

CHAPTER 40:02 - TOWNSHIPS: SUBSIDIARY LEGISLATION

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DECLARATION OF TOWNSHIPS ORDER

(under section 2)

(7th March, 1960)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
 2. Declaration of townships
- Schedule

HCN 27, 1960,
HCN 46, 1960,

HCN 82, 1962,
L.N. 31, 1966,
S.I. 65, 1969,
S.I. 126, 1969,
S.I. 26, 1970,
S.I. 70, 1970,
S.I. 18, 1973,
S.I. 115, 1974,
S.I. 43, 1976,
S.I. 56, 1976,
S.I. 58, 1978,
S.I. 51, 1979,
S.I. 5, 1981,
S.I. 25, 1981,
S.I. 38, 1981,
S.I. 137, 1984,
S.I. 99, 1985,
S.I. 32, 1990,
S.I. 60, 1991,
S.I. 23, 1992,
S.I. 38, 1996,
S.I. 25, 2001;
S.I. 79, 2002,
S.I. 18, 2004.

1. Citation

This Order may be cited as the Declaration of Townships Order.

2. Declaration of townships

The places specified in the Schedule are declared to be townships.

SCHEDULE

1. FRANCISTOWN TOWNSHIP

The boundary of the township is as follows—

Commencing at a point in the middle of the Tati River being on the prolongation of the boundary “Ez” as shown on diagram SG No. 6551/55, the boundary runs south-eastwards along the said boundary “Ez” to a point in the middle of the Inchwe River being on the prolongation of the said boundary “Ez”; thence in a northerly direction along the median line of the Inchwe River to a point on the prolongation of the boundary “Ba” as shown on diagram SG No. 2134/55 of the Farm 33-NQ (now Lot 1127); thence eastwards along the said boundary “aB” and southwards through the beacon lettered “C” to the beacon lettered “D” on the said diagram SG No. 2134/55 and lettered “B” on diagram 6509/55 of the Farm 34-NQ (now Lot 1128); thence eastwards to the beacon lettered “C” on the said diagram SG No. 6509/55; thence southwards to the beacon lettered “M” on diagram DSL 124/84 of the Farm 88-NQ; thence south-eastwards to the beacon lettered “D” on the diagram SG No. 9389/56 of the Farm 32-NQ and

lettered "A" on diagram SG No. 9388/56 of the Farm 36-NQ; thence generally southwards through the beacons lettered "F" and "E" to a point in the middle of the Tati River lettered "e" on the said diagram SG No. 9388/56; thence generally south-westwards along the median-line of the said Tati River to a point "b" being on the prolongation of the boundary "CB" as shown on diagram SG No. 4909/58 of the Farm 78-NQ; thence westwards through the beacons lettered "B" and "C" of the said diagram SG No. 4909/58, the said beacon "C" lying on the boundary "BA" on diagram SG No. 1908/16 of the Farm 42-NQ; thence continuing westwards along the said boundary "BA" to the point where the prolongation of the boundary intersects the western boundary of the Railway Strip No. 9-OQ; thence in a southerly direction to the beacon labelled "B" on diagram DSL 435/93 of Portion 117 of the Farm Gerald Estates 35-NQ; thence westwards along the northern boundary of the said Portion 117 of the Farm Gerald Estates 35-NQ to the beacon labelled "A" on the said diagram DSL 435/93, being a point on the eastern boundary of the Farm 44-NQ; thence northwards along the said boundary to a beacon labelled "A" on diagram SG No. 9426/56 of the said Farm 44-NQ and labelled "B" on diagram SG No. 9425/56 of the Farm 43-NQ; thence continuing northwards along the eastern boundary of the said Farm 43-NQ to a beacon labelled "A" on the said diagram SG No. 9425/56; thence westwards to a beacon labelled "D" on the said diagram SG No. 9425/56, being a beacon on the left bank of the Shashe River; thence generally northwards along the left bank of the said Shashe River to a beacon labelled "k" on diagram DSL. 56/82 of Portion 1 of the Farm 23-NQ; thence generally eastwards to a beacon labelled "J" on the said diagram DSL 56/82 and continuing in an easterly direction to a beacon labelled "D" on diagram SG No. 3753/56 of the Farm 23-NQ; thence in a north-north-westerly direction along the eastern boundary of the said Farm 23-NQ to a beacon labelled "D" on diagram SG No. 3754/56 of the Farm 25-NQ; thence in an easterly direction along the southern boundary of the said Farm 25-NQ through a beacon labelled "C" on the said diagram SG No. 3754/56 to a point in the middle of the Tati River; thence in a southerly direction along the median line of the said Tati River to the point of commencement, as will more fully appear on Plan NQ-113(b) deposited with the Director of Surveys and Mapping in Gaborone.

2. GABORONE CITY

The boundaries of the City are as follows:

Commencing at beacon A of diagram A339/1916 of the Farm Sowenflat No. 2-KO, the boundary runs in a straight line in a southeasterly direction through beacon B of the said diagram A339/1916 to a point in the middle of the Ngotwane River; thence in a generally southwestwards direction along the median line of the Ngotwane River to beacon "a" of Lot 13043 Gaborone, (formerly Lot 6652 Gaborone and earlier Portion 1 of the Farm Kentholme No. 13-KO) as shown on diagram DSL No. 148/80; thence in a straight line in a southeasterly direction through beacon F to beacon G of the said diagram, which is also lettered A on diagram DSL No. 18/84 of Lot 16373 Gaborone (formerly Portion 2 of the Farm Kentholme No. 13-KO); thence continuing around the boundaries of the said Lot 16373 through beacons B, C, D, E, F, G and H of the said diagram 18/84; thence continuing in a generally southwesterly direction along the boundaries of the Lot 17374 Gaborone (formerly Portion 2 of the Farm Werribee No. 12/KO) through beacons B, C, D, E, F, G, H, J, K, L, M, N, P, Q and R of diagram DSL No. 17/84, which is also beacon B of diagram 16/84 of Lot 16375 Gaborone (formerly Portion 2 of the Farm Atholl Holme 11-KO); thence continuing in a generally southwesterly direction along the boundaries of the said Lot 16375 Gaborone through beacons B, C, D, E, F, G, H, J, K, L, M, N, P, Q and R of diagram DSL No. 16/84, R being a beacon on the International Boundary between the Republic of Botswana and The Republic of South Africa; thence west north west for a distance of 490.31 metres along the said International Boundary to beacon S of the said diagram DSL No. 16/83; thence to a point in the middle of the Ngotwane River directly on line between the said beacon S of diagram 16/83 and a beacon lettered A on diagram DSL No. 44/85 of Lot 16385 Gaborone (formerly Portion 57 of the Farm Crocodile Pools No. 15-KO); thence in a generally southerly direction along the median line of the Ngotwane River to a point lettered B" on the said diagram DSL No. 44/85; thence along the boundaries of Lot 16385, through beacons B, C, D, E, F,

G, H and J of the said diagram DSL No. 44/85; thence in a westerly direction to a beacon G on the eastern boundary of Lot 16845 Gaborone (formerly Portion 56 of the Farm Crocodile Pools No. 15-KO) as shown on diagram DSL No. 2/85; thence generally southwestwards along the boundaries of the said Lot 16845 Gaborone through beacons H, J, K, L, M and N of the said diagram DSL No. 2/85; thence along the boundaries of Lot 16850 Gaborone (formerly Portion 25 of the Farm Traquair No. 10-KO) through beacons D, E, F, G, H and A of diagram DSL No. 1/85 ; thence along the boundaries of Lot 17395 Gaborone (formerly Tribal Grant 21-KO) through beacons U, V, W, X, Y, Z, A', B', C', D', E', F', G', H', J', K', L', M', N', P', Q', R', and A of diagram DSL No. 3/85; thence in a southeasterly direction for 147.65 metres to a beacon B of the said diagram DSL.No. 3/85; thence continuing in a straight line to beacon B of Lot 17406 Gaborone (formerly Portion 8 of the Farm Forest Hill No. 9-KO) as shown on diagram DSL. No. 175/86; thence along the western boundary of the said Portion 8 of the Farm Forest Hill No. 9-KO through beacons C, D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X and Y of the said diagram DSL No. 175/86; thence in a northwesterly direction along the northeastern boundary of the Farm Forest Hill No. 9-KO to a beacon lettered B on diagram No. DSL 192/92, being the north-eastern beacon of Lot 51543 Gaborone (formerly Portion 14 of the Farm Forest Hill 9-KO); thence in a straight line in a south south westerly direction through a beacon B on diagram 1209/91 being Lot 51542 Gaborone (formerly Portion 13 of Forest Hill 9-KO); thence in a south south westerly direction to beacon C of the said diagram; thence in a northwesterly direction to beacon D of the said diagram; thence in a westerly direction to beacon E of the said diagram; thence in a straight line in a northwesterly direction through beacon F of the said diagram DSL 1209/ 91, and through beacon C of diagram DSL 1208/91 being the south east beacon of Lot 51541 Gaborone (formerly Portion 12 of the Farm Forest Hill 9-KO) to beacon D of the said diagram 1208/91; thence in a northeasterly direction to beacon A of the said diagram; thence in a straight line in a northwesterly direction along the northeast boundary of the Farm Forest Hill 9-KO to a beacon lettered B on the diagram SG No. 9 of 1970, being also beacon Y of diagram DSL No. 227/81 of Lot 8928 Gaborone;thence in a northeasterly direction along the western boundary of Lot 8928 Gaborone to beacon A of the said diagram DSL. No. 227/81, being also beacon E of Lot 17405 Gaborone (formerly the Remainder of the Farm Broadhurst B No. 4-KO) as shown on diagram DSL. No. 222/86; thence in a northeasterly direction along the western boundary of the said Lot 17405 Gaborone through beacon F of the said diagram DSL. No. 222/86 to beacon C of diagram DSL. No. 177/82 of Lot 17401 Gaborone (formerly Tribal Grant 8-KO, Gaborone International Airport); thence clockwise round the boundaries of the said Lot 17401 through beacons D, E, F, G, H, J, K, L, M, N, P, Q, R, and A of the said diagram DSL. No. 177/82, B being also beacon A of diagram DSL. No. 221/86 of Lot 17404 Gaborone (formally the Remainder of the Farm Content No. 1-KO); thence in a northeasterly direction to a beacon B of diagram DSL. No. 785/89, being the northernmost beacon of Portion 139 (Portion of Portion 1) of the Farm Content No. 1-KO; thence in a straight line southeast through beacon C of the said diagram DSL. No. 785/89 to the point of commencement as will more fully appear on Plan No. KO-113h deposited with the Director of Surveys and Lands in Gaborone.

