tr>
<tr>
<td>Commercial (b):</td>
<td>Hotels and motels</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P250</td>
<td></td>
</tr>
<tr>
<td>Commercial (c):</td>
<td>Small general dealers,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>bars and bottle stores</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P150</td>
<td></td>
</tr>
<tr>
<td>Institutional (a):</td>
<td>Schools with hostel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>facilities and hospitals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P400</td>
<td></td>
</tr>
<tr>
<td>Institutional (b):</td>
<td>Offices, clinics,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>day-schools and churches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P150</td>
<td></td>
</tr>
<tr>
<td>Institutional (c):</td>
<td>Abattoirs, meat-processing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>industries and textile</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P500</td>
<td></td>
</tr>
<tr>
<td>Manufacturers</td>
<td>P600</td>
<td></td>
</tr>
<tr>
<td>Industrial (a):</td>
<td>Dry manufacturing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P250</td>
<td></td>
</tr>
</tbody>
</table>

SECOND SCHEDULE
ANNUAL SEWERAGE SERVICES FEE RATES
(by-law 14 (2))

TABLE 1: SERVICE CHARGES

<table>
<thead>
<tr>
<th>TYPE OF PREMISES</th>
<th>CHARGES (PULA PER SERVICE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low cost</td>
<td>P100</td>
</tr>
<tr>
<td>Medium cost</td>
<td>P150</td>
</tr>
<tr>
<td>High cost</td>
<td>P200</td>
</tr>
<tr>
<td>Multi-unit</td>
<td>P300</td>
</tr>
<tr>
<td>developments</td>
<td>(more than one town-house</td>
</tr>
<tr>
<td></td>
<td>or flat on a plot)</td>
</tr>
<tr>
<td>Connection to commercial premises</td>
<td>P300</td>
</tr>
<tr>
<td>Perusal fee</td>
<td>P300</td>
</tr>
<tr>
<td>Plot owner bears the full cost of all works</td>
<td></td>
</tr>
<tr>
<td>Connection to industrial premises (all types)</td>
<td>P500</td>
</tr>
<tr>
<td>Perusal fee</td>
<td>P500</td>
</tr>
<tr>
<td>Plot owner bears the full cost of all works</td>
<td></td>
</tr>
<tr>
<td>Clearing or removal of Blockage within plots</td>
<td>P55</td>
</tr>
<tr>
<td>Flat rate</td>
<td>P55</td>
</tr>
<tr>
<td>Vacuum tank (registration) (Private operators)</td>
<td>P200</td>
</tr>
<tr>
<td>April to March of subsequent year</td>
<td></td>
</tr>
<tr>
<td>Vacuum tank (sewage dumping)</td>
<td>P5 per cubic metre</td>
</tr>
<tr>
<td>Per service</td>
<td>P5 per cubic metre</td>
</tr>
<tr>
<td>OPTION 1</td>
<td>RE-Use of Effluents</td>
</tr>
<tr>
<td></td>
<td>P0.60 per cubic metre</td>
</tr>
<tr>
<td></td>
<td>Council to provide transport and labour</td>
</tr>
<tr>
<td>OPTION II</td>
<td>RE-Use of Effluents</td>
</tr>
<tr>
<td></td>
<td>P0.40 per cubic metre</td>
</tr>
<tr>
<td></td>
<td>Owner/purchaser to provide transport and labour</td>
</tr>
</tbody>
</table>

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TABLE 2: MONTHLY RATES - RESIDENTIAL USER CHARGES

<table>
<thead>
<tr>
<th>WASTE WATER QUANTITY</th>
<th>CHARGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly residential user charge</td>
<td>P10</td>
</tr>
</tbody>
</table>

TABLE 3: MONTHLY RATES - COMMERCIAL (C) AND INSTITUTIONAL (B)

Flat rates: P20

<table>
<thead>
<tr>
<th>WASTE WATER QUALITY</th>
<th>CHARGES</th>
<th>Basic fee (Pula)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial and Institutional</td>
<td></td>
<td>P20</td>
</tr>
</tbody>
</table>

TABLE 4: INDUSTRIES AND COMMERCIAL (A) - MONTHLY RATE

<table>
<thead>
<tr>
<th>WASTE WATER CONCENTRATION (F)</th>
<th>CHARGES</th>
<th>Basic fee (Pula)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial and Commercial</td>
<td></td>
<td>P50 Per Month</td>
</tr>
</tbody>
</table>

THIRD SCHEDULE

TRADE EFFLUENT AGREEMENT
(bye-law 17(3))

This agreement is made and entered into by and between North East District Council (herein after referred to as the Council) and ............................................................................................................ (hereinafter referred to as the Company)

Whereas:
The Council is responsible for the control and maintenance of sewers, pumping stations and sewage treatment plant. The Company are the occupiers of trade premises situated at plot number .......................................... Wherein they intend to operate a ........................................................................................................................................

and have requested the Council to consent to the discharge of the trade effluent by them from the said trade premises into the sewer shown on the plan ........................................................................................................ dated .................................................................................................. annexed hereto. The Council is willing to grant such consent subject to the terms and conditions stated hereunder.

It is hereby agreed as follows:

(1) The trade effluent shall consist solely of wastewater from the ........................................................................................................................................ manufacturing and the Company shall not cause the effluent or any surface or storm water to be discharged into the said sewer.

(2) The Company shall cause the effluent to be discharged into the said sewer only in accordance with the following special conditions-

(a) The pH value of the effluent shall not be less than 6.0 and not more than 9.5 subject to the water received by the company from the public water supply having a maximum pH value of 8.0;

(b) The solids in suspension (SS) in the effluent shall not exceed 100 milligrams per litre.

(c) The biological oxygen demand (BOD5) of the effluent shall not exceed 500 milligrams per litre;

(d) The temperature of the effluent at the point of entry into the sewer shall not exceed 43 degrees Celsius;

(e) The rate of discharge of the effluent into the sewer (flow) shall not be onerous to the existing flow and shall not exceed ............................................................ m³/hr;

(f) No free layer of liquid fats or oils shall be permitted in the effluent;

(g) No solid fats shall be permitted into the effluent;

(h) Maximum size of solids in the effluent should not be larger than passing through a 15...
minutes;

(i) Settleable solids in the effluent should not exceed 20 milligrams per litre allowed to settle in the 1m high cone for 15 minutes;

(j) Total dissolved inorganic solids should not exceed 3000 milligrams per litre;

(k) Concentration of specific substances in the effluent should comply with standards issued by the Botswana Bureau of Standards;

(l) No visible signs of tar or associated products or distillates bitumen or asphalt shall be allowed; or

(m) No pesticides, herbicide or any chlorinated hydrocarbons or their derivatives shall be allowed into the effluent to be discharged into the sewer.

(3) The effluent shall not contain any substance or substances which either alone or in combination with any other matter in any sewer or the pumping station or the treatment plant would give rise to poisonous inflammable gases or obnoxious gases process in use at the treatment plant.

(4) For the purposes of effectively complying with clauses 1, 2 and 5, the Company shall, at their own expenses provide and maintain to the satisfaction of the Council:

(a) An inspection chamber constructed so as to enable a sample of the effluent to be collected at any time before discharging onto the sewer;

(b) A buffer tank for the purposes of adjusting the pH of the effluent;

(c) A continuous chart recording apparatus to measure the flow and the pH of the effluent being discharged into the sewer.

(5) The company shall, at all times, furnish the Council with the records made by the recording apparatus for purposes of verifying compliance to the conditions of this agreement.

(6) The company shall permit the Council Secretary or his authorised representative to inspect and test any works and equipment installed in connection with the effluent.

(7) The Council shall conduct routine sampling of the effluent to ensure compliance to this agreement.

(8) The Council shall charge an annual maintenance fee of P ...................... to the Council as may be reviewed from time to time. This payment shall become due and payable on the first day of January of each year.

(9) The Company shall pay to the Council on demand expenses incurred in connection with special cleansing of the sewer or repair of sewers or pumping machinery necessitated by discharging effluent in contravention to clauses 1, 2 and 3 of this agreement.

(10) Failure to comply with any conditions under this Agreement will lead to the termination of this Agreement. The Company will be given 30 days notice, after which the Council will stop the flow of the effluent into the sewerage system.

(11) The special conditions contained in clause 2 hereof shall be reviewed from time to time according to advice from the Botswana Bureau of Standards and the Department of Water Affairs.

Signed at ........................................ ....

This ......................... day of ............................ 20 .........

FOURTH SCHEDULE

ACCEPTABLE/MAXIMUM DISCHARGE LIMITS INTO A PUBLIC SEWER

(bye-law 19)

Subject to the provision of Paragraph (1) of the Trade Effluent Agreement, the following are the maximum permissible concentration limits of substances contained in any effluent to be discharged into any public sewer in the North East District Council administrative area:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulphates (expressed as SO4)</td>
<td>1500.0 mg/l</td>
</tr>
<tr>
<td>Ammonia (expressed as N)</td>
<td>100.0 mg/l</td>
</tr>
<tr>
<td>Sulphides (expressed as S)</td>
<td>50.0 mg/l</td>
</tr>
<tr>
<td>Cyanide (expressed as CN)</td>
<td>20.0 mg/l</td>
</tr>
<tr>
<td>Arsenic (expressed as As)</td>
<td>5.0 mg/l</td>
</tr>
<tr>
<td>Boron (expressed as B)</td>
<td>5.0 mg/l</td>
</tr>
<tr>
<td>Zinc (expressed as Zn)</td>
<td>20.0 mg/l</td>
</tr>
<tr>
<td>Copper (expressed as Cu)</td>
<td>5.0 mg/l</td>
</tr>
<tr>
<td>Lead (expressed as Pb)</td>
<td>5.0 mg/l</td>
</tr>
<tr>
<td>Cadmium (expressed as Cd)</td>
<td>5.0 mg/l</td>
</tr>
</tbody>
</table>
Selenium (expressed as Se) -5.0 mg/1
Total Chrome (expressed as Cr) -10.0 mg/1
Iron (expressed as Fe) -20.0 mg/1
Manganese (expressed as Mn) -20.0 mg/1
Sodium (expressed as Na) -500.0 mg/1
Chloride (expressed as Cl) -500.0 mg/1
Fluoride (expressed as F) -5.0 MG/1
Cobalt (expressed as Co) -20.0 mg/1
Nickel (expressed as Ni) -20.0 mg/1
Molybdenum (expressed as Mo) -5.0 mg/1
Fats, Oil & Grease (FOG) -250.0 mg/1
Suspended Solids -1000.0 mg/1
Settleable Solids (60 min) -50.0 mg/1
Temperature at point of entry -43 Degrees Celsius
Electric Conductivity -500 mSm
Caustic Alkalinity -2000 mg/1

CHOBE DISTRICT COUNCIL (DOGS) (MODEL BYE-LAWS) (ADOPTION) BYE-LAWS

(24th April, 2009)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Licensing of dogs
4. Yapping, etc., of dogs and bitches in season
5. Troublesome, dangerous or infected dogs
6. Detention and destruction of abandoned or diseased dogs
7. Diseased dogs to be presented for treatment
8. Dogs to be vaccinated
9. Penalties

Schedules

S.I. 31, 2009

1. Citation
   These Bye-Laws may be cited as the Chobe District Council (Dogs) (Model Bye-Laws) (Adoption) Bye-Laws.

2. Interpretation
   In these Bye-Laws, unless the context otherwise requires-
   "authorised officer" means the Council Secretary or any officer of the Council duly authorised by the Council Secretary to perform duties under these Bye-Laws;
   "Council" means the Chobe District Council;
   "public place" means any road, street, thoroughfare, bridge, foot pavement, open space or park within the area of jurisdiction of the Council and any enclosed space controlled by the Council;
   "rabies certificate" means a certificate signed by a veterinary official stating that the dog (being a dog which was over the age of six months at the time of vaccination) has been vaccinated against rabies; and
   "veterinary official" means a veterinary officer, livestock officer, or stock inspector employed in the service of the Government, and includes a veterinary surgeon as defined under
3. **Licensing of dogs**
   (1) No person shall keep a dog that is over the age of six months unless it is licensed in terms of this bye-law, within a period of four weeks after attaining the age of six months.
   (2) Where there is a dispute as to whether a dog is over the age of six months, the opinion of a veterinary official shall be final.
   (3) A licence for a dog shall be issued by an authorised officer on application and production of a rabies certificate relating to that dog.
   (4) A licence issued under bye-law (3) shall be valid for a period of 12 months and shall be renewable for further periods of 12 months each upon application by the owner of the dog.
   (5) A licence issued under bye-law (3) shall be issued upon payment of a fee as set out under Part A in the First Schedule:
   Provided that the fee payable shall be half the amount prescribed in this subbye-law where a dog is brought into the Council area, or attains the age of six months, on or after 1st July in any year.
   (6) An authorised officer may, at any time, withdraw or cancel a licence issued under subbye-law (3) where there has been a contravention of the provisions of these Bye-Laws.
   (7) A licence issued under subbye-law (3) shall be a metal tag and shall be in the form set out in the Second Schedule and on payment of a fee set out in Part B of the First Schedule.
   (8) A person in charge of a dog which is required to be licensed under the provisions of this bye-law, shall not allow the dog to be at large unless a current licence issued under subbye-law (3) is affixed to the dog's neck by means of a dog's collar.
   (9) Where a dog licence issued under subbye-law (3) has been lost, an authorised official may issue a duplicate licence on payment by the owner of the dog of a fee as set out under Part C in the First Schedule.

4. **Yapping, etc., of dogs and bitches in season**
   (1) A person in charge of a dog shall take all such steps as are necessary to ensure that the yapping, whining or barking of that dog does not unduly disturb other inhabitants of the area of the jurisdiction of the Council or create a nuisance.
   (2) No person shall allow a bitch to be at large at such time as the bitch is on heat or in season.

5. **Troublesome, dangerous or infected dogs**
   (1) No person shall allow any troublesome, ferocious or dangerous dog, or any dog which is suffering from a contagious or infectious disease, to be at large outside the premises on which such dog is normally kept.
   (2) Any person who keeps any dog of the nature described in subbye-law (1) shall, display at the principal entrance of the property where the dog is kept, a clearly legible sign reading "BEWARE OF THE DOG" or "TSHABA NTSA".

6. **Detention and destruction of abandoned or diseased dogs**
   (1) An authorised officer may detain and remove to kennels or other premises owned by the Council, any dog which is at large in a public place.
   (2) If a dog referred to under subbye-law (1) is wearing a dog collar with a current licence badge tag affixed to it, the authorised officer shall forthwith notify, in writing, the person to whom the licence was issued that the dog has been detained, and shall also notify such person where the dog is detained.
   (3) If a dog detained under the provisions of subbye-law (1) is not claimed by or on behalf of its owner within seven days of such detention or, where notification has been given in terms of subbye-law (2), within seven days of such notification, it shall be deemed to be abandoned and in such event the Council Secretary may cause such dog to be destroyed or otherwise disposed of:
   Provided that the Council Secretary may authorise the destruction of the dog prior to the
expiration of the period of seven days referred to in this bye-law where he or she has reason to believe that it is genuinely abandoned or is without an owner or that it is suffering from an infectious or contagious disease of a serious nature and that the destruction of the dog is necessary for the purpose of controlling the spread of such disease.

(4) The owner of any dog detained under the provisions of this bye-law may reclaim such dog on payment of a fee as set out in Part D of the First Schedule.

7. Diseased dogs to be presented for treatment
   Any person who keeps a dog which shows signs of suffering from an infectious or contagious disease shall immediately present such dog for treatment to a veterinary official.

8. Dogs to be vaccinated
   (1) No person shall keep a dog that is over the age of six months unless the dog has been vaccinated against rabies and the person keeping the dog is in possession of a rabies certificate relating to the dog.
   (2) The Council Secretary may authorise the destruction of any dog if the person keeping the dog is unable to produce a rabies certificate relating to that dog:
       Provided that for the purpose of this bye-law a current dog licence badge shall be deemed to be equivalent to a rabies certificate.

9. Penalties
   (1) Any person who contravenes any of the provisions of these Bye-Laws shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding two months, or to both.
   (2) For a second or subsequent offence, such person shall be liable to a fine not exceeding P1 000, or to imprisonment for a term not exceeding six months, or to both.

FIRST SCHEDULE
FEES
(bye-laws 3 (5), (8), (9) and 6 (4))

<table>
<thead>
<tr>
<th>Part</th>
<th>Fees</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Dog Licence</td>
<td>P10</td>
</tr>
<tr>
<td>B</td>
<td>Dog Collar and Tag</td>
<td>P15</td>
</tr>
<tr>
<td>C</td>
<td>Duplicate Licence</td>
<td>P5</td>
</tr>
<tr>
<td>D</td>
<td>Detention</td>
<td>P5 per day</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE
DOG LICENCE
(bye-law 3 (7))

This is to certify that ___________________________________________________________ (name of applicant) of _____________________________________________________________ (address) of _____________________________________________________________ is keeping a dog over the age of six months in accordance with the provisions of bye-law 3 from _____________________________________________________________ (date) to the _____________________________________________________________

Date of issue: _____________________________________________________________

Official Receipt No.: _______________________________________________________

________________________________________
Authorised officer

CHOBE DISTRICT COUNCIL (NOISE AND NUISANCE) (MODEL BYE-LAWS) (ADOPTION)
BYE-LAWS
(section 38)
(24th April, 2009)

Copyright Government of Botswana
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
   These Bye-Laws may be cited as the Chobe District Council (Noise and Nuisance) (Model Bye-Laws) (Adoption) Bye-Laws.

2. Interpretation
   In these Bye-Laws, unless the context otherwise requires-
   "Council" means the Chobe District Council.

3. Noises and nuisances prohibited
   (1) No person shall-
   (a) operate or cause or permit to be operated any wireless, loudspeaker, record player, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood;
   (b) operate any wireless, musical instrument, loudspeaker, record player, amplifier or similar instrument for the purposes of advertising on or adjacent to any street without the prior consent of the Council;
   (c) continue to make any loud noise or disturbance either by shouting or screaming or yelling, or by blowing upon any horn or instrument or by beating upon any drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquility of the inhabitants of the neighbourhood, after having been requested to desist by any member of the police force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced;
   (d) continue to ring any bell or sound any horn or blow any whistle or use any noisy instrument or shout in any market square, street, park or public place for the purpose of attracting customers, or hawk, sell or distribute any article or thing whatsoever to the annoyance, disturbance, or inconvenience of any person who uses such market square, street, park or public place, after having been requested to desist by any member of the police force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced;
   (e) between the hours of 10 pm and 7.30 am carry on any business, trade or industry involving the use of machinery which by reason of the noise created by it is offensive or constitutes a nuisance or which disturbs the comfort or peace of the inhabitants of the neighbourhood, nor shall any person use any such machinery on Sundays or public holidays; or
   (f) between the hours of 10 pm and 7.30 am sing in any public place, or on any property in such manner as to be heard outside the confines of such property, and thereby disturb the peace and tranquility of the neighbourhood.

4. Power to confiscate
   Any police officer or any person authorised by the Council may confiscate any instrument, bell, horn, juke box, musical instrument, drum, record or CD player, amplifier or similar device used in contravention of the provisions of these Bye-Laws.

5. Penalties

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Any person who fails to comply with these Bye-Laws shall be guilty of an offence and on conviction be liable to a fine not exceeding P500 or, in default thereof, to imprisonment for a term not exceeding 14 days and on a second or subsequent conviction to a fine not exceeding P1 000 or, in default thereof, to imprisonment for a term not exceeding two months.

NORTH EAST DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

(section 33)

(8th May, 2009)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

PART I

Preliminary

1. Citation
2. Interpretation
3. Licensing of day-care centres
4. Transfer of licence
5. Closure of day-care centres

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7. Outdoor play areas
8. Toilets
9. Washing facilities
10. Kitchen
11. Furniture and classroom equipment
12. Fire extinguisher
13. First aid requirements
14. Cleanliness
15. Smoking
16. Pets
17. Transportation
18. Use of premises for other activities
19. Responsibility of owner

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21. Resting period
22. Age of admission
23. Staff
24. Staff-child ratio
25. Curriculum
26. Records of centre

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Appeals, Powers of Entry, Offences

27. Appeals
28. Powers of entry
29. Offences

Schedule
PART I

Preliminary (bye-laws 1-5)

1. Citation

These Bye-Laws may be cited as the North East District Council (Day-Care Centre) Bye-Laws, 2009.

2. Interpretation

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

"authorised officer" means the Council Secretary or any employee of the Council duly authorised, in writing, by the Council to perform duties under these Bye-Laws;

"care giver" means a person trained to teach, train, and care for babies and children below the age of six and registered as such with the Council;

"Council" means the North East District Council;

"day-care centre" means a place for the care, education and supervision of children below the age of six;

"infectious disease" includes diphtheria, cerebrospinal meningitis, TB, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body, and typhoid fever;

"licence" means a licence issued under bye-law 3;

"owner" means a person or company which has responsibility of the centre; and

"qualified teacher" means a teacher qualified to the satisfaction of the Ministry responsible for Education, to teach children below the age of six.

3. Licensing of day-care centres

(1) No person shall operate a day-care centre, hereinafter referred to as a "centre", without a licence issued by the Council.

(2) No person under the age of 18 years may operate a centre.

(3) Any person who wishes to operate a centre shall make an application for a licence to the Council, in Form 1 set out in the Schedule, giving details of-

(a) the premises intended to be used for the centre;

(b) the names and qualifications of all the teachers and other assistants to be employed at the centre; and

(c) any other information with regard to the proposed centre as the Council may require.

(4) Upon receipt of the application, the Council shall cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the centre comply with the relevant health and building control standards.

(5) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-Laws and any other relevant legislation, it may, on payment of a fee of P100, issue to the applicant, a licence in Form 2 set out in the Schedule.

(6) A licence issued under these Bye-Laws may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.

(7) The Council may revoke, suspend or impose further conditions on the licence, and shall publish a notice of such revocation, suspension or imposition of conditions in two consecutive issues of the Gazette and two newspapers in circulation in Botswana where-

(a) the conditions of any licence are not being adhered to;

(b) a centre has failed to comply with these Bye-Laws; or

(c) an authorised officer, after conducting an inspection, has recommended a suspension or revocation of the licence or imposition of conditions due to a failure of the centre to comply with the relevant health standards.

(8) A licence issued under subbye-law (3) shall be valid until the 31st December of the year of issue, and shall thereafter be renewable annually, on payment of the annual fee of P10.
(9) An application for the renewal of a licence shall be made in Form 1 set out in the Schedule.

(10) The licence shall be conspicuously displayed in the premises of the centre.

4. **Transfer of licence**

No person to whom a licence has been issued may cede, transfer or lease the licence to another person.

5. **Closure of day-care centres**

The Council may cancel the licence after giving 14 days’ notice to the owner of the centre to comply with conditions, should the owner fail to do so the Council will require the closure of any centre which contravenes or does not comply with any of the provisions of these Bye-Laws.

---

**PART II**

**Premises (bye-laws 6-19)**

6. **Type of premises used**

   1. An occupied residential house shall not be used as a centre except with the written approval of the Council and provided that the residential house shall be used adequately for the centre and satisfactorily be separable from the portion used for the centre.

   2. A garage or verandah shall not be used as a classroom for a centre.

   3. Premises used for a centre shall be constructed in accordance with, and from material permitted by, the appropriate building regulations, and the floors shall be smooth and tiled or carpeted, and every classroom or restroom shall be adequately lit and ventilated.

   4. The size of a room to be used as a classroom shall directly relate to the number of children permitted to use them at any one time, so that for each child there shall be the equivalent of 1.5 square metres.

   5. In every centre there shall be a room equipped with a bed with mattress and clean linen, in which a sick child can rest and be isolated.

   6. Premises used for a centre shall be adequately and securely fenced or walled in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

   7. The centre shall be made accessible with ramps to children with disability who are able to attend normal schools.

7. **Outdoor play areas**

   1. Every centre shall have an outdoor play area.

   2. Outdoor play areas shall provide a minimum area of not less than 2 cubic metres for each child attending the centre and shall have a flat, generally dry surface, with adequate shade.

   3. The outdoor play areas shall be provided, to the satisfaction of the Council, with play equipment such as sand pits, swings, slides and climbing frames adequate for the number of children attending at the centre.

   4. The outdoor play areas shall be free from sharp objects or any discarded material, equipment or any other objects which pose a danger to children.

8. **Toilets**

   1. Every centre shall be provided with separate toilets for members of staff and for children.

   2. Toilets shall-

      - (a) be well lit;
      - (b) be well ventilated; and
      - (c) have adequate running water.

   3. Toilets for children shall be-

      - (a) separated according to gender; and
      - (b) installed with standard junior toilets and hand washbasin and there shall be one toilet and one hand washbasin for every 15 children.
(4) The toilets and hand wash basins shall be kept clean, sterile and in a state of good repair.
(5) Storage facilities for towels, face cloths and personal belongings of the members of staff shall be separated from similar facilities for children.

9. **Washing facilities**

The owner of a centre shall maintain on the premises, a facility for washing clothes, towels, blankets and any other linen used at the centre.

10. **Kitchen**

(1) A centre which operates for more than five and a half hours a day shall-
   (a) have a kitchen with adequate hot and cold water; and
   (b) provide each child with at least one cooked meal a day.
(2) Where food or formula is brought into a centre by the children, there shall be provided adequate and hygienic facilities for the storage and refrigeration of the food or formula.
(3) There shall be available for inspection by the Council, a detailed menu of the food provided, with a suitably balanced diet, stating-
   (a) the time for serving the meal; and
   (b) the quantities to be served.
(4) Where a centre operates for less than five and a half hours, each child shall be provided with at least one snack.
(5) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre.

11. **Furniture and classroom equipment**

(1) At every centre there shall be an adequate supply of furniture and other equipment suitable for use in a centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.
(2) The Council may require or approve additional or alternative equipment to that referred to in subby-law (1).

12. **Fire extinguisher**

At every centre, a portable fire extinguisher shall be maintained and made readily accessible at all times.

13. **First aid requirements**

(1) At every centre there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins, gloves and a tourniquet.
(2) No member of staff may administer any medication to a child without the consent of the child’s parent or guardian, except under emergency circumstances.

14. **Cleanliness**

(1) At every centre there shall be, at all times, a high standard of maintenance and cleanliness.
(2) The owner of a centre shall ensure that any member of staff or child suffering from, or suspected to be suffering from an infectious disease is immediately isolated from contact with other children or staff members.

15. **Smoking**

No person shall smoke anywhere within the premises of a centre, and notice to this effect shall be displayed prominently at the entrance to the centre.

16. **Pets**

No animals are permitted within any area used for the purpose of a centre, without the written permission of the Council.

17. **Transportation**

(1) Where a centre provides for the transportation of children, the motor vehicle used shall be enclosed and with adequate and comfortable sitting space for each child carried in it.
The owner of a centre shall ensure that a vehicle used to transport the children is insured at all times.

18. Use of premises for other activities
   Except with the written permission of the Council, the premises of the centre shall not be used for any activity which is not in the ordinary course of operating a centre.

19. Responsibility of owner
   The owner of the centre shall ensure that at all times a high standard of maintenance and cleanliness is established and maintained within the centre.

PART III
Operation and Staff of the Centre (by-laws 20-26)

20. Hours of operation
   A centre shall not, except with the approval of the Council, operate-
   (a) on Saturdays, Sundays or public holidays, or
   (b) outside the hours between 7 am and 5 pm.

21. Resting period
   The owner of the centre shall ensure that all children at the centre shall have a common resting period of not less than one hour each afternoon.

22. Age of admission
   No child shall be admitted to, or be allowed to remain at a centre, without the written permission of the Council, if the child is over the age of six years.

23. Staff
   (1) Subject to the provision of bye-law 24, a centre shall have a minimum of two qualified teachers, and at all times there shall be at least one such teacher on duty.
   (2) A centre shall at all times have at least one teacher on duty for every 30 children.
   (3) A centre may employ assistants to assist the qualified teachers to supervise and look after children at the centre.
   (4) All the members of staff employed at a centre shall undergo a medical examination, including an x-ray, before being employed, and thereafter at six month intervals, their medical examination shall exclude x-ray.
   (5) No person shall be employed, or continue to be employed at a centre if the person-
      (a) is certified under the Mental Disorders Act, to be suffering from a mental disorder;
      (b) has been convicted of a sexual offence, or
      (c) has been convicted of an offence under Part IV of the Children's Act.
   (6) A member of staff employed at a centre shall at all times wear clean uniform or clothing.

