

## VOLUME IX

### CHAPTER 43:02 - TRADE: SUBSIDIARY LEGISLATION INDEX TO SUBSIDIARY LEGISLATION

Trade Regulations

#### TRADE REGULATIONS

(section 31)

(31st March, 2008)

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S.I. 24, 2008.

#### 1. Citation

These Regulations may be cited as the Trade Regulations.

## **2. Auctioneer's licence**

(1) Subject to the provisions of subregulation (3), no person shall, whether on his own account or as an employee of any other person, conduct any public auction sale, unless he has, prior to such auction sale, obtained an auctioneer's licence.

(2) The holder of an auctioneer's licence may sell any goods by public auction, and, on the same day and at the same place as a public auction sale, sell out of hand any such goods which were offered for sale by him at such auction sale but remain unsold.

(3) The provisions of subregulation (1) shall not apply to—

- (a) any employee of the holder of an auctioneer's licence whose name is endorsed on such licence, in respect of any such sale as is referred to in subregulation (2) carried out on behalf of the holder of the licence;
- (b) any judicial sale; or
- (c) any sale conducted by a Government Ministry or Department.

(4) An auctioneer's licence may be either an annual licence or a 15 days' licence.

(5) A holder of an auctioneer's licence shall not conduct a public auction sale unless he has obtained prior written permission from a member of the Botswana Police Service of the rank of Sergeant or above to conduct a public auction sale.

(6) The holder of an auctioneer's licence may conduct public auction sales anywhere in Botswana.

## **3. Bookshop licence**

The holder of a bookshop licence shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

## **4. Boutique licence**

The holder of a boutique licence shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

## **5. Car wash licence**

(1) A person who carries on the business of cleaning automobiles, either using an auto mechanical system or manually, requires a car wash licence.

(2) A licensing committee shall issue or renew a car wash licence for a business which cleans cars using an auto mechanical system if the premises have—

- (a) a functional drainage system;
- (b) an oil or water separator trap; and
- (c) a wash bay.

(3) A licensing committee shall issue or renew a car wash licence for a business which cleans cars manually if the premises have—

- (a) a functional drainage system; and
- (b) a wash bay.

(4) A car wash shall be restricted to the licensed premises.

## **6. Cleaning services licence**

(1) A cleaning services licensee may deliver services at a customer's place.

(2) A cleaning services licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

## **7. Curio shop licence**

(1) A curio shop licensee shall require a trophy dealer's licence to sell animal trophies.

(2) A person who holds a tourist enterprise licence issued under the Tourism Act does not require a curio shop licence to operate a curio shop in the licensed premises.

(3) A curio shop licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

## **8. Department store licence**

(1) A departmental store licensee shall not sell motor vehicles, petrol, diesel, paraffin or

liquefied petroleum gas in the licensed premises.

(2) A departmental store licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **9. Distributor's licence**

A licensing committee shall issue or renew a distributor's licence if the premises are located within the jurisdiction of the licensing committee.

#### **10. Dry-clean licence**

(1) A licensing committee shall not issue or renew a dry-clean licence unless the premises have a functioning drainage system.

(2) A dry-clean shall be restricted to the licensed premises.

#### **11. Fresh produce licence**

(1) A fresh produce licensee shall not cook meat or sell cooked meat in the licensed premises.

(2) A person who owns or manages a farm shall not require a fresh produce licence to sell fresh farm produce.

#### **12. Funeral parlour licence**

(1) A funeral parlour licensee may sell coffins, wreaths, flowers, grave covers or tombstones.

(2) A funeral parlour licensee shall prepare corpses for burial or cremation.

(3) A funeral parlour licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **13. Furniture shop licence**

A furniture shop licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **14. General clothing licence**

A general clothing licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **15. General dealer's licence**

(1) A general dealer's licensee shall not sell goods for which a fresh produce licence, a motor dealer's licence or a restaurant licence is required.