3. GHANZI TOWNSHIP

Ghanzi Township comprises the Remainder of the Farm 150—NK as will more fully appear on Plan NK—22 deposited with the Director of Surveys and Lands in Gaborone.

4. JWANENG TOWNSHIP

That piece of land designated Tribal Grant No. 1-KN, situate in the Southern Administrative District, measuring 9972, 5788 hectares in extent, the boundaries of which are delineated on Diagram D.S.L. No. 79/79 approved by the Director of Surveys and Lands on 22nd May, 1979.

5. KASANE TOWNSHIP

The boundary of the Township is as follows—

Commencing at point "A"; being a point on the International Boundary between the Republic of Botswana and the Caprivi Strip, where the northern prolongation of the line between beacon "KRM 14 AS" and beacon "C" of Lot 706, Kasane, meets the said International boundary, the boundary runs southwards through beacon "C" of Lot 706, Kasane, vide diagram D.S.L. No. 149/80 being point "B", co-ordinates Y=19586.86 X=1966967.96; thence continuing southwards to beacon "KRM 14 AS" at the junction of the Kasane/Kazungula road with the Kazungula/Ngoma Bridge road, being point "C", co-ordinates Y=19611.86 X=1967468.88; thence in a south-westerly direction along the northern edge of the new Kazungula/Ngoma Bridge road, to a beacon "TS1", co-ordinates Y=19199.01 X=1967524.08, being point "D"; thence in a southerly direction to a beacon "FR 23" on the northern side of firebreak No. 2, co-ordinates Y=19349.34 X=1968065.96 being point "E"; thence in a westerly direction along the northern edge of firebreak No. 2 to a beacon "TS2" at the intersection of the said firebreak No. 2 with the northern edge of the Kazungula/Ngoma Bridge road, co-ordinates Y=18002.00 X=1968518.54, being point "F"; thence in a general south-westerly direction along the northern edge of the Kazungula/Ngoma Bridge road to a beacon "TS3" on the south-western side of firebreak No. 5 co-ordinates Y=16696.59 X=1969864.10, being point "G"; thence north-westwards in a straight line to beacon "B" of Lot 2 Kasane, vide diagram D.S.L. No. 5667/61, being point "H"; thence in a south-westerly direction along the eastern boundary of the said Lot 2 Kasane, to beacon "C" thereof, being point "I"; thence in a south-westerly direction to beacon "B" of Lease Area 6—RO, vide diagram D.S.L. No. 170, being a point "JK"; thence in a west-northwesterly direction along the northern boundary of the said Lease Area 6—RO, through beacon "A" and thereon until the prolongation of the line "A" meets the International boundary between the Republic of Botswana and the Caprivi Strip, being point "K"; thence in a northerly and easterly direction along the said International boundary to point "A", being the point of commencement; as will more fully appear on Plan RO-40a, deposited with the Director of Surveys and Lands, Gaborone. Co-ordinates are in metres on Trigonometrical System Lo 25°.

6. LOBATSE TOWNSHIP

The boundary of the Township is as follows:

Commencing at the most northern beacon 8JOD of the farm Woodlands 8-JO, the boundary runs in a southeasterly direction along the common boundary of the farms Sunnyside 34-JO and Woodlands 8-JO to beacon 34JOC on the international boundary of the Republics of Botswana and South Africa, the said beacons being identical to the corresponding beacons, A and B of Diagram No. 3253/1927; thence southwards along the eastern boundary of farms Woodlands 8-JO and Tsinani 9-JO to beacon C/Tsinani, and westwards along the southern and northern boundary of the farms Tsinani No. 9-JO and Traverston No. 10-JO, respectively, to beacon D/Tsinani, the said beacons being beacons C and D of Diagram DSL No. 116/86 Lobatse; thence southwards along the common boundary of the farm Traverston 10-JO and Lot 2622 to beacon M/2622 being beacon M of Diagram DSL No. 4229/94 Lobatse; thence northwestwards along the common boundary of Lot 2622 and the farm Readfontein 19-JO to beacon ZP, and southwestwards through beacons Re, Hk to Ri, and generally northwestwards along the boundary between Lot 1735 and farm Springfield No. 18-JO, through beacon R1 to Le, the said beacons being beacons of General Plan L27a; thence generally southwards along the eastern boundaries of lots 333, 620, 330, 329 and farm 15-JO, through beacon Q/620 being beacon C of Diagram No. 319/61, beacons C/330 and R/330 being beacons C and A of Diagram No. A4539/1929, beacons S/330 and D/329 being beacons C and D of Diagram No. 4538/1929, beacon R7 of Diagram No. 8125/59, and beacons C/15JO, D/15JO, E/15JO, F/15JO, G/15JO, H/15JO, J/15JO, K/15JO to L/15JO being beacons C, D, E, F, G, H, J, K and L, of Diagram No. 7459/59 Lobatse; thence generally westwards along the southern boundary of farm 15-JO, through beacons N/15 JO, O/15 JO, P/15 JO, Q/15 JO, R/15JO, S/15JO, S1/15 JO, T/15JO, U/15JO to V/15 JO being beacons N, O, P, Q, R, S, S1, T, U and V of the said Diagram No. 7459/59

Lobatse; thence northwards along the boundary between farm 15-JO and the Bangwaketse Tribal Territory, and eastwards along the boundary between farm Geluk No. 14-JO and farm 15-JO through beacon A/15JO to B/15JO, being beacons A and B of the said Diagram No. 7459/59 Lobatse; thence generally northwards along the eastern boundary of the farm Nooitgedacht No. 13-JO through beacon P1/321 being beacon A of Diagram No. 4820/59, beacons F/321, A/321, being beacons F and A of Diagram No. 4821/59, and beacon P2/321 being beacon O of Diagram No. A2647/1927 to beacon A2 of Diagram No. A.216/1929 Lobatse; thence westwards along the common boundary of Lot 1 and the farm Nooitgedacht No. 13-JO to beacon B/Lot 1 and northwards along the western boundary of Lot 1 through beacon C2 to beacon D/Lot 1 being beacons C2 and D of Diagram No. A216/29 Lobatse; thence eastwards along the common boundary of the farm Knockduff No. 6 -JO and Lot 1 Lobatse through beacon E/Lot 1, to beacon F/Lot 1 being beacons E and F of the said Diagram No. A216/29 Lobatse; thence northwards along the western boundary of portion 2 of Goed Hoop and eastern boundary of the railway strip No. 7-JO through beacons L, M, N, O, P, Q, R, S, T, U and A being beacons of Diagram No. A 4065/1926 Lobatse, thence generally southwards through beacons B and C of Diagram No. 4065/1926 to beacon DX being beacon B of Diagram DSL No. 95/93 and also being beacon D of Diagram No. A 4065/1926 Lobatse; thence easterly to beacon B/830 being beacon B of Diagram DSL No. 343/91 Lobatse; thence generally northwards along the western boundary of farm Woodlands 8-JO and the eastern boundary of portion 1 Spitskop through beacon B/spits to beacon A/spits being beacons B and A of Diagram No. A 4064/1926 Lobatse and along the boundary between the farm Woodlands 8-JO and the railway strip No. 7-JO through beacons K9, L9, M9, N9, O9, P9, Q9, and R9 being beacons K, L, M, N, O, P, Q, R of Diagram No. A.3253/27 to the point of commencement, as will more fully appear on Plan No. JO-109e deposited with the Director of Surveys and Mapping, Gaborone.

7. SELEBI-PHIKWE TOWNSHIP

The boundary of the township is as follows—

Commencing at point "A" the co-ordinates of which are -81991,06 Eastings +2426813,39 Northings on system Lo 27 the boundary runs in a clockwise direction along the following bearings and distances: Generally south-eastwards on a bearing of 299° 57' 37" for 2124,55 metres to point "B" (Trigonometrical beacon BPT 492); thence on a bearing of 296° 45' 11" for 3195,30 metres to point "C"; thence on a bearing of 309° 28' 21" for 2013,76 metres to point "D"; thence on a bearing of 296° 45' 57" for 1554,94 metres to point "E"; thence on a bearing of 190° 33' 23" for 638,15 metres to point "F"; thence on a bearing of 181° 39' 05" for 1203,14 metres to point "G"; thence on a bearing of 152° 17' 26" for 504,03 metres to the point where the latter bearing intersects the middle of a river; thence down the middle of the river for approximately 400 metres; thence on a bearing of 172° 54' 53" for 338,89 metres to point "K"; thence on a bearing of 274° 00' 10" for 92,93 metres to point "L"; thence on a bearing of 309° 12' 14" for 700,81 metres to point "M"; thence on a bearing of 306° 20' 54" for 897,16 metres to the point where the latter bearing intersects the middle of a river; thence up the middle of the river for approximately 3320 metres to the point where the middle of the river intersects the old northern boundary of Selebi-Phikwe Township; thence on a bearing of 296° 45' 57" for 618,0 metres to point "P" (Trigonometrical beacon BPT. 551); thence on a bearing of 8° 48' 49" for 2530,13 metres to point "Q" (Trigonometrical beacon BPT. 162); thence on a bearing of 95° 52' 37" for 6241,67 metres to point "R" (Trigonometrical beacon BPT. 494); thence on a bearing of 56° 47' 37" for 1936,18 metres to point "S" (Trigonometrical beacon BPS. 48); then on a bearing of 140° 23' 53" for 1855,56 metres to point "T"; thence on a bearing of 159° 40' 37" for 4387,95 metres to point "U"; thence on a bearing of 221° 11' 09" for 3240,06 metres to the point of commencement, as will more fully appear on Plan HQ-89/3a filed in the Department of Surveys and Lands.