24. Staff-child ratio
   (1) A centre shall have a minimum of-
      (a) 25 children aged between two and a half and four years old per classroom.
      (b) 30 children aged between four and six years old per classroom.
      (c) 10 babies aged between six weeks and two and a half years per room.
   (2) A centre shall have a minimum of-
      (a) one qualified teacher per class; and
      (b) one care giver per 10 babies.

25. Curriculum
   The curriculum followed at a centre shall adhere to the standards set by the Ministry responsible for Education and the Early Childhood Care and Education Policy.

26. Records of centre
   The owner of a centre shall open and maintain a register in which shall be recorded-
   (a) in relation to each child admitted at a centre-
      (i) the names and dates of birth, and
      (ii) the names, addresses and telephone numbers of the child's parent or guardian;
and medical history of the child.

(b) the names and qualifications of all the staff members employed at the centre.

PART IV
Appeals, Powers of Entry, Offences (bye-laws 27-29)

27. Appeals
A person who is aggrieved by a decision of the Council in terms of these Bye-Laws may within 30 days of receipt of notification of that decision appeal to the Minister.

28. Powers of entry
(1) A bye-law enforcement officer or an officer of the Council so authorised in writing by the Council Secretary may, at any reasonable time, enter a centre for the purpose of inspection and to ensure compliance with these Bye-Laws.

(2) A person who refuses an officer of the Council to enter the centre for the purpose of inspection commits an offence and is liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month or to both and for a second or subsequent offence, to a fine not exceeding P200 or to imprisonment for a term not exceeding three months or to both.

29. Offences
Any person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month or to both and for a second or subsequent offence, to a fine not exceeding P200 or to imprisonment for a term not exceeding three months or to both.

SCHEDULE
APPLICATION TO OPERATE A DAY-CARE CENTRE
(by-law 3 (3), (9))

NORTH EAST DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

Applicant’s Particulars
1. Name ............................................................................................................................
   Nationality ...................................................... I.D..........................................................
2. Postal address ..............................................................................................................
   ......................................................................................................................................
3. Residential address of applicant ..............................................................................
   ......................................................................................................................................
4. Location of the premises of the day-care centre ....................................................
   ......................................................................................................................................

Staff of the centre (attach extra pages if necessary)
5. Person to be employed at the centre:
   (a) Name .....................................................................................................................
       Position to be held ..................................................................................................
       Qualification(s) ......................................................................................................
   (b) Name .....................................................................................................................
       Position to be held ..................................................................................................
       Qualification(s) ......................................................................................................
   (c) Name .....................................................................................................................
       Position to be held ..................................................................................................
       Qualification(s) ......................................................................................................
   (d) Name .....................................................................................................................
       Position to be held ..................................................................................................
       Qualification(s) ......................................................................................................
   (e) Name .....................................................................................................................
       Position to be held ..................................................................................................
       Qualification(s) ......................................................................................................
   (f) Name .....................................................................................................................
       Position to be held ..................................................................................................
Qualification(s) .................................................................................................................. 
(g) Name ................................................................................................................................
Position to be held ..............................................................................................................
Qualification(s) ..................................................................................................................

*Please attach certified copies of the certificates of the persons to be employed by the centre.

**Premises and structure**

6. What is the material used for building the premises? (e.g. wood, brick or any other material)

7. Room types and sizes:

<table>
<thead>
<tr>
<th>Type of room (e.g. Kitchen)</th>
<th>Room size</th>
<th>Numbers</th>
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8. Toilets and washing facilities:

   Number children's toilets .........................................................................................
   Number of toilets for staff .....................................................................................
   Number of baths ........................................................................................................
   General washing facilities .......................................................................................  
   Is there a laundry room? **Yes/No**

9. Kitchen:

   Does the Kitchen have washable walls? ......................................................................
   Is there any storage space? ........................................................................................
   Type of storage shelves, pantry, cold room/refrigeration, cupboard)

10. Outdoor area:

    Size in square metres ..............................................................................................
    Type of fencing .........................................................................................................
    Is there a secure gate? **Yes/No**
    Is there any shade? **Yes/No**

11. (a) 6 weeks - 2½ years ............................................................................................
    (b) 2½ - 4 years ........................................................................................................
    (c) 4 - 6 years ..........................................................................................................  

I .................................................................................................................................

Signature of applicant Date

FOR OFFICIAL USE ONLY

Date of receipt of application ...........................................................................................
Receipt by ..........................................................................................................................
Signature ..........................................................................................................................
To ....................................................................................................................................

Having considered your application to operate a Day-Care Centre, the North East District Council is satisfied that you have fulfilled the necessary requirements of the North East District Day-Care Centre Bye-Laws, you are hereby granted a licence to operate a day-care centre in the following area

This licence is subject to the following conditions:

This licence is valid until ........................................... , 20...................

Licensing Officer.

KGALAGADI DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

ARRANGEMENT OF BYE-LAWS

PART I

1. Citation
2. Interpretation
3. Licensing of day-care centres
4. Issue of day-care licence
5. Duration and renewal of day-care licence
6. Suspension and revocation of day-care licence
7. Licence to be displayed
8. Transfer of licence
9. Closure of day-care centres

PART II

10. Type of premises used
11. Outdoor play areas
12. Toilets
13. Washing facilities
14. Kitchen
15. Furniture and classroom equipment
16. Fire extinguisher
17. First aid requirements
18. Cleanliness
19. Smoking
20. Pets
21. Transportation
22. Use of premises for other activities

PART III

23. Hours of operation
24. Resting period
25. Age of admission
26. Staff
27. Staff-child ratio
28. Curriculum
29. Register to be kept

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PART IV
Appeals, Powers of Entry, Offences and Penalties

30. Appeals
31. Powers of entry
32. Offences and penalties

Schedule

PART I
Preliminary (bye-laws 1-9)

1. Citation
These Bye-Laws may be cited as the Kgalagadi District Council (Day-Care Centre) Bye-Laws.

2. Interpretation
In these Bye-Laws, unless the context otherwise requires-
"authorised officer" means the Council Secretary or any employee of the Council duly authorised, in writing, by the Council to perform duties under these Bye-Laws;
"Care giver" means a person trained to teach, train, and care for babies and children below the age of six, and registered as such with the Kgalagadi District Council;
"Council" means the Kgalagadi District Council;
"day-care centre" means a place for the care, education and supervision of children below the age of six;
"infectious disease" includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body, and typhoid fever;
"licence" means a licence issued under bye-law 3.
"qualified teacher" means a teacher qualified to the satisfaction of the Ministry of Education, to teach children below the age of six.

3. Licensing of day-care centres
(1) A person shall not operate a day-care centre (hereinafter referred to as a "centre") without a licence issued by the Council.
(2) A person under the age of 18 years may not operate a centre.
(3) Any person who wishes to operate a centre shall make an application for a licence to the Council, in Form I set out in the Schedule hereto, giving details of-
(a) the premises intended to be used for the centre;
(b) the names and qualifications of all the teachers and assistants to be employed at the centre; and
(c) any other information with regard to the proposed centre as the Council may require.
(4) Upon receipt of the application, the Council shall cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the centre comply with the relevant health and building control standards.

4. Issue of day-care licence
(1) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-Laws and any other relevant legislation, it may, on payment of a fee of P100, issue to the applicant a licence in Form 2 set out in the Schedule hereto.
(2) A licence issued under subbye-law (1) may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.
(3) Subject to subbye-law (2), the Council may impose further conditions on the licence
where it considers it necessary to do so.

5. **Duration and renewal of day-care licence**
   (1) A licence issued under subbye-law (3) shall be valid until the 31st December of the year of issue.
   (2) A licence shall be renewable from year to year, on payment of the annual fee of P100.
   (3) An application for the renewal of a licence shall be made in Form 3 set out in the Schedule hereto.

6. **Suspension and revocation of day-care licence**
   (1) The Council may-
      (a) suspend a licence issued under bye-law 4 where-
         (i) any conditions of the licence are not being adhered to;
         (ii) a centre has failed to comply with these Bye-Laws; or
         (iii) an authorised officer, after conducting an inspection, has recommended a suspension of the licence due to a failure of the centre to comply with the relevant health standards.
      (b) revoke a licence issued under bye-law 4 where-
         (i) a centre has failed to comply with any of the conditions of the licence;
         (ii) a centre has contravened or failed to comply with any of the provisions of these Bye-Laws; or
         (iii) an authorised officer, after conducting an inspection, has recommended a revocation of the licence due to any reason.
   (2) Any suspension or revocation of a licence done under this bye-law shall be published by a notice in the Gazette, and two newspapers in circulation in Botswana.

7. **Licence to be displayed**
   The licence shall be conspicuously displayed in the premises of the centre.

8. **Transfer of licence**
   A person to whom a licence has been issued under these Bye-Laws shall not cede, transfer or lease the licence to any person.

9. **Closure of day-care centres**
   The Council may cancel the licence of, and require the closure of, any centre which contravenes or does not comply with any of the provisions of these Bye-Laws.

**PART II**

**Premises (bye-laws 10-22)**

10. **Type of premises used**
    (1) An occupied residential house shall not be used as a centre unless the portion to be used for the centre can be separated, to the satisfaction of the Council, from the portion used for residential purposes.
    (2) A garage or verandah shall not be used as a classroom for a centre.
    (3) Premises used for a centre shall be constructed in accordance with, and from material permitted by the appropriate building regulations, and the floors shall be smooth and tiled or carpeted, and every classroom or restroom shall be adequately lit and ventilated.
    (4) The size of rooms to be used as classrooms shall directly relate to the number of children permitted to use them at any one time, so that for each child there shall be the equivalent of 1.5 square metres.
    (5) In every centre there shall be a room, equipped with a bed with mattress and clean linen, in which a sick child can rest and be isolated.
    (6) Premises used for a centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

11. **Outdoor play areas**
    (1) The outdoor play areas shall provide a minimum area of not less than 2 cubic metres
for each child attending the centre, and shall have a flat, generally dry surface, with adequate shade.

(2) The outdoor play areas shall be provided, to the satisfaction of the Council, with play equipment such as sand pits, swings, slides and climbing frames adequate for the number of children attending at the centre.

(3) The outdoor play areas shall be free from sharp objects or any discarded material, equipment or any other objects which may pose a danger to children.

12. Toilets

(1) Every centre shall be provided with separate toilets for members of staff and for children, which shall be well lit, well ventilated, and have adequate running water.

(2) Toilets for children shall be-
  (a) separated according to gender; and
  (b) installed with standard junior toilets and handwash basins, so that there shall be one toilet and one handwash basin for every 15 children.

(3) The toilets and handwash basins shall be kept clean, sterile and in a state of good repair.

(4) Storage facilities for towels, face cloths and personal belongings of the members of staff shall be separate from similar facilities for children.

13. Washing facilities

At every centre there shall be maintained on the premises, a facility for washing clothes, towels, blankets and any other linen used at the centre.

14. Kitchen

(1) A centre which operates for more than five and a half hours shall have a kitchen with adequate hot and cold water.

(2) A centre which operates for more than five and a half hours, shall provide each child with at least one cooked meal.

(3) Where food or formula is brought into a centre by the children, there shall be provided adequate and hygienic facilities for the storage and refrigeration of the food or formula.

(4) There shall be available for inspection a detailed menu of the food provided, with a suitably balanced diet, stating
  (a) the time for serving the meal; and
  (b) the quantities to be served.

(5) Where a centre operates for less than five and a half hours, each child shall be provided with at least one snack.

(6) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre.

15. Furniture and classroom equipment

(1) At every centre there shall be provided, to the satisfaction of the Council, an adequate supply of furniture and other equipment suitable for use in a centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.

(2) The Council may require or approve additional or alternative equipment to that referred to in subby-law (1).

16. Fire extinguisher

At every centre there shall be maintained, and made readily accessible at all times, a portable fire extinguisher.

17. First aid requirements

(1) At every centre there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins, and a tourniquet.

(2) No member of staff may administer any medication to a child without the consent of the child's parent or guardian.
18. Cleanliness
   (1) At every centre there shall be, at all times, a high standard of maintenance and cleanliness in the centre.
   (2) The owner of a centre shall ensure that any member of staff or child under the care of the centre, suffering from, or suspected to be suffering from an infectious disease, is immediately isolated from contact with other children or members of staff.

19. Smoking
   No person shall smoke anywhere within the premises of a centre, and a notice to this effect shall be displayed prominently at the entrance to the centre.

20. Pets
   Animals, whether pets or otherwise, shall not be permitted within any area used as a centre, without the written permission of the Council.

21. Transportation
   (1) Where a centre provides for the transportation of children the vehicle used shall be enclosed and with adequate and comfortable sitting space for each child carried in it.
   (2) The owner of a centre shall ensure that a vehicle used to transport the children is insured at all times.

22. Use of premises for other activities
   Except with the written permission of the Council, the premises of the centre shall not be used for any activity which is not in the ordinary course of operating a centre.

PART III
Operation and staff of the centre (bye-laws 23-29)

23. Hours of operation
   A centre shall not, except with the approval of the Council, operate-
   (a) on Saturdays, Sundays or public holidays, or
   (b) outside the hours between 7 am and 5 pm

24. Resting period
   The owner of a centre shall ensure that all children at the centre shall have a common resting period of not less than one hour each afternoon.

25. Age of admission
   No child shall be admitted to, or be allowed to remain at a centre, without written permission of the Council, if the child is over the age of six years.

26. Staff
   (1) Subject to the provisions of bye-law 27, a centre shall have a minimum of two qualified teachers, and at all times there shall be at least one such teacher on duty.
   (2) A centre shall at all times have at least one teacher on duty for every 30 children.
   (3) A centre may employ assistants to assist the qualified teachers to supervise and look after children at the centre.
   (4) All members of staff employed at the centre shall undergo a medical exam, including an x-ray, before being employed, and thereafter at six months intervals.
   (5) No person shall be employed, or continue to be employed at a centre if he or she-
       (a) is certified under the Mental Disorders Act, to be suffering from a mental disorder;
       (b) has been convicted of a sexual offence, or
       (c) has been convicted of an offence under the Children's Act.
   (6) All members of staff employed at a centre shall at all times wear clean uniforms or clothing.

27. Staff-child ratio
   (1) A centre shall have a maximum of-
       (a) 25 children aged between two and a half and four years old per class;
       (b) 30 children aged between four and six years old per classroom; and
       (c) 10 babies aged between six weeks and two and a half years per room.
(2) A centre shall have a minimum of-
(a) one qualified teacher per class; and
(b) one care giver per 10 babies.

28. Curriculum
   The curriculum followed at a centre shall adhere to the standards set by the Ministry of Education.

29. Register to be kept
   The owner of a centre shall open and maintain, or cause to be kept and maintained a register in which shall be recorded-
   (a) in relation to each child admitted at a centre-
      (i) the name and date of birth, and
      (ii) the names, addresses and telephone numbers of his or her parent or guardian;
      and
   (b) the names and qualifications of all the members of staff employed at the centre.

PART IV
   Appeals, Powers of Entry, Offences and Penalties (bye-laws 30-32)

30. Appeals
   A person who is aggrieved by a decision of the Council may, within 30 days of notification of that decision, appeal to the Minister in writing.

31. Powers of entry
   An officer of the Council so authorised in writing by the Council may, at any reasonable time, enter at a centre for the purpose of inspection and to ensure compliance with these Bye-Laws.

32. Offences and penalties
   Any person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding one month, or to both, and upon conviction for a second or subsequent offence, to a fine not exceeding P200, or to imprisonment for a term not exceeding three months, or to both.

SCHEDULE
   FORM 1
   APPLICATION TO OPERATE A DAY-CARE CENTRE
   (bye-law 3 (3))

KGALAGADI DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

Applicant's Particulars
1. Name ............................................................................................................................
2. Postal address ................................................................................................................
   ......................................................................................................................................
3. Residential address of applicant ..................................................................................
4. Location of the premises of the day-care centre ..........................................................
   ......................................................................................................................................

Staff of the centre (attach extra pages if necessary)
5. Person to be employed at the centre:
   (a) Name ..........................................................................................................................
      Position to be held ........................................................................................................
      Qualification(s) ...........................................................................................................
   (b) Name ..........................................................................................................................
      Position to be held ........................................................................................................
      Qualification(s) ...........................................................................................................
   (c) Name ..........................................................................................................................
      Position to be held ........................................................................................................
      Qualification(s) ...........................................................................................................
   (d) Name ..........................................................................................................................
      Position to be held ........................................................................................................

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Qualification(s) .................................................................................................................................

Name ................................................................................................................................................
Position to be held ...............................................................................................................................
Qualification(s) ...................................................................................................................................

Name ................................................................................................................................................
Position to be held ...............................................................................................................................
Qualification(s) ...................................................................................................................................

Name ................................................................................................................................................
Position to be held ...............................................................................................................................
Qualification(s) ...................................................................................................................................

*Please attach certified copies of the certificates of the persons to be employed by the centre.

Premises and structure

6. What is the material used for building the premises? (e.g. wood, brick or any other material)
..........................................................................................................................................................

7. Room types and sizes:

<table>
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<tr>
<th>Type of room</th>
<th>Room size in square metres</th>
<th>Numbers</th>
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<td>(e.g. Kitchen)</td>
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8. Toilets and washing facilities:

Number children's toilets ..................................................................................................................
Number of toilets for staff ..............................................................................................................
Number of baths ..............................................................................................................................
General washing facilities ..............................................................................................................
Is there a laundry room? *(1)Yes/No

9. Kitchen:

Does the Kitchen have washable walls? ..........................................................................................
Is there any storage space? Type of storage shelves, pantry, cold room/refrigeration, cupboard)
..........................................................................................................................................................

10. Outdoor area:

Size in square metres ....................................................................................................................... 
Type of fencing ....................................................................................................................................
Is there a secure gate? *(2)Yes ................ No ...........................................................
Is there any shade?  *(3)Yes ...................... No ...................................................
Numbers of children to be admitted at the centre

(a) 6 weeks - 2½ years ......................................................................................................................
(b) 2½ - 4 years ...............................................................................................................................
(c) 4 - 6 years ..............................................................................................................................

I .......................................... (name of applicant) declare that the above information is true and correct.

..............................................
Signature of applicant

..................................................................................................................................................
FORM 2

LICENSE TO OPERATE A DAY-CARE CENTRE

KGALAGADI DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

Licence No. .......................................................................................................................
To ....................................................................................................................................
Having considered your application to operate a Day-Care Centre, the Kgalagadi District Council is satisfied that you have fulfilled the necessary requirements of the Kgalagadi District Day-Care Centre Bye-Laws, you are hereby granted a licence to operate a day-care centre in the following area:

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This licence is subject to the following conditions:
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This licence is valid until ............................................................................ , 20..............

Council Secretary

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

FORM 3

RENEWAL APPLICATION

KGALAGADI DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS

(A) Particulars of the Applicant:
1. Name of the Applicant .............................................................................................................
2. Address of the Applicant .............................................................................................................
3. Nationality of the Applicant .............................................................................................................
4. Where the Applicant is a non-citizen, residence permit number and date of expiry of the resident permit of the Applicant .............................................................................................................
5. Where the Applicant is a company, the registration number of the company

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.
Applicant's signature: .............................................................................................................
Date: .................................................................................................................................

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Having considered the application for the renewal of a day-care/nursery/baby care centre
ESTABLISHMENT OF THE CHOBE DISTRICT COUNCIL ORDER

(10th February, 2006)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Constitution and establishment of the Chobe District Council
3. Persons not disqualified for membership of Council
4. Filling of vacancies
5. Functions to be performed by the Council

First Schedule
Second Schedule

S.I.7, 2006,

1. **Citation**
   
   This Order may be cited as the Establishment of the Chobe District Council Order.

2. **Constitution and establishment of the Chobe District Council**
   
   (1) There shall be a district council, to be known as the Chobe District Council, in respect of the area specified in the First Schedule.
   
   (2) The Chobe District Council shall consist of-
   
   (a) seven elected members;
   
   (b) two nominated members; and
   
   (c) the representative of the Ntlo ya Dikgosi of the Chobe District.
   
   (3) The elected members of the Chobe District Council shall be elected in the manner provided by the Electoral Act, each polling district within the Council area returning one member.
   
   (4) The nominated member of the Chobe District Council shall be appointed by the Minister under his hand.
   
   (5) For the purposes of this Order "polling district" means a polling district established under the Electoral Act.

3. **Persons not disqualified for membership of Council**
   
   No person shall be deemed to possess the disqualification for membership of the Council referred to in section 7 of the Act merely because he has applied for and been granted a passport issued by or under the authority of the Government of any of the countries specified in the Second Schedule.

4. **Filling of vacancies**
   
   If the seat of a member of the Council becomes vacant by virtue of any of the provisions of the Act the vacancy thus caused shall be filled in the case of-

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(a) a seat occupied by an elected member, as in paragraph 2 (3) of this Order; or
(b) a seat occupied by a nominated member, as in paragraph 2 (4) of this Order.

5. Functions to be performed by the Council

The Council shall perform the functions set out in paragraph 1 of the Schedule to the Act and may perform any or all of the remaining functions set out in the said Schedule to that Act.

FIRST SCHEDULE
(paragraph 2 (1))

The area of the Chobe District Council shall be Chobe District as defined under the Administrative Districts Act.

SECOND SCHEDULE
(paragraph 3)

The Federal Republic of Germany
The French Republic
The Kingdom of Belgium
The Kingdom of Denmark
The Kingdom of Greece
The Kingdom of Norway
The Republic of Sweden
The Republic of Ireland
The Republic of Italy
The Republic of South Africa
The State of Israel
The State of Spain
The United States of America.

CENTRAL DISTRICT COUNCIL (PUBLIC SEWER) BYE-LAWS
(under section 33)
(19th May, 2006)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Duty of Council to keep map showing sewers
4. Power of Council to alter or close public sewer
5. Power of Council to agree to adopt sewer or sewage disposal works
6. Certain matter not to be passed into sewer
7. Storm water not to enter public sewer
8. Sewage not to enter storm water drains
9. Right to connect to public sewer
10. Council to require connection to public sewer in certain circumstances
11. Procedure in respect of connection to public sewer
12. Common sewer or drain
13. Fees
14. Maintenance
15. Disconnection and re-connection
16. Discharge of trade effluent into public sewer
17. Control of trade effluent
18. Metering and assessment of trade effluent
19. Installation of fat, oil and grease interceptors
20. Penalties

Schedules


Copyright Government of Botswana
1. Citation
These Bye-Laws may be cited as the Central District Council (Public Sewer) Bye-Laws.

2. Interpretation
(1) In these Bye-Laws, unless the context otherwise requires-
"authorized officer" means a person authorized by the Council to inspect public sewers or pipes or drains connected therewith;
"Council" means the Central District Council;
"drainage installation" means a system of drains, pipes and sewers used for the sewerage of a building, including any fitting, appliance or equipment connected thereto;
"foul water" means water contaminated by soil water, wastewater or trade effluent;
"latrine" includes a privy, urinal, earth-closet or water-closet;
"owner" in relation to immovable property, means the person or his or her agent receiving the rent or profits for land or premises from the occupier thereof, or a person who occupies or holds land in accordance with terms of an agreement;
"public sewer" means any piped sewer, ditch or water course for the passage of foul water, constructed or maintained by or vested in the Council;
"sewer" means a pipe conveying foulwater, forming part of the sewerage or drainage installation of a building, including any pipe connecting a drain to a public sewer;
"soil water" means water containing excreted matter, whether human or animal;
"storm water" means surface water or rain water;
"trade effluent" means liquid, either with or without particles of matter in suspension, which is wholly or in part produced in the course of trade, industry or research; and
"waste water" means used water, not being soil water, trade effluent or storm water.
(2) For the purposes of these Bye-Laws, a building shall not be deemed to have-
(a) a public sewer available except where there exists or there is, in the course of construction within 30 metres of the site of the building, a public sewer or a sewer connecting thereto at a suitable invert level which the owner of the building is entitled to use; or
(b) a sufficient supply of water, except where such is laid on or where a supply can be connected from a point within 30 metres of the site of the building:
Provided that, where the distance of a public sewer or the point from which a supply of water available exceeds 30 metres, and the Council agrees to undertake the construction, at its expense, of a drain to connect to a public sewer or the laying of a pipe to the point of connection to a supply of water, the 30 metres limit shall not apply.

3. Duty of Council to keep map showing sewers
The council shall keep deposited at its office for inspection by any person during normal working hours, a map showing and distinguishing each public sewer and any sewer in the course of construction within its area.

4. Power of Council to alter or close public sewer
The Council may alter the size or course of any public sewer or discontinue and prohibit the use thereof:
Provided that the Council shall, at its expense, execute any work necessary to connect to another sewer, the drainage installations of the users of the sewer under alteration or discontinued.

5. Power of Council to agree to adopt sewer or sewage disposal works
The Council may enter into an agreement with any person constructing or proposing to construct a sewer or sewerage disposal works, to the effect that works upon completion of the work to the satisfaction of the Council or on a specified date, the sewer or works shall be vested in and thereafter be maintained by the Council.

6. Certain matter not to be passed into sewer
(1) No person shall throw or empty or permit to be thrown or emptied into a public sewer
or into any drainage, installation or sewer connecting to a public sewer, any-
(a) matter which is likely to cause damage to the fabric of the sewer or interfere with the
free flow of its contents;
(b) chemical, refuse or waste stream, or liquid which alone or in combination with the
contents of the sewer, is dangerous or would cause a nuisance or be prejudicial to
health;
(c) petroleum product, carbide or calcium; or
(d) radio active substance.
(2) Any person who contravenes any provision of this bye-law shall be guilty of an
offence and liable on conviction to a fine not exceeding P500 and a further fine not exceeding
P100 for each day on which the offence continues.
7. **Storm water not to enter public sewer**
   No person shall discharge or cause or permit the discharge, directly or indirectly, of
storm water into a public sewer.
8. **Sewage not to enter storm water drains**
   No person shall discharge or cause or permit the discharge, directly or indirectly, of any
sewage or foul water into a storm water drain, river, stream or other watercourse, whether
natural or artificial.
9. **Right to connect to public sewer**
   (1) Subject to the provisions of bye-law 11, an owner shall, at his or her expense, be
entitled to have the drainage installation of his or her premises connected to a public sewer.
   (2) Notwithstanding the provisions of sub-by-law (1), no person shall discharge, directly
or indirectly, into a public sewer, any liquid or other matter-
   (a) from a factory or trade premises or a manufacturing process except with the written
permission of the Council under bye-law 17; or
   (b) the discharge of which is prohibited under these Bye-Laws or any enactment.
10. **Council to require connection to public sewer in certain circumstances**
    Where a public sewer and a sufficient supply of water is available and the Council is of
the opinion that-
   (a) satisfactory provision has not been made for the hygienic and adequate disposal of foul
water; or
   (b) any cesspool, septic tank, latrine or appliance or equipment provided for the collection
or disposal of foul water is defective or insufficient and likely to be prejudicial to health
or a nuisance, the Council may, within a specified time and at the owner's expense,
require the owner to remove any latrine or other non-waterborne system and replace it
with a water closet connected to the Council's sewerage system.
11. **Procedure in respect of connection to public sewer**
    (1) A person who requires the drainage installation on his or her premises to be
connected to a public sewer shall apply inwriting to the Council.
    (2) Where the Council receives an application under sub-by-law (1) it shall, within 21
days of the receipt thereof, advise the applicant in writing whether or not the application has
been granted.
    (3) A rejection of an application under sub-by-law (1) shall be in writing to the applicant
and shall state the reason therefor.
    (4) Where an application is granted, the Council shall advise the applicant: whether or
not it intends to carry out the work required on behalf of the applicant.
    (5) Where the Council intends to carry out work under sub-by-law (4) it shall, before
work commences, require the applicant to pay the cost thereof estimated by the Council.
    (6) Where the applicant carries out or causes to be carried out the work required, he or
she shall give to the Council reasonable notice thereof in writing, and shall accord to an
authorized officer reasonable access to inspect the work.

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(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this bye-law shall vest in the Council, and the maintenance, repair or renewal thereof shall, at the expense of the owner of the premises served thereby, be carried out by the Council.

(8) Any person who causes a drain, pipe or sewer to be connected to a public sewer in contravention of the provisions of these Bye-Laws shall be guilty of an offence and liable on conviction to a fine not exceeding P500, and, whether proceedings have or have not been taken in respect of that offence, the Council may close the connection in question and recover from the offender any costs incurred thereby.