(2) A general dealer's licensee shall not sell goods for which a petrol filling station licence is required, except for paraffin.

(3) A general dealer's licensee may sell unscheduled drugs or medicines.

(4) A licensing committee shall not issue or renew a general dealer's licence unless the storage and handling of liquefied petroleum gas conforms to the safety standards of the Botswana Bureau of Standards.

#### **16. Hairdresser's licence**

A hairdresser's licensee shall be restricted to the licensed premises.

#### **17. Hardware licence**

(1) A hardware licensee may sell liquefied petroleum gas in the licensed premises.

(2) A hardware licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **18. Hire service licence**

(1) A hire service licensee may deliver goods or services at a customer's place.

(2) A hire service licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **19. Laundromat licence**

(1) A licensing committee shall issue or renew a laundromat licence if the premises on which the laundromat is to be operated have a functional drainage system.

(2) A laundromat licensee shall be restricted to the licensed premises.

#### **20. Miscellaneous trade or business licence**

(1) A licensing committee shall, subject to section 11(2) of the Act, issue a miscellaneous trade or business licence.

(2) A miscellaneous trade or business licence shall specify goods or services, of a similar range of product, to be traded under that licence.

(3) A miscellaneous trade or business licence may be restricted to fixed premises.

#### **21. Motor dealer's licence**

(1) A motor dealer's licensee may sell motor accessories, motor spares and parts including tyres and lubricants.

(2) A motor dealer's licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **22. Petrol filling station licence**

(1) A licensing committee shall not issue or renew a petrol filling station licence unless the storage and handling of liquefied petroleum gas conforms to the safety standards of the Botswana Bureau of Standards.

(2) A petrol filling station shall be restricted to the licensed premises.

#### **23. Restaurant licence**

(1) A restaurant licensee may prepare food, for catering purposes only, outside the licensed premises.

(2) A restaurant licensee whose licence is endorsed with a bar liquor licence may serve liquor in an unsealed container, to a person who takes a meal in the licensed premises, for consumption on the premises.

(3) A licensing committee shall not issue or renew a restaurant licence unless the premises have a kitchen and sitting facilities.

#### **24. Supermarket or chain store licence**

(1) A supermarket or chain store licensee shall require a bottle store liquor licence to sell wines only, and that licence shall be endorsed on the supermarket or chain store licence.

(2) A supermarket or chain store licensee shall not sell goods for which a petrol filling station licence is required.

(3) A supermarket or chain store licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

(4) A supermarket or chain store licensee whose licence is endorsed with a bottle store liquor licence shall—

- (a) restrict access to the section of the premises where wines are kept;
- (b) have a separate cash till for the sale of wines;
- (c) engage a security officer who shall limit access to the section of the premises where wines are kept; and
- (d) comply with the conditions set out in the Liquor Act in respect of the bottle store liquor licence.

#### **25. Takeaway licence**

(1) A licensing committee shall not issue or renew a takeaway licence unless the premises have an oil or water separator trap.

(2) A takeaway licensee shall not sell unprepared food in the licensed premises.

(3) A takeaway licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

#### **26. Wholesale licence**

A wholesale licensee shall not sell goods for which a petrol filling station licence, a takeaway licence, or a restaurant licence is required.

#### **27. Workshop licence**

(1) A licensing committee shall not issue or renew a workshop licence unless the premises have—

- (a) an oil or water separator trap; and

(b) a wash bay.

(2) A workshop licensee shall, subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.

## **28. Licences reserved for citizens**

(1) The following licences shall be reserved for citizens of Botswana or for companies wholly owned by citizens of Botswana—

- (a) auctioneer's licence;
- (b) car wash licence;
- (c) cleaning services licence;
- (d) curio shop licence;
- (e) fresh produce licence;
- (f) funeral parlour licence;
- (g) general clothing licence;
- (h) general dealer's licence;
- (i) hairdresser's licence;
- (j) hire services licence;
- (k) laundromat licence;
- (l) petrol filling station licence; and
- (m) takeaway licence.