8. SOWA TOWNSHIP

The boundary of the township is as follows—

Commencing at a point "A", approximate co-ordinates Y = 80 600, X = 69 800, situated to the south east of a settlement called Nxakato and near the eastern edge of a track meeting the Francistown-Nata Road at a place called Semowane, to the north, and crossing the River Moseitse at Tshuane, to the south, the boundary runs in a south-easterly direction for a distance of approximately 3,6 km to a point "B", approximate co-ordinates Y = 77 200, X = 71 000; thence continues in a south-easterly direction for an approximate distance of 3,5 km to a point "C", approximate co-ordinates Y = 74 700, X = 73 400, situated to the north of a track from Tutume crossing the Francistown-Nata road near Mhatane; thence southwards for an approximate distance of 10,1 km to a point "D", approximate co-ordinates Y = 77 400, X = 83 100; thence in a westerly direction for an approximate distance of 14,6 km to a point "E", approximate co-ordinates Y = 91 800, X = 80 500; thence in a north-easterly direction for a distance of approximately 11,4 km to a point "E", approximate co-ordinates Y = 85 000, X = 71 400; thence continuing generally in a south-easterly direction for a distance of approximately 4,7 km to the point of commencement, as will more fully appear on Plan OP 3 deposited with the Director of Surveys and Lands. Coordinates are in metres based on Trigonometrical System Lo 27°.

DECLARATION OF SOWA TOWNSHIP ORDER

(under section 2)

(11th May, 1990)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
 2. Declaration of Township
- Schedule

S.I. 32, 1990.

1. Citation

This Order may be cited as the Declaration of Sowa Township Order.

2. Declaration of Township

The area described in the Schedule hereto is hereby declared to be Sowa Township.

SCHEDULE

SOWA TOWNSHIP

The boundary of the township is as follows—

Commencing at a point "A", approximate co-ordinates Y = 80 600, X = 69 800, situated to the south east of a settlement called Nxakato and near the eastern edge of a track meeting the Francistown-Nata Road at a place called Semowane, to the north, and crossing the River Moseitse at Tshuane, to the south, the boundary runs in a south-easterly direction for a distance of approximately 3,6 km to a point "B", approximate co-ordinates Y = 77 200, X = 71 000; thence continues in a south-easterly direction for an

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approximate distance of 3,5 km to a point "C", approximate co-ordinates Y = 74 700, X = 73 400, situated to the north of a track from Tutume crossing the Francistown-Nata road near Mhatane; thence southwards for an approximate distance of 10,1 km to a point "D", approximate co-ordinates Y = 77 400, X = 83 100; thence in a westerly direction for an approximate distance of 14,6 km to a point "E", approximate co-ordinates Y = 91 800, X = 80 500; thence in a north-easterly direction for a distance of approximately 11,4 km to a point "E", approximate co-ordinates Y = 85 000, X = 71 400; thence continuing generally in a south-easterly direction for a distance of approximately 4,7 km to the point of commencement, as will more fully appear on Plan OP 3 deposited with the Director of Surveys and Lands. Coordinates are in metres based on Trigonometrical System Lo 27.

DECLARATION OF GABORONE TOWNSHIP AS A CITY ORDER

(under section 3)

(1st July, 1986)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of Gaborone Township as a City

Schedule

G.N. 229, 1986,
S.I. 79, 1987,
S.I. 89, 1990.

1. Citation

This Order may be cited as the Declaration of Gaborone Township as a City Order.

2. Declaration of Gaborone Township as a City

The area defined as the Gaborone Township in the Declaration of Township Order is hereby declared to be a city, the boundaries of which are set out in the Schedule hereto.

SCHEDULE

GABORONE CITY

The boundaries of the City are as follows:

Commencing at beacon "A" of the Farm Sowenflat on diagram A339/1916 the boundary runs in a southeasterly direction in a straight line through beacons "B" of the said diagram A339/1916 to a point in the middle of the Ngotwane River; thence in a generally southwestwards direction along the median-line of the Ngotwane River to beacon "C" of the said diagram A339/1916, being also beacon "B" of Portion 1 of the Farm Glenvalley No. 3-KO vide Diagram No. 609/43; thence in a west-northwesterly direction through beacon "B" of the said diagram No. 609/43 to beacon "A" of the said Portion 1 of the Farm Glenvalley No. 3-KO; thence in a generally southerly direction through beacons "H", "G" and "F" to beacon "E", being also beacons defining the eastern boundary of the Railway Strip No. 16-KO; thence in

a southwesterly direction along the eastern boundary of the Railway Strip 16-KO to beacon "D" of the Farm Glenvalley No. 3-KO vide diagram 3 222/1912; thence in a southeasterly direction through beacon "C" of the said diagram No. 3 222/1912 to a point in the middle of the Ngotwane River; thence in a generally southwestwards direction along the median line of the Ngotwane River to beacon "A" of Lot 13 043 Gaborone (formerly Lot 6652 Gaborone and earlier Portion 1 of the Farm Kentholme No. 13-KO) as shown on diagram DSL No. 148/80; thence in a straight line in a southeasterly direction through beacon "F" to beacon "G" of the said diagram, which beacon is lettered "A" on diagram DSL No. 18/84 of Portion 2 of the Farm Kentholme No. 13-KO; thence continuing round the boundaries of the said Portion 2 of the Farm Kentholme through "B", "C", "D", "E", "F", "G", and "H" of the said diagram 18/84; thence continuing in a generally southwesterly direction along the boundaries of Portion 2 of the Farm Werribee No. 12-KO through beacons "B", "C", "D", "E", "F", "G", "H", "J", "K", "L", "M", "N", "P", "Q", and "R" of diagram DSL No. 17/84; thence continuing in a generally southwesterly direction along the boundaries of Portion 2 of the Farm Atholl Holme No. 11-KO through beacons "B", "C", "D", "E", "F", "G", "H", "J", "K", "L", "M", "N", "P", "Q", and "R", of diagram DSL NO. 16/83, "R" being a beacon of the International Boundary between Botswana and the Republic of South Africa; thence west-northwest for 490.31m along the said International Boundary to beacon "S" of the said diagram DSL No. 16/83; thence to a point in the middle of the Ngotwane River directly on line between the said beacon "S" of diagram DSL No. 16/83 and a beacon lettered "A" on diagram DSL No. 44/85 of Portion 57 of the Farm Crocodile Pools No. 15-KO; thence in a generally southerly direction along the median line of the Ngotwane River to a point lettered "B" on the said diagram 44/85; thence along the boundaries of Portion 57 of Crocodile Pools No. 15-KO, through beacons "B", "C", "D", "E", "F", "G", "H", and "J" of the said diagram DSL No. 44/85; thence in a westerly direction to a beacon "G" on the eastern boundary of Portion 56 of the Farm Crocodile Pools No. 15-KO as shown on diagram DSL No. 2/85; thence generally southwestwards along the boundaries of the said Portion 56 of the Farm Crocodile Pools No. 15-KO through beacons "H", "J", "K", "L", "M", and "N" of the said diagram DSL No. 2/85; thence along the boundaries of Portion 25 of the Farm Traquair No. 10-KO through beacons "D", "E", "F", "G", "H", "J" and "A" of diagram DSL No. 1/85; thence along the boundaries of Tribal Grant No. 21-KO, through beacons "U", "V", "W", "X", "Y", "Z", "A", "B", "C", "D", "E", "F", "G", "H", "J", "K", "L", "M", "N", "P", "Q", "R", and "A" of diagram DSL No. 3/85; thence southerly for 130.22 metres to beacon "B" of the said diagram DSL No. 3/85; thence continuing in a straight line to beacon "B" of Portion 8 of the Farm Forest Hill No. 9-KO, (now lot 17406 Gaborone) as shown on diagram DSL No. 175/86; thence along the western boundary of the said Portion 8 of the Farm Forest Hill No. 9-KO through beacons "C", "D", "E", "F", "G", "H", "J", "K", "L", "M", "N", "P", "Q", "R", "S", "T", "U", "V", "W", "X" and "Y" of the said diagram DSL No. 175/86; thence in a northwesterly direction along the northeastern boundary of the Farm Forest Hill No. 9-KO to a beacon lettered "B" on diagram SG No. 9 of 1970; being also "Y" of diagram DSL No. 227/81 of Lot 8 928 Gaborone; thence in a northeasterly direction along the western boundary of Lot 8 928 Gaborone to beacon "A" of the said diagram DSL No. 227/81, being also beacon "E" of Lot 17405 Gaborone (formerly Remainder of the Farm Broadhurst B No. 4-KO) as shown on diagram DSL No. 222/86; thence in a northeasterly direction along the western boundary of the said Lot 17405 Gaborone through beacon "F" of the said diagram DSL No. 222/86 to beacon "C" of diagram DSL No. 177/82 of Lot 17401 Gaborone (formerly Tribal Grant 8-KO Gaborone International Airport); thence clockwise along the boundaries of the said Lot 17401 through beacons "D", "E", "F", "G", "H", "J", "K", "L", "M", "N", "P", "Q", "R", "A", and "B" of the said diagram DSL No. 177/82, "B" being also beacon "A" of diagram DSL No. 221/86 of Lot 17404 Gaborone (formerly the Remainder of the Farm Content No. 1-KO); thence in a southeasterly direction along the northern boundary of the said Lot 17 404 Gaborone to beacon "B", being also a point on the western boundary of the Railway Strip No. 16-KO; thence along a straight line to beacon "A" of the diagram DSL No. 29/81 of Portion 1 of the Farm Sowenflat No. 2-KO; thence in a straight line in a generally northeasterly direction along the eastern boundary of the Railway Strip to the point of commencement as will more fully appear on Plan KO 113g deposited with the Director of Surveys and Lands in Gaborone.