(9) Where a payment made under sub-by-law (5)-
(a) exceeds the cost incurred, the Council shall repay the excess to the applicant; and
(b) is insufficient, the balance shall be recoverable from the person for whom the work was done.

12. Common sewer or drain
The Council may, in its discretion and with the agreement of the owners concerned, permit the drainage installation of two or more buildings to connect with a public sewer by means of a common sewer or drain.

13. Fees
(1) A person intending to connect shall pay a sewerage connection fee at the rates set out in the First Schedule, and shall enter into a sewerage service agreement with the Council after connection of the premises to the sewerage system.

(2) Every person connected to a public sewer shall pay an annual sewerage service fee at the rates set out in the Second Schedule.

(3) The due date for the payment of any fees shall be 30 calendar days from the date reflected on any statement sent by the Council.

(4) If the due date under sub-by-law (3) lapses, a period of 90 calendar days shall be allowed for the payment of any fees without interest, thereafter all arrears shall be subject to an interest rate of 12 per cent per annum.

(5) The interest accrued on any arrears shall be calculated from the date on which any fee becomes overdue until the date of payment.

(6) In the case of change of ownership of the premises or of the postal address of any owner, the person who appears, from Council records to be the owner of the premises shall continue to be liable to pay the fees under these Bye-Laws unless he or she notifies the Council, in writing, of such change.

(7) The fees set out under these Bye-Laws may be revised at any time, at the discretion of the Council.

14. Maintenance
(1) The Council shall be responsible for the operation and maintenance of any sewer mains within the streets and public easements.

(2) The owner shall be responsible for the maintenance of the sewer line within his or her property.

(3) Any maintenance or work carried out under sub-by-law (2) shall be at the expense of the owner.

(4) In the event that any blockage exists between a Council manhole and an inspection chamber, the Council shall be responsible for clearing the blockage at no expense to the owner.

(5) Any work carried out on the Council sewer system shall take place with the approval of the Council.

15. Disconnection and re-connection
(1) The sewer line of the owner shall be disconnected and legal action shall commence against such owner if the period of 90 calendar days referred to in bye-law 13(4) has lapsed without the owner paying the fees due under bye-law 13 (1) and (2).

(2) Are-connection fee of P50 in respect of residential property and P100 in respect of
commercial or industrial property shall be payable by the owner of premises upon his or her request for the re-connection of the sewer line.

(3) The Council shall not re-connect any sewer line unless all amounts due to the Council have been paid in full, including any re-connection fees.

(4) No person shall obstruct any authorized person executing his or her duties in accordance with this bye-law.

16. Discharge of trade effluent into public sewer

(1) The Council may, subject to the written approval of the Minister and to any condition he or she may think fit to impose, grant permission in writing for the discharge into a public sewer of trade effluent from any premises or for any alteration in rate, volume, quality or nature of any such discharge.

(2) An approval under sub-bye-law (1) may incur a charge for the reception and treatment of the trade effluent and for any alteration which may be necessary to a pump, sewer, sewage disposal works or machinery connected therewith.

(3) A person wishing to discharge trade effluent into a public sewer shall make an application, in writing, to the Council for permission to do so, shall sign a trade effluent agreement set out in the Third Schedule, and shall submit to the Council-

(a) the chemical composition, nature and volume of the effluent;
(b) a description of the industrial process or trade giving rise to the effluent;
(c) the number of persons employed on the premises; and
(d) such other information, including the submission of samples, which the Council may consider necessary.

(4) A person permitted in terms of sub-bye-law (1) to discharge trade effluent into a public sewer shall, prior to any change in the nature or volume of that effluent, notify the Council in writing of the date on which the proposed change will take place and the Council may impose any additional condition it may deem necessary.

(5) Any person who discharges or causes or permits the discharge, directly or indirectly, of trade effluent into a public sewer without the prior written permission of the Council shall be guilty of an offence and liable on conviction to a fine not exceeding P500 and to such charge as the Council may, with the approval in writing of the Minister, assess for the conveyance and treatment of the effluent so discharged.

(6) Without prejudice to its rights in terms of sub-bye-law (5), the Council may recover from any person who discharges, directly or indirectly, trade effluent into a public sewer, any costs which may be incurred by it as a result of any damage caused thereby to a public sewer or sewage treatment works.

17. Control of trade effluent

The responsibility for the control of individual discharges to public sewers to ensure compliance with the Agreement shall lie with the Council which shall formulate the necessary mechanisms and regulations therefor.

18. Metering and assessment of trade effluent

The Council shall conduct regular sampling and analysis of discharges from the industries to ensure compliance with the discharge limits set out in the Fourth Schedule.

19. Installation of fat, oil and grease interceptors

(1) The Council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, hair salon, bakery food-processing company, laundry or other premises from which waste-water of a fatty, oily, greasy or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice, to instal, to the satisfaction of the Council, a proper and efficient fat, oil and grease interceptor for the reception thereof prior to the waste water being discharged into the sewer or drain.

(2) A fat, oil and grease interceptor shall be equipped with a sampling port for periodical inspection purposes by an authorized official from the Council.
20. Penalties

(1) Any person found guilty of an offence against any provision of these Bye-Laws shall, where no penalty is prescribed therefore, be liable to a fine not exceeding P500 and a further fine not exceeding P100 for each day on which the offence continues.

(2) Any person who contravenes any provision of these Bye-Laws on second or subsequent conviction shall be guilty of an offence and shall be liable to a fine not exceeding P500 or to imprisonment not exceeding six months or both.

FIRST SCHEDULE
(bye-law 13(1))

<table>
<thead>
<tr>
<th>TYPE OF SERVICE</th>
<th>CHARGES (P)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection to residential Premises:</td>
<td></td>
<td>Perusal fee</td>
</tr>
<tr>
<td>Low cost</td>
<td>100</td>
<td>Plot owner bears the full Cost of all works</td>
</tr>
<tr>
<td>Medium cost</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>High cost</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Multi-unit developments more than one town-house or flat on a plot</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Connection to commercial Premises</td>
<td>300</td>
<td>Perusal fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plot owner bears the full Cost of all works</td>
</tr>
<tr>
<td>Connection to industrial Premises (all types)</td>
<td>500</td>
<td>Perusal fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plot owner bears the full Cost of all works</td>
</tr>
<tr>
<td>Clearing or removal of Blockage within plots</td>
<td>55</td>
<td>Flat rate</td>
</tr>
<tr>
<td>Vacuum tank (registration)</td>
<td>200</td>
<td>April to March of Subsequent year</td>
</tr>
<tr>
<td>Vacuum tank (sewage dumping)</td>
<td>5 per cubic metre</td>
<td>Coupons of different denominations according to vacuum tank capacity available from Council revenue office</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE
(bye-law 13(2))

ANNUAL SEWERAGE SERVICES FEE RATES

TABLE 1: VOLUME UNIT RATES

<table>
<thead>
<tr>
<th>TYPE OF PREMISES</th>
<th>CHARGES (PULA PER CUBIC METRE)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>0.62 per cubic metre</td>
<td>Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.05 per month</td>
</tr>
<tr>
<td>Commercial (a): Laundries, hair salons, bakeries, restaurants and garages</td>
<td>2.50 per cubic metre</td>
<td>Annual fee will be calculated based on volume and quality of waste water discharged, plus a basic fee of P2.50 per month</td>
</tr>
<tr>
<td>Commercial (b): Hotels and motels</td>
<td>2.00 per cubic metre</td>
<td>Annual fee will be calculated based on volume and quality of waste water discharged, plus a basic fee of P5.00 per month</td>
</tr>
</tbody>
</table>
Commercial (c): Small general dealers, bars and bottle-stores  
0.85 per cubic metre  
Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.50 per month.

Institutional (a): Schools with hostel facilities and hospitals  
1.20 per cubic metre  
Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P2.50 per month.

Institutional (b): Offices, clinics, day schools and churches  
0.85 per cubic metre  
Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.50 per month.

Institution (c): Abattoirs, meat-processing industries and textile manufactures  
3.50 per cubic metre  
Annual fee will be calculated based on volume and quality of trade effluent discharged, plus a basic fee of P10.00 per month. In addition, they will be required to enter into a trade effluent agreement with the Council and install a pretreatment facility on their premises, where applicable.

Industrial (a): Dry manufacturing  
2.00 per cubic metre  
Annual fee will be calculated based on volume of effluent discharged, plus a basic fee of P10.00 per month.

### TABLE 2: VOLUME UNIT RATES - MONTHLY RESIDENTIAL USER CHARGES

<table>
<thead>
<tr>
<th>WASTE WATER QUANTITY (PER CUBIC METRE)</th>
<th>CHARGES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Basic fee (Pula)</td>
</tr>
<tr>
<td></td>
<td>Usage (Pula/per cubic metre)</td>
</tr>
<tr>
<td>0.10</td>
<td>6.62</td>
</tr>
<tr>
<td>11.20</td>
<td>0.85</td>
</tr>
<tr>
<td>21.30</td>
<td>1.11</td>
</tr>
<tr>
<td>31.50</td>
<td>1.26</td>
</tr>
<tr>
<td>51.100</td>
<td>1.44</td>
</tr>
<tr>
<td>101.200</td>
<td>1.67</td>
</tr>
<tr>
<td>201.500</td>
<td>1.93</td>
</tr>
<tr>
<td>501.1000</td>
<td>2.07</td>
</tr>
<tr>
<td>-1000</td>
<td>2.19</td>
</tr>
</tbody>
</table>

### TABLE 3: VOLUME UNIT RATES - COMMERCIAL (C) AND INSTITUTIONAL (B)

<table>
<thead>
<tr>
<th>WASTE WATER QUANTITY (PER CUBIC METRE)</th>
<th>CHARGES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Basic fee (Pula)</td>
</tr>
<tr>
<td></td>
<td>Usage (Pula per cubic metre)</td>
</tr>
<tr>
<td>0-10</td>
<td>1.85</td>
</tr>
<tr>
<td>11-20</td>
<td>1.11</td>
</tr>
<tr>
<td>21-30</td>
<td>1.26</td>
</tr>
<tr>
<td>31-50</td>
<td>1.44</td>
</tr>
<tr>
<td>51-100</td>
<td>1.67</td>
</tr>
<tr>
<td>101-200</td>
<td>1.93</td>
</tr>
<tr>
<td>- 200</td>
<td>2.07</td>
</tr>
</tbody>
</table>

### TABLE 4: VOLUME UNIT RATES - INDUSTRIES AND COMMERCIAL (A)
### WASTE WATER CHARGES

<table>
<thead>
<tr>
<th>Usage (Pula per cubic metre)</th>
<th>Basic fee (Pula)</th>
<th>Less than 500</th>
<th>1.50</th>
<th>10.00 per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>500-1000</td>
<td>0.81</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1001-1500</td>
<td>1.41</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1501-2000</td>
<td>1.93</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2001-2500</td>
<td>2.44</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2501-3000</td>
<td>3.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3001-3500</td>
<td>3.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3501-4000</td>
<td>4.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4001-4500</td>
<td>4.96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4501-5000</td>
<td>5.56</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5001-5000</td>
<td>6.22</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ F = B + 1.5S + 1.3N \]

In the formula:
- \( F \) = Waste water concentration (Per cubic metre)
- \( B \) = Biological oxygen demand in excess of 500mg/l
- \( S \) = Suspended solids in excess of 400mg/l
- \( N \) = Fats, oil and grease in excess of 100mg/l

*Note: The above rates may be subject to an annual increment at the prevailing inflation rate.

### THIRD SCHEDULE

**TRADE EFFLUENT AGREEMENT**

This Agreement is made and entered into by and between the Central District Council (herein after referred to as the Council) and .......................... (herein after referred to as the Company)

Whereas:

The Council is responsible for the control and maintenance of the sewers, pumping stations and sewage treatment plant. The Company are the occupiers of trade premises situated at plot number ........................ where in they intend to operate a ............................. and have requested the Council to consent to the discharge of the trade effluent by them from the said trade premises into the sewer shown on the plan ........................... dated ....................... annexed hereto. The Council is willing to grant such consent subject to the terms and conditions stated hereunder.

It is hereby agreed as follows:

1. The trade effluent shall consist solely of wastewater from the ............ Manufacturing and the Company shall not cause the effluent or any surface or storm water to be discharged into the said sewer

2. The company shall cause the effluent to be discharged into the said sewer only in accordance with the following special conditions:
   - (a) The pH value of the effluent shall not be less than 6.0 and not more than 9.5 subject to the water received by the Company from the public water supply having a maximum pH value of 8.0
   - (b) The solids in suspension (SS) in the effluent shall not exceed 100 milligrams per litre.
   - (c) The biological oxygen demand (BOD₅) of the effluent shall not exceed 500 milligrams per litre
   - (d) The temperature of the effluent at the point of entry into the sewer shall not exceed 43 degrees Celsius.
   - (e) The rate of discharge of the effluent into the sewer (flow) shall not be onerous to the existing flow and shall not exceed ..........m³/hr.
   - (f) No free layer of liquid fats or oils shall be permitted in the effluent
   - (g) No solid fats shall be permitted into the effluent
   - (h) Maximum size of solids in the effluent should not be larger than passing through a 15mm screen
   - (i) Settleable solids in the effluent should not exceed 20 milligrams per litre allowed to settle in the Imhoff cone for 15 minutes
   - (j) Total dissolved inorganic solids should not exceed 3000 milligrams per litre
Concentration of specific substances in the effluent should comply with standards issued by the Botswana Bureau of Standards.

No visible signs of tar or associated products or distillates bitumen or asphalt shall be allowed.

No pesticide, herbicide or any chlorinated hydrocarbons or their derivatives shall be allowed into the effluent to be discharged into the sewer.

The effluent shall not contain any substance or substances which either alone or in combination with any other matter in any sewer or the pumping station or the treatment plant would give rise to poisonous inflammable gases or obnoxious gases in such sewers or pump stations or would be deleterious either to them or to the process in use at the treatment plant.

For the purposes of effectively complying with clauses 1, 2, and 5, the Company shall at their own expenses provide and maintain to the satisfaction of the Council:

- An inspection chamber constructed so as to enable a sample of the effluent to be collected at any time before discharging onto the sewer.
- A buffer tank for the purposes of adjusting the pH of the effluent.
- A continuous chart recording apparatus to measure the flow and the pH of the effluent being discharged into the sewer.

The company shall at all times furnish the Council the records made by the recording apparatus for purposes of verifying compliance to the conditions of this agreement.

The company shall permit the Council Secretary or his authorized representative to inspect and test any works and equipment installed in connection with the effluent.

The Council shall conduct routine sampling of the effluent to ensure compliance to this agreement.

The Council shall charge an annual maintenance fee of P... to the Council as may be reviewed from time to time. This payment shall become due and payable on the first day of January of each year.

The Company shall pay to the Council on demand expenses incurred in connection with special cleansing of the sewer or repair of sewers or pumping machinery necessitated by discharging effluent in contravention to clauses 1, 2, and 3 of this agreement.

Failure to comply with any conditions under this Agreement will lead to termination of this Agreement. The Company will be given 30 days notice, after which the Council will stop the flow of the effluent into the sewerage system.

The special conditions contained in clause 2 hereof shall be reviewed from time to time according to advice from the Botswana Bureau of Standards and the Department of Water Affairs.

Fourth Schedule
(by-law 18)

Acceptable / Maximum Discharge Limits into a Public Sewer

Subject to the provisions of paragraph (1), the following are the maximum permissible concentration limits of substances contained in any effluent to be discharged into any public sewer in the Central District Council administrative area.

- Sulphates (expressed as SO\(_4\)) - 1500.0 mg/l
- Ammonia (expressed as N) - 100.0 mg/l
- Sulphides (expressed as S) - 50.0 mg/l
- Cyanide (expressed as CN) - 20.0 mg/l
- Arsenic (expressed as As) - 5.0 mg/l
- Boron (expressed as B) - 5.0 mg/l
- Zinc (expressed as Zn) - 20.0 mg/l
- Copper (expressed as Cu) - 5.0 mg/l
- Lead (expressed as Pb) - 5.0 mg/l
- Cadmium (expressed as Cd) - 5.0 mg/l
- Selenium (expressed as Se) - 5.0 mg/l
- Total Chrome (expressed as Cr) - 10.0 mg/l
- Iron (expressed as Fe) - 20.0 mg/l
- Manganese (expressed as Mn) - 20.0 mg/l
- Sodium (expressed as Na) - 500.0 mg/l
- Chloride (expressed as Cl) - 500.0 mg/l
Fluoride (expressed as F) -5.0 mg/l
Cobalt (expressed as Co) -20.0 mg/l
Nickel (expressed as Ni) -20.0 mg/l
Molybdenum (expressed as Mo) -5.0 mg/l
Fats, Oils & Grease (FOG) -250.0 mg/l
Suspended Solids -1000.0mg/l
Settleble Solids (60 min) -50.0 mg/l
Temperature at point of entry -43 Degrees Celsius
Electric Conductivity -500 mSm
Caustic Alkalinity -2000 mg/l

CENTRAL DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS
(under section 33)
(9th June, 2006)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

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4. Transfer of Licence
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25. Records of the centre

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26. Appeals
27. Powers of entry
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PART I

Preliminary (by-laws 1-5)

1. Citation
These By-Laws may be cited as the Central District Council (Day-Care Centre) Bye-Laws.

2. Interpretation
In these By-Laws, unless the context otherwise requires-
"authorised officer" means the Council Secretary or any employee of the Council duly authorised, in writing, by the Council to perform duties under these By-Laws;
"care giver" means a person trained to teach, train, and care for babies and children below the age of six, and registered as such with the Central District Council,
"Council" means the Central District Council;
"day care centre" means a place for the care, education and supervision of children below the age of six;
"infectious disease" includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body, and typhoid fever;
"licence" means a licence issued under bye-law 3.
"qualified teacher" means a teacher qualified to the satisfaction of the Ministry of Education, to teach children below the age of six.

3. Licensing of day-care centres
(1) No person shall operate a day-care centre (hereinafter referred to as a "centre") without a licence issued by the Council.
(2) No person under the age of 18 years may operate a centre.
(3) Any person who wishes to operate a centre shall make application for a licence to the Council, in Form 1 set out in the Schedule hereto, giving details of-
(a) the premises intended to be used for the centre;
(b) the names and qualifications of all the teachers and other assistants to be employed at the centre; and
(c) any other information with regard to the proposed centre as the Council may require.
(4) Upon receipt of the application, the Council shall cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the centre comply with the relevant health and building control standards.
(5) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-Laws and any other relevant legislation, it may, on payment of a fee of P100, issue to the applicant a licence in Form 2 set out in the Schedule hereto.
(6) A licence issued under these Bye-Laws may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.
(7) The Council may revoke, suspend or impose further conditions on the licence, and shall publish a notice of such revocation, suspension or imposition in two consecutive issues of the Gazette and two newspapers in circulation in Botswana where-
(a) the conditions of any licence are not being adhered to;
(b) a centre has failed to comply with these Bye-Laws; or
(c) an authorised officer, after conducting an inspection, has recommended a suspension of the licence due to a failure of the centre to comply with the relevant health standards.

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(8) A licence issued under sub-bye-law (3) shall be valid until the 31st December of the year of issue, and shall thereafter be renewable from year to year, on payment of the annual fee of P10.

(9) An application for the renewal of a licence shall be made in Form 1 set out in the Schedule hereto.

(10) The licence shall be conspicuously displayed in the premises of the centre.

4. Transfer of Licence

No person, to whom a licence has been issued may cede, transfer or lease the licence to another person.

5. Closure of day-care centres

The Council may cancel the licence of, and require the closure of, any centre which contravenes or does not comply with any of the provisions of these Bye-Laws.

PART II

Premises (bye-laws 6-18)

6. Type of premises used

(1) An occupied residential house shall not be used as a centre, unless, the portion to be used for the centre can be separated, to the satisfaction of the Council, from the portion used for residential purposes.

(2) A garage or verandah shall not be used as a classroom for a centre.

(3) Premises used for a centre shall be constructed in accordance with, and from material permitted by, the appropriate building regulations, and the floors shall be smooth and tiled or carpeted, and every classroom or rest room shall be adequately lit and ventilated.

(4) The size of rooms to be used as classrooms shall directly relate to the number of children permitted to use them at any one time, so that for each child there shall be the equivalent of 1.5 square metres.

(5) In every centre there shall be a room, equipped with a bed with mattress and clean linen, in which a sick child can rest and be isolated.

(6) Premises used for a centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

7. Outdoor play areas

(1) The outdoor play areas shall provide a minimum area of not less than 2 cubic metres for each child attending the centre, and shall have a flat, generally dry surface, with adequate shade.

(2) The outdoor play areas shall be provided, to the satisfaction of the Council, with play equipment such as sand pits, swings, slides and climbing frames adequate for the number of children attending at the centre.

(3) The outdoor play areas shall be free from sharp objects or any discarded material, equipment, or any or other objects which pose a danger to children.

8. Toilets

(1) Every centre shall be provided with separate toilets for members of staff and for children, which shall be well lit, well ventilated, and have adequate running water.

(2) Toilets for children shall be-

(a) separated according to gender; and

(b) installed with standard junior toilets and hand wash basins, so that there shall be one toilet and one wash hand basin for every 15 children.

(3) The toilets and hand was basins shall be kept clean, sterile and in a state of good repair.

(4) Storage facilities for towels, face cloths and personal belongings of the members of staff shall be separate from similar facilities for children.

9. Washing facilities

At every centre there shall be maintained on the premises, a facility for washing clothes,
towels, blankets and any other linen used at the centre.

10. **Kitchen**
   (1) A centre which operates for more than five and a half hours shall have a kitchen with adequate hot and cold water.
   (2) A centre which operates for more than five and a half hours shall provide each child with at least one cooked meal.
   (3) Where food or formula is brought into a centre by the children there shall be provided adequate and hygienic facilities for the storage and refrigeration of the food or formula.
   (4) There shall be available for inspection a detailed menu of the food provided, with a suitably balanced diet, stating:
      (a) the time for serving the meal; and
      (b) the quantities to be served.
   (5) Where a centre operates for less than five and a half hours, each child shall be provided with at least one snack.
   (6) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre.

11. **Furniture and classroom equipment**
   (1) At every centre there shall be provided, to the satisfaction of the Council, an adequate supply of furniture and other equipment suitable for use in a centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.
   (2) The Council may require or approve additional or alternative equipment to that referred to in sub-by-law (1).

12. **Fire extinguisher**
    At every centre there shall be maintained, and made readily accessible at all times, a portable fire extinguisher.

13. **First aid requirements**
    (1) At every centre there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins, and a tourniquet.
    (2) No member of staff may administer any medication to a child without the consent of the child's parent or guardian.

14. **Cleanliness**
    (1) At every centre there shall be, at all times, a high standard of maintenance and cleanliness in the centre.
    (2) The owner of a centre shall ensure that any member of staff or child under the care of the centre, suffering from, or suspected to be suffering from, an infectious disease, is immediately isolated from contact with other children or members of staff.

15. **Smoking**
    No person shall smoke anywhere within the premises of a centre, and a notice to this effect shall be displayed prominently at the entrance to the centre.

16. **Pets**
    Animals, whether pets or otherwise, shall not be permitted within any area used for the purposes of a centre, without the written permission of the Council.

17. **Transportation**
    (1) Where a centre provides for the transportation of children the vehicle used shall be enclosed and with adequate and comfortable sitting space for each child carried in it.
    (2) The owner of a centre shall ensure that a vehicle used to transport the children is insured at all times.

18. **Use of premises for other activities**
    Except with the written permission of the Council, the premises of the Council shall not be used for any activity which is not in the ordinary course of operating a centre.

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PART III
Operation and staff of the centre (bye-laws 19-25)

19. Hours of operation
   A centre shall not, except with the approval of the Council, operate-
   (a) on Saturdays, Sundays or public holidays, or
   (b) outside the hours between 7.00 am and 5.00 pm.

20. Resting period
   The owner of a centre shall ensure that all children at the centre shall have a common
   resting period of not less than one hour each afternoon.

21. Age of admission
   No child shall be admitted to, or be allowed to remain at a centre, without the written
   permission of the Council, if the child is over the age of six years.

22. Staff
   (1) Subject to the provisions of bye-law 23, a centre shall have a minimum of two
       qualified teachers, and at all times there shall be at least one such teacher on duty.
   (2) A centre shall at all times have at least one teacher on duty for every 30 children.
   (3) A centre may employ assistants to assist the qualified teachers to supervise and look
       after children at the centre.
   (4) All the members of staff employed at a centre shall undergo a medical exam,
       including an x-ray, before being employed, and thereafter at six monthly intervals.
   (5) No person shall be employed, or continue to be employed at a centre if he or she-
       (a) is certified under the Mental Disorders Act, to be suffering from a mental disorder;
       (b) has been convicted of a sexual offence, or
       (c) has been convicted of an offence under Part IV of the Children's Act.
   (6) All the members of staff employed at a centre shall at all times wear clean uniforms
       or clothing.

23. Staff-child ratio
   (1) A centre shall have a maximum of-
       (a) 25 children aged between two and a half and four years old per class room;
       (b) 30 children aged between four and six years old per class room; and
       (c) 10 babies aged between six weeks and two and a half years per room.
   (2) A centre shall have a minimum of-
       (a) one qualified teacher per class; and
       (b) one care giver per 10 babies.

24. Curriculum
   The curriculum followed at a centre shall adhere to the standards set by the Ministry of
   Education.

25. Records of the centre
   The owner of a centre shall open and maintain, or cause to be kept and maintained a
   register in which shall be recorded-
   (a) in relation to each child admitted at a centre-
       (i) the names and date of birth, and
       (ii) the names, addresses and telephone numbers of his or her parent or guardian;
       and
   (b) the names and qualifications of all the members of staff employed at the centre.

PART IV
Appeals, powers of entry, offences and penalties (bye-laws 26-28)

26. Appeals
   Any person who is aggrieved by the decision made by the Council in terms of these
   Bye-Laws may within 30 days of receipt of notification of that decision appeal to the Minister.

27. Powers of entry
An officer of the Council so authorised in writing by the Council Secretary may at any reasonable time enter a centre for the purpose of inspection, and to ensure compliance with these Bye-Laws.

28. Offences and penalties

Any person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding one month, or to both, and upon conviction, for a second or subsequent offence, to a fine not exceeding P200, or to imprisonment for a term not exceeding three months, or to both.

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SCHEDULE

**(FORMS)**

**(bye-law 3)**

**CENTRAL DISTRICT (DAY CARE CENTRE) BYE-LAWS**

(S. I. No. 38 of 2006)

**APPLICATION TO OPERATE A DAY-CARE CENTRE**

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**Applicant’s Particulars**

1. Name ...................................................................................................................
2. Postal address ....................................................................................................
3. Residential address of applicant ...........................................................................
4. Location of the premises of the day care centre ..............................................

Staff of the centre (attach extra pages if necessary)

**Staff of the centre** (attach extra pages if necessary)

5. Persons to be employed at the centre:
   (a) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (b) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (c) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (d) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (e) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (f) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................
   (g) Name ..............................................................................................................
       Position to be held ....................................................................................... 
       Qualification(s)..........................................................................................

* Please attach certified copies of the licences of the persons to be employed by the centre.

**Premises and structure**

6. What is the material used for building the premises? (e.g. wood, brick, or any other material) ...................................................................................................................

7. Room types and sizes:

<table>
<thead>
<tr>
<th>Type of room</th>
<th>Room size</th>
<th>Number</th>
</tr>
</thead>
</table>

---

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8. Toilets and washing facilities:
   Number of children’s toilets ..............................................
   Number of toilets for staff ..............................................
   Number of baths ............................................................
   General washing facilities ..............................................
   Is there a laundry room? Yes/No

9. Kitchen:
   Does the Kitchen have washable walls? .............................
   Is there any storage space? .................................
   Type of storage shelves, pantry, cold room/refrigeration, cupboards)
   ........................................................................................
   ........................................................................................
   ........................................................................................

10. Outdoor area:
    Size in square metres ..............................................
    Type of fencing ............................................................
    Is there a secure gate? Yes/No
    Is there any shade? Yes/No

Numbers of children to be admitted at the centre
11. (a) 6 weeks - 2½ years ............
    (b) 2½ - 4 years ............
    (c) 4 - 6 years ............

I .................................. (name of applicant) declare that the above information is true and correct.

........................................ Signature of applicant ............ Date

FOR OFFICIAL USE ONLY

Date of receipt of application ..............................................
Received by .................................................................
Signature .................................................................