(2) A licensee shall transfer a licence referred to in subregulation (1), to a citizen of Botswana only.

## **29. Application for licence**

(1) A person who applies for a licence specified under section 11 of the Act shall do so in Form 1 as set out in the First Schedule.

(2) An application under subregulation (1) shall be accompanied by a non-refundable application fee of P100.

(3) A person whose application for a licence has been approved by the licensing committee shall pay a licence fee specified against the licence he applies for as set out in the Second Schedule.

## **30. Issue of licence**

A licensing committee shall, under section 13 of the Act, issue to an applicant, a licence in Form 2 as set out in the First Schedule.

## **31. Conditions attached to licence**

A licensee shall ensure that the licensed premises are maintained according to the standard required by the licensing committee.

## **32. Notice of licence transfer**

(1) A licensee shall notify the licensing committee—

- (a) of his intention to transfer a trade licence to another person;
- (b) of his intention to transfer a trade licence from the licensed premises to other premises.

(2) A notice under subregulation (1) shall be made in Form 3 as set out in the First Schedule.

## **33. Application for transfer of licence**

(1) An application for a transfer of a licence shall be accompanied by a non-refundable application fee of P100.

(2) A licensee whose application under section 17(1) of the Act has been approved by the licensing committee shall pay a licence transfer fee of P100.

## **34. Application for renewal of licence**

(1) An application under section 14(1) of the Act shall be in Form 4 as set out in the First Schedule and shall be accompanied by a non-refundable application fee of P100.

(2) A licensee whose application under section 14(1) of the Act has been approved by the licensing committee shall pay a licence fee specified against the licence the renewal of

which he has applied for, as set out in the Second Schedule.

**35. Application for duplicate licence**

(1) An application under section 18 of the Act shall be in Form 5 as set out in the First Schedule and shall be accompanied by a non-refundable application fee of P100.

(2) A licensee whose application under subregulation (2) has been approved by the licensing committee shall pay a duplicate licence copy fee of P100.

**36. Penalty**

A person who contravenes any provision of these Regulations commits an offence and is liable to a fine not exceeding P500 or to imprisonment for a term not exceeding one month, or to both.

**FIRST SCHEDULE  
FORMS  
TRADE ACT  
(Cap 43:02)  
Form 1  
APPLICATION FORM  
(reg 29(1))**

**A. PROPOSED BUSINESS**

Type of business/licence applied for .....  
Location of proposed business.....

**B. PARTICULARS OF APPLICANT**

1. For Business Names

Name and address	Business name
.....	.....
.....	.....

2. For Companies

(a) Registered name of company .....

(b) Trading name of company if different from (a) .....

Percentage share of citizen equity holding.....

Name	Nationality	Address %	share in equity holding
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

**C. PARTICULARS OF LAND PREMISES**

1. Plot no. or Land Board certificate no. ....

2. Date of plot allocation .....

3. Is the plot zoned commercial/industrial? .....

4. If the premises are leased, state the name of the owner.....

.....

..

5. Size of the premises (sqm of floor space).....

6. Have your premises been inspected and certified suitable by the Environmental Health Unit of the Council? .....

**D. RESIDENCE AND WORK PERMITS (FOR EXPATRIATE APPLICANTS ONLY)**

1. Date of expiry of the residence permit.....

2. Date of expiry of the work permit.....

**E. GENERAL INFORMATION**

1. Have you ever been convicted in the last two years, of any offence involving dishonesty?

2. If so, give particulars of each conviction .....

I certify that the information supplied in my application is true to the best of my knowledge and belief.

Date .....

Applicant's signature .....

For official use only

Application received by:

Date .....

Signature .....

Decision by the licensing committee

.....

...

.....

...

Date.....

Chairperson's signature .....