DECLARATION OF FRANCISTOWN AS A CITY ORDER

(under section 3)

(19th September, 1997)

S.I. 81,1997.

WHEREAS by the High Commissioner's Notice No. 27 of 1960 (Declaration of Townships), Francistown was declared to be a Township, and a Town Council was established for the governance and administration of the said Township by the Establishment of Francistown Town Council Order (Legal Notice No. 50 of 1966) ;

AND WHEREAS at all times since then the Mayor and Councillors of the Town Council of Francistown have exercised their powers and functions with outstanding devotion to their duties with benevolent concern for all the residents of Francistown;

AND WHEREAS for divers good causes and considerations it is desired to confer on the Township of Francistown the status of a City;

AND WHEREAS I AM empowered by section 3 of the Townships Act to declare any township in Botswana to be a City;

NOW THEREFORE know ye that in exercise of the said powers I, QUETT KETUMILE JONI MASIRE, President of the Republic of Botswana, do hereby declare Francistown Township to be a City from this 30th day of August, in the year of Our Lord One Thousand Nine Hundred and Ninety Seven, and that henceforth it shall have all rank, liberties, privileges and immunities as are incident to a City;

GIVEN under my hand and the Public Seal this 30th day of August, in the year of Our Lord One Thousand Nine Hundred and Ninety Seven.

SOWA TOWNSHIP REGULATIONS

(under sections 4 and 5)

(8th March, 1991)

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S.I. 26, 1991.

PART I ***Preliminary (regs 1-2)***

1. Citation

These Regulations may be cited as the Sowa Township Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"auditor" means the person appointed to carry out an audit in accordance with regulation 42;

"Chairman" means the person appointed to be the Chairman of the Township Authority in accordance with regulation 5, or any person for the time being acting as Chairman of the Authority;

"executive officer" means the person referred to as such in regulation 5;

"owner", in relation to land, includes—

- (a) the person receiving the rent or profits of any land from the occupier thereof on his own account or as agent for a person entitled thereto; or
- (b) any person who lawfully occupies or holds land in accordance with an agreement whereunder he is entitled to obtain transfer of such land on fulfilment by him of the conditions prescribed by such agreement;

"township" means the Sowa Township as defined in terms of the Township Act;

"Township Authority" means the Sowa Township Authority established by regulation 3;

"valuation officer" means any person so appointed in accordance with section 50 of the Town Council Regulations.

PART II ***Establishment, Duties and Powers (regs 3-17)***

3. Establishment of Sowa Township Authority

There is hereby established a township authority for the township, to be called the Sowa Township Authority.

4. Duties and powers of Township Authority

(1) The general duty of the Township Authority shall be to conduct the affairs of the township in accordance with these Regulations and any other law so as to secure and promote the health, order and good government of the township, and to that end the Township Authority may perform such functions as are specified in the First Schedule.

(2) The Township Authority shall appoint a Finance Committee and an Education Committee, and may from time to time appoint such other committees either of a general or a specific nature, consisting of such number of members as the Township Authority may think fit, for the purpose of transacting such business or performing any act or duty which in the judgement of the Township Authority would more conveniently be performed by means of a committee, and may delegate to any committee such powers, except the power to make bye-laws and any power to raise money by rates or otherwise, as it may think fit; and unless in appointing any such committee the Township Authority has appointed one of its members as the chairman thereof, the committee shall elect one of its members to be the chairman thereof.

(3) The Township Authority may revoke or amend any delegation made under the provisions of subregulation (2) and may attach conditions to such delegation, including general or particular directions as to the manner in which any delegated power is to be exercised.

(4) A committee other than the Finance Committee, may co-opt persons other than members of the committee, and such co-opted persons may take part in the proceedings of the committee, but shall not have the right to vote thereat.

5. Constitution of Township Authority

(1) The Township Authority shall consist of a Chairman, and not more than eight nor less than six other members to be appointed by the Minister by notice published in the *Gazette*.

(2) The Chairman shall be the executive officer responsible for administering the township.

(3) Whenever the Chairman is absent or for any reason unable to perform the functions of Chairman of the Township Authority, the other members of the Authority may elect one of their number to act as Chairman.

6. Meetings of Township Authority

(1) The Township Authority shall meet at such times and places as the Chairman may appoint, and in no case less often than once in every three months:

Provided that the Chairman may call a meeting at any time on his own motion or at the request in writing of not less than three members.

(2) The Chairman shall cause a notice showing the time and place of every meeting, to be exhibited on the township notice board and at such other places as the Township Authority may

determine, and shall cause such notice to be sent to every member.

(3) Meetings of the Township Authority shall be open to the public and to the press :

Provided that the Township Authority may, by a majority of the members present, order that the press or the public should not be admitted; and Provided further that meetings of any committee of the Township Authority shall not be open to the public or the press.

(4) The Township Authority may make standing orders to regulate the conduct of its business at meetings.

(5) A quorum of the Township Authority shall be constituted by not less than half the total number of members appointed under regulation 5(1).

7. Voting of Township Authority

(1) All matters to be decided upon, or all acts required to be done by the Township Authority, shall be determined by a majority of votes of the members present at a duly convened meeting.

(2) The Chairman shall, when the votes on any question are equal, have a casting vote in addition to his ordinary vote as a member.

8. Minutes of meetings

(1) The Chairman shall cause minutes of each meeting of the Township Authority to be kept, and such minutes shall be submitted for confirmation at the next meeting, and after being confirmed or altered, as the case may be, shall be signed by the Chairman.

(2) Copies of the minutes of the meetings of the Township Authority shall be available to the Minister and to such other persons as the Minister may specify.

(3) The minutes shall, during normal business hours, be open to inspection by any member of the public, who may obtain a copy thereof on payment of such fees as may be fixed by the Township Authority in its bye-laws.

9. Interest of members of Township Authority

(1) Subject to the provisions of the Public Service Act, no member of the Township Authority shall be disqualified by his office from entering into any contract with the Township Authority nor shall any such contract entered into by or on behalf of the Township Authority in which any member of the Township Authority shall be in any way directly or indirectly interested, be on account of such interest voided or set aside, nor shall any member of the Township Authority so contracting or being so interested be liable to account to the Township Authority for any profit realized by any such contract by reason of any member of the Township Authority holding that office :

Provided that the nature and extent of his interest shall be disclosed by him so that such disclosure is duly minuted prior to or at the meeting of the Township Authority at which the contract is determined upon, if the interest then exists, or in any other case at the first meeting

of the Township Authority after the acquisition of his interest.

(2) No member of the Township Authority shall vote upon or take part in any discussion of any matter in or before the Township Authority in which he or his wife, partner or relative within the first degree of consanguinity or affinity is interested, either directly or indirectly, or in which any company of which he is an officer or shareholder is interested, either directly or indirectly.

(3) Any member of the Township Authority who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of P200 and to imprisonment for three months, and in addition shall become disqualified from continuing to be a member of the Township Authority, and shall account to the Township Authority for any profit which may accrue to him in respect of such contract.

10. Defects in appointment of members of Township Authority

All proceedings of the Township Authority, and the actions and statements of any person acting as Chairman thereof, shall, notwithstanding that it is later discovered that there was some defect in the appointment of any such member or the Chairman, be as valid and effectual as if every such member, or the Chairman, had been duly appointed.

11. Township Authority to be a body corporate

The Township Authority shall be a body corporate with perpetual succession and shall be capable of suing or being sued in its own name and, subject to the provisions of these Regulations and any written law, of purchasing, holding and alienating land and performing all acts and things that bodies corporate may by law do and perform.

12. Powers of executive officer

(1) The Chairman as executive officer shall, subject to the general directions of the Township Authority, exercise such powers of the Township Authority as may be delegated to him by the Township Authority, and all such acts done by him in the exercise of these powers shall be deemed to be done by the Township Authority.

(2) In any case of emergency any member of the Township Authority, or, in any case where no such member is available, any fit and proper person authorized in writing in that behalf by the Chairman for a period not exceeding twenty-four hours at a time, may exercise the powers of the Township Authority, and all acts done by him in the exercise of those powers shall be deemed to be done by the Township Authority.

13. Appointment of employees

(1) Subject to the provisions of the Unified Local Government Service Act, the Township Authority shall appoint such employees as it may deem necessary.

(2) The Township Authority shall pay to its employees such emoluments as are consistent with the conditions of service provided for under the Unified Local Government Service Act in the case of permanent and pensionable employees, and under the Local Authorities Regulations for Industrial Employees in the case of industrial class employees.

14. Power of Township Authority to make bye-laws

(1) The Township Authority may, subject to the approval of the Minister, make bye-laws for the health, order and good government of the township, and without prejudice to the generality of the foregoing, may make bye-laws for all or any of the purposes set out in the Second Schedule.