FORM 2
CENTRAL DISTRICT (DAY CARE CENTRE) BYE-LAWS
(S. I. No. 38 of 2006)
LICENSE TO OPERATE A DAY-CARE CENTRE
NOT TRANSFERABLE

Licence No. ...........................................................
To .................................................................

Having considered your application to operate Day Care Centre, the Central District Council is satisfied that you have fulfilled the necessary requirements of the Central District Day-Care Centre Bye-Laws, you are hereby granted a licence to operate a day care centre in the following area

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

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This licence is subject to the following conditions:

This licence is valid until ................................., 20 .................................

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

Council Secretary

GHANZI DISTRICT COUNCIL (HAWKING AND STREET-VENDING) BYE-LAWS

(under section 33)
(27th October, 2006)

ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Prohibition of hawking or street-vending without certificate
4. Application for Certificate
5. Validity 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


1. Citation
These Bye-Laws may be cited as the Ghanzi District Council (Hawking and Street-Vending) 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 Ghanzi District Council;
"council area" means the area under the jurisdiction of the council;
"hawker" means a person who carries on the business of selling his goods from place
to place within the Ghanzi District Council area;
"Police Service" means the Botswana Police Service or the Local Police Service;
"Register" means any register which a 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 who carries on the business of selling goods from a
pitch at which he stations himself, either in a convenient public place or upon land which he has
no right to control.

3. Prohibition of hawking or street-vending without certificate
   (1) 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.
   (2) Notwithstanding the provisions of sub-bye-law (1), any person who is not required to
       obtain a licence to carry on any business in terms of section 32(3) of the Trade Act may carry on
       the business of a hawker or street-vendor and shall not be required to obtain a certificate.
   (3) Any person who contravenes the provisions of sub-bye-law (1), as read with
       sub-bye-law (2), shall be guilty of an offence under 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 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 certified 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 the
           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 is satisfied that the carrying on of the
           business in such area or areas would be contrary to the public interest.
   (4) The Registrar may, if he 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 considers necessary or expedient
       having regard to the provisions of these Bye-Laws.

5. Validity 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 one year 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 set out in the Schedule, 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 the holder thereof may apply for a new certificate
under bye-law 4 of these Bye-Laws.

(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 registered hawkers and a register 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 full name;
(b) his 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 the person concerned.

(2) A holder of a certificate shall, where he recovers his original certificate, return the
duplicate certificate issued under sub-bye-law (1) to the Registrar.

(3) An application for a duplicate certificate shall be accompanied by a non-refundable
fee of P50.

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 provisions 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, 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 the 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 opinion, it is in the interest of the public to do so:

Provided that the Registrar shall, where practicable, allow the holder of the
certificate such time as he 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 trade;

(b) pick and remove any litter or refuse which in or through the conduct of his 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; and

(d) 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, his vehicles or his goods, at the request of any member of the Police Force or authorised officer, remove himself, his vehicles or his 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) A hawker or street-vendor 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 5:30 am and 8 pm.

(2) A hawker 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 Force or an authorised official, to move his goods, receptacle 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 has been carrying on trade, leave behind goods, receptacles or other objects associated with his trade or leave such pitch in an unclean state; or

(d) carry on business except in between the hours of 5:30 am and 10 pm.

(2) A street-vendor 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 Force, immediately thereon produce the certificate for inspection or otherwise shall, within 48 hours of such demand, produce such certificate for inspection at the office of such authorised official or at the station of such member of the Police Force, as the case may be.

(2) A holder of a certificate 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 P100 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 P200 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 to dispose of his stock; or

(b) have his goods impounded or confiscated.

(3) Goods impounded or confiscated under these Bye-Laws shall be forfeited to the council and dealt with as the Council Secretary may direct, which may include their sale by public auction.

SCHEDULE

FORM A

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

(by-law 4(1))

(This form to be completed in block letters. Attach two passport size photographs, approximately 5cm x 4cm and a copy of applicant's Omang)

Full names of applicant ..........................................................................
(Surname first)
Place of residence .................................................................
Postal address ............................................................................
Identity number ...........................................................................

I wish to apply for a hawker's/street-vendor's certificate as follows:

(delete as necessary)

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

Registrar.

FORM B

HAWKER'S CERTIFICATE

(by-law 4(4))

Photograph of holder

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: .................................

Copyright Government of Botswana
FORM C
(bye-law 4(4))

STREET-VENDOR'S CERTIFICATE

Photograph of holder

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:.................................

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

Date of issue ........................................
Office of issue........................................
OFFICIAL STAMP

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

Signature of Registrar.

RENEWALS

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

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

Signature of Registrar.

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

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

Signature of Registrar.

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

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

Signature of Registrar.

Copyright Government of Botswana
APPLICATION FOR RENEWAL OF A HAWKER'S OR STREET-VENDOR'S CERTIFICATE

(FORM D)

(by-law 6(1))

This form to be completed in block letters

Full names of applicant ........................................................................
(Surname first)
Place of residence ..............................................................................
Postal address ......................................................................................
Identity number....................................................................................

I wish to apply for a hawkers'/street-vendor's certificate as follows:
(delete as necessary)

(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..............................................

Date of approval/rejection of application..............................................
(delete as necessary)

Registrar.

CENTRAL DISTRICT (ABATTOIR) BYE-LAWS

(sections 33 and 34)

(8th September, 1972)

ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Tariff of charges
4. Dead animals
5. Hours of entry
6. Delivery of animals
7. Penning, care, feeding and treatment of animals
8. Diseased animals
9. Unpenning restricted
10. Condemnation of carcasses of certain animals
11. Slaughtering
12. Authority of manager
13. Cleanliness and hygiene
14. Restrictions on slaughter
15. Place for slaughter and dressing of animals
16. Manner of slaughtering

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17. Time for flaying and dressing
18. Carcasses to be marked after slaughter
19. Deceptive dressing prohibited
20. Soiled meat to be condemned
21. Examination of animals, carcasses etc.
22. Concealment of diseased or injured parts prohibited
23. Marking of healthy carcasses, etc.
24. Removal of meat, etc., from abattoir restricted
25. Introduction of meat into Council area restricted
26. Condemnation of meat
27. Appropriation of meat, etc.
28. Human diseases or injuries
29. Disposal of animals of unclaimed or disputed ownership
30. Exclusion of dogs, cats, birds, etc.
31. Placing of vehicles
32. Exclusion of children from slaughtering, etc.
33. Spitting, smoking, etc., prohibited
34. Exclusion of intoxicating liquor and intoxicated persons
35. Restriction of removal of animals, etc.
36. Offences and penalties

S.I. 66, 1972,
S.I. 117, 1977,
S.I. 60, 2001,

1. Citation
   These Bye-laws may be cited as the Central District (Abattoir) Bye-laws.

2. Interpretation
   In these Bye-laws, unless the context otherwise requires-
   "abattoir" means the Council abattoir, and includes the area set aside by the Council for
   such purpose and demarcated as such, together with any building, space, pen, enclosure and
   lairage therein;  
   "animal" means any bull, ox, cow, heifer, steer, calf, sheep, lamb, goat, kid, pig or other
   quadruped used for human consumption;
   "authorized veterinary surgeon" means a veterinary surgeon approved by the Director
   of Veterinary Services;
   "Council" means the Central District Council;
   "manager" means the person appointed by the Council to perform the functions of
   manager of the abattoir or any person appointed by the Council to act in his stead;
   "meat" means the flesh and bone of any slaughtered animal whether in its natural state
   or subjected to any freezing, chilling or other preservative process, and shall also include
   sausages, polonies, chopped or minced meat or any other meat similarly prepared;
   "meat inspector" means any person appointed by the Council after consultation with
   the Director of Veterinary Services for the purpose of examining any slaughtered animal
   intended for human consumption;
   "medical officer" means a medical practitioner appointed by the Director of Medical
   Services to act as medical officer in respect of the Central District;
   "offal" includes the head, horns, feet, tail, heart, lungs, liver, kidneys, spleen, stomach,
   intestines and other internal organs of any slaughtered animal;
   "slaughterman" means a person appointed as such by the Council.

3. Tariff of charges
   (1) The Council shall charge a fee for services rendered and facilities provided at an abattoir
for the following-

(a) the use of the abattoir for slaughtering, including lairage and water;
(b) the inspection and stamping of meat;
(c) the use of hanging hall and power saw; and
(d) the use of cold room.

(2) Notwithstanding the provisions of subregulation (1), a fee charged by the Council for the services rendered to a private abattoir or slaughter house shall be for inspections and stamping of meat.

(3) The fees referred to under sub-by-e-laws (1) and (2) are as follows-

<table>
<thead>
<tr>
<th>Council Abattoirs</th>
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<tbody>
<tr>
<td><strong>(a)</strong> Abattoir use for slaughtering, including lairage and water-</td>
<td></td>
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<tr>
<td>(i) Ox, cow or bull</td>
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<tr>
<td>(ii) Sheep, lamb or goat</td>
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<td>(iii) Pig</td>
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<td><strong>(b)</strong> Meat inspection and stamping of meat-</td>
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<tr>
<td>(i) Ox, cow or bull</td>
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<td>(ii) Sheep, lamb or goat</td>
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<td>(iii) Pig</td>
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<td><strong>(c)</strong> Use of cold room-</td>
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<td>(i) Cow, ox or bull</td>
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<td>(ii) Sheep or goat</td>
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<td>(iii) Pig</td>
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<tr>
<th>Private abattoirs or slaughter houses</th>
<th></th>
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<tbody>
<tr>
<td><strong>(d)</strong> Meat inspection and stamping of meat-</td>
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<td>(i) Ox, cow or bull</td>
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<td>(ii) Sheep, lamb and goat</td>
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<tr>
<td>(iii) Pig</td>
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</tr>
</tbody>
</table>

4 **Dead animals**

The Council shall not, at the abattoir, or abattoir lairage, accept from any person, any animal which is dead.

5 **Hours of entry**

(1) An abattoir shall be open for receiving and slaughtering animals between the hours of 6.00 a.m and 6.00 p.m every day of the week.

(2) No person shall without first obtaining permission from the manager enter the abattoir premises or any part thereof before the prescribed hours of opening or remain on such premises after the prescribed closing hours or after being requested by the manager to leave.

(3) No person shall, without the permission of the manager, enter the abattoir premises or any part thereof unless on lawful business connected therewith.

6 **Delivery of animals**

(1) Every person who delivers any animals to the abattoir shall, on entering, hand to the manager or other duly authorized official a correct written statement of the number and description of the animals and of the name of the owner thereof and shall, if so requested by such official, furnish such further information as may be reasonably required to facilitate
identification.

(2) The owner or person in charge of any animal so delivered shall have it marked with a distinguishing mark approved by the manager so that it can be easily and quickly identified.

(3) The same identification mark shall always be used by or on behalf of each owner, and such mark shall be registered in a register provided for that purpose.

(4) The owner, or person in charge of, any bull or other dangerous animal shall, when bringing such animal to the abattoir, either have it conveyed in a suitable vehicle in which it shall be securely bound and tied up, or led by means of a chain or rope of sufficient strength.

7. Penning, care, feeding and treatment of animals

(1) The owner or person in charge of any animals brought into the abattoir, except draught animals, shall pen them as and where provided by the manager.

(2) Every owner or person in charge of any animal within the abattoir shall ensure that such animal is properly cared for and is provided with sufficient suitable food and water:

Provided that no person shall overfeed or give salt to any animal while in the abattoir.

(3) If the manager discovers that any animal within the abattoir has been without food and water for a period exceeding 48 hours, or if he is requested to do so by the owner or person in charge of any animal within the abattoir, he may cause such animal to be fed and watered and the Council may recover the cost thereof from the owner or person in charge.

(4) Any animal in the abattoir, whether awaiting slaughter or in the process of slaughter, shall be treated with the utmost care, and shall not be subjected to any cruel or unnecessary suffering.

(5) The manager may, in his discretion, take summary measures to prevent any unnecessary suffering of or cruelty to animals.

8. Diseased animals

(1) No person shall knowingly bring, or cause or permit to be brought, into the abattoir any animal suffering from any infectious or contagious disease unless with special permission of an authorized veterinary surgeon.

(2) No person found guilty of contravening this bye-law shall, by virtue of having paid the penalty prescribed for such contravention, be absolved from any liability to make good to the Council any expenses incurred in cleaning and disinfecting the abattoir premises and for any losses occasioned by his action.

(3) The manager may refuse to admit into the abattoir any animal suffering from any infectious or contagious disease and, if he has reasonable grounds for suspecting that any animal already admitted or for which admission is sought is suffering from any such disease, he may require or cause such animal to be examined by an authorized veterinary surgeon.

(4) The manager may, after obtaining the opinion of an authorized veterinary surgeon, cause or order any animal which is found to be diseased, or which has been in contact with an infected or suspected animal, to be slaughtered at a place set apart for the slaughtering of diseased animals.

If after slaughter the carcass is found to be fit for human consumption, the carcass shall be returned to the owner or person in charge thereof but, if it is found to be diseased and unfit for human consumption, it shall be seized and condemned.

9. Unpenning restricted

No person shall without the permission of the manager or any authorized official unpen any animal, unless for the purpose of removing it to the waiting pen or slaughter chamber.

10. Condemnation of carcasses of certain animals

(1) The carcass of any animal dying within the abattoir otherwise than by slaughter, or arriving dead at the abattoir, or of animals less than 14 days old, shall be condemned, seized and destroyed as unfit for human consumption.

(2) Skins of animals condemned under this bye-law may be released to the owner at the discretion of an authorized veterinary surgeon.
11. **Slaughtering**
   (1) No person shall slaughter or cause to be slaughtered at the abattoir any animal without the prior consent of the manager.
   (2) No person shall without the written consent of an authorized veterinary surgeon, the medical officer or the manager, slaughter any animal intended for human consumption at any place within the Council area other than the abattoir.
   (3) Slaughtering in accordance with a written consent referred to in sub-by-law (2) shall take place only at such hours and in such manner as are prescribed in these Bye-laws.
   (4) An authorized veterinary surgeon may, if he deems fit, authorize in writing the slaughter of any animal or animals at any place outside the abattoir in cases where, on account of religious requirements or of injuries received by any animal or for any other cause it is considered impracticable, inadvisable or undesirable to have the animal removed to the abattoir.
   (5) In every such case the owner of the animal or other person or persons responsible shall comply with any conditions imposed by the authorized veterinary surgeon and shall also conform with the requirements of these Bye-laws.

12. **Authority of manager**
   (1) Every person employed at, or making use of any facilities provided in, the abattoir shall comply with all lawful instructions given by the manager, and any person failing to comply with such instructions may, in addition to being liable to prosecution for a contravention of this bye-law, be required by the manager to leave the abattoir premises forthwith.
   (2) No person shall interfere with or obstruct the manager or any of his staff or cause any disturbance within the abattoir, and any person who so interferes or obstructs or causes any disturbance may, in addition to being liable to prosecution for a contravention of this bye-law, be removed from the premises.

13. **Cleanliness and hygiene**
   (1) Every person engaged on any duties at the abattoir or making use of any facilities therein shall observe strict cleanliness in his person and attire and shall at all times wear a clean butchering coat or overall of a design approved by the medical officer and made of a washable material.
   (2) Every slaughterman shall keep a special suit of clothes made of washable material and shall wear such suit while engaged in slaughtering any animal or dressing any carcass and for no other purpose, and shall wash such suit daily to ensure its cleanliness.
   (3) No person shall hang up or deposit or cause or permit to be hung up or deposited any article of wearing apparel in any room or enclosure in which meat is slaughtered, dressed or prepared for use as food for human consumption.

14. **Restrictions on slaughter**
   (1) No bull, bullock, cow, heifer, steer, pig, sheep, lamb or goat shall be slaughtered on the day it enters the abattoir:
       Provided that the owner or person in charge of any animal which, on arrival at the abattoir, is found to be suffering from any serious injury shall cause such animal to be slaughtered as soon as possible after arrival after having notified the manager and obtained his consent.
   (2) No person shall slaughter for human consumption any calf, lamb, kid, pig or other animal unless it is at least 14 days old, is fully developed and is in a well nourished condition.
   (3) No person shall, without the consent of the manager, slaughter or cause to be slaughtered any animal which appears to be pregnant or which is on the point of giving birth.

15. **Place for slaughter and dressing of animals**
    No person shall slaughter or dress any animal in any part of the abattoir premises except in the place specially appointed and set apart for such purpose.

16. **Manner of slaughtering**
   (1) Every person engaged in the slaughtering of animals shall, before proceeding to
slaughter, cause the head of the animal to be securely held or fastened to ensure that such animal is slaughtered as quickly and with as little pain as possible.

(2) No person shall slaughter or permit or cause to be slaughtered in the abattoir any animal, the flesh of which is intended to be used as human food, except by shooting with the humane killer:

Provided that the requirement of this paragraph shall not be enforced in the case of animals slaughtered for the use of Mohammedans or Jews.

(3) Slaughtering under Jewish or Mohammedan rites shall be executed and superintended by members of the Jewish or Mohammedan faith respectively, approved by the manager; and every such person shall in every respect comply with the requirements of the manager under these Bye-laws:

Provided that nothing in these Bye-laws shall interfere with the ceremonies or killing under Jewish or Mohammedan rites, but all unnecessary cruelty shall be avoided.

(4) Every person shall in the process of slaughtering any animal use only such instruments, appliances and methods as may be approved by the manager with the object of ensuring the infliction of as little pain or suffering as practicable.

17. **Time for flaying and dressing**

No person shall commence to flay or dress any slaughtered animal unless the flow of blood has ceased and all signs of life are extinct and thereafter the flaying or dressing shall be completed without delay.

18. **Carcasses to be marked after slaughter**

As soon as possible after an animal has been slaughtered and flayed, the slaughterman shall clearly brand or mark the carcass with the registered mark of the owner of the animal.

19. **Deceptive dressing prohibited**

No person shall inflate, stuff or dress any carcass or any portion thereof with the object of giving it a deceptive appearance.

20. **Soiled meat to be condemned**

All meat, fat and offal which become soiled by the contents of the alimentary tract shall be condemned as unfit for human consumption:

Provided that if, in the opinion of an authorized veterinary surgeon or any meat inspector, the above-mentioned soiling may be removed by cutting away the soiled portions, the said surgeon or inspector may authorize this to be done and any meat, fat or offal so treated shall, if not otherwise unfit, be deemed to be fit for human consumption.

21. **Examination of animals, carcasses, etc.**

(1) No person shall remove from the immediate vicinity of the carcass of any animal slaughtered at the abattoir any portion of the hide, flesh, bone, fat or feet or of the internal organs or entrails until they have been duly examined and dealt with by a meat inspector.

(2) Immediately after an animal has been slaughtered and dressed, it shall be examined and stamped as hereinafter provided and the slaughterman and his assistants shall then remove the stamped carcass and deposit it in the part of the abattoir set aside for such purpose:

Provided that no person shall deposit any carcass or portion thereof in such part of the abattoir unless it has been stamped.

(3) An authorized veterinary surgeon or any meat inspector may inspect and examine any animal brought into the abattoir premises for slaughter for human consumption for the purpose of ascertaining whether it is diseased, unsound or in any way unfit for human consumption.

(4) A meat inspector shall examine, handle and cut into the carcass and offal of every animal which has been slaughtered at the abattoir, immediately after it has been dressed, for the purpose of ascertaining whether it is diseased, unsound, unwholesome or in any way unfit for human consumption.

(5) In no case shall any examination of carcass, meat or offal be made except by
daylight.

(6) Any animal found to be diseased, unsound or in any way unfit for human consumption upon inspection or examination under sub-bye-law (3) shall be dealt with in accordance with bye-law 7(4).

(7) The carcass of every animal condemned under bye-law 7(4) and any part of the carcass or offal of a slaughtered animal which has been found under paragraph (4) to be diseased, unsound, unwholesome or in any way unfit for human consumption shall be destroyed at the abattoir by the manager or under his direction.

22. Conceal of diseased or injured parts prohibited

No person shall cut away, remove or otherwise attempt to conceal any diseased or injured part of any slaughtered animal, whether slaughtered at the abattoir or not, unless he has obtained the permission of a meat inspector to do so.

23. Marking of healthy carcasses, etc.

(1) The meat inspector shall brand or stamp with the official mark of the Council in such places and in such ways as he may deem advisable or necessary all carcasses, meat and offal submitted for examination and passed as healthy, sound, wholesome and fit for human consumption.

(2) No person, other than an official duly authorized thereto, shall stamp or brand or mark or attach to or impress on any meat or offal any official brand or mark or any similar marking; and no person shall attach to or impress on any meat or offal any forged brand or mark or any brand or mark intended or liable to deceive the public or induce the belief that such meat or offal has been inspected and approved under these Bye-laws or slaughtered at the abattoir.

24. Removal of meat, etc., from abattoir restricted

(1) No person shall, without the permission of the manager, remove or cause to be removed from the abattoir any meat or offal unless it has been examined, approved and stamped in accordance with these Bye-laws.

(2) No person shall remove from the abattoir, without the express permission of the manager, any fat or offal unless it has been washed and cleaned to the satisfaction of a meat inspector.

25. Introduction of meat into Council area restricted

No person shall introduce into the Council area for sale any carcass or any butcher's meat of animals (other than game) slaughtered outside the Council area unless such animals have been slaughtered at an abattoir approved by the Council.

26. Condemnation of meat

(1) An authorized veterinary surgeon or a meat inspector shall seize and condemn any carcass, meat, fat or offal which, as a result of examination is found to be diseased, unsound, unwholesome or unfit for human consumption.

(2) Any carcass, meat, fat or offal seized and condemned shall, upon a certificate by an authorized veterinary surgeon, be destroyed or, alternatively, it may, at the owner's risk, be treated in such manner as the authorized veterinary surgeon may decide to render it fit for human consumption.

(3) Nothing contained in these Bye-laws shall preclude any person mentioned in sub-bye-law 1 from taking action in terms of this bye-law in respect of any meat or offal which, although marked or branded as approved under these Bye-laws, is subsequently found to be diseased, unsound, unwholesome or otherwise unfit for human consumption.

(4) No compensation shall be paid for any meat, carcass or animal which has been condemned, seized and destroyed.

27. Appropriation of meat, etc.

(1) All meat (except such carcasses as may be held in the freezer unit) which is not removed from the abattoir premises before closing time on the day on which the animal from which it was taken was slaughtered, may be taken possession of by the manager and destroyed.
or treated on behalf of the Council and sold to defray expenses.

(2) All blood, manure, refuse, condemned carcasses or portions of condemned
carcasses shall become the property of the Council.

28. Human diseases or injuries

(1) No person knowingly suffering from any notifiable infectious or contagious disease or
who has within 12 hours previously been knowingly exposed to infection from any such disease
shall engage in the slaughter of animals, dressing of carcasses or handling or conveyance of
meat intended for human consumption, nor shall any employer permit any person in his
employment who is suffering or who has been so exposed to infection to be so engaged unless
he has obtained the prior written permission of the medical officer.

(2) The medical officer shall have the power to examine (which may include examination
of the blood) any person engaged in the slaughtering of animals, the dressing of carcasses or
handling or conveyance of meat whenever he deems it necessary to do so for the purpose of
ascertaining whether such person is suffering from any disease or condition liable to
contaminate the meat, as a result of which serious consequences to the health of others may
occur, and may prohibit any such person found to be so suffering from being so engaged until
he has been again examined and certified by a medical practitioner to be free from such
disease or condition.

(3) Any person engaged in work within the abattoir having any cuts, grazes or abrasions
shall have such injuries covered by a clean, waterproof dressing.

29. Disposal of animals of unclaimed or disputed ownership

(1) The manager may slaughter or cause to be slaughtered any animal in the abattoir
which may be unclaimed or as to the ownership of which there is a dispute, and shall, in the
case of any such slaughter, dispose of the carcass thereof on behalf of the Council.

(2) On ascertaining the rightful owner, the Council shall pay to him the full proceeds of
such sale less the amount of any and all expenses and charges incurred in respect of such
animal.

30. Exclusion of dogs, cats, birds, etc.

No person shall bring on to the abattoir premises, or permit to enter or remain thereon,
any dog, cat or other animal or any birds which feed on offal, and the manager may remove or
cause to be removed from the abattoir any such animal or bird found thereon by such means as
he deems advisable.

31. Placing of vehicles

All vans, lorries, wagons, carts and other vehicles brought into the abattoir shall stand in
such places as the manager shall appoint.

32. Exclusion of children from slaughtering, etc.

No child under the age of 14 years shall at any time be admitted to any part of the
abattoir where slaughtering or dressing is taking place:
Provided that such child can be admitted with the prior permission of the manager and
when under the supervision of an adult.

33. Spitting, smoking, etc., prohibited

No person shall expectorate, smoke, or commit any nuisance in any part of the abattoir
premises where carcasses are slaughtered, inspected or kept.

34. Exclusion of intoxicating liquor and intoxicated persons

No person shall bring, or cause, or permit to be brought any malt liquor, traditional beer,
whether manufactured or home brewed, or any intoxicating liquor of any kind on to any part of
the abattoir premises and no intoxicated person shall enter or remain or be permitted to enter or
remain on such premises.

35. Restriction of removal of animals, etc.

No person shall remove from the abattoir any animal, alive or dead, or the carcass of
any animal or any meat or offal or any other thing pertaining to an animal without the prior

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36. Offences and penalties

(1) A person who contravenes any provision of these Bye-Laws or any direction or prohibition duly given in terms thereof shall be guilty of an offence and liable-

(a) on first conviction to a fine not exceeding P2,000 or in default of payment thereof, to imprisonment for a term not exceeding nine months, or to both; and

(b) on a second or subsequent conviction, to a fine not exceeding P5,000, or in default of payment thereof, to imprisonment for a term not exceeding two years, or to both.

(2) Where a person fails to pay a fine within the stipulated period, the Council may recover the fine in a court of law as a civil debt.

KGALAGADI DISTRICT COUNCIL (PUBLIC STANDPIPES) BYE-LAWS
(sections 33 and 34)
(1st March, 2002)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Supervision of use of public standpipes
5. Use of water from public standpipes
6. Use of water by persons other than occupiers
7. Use of public standpipes
8. Withholding of supply of public standpipe water
9. Inspection of standpipes
10. Misuse of water
11. Damage to public standpipe
12. Prohibition of pollution


1. Citation
These Bye-Laws may be cited as the Kgalagadi District Council (Public Standpipes) Bye-Laws.

2. Application
These Bye-Laws shall apply to the whole area of the Kgalagadi District Council as defined under the Administrative Districts Act.

3. Interpretation
In these Bye-laws, unless the context otherwise requires-
"authorised officer" means the Council Secretary, or any officer of the Kgalagadi District Council duly authorised in writing by the Council Secretary for the purpose of inspecting standpipes;
"Council" means the Kgalagadi District Council;
"designated area" means an area of the District which has been designated by the Council as an area for occupation by persons holding certificates of right or temporary occupancy permits;
"emergency" means any situation giving rise to the possible loss of life or property caused by fire or other means;
"occupier" in respect of a designated area means a person living within that area;
"public standpipe" means a water supply point within a designated area, and intended for use by the occupiers thereof;
"unauthorised connection or attachment" means a connection or attachment which
has been made to a standpipe without the written permission of the Council.

4. Supervision of use of public standpipes
   The Council Secretary may, in writing, from time to time authorise any officer or employee of the District Council to inspect and supervise the use of standpipes.

5. Use of water from public standpipes
   Subject to the provisions of bye-law 6, water from a public standpipe shall be available for use by the occupiers of the designated area in which it is situated, or to persons so authorised in writing by the Council.

6. Use of water by persons other than occupiers
   (1) Except with the written authorisation of the Council, or in an emergency, water shall not be drawn from a standpipe for use outside the designated area in which it is located.
   (2) An occupier in a designated area shall not supply water from a public standpipe in such area to any person not entitled thereto, for use outside the designated area, except-
      (a) for immediate personal consumption within such limits as may be specified by the Council;
      (b) in an emergency; or
      (c) as may be authorised in writing by the Council.
   (3) A person who is not an occupier of a designated area, may, without further written authorisation, draw water not exceeding 800 litres in any one day, for immediate personal consumption within the designated area, and such water shall only be drawn from an overhead standpipe.
   (4) Any person who contravenes the provisions of this bye-law shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month or both.