The applicant must submit the following with the application form for a trading licence

1. Certificate of incorporation, Form 2, Form 4, share certificates and/or business name.

2. Proof of availability of business premises (written undertaking lease in lieu of agreement or title deed).

3. Satisfactory Physical Planner's report for zoning purposes.

4. Satisfactory Environmental Health report for the premises.

5. Certified copies of work and residence permits for expatriates and identity card for citizens.

**Form 2  
TRADE LICENCE**

(reg 30)

TRADE ACT

(Cap 43:02)

No. ....

Licence ..... issued on ..... under the provisions of the

Trade Act and the Regulations made thereunder

To:..... (name and company) whereas the said licence

holder is hereby licensed to carry on the business of .....

and trade in the following goods or services: .....

at ..... for the period from ..... to .....

unless renewed.

Endorsements: .....

.....

*Licensing Officer*

**Form 3  
NOTICE OF INTENTION TO TRANSFER TRADE LICENCE**

TRADE ACT

(Cap 43:02)

(reg 32(2))

Part A

Notice is hereby given in terms of section 17 of the Trade Act that I/We.....  
..... have disposed of my/our entire interest in carrying on the business of  
..... to ..... who will continue to trade at the same premises  
and under the same style of a.....

Part B

Notice is hereby given in terms of section 17 of the Trade Act that I/We intend to transfer my/our  
business of ..... from.....  
..... to..... and I/We shall  
continue to trade under the same name of.....and same style.

Name: ..... Date: .....

Address:.....

Note: Fill the part that is applicable to you.

**Form 4**  
**APPLICATION FOR RENEWAL OF TRADE LICENCE**

TRADE ACT

(Cap 43:02)

(reg 34(2))

Date:.....

Name and address of the applicant.....

Physical address of the company .....

Name of manager and directors .....

Names of shareholders .....

Name and address of the company secretaries.....

No. of current licence ..... Issued at.....

On the ..... Day of ..... 20.....

Is the business operating? YES..... NO .....

If no, Why not.....

Has the owner/manager been convicted of any offence under the Trade Act during the last  
12 months?

YES.....NO.....

If Yes, state the nature of offence .....

I declare that the information given above is true to the best of my knowledge and belief.

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

FOR OFFICIAL USE ONLY

Date renewal application received .....

Date renewal application approved/rejected .....

If rejected, reason(s) for rejection.....

*Licensing Officer*

For renewal of a trading licence, submit the following:

1. A completed renewal form.
2. An Environmental Health Report for the business premises.



3. Certified copies of Form 2, Form 4 and share certificates (issued under the Companies Act (Cap. 42:01))
4. Certified copies of work and residence permits for expatriates and identity card for citizens.

**Form 5**  
**APPLICATION FOR DUPLICATE TRADE LICENCE**

TRADE ACT  
(Cap 43:02)  
(reg 36(1))

Name and address of the licensee:.....  
 Type of licence .....  
 Date of issue.....  
 Date of expiry: .....  
 How was the licence lost? .....  
 Date of application:.....  
 Signature of the applicant: .....  
 For application for a duplicate licence, submit a copy of the police report.

**SECOND SCHEDULE**  
**LICENCE FEES**

(reg 31(2))

<i>Type of Licence</i>	<i>Fee</i>
1. Auctioneer (15 Days)	P150
2. Auctioneer (Annual)	P1,200
3. Bookshop	P750
4. Boutique	P750
5. Car wash	P150
6. Cleaning services	P200
7. Curio shop	P500
8. Department store	P2,000
9. Distributor	P1,500
10. Dry-clean	P1,500
11. Fresh produce	P250
12. Funeral parlour	P1,500
13. Furniture shop	P1,500
14. General clothing	P750
15. General dealer	P250
16. Hairdresser	P500
17. Hardware	P1,000
18. Hire services	P500
19. Laundromat	P100
20. Miscellaneous trade or business	P1,000
21. Motor dealer	P1,500
22. Petrol filling station	P500
23. Restaurant	P1,000
24. Supermarket/chain store	P1,500
25. Takeaway	P150
26. Wholesale	P1,500
27. Workshop	P1,500