(2) Such bye-laws may prescribe what licences or permits may be required thereunder, and may lay down the fees to be paid for any services to be rendered by the Township Authority.

(3) Such bye-laws may prescribe what acts or omissions shall constitute offences under the bye-laws and what penalties may be incurred thereby:

Provided that no penalty shall exceed a fine of P200 and imprisonment for six months.

(4) Any bye-law may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue directions to any other person requiring acts or things to be done, imposing conditions and prescribing periods within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(5) All such bye-laws shall, after approval by the Minister, be published in the *Gazette* and the Chairman of the Township Authority shall cause a copy of such bye-laws to be exhibited on the township notice board and at such other places as the Township Authority may determine.

15. Powers of entry

The Township Authority may, through its members or officers enter into or upon any land or premises within the jurisdiction at all reasonable times for the purpose of the powers conferred under these Regulations or under the provisions of any bye-laws made under these Regulations:

Provided that, if the owner or occupier of such land or premises so requests, the Township Authority or its officers shall give such owner or occupier at least twenty-four hours notice of the intention to enter such land or premises.

16. Authentication of powers

Every order, notice or other document requiring authentication by the Township Authority may be sufficiently authenticated if signed by the Chairman or any person duly authorized by him in that behalf.

17. Penalty for obstruction

Any person who at any time obstructs the executive officer or any person employed by the Township Authority or acting under the directions of the Township Authority in any duty or function which he is empowered or required to exercise or perform by these Regulations or any bye-laws made hereunder, shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

PART III

Contracts and Tenders (regs 18-29)

18. Contracts for more than P5000

(1) If the liability of the Township Authority 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 or technical services, to or for the Township Authority, is to exceed P5000 but not P25 000 the contract shall be in writing and the Township Authority shall not enter into it without inviting at least three tenders.

(2) This regulation and regulation 19 shall not apply to any contract for the purchase by the Township Authority of perishable goods bought at a public market, or any purchase entered into by the Township Authority as a result of bidding at a public auction.

19. Contracts for more than P25 000

If the liability of the Township Authority under any contract for the supply of any goods or materials, or the execution of any works or the provision any services, other than professional or technical services to or for the Township Authority is to exceed P25 000, the contract shall be embodied in a formal document approved by the Township Authority, and the Township Authority shall not enter into it without inviting tenders.

20. Three tenders to be considered

Where under the provisions of these Regulations the Township Authority may not enter into a contract without inviting tenders, it shall not be competent for the Township Authority to enter into such contract except after consideration of the tenders, unless for good and sufficient reasons recorded in the Township Authority's minutes such tenders cannot be obtained.

21. Notice calling for tenders to be published and posted

(1) Whenever the Township Authority is required to invite tenders in terms of regulation 19 it shall, in addition to any individual invitation it may issue, call for tenders by notice published in the *Gazette* and a newspaper circulating in Botswana, which notice shall also be posted on the township notice board.

(2) Such publication and posting shall be effected twenty-eight clear days before tenders are to be considered by the Township Authority.

22. Contents of notice and delivery of tenders

Any notice published and posted as is required in regulation 21, and any individual invitation for tenders, shall call for tenders to be delivered to the Township Authority by a specified time and a specified date, not being less than fourteen days after the date when the notice is last published or posted, in plain sealed envelopes marked "Tender for".

23. Particulars of contract to be supplied

The Township Authority shall not enter into any contract to which regulation 19 applies

unless full and identical particulars have been supplied to every person who, not later than seven days after the notice calling for tenders was last published or posted, applied to the Township Authority therefor, and such particulars shall be supplied to the applicants by the Township Authority within seven days after the said notice was last published and posted.

24. Opening of tenders

(1) All tenders for any one contract shall be opened at one time in the presence of the Township Authority or the appropriate committee thereof, and the treasurer.

(2) No later than seven days before any meeting for the opening of tenders is held, written notice thereof shall be posted by the Township Authority to every person who has informed the Township Authority in writing of his wish to receive such notice.

25. Tenders to be considered by Township Authority

(1) Whenever the Township Authority is required to invite tenders those which have been received shall be placed before the Township Authority and considered by it.

(2) For the purpose of considering tenders the Township Authority may obtain such professional or technical advice as it considers necessary or advisable.

26. Matters to be taken into account

(1) In considering tenders the Township Authority shall take into account the contractual reliability of the tenderers as well as the need to achieve economy, efficiency and the development of Botswana industries.

(2) The Township Authority shall not be obliged to accept the lowest or any tender but in any case where the lowest tender is not accepted the reasons why it is not accepted shall be recorded in the Township Authority's minutes, and the Township Authority shall report the reasons to the Minister.

27. Signing 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 the Township Authority by the Chairman and the treasurer.

28. Tenderers to be informed

When the Township Authority has decided upon the question of acceptance of tenders it shall forthwith inform the tenderers, whether they have been successful or unsuccessful.

29. Power of waiver

Notwithstanding the provisions of this Part, the Minister may approve a request made by the Township Authority to waive anything required to be done or written under this part in relation to contracts.

PART IV
Valuation and Rating (regs 30-34)

30. Application of Part VI of Town Council Regulations

With the exception of regulations 65, 66, 94 and 95 of the Town Council Regulations, Part VI of those Regulations shall *mutatis mutandis* apply within the township, and for the purpose of such application—

- (a) the Township Authority shall be deemed to be a "council";
- (b) for "District Commissioner" shall be read "Township Authority";
- (c) for "Mayor" shall be read "Chairman of the Township Authority";
- (d) for "council area" shall be read "township"; and
- (e) for "Town Clerk" shall be read "executive officer".

31. Basis of valuation

Subject to the provisions of regulation 62(2) of the Town Council Regulations, where a general or interim valuation is made—

- (a) if any land is to be valued with improvements, the basis of valuation of such land shall be the capital sum which that land might be expected to realize if offered for sale with all improvements thereon at the time of the valuation, on such reasonable terms and conditions as a *bona fide* seller would require; and
- (b) if any land is to be valued without improvements, the basis of valuation of such land shall be the capital sum which that land might be expected to realize if offered for sale exclusive of the improvements existing thereon at the time of the valuation, on such reasonable terms and conditions as a *bona fide* seller would require,

due regard being had in either case not only to such particular rateable land but to other rateable land of a similar class, character, value or position, and the land shall be considered subject to any restrictions imposed on it by the Township Authority under its bye-laws or by any town planning scheme which may either increase or decrease the value of such land:

Provided that any exceptional circumstance of a temporary nature which is likely to cause an abnormal price to be paid shall be disregarded in arriving at the estimated price.

32. Particulars to be inserted in valuation roll

The Valuation Officer shall frame any valuation roll in such manner as to show—

- (a) the situation of the land;
- (b) the full name of the owner, and his address;

- (c) the description of the land; and
- (d) the value of the land both with and without improvements.

33. Resumption of possession by owner

Within three months after demand by the owner of any land taken possession of by the Township Authority in pursuance of regulation 91 of the Town Councils Regulations, made within thirty years after the date of taking possession, and after payment of all arrears of rates due in respect thereof and interest upon all such arrears at the rate of one per centum per month or part thereof, such owner shall be entitled to resume possession of such land, subject to the terms of any lease theretofore lawfully granted by the Township Authority under the provisions of these Regulations.

34. Application of moneys received under leases by the Township Authority

All rent, and all other moneys payable under any such lease as is referred to in regulation 33, shall, until the payment of all arrears and interest by the owner in accordance with regulation 33, or the expiration of thirty years from the date of taking possession of such land by the Township Authority, whichever first happens, be received by the Township Authority and shall be applicable—

- (a) in defraying the expenses of and incidental to the giving of the notices as aforesaid, and the execution of such lease and the collection of the rents;
- (b) in payment to the Township Authority of all arrears of rates and other payments due in respect of such land, together with interest on all arrears of rates at the rate of one per centum per month or part thereof, from the time when interest upon such rates accrues respectively, and in payment of all rates and other payments becoming due thereon, and the residue of such money shall belong to such person as would have been entitled to receive the rents or profits of such land if these Regulations had not been brought into operation.

PART V

Financial Provisions (regs 35-41)

35. Financial year of Township Authority

The financial year of the Township Authority shall be from the first day of April to the 31st day of March in the next succeeding year, and the Township Authority shall cause its books to be balanced within three months of the end of each financial year.

36. Banking account

The Township Authority shall open in its name a banking account into which all moneys received by it under the provisions of these Regulations or any other written law shall be paid, unless such other law makes different provision with respect thereto.

37. Estimates

(1) The Township Authority shall, not later than six months before the end of its financial year, draw up estimates of probable revenue and expenditure for the financial year next ensuing. Such estimates shall be in the form prescribed by the Minister, and a copy thereof signed by the Chairman of the Township Authority shall be submitted to the Minister, who may approve, amend or disallow them in whole or part as he thinks fit.

(2) The Minister shall direct the Township Authority to make a copy of the said estimates, as approved or amended by him, available for inspection by the public at the offices of the Township Authority.

(3) Whenever any estimate has been approved by the Minister, the Township Authority shall not, except with the approval of the Minister, place any new revenue or expenditure item thereon, or increase any expenditure item, or incur expenditure in excess of any item, whether against a saving under any other item or not.

38. Books to be kept

(1) The Minister shall direct what books and forms of account shall be maintained by the Township Authority, which shall enter therein all sums of money received by it or expended by or for it.

(2) The Township Authority shall issue such financial instructions as are necessary to give proper effect to the provisions of the preceding subregulation.