7. Use of public standpipes
   (1) Water from public standpipes shall not be used for any purpose other than for domestic purposes, or in an emergency, or as may be specified, in writing, by the Council.
   (2) The Council may from time to time-
      (a) limit the quantity of water which may be drawn from a particular standpipe;
      (b) by notice in the Gazette and in a newspaper circulating in the country, prohibit the use of water for any specific purpose, in any specified area within the District Council; or
      (c) by written notice to occupiers, prohibit the use of water from public standpipes for such purpose or purposes as may be specified in the notice.
   (3) Any person who uses water from public standpipes for any purpose contrary to the provisions of any notice issued by the District Council under sub-bye-law (2) shall be guilty of an offence and liable to a fine not exceeding P200, or to imprisonment for a term not exceeding two months, or both and such fine or imprisonment shall be without prejudice to the right of the District Council to recover the charges for water improperly used.

8. Withholding of supply of water from public standpipe water
   Without prejudice to the right of recovery of any money due to it, the Council may turn off, or curtail, the supply of water from public standpipe water to any designated area where-
      (a) the occupiers, or any of them, have failed to pay any service levy, or failed to comply with any provision of these Bye-Laws with which it is their duty to comply;
      (b) the repair of, maintenance of or extension of the water systems is required; or
      (c) a general water supply shortage occurs in the area.

9. Inspection of standpipes
   (1) An authorised officer may, from time to time, inspect public standpipes for the purpose of detecting unauthorised connections or attachments, or the waste or misuse of water, and shall generally supervise the proper use of such standpipes.
   (2) Where an authorised officer finds an unauthorised connection or attachment to a public standpipe he-
(a) shall immediately remove it or cause it to be removed; and
(b) may either return the unauthorised connection or attachment to the owner together with
a written warning, or proceed to have the owner prosecuted under sub-bye-law (3).

(3) Any person found to have made an unauthorised connection or attachment may be,
and shall be for a second or subsequent transgression, prosecuted and upon conviction shall be
liable to have the unauthorised connection confiscated and to a fine not exceeding P200 or in
default of payment thereof to imprisonment for a term not exceeding two months, or both.
(4) Any person who hinders, obstructs or uses abusive or insulting language towards an
authorised officer in the performance of his duties under these bye-laws shall be guilty of an
offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two
months, or both.

10. Misuse of water
Any person who wilfully or negligently wastes or misuses water from a public standpipe
shall be guilty of an offence and liable to a fine of P150.

11. Damage to public standpipe
(1) Any person who tampers with or wilfully or negligently causes damage to a public
standpipe, or to any appliance or equipment connected therewith, shall be guilty of an offence
and liable to a fine not exceeding P300 or to imprisonment for a term not exceeding three
months, or both.
(2) The imposition of a fine or imprisonment in terms of sub-bye-law (1) shall be without
prejudice to the rights of the District Council to recover from the offender the cost of any repair
or replacement arising from the damage to the public standpipe concerned.

12. Prohibition of pollution
Any person who pollutes or causes the pollution of any public standpipe water, causes
or allows any liquid, gas or other matter to enter any fitting connected therewith, shall be guilty
of an offence and liable to imprisonment for a term not exceeding two months.

CENTRAL DISTRICT COUNCIL (MARKETS) BYE-LAWS
(under sections 33 and 34)
(7th April, 1989)
ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Control of markets
4. Hiring of stalls in markets
5. Subletting of stalls prohibited
6. Condition of stalls at end of hire
7. Cleanliness of stalls, etc.
8. Erection of buildings, etc., within markets prohibited
9. Order in markets
10. Animals not allowed in markets
11. Business days and hours of markets
12. Inspection of scales, weights and measures in markets
13. Inspection of merchandise in markets
14. Penalties

First Schedule
Second Schedule - Rental for Stalls
Third Schedule - Hours within which Markets to be Opened and Closed

1. **Citation**
   These Bye-laws may be cited as the Central District Council (Markets) Bye-laws.

2. **Interpretation**
   In these Bye-laws, unless the context otherwise requires-
   "Council" means the Central 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 market master for the purpose 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 the provision of a service to the public;
   "stall holder" means a person by whom a stall hired under these Bye-laws.

3. **Control of markets**
   Every market shall be under the control and supervision of a market master.

4. **Hiring of stalls in markets**
   (1) A person wishing to hire a stall shall make written application therefor to the Council in the form set out in Part I of the First Schedule.
   (2) The Council may grant any application made to it under sub-bye-law (1) unless-
      (a) every stall of the type for which application is made is already hired;
      (b) in its opinion the applicant is under 16 years of age; or
      (c) in its opinion to grant the application would not be in the public interest, in which case it shall reject the application.
   (3) Any person whose application has been rejected under sub-bye-law (2) may appeal in writing against that decision to the Minister.
   (4) Where an application under sub-bye-law (1) is granted, the market master shall issue a permit substantially in the form set out in Part II of the First Schedule and the permit shall specify-
      (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 Second 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 Second Schedule; and any market master who fails, without reasonable excuse, to comply with this sub-bye-law shall be guilty of an offence.
   (7) All payments of rent for the hire of a stall under these Bye-laws shall be made 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. **Subletting of stalls prohibited**
   (1) Any stall holder who sublets the stall hired to him under these Bye-laws shall be guilty of an offence.
   (2) Without prejudice to sub-bye-law (1), the Council may cancel the permit of any stall holder who contravenes that sub-bye-law, in which case any rent paid for the hire of the stall shall be forfeited to the Council.
6. Condition of stalls at end of hire

(1) At the expiration or on the cancellation of a permit issued under bye-law 4, the stall holder shall-

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

(b) remove from the stall all property which does not belong to the Council;

(c) replace in its original position all furniture and other fittings belonging to the Council removed or displayed by any person other than the Council during the period the permit was in force; and

(d) make good all damage to the stall, its fixtures, furniture, fittings and fences caused during the period the permit was in force and arising out of the hire of the stall.

(2) The duties imposed by sub-bye-laws (1)(a), (b) and (c) shall be fully carried out before the market closes on the day the permit expires or is cancelled; and-

(a) if the permit expires on a 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; and

(b) if the permit is cancelled on a 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.

(3) Any person who contravenes sub-bye-law (1) or (2) shall be guilty of an offence.

7. Cleanliness of stalls, etc.

(1) Every stall holder shall take all reasonable steps to ensure that his stall and all utensils, machinery and equipment used therein and all merchandise sold or displayed for sale therein or therefrom are at all times in a clean and hygienic condition, and that he and every other person engaged in the business of the stall are at all times while so engaged in a proper state of cleanliness.

(2) Any stall holder who contravenes sub-bye-law (1) shall be guilty of an offence.

(3) Without prejudice to sub-bye-law (2), the Council may cancel the permit of any stall holder who contravenes that sub-bye-law, in which case any rent paid for the hire of the stall shall be forfeited to the Council.

(4) Any person whose permit has been cancelled or who has paid rent which has been forfeited to the Council under sub-bye-law (3) may appeal in writing against the cancellation or forfeiture or both, within 14 days after being so informed, to the Minister.

(5) Where the Minister allows an appeal made to him under sub-bye-law (4), the cancellation or forfeiture or both, as the Minister may direct, shall be void.

8. Erection of buildings etc. within markets prohibited

Any person who erects any building, tent, booth, shelter or other structure within a market without the written permission of the Council shall be guilty of an offence.

9. Order in markets

(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 in an offensive or objectionable manner within a market shall be guilty of an offence and, without prejudice to the foregoing, 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 have or to be the 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 the immediate vicinity of the market any act prescribed by sub-bye-law (1).

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

10. **Animals not allowed in markets**
    Any person who causes or permits any animal to enter or remain within a market shall be guilty of an offence:
    Provided that this bye-law shall not apply to poultry intended for sale within a market by a stall holder.

11. **Business days and hours of markets**
    (1) Every market may be opened for business on any day except Sunday; and shall be opened and closed at such times as the Council shall determine, which times shall be within the hours specified in the Third Schedule.
    (2) Every market master shall exhibit, in a conspicuous place within and outside the market, where the public may readily read the same, notices 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.

12. **Inspection of scales, weights and measures in markets**
    (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 sub-bye-law (1) or who, having removed a scale, weight or measure from the market on being required to do so under that sub-bye-law, 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.

13. **Inspection of merchandise in markets**
    (1) The market master or a health inspector may require a stall holder forthwith to remove from a market any merchandise of the stall holder in the nature of produce 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 requirement under sub-bye-law (1) or who, having removed merchandise from the market on being required to do so under that sub-bye-law, brings or attempts to bring the merchandise back into the market without the permission of the market master shall be guilty of an offence.

14. **Penalties**
    Any person who is guilty of an offence under these Bye-laws shall be liable on conviction to a fine of P5 or in default of payment to imprisonment for 14 days.

**FIRST SCHEDULE**
(Bye-laws 4(1) and (4))

**PART I**

Application for Permit to Hire Stall
CENTRAL DISTRICT COUNCIL (MARKETS) BYE-LAWS, 1989
(S.I. No. 30 of 1989)

**APPLICATION FOR PERMIT TO HIRE STALL**
(Bye-Law 4(1))

Full name of applicant .................................................................................................................................
(Surname first in BLOCK LETTERS)
Place of abode and postal address (if any) ........................................................................................................
..............................................................................................................................................................
Type of stall applied for (Stall, stand, plot, table or other) ...........................................................................
..............................................................................................................................................................
Period for which you wish to hire stall-
(a) indefinitely
(b) for ......................... days/weeks/months
PART II
Permit to Hire Stall

CENTRAL DISTRICT COUNCIL (MARKETS) BYE-LAWS, 1989
(S.I. No. 30 of 1989)

PERMIT TO HIRE STALL
(Bye-Law 4(4))

Issued to ................................................................. whose place of abode and postal address (if any) are .................................................................

whom the place of abode and postal address (if any) are .................................................................

to trade in or to provide the following service .................................................................

at stall No. ............................................................. at ............................................................. market

indefinitely,
or from ............................................................. to ............................................................. (both dates inclusive)

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

Date: ............................................................. Signature of Market Master ................................

SECOND SCHEDULE
RENTAL FOR STALLS
(Bye-law 4(5))

<table>
<thead>
<tr>
<th>Type of stalls</th>
<th>Daily Rent</th>
<th>Weekly Rent</th>
<th>Monthly Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Brigade shop</td>
<td>1.00 P</td>
<td>5.00 P</td>
<td>20.00 P</td>
</tr>
<tr>
<td>2. Lockup stall</td>
<td>0.20 P</td>
<td>1.00 P</td>
<td>4.00 P</td>
</tr>
<tr>
<td>3. Every other stall (other than a plot)</td>
<td>0.05 P</td>
<td>0.25 P</td>
<td>1.00 P</td>
</tr>
<tr>
<td>4. Plot</td>
<td>0.01 per sq. ft</td>
<td>0.25 per week</td>
<td>1.00 per month</td>
</tr>
</tbody>
</table>

THIRD SCHEDULE
HOURS WITHIN WHICH MARKETS TO BE OPENED AND CLOSED
(Bye-law 11(1))

<table>
<thead>
<tr>
<th>Opening</th>
<th>Closing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morning 0600 hrs. to 0800 hrs.</td>
<td>1100 hrs. to 1300 hrs.</td>
</tr>
<tr>
<td>Afternoon 1300 hrs. to 1400 hrs.</td>
<td>1600 hrs. to 1830 hrs.</td>
</tr>
</tbody>
</table>

DISTRICT COUNCILS (KEEPING OF BYE-LAWS) REGULATIONS
(under section 38)
(3rd April, 1969)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Keeping of copies of bye-laws
3. Copies of all adopted model bye-laws to be kept


1. Citation
   These Regulations may be cited as the District Councils (Keeping of Bye-laws) Regulations.

2. Keeping of copies of bye-laws
   (1) Whenever a bye-law is made by a District Council, a copy thereof certified by the District Council Secretary as a true copy shall be filed and kept by the District Council Secretary in his office and in his custody under the direction of the Council.
   (2) Whenever any such bye-law is approved and published in terms of section 34 of the Act, the District Council Secretary shall immediately record such approval and publication on the copy of the bye-law kept by him as aforesaid.
   (3) Any amendment, suspension or revocation of a bye-law shall likewise be recorded by the District Council Secretary on a copy kept as aforesaid.

3. Copies of all adopted model bye-laws to be kept
   Whenever any model bye-law is adopted by a Council, a copy of such bye-law in the form in which it is adopted, certified by the District Council Secretary as a true copy, shall be filed and kept as provided in the last preceding regulation, and all the remaining provisions of the said regulation shall have effect mutatis mutandis in relation to such copy.

DISTRICT COUNCILS (MISCELLANEOUS PROVISIONS) REGULATIONS
(under sections 35(3) and 48(2))
(7th August, 1970)
ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Appeal against refusal of issue of licence or permit
3. Period for balancing Council’s accounts


1. Citation
   These Regulations may be cited as the District Councils (Miscellaneous Provisions) Regulations.

2. Appeal against refusal of issue of licence or permit
   (1) A person aggrieved by the refusal to issue any licence or permit for the issue of which any bye-law made under the Act provides may appeal to the Minister by written notice stating-
      (a) the description of the licence or permit, the issue of which was applied for;
      (b) the full names of the person who made the application;
      (c) the designation of the body to which, or person to whom, the application was made;
      (d) the date on which it was refused;
      (e) the grounds on which the appellant contends that the issue of the licence or permit was wrongly refused.
   (2) Such notice shall be served by the appellant on the Minister within 30 days after the date when the issue of the licence or permit was refused, and a copy of such notice shall be served within the same period on the body which, or person who, refused to issue the licence or permit to enable it or him to submit to the Minister comments on such notice.

3. Period for balancing Council’s accounts
The period within which every Council shall cause its accounts for the preceding financial year to be balanced, and an annual statement or abstract of such accounts to be prepared, in terms of section 44(2) of the Act, shall be a period of three months reckoned from the end of such financial year.

LIVESTOCK CONTROL (MODEL) BYE-LAWS
(under section 38)
(30th July, 1971)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Keeping of livestock
4. Troublesome or dangerous animals
5. Bees, pigeons and poultry
6. Enforcement
7. Penalties


1. Citation
   These Bye-laws may be cited as the Livestock Control (Model) Bye-laws.

2. Interpretation
   In these Bye-laws, unless the context otherwise requires-
   "District Council" means any district council which has adopted these Bye-laws;
   "livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;
   "owner" means, in relation to any animal, in addition to its ordinary meaning, any person having the charge, custody or control of any animal and the occupier of any premises where any animal is kept or permitted to remain;
   "poultry" means any fowl, turkey, goose or duck;
   "stable" includes a cowshed, stall, pen and sty.

3. Keeping of livestock
   (1) The District Council may prohibit the use for the keeping of livestock of any stable, cowshed, pen or site which in the opinion of the District Council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.
   (2) This bye-law shall not apply to any animal subject to the provisions of the Matimela Act, or any regulations made thereunder.

4. Troublesome or dangerous animals
   No person shall allow any wild, troublesome, ferocious or dangerous dog, monkey, carnivorous wild animal or reptile to be at large off the premises on which such animal is normally kept.

5. Bees, pigeons and poultry
   No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the area of jurisdiction of the District Council.

6. Enforcement
   The District Council may by resolution request the assistance of any person or organization for the better carrying out of the provisions of these Bye-laws.

7. Penalties
   Any person who fails to comply with these Bye-laws or hinders any employee of the District Council performing his duties under these Bye-laws shall be guilty of an offence and liable to a fine not exceeding P10 or, in default thereof, to imprisonment for a term not
1. Citation
These Bye-laws may be cited as the Noise and Nuisance (Model) Bye-laws.

2. Interpretation
In these Bye-laws, unless the context otherwise requires -
"District Council" means any district council which has adopted these Bye-laws.

3. Noises and nuisances prohibited
No person shall-
(a) operate or cause or permit to be operated any wireless, loudspeaker, record player, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood;
(b) operate any wireless, musical instrument, loudspeaker or other similar device for the purpose of advertising on or adjacent to any street without the prior consent of the District Council;
(c) continue to make any loud or unseemingly noise or disturbance either by shouting, screaming or yelling, or by blowing upon any horn or any instrument or by beating upon any drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquility of the inhabitants of the neighbourhood, after having been requested to desist by any member of the Police Force, any person authorised by a District Council or any person so annoyed, disturbed or inconvenienced;
(d) continue to ring any bell or sound any horn or blow any whistle or use any noisy instrument or shout in any market square, street, park or public place for the purpose of attracting customers, or hawk, sell or distribute any article or thing whatsoever to the annoyance, disturbance, or inconvenience of any person who uses such market square, street, park or public place, after having been requested to desist by any member of the Police Force or any person so annoyed, disturbed or inconvenienced;
(e) between the hours of 10 p.m. and 7.30 a.m. carry on any business, trade or industry involving the use of machinery which by reason of the noise created by it is offensive or constitutes a nuisance or which disturbs the comfort or peace of the inhabitants of the neighbourhood, nor shall any person use any such machinery on Sundays or public holidays; or
(f) between the hours of 10 p.m. and 7.30 a.m. sing in any public place, or on any property in such manner as to be heard outside the confines of such property, and thereby disturb the peace or tranquility of the neighbourhood.

4. Penalties
Any person who fails to comply with these Bye-laws shall be guilty of an offence and
liable to a fine not exceeding P100 or, in default thereof, to imprisonment for a term not exceeding 14 days and on a second or subsequent conviction to a fine not exceeding P200 or, in default thereof, to imprisonment for a term not exceeding two months.

TRADITIONAL BEER (RETAIL SALES) (MODEL) BYE-LAWS

[section 38]
(27th February, 1970)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Traditional beer to be sold or bought only on licensed premises
4. Beer to be consumed on licensed premises only if licensed for on-consumption
5. Applications for licences and renewals
6. Grant and renewal of licences
7. Period and renewal of licences
8. Lapse on change of occupier
9. Duplicate licences
10. Non-contravention
11. Revocation of licence
12. Fees to be paid into General Fund
13. Appeal and review
14. Permitted hours
15. Sanitary conditions to be maintained
16. Restrictions on sale of beer to young persons, etc.
17. Only licensees and employees to sell on licensed premises
18. Drunkenness, etc. not to be permitted on licensed premises
19. Rights of licensee to refuse admission, etc.
20. Penalty for permitting the licensed premises to be a brothel, etc.
21. Prohibition of making structural alterations to licensed premises
22. Inspection of premises by police, etc.
23. Closing of licensed premises on serious breach of peace or danger to public health
24. Criminal responsibility of employer and employee
25. Licence and Bye-laws to be displayed
26. Penalties

Schedule - Licence to Use Premises for the Retail Sale of Traditional Beer

1. Citation
These Bye-laws may be cited as the Traditional Beer (Retail Sales) (Model) Bye-laws.

2. Interpretation
In these Bye-laws-
"beer" means traditional beer;
"district" means the area in respect of which the District Council is established;
"District Council" means any district council which has adopted these Bye-laws, or the committee thereof duly appointed and charged with the administration of these Bye-laws;
"licensed" means licensed in terms of these Bye-laws;
"licensee" means the occupier of licensed premises;
"lolwapa" means a customary residential precinct;
"traditional beer" means traditional beer as defined in the Liquor Act, which has been made by a manufacturer.

3. **Traditional beer to be sold or bought only on licensed premises**
   
   (1) No person shall sell or buy any traditional beer by retail within the district except in a beer hall conducted by the District Council or on premises licensed in terms of these Bye-laws: Provided that within the boundaries of a lolwapa traditional beer may be sold by and bought from persons engaging, for the purpose of subsistence or the maintenance and education of children, in the sale of traditional beer.
   
   (2) A licence shall be in the form set out in the Schedule.

4. **Beer to be consumed on licensed premises only if licensed for on-consumption**
   
   No person shall consume traditional beer, or permit traditional beer to be consumed, on premises licensed under these Bye-laws unless such premises are licensed for the sale of traditional beer for consumption on the premises.

5. **Applications for licences and renewals**
   
   (1) An application for the licensing of premises for the sale of traditional beer by retail shall be made by the occupier of such premises to the District Council and shall specify whether the applicant seeks a licence for:
      
      (a) sale for consumption on the premises;
      
      (b) sale for consumption off the premises; or
      
      (c) sale for both the said purposes.
   
   (2) An application for the renewal of a licence of premises for the sale of traditional beer by retail shall be made to the District Council by the occupier of such premises.
   
   (3) No application shall be made unless the applicant has given not less than 21 days notice of his intention to apply in a newspaper circulating in the district and in writing to the principal police officer of the district and the Medical Officer of Health.

6. **Grant and renewal of licences**
   
   (1) Subject to the provisions of this bye-law, the District Council on consideration of an application made in terms of the last preceding bye-law shall grant such application in respect of a type of sale covered thereby, and may attach such conditions to the issue or renewal of a licence as it may determine, which shall be endorsed on the licence at the time of its issue or renewal.
   
   (2) Subject to the provisions of this bye-law, an application for the grant or renewal of a licence in respect of sale both for consumption on the premises and for consumption off the premises may be granted in respect of either type of sale or of both types.
   
   (3) The District Council shall refuse to grant or renew a licence unless, after giving the applicant an opportunity of being heard it is satisfied-
      
      (a) that the applicant or applicants, or in the case of an applicant company the person responsible for its management and the management of the premises, is or are of good character and repute and otherwise fit and proper to carry on the sale of traditional beer by retail;
      
      (b) that having regard to the situation, construction, state of repair, accommodation and equipment, the premises and any premises used in connection therewith are suitable for the type of sale for which the licence is sought;
      
      (c) that the premises are not used or proposed to be used for purposes which are in any way improper or undesirable in relation to their use for the sale of traditional beer;
      
      (d) that the applicant has complied with the provisions of these Bye-laws with respect to applications for licences.
   
   (4) Premises may be licensed for the sale of traditional beer for consumption on the premises only if they are used exclusively for the sale of such beer, non-alcoholic liquids and tobacco and of foodstuffs served for consumption on the premises.
   
   (5) No person shall sell goods other than those provided for in paragraph (4) on
premises licensed for the sale of traditional beer for consumption on the premises.

(6) The District Council may approve an application in principle but withhold the granting of a licence or renewal until it is satisfied from an inspection of the premises or by such other evidence as it may require that any condition affecting the structure or equipment of the premises which it is proposed to attach, or which has been attached, to the licence has been complied with.

(7) There shall be charged on every licence granted under these Bye-laws and on the renewal of every such licence-

(a) in the case of a licence for sale for consumption on the premises, a fee of P50, or, if the licence is granted after 30th June in any year, a fee of P25 for such grant;

(b) in the case of a licence for sale for consumption off the premises, a fee of P20, or, if the licence is granted after 30th June in any year, a fee of P10 for such grant;

(c) in the case of a licence for both the said purposes, a fee of P70, or, if the licence is granted after 30th June in any year, a fee of P35 for such grant.

7. Period and renewal of licences

A licence, unless it lapses in terms of bye-law 8 or is revoked in terms of bye-law 11, shall remain in force until 31st December following the date upon which it takes effect and be capable of being renewed on application made before its expiration.

8. Lapse on change of occupier

(1) If any change of occupier of any licensed premises occurs, the licence shall thereupon lapse:

Provided that in the event of the death of a licensee the District Council shall, if the right to occupy the premises vests in the estate of the deceased, endorse the licence, on application by the representative of the estate, with his name, but unless so endorsed a licence shall lapse at the expiration of one month after the death of a licensee.

(2) There shall be charged on every such endorsement a fee of P5.

9. Duplicate licences

The District Council, if satisfied that a licence has been lost or destroyed, shall on payment of a fee of 50 thebe authorize the issue of a duplicate to the licensee.

10. Non-contravention

No licensee shall contravene any condition attached to his licence.

11. Revocation of licence

Upon the conviction of any licensee of any offence under these Bye-laws the District Council may revoke his licence.

12. Fees to be paid into General Fund

All fees collected in terms of these Bye-laws shall be paid into the General Fund of the District Council.

13. Appeal and review

(1) Any person aggrieved by any decision of the District Council under these Bye-laws may within 30 days thereof give notice of appeal therefrom in writing to the District Council, and in such notice shall set forth his grounds of appeal.

(2) On receiving any notice of appeal under the preceding sub-bye-law, the District Council shall refer the appeal to the Minister who shall have power to confirm or vary the decision.

14. Permitted hours

(1) On premises licensed for the sale of traditional beer for consumption on the premises no beer shall be consumed except between the hours of 8 o’clock in the forenoon and 10:30 o’clock in the evening on any day other than Good Friday.

(2) No beer shall be sold on licensed premises except between the hours referred to in the preceding sub-bye-law:

Provided that on premises to which the Shop Hours Act applies, beer may be sold for
consumption off the premises during such hours as may be applicable under that Act.

(3) No licensed premises shall be open to the public except during the hours when beer
may be sold thereon.

15. **Sanitary conditions to be maintained**

Every licensee shall-

(a) maintain the premises at all times in a clean and sanitary condition and in good repair;

(b) keep all utensils, vessels, containers, linen, towels, cloth, furnishings and other articles
used in the conduct of his business in a clean and sanitary condition and in good
repair;

(c) not sell or cause to be sold any drink which is not sound or wholesome;

(d) provide and maintain suitable means for protecting from contamination by dust, dirt,
flies and other causes of contamination all foodstuffs and drinks on the premises;

(e) provide latrines for the staff of the premises and in addition, in the case of premises
licensed for the sale of traditional beer for consumption on the premises, separate
latrines for male and female customers.

16. **Restrictions on sale of beer to young persons, etc.**

(1) No licensee shall sell or supply beer to any person whom he knows or has reason to
believe to be under the age of 18 years.

(2) A person under the age of 18 years shall not consume or buy or attempt to buy beer
on licensed premises.

(3) No licensee shall sell beer to any person to be consumed on the licensed premises
by a person whom he knows or has reason to believe to be under the age of 18 years.

(4) No person shall buy or attempt to buy beer on licensed premises for consumption on
those premises by a person whom he knows or has reason to believe to be under the age of 18
years.

(5) No licensee shall employ on licensed premises any person whom he knows or has
reason to believe to be under the age of 18 years, nor, except in such circumstances as the
District Council may specify in the licence, shall he allow any such person to enter the licensed
premises.

17. **Only licensees and employees to sell on licensed premises**

No person shall sell, and no licensee shall permit any person to sell, traditional beer by
retail on licensed premises unless such person is an employee of the licensee of those
premises or is himself licensed in respect thereof.

18. **Drunkenness, etc. not to be permitted on licensed premises**

(1) No licensee shall permit drunkenness or violent or riotous conduct to take place on
the licensed premises.

(2) No licensee shall sell beer to, or for consumption on the licensed premises by, any
person who appears to be in a state of intoxication.

19. **Rights of licensee to refuse admission, etc.**

(1) Without prejudice to any other rights to refuse a person admission to any premises or
to expel a person from premises, a licensee or his manager, agent or servant, may refuse to
admit to, or may expel from, the licensed premises any person who is drunk, violent or
disorderly, or whose presence on his premises would subject the licensee to a penalty under
these Bye-laws or any other written law.

(2) If a person liable to be expelled from licensed premises under the provisions of these
Bye-laws is requested by the licensee, his manager, agent or servant, or by any member of the
Botswana Police Force, to leave the premises, that person shall leave the premises forthwith.

20. **Penalty for permitting the licensed premises to be a brothel, etc.**

No licensee shall permit the licensed premises to be a brothel or to be an habitual resort
or place of meeting of reputed prostitutes.

21. **Prohibition of making structural alterations to licensed premises**
No structural alteration or addition to any licensed premises and no material alteration in the internal arrangement of such premises shall be made except with the written approval of the District Council.

22. **Inspection of premises by police, etc.**

   (1) Any member of the Botswana Police Force and any person duly authorized in writing for the purpose by the District Council or the Medical Officer of Health may at any time enter and inspect any licensed premises for the purpose of detecting an offence or of observing the state of repair and sanitary condition of such premises or of ensuring that a licensee is complying with any conditions of his licence.

   (2) No licensee shall refuse or fail to admit any person referred to in sub-by-law (1) to such premises.

23. **Closing of licensed premises on serious breach of peace or danger to public health**

   (1) If any serious breach of the peace occurs or is expected to occur, any District Officer or Senior District Officer or member of the Botswana Police Force of or above the rank of Superintendent may order any licensed premises in or near the place concerned to be closed for such period as he may think fit and any person carrying out such order may use such force as may be reasonably necessary for closing such premises.

   (2) Where in the opinion of the Minister a danger to public health would be likely to be created thereon, the Minister may order any licensed premises to be closed for such period as he may think fit.

   (3) No person shall resist or obstruct an order given under this bye-law.

24. **Criminal responsibility of employer and employee**

   (1) Whenever the manager, agent or servant of a licensee does or omits to do anything which if done or omitted to be done by the licensee would be in contravention of some provision of these Bye-laws, then except in the circumstances set out in sub-by-law (2) that licensee shall be deemed to have contravened that provision and shall be liable on conviction to the penalties therefor.

   (2) The provisions of the preceding sub-by-law shall not apply where-

      (a) in doing or omitting to do that thing, the manager, agent or servant, was acting without the licensee's knowledge, consent or connivance; and

      (b) all reasonable steps were taken by the licensee to prevent any act or omission of the kind in question:

         Provided that the fact that the licensee issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

   (3) A manager, agent or servant of a licensee who does or omits to do anything which if done or omitted to be done by the licensee would be in contravention of some provision of these Bye-laws shall be deemed himself to have contravened the provision and shall be liable on conviction to the penalties therefor.

25. **Licence and Bye-laws to be displayed**

   Every licensee shall display in a conspicuous place inside the premises a copy of his licence and of these Bye-laws.

26. **Penalties**

   (1) Any person who contravenes the provisions of bye-law 3, 6(5), 18(1) or 20, shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

   (2) Any person who contravenes the provisions of bye-law 4, 14, 15, 16, 17, 18(2), 22(2) or 23(3), shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

   (3) Any licensee who contravenes the provisions of bye-law 10 shall be guilty of an offence and liable to a fine not exceeding P100 and in the case of a continuing offence to an
additional fine not exceeding P10 for every day during which the offence continues:

Provided that the court, if it thinks fit, may fix a reasonable period from the date of conviction for compliance with the condition in question; and where the court has fixed such a period the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

(4) Any person who contravenes the provisions of bye-law 19(2) shall be guilty of an offence and liable to a fine not exceeding P20 or, in default of payment thereof, to imprisonment for a term not exceeding 14 days.

(5) A licensee of any premises which are altered contrary to the provisions of bye-law 21, or a licensee who contravenes the provisions of bye-law 25, shall be guilty of an offence and liable to a fine not exceeding P20, and, in the case of a continuing offence, to a further fine not exceeding P10 for every day during which the offence continues.

SCHEDULE

Licence to use premises for the retail sale of traditional beer

District Council ..................................................

(Name) ....................................................................... is hereby licensed, in accordance with the Traditional Beer (Retail Sales)(Model) Bye-laws, as adopted by the District Council on the ............... District Council on the ............... 20 ..........., to use the premises specified below until 31st December, 20 ..........., for sale by retail of traditional beer for consumption on the premises xxxi, for consumption off the premises. xxxi.

This licence is subject to the following conditions-

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

Premises .................................................................

Date of Issue ..............................................

Fee paid ......................................................

District Council ..................................................

District Council Secretary

Date of Renewal ..........................................

Fee paid ......................................................

Date of Renewal ..........................................

Fee paid ......................................................

Date of Renewal ..........................................

Fee paid ......................................................

Date of Renewal ..........................................

Fee paid ......................................................

DOGS (MODEL) BYE-LAWS

(under section 38)

(26th February, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Yapping, etc., of dogs and bitches in season
4. Troublesome, dangerous or infected dogs
5. Detention and destruction of abandoned or diseased dogs
6. Diseased dogs to be presented for treatment
7. Dogs to be vaccinated against rabies
8. Licensing of dogs
9. Penalties

1. **Citation**

These Bye-laws may be cited as the Dogs (Model) Bye-laws.

2. **Interpretation**

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

"District Council" means any district council which has adopted these Bye-laws;

"dog" includes a bitch;

"public place" means any road, street, thoroughfare, bridge, foot pavement, open space or park within the area of jurisdiction of the District Council and any enclosed space controlled by the District Council;

"rabies certificate" means a certificate signed by a veterinary official within a period of three years prior to its production stating that the dog (being a dog which was six months old or older at the time of the vaccination) has been vaccinated against rabies;

"veterinary official" means a veterinary officer, livestock officer, or stock inspector employed in the service of the Government.

3. **Yapping, etc., of dogs and bitches in season**

(1) No person shall permit the yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the area of jurisdiction of the District Council.

(2) No person shall allow any bitch to be at large at such time as she is on heat or in season.

4. **Troublesome, dangerous or infected dogs**

(1) No person shall allow any troublesome, ferocious or dangerous dog, or any dog which is suffering from a contagious or infectious disease, to be at large off the premises on which such dog is normally kept.

(2) Any person who keeps any dog of the nature described in paragraph (1) shall display at the principal entrance of the property where the dog is kept a clearly legible sign reading "BEWARE OF THE DOG" or "TSHABA NTSA".

5. **Detention and destruction of abandoned or diseased dogs**

(1) An employee of the Council authorized thereto by the District Council Secretary may detain and remove to kennels or other premises owned by the Council any dog which is at large in a public place.

(2) If such dog is wearing a dog collar with a current licence badge affixed to it the District Council Secretary shall forthwith notify the person to whom the licence was issued that the dog has been detained, and shall also notify him where it is detained.

(3) If a dog detained under the provisions of sub-bye-law (1) is not claimed by or on behalf of its owner within seven days after such detention or, where notification has been given in terms of sub-bye-law (2), within seven days of such notification, it shall be deemed to be abandoned and in such event the District Council Secretary may cause such dog to be destroyed or otherwise disposed of:

Provided that the District Council Secretary may authorize the destruction of the dog prior to the expiration of the period of seven days referred to in this bye-law where he has reason to believe that it is genuinely abandoned or is without an owner or that it is suffering from an infectious or contagious disease of a serious nature and that the destruction of the dog is necessary for the purpose of controlling the spread of such disease.

(4) The owner of any dog detained under the provisions of this bye-law may reclaim such dog, so long as it remains in the custody of the Council, on payment of a fee of 20 thebe for each day during which it has been so detained.

6. **Diseased dogs to be presented for treatment**

Any person who keeps a dog which shows signs of suffering from an infectious or contagious disease shall immediately present such dog for treatment to a veterinary official.

7. **Dogs to be vaccinated against rabies**

(1) No person shall keep a dog over the apparent age of six months unless the dog has

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been vaccinated against rabies and the person keeping the dog is in possession of a rabies certificate relating to the dog.

(2) The District Council Secretary may authorize the destruction of any dog if the person keeping the dog is unable to produce a rabies certificate relating to that dog:

Provided that for the purposes of this bye-law a current licence badge in respect of the particular dog shall be deemed equivalent to a rabies certificate.

8. **Licensing of dogs**

(1) No person shall keep a dog over the age of six months unless it is licensed in terms of this bye-law.

(2) A licence for a dog shall be issued by the Council on application and on production of a rabies certificate relating to that dog, and shall be issued for a twelve-month period commencing on 1st January and terminating on 31st December in any year, on payment of a fee of 60 thebe:

Provided that the fee payable shall be half the amount prescribed in this sub-bye-law where a dog is brought into the Council area, or attains the age of six months, on or after 1st July in any year.

9. **Penalties**

Any person who fails to comply with these Bye-laws shall be guilty of an offence and liable to a fine not exceeding P20 or, in default thereof, to imprisonment for a term not exceeding two months.

**HAWKING AND STREET-VENDING (MODEL) BYE-LAWS**

*(section 38) (24th August, 2001)*

**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


1. **Citation**

These Bye-laws may be cited as the Hawking and Street-Vending (Model) 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 District Council which has adopted these Bye-laws;

"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 goods from place to place within Botswana, which business has an average monthly turnover of no more than P500 per month;

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

"register" means any register which a 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 stations himself, either in a convenient public place or upon land which he 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**

   (1) 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.

   (2) Notwithstanding the provisions of sub-bye-law (1), any person who is not required to obtain a licence to carry on any business in terms of section 32(3) of the Trade Act, may carry on the business of a hawker or street-vendor and shall not be required to obtain a certificate.

   (3) Any person who contravenes the provisions of sub-bye-law (1), as read with sub-bye-law (2), shall be guilty of an offence under 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 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 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 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 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 registered 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 full names;
      (b) his 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, 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 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 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 trade;
   (b) pick and remove any litter or refuse which, in or through the conduct of his 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, his vehicles or his goods, at the request of any member of the Police Force or authorised officer, remove himself, his vehicles or his 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.

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 Force or an authorised official, to move his 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 has been carrying on trade, leave behind goods, receptacles or other objects associated with his 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 Force, 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 Force, 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 P100 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 P200 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) to have his certificate cancelled with effect from such date as the court considers necessary taking into account the time needed to enable him to dispose of his existing stock; or

(b) to have his 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. ...................................... ....................................................................

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

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

Registrar

Form B
HAWKER'S CERTIFICATE
(Bye-law 4)

Photograph of holder

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-
........................................................................................................................................
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........................................................................................................................................
and to trade in the following classes of goods-
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subject to the following conditions-
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........................................................................................................................................
........................................................................................................................................
Signature or thumb-print of holder
Date of issue ..............................................
Office of issue ...........................................
OFFICIAL STAMP
.................................................. ............
Signature of Registrar

RENEWALS
Date:..........................................................
Conditions: ....................................................................................................................
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Date:..........................................................
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Signature of Registrar
Conditions: ....................................................................................................................
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Date:..........................................................
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Signature of Registrar
Conditions: ....................................................................................................................
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........................................................................................................................................
Date:..........................................................
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Signature of Registrar

Form C
STREET-VENDOR’S CERTIFICATE
(Bye-law 4)

Photograph of holder
Registration number ..........................................................................................................

Copyright Government of Botswana
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-
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and to trade in the following classes of goods-
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subject to the following conditions-
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................................................................. Signature or thumb-print of holder

Date of issue .............................................
Office of issue ...........................................
OFFICIAL STAMP

........................................................................ Signature of Registrar

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

................................................................. Signature of Registrar

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

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

................................................................. Signature of Registrar

Conditions: .......................................................
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Copyright Government of Botswana
Form D

APPLICATION FOR RENEWAL OF A HAWKER'S OR STREET VENDOR'S CERTIFICATE

(Bye-law 4)

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

Full names of applicant ..............................................................................................................

(Surname first)

Registration number ...............................................................................................................

Place of residence ...................................................................................................................

Postal address .........................................................................................................................

Identity No. ............................................................................................................................

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

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

Registrar

CONTROL OF BOREHOLES (MODEL) BYE-LAWS

(under section 38(1))

(26th April, 1968)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation and application
2. Interpretation
3. Taking of water for domestic purposes
4. Registration of stock
5. Fees
6. Number of stock which may be registered at any borehole
7. Watering of stock in an emergency
8. Cancellation of registration
9. Duties of officer
10. Area surrounding pumping station
11. Control of stock
12. False or misleading statements
13. Registers
14. Penalties

Schedule

S.I. 36, 1968.
1. Citation and application
   (1) These Bye-laws may be cited as the Control of Boreholes (Model) Bye-laws.
   (2) These Bye-laws shall apply in relation to boreholes from which the District Council provides public water supplies in accordance with the provisions of paragraph 4 of the Schedule to the Act.
   (3) In adopting these Bye-laws under the provisions of paragraph (1), the District Council shall specify to which boreholes the Bye-laws shall apply.

2. Interpretation
   In these Bye-laws, unless the context otherwise requires-
   "area" means the area of a District Council as defined by the order establishing the council under section 4 of the Act;
   "borehole" means a borehole to which these Bye-laws apply by reason of the provisions of bye-law 1(2) and (3).
   "District Council" means any council which has adopted these Bye-laws;
   "domestic purposes" excludes the watering of stock;
   "officer" means the officer of the council appointed by the council to be in charge of a borehole;
   "stock" means any domestic or domesticated animals.

3. Taking of water for domestic purposes
   (1) A person may, with the permission of the officer, and on payment of the fee prescribed by the Council adopting these Bye-laws in relation to the matters referred to in the Schedule, take water from a borehole for domestic purposes.
   (2) The fee prescribed under sub-bye-law (1) shall be payable annually in advance.
   (3) Permission given under sub-bye-law (1) shall authorize the taking of water for domestic purposes by the person to whom permission has been granted and by such of his immediate family as are resident with him.
   (4) Nothing in this bye-law shall apply to the casual taking of water for drinking purposes or to the supply of water from a borehole to a consumer by means of pipes.

4. Registration of stock
   (1) Subject to the provisions of bye-law 7, no person shall water any stock at any borehole unless the owner thereof has registered such stock with the officer who may refuse such registration if-
      (a) there is insufficient water and grazing available for such stock;
      (b) any fee payable by the owner under these Bye-laws in respect of any borehole is outstanding;
      (c) the owner of the stock has previously watered his stock at some other place and insufficient reason exists for changing the place at which such stock is watered;
      (d) the owner of the stock has registered such stock at another borehole, and who shall refuse registration if the effect of registration would be to authorize the watering of stock in excess of the number determined by the council under bye-law 6:
   Provided that no such registration shall be refused if application for registration is made within six months of the commencement of these Bye-laws and relates to stock which is watered at the borehole upon the commencement hereof.
   (2) There shall be an appeal to the council against any refusal by an officer to register any stock under the provisions of paragraph (1) and, in the event of such appeal, the council may give such direction in the matter as it may think fit.
   (3) Any person watering any stock at a borehole in contravention of the provisions of paragraph (1) shall be guilty of an offence and shall be liable to the penalties prescribed in bye-law 14.

5. Fees
   (1) Upon registration of any stock under the provisions of bye-law 4, the fees prescribed
6. **Number of stock which may be registered at any borehole**

The council may by resolution determine the maximum number of stock which may be registered at any borehole under the provisions of bye-law 4(1) and, subject to the provisions of the proviso to that bye-law, the officer shall comply with any such resolution.

7. **Watering of stock in an emergency**

(1) Notwithstanding the provisions of bye-law 4, in an emergency the officer may permit any stock to be watered at a borehole without registration.

(2) The presence of such stock at the borehole shall be reported by the officer as soon as practicable to the council.

(3) Any person watering stock under the provisions of paragraph (1) shall be liable for the payment of the fees prescribed in relation to the matters referred to in the Schedule.

8. **Cancellation of registration**

(1) The officer may cancel the registration of any stock-

   (a) if any fee owing under the provisions of bye-law 5 is not paid within 30 days of due date;

   (b) if there is insufficient water to supply all the stock registered at the borehole.

(2) There shall be an appeal to the council against any such cancellation and, in the event of such appeal, the council may give such direction in the matter as it may think fit.

9. **Duties of officer**

(1) In registering or cancelling the registration of stock under the provisions of these Bye-laws the officer shall act in accordance with such instructions as may be given him by the council.

(2) In exercising his powers under these Bye-laws to refuse to register any stock or to cancel the registration of any stock because of an insufficiency of water, the officer shall endeavour to ensure that the available water is apportioned as fairly as possible among persons requiring such water for their stock.

10. **Area surrounding pumping station**

(1) Where the council has fenced the pumping station of any borehole, no person shall permit any stock to enter the area demarcated by that fence.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to the penalties prescribed in bye-law 14.

11. **Control of stock**

(1) No stock may be watered at any borehole unless they are in the charge of their owner or some responsible person appointed by their owner.

(2) The person in charge of such stock shall comply with any instructions which may be given by the officer as to the manner in which such stock are to be watered.

(3) Any person who fails to comply with any instruction given under the provisions of paragraph (2) shall be guilty of an offence and liable to the penalties prescribed in bye-law 14.

12. **False or misleading statements**

Any person who knowingly makes to any officer any statement for the purpose of obtaining the registration of his stock at any borehole which is false or misleading in any material particular shall be guilty of an offence and liable to the penalties prescribed in bye-law 14.

13. **Registers**

The register kept for the purposes of bye-law 4 shall be in such form as the council may determine.

14. **Penalties**

Any person contravening the provisions of bye-law 4(3), 10(2), 11(3) or 12 shall be liable to a fine not exceeding P10 or, in default of payment, to imprisonment for a term not exceeding
one month, and, in the case of a second or subsequent offence, to a fine not exceeding P50 or, in default of payment, to imprisonment for a term not exceeding six months.

**SCHEDULE**

(a) Water for domestic purposes under bye-law 3;
(b) Stock registered under bye-law 4-
   (i) cattle, per head, per month;
   (ii) other stock, per head, per month;
(c) Stock watering under the provisions of bye-law 7 per head, per day.

**CONTROL OF BOREHOLES (MODEL) BYE-LAWS (ADOPTION) ORDER**

(under section 38(2))

(28th August, 1970)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Adoption of bye-laws
3. Fees

First Schedule - North West District Council
Second Schedule - Southern District Council

1. **Citation**
   This Order may be cited as the Control of Boreholes (Model) Bye-laws (Adoption) Order.

2. **Adoption of bye-laws**
   The following District Councils have each adopted in whole and without variation the Control of Boreholes (Model) Bye-laws (in this Order referred to as "the Model Bye-laws"), namely-
   (a) North West District Council;
   (b) Southern District Council.

3. **Fees**
   The fees in relation to the matters referred to in the Schedule to the said Model Bye-laws are-
   (a) in the case of the North West District Council, specified in the First Schedule hereto; and
   (b) in the case of the Southern District Council, specified in the Second Schedule hereto.

**FIRST SCHEDULE**

**NORTH WEST DISTRICT COUNCIL**

**PART I**

**Fees**

The fees payable under bye-laws 3, 4 and 7 of the Model Bye-Laws are as specified herein in respect of the boreholes listed and numbered in Part II-

(a) Water for domestic purposes under bye-law 3- P1 per year payable in advance or 10 thebe per month payable in advance, per household (per lolwapa);
(b) Stock registered under bye-law 4- 10 thebe per head, per donkey, per horse, per seven goats or part thereof, per seven sheep or part thereof, or per animal not named herein;

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**Copyright Government of Botswana**
Stock watered under bye-law 7—No fee payable.

**PART II**

**Boreholes**

<table>
<thead>
<tr>
<th>Borehole at</th>
<th>Official Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nokaneng</td>
<td>1,590</td>
</tr>
<tr>
<td>Tsau</td>
<td>1,606</td>
</tr>
<tr>
<td>Sehitwa</td>
<td>1,912</td>
</tr>
<tr>
<td>Tsau</td>
<td>1,922</td>
</tr>
<tr>
<td>Tsau</td>
<td>1,264</td>
</tr>
<tr>
<td>Patikwe</td>
<td>1,299</td>
</tr>
<tr>
<td>Nokaneng</td>
<td>1,360</td>
</tr>
<tr>
<td>Haina Veldt</td>
<td>1,924</td>
</tr>
<tr>
<td>Shorobe Village</td>
<td>1,952</td>
</tr>
<tr>
<td>Tsau Village</td>
<td>1,961</td>
</tr>
</tbody>
</table>

**SECOND SCHEDULE**

**SOUTHERN DISTRICT COUNCIL**

**PART I**

**Fees**

The fees payable shall be as specified herein in respect of the boreholes listed and numbered in Part II:

(a) Water for domestic purposes under bye-law 3—P1 per year per Lolwapa or 10 thebe per month per Lolwapa;

(b) Stock registered under bye-law 4—
   (i) Cattle per head per month 10 thebe;  
   (ii) Donkey per head per month 10 thebe;  
   (iii) Seven goats/sheep per month 10 thebe;

(c) Stock watering under the provisions of bye-law 7—No fee payable.

**PART II**

**Boreholes**

(a) Borehole where domestic water fees will apply—

<table>
<thead>
<tr>
<th>Borehole at</th>
<th>Official Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Khonkhwa</td>
<td>1174</td>
</tr>
<tr>
<td>Majwana</td>
<td>1447</td>
</tr>
<tr>
<td>Khakhea</td>
<td>281</td>
</tr>
<tr>
<td>Ghia</td>
<td>1542</td>
</tr>
<tr>
<td>Thatswe</td>
<td>1140</td>
</tr>
<tr>
<td>Morwamosu</td>
<td>858</td>
</tr>
<tr>
<td>Kutuku</td>
<td>1483</td>
</tr>
<tr>
<td>Lekalana K.18</td>
<td>1117</td>
</tr>
</tbody>
</table>

(b) Boreholes where stock watering fees will apply—

| Khonkhwa         | 1174            |
| Mabutsane        | 1102            |
| Majwana          | 1447            |
| Khakhea          | 281             |
| Ghia             | 1542            |
| Thatswe          | 1140            |
| Goodhope         | 110             |
| Morwamosu        | 858             |
| Kutuku           | 1483            |
| Mmathethe No. 1  | 317             |
LIVESTOCK CONTROL (MODEL) BYE-LAWS (ADOPTION BY KWENENG DISTRICT COUNCIL) ORDER
(under section 38(2))
(14th April, 1972)
ARRANGEMENT OF PARAGRAPHS

1. Citation
This Order may be cited as the Livestock Control (Model) Bye-Laws (Adoption by Kweneng District Council) Order.

2. Adoption of bye-laws
The Kweneng District Council has adopted the Livestock Control (Model) Bye-laws in whole and without variation as the bye-laws of the District Council.

NOISE AND NUISANCE (MODEL) BYE-LAWS (ADOPTION) ORDER
(under section 38(2))
(25th June, 1971)
ARRANGEMENT OF PARAGRAPHS

1. Citation
This Order may be cited as the Noise and Nuisance (Model) Bye-laws Adoption Order.

2. Adoption of Bye-laws
The District Councils specified in the first column of the Schedule hereto have each adopted the Noise and Nuisance (Model) Bye-laws in whole and without variation as Bye-laws of each respective District Council with effect from the date referred to in the corresponding entry in the second column of the Schedule in relation to each District Council. SCHEDULE

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central District</td>
<td>4th February, 1977,</td>
</tr>
<tr>
<td>Kweneng District</td>
<td>4th April, 1972,</td>
</tr>
<tr>
<td>North West District</td>
<td>8th October, 1971,</td>
</tr>
<tr>
<td>Southern District</td>
<td>25th June, 1971,</td>
</tr>
</tbody>
</table>

TRADITIONAL BEER (RETAIL SALES) (MODEL) BYE-LAWS (ADOPTION) ORDER

Copyright Government of Botswana
ARRANGEMENT OF PARAGRAPHS

1. Citation

This Order may be cited as the Traditional Beer (Retail Sales) (Model) Bye-laws Adoption Order.

2. Adoption of Bye-laws

The District Councils specified in the first column of the Schedule hereto have each adopted the Traditional Beer (Retail Sales) (Model) Bye-laws in whole and without variation as Bye-laws of each respective District Council with effect from the date set out in the corresponding entry in the second column of the Schedule in relation to each District Council.

SCHEDULE

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central District</td>
<td>25th June, 1971,</td>
</tr>
<tr>
<td>Kweneng District</td>
<td>25th April, 1980,</td>
</tr>
<tr>
<td>North East District</td>
<td>5th January, 1979,</td>
</tr>
<tr>
<td>North West District</td>
<td>27th October, 1978,</td>
</tr>
<tr>
<td>South East District</td>
<td>18th September, 1970,</td>
</tr>
</tbody>
</table>

DOGS (MODEL) BYE-LAWS (ADOPTION) ORDER

ARRANGEMENT OF PARAGRAPHS

1. Citation

This Order may be cited as the Dogs (Model) Bye-laws Adoption Order.

2. Adoption of Bye-laws

The Dogs (Model) Bye-laws have been adopted with effect from 14th April, 1972 by the following District Councils, namely-

(a) Kgatleng District Council in whole and without variation; and
(b) North West District Council subject to the variation, which has been approved by the Minister, of bye-law 9 to read as follows-

"9. Any person who fails to comply with these Bye-laws shall be guilty of an offence and liable to a fine not exceeding P10 or, in default thereof, to imprisonment for a term not exceeding one month."

HAWKING AND STREET-VENDING (MODEL) BYE-LAWS (ADOPTION) ORDER

(1st November, 1985)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Adoption of Bye-laws

Schedule

1. Citation
   This Order may be cited as the Hawking and Street-Vending (Model) Bye-laws Adoption Order.

2. Adoption of Bye-laws
   The District Councils specified in the Schedule hereto have each adopted the Hawking and Street-Vending (Model) Bye-laws in whole and without variation as Bye-laws of each respective District Council with effect from the date referred to in the corresponding entry in the second column of the Schedule in relation to each District Council.

SCHEDULE

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghanzi District Council</td>
<td>22nd November, 1985</td>
</tr>
<tr>
<td>Kgalagadi District Council</td>
<td>22nd November, 1985</td>
</tr>
<tr>
<td>Kgatleng District Council</td>
<td>22nd November, 1985</td>
</tr>
<tr>
<td>Kweneng District Council</td>
<td>1st November, 1985</td>
</tr>
<tr>
<td>North East District Council</td>
<td>22nd November, 1985</td>
</tr>
<tr>
<td>South East District Council</td>
<td>22nd November, 1985</td>
</tr>
<tr>
<td>Southern District Council</td>
<td>1st November, 1985</td>
</tr>
</tbody>
</table>

NATURAL RESOURCES PROTECTION (MODEL) BYE-LAWS

(27th March, 1992)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Application for removal permit
4. Removal permit required
5. Issue of removal permit
1. Citation
These Bye-laws may be cited as the Natural Resources Protection (Model) Bye-laws.

2. Interpretation
In these Bye-laws, unless the context otherwise requires-
"Council" means the District Council adopting these model Bye-laws;
"Council area" means the area under the jurisdiction of the Council concerned;
"firewood" includes any tree or any bush, or any part thereof, tree-pole, charcoal, or any solid natural substance commonly used as fuel;
"natural resource" includes any firewood, gravel, sand, soil, stones, thatching grass, veld product and river reeds;
"veld product" means any plant, root, fruit or tuber used either for consumption by humans or domestic animals or for medicinal or veterinary purposes.

3. Application for removal permit
No person shall remove any natural resource from the Council area except under and in accordance with the terms and conditions of a removal permit.

4. Removal permit required
(1) Any person who wishes to obtain a removal permit shall lodge a written application therefor with the Council Secretary in his capacity as Secretary of the Land Board, in such form as the Council Secretary may require.

(2) Every application under this bye-law shall clearly specify-
(a) the kind of natural resource in respect of which the application is being made, and the quantity thereof that the applicant wishes to remove;
(b) whether or not the applicant is resident in the Council area, and whether or not the natural resource is for use within the council area; and
(c) the purpose for which the natural resource is required.

(3) An application under this bye-law shall be in respect of one kind of natural resource only:
Provided that other applications for different natural resources may be lodged at the same time.

5. Issue of removal permit
(1) Subject to the provisions of this bye-law, and after due consideration of an application made under bye-law 4, the Council Secretary shall issue a removal permit to the applicant on payment of such fee as shall be determined by the Council, with the approval of the Minister:

Provided that different fees may be determined in respect of different natural resources, and according to whether the natural resource is to be used within or without the Council area, whether the applicant is a contractor, or whether the natural resource is for the applicant's own use or for use by some other person, and whether or not such use by another person is for hire or reward.

(2) The Council Secretary shall not issue a removal permit in respect of any natural resource if the location of the place where it is to be used is not in Botswana.

(3) The Council Secretary shall not issue a removal permit which permits, or has the effect of permitting the removal of a quantity of firewood which exceeds 5 tons, or such other

quantity that the Council, with the approval of the Minister, determines, or of any quantity of a natural resource which is in excess of that reasonably required for the purpose stated in the application.

(4) A removal permit may be issued subject to such terms and conditions as the Council Secretary may, in each case, determine, and which shall be clearly stated in the permit.

6. Refused application to be laid before council

(1) Where a Council Secretary has refused to issue a removal permit in accordance with the provisions of bye-law 5, he shall lay such application, together with his reasons for refusing to issue a removal permit, before the next meeting of the Council following the date of such refusal.

(2) Where an application is laid before the Council in accordance with the provisions of this bye-law, the Council may, after due consideration, grant the application and direct the Council Secretary to issue a removal permit subject to such terms and conditions as the Council may determine, and which shall be clearly stated in the permit.

7. Period of validity of permit

A removal permit shall be valid for such period as the Council or the Council Secretary, as the case may be, shall in each case determine, and which shall be clearly stated in the permit.

8. Permit not transferable

A removal permit shall not be hired, ceded, transferred or made over to any other person in any way whatsoever.