39. Loans and overdrafts

(1) The Township Authority may, with the approval of the Minister, incur such loans of money as may be necessary from time to time for the proper carrying out of the provisions of these Regulations or any bye-laws made by it.

(2) The Township Authority may arrange overdraft facilities with its bankers for an amount not exceeding one-third of its total income in the proceeding financial year, provided the approval of the Minister, acting in accordance with the advice of the Minister responsible for finance, is first obtained.

(3) All moneys borrowed in accordance with this regulation and the interest thereon shall be a charge of the rates and revenues, present and future, of the Township Authority.

40. Investments of funds

The Township Authority may invest all or any part of its moneys in such manner as the Minister acting in accordance with the advice of the Minister responsible for finance may approve.

41. Books and accounts to be audited

(1) The books and accounts of the Township Authority shall be audited annually by an auditor appointed by the Minister.

(2) The Township Authority shall, within one month after the books have been balanced in

accordance with the provisions of regulation 35 and have been laid before the Township Authority, make available for inspection by the Local Government Audit Department, or by the auditor appointed by the Minister, a balance sheet and revenue and expenditure account signed by the Chairman of the Township Authority and books so balanced together with all vouchers in support of the same and all books, papers and writings in its custody or power relating thereto.

PART VI **Audit (regs 42-46)**

42. Duties and powers of auditor

(1) The auditor shall examine, enquire into and audit the revenue and expenditure account and balance sheet referred to in regulation 41 and the books and accounts of all persons entrusted with the receipt, custody or issue of moneys, securities or other property of the Township Authority or for which the Township Authority is responsible.

(2) When the auditor has completed his examination in terms of subregulation (1), he shall make a report to the Minister certifying that the accounts and books of the Township Authority have been duly examined and signifying his acceptance or otherwise of such accounts and books. The report rendered in terms of this subregulation shall include the auditor's comments on the manner of collection, accounting for, custody and disbursement by the Township Authority of moneys payable to the Township Authority, the necessity for and adequacy of any reserve funds and the amounts set aside for depreciation and obsolescence of plant, and any matters as to which he has not been satisfied or which in his opinion call for special notice particularly with regard to any assets taken into account.

(3) The Minister shall submit the report by the auditor to the Township Authority with such further comment as he may himself desire to make.

43. Township Authority to give notice

Upon the receipt by the Township Authority of the auditor's certificate and report it shall give notice by publication in the *Gazette* that the revenue and expenditure account and the balance sheet as certified by the auditor together with a copy of his report are open to inspection during normal office hours at the Township Authority's offices for a period of not less than fourteen days from the date of publication of the notice.

44. Consideration of auditor's report by Township Authority

(1) Immediately after the expiration of the period during which the revenue and expenditure account and the balance sheet were open to inspection, the Township Authority shall consider such accounts and the auditor's report on them together with any other representations which may have been made.

(2) In the event of the auditor having reported on any irregularities, the Township Authority shall decide what action should be taken in regard to the matters reported upon by the auditor, and shall advise the Minister of the action taken or proposed to be taken.

45. Disallowance and surcharge

(1) The auditor may make objection in his report to any item of the expenditure.

(2) The auditor shall disallow any such item of expenditure or any part of such item on the ground that the expenditure is wrongful or unreasonable or on any other ground, and the auditor may by order in writing surcharge any person as the person responsible for the payment of any such item having been made.

(3) If it appears to the auditor that any failure to collect money due to, or any loss of money or damage to the property of, the Township Authority has occurred through the wilful or negligent or wrongful act of any member, officer, or employee of the Township Authority, he shall by order in writing surcharge the amount thereof to such member, officer or employee.

(4) On ordering such surcharge, the auditor shall forthwith report the details thereof to the Minister in writing and notify in writing the person surcharged that he may within twenty-one days of such notification make representations respecting such surcharge to the Minister.

(5) After the expiry of the period of twenty-one days referred to in subregulation (4) the Minister may confirm the surcharge or remit all or any portion thereof as he may deem fit, and the surcharge shall be effective only to the extent to which it is so confirmed.

46. Recovery of surcharge

Any surcharge raised in terms of regulation 45 shall be a debt due to the Township Authority, which may be sued for and recovered by action in any court of competent jurisdiction at the suit of the Township Authority.

FIRST SCHEDULE FUNCTIONS WHICH MAY BE PERFORMED BY THE SOWA TOWNSHIP AUTHORITY

(Regulation 4(1))

1. Education

To provide primary schools and other education services in relation to primary education.

2. Health

(1) To provide sewerage and sewage treatment works and sanitary service for the removal and destruction of, or for otherwise dealing with, nightsoil and refuse.

(2) To take steps in addition to those taken by any other authority to safeguard and promote public health and prevent the occurrence of or deal with any outbreak or prevalence of any disease.

(3) To provide public lavatories.

(4) To prevent the breeding of disease-carrying animals and insects.

(5) To provide for the destruction of dogs and other animals believed to be, or suspected of being rabid.

3. Communications

To make, alter and maintain public roads and streets other than those the maintenance of which has been undertaken by the Government, and to name all roads and streets within the township.

4. General administration

(1) To provide for the protection, maintenance and administration of township property.

(2) To protect and administer township land.

(3) To establish and maintain markets and public swimming baths.

(4) To establish and maintain recreation grounds and other public places and to provide for the planting and protection of plants and shrubs.

(5) To establish and maintain abattoirs.

(6) To collect and dispose of stray livestock and other domestic animals, and to establish, maintain and operate pounds.

(7) To establish and maintain mortuaries, cemeteries and burial grounds.

(8) To provide services or assist in the provision of services giving relief from or attempting to avert natural calamity.

(9) To undertake or assist associations existing for the promotion of recreation and sport, arts and crafts or for the welfare of children and young persons or for the relief and support of blind, infirm, indigent, aged or destitute persons.

5. Commercial

Subject to any written law, to enter into contracts or concessions for the sale or other disposition of land or premises owned by the Township Authority or of any interest therein.

6. Bye-laws

To carry into effect any bye-laws made by the Township Authority.

7. Employees

To secure the proper working of the Township Authority and the welfare of its employees.

8. Development of land

(1) With the approval of the Minister, on land vested in the Township Authority, to develop such land and build, maintain and let out housing.

(2) Subject to the directions of the President, to grant certificates of rights and temporary occupancy certificates in respect of State Land designated for site and service housing.

SECOND SCHEDULE PURPOSES FOR WHICH THE SOWA TOWNSHIP AUTHORITY MAY MAKE BYE-LAWS

(Regulation 15)

1. For the better carrying into effect of any function conferred on the Township Authority in terms of regulation 4 as read with the First Schedule.
2. To control township buildings and other property.
3. To control recreation grounds, parks and other public places.
4. To control markets.
5. To control mortuaries, cemeteries and burial grounds.
6. To regulate, control or prevent advertising, dangerous trades, noises, collections, hawking, street vending or any nuisance.
7. To regulate, control and license laundries.
8. To regulate the keeping of domestic or wild animals or bees, poultry or pigeons, to fix a minimum size of any stand, lot, premises or area upon which such animals may be kept and to prohibit the use of any stable, cowshed, pen or sty which in the opinion of the Township Authority is unfit, undesirable or objectionable by reason of its locality, condition or manner of use.
9. To regulate, control and to arrange the brewing, distribution and sale of traditional beer.
10. To fix levy rates upon land, which may include different rates upon different classes of land, for municipal purposes.
11. To fix fees payable for inspection of the minutes of the Township Authority.

GABORONE CITY COUNCIL (LOCAL BEER) REGULATIONS

(under section 9)

(21st October, 1963)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Manufacture or possession of local beer
4. Permit to manufacture, etc.
5. Penalties
6. Permitted quantities
7. Fee
8. Form of permit
9. Permit not transferable
10. Revenues

Schedule - Permit to Manufacture or be in Possession of Local Beer

G.N. 92, 1963,

1. Citation

These Regulations may be cited as the Gaborone City Council (Local Beer) Regulations.

2. Interpretation

In these Regulations "**local beer**" means beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as "**ila**", "**kabidikamo**" or "**banyana**", or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as "**khadi**".

3. Manufacture or possession of local beer

No person shall manufacture or be in possession of local beer within the limits of the Gaborone City Council area unless he is in possession of a valid permit authorizing such manufacture or possession.

4. Permit to manufacture, etc.

Applications for a permit of the type referred to in regulation 3 shall be made to the City Clerk of the Gaborone City Council who may—

- (a) issue such a permit;
- (b) refuse to issue such a permit;
- (c) issue a permit for a lesser quantity of local beer than that applied for; or
- (d) impose such conditions to a permit as he may deem fit.

5. Penalties

Any person who contravenes the provisions of regulation 3 or who contravenes any condition imposed in a permit in terms of regulation 4 shall be guilty of an offence and liable on conviction to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding six months.

6. Permitted quantities

The City Clerk shall not issue any permit for a quantity of local beer in excess of 90,92 litres.

7. Fee

Before the issue of a permit a fee of two thebe in respect of each 4,546 litres of local beer authorized in such permit shall be paid to the City Clerk.

8. Form of permit

A permit shall be in the form specified in the Schedule hereto and shall be valid only for the period specified therein, which period shall not, in the case of a permit to be in possession of local beer, exceed two days, and, in the case of a permit to manufacture local beer, exceed seven days.

9. Permit not transferable

A permit issued in terms of these Regulations shall not be transferable.

10. Revenues

All moneys received by the City Clerk in terms of these Regulations shall be paid into the funds of the Council.

**SCHEDULE
PERMIT TO MANUFACTURE OR BE IN POSSESSION OF LOCAL BEER**

(issued under the Gaborone City Council (Local Beer) Bye-laws)

GABORONE CITY COUNCIL

Permission is hereby granted to

(Name)

of

(Address)

to manufacture and/or be in possession *(1) of litres of

local beer within the limits of Gaborone City Council area for the period from
a.m./p.m. on the day of 20 to
a.m./p.m. on the day of 20
subject to the conditions set out hereunder.

Conditions

.....
.....

.....
Date

.....
Town Clerk

Fee paid

GHANZI TOWNSHIP (LOCAL BEER) REGULATIONS

(under section 9)

(21st October, 1963)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Manufacture or possession of local beer
4. Permit to manufacture
5. Penalties
6. Permitted quantities
7. Fee
8. Form of permit
9. Permit not transferable
10. Revenues

Schedule - Permit to Manufacture or be in Possession of Local Beer

G.N. 93, 1963,
G.N. 126, 1963.

1. Citation

These Regulations may be cited as the Ghanzi Township (Local Beer) Regulations.

2. Interpretation

In these Regulations "**local beer**" means beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as "**ila**", "**kabidikamo**" or "**banyana**", or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as "**khadi**".

3. Manufacture or possession of local beer

No person shall manufacture or be in possession of local beer within the limits of Ghanzi Township unless he is in possession of a valid permit authorizing such manufacture or possession.

4. Permit to manufacture

Applications for a permit of the type referred to in regulation 3 shall be made to the District Commissioner of the Ghanzi Township who may—

- (a) issue such a permit;
- (b) refuse to issue such a permit;
- (c) issue a permit for a lesser quantity of local beer than that applied for; or
- (d) impose such conditions to a permit as he may deem fit.

5. Penalties

Any person who contravenes the provisions of regulation 3 or who contravenes any condition imposed in a permit in terms of regulation 4 shall be guilty of an offence and liable on conviction to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding six months.

6. Permitted quantities

The District Commissioner shall not issue any permit for a quantity of local beer in excess of 90,92 litres.

7. Fee

Before the issue of a permit a fee of two thebe in respect of each 4,546 litres of local beer authorized in such permit shall be paid to the District Commissioner.

8. Form of permit

A permit shall be in the form specified in the Schedule hereto and shall be valid only for the period specified therein, which period shall not, in the case of a permit to be in possession of local beer, exceed two days, and, in the case of a permit to manufacture local beer, exceed seven days.

9. Permit not transferable

A permit issued in terms of these Regulations shall not be transferable.

10. Revenues

All moneys received by the District Commissioner in terms of these Regulations shall be paid into the general fund of the township authority.

**SCHEDULE
PERMIT TO MANUFACTURE OR BE IN POSSESSION OF LOCAL BEER**

(issued under the Ghanzi Township (Local Beer) Bye-laws)

GHANZI TOWNSHIP

Permission is hereby granted to

(Name)

of

(Address)

to manufacture and/or be in possession *(2) of litres of

local beer within the limits of Ghanzi Township area for the period

from a.m./p.m. on the day of 20

to a.m./p.m. on the day of20

subject to the conditions set out hereunder.

Conditions

.....
.....

.....
Date

.....
Town Clerk

Fee paid

LOBATSE TOWN COUNCIL (LOCAL BEER) REGULATIONS

(under section 9)

(1st October, 1963)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Manufacture or possession of local beer
4. Permit to manufacture
5. Penalties
6. Permitted quantities
7. Fee
8. Form of permit
9. Permit not transferable
10. Revenues

Schedule - Permit to Manufacture or be in Possession of Local Beer

G.N. 94, 1963,
G.N. 127, 1963.

1. Citation

These Regulations may be cited as the Lobatse Town Council (Local Beer) Regulations.

2. Interpretation

In these Regulations "**local beer**" means beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as "**ila**", "**kabidikamo**" or "**banyana**", or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as "**khadi**".

3. Manufacture or possession of local beer

No person shall manufacture or be in possession of local beer within the limits of Lobatse Town Council area unless he is in possession of a valid permit authorizing such manufacture or possession.

4. Permit to manufacture

Application for a permit of the type referred to in regulation 3 shall be made to the Town Clerk who may—

- (a) issue such a permit;
- (b) refuse to issue such a permit;
- (c) issue a permit for a lesser quantity of local beer than that applied for; or
- (d) impose such conditions to a permit as he may deem fit.

5. Penalties

Any person who contravenes the provisions of regulation 3 or who contravenes any condition imposed in a permit in terms of regulation 4 shall be guilty of an offence and liable on conviction to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding six months.

6. Permitted quantities

The Town Clerk shall not issue any permit for a quantity of local beer in excess of 90,92 litres.

7. Fee

Before the issue of a permit a fee of two thebe in respect of each 4,546 litres of local beer authorized in such permit shall be paid to the Town Clerk.

8. Form of permit

A permit shall be in the form specified in the Schedule hereto and shall be valid only for the period specified therein, which period shall not in the case of a permit to be in possession of local beer, exceed two days, and, in the case of a permit to manufacture local beer, exceed seven days.

9. Permit not transferable

A permit issued in terms of these Regulations shall not be transferable.

10. Revenues

All moneys received by the Town Clerk in terms of these Regulations shall be paid into the funds of the Council.

**SCHEDULE
PERMIT TO MANUFACTURE OR BE IN POSSESSION OF LOCAL BEER**

(issued under the Lobatse Town Council (Local Beer) Bye-laws)

LOBATSE TOWN COUNCIL

Permission is hereby granted to

(Name)

of

(Address)

to manufacture and/or be in possession *(3) of litres of

local beer within the limits of Lobatse Town Council area for the period

from a.m./p.m. on the day of 20

to a.m./p.m. on the day of20

subject to the conditions set out hereunder.

Conditions

.....

.....

.....

Date

.....

Town Clerk

Fee paid

TOWN COUNCIL REGULATIONS

(under section 9)

(1st April, 1966)

ARRANGEMENT OF REGULATIONS

PART I

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PART I
Preliminary (regs 1-7)

1. Citation

These Regulations may be cited as the Town Council Regulations.

2. Interpretation

In these Regulations unless the context otherwise requires—

"appointed member" means a member of a council appointed by the Minister;

"auditor" means a person appointed by the Minister to perform the duties of auditor in terms of Part VII;

"council" means a city or a town council established in pursuance of the provisions of regulation 4;

"council area" means the area for which a council has been established in pursuance of regulation 4;

"district council" means a district council duly established under the Local Government (District Councils) Act;

"elected member" means a member of a council elected in pursuance of the provisions of regulation 6;

"member of council" means an appointed member and an elected member and includes a Mayor or deputy Mayor;

"owner", in relation to land includes—

- (a) the person receiving the rent or profits of any land from the occupier thereof on his own account or as agent for any person entitled thereto;
- (b) any person who lawfully occupies or holds land in accordance with an agreement whereunder he is entitled to obtain transfer of such land on the fulfilment by him of the conditions prescribed by such agreement;

"town" includes a city;

"valuation court" means a valuation court established in pursuance of the provisions of regulation 57;

"valuation officer" means a valuation officer appointed as such in pursuance of the provisions of regulation 54.

3. Application

The provisions of these Regulations shall apply to all council areas.

4. Establishment of councils

(1) The Minister may by order published in the *Gazette* establish councils in respect of such areas as he may think fit.

(2) In any order made in pursuance of subregulation (1) or in any other order, the President may—

- (a) dissolve any existing township authority;
- (b) provide for the transfer of assets and liabilities of an existing township authority so dissolved to any council established in place thereof and for the vesting of such assets in such council.

(3) Any order referred to in subregulation (2) may provide for the continuance of the duties and functions of any existing township authority by that township authority until a specified date.

(4) Subject to the provisions of subregulation (3) upon dissolution in terms of any order referred to in subregulation (2) all members holding office in an existing township authority shall cease to hold office.

(5) For the purposes of this regulation "**existing township authority**" means a township authority established under the provisions of Regulations made in pursuance of the Act.

5. Councils to be bodies corporate

A council shall be a body corporate having the name by which it is established and capable of suing and of being sued under the said name.

6. Constitution of councils

(1) A council shall be constituted in such manner and shall consist of such number of elected members or appointed members as may be provided by the order establishing it.

(2) The Minister may by subsequent order or orders published in the *Gazette* vary an order establishing a council.

(3) Notwithstanding anything contained in the order establishing a council, the Minister may appoint as a member of the council—

- (a) a public officer having special responsibilities relating to the development of the area to be an *ex officio* member; and
- (b) any person having special responsibilities or interests relating to the development of the area.

(4) A person appointed as a member of a council under subregulation (3)(b) shall have or

enjoy all rights, other than voting rights, of a member of a council.

7. Qualification for membership of councils

A person shall be qualified to become a member of a council if he is qualified, in terms of regulation 15, to vote in any election for members of the council and does not possess the disqualifications for membership of the National Assembly referred to in section 62 of the Constitution:

Provided that the provisions of this regulation relating to qualification or disqualification for membership of a council shall not apply to a person appointed a member of a council under regulation 6(3).

PART II

Establishment and Constitution of Councils (regs 8-15)

8. Tenure of office

(1) Every elected member of a council shall, without prejudice to his re-election, retire from office on the day appointed for the taking of any poll which may become necessary at any general election to the council.

(2) The appointed members of a council shall hold office at the pleasure of the Minister.

9. Vacation of seats

The seat of a member of a council shall become vacant—

- (a) upon his death;
- (b) if, without having obtained leave from the chairman, he absents himself from three consecutive ordinary meetings of the council;
- (c) if he is appointed to, or to act in, any office or place of profit in the gift or disposal of the council;
- (d) if he has been declared insolvent or adjudged or otherwise declared bankrupt under the law in force in any part of the Commonwealth and has not been discharged or has made a composition with his creditors and has not paid his debt in full;
- (e) if he is sentenced by a court in any part of the Commonwealth to death or to imprisonment for a term exceeding six months, or having been under suspended sentence for such a term imposed by such a court, is ordered by the court to serve that sentence:

Provided that the Minister may at the request of the member from time to time extend for a period of 30 days his vacation of office under this paragraph to enable the member to pursue any appeal in respect of his conviction or sentence so however that extensions of time shall not exceed 90 days in the aggregate;

Provided further that if at any time before the member vacates his seat he is

granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than six months, or some lesser punishment is substituted for such imprisonment, his seat shall not become vacant under the provisions of this paragraph;

- (f) if he ceases to hold the qualifications required by regulation 7;
- (g) if he ceases to reside in the area in respect of which the council has been established;
or
- (h) if he resigns by giving written notice to the Town Clerk.

10. Pecuniary interest of members

(1) If a member of a council—

- (a) has a pecuniary interest, direct or indirect, in a contract or proposed contract or any other matter; and
- (b) is present at a meeting of a council at which such contract or other matter is the subject of consideration,

he shall at such meeting disclose such interest and, subject to the provisions of any standing order made under regulation 53, shall not take part in the consideration or discussion of, or vote on, any question relating to such contract or other matter, unless after such disclosure the council by a majority of the members present gives such member leave to take part or to vote.

(2) Any member of the council who contravenes this regulation by failing to disclose his interest or by participating without due leave in the consideration of or decision upon a contract, proposed contract or other matter shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months and the court before which he is convicted may order that he shall account to the council for any profits which may accrue or have accrued to him in respect of such contract or other matter, and that he shall vacate his seat, and his seat shall thereupon become vacant:

Provided that if it be proved by such member that his omission to disclose or his participation was not due to any want of good faith, he shall be deemed not to have contravened this regulation.

11. Mayor of council

(1) There shall be a Mayor for each council who shall be elected by secret ballot from among the members of the council by the members present, and such election shall be the first business transacted at the first meeting of the council and thereafter annually.

(2) The Mayor shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected and assumes office.

(3) During his term of office, the Mayor shall continue to be a member of the council

notwithstanding the provisions of regulation 8.

(4) A retiring Mayor may be re-elected to the office which he is vacating.

(5) The nomination of a candidate for election to the office of Mayor shall be made on a nomination paper which shall therein specify the names of the candidate, the proposer, the seconder and two supporters, none of whom shall at the same time be the candidate, the proposer, the seconder or other supporter:

Provided that where a council has less than 10 voting members, it shall be sufficient that the nomination of a candidate for the office of Mayor is supported by at least one member who shall not at the same time be the candidate, the proposer or seconder.

(6) On the election of the Mayor the outgoing Mayor shall preside:

Provided that at the first meeting of the council after its constitution, and subsequently if the office of the outgoing Mayor is vacated from any cause or if the outgoing Mayor is a candidate for re-election as Mayor, or if the Mayor is for any reason unable to attend, the members of the council present shall elect a chairman from among themselves (other than a candidate for the office of Mayor) who shall preside for the purposes of such election.

(7) The person presiding at the election of the Mayor shall have a deliberative vote only, and, in the case of equality of votes for two or more candidates, the election shall be determined by lot between those candidates.

(8) Notwithstanding subregulation (1) no person who is a candidate for election to the office of Mayor shall be entitled to speak or vote in the election.

(9) In the event of the office of Mayor becoming vacant from any cause whatsoever during the term of office of such Mayor, a successor shall, at the next meeting of the council after such vacancy occurs, be elected by the members of the council from amongst themselves by secret ballot and the person so elected shall forthwith enter upon his office and shall serve as Mayor for the remainder of the period for which the Mayor whose office became vacant had been elected.

(10) A person who has been elected Mayor shall within seven days after the day of election and before he acts in such office make before and deliver to the Town Clerk a declaration of acceptance of office; if the declaration of acceptance of office is not made as aforesaid the office of Mayor shall thereupon become vacant.

(11) A council may vote out of the revenues of the council as a personal allowance to the Mayor such sum, not exceeding such maximum as the Minister may determine, as it thinks reasonable; the amount of such allowance shall be fixed at the commencement of the Mayor's term of office and shall not be altered during the said term.

(12) Whenever the duties of the office of the Mayor are performed for any continuous period not being less than one month by the deputy Mayor, the allowance under this regulation shall be paid for such period to the deputy Mayor.

12. Deputy Mayor of council

(1) There shall be a deputy Mayor for each council who shall be elected by secret ballot from among the members of the council by the members present; and the nomination of a candidate for election to the office of deputy Mayor shall follow immediately after the election of the Mayor and the nomination shall be made on a nomination paper which shall therein specify the names of the candidate, the proposer, the seconder and two supporters who shall not at the same time be the candidate, the proposer, the seconder or other supporter:

Provided that where a council has less than 10 members, it shall be sufficient that the nomination of the candidate for the office of deputy Mayor is supported by at least one member who shall not at the same time be the candidate, proposer or seconder.

(2) The deputy Mayor shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected and assumes office.

(3) During his term of office, the deputy Mayor shall continue to be a member of the council notwithstanding the provisions of regulation 8.

(4) A retiring deputy Mayor may be re-elected to the office which he is vacating.

(5) On the election of the deputy Mayor the newly elected Mayor or, in his absence, a member of the council elected as chairman by the members of the council present, shall preside, but he shall have a deliberative vote only, and in the case of equality of votes for two or more candidates the election shall be determined by lot between those candidates.

(6) Notwithstanding subregulation (1) no person who is a candidate for election to the office of deputy Mayor shall be entitled to speak or vote in the election.

(7) In the event of the office of the deputy Mayor becoming vacant from any cause whatsoever during the term of office of such deputy Mayor, a successor shall, at the next meeting of the town council after such vacancy occurs, be elected by the members of the council from amongst themselves by secret ballot, and the person so elected shall forthwith enter upon office and shall serve as deputy Mayor for the remainder of the period for which the deputy Mayor whose office became vacant, had been elected.

(8) The deputy Mayor shall, whenever it becomes necessary owing to the death, resignation, absence, illness or incapacity of the Mayor, have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of these Regulations.

(9) A person who has been elected deputy Mayor shall, within seven days after the day of election and before he acts in such office make before and deliver to the Town Clerk a declaration of acceptance of office; and if the declaration of acceptance of office is not made the office of deputy Mayor shall thereupon become vacant.

13. Filling vacancies

If the seat of a member of a council becomes vacant by virtue of any provision of these

Regulations, the vacancy thus caused shall be filled in such manner as may be prescribed by the Minister in the order establishing the council; and a person who becomes a member of the council by virtue of the provisions of this regulation shall have all the rights and privileges of, and be under the same obligations and liabilities as, the member whom he replaces.

14. Elections

The manner of election of members of a council shall be as prescribed in the order establishing the council, or any later order varying or amending that order.

15. Qualifications of voters

(1) Subject to the provisions of subregulation (2) any person who is registered as a voter for the purpose of elections of Elected Members of the National Assembly and enrolled in a voters roll prepared and certified in terms of the Electoral Act for the area, or any part of the area, in respect of which a council has been established shall be entitled to vote in any election of members of the council.

(2) No person shall be entitled to vote in more than one area, or part of one area, in respect of which a council has been established.

(3) A person shall be entitled to vote only in the area in which he resides.

(4) A person who has more than one place of residence shall be entitled to vote only in the area where his principal residence is situated.

PART III

Proceedings of Councils (regs 16-25)

16. Chairmanship of meetings

The Mayor or in his absence the deputy Mayor of a council shall preside at any meeting of the council; and if both the Mayor and the deputy Mayor are absent from or during any meeting, the members of the council present shall elect one of themselves as temporary chairman during the absence of the Mayor and deputy Mayor.

17. Quorum

The presence of more than half of the members of a council shall constitute a quorum.

18. Voting at meetings

(1) All matters shall be determined by a majority of the votes of the members present at any meeting.

(2) The member presiding at any meeting shall have an original vote as a member of the council, and a casting vote.

19. Meetings of councils

(1) A council shall hold ordinary meetings at intervals of not more than three months, at such

place and time as the council may from time to time determine.

(2) The Mayor may at any time, and shall at the request in writing of not less than one-third of the members of the council, call a special meeting; the notice of a special meeting shall specify the objects of such meeting, and no other business may be discussed at such meeting.

(3) The Mayor may adjourn any meeting of the council for any period not exceeding 14 days, and any business of such council conducted after the meeting has been so adjourned shall be of no effect.

20. Meetings to be public

Every meeting of a council, other than a meeting appointed by a council, or a committee of the whole council, shall be open to the press and the public:

Provided that the council may by a majority of members present order that the press or the public or any member of the press or the public shall withdraw.

21. Minutes to be kept

(1) Minutes of the proceedings of every meeting of a council and of every committee thereof shall be kept in English, and shall be regularly entered in a book kept for that purpose and shall be confirmed at the next ordinary meeting.

(2) Such minutes shall record the names of the members, including persons co-opted, present at the meeting, and when signed by the chairman shall, unless the contrary be proved, be deemed to be a correct record of the proceedings of the meeting of which they purport to be the minutes.

22. When minutes confirmed regularity deemed

When the minutes of the proceedings of any meeting of a council, or a committee thereof, have been confirmed, such meeting shall, until the contrary is proved, be deemed to have been duly convened and held, and all the members present at such meeting shall be deemed to have been duly qualified and, where the proceedings so recorded are those of a committee, the committee shall, until the contrary is proved, be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

23. Minutes open for examination

The minutes of the proceedings of a council shall be at all reasonable times