9. Offences and penalties

Any person who contravenes or fails to comply with any provision of these Bye-laws, or with any of the terms and conditions subject to which a removal permit is issued, shall be guilty of an offence and liable to a fine of P50 or in default thereof to imprisonment for three months, and in addition to any such penalty imposed or to which he is liable, may have any removal permit issued to him cancelled.

10. Exceptions

(1) The provisions of these Bye-Laws shall not apply to Departments of the Government, or to contractors employed by the Government on public works projects to whom the Permanent Secretary of the Ministry concerned has issued an authorization in writing which is produced to the Council Secretary:

Provided that such contractor shall not thereby be entitled to remove any natural resource for any purpose other than the fulfilment of his contract with the Government.

(2) Where any contractor to whom such written authorization is issued removes any natural resource for any purpose other than the fulfilment of his contract with the Government, such contractor shall be guilty of an offence and liable to a fine equal to five times the market value of the natural resource so removed.

DISTRICT COUNCILS (TENDER) REGULATIONS

(under section 64)

(28th March, 1969)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Award of certain contracts
3. Manner of entering into certain contracts
4. Exclusion of certain contracts from application of regulation 3
5. Three quotations or tenders to be considered
6. Notice calling for tenders to be published and posted
7. Contents of notice and delivery of tenders
8. Particulars of contract to be supplied

Copyright Government of Botswana
1. Citation
These Regulations may be cited as the District Councils (Tender) Regulations.

2. Award of certain contracts
The Minister may, in respect of any contract, direct the manner of inviting tenders, the manner of tendering, and the award of the contract.

3. Manner of entering into certain contracts
Subject to regulation 4, if the liability of a Council under any contract for the supply of any goods or materials or the execution of any works or the provision of any services, other than professional services, for or to the Council-

(a) is not to exceed P25,000, the contract shall be in writing but the Council shall not be required, before entering into it, to invite any quotations;

(b) is to exceed P25,000 but not to exceed P100,000, the contract shall be in writing and the Council shall not enter into it without inviting quotations; or

(c) is to exceed P100,000, the contract shall be embodied in a formal document approved by the Council and the Council shall not enter into it without inviting tenders.

4. Exclusion of certain contracts from application of regulation 3
So much of regulation 3(a) as relates to the requirement that a contract such as is therein referred to shall be in writing and the whole of regulation 3(b) and (c) shall not apply to any contract for the purchase by a Council of perishable goods bought on a public market or any purchase entered into by a Council as a result of bidding at a public auction.

5. Three quotations or tenders to be considered
Where under the provisions of these Regulations or any other law a Council may not enter into a contract without inviting quotations or tenders, as the case may be, it shall not be competent for the Council to enter into such a contract except after consideration of at least three quotations or at least three tenders, as the case may be, unless for good and sufficient reasons recorded in the Council's minutes three quotations or three tenders cannot be obtained.

6. Notice calling for tenders to be published and posted
(1) Whenever a Council is required to invite tenders in terms of regulation 3(c), it shall, in addition to any individual invitation it may make, call for tenders by notice published in the Gazette and in a newspaper circulating in Botswana, which notice shall also be posted at the Council's offices on a notice board prominently open to public inspection.

(2) Such publication and posting shall be effected 28 clear days before tenders are to be considered on behalf of the Council.

7. Contents of notice and delivery of tenders
(1) Any notice published and posted as required in regulation 6, and any individual invitation for tenders, shall call for tenders to be delivered to the District Council Secretary by a specified time and a specified date, not being less than 14 days after the date when the notice is last published or posted, in plain sealed envelopes marked “Tender..................................................................................”.
(2) All tenders shall be delivered by the time specified to the District Council Secretary in plain sealed envelopes marked as aforesaid.

8. **Particulars of contract to be supplied**

   A Council shall not enter into any contract to which regulation 3(c) applies unless full and identical particulars have been supplied to every person who not later than three days after the notice calling for tenders was last published or posted applies to the Council therefor; such particulars shall be supplied to the applicants by the Council within seven days after the said notice was last published or posted.

9. **Opening of tenders**

   (1) All tenders for any one contract shall be opened at one time in the presence of the Council or a committee thereof duly appointed by the Council, and the District Council Secretary.

   (2) Subject to section 20 of the Act, any meeting of the Council, or a committee thereof duly appointed by the Council, at which tenders are opened shall be open to the members of the public.

   (3) Not later than seven days before any such meeting is held, written notice thereof shall be posted by the District Council Secretary to every person who has informed the Council in writing of his wish to receive such notice.

10. **Quotations and tenders to be considered by Council or committee**

   (1) Whenever a Council is required to invite quotations or tenders, those which have been received shall be placed before the Council, or a committee thereof duly appointed by the Council, and be considered by it.

   (2) For the purpose of considering tenders or quotations the Council, or a committee as aforementioned, shall have power to obtain professional or technical advice.

11. **Matters to be taken into account**

   (1) In considering quotations or tenders a Council shall take into account the contractual reliability of the tenderers or the persons submitting quotations as well as the need to achieve economy, efficiency and the development of Botswana industries.

   (2) A council is not obliged to accept the lowest or any tender or quotation, but in any case where the lowest quotation is not accepted the reasons why it is not accepted shall be recorded in the Council's minutes, and where the lowest tender is not accepted the Council shall report the reasons why it is not accepted to the Minister.

12. **Signature of contracts**

   Contracts required by these Regulations to be in writing or to be embodied in a formal document shall be signed on behalf of a Council by the Chairman, or by the Chairman of the committee concerned (if any), and by the District Council Secretary.

13. **Tenderers to be informed**

   As soon as a Council has decided upon the question of acceptance of tenders, it shall forthwith inform the tenderers, whether successful or unsuccessful, of the result.

14. **Minister may approve waiver**

   Notwithstanding any of the provisions of the preceding regulations, the Minister may approve any application made by any Council to waive anything required to be done under those provisions.

**DISTRICT COUNCILS (BANKING ACCOUNTS) REGULATIONS**

*under section 64*

*21st August, 1970*

**ARRANGEMENT OF REGULATIONS**

REGULATION

1. Citation
2. Operation of banking account by Council

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*Copyright Government of Botswana*
1. Citation
These Regulations may be cited as the District Councils (Banking Accounts) Regulations.

2. Operation of banking account by Council
(1) Every account at a Bank opened by a Council in terms of section 46(1) of the Act shall be opened and maintained in the name of the Council.
(2) The Council shall operate such account by means of instruments signed on its behalf by-
   (a) the Council Secretary or a person duly appointed to act temporarily in his place; and
   (b) the Council Treasurer or a person duly appointed to act temporarily in his place.

LOCAL COUNCILS (CONDUCT OF ELECTIONS) REGULATIONS
(under section 64)
(31st August, 1999)

1. Citation
These Regulations may be cited as the Local Councils (Conduct of Elections) Regulations.

2. Election instrument
(1) For the purposes of an election to a council or of a by-election to fill a vacancy therein caused by death, resignation or otherwise the Minister shall under his hand issue an instrument, addressed to the returning officer of each polling district for which a member is to be returned, fixing-
   (a) the place and day at and on which, and the hours between which, the returning officer will receive nominations of candidates for election; and
   (b) the day for the taking of any poll which may become necessary.
(2) The day fixed under subregulation (1)(a) shall not be earlier than 14 days after the day on which the instrument is issued.
(3) The day fixed under subregulation (1)(b) shall not be earlier than 21 days after the day fixed under paragraph (a) of the said subregulation (1).
(4) Every instrument shall be in Form A in the Schedule and shall be forwarded to the Secretary to the Electoral Commission for transmission to the returning officer to whom it is addressed.
(5) As soon as practicable after an instrument has been issued, the Secretary to the Electoral Commission shall give notice thereof in the Gazette, specifying in such notice the various matters fixed in pursuance of subregulation (1)(a) and (b).
(6) Upon receipt of an instrument, the returning officer shall proceed to hold an election in the manner provided in the Electoral Act, and shall give and publish notice thereof throughout the polling district in such manner as he thinks fit and shall cause a notice in Form B in the Schedule to be posted in such places as he considers desirable.

SCHEDULE
Form A

ELECTION INSTRUMENT
LOCAL COUNCILS (CONDUCT OF ELECTIONS) REGULATIONS
(Regulation 2)

ELECTION INSTRUMENT
by
The Minister of Local Government, Lands and Housing

Copyright Government of Botswana
To: The Returning Officer

Polling District

WHEREAS by regulation 2 of the Local Councils (Conduct of Elections) Regulations it is provided that for the purpose of an election to a District Council, a City or a Town Council or of a by-election to fill a vacancy therein caused by death, resignation or otherwise, the Minister of Local Government, Lands and Housing shall issue an election instrument under his hand, addressed to the returning officer of each polling district for which a member is to be returned;

AND WHEREAS it is desirable that an election instrument should be issued for an election;

NOW THEREFORE, I, ..................................................................................................,

the Minister of Local Government, Lands and Housing do hereby direct that you the said returning officer shall receive the nomination of candidates for election in the aforesaid polling district between the hours of 9.00 a.m. and 1 p.m. and 2.30 p.m. and 5.00 p.m. at ................................................ on the ............... day of ......................................... 20 ......

and do further direct that when a candidate has been duly elected you do endorse this election instrument with the name of that candidate and return it to the Secretary, according to law.

GIVEN under my hand at ................................................................................................

Minister of Local Government, Lands and Housing

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

(Name of unopposed or successful candidate)

has been duly elected as member for the ........................................................ polling district.

Date:............................................................................................................

Returning Officer

Form B

NOTICE OF ISSUE OF ELECTION INSTRUMENT
LOCAL COUNCILS (CONDUCT OF ELECTIONS) REGULATIONS
(Regulation 2)

Notice is hereby given that the Minister of Local Government, Lands and Housing having issued an instrument for the election of a member for the polling district, I will on the ............... day of ......................................... 20 ......

between the hours 9.00 a.m. to 1.00 p.m. and 2.30 p.m. to 5.00 p.m. proceed to the nomination of candidates and, if there is no contest, to the election of a member for the polling district.

The consent of the candidate to stand for election must be endorsed on the nomination paper.

Every nomination must be proposed and seconded and supported by seven other persons and the names of such proposer, seconder and supporters must appear on the election roll of the polling district for which the candidate seeks election.

The consent of the candidate to stand for election must be endorsed on the nomination paper.

Every candidate must, either before his nomination paper is delivered to me, deposit or cause to be deposited in any convenient Government revenue office the sum of P20 in cash, and must at time of delivery of his nomination paper produce or cause to be produced to me the receipt for such sum or, at the time of delivery of his nomination paper deposit or cause to be deposited with me the sum of P20 in cash, and no nomination shall be valid unless the said deposit has been made and, in the case of a deposit made at a Government revenue office, the receipt therefor produced to me.

Nomination paper must be delivered to me between the hours of 9.00 a.m. to 1.00 p.m. and 2.30 p.m. to 5.00 p.m. on the ............... day of ......................................... 20 ...........
7. If more than one candidate is validly nominated polls will be taken between the hours of
                      and                      on the                      day of                      20                      

Date:                      

Returning Officer                      

Polling District

CENTRAL DISTRICT COUNCIL (BARBERS AND BRAIDERS) BYE-LAWS
(under sections 33 and 34)
(14th June, 2002)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Register of barbers and braiders
4. Licence required to carry on business of barber or braider
5. Application for licence
6. Period of licence
7. Renewal of licence
8. Issue of duplicate licence
9. Licence not transferable
10. Modification, suspension or revocation of licence
11. Licence to be displayed
12. Licence to be produced for inspection
13. Premises
14. Sanitary conditions
15. Closure of licenced premises
16. Powers of entry
17. Appeals
18. Penalties for offences

Schedule


1. Citation
   These Bye-laws may be cited as the Central District Council (Barbers and Braiders)
Bye-laws.
2. Interpretation
   In these Bye-laws, unless the context otherwise requires-
   "authorised official" means a person authorised by the Council Secretary, in writing,
   for the purpose of giving effect to, or enforcing, these Byelaws;
   "barber" means a person who, in a fixed place of business, carries on the business of
   shaving and cutting a person's hair or beard;
   "braider" means a person who, in a fixed place of business, carries on the business of
   braiding, styling and cutting a person's hair;
   "Bye-law Enforcement Officer" means a local government officer serving in the
   council, who has been appointed under the Unified Local Government Service Act, and whose
   main duties include giving effect to and enforcing the council's Bye-laws;
   "council" means the Central District Council;
"council area" means the area under the jurisdiction of the council;
"council officer" means the Council Secretary, the Council Treasurer, a Bye-law Enforcement Officer and an authorised official;
"licensing authority" means the licensing authority appointed under bye-law 5(1);
"licensing office" means the Council Secretary or an employee of the council, duly authorised as such by the Council Secretary in writing;
"Omang" means an identity card issued in accordance with the provisions of the National Registration Act;
"police officer" means any member of the Botswana Police Force or the Local Police Force;
"premises" means the place of business of a barber or braider and includes a tent, booth, shed, stall or similar structure which is duly approved by the licensing authority;
"Registrar" means the Council Secretary or an employee of the council, duly authorised as such, in writing, by the Council Secretary.

3. Register of barbers and braiders
(1) There shall be a Registrar who shall keep a register of all licenced barbers and another register of all licenced braiders.
(2) The Registrar shall cause to be entered in such registers the following particulars in respect of each licenced barber and each licenced braider-
    (a) his full names;
    (b) his licence number;
    (c) the date of issue and expiration of the licence;
    (d) details of all licence renewals; and
    (e) such other details as the Registrar believes to be reasonably necessary.

4. Licence required to carry on business of barber or braider
(1) No person shall carry on the business of a barber or braider within the council area unless-
    (a) such person is a citizen of Botswana;
    (b) such person has attained the age of 16 years;
    (c) such person is duly licenced under these Bye-laws; and
    (d) the premises on which the business is being carried on are approved by the licensing authority in writing.
(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

5. Application for licence
(1) The council shall, from amongst its members, appoint a licensing authority to perform the council's functions under these Bye-laws.
(2) A person who wishes to carry on the business of a barber or braider shall apply to the licensing authority, in the form set out in Form A of the Schedule which shall contain-
    (a) the name, sex, place of residence, nationality, national identity number and qualifications, or experience, of the applicant;
    (b) the place at which the business is to be conducted;
    (c) the number and type of scissors, clippers and other equipment to be used; and
    (d) such other information as the licensing authority may, on reasonable grounds, require.
(3) 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 Omang.
(4) The licensing authority may refuse to issue a licence to any person if it is satisfied that the issue of a licence would be contrary to-
    (a) the interests of health; or
(b) the public interest.

(5) The licensing authority shall, if it is satisfied that the requirements of these Bye-laws have been met, and on payment of an application fee of P5, issue a barber’s or braider’s licence, as the case might be, in the form set out in Form B of the Schedule.

6. **Period of licence**

A licence issued under bye-law 5(5) shall, subject to the provisions of these Bye-laws, be valid for a period of 12 months and, unless renewed under bye-law 7, shall expire immediately after a period of 12 months from the date of issue thereof has elapsed.

7. **Renewal of licence**

(1) A licence may be renewed by application, in the form set out in Form C of the Schedule, delivered to the licensing authority, for a period of 12 months from the date of its expiry and thereafter for further periods of 12 months from the date of each subsequent expiry.

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

(a) in respect of the same premises; and

(b) subject to paragraph (c), made no later than the expiry of the licence, together with the application fee of P5; or

(c) if made after the expiry of the licence, made no later than one year after the expiry of the licence, together with the application fee of P5 and a late renewal fee of P10.

(3) No person shall carry on business as a barber or braider after his licence has expired, unless he has already applied for a renewal under sub-bye-law (1).

(4) The licensing authority may refuse to renew a licence if it is satisfied that-

(a) the conditions of the licence have not been complied with;

(b) the conditions of these Bye-laws have not been complied with;

(c) the holder of the licence is convicted of an offence under these Bye-laws; or

(d) it is in the public interest not to renew the licence.

(5) Subject to the provisions of sub-bye-law (6), the licensing authority shall, on application made under this bye-law, endorse such renewal on the licence and may attach such conditions to the renewal thereof as it may determine.

(6) If a licence expires and an application for renewal is not delivered to the licensing authority within 12 months of such expiry, the licence shall not be renewed, but the applicant may apply for a new licence.

(7) Any person who contravenes the provisions of sub-bye-law (3) shall be guilty of an offence.

8. **Issue of duplicate licence**

(1) The licensing authority, on being satisfied that a licence issued in terms of these Bye-laws has been lost or destroyed, may issue a duplicate licence to that person, on payment of a fee of P2,50.

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

9. **Licence not transferable**

(1) A licence 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 provisions of sub-bye-law (1) shall be guilty of an offence.

10. **Modification, suspension or revocation of licence**

The licensing authority may modify, suspend or revoke a licence issued under these Bye-laws if-

(a) the holder thereof purports to hire, cede, transfer or in any way whatsoever make over the licence to any other person;

(b) the holder thereof is convicted of an offence under these Bye-laws;

(c) the conditions of the licence have not been complied with;
(d) the licensing authority reasonably believes that the continuing use of the licence constitutes a danger to public health; or
(e) the licensing authority reasonably believes that it is in the interest of the public to do so.

11. Licence to be displayed
(1) A licence issued under these Bye-laws, or a copy thereof, shall be displayed prominently in the premises.
(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

12. Licence to be produced for inspection
(1) Every holder of a licence issued under these Bye-laws shall, on demand by a council officer or a police officer, immediately thereon produce it for inspection or otherwise shall, within 48 hours of such demand, produce it for inspection, at the office of such council officer, or at the station of such police officer, as the case may be.
(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

13. Premises
(1) Premises used for the business of a barber or braider shall-
(a) be constructed of materials approved by the licensing authority, having regard to public health and safety;
(b) be constructed in a manner approved by the licensing authority, having regard to public health and safety;
(c) be used solely for the business of a barber or braider;
(d) not be within a radius of 30 metres from the nearest residential or commercial plots;
(e) have adequate lighting and ventilation;
(f) have a constant supply of wholesome water;
(g) be maintained at all times in a clean and sanitary condition;
(h) be at all times maintained in good repair;
(i) be free of insects, rodents or other vermin;
(j) be not less than 7.5 square metres in size; and
(k) not be within a radius of 30 metres from food premises, unless circumstances are such that it would not pose any threat or danger to public health.
(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.

14. Sanitary conditions
(1) The holder of a licence issued under these Bye-laws shall-
(a) ensure that all utensils, vessels, containers, hair clippers, scissors, linen, towels, cloths and other articles used in the conduct of the business are maintained in a sanitary condition, and disinfected or sterilised in such manner as the licensing authority may direct;
(b) at all times keep the premises and surrounding area clean while engaged in the conduct of his trade;
(c) at all times keep his person clean while engaged in the conduct of his trade;
(d) use disposable hand gloves and masks where necessary;
(e) take all reasonable steps to ensure that clean, disinfected or sterilized articles are kept separate from those which have not been washed, disinfected or sterilized;
(f) ensure that at all times there are sufficient receptacles of galvanized iron or other non-absorbent material, with close fitting covers available for collecting, storing and disposing of all refuse;
(g) remove and dispose of any hair trimmings, litter or refuse which has been deposited in or through the conduct of his business, within the premises and the surrounding area, at the close of each working day; and
(h) ensure that adequate toilet facilities are available for all working staff and patrons.

(2) Any person who contravenes the provisions of sub-by-law (1) shall be guilty of an offence.

15. **Closure of licenced premises**

Where in the opinion of the licensing authority, premises licenced under these Bye-laws are such as are likely to constitute a threat or pose a danger to public health, the licensing authority may direct the closure of such premises until it is satisfied that the threat or danger has been remedied.

16. **Powers of entry**

(1) A council officer or a police officer may at any reasonable time enter and inspect the premises for the purpose of ensuring that the condition of the premises and the operation of the business complies with the provisions of these Bye-laws and the conditions of the licence in respect thereof.

(2) Any person who refuses a council officer or a police officer entry into the premises shall be guilty of an offence;

17. **Appeals**

(1) Any person aggrieved by the decision of the licensing authority, made under these Bye-laws, may appeal to the council.

(2) Any person aggrieved by the decision of the council, under sub-Byelaw (1), may appeal to the Minister.

18. **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 P100 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 P200 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, be liable to have his licence revoked.

**SCHEDULE**

**FORM A**

**APPLICATION FOR A BARBER’S xxxvii*/BRAIDER’S xxxviii* LICENCE**

(Bye-law 5(2))

(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: ..............................................................................................................................................

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

Sex: Male xxxix/Female xl

Postal address: .....................................................................................................................................................

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

Nationality: ..........................................................................................................................................................

National Identity No.: ...........................................................................................................................................

I wish to apply for a barber’s xxxiv*/braider’s xxxv* licence as follows:

(a) Location of premises:

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

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

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

(b) Number and type of scissors, clippers and other equipment to be used:

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

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

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

(c) I have the following qualifications/experience:

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

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

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

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

...........................................................................................................................................................................
FORM B
BARBER'S/ BRAIDER'S LICENCE
(Bye-law 5(5))

Photograph of holder
NOT TRANSFERABLE

Licence number ............................................................................................................
Surname ....................................................................................................................... Other names ................................................................................................................
Identity number ......................................................................................................... Place of birth ............................................................................................................... Sex ............................................................................................................................. Postal address ........................................................................................................ Physical address ......................................................................................................
The holder of this licence in accordance with the Central District Council (Barbers and Braiders)
Bye-laws to carry on the business of a barber/braider:
(a) in the following place:
......................................................................................................................
......................................................................................................................
......................................................................................................................
(b) with no less than the following equipment:
......................................................................................................................
......................................................................................................................
......................................................................................................................
(c) subject to the following conditions:
......................................................................................................................
......................................................................................................................
......................................................................................................................
.................................................. ............
Signature or right thumb-print of applicant

.................................................. ........
Signature of Licensing Officer

Date on which application was received: ............................................................
Proposed date of hearing of application: ...........................................................
Date of approval/rejection of application: .........................................................
.................................................. ............
Signature of Licensing Officer

Date of issue: ..............................................................................................................
Fee Paid: ....................................................................................................................

OFFICIAL STAMP

...........................................................................................................................
Signature of Licensing Officer

RENEWALS
Date: .......................................................................................................................
FORM C
APPLICATION FOR RENEWAL OF A BARBER'S*/BRAIDER'S' LICENCE
(Bye-law 7(1))

(This form is to be completed in block letters) Applicants for renewal to complete the following:

(a) Full names of applicant: .................................................................
    (Surname first)
(b) Licence number: .................................................................
(c) Place of residence: .................................................................
(d) Postal address: .................................................................
    ...................................................................................
    ...................................................................................
    ...................................................................................
(e) Identity (Omang) no.: .................................................................

Date: .................................................................
Signature or right thumb print of applicant
FOR OFFICIAL USE ONLY

Date on which application was received: .................................................................
Date of approval/rejection of application: .................................................................
Conditions of renewal (if any): .................................................................
...................................................................................
...................................................................................
...................................................................................

Signature or right thumb print of applicant

MADE this 3rd day of May, 2002.

Chairperson,

Copyright Government of Botswana
CENTRAL DISTRICT COUNCIL (CEMETERY) BYE-LAWS

(see section 33)

(26th September, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment
4. Application
5. Burials in cemetery
6. Permits for burials
7. Application for burial permits
8. Fees
9. Dimensions of grave
10. Body to be buried in coffin
11. Coffin to be covered
12. Graves to be numbered and burials registered
13. Digging of graves
14. Restrictions on erection of memorial works on graves
15. Exhumations and re-opening of graves
16. Restricted number of bodies in one grave
17. Hours of opening of cemetery
18. Closing of cemetery
19. Exercise of control by caretaker
20. Offences within cemetery
21. Penalties

Schedules


1. Citation
   These Bye-Laws may be cited as the Central District Council (Cemetery) 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;
   "caretaker" means the person designated as such by the Council and employed under the Unified Local Government Service Act;
   "cemetery" means any designated area established as a cemetery under bye-law 3;
   "child" means a person below the age of 10 years;
   "Council" means the Central District Council;
   "council area" means the area of jurisdiction of the Central District Council;
   "memorial work" means any gravestone, monument epitaph, tablet or monumental inscription and any work ancillary thereto; and
   "village areas" means any village area under the Central District Council.
3. **Establishment**
   The Council shall establish, designate and identify areas within the jurisdiction of the Council as cemeteries.

4. **Application**
   These Bye-Laws are applicable to all village areas under the jurisdiction of the Council.

5. **Burials in cemetery**
   No person shall bury or cause to be buried, a body in a place other than in a cemetery.

6. **Permits for burials**
   (1) No person shall bury or cause to be buried, a body in a cemetery unless a permit for the burial of that body has been issued by the Council or the caretaker of the cemetery and upon payment of the fees prescribed under bye-law 8.
      
   (2) The permit shall be in the form set out in the First Schedule.

   (3) A person making an application for a permit shall state—
      
      (a) the name, age and sex of the deceased;
      
      (b) the religious denomination, if any, of the deceased;
      
      (c) the place of death; and
      
      (d) the relationship of the applicant to the deceased.

7. **Application for burial permits**
   (1) Every application for a burial permit under this bye-law, shall be accompanied by a—
      
      (a) death certificate signed by a medical practitioner or a copy thereof, certified to be a true copy by an administrative officer or other responsible person, or a letter certifying the deceased’s death from the Chief, Headman or senior tribesman of the tribal territory; or
      
      (b) written sanction of a magistrate or administrative officer authorising the burial.

8. **Fees**
   (1) Subject to this bye-law, the fees specified in the Second Schedule, shall be paid for every burial permit issued.

   (2) Where the Council or authorised official is satisfied that any fee payable under these bye-laws cannot, by any reason, be paid he or she may—
      
      (a) waive the fee either wholly or in part;
      
      (b) direct that the fee, or so much of the fee that he or she has not waived under paragraph (a), shall be paid in instalments of such amounts and at such times as he or she shall specify; or
      
      (c) direct that the payment be cancelled by exempting such transaction.

9. **Dimensions of grave**
   Unless where the Council otherwise directs, no person shall bury or cause to be buried a body in a cemetery unless the grave has the dimensions specified in the Third Schedule.

10. **Body to be buried in coffin**
    No person shall bury or cause to be buried a body in a cemetery unless the body is enclosed in a coffin of solid and sound construction:

    Provided that the burial of a body is in accordance with well-known and accepted religious rites or traditions of the deceased’s religion and faith.

11. **Coffin to be covered**
    The caretaker responsible for the cemetery shall ensure that forthwith upon the placing of the coffin or body in a grave it is covered with earth until the grave is filled.

12. **Graves to be numbered and burials registered**
    (1) Every grave in a cemetery shall be allocated a number and the particulars of every burial shall be recorded in a register kept by the Council Secretary or an authorised official.

    (2) The register referred to in sub-bye-law (1), may be inspected by members of the public during office hours.

13. **Digging of graves**
    It shall be the responsibility of the Council in designated cemetery areas, to dig graves,
upon receipt of payment of fees in accordance with the provisions of bye-law 8:

Provided that the Council Secretary may waive the payment of such fees in whole or in part, where a person responsible for a burial wishes to dig the grave himself and such person can only do so after receiving authorisation from the Council Secretary and making an undertaking to abide by the specified conditions of the digging of graves as provided under bye-law 8 and as may be fixed from time to time by the Council.

14. Restrictions on erection of memorial works on graves

(1) No person shall erect on any grave, any memorial work without the written permission of the Council Secretary and the erection shall be carried out in accordance with the permission and the provisions of bye-law 9.

(2) Any person making an application to the Council Secretary for permission to erect any memorial work shall, if required to do so, furnish the Council Secretary with plans or diagrams thereof in such degree of detail as to the manner in which the work is to be executed, as may be required by the Council Secretary.

(3) The Council Secretary may refuse to grant permission for the erection of any memorial work if he or she is of the opinion that the memorial work would be unsightly or offensive or if it would not be of a permanent and durable nature:

Provided that any person aggrieved by any decision of the Council Secretary may appeal to the Minister.

(4) The Council may take down and remove any memorial work erected on a grave within a cemetery without authorisation or which is not maintained in an adequate state of repair and any costs incurred by the Council in so doing, may be recovered from the person who erected the work.

15. Exhumations and re-opening of graves

Subject to the provisions of the Inquests Act, no person shall exhume or cause any body to be exhumed within a cemetery or re-open any grave without the consent of the Council.

16. Restricted number of bodies in one grave

No person shall bury or cause to be buried in one grave, more than one body of a person who is not a child or more than two bodies of children, unless the written permission of the Council Secretary has been granted:

Provided that the body of a still-born child may be buried with the body of its mother in one grave without permission being sought as provided under this bye-law.

17. Hours of opening of cemetery

(1) A cemetery shall be open to the public between 5.30 am and 6.30 pm:

Provided that—

(i) the Council Secretary or an authorised official or the caretaker of the cemetery may from time to time authorise an earlier opening or a later closing of the cemetery;

(ii) nothing in this bye-law shall authorise members of the public to enter any building or enclosed space within the cemetery; and

(iii) children, unless accompanied by a responsible adult may be excluded from the cemetery.

18. Closing of cemetery

The Council may close any cemetery, but any cemetery so closed shall continue to be a cemetery except that no burial may take place therein unless authorisation from the Council is sought.

19. Exercise of control by caretaker

(1) Every person within a cemetery shall be subject to the directions and control of the caretaker of the cemetery.

(2) The caretaker of a cemetery may give such reasonable directions as he or she thinks fit for the arrangement of funerals.

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(3) No person shall resist or obstruct the caretaker of a cemetery in the execution of his or her duties or disobey any lawful directions given by the caretaker.

20. Offences within cemetery

No person shall—

(a) without the consent of the Council Secretary or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 17;
(b) destroy or damage any building, wall, fence, tree or plant within a cemetery;
(c) put up any billboard in any cemetery or any wall or fence thereof;
(d) destroy or damage any memorial work within the cemetery;
(e) within a cemetery, play any game or sport;
(f) within a cemetery, discharge any firearm except at a military funeral;
(g) disturb or annoy any person attending any funeral in a cemetery;
(h) shout, scream or behave in a disorderly, indecent, immodest or irreverent manner in or immediately adjacent to a cemetery;
(i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door;
(j) permit or allow any dog or livestock to enter or remain in any cemetery;
(k) smoke tobacco or any unauthorised or prohibited drugs in a cemetery;
(l) drink alcoholic beverages in a cemetery; or
(m) litter in the cemetery.

21. Penalties

(1) Any person contravening the provisions of these Bye-Laws shall be guilty of an offence and liable on conviction to a fine not exceeding P1,000 or in default of payment to imprisonment for a term not exceeding six months or to both.

(2) In the event of a second or subsequent conviction, a person shall be liable to a fine not exceeding P2,000 or in default of payment, to a term of imprisonment not exceeding one year or to both.

**FIRST SCHEDULE**

*(bye-law 6 (2))*

**PART I**

BURIAL PERMIT

Burial Permit Number ................................................................................................................
(Nomoro ya phitlho)

PARTICULARS OF APPLICANT

Name of Applicant ................................................. Identity/Omang..........................................
(Leina la mokopi)
Address of Applicant ............................................... Location ..................................................
(Aterese yaMokopi)

PARTICULARS OF DECEASED

Name of Deceased.....................................................................................................................
(Leina laMoswi)
Place of death .................................................................Date of death......................................
(Felo ga loso)                                                                   (Letsatsi la loso)
National Identity of the Deceased ...........................................................................................
(Omang/Passport)
Death Certificate or letter (issued where and by whom and when .................................
(Sesupo sa loso)
Location of burial .................................................................
(Felo ga phitho)
Relationship to the deceased person by the applicant ......................................................
Age....................................
Sex...........................................................
PART II
FOR OFFICIAL USE ONLY.
(GaTiriso ya Babereki fela)
Death Registration Number .............................................................. Fee........................................
(Nomoro ya loso)
(Tuelo)
Official Receipt Number............................................................................................................
(Nomoro ya sesupo sa tuelo)
Grave Number.............................................................................................................................
(Nomoro ya Lebilla )

PART III
BURIAL PERMIT
(TESELETSO YA PHITHO)
Burial is hereby permitted
(Phitho e letleletswe)
...........................................................................................
Council Secretary/Caretaker
(Mokwaledi wa khansele/motlhokomedi)
Date ...........................................................
(Letsatsi)

SECOND SCHEDULE
(bye-law 8)
BURIAL FEES

(a) P10 in the case of the burial of an adult.
(b) P5 in the case of the burial of a child.

THIRD SCHEDULE
(bye-law 9)
DIMENSIONS OF GRAVES

(a) In the case of an adult—
Length 2.128m
Width 0.912m
Depth 1.824m

(b) In the case of a child—
Length 1.524m
Width 0.912m
Depth 1.524m

SOUTH EAST DISTRICT COUNCIL (PUBLIC SEWER) BYE-LAWS
(under sections 33 and 34)
(16th July, 2002)
ARRANGEMENT OF BYE-LAWS

BYE-LAW
1. Citation
These Bye-laws may be cited as the South East District Council (Public Sewer) Bye-laws.

2. Interpretation
(1) In these Bye-laws, unless the context otherwise requires-
"authorised officer" means a person authorized by the council to inspect public sewers or pipes or drains connected therewith;
"Council" means the South East District Council established under the Act;
"drainage installation" means a system of drains, pipes and sewers used for the sewerage of a building, including any fitting, appliance or equipment connected thereto;
"foul water" means water contaminated by soil water, waste water or trade effluent;
"latrine" includes a privy, a urinal, an earth-closet or a water-closet;
"owner" in relation to immovable property, means the person or his agent receiving the rent or profits for any land or premises from the occupier thereof or a person who occupies or holds land in accordance with the terms of an agreement;
"public sewer" means any piped sewer, ditch or watercourse for the passage of foul water constructed or maintained by or vested in the Council;
"sewer" or "drain" means a pipe conveying foul water forming part of the sewerage or drainage installation of a building, including any pipe connecting a drain to a public sewer;
"soil water" means water containing excreted matter, whether human or animal;
"storm water" includes surface water or rain water;
"trade effluent" means liquid, either with or without particles of matter in suspension, which is wholly or in part produced in the course of trade, industry or research; and
"waste water" means used water, not being soil water, trade effluent or storm water.
(2) For the purposes of these Bye-laws, a building shall not be deemed to have a-
(a) public sewer available except where there exists or there is, in the course of
construction within 30 metres of the site of a building, a public sewer or a sewer connecting thereto at a suitable invert level which the owner of the building is entitled to use; and

(b) sufficient supply of water except where such is laid on or where a supply can be connected from a point within 30 metres of the site of the building:

Provided that, where the distance of a public sewer or the point from which a supply of water is available exceeds 30 metres and the Council agrees to undertake the construction at its expense of a drain to connect to a public sewer or the laying of a pipe to the point of connexion to a supply of water, the 30 metres limit shall not apply.

3. Duty of Council to keep map showing sewers

The Council shall keep deposited at its office for inspection by any person during normal working hours, a map showing and distinguishing each public sewer and any sewer in the course of construction within its area.

4. Power of Council to alter or close public sewer

The Council may alter the size or course of any public sewer or discontinue and prohibit the use thereof:

Provided that the Council shall, at its expense, execute any work necessary to connect to another sewer the drainage installations of the users of the sewer under alteration or discontinued.

5. Power of Council to agree to adopt sewer or sewage disposal works

The Council may enter into an agreement with any person constructing or proposing to construct a sewer or sewerage disposal works to the effect that upon completion of the work to the satisfaction of the Council or on a specified date the sewer or works shall be vested in and thereafter maintained by the Council.

6. Certain matter not to be passed into sewer

(1) No person shall throw or empty or permit to be thrown or emptied into a public sewer or into any drainage installation or sewer connecting to a public sewer any-
(a) matter which is likely to cause damage to the fabric of the sewer or interfere with the free flow of its contents;
(b) chemical refuse or waste stream, or liquid which, alone or in combination with the contents of the sewer, is dangerous or would cause a nuisance or be prejudicial to health;
(c) petroleum product or carbide or calcium; or
(d) radio active substance.

(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence and liable on conviction to a fine not exceeding P200 and a further fine not exceeding P50 per day for each day on which the offence continues.

7. Storm water not to enter public sewer

No person shall discharge or cause or permit the discharge, directly or indirectly, of storm water into a public sewer.

8. Sewerage not to enter storm water drain

No person shall discharge or cause or permit the discharge, directly or indirectly, of any sewage or foul water into a storm water drain, a river, a stream or other watercourse, whether natural or artificial.

9. Right to connect to a public sewer

(1) Subject to the provisions of bye-law 11, an owner shall, at his expense, be entitled to have the drainage installation of his premises connected to a public sewer.

(2) Notwithstanding the provisions of sub-byelaw (1), no person shall-
(a) discharge, directly or indirectly, into a public sewer, any liquid or other matter-
(i) from a factory or trade premises or a manufacturing process except with the written permission of the Council under byelaw 17, or
(ii) the discharge of which is prohibited under these Bye-laws or any enactment; or
(b) connect a drainage installation to a public sewer-
(i) unless he satisfies the Council that the premises concerned have a sufficient
supply of water, or
(ii) where the sewer is situated at a distance of more than 30 metres from the
boundary of the premises.

10. **Council to require connection to public sewer in certain circumstances**

Where a public sewer and a sufficient supply of water is available and the Council is of
the opinion that-

(a) satisfactory provision has not been made for the hygienic and adequate disposal of foul
water; or

(b) any cesspool, septic tank, latrine or appliance or equipment provided for the collection
or disposal of foul water is defective or insufficient so as to be prejudicial to health or a
nuisance,

the Council may, within a specified time and at the owner's expense, require the owner to
remove any latrine or other non-waterborne system and replace the same with a water closet
connected to the Council's sewerage system.

11. **Procedure in respect of connection to public sewer**

(1) A person who requires the drainage installation on his premises to be connected to a
public sewer shall apply in writing to the Council.

(2) Where the Council receives an application under sub-bye-law (1) it shall, within 21
days of the receipt thereof, advise the applicant in writing whether or not the application has
been granted.

(3) A rejection of an application under sub-bye-law (1) shall be given in writing to the
applicant and shall state the reason therefor.

(4) Where an application is granted, the Council shall advise the applicant whether or not
it intends to carry out, on behalf of the applicant, the work required.

(5) Where a Council intends to carry out work under sub-bye-law (4) it shall, before work
commences, require the applicant to pay it the cost thereof estimated by it.

(6) Where the applicant carries out or causes to be carried out the work required, he
shall give to the Council reasonable notice thereof in writing and shall accord to an authorised
officer reasonable access to inspect the work.

(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this
bye-law shall vest in the Council, and the maintenance, repair or renewal thereof shall, at the
expense of the owner of the premises served thereby, be carried out by the Council.

(8) Any person who causes a drain, a pipe or a sewer to be connected to a public sewer
in contravention of the provisions of these Bye-laws shall be guilty of an offence and liable on
conviction to a fine not exceeding P200, and, whether proceedings have or have not been taken
in respect of that offence, the Council may close the connection in question and recover from
the offender any costs incurred thereby.

(9) Where a payment made under sub-bye-law (5)-

(a) exceeds the cost incurred, the Council shall repay the excess to the applicant; or

(b) is insufficient, the balance shall be recoverable from the person for whom the work was
done.

12. **Common sewer or drain**

The Council may, in its discretion and with the agreement of the owners concerned,
permit the drainage installation of two or more buildings to connect with a public sewer by
means of a common sewer or drain.

13. **Fees**

(1) The owner shall pay a sewerage connection fee at the rates set out in the First
Schedule and shall enter into a sewerage service agreement with the Council after connection
of the premises to the sewerage system.

(2) The owner shall pay an annual sewerage service fee at the rates set out in the
Second Schedule.

(3) The due date for the payment of any fees shall be 30 calendar days from the date
reflected on any statement sent by the Council.

(4) If the due date under sub-bye-law (3) lapses, a period of 90 calendar days shall be
allowed for the payment of any fees without interest, thereafter all arrears shall be subject to an
interest rate of 12% per annum.

(5) The interest accrued on any arrears shall be calculated from the date on which any
fee becomes overdue until the date of payment of the fee.

(6) In the case of change of ownership of the premises or of the postal address of any
owner, the person who appears, from Council records, to be the owner of the premises shall
continue to be liable to pay the fees under these Bye-laws unless he notifies the Council, in
writing, of such change.

(7) The fees set out under these Bye-laws may be renewed at any time, at the discretion
of the Council.

14. Maintenance

(1) The Council shall be responsible for the operation and maintenance of any sewer
mains within the streets and public easements.

(2) The owner shall be responsible for the maintenance of the sewer line from the final
inspection chamber within his property to any house on the property.

(3) Any maintenance or work carried out under sub-bye-law (2) shall be at the expense
of the owner.

(4) In the event that any blockage exists between a Council manhole and an inspection
chamber, the Council shall be responsible for clearing the blockage at no expense to the owner.

(5) Any work carried out on the Council sewer system shall take place with the approval
of the Council.

15. Disconnection and re-connection

(1) The sewer line of the owner shall be disconnected and legal action shall commence
against such owner if the period of 90 calendar days referred to in bye-law 13(4) has lapsed
without the owner having paid the fees due under bye-law 13(1) and (2).

(2) A re-connection fee of P50 in respect of residential property and P100 in respect of
commercial or industrial property shall be payable by the owner of the premises upon his
request for the re-connection of his sewer line.

(3) No sewer line shall be re-connected unless all amounts due to the Council have been
paid in full, including any re-connection fees.

16. Legal action

Where legal action has been taken against the owner to recover any outstanding
amounts due to the Council a court of competent jurisdiction shall accept the presentation of
documents reproduced by electronic or other means, in lieu of the original documents.

17. Discharge of trade effluent into public sewers

(1) The Council may, subject to the written approval of the Minister and to any condition
he may think fit to impose, grant permission in writing for the discharge into a public sewer of
trade effluent from any premises or for any alteration in the rate, volume, quality or nature of any
such discharge.

(2) An approval under sub-bye-law (1) may incur a charge for the reception and
treatment of the trade effluent and for any alteration which may be necessary to a pump, sewer,
sewage disposal works or machinery connected therewith.

(3) A person wishing to discharge trade effluent into a public sewer shall make an
application, in writing, to the Council for permission to do so, shall complete a commercial and
industrial trade effluent questionnaire and shall submit to the Council-

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(a) the chemical composition, nature and volume of the effluent;
(b) a description of the industrial process or trade giving rise to the effluent;
(c) the number of persons employed on the premises; and
(d) such other information, including the submission of samples, which the Council may consider necessary.

(4) A person permitted in terms of sub-bye-law (1) to discharge trade effluent into a public sewer shall, prior to any change in the nature or volume of that effluent, notify the Council in writing of the date on which it is proposed the change will take place and the Council may impose any additional condition it may deem necessary.

(5) Any person who discharges or causes or permits the discharge, directly or indirectly, of trade effluent into a public sewer without the prior written permission of the Council shall be guilty of an offence and liable on conviction to a fine not exceeding P200 and to such charge as the Council may, with the approval in writing of the Minister, assess for the conveyance and treatment of the effluent so discharged.

(6) Without prejudice to its rights in terms of sub-bye-law (5), the Council may recover from any person who discharges, directly or indirectly, trade effluent into a public sewer any costs which may be incurred by it as a result of any damage caused thereby to a public sewer or sewage treatment works.

18. Control of trade effluent
Notwithstanding any other provision of these Bye-laws the Council may, by notice in writing to the owner of any premises from which trade effluent is discharged, require him to execute, at his expense, any of the following-

(a) before it is discharged into a public sewer, subject the effluent to such treatment as will in the opinion of the Council prevent a contravention of bye-law 6(1);
(b) restrict the discharge of effluent to specified hours and the rate thereof to a specified maximum and install a tank, appliance or other equipment necessary to comply therewith;
(c) in a drainage installation conveying trade effluent to a public sewer, construct one or more inspection, sampling or metering chambers of a material and dimension and in such a position as the Council may determine; or
(d) provide and maintain a metre which measures the total volume of water drawn from a borehole, a spring or other natural source which is used on the premises.

19. Metering and assessment of trade effluent
(1) The Council may incorporate in a drainage installation conveying trade effluent to a public sewer, in such a position as it shall determine, a metre or gauge or other device for the purposes of ascertaining the volume or composition of the effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or damage any such metre, gauge or other device:

Provided that the Council may, with the written approval of the Minister, enter into an agreement with any person from whose premises trade effluent is discharged into a public sewer to establish an alternative method of assessing the volume of effluent so discharged.

(2) The Council may, in terms of sub-bye-law (1), install and maintain, at the expense of the owner, a metre, gauge or other device.

20. Installation of fat, oil and grease interceptors
(1) The Council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, hair salon, bakery, food-processing company, laundry or other premises from which waste-water of a fatty, oily, greasy or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice, to install, to the satisfaction of the Council, a proper and efficient fat, oil and grease interceptor for the reception thereof prior to the waste water being discharged into the sewer or drain.

(2) A fat, oil and grease interceptor shall be equipped with a sampling port for periodical
inspection purposes by an authorized official from the Council.

21. **Penalties where not prescribed**

Any person found guilty of an offence against any provision of these Bye-laws shall, where no penalty is prescribed therefor, be liable to a fine not exceeding P200 and a further fine not exceeding P50 per day for each day on which the offence continues.

**FIRST SCHEDULE**

**SEWAGE CONNECTION FEES**

(Bye-law 13(1))

<table>
<thead>
<tr>
<th>TYPE OF SERVICE</th>
<th>CHARGES (P)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection to residential premises:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low cost</td>
<td>100</td>
<td>Perusal fee</td>
</tr>
<tr>
<td>Medium cost</td>
<td>150</td>
<td>Plot owner bears the full cost of all works</td>
</tr>
<tr>
<td>High cost</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Multi-unit developments (more than one town-house or flat on a plot)</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Connection to commercial premises</td>
<td>300</td>
<td>Perusal fee</td>
</tr>
<tr>
<td>Connection to industrial premises (all types)</td>
<td>500</td>
<td>Plot owner bears the full cost of all works</td>
</tr>
<tr>
<td>Clearing or removal of blockage within plots</td>
<td>55</td>
<td>Flat rate</td>
</tr>
<tr>
<td>Vacuum tank (registration)</td>
<td>200</td>
<td>April to March of subsequent year</td>
</tr>
<tr>
<td>Vacuum tank (sewage dumping)</td>
<td>5 per cubic metre</td>
<td>Coupons of different denominations according to vacuum tank capacity available from Council revenue office</td>
</tr>
</tbody>
</table>

**SECOND SCHEDULE**

**ANNUAL SEWERAGE SERVICE FEE RATES**

(Bye-law 13(2))

**TABLE 1: VOLUME UNIT RATES**

<table>
<thead>
<tr>
<th>TYPE OF PREMISES</th>
<th>CHARGES (PULA PER CUBIC METRE)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>0.62 per cubic metre</td>
<td>Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.05 per month</td>
</tr>
<tr>
<td>Commercial (a)</td>
<td>2.50 per cubic metre</td>
<td>Annual fee will be calculated based on volume and quality of waste water discharged, plus a basic fee of P2.50 per month</td>
</tr>
<tr>
<td>Laundries, hair salons, bakeries, restaurants and garages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial (b)</td>
<td>2.00 per cubic metre</td>
<td>Annual fee will be calculated based on volume and quality of waste water discharged, and a basic fee of P5.00 per month</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial (c)</td>
<td>0.85 per cubic metre</td>
<td>Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.50 per month</td>
</tr>
<tr>
<td>Small general dealers, bars and bottle-stores</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional (a)</td>
<td>1.20 per cubic metre</td>
<td>Annual fee will be calculated</td>
</tr>
</tbody>
</table>
Schools with hostel facilities and hospitals

**Institutional (b)**
Offices, clinics, day-schools and churches

0.85 per cubic metre

Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P2.50 per month

**Institutional (c)**
Abattoirs, meat processing industries and textile manufacturers

3.50 per cubic metre

Annual fee will be calculated based on volume and quality of trade effluent discharged, plus a basic fee of P10.00 per month. In addition, they will be required to enter into a trade effluent agreement with the Council and install a pre-treatment facility on their premises, where applicable.

**Industrial (a)**
Dry manufacturing

2.00 per cubic metre

Annual fee will be calculated based on volume of effluent discharged, plus a basic fee of P10.00 per month

**TABLE 2: VOLUME UNIT RATES - MONTHLY RESIDENTIAL USER CHARGES**

<table>
<thead>
<tr>
<th>WASTE WATER QUANTITY (PER CUBIC METRE)</th>
<th>Usage (Pula/per cubic metre)</th>
<th>Basic fee (Pula)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>0.62</td>
<td>1.05</td>
</tr>
<tr>
<td>11-20</td>
<td>0.85</td>
<td></td>
</tr>
<tr>
<td>21-30</td>
<td>1.11</td>
<td></td>
</tr>
<tr>
<td>31-50</td>
<td>1.26</td>
<td>2.00</td>
</tr>
<tr>
<td>51-100</td>
<td>1.44</td>
<td></td>
</tr>
<tr>
<td>101-200</td>
<td>1.67</td>
<td></td>
</tr>
<tr>
<td>201-500</td>
<td>1.93</td>
<td>5.00</td>
</tr>
<tr>
<td>501-1000</td>
<td>2.07</td>
<td></td>
</tr>
<tr>
<td>&gt;1000</td>
<td>2.19</td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 3: VOLUME UNIT RATES - COMMERCIAL (C) AND INSTITUTIONAL (B) WASTE WATER CHARGES**

<table>
<thead>
<tr>
<th>WASTE WATER QUANTITY (PER CUBIC METRE)</th>
<th>Usage (Pula/per cubic metre)</th>
<th>Basic fee (Pula)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>0.85</td>
<td>5.00 per month</td>
</tr>
<tr>
<td>11-20</td>
<td>1.11</td>
<td></td>
</tr>
<tr>
<td>21-30</td>
<td>1.26</td>
<td></td>
</tr>
<tr>
<td>31-50</td>
<td>1.44</td>
<td></td>
</tr>
<tr>
<td>51-100</td>
<td>1.67</td>
<td></td>
</tr>
<tr>
<td>101-200</td>
<td>1.93</td>
<td></td>
</tr>
<tr>
<td>&gt;200</td>
<td>2.07</td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 4: VOLUME UNIT RATES - INDUSTRIES AND COMMERCIAL (A) WASTE WATER CONCENTRATION (F) CHARGES**

---

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<table>
<thead>
<tr>
<th>Usage (Pula/per cubic metre)</th>
<th>Basic fee (Pula)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>0.50</td>
</tr>
<tr>
<td>500-1000</td>
<td>0.81</td>
</tr>
<tr>
<td>1001-1500</td>
<td>1.41</td>
</tr>
<tr>
<td>1501-2000</td>
<td>1.93</td>
</tr>
<tr>
<td>2001-2500</td>
<td>2.44</td>
</tr>
<tr>
<td>2501-3000</td>
<td>3.04</td>
</tr>
<tr>
<td>3001-3500</td>
<td>3.70</td>
</tr>
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<td>4.30</td>
</tr>
<tr>
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<td>4.96</td>
</tr>
<tr>
<td>4501-5000</td>
<td>5.56</td>
</tr>
<tr>
<td>&gt;5000</td>
<td>6.22</td>
</tr>
</tbody>
</table>

\[ F = B = 1.5S + 1.3N \]

In the formula:
- \( F \) = Waste water concentration (per cubic metre)
- \( B \) = Biological oxygen demand in excess of 500mg/l
- \( S \) = Suspended solids in excess of 400mg/l
- \( N \) = Fats, oils and grease in excess of 100mg/l

*Note: The above rates may be subject to an annual increment at the prevailing inflation rate.

KWENENG DISTRICT COUNCIL (PUBLIC STANDPIPES) BYE-LAWS
(under section 33)
(15th October, 2004)
ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
   These Bye-Laws may be cited as the Kweneng District Council (Public Standpipes) Bye-Laws.
2. Interpretation
   In these Bye-laws, unless the context otherwise requires:
   - "Authorised officer" means the Council Secretary, or any person authorised by him under bye-law 3;
   - "Council" means the Kweneng District Council;
   - "designated area" means a settlement within the Council allocated to persons for occupation;
   - "public standpipe" means a Council water supply point within a designated area, intended for use by persons residing in that area; and
   - "unauthorised connection or attachment" means a connection or attachment which
has been made to a standpipe without the written permission of the Council.

3. **Supervision of use of public standpipes**
   The Council Secretary may, in writing, from time to time, authorise any officer or employee of the Council to inspect and supervise the use of public standpipes.

4. **Use of water from public standpipes**
   (1) No person shall draw water or cause water to be drawn from a public standpipe unless he resides within the designated area in which the standpipe is located or has the written authority of the Council to draw water from the standpipe.
   (2) Water from a public standpipe shall not be used for any purpose other than for domestic purposes, or as may be specified, in writing, by the Council.
   (3) Any person who contravenes the provisions of sub-bye-law (1) and (2) shall be guilty of an offence and shall be liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month or to both.
   (4) The Council may from time to time;
      (a) limit the quantity of water which may be drawn from a particular public standpipe;
      (b) by notice published at its principal office, its health facilities, Customary Courts or any other place that the Council may consider appropriate, prohibit the drawing of water from a particular public standpipe for the purposes specified in the notice; or
      (c) by written notice served on any person, prohibit the use of water drawn from a public standpipe, by that person and by any other person under his authority, for any purpose specified in the notice.
   (5) Any person who uses water from a public standpipe for any purpose other than a domestic purpose, or contrary to the provisions of any notice issued by the Council under sub-bye-law (3) shall be guilty of an offence and shall be liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both, and such fine or imprisonment shall be without prejudice to the right of the Council to recover the charges for water improperly used.

5. **Use of water by persons other than residents**
   (1) Notwithstanding the provisions of bye-law 4, a person who is not resident or authorised as therein provided may draw water or cause water to be drawn from a public standpipe, but shall not, within any one period of 24 hours, draw water or cause water to be drawn more than once from;
      (a) the same standpipe; or
      (b) more than one standpipe located in the same designated area.
   (2) No person shall supply water drawn from a public standpipe to another person who is forbidden by sub-bye-law (1) from drawing water from that standpipe except;
      (a) for immediate personal consumption by that person;
      (b) as may be authorised, in writing, by the Council; or
      (c) where there is a shortage of water in that other person’s designated area.
   (3) Any person who contravenes this bye-law shall be guilty of an offence and shall be liable to a fine not exceeding P100, or, in default of payment, to imprisonment for a term not exceeding one month.

6. **Use of water to extinguish fire**
   Notwithstanding the provisions of these Bye-Laws, a person may draw water or cause water to be drawn from any public standpipe, or supply water so drawn to another other person, for the purposes of extinguishing a fire.

7. **Withholding of supply of public standpipe water**
   Without prejudice to the right of recovery of any money due to it, the Council may turn off or curtail the supply of public standpipe water to any designated area where;
      (a) the persons resident therein, or some of them, have failed to comply with these bye-laws;
(b) the water system is damaged or requires repair, maintenance or extension, or where such works are being carried out on that system;

(c) a general water supply shortage occurs in the area; or

(d) the public standpipe is no longer needed.

8. **Inspection of public standpipes**
   
   (1) An officer or employee authorised under bye-law 3 shall inspect public standpipes for the purpose of detecting unauthorised connections or attachments, or the waste or misuse of water.

   (2) Where an authorised officer finds an unauthorised connection or attachment to a public standpipe he:

   (a) shall immediately remove it or cause it to be removed; and
   
   (b) confiscate it.

   (3) A person who makes an unauthorised connection or attachment to a public standpipe shall be guilty of an offence and shall be liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

   (4) Any person who hinders, obstructs or uses abusive or insulting language towards an authorised officer in the performance of his duties under these Bye-Laws shall be guilty of an offence and shall be liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

9. **Misuse of water**

   Any person who wilfully or negligently wastes or misuses water or causes or allows to be wasted or misused any water drawn from a public standpipe shall be guilty of an offence and liable to a fine not exceeding P200, or to imprisonment for a term not exceeding two months, or to both.

10. **Damage to public standpipe**

    (1) Any person who tampers with or wilfully or negligently causes damage to a public standpipe, or to any appliance or equipment connected thereto, shall be guilty of an offence and shall be liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

    (2) The imposition of a fine or imprisonment in terms of sub-bye-law (1) shall be without prejudice to the rights of the Council to recover, from the offender, the cost of any repair or replacement arising from the damage to the public standpipe concerned.

11. **Prohibition of pollution**

    Any person who pollutes or causes the pollution of any public standpipe water, or causes or allows any foul liquid, gas or other noxious matter to enter any fitting connected to a standpipe shall be guilty of an offence and shall be liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or to both.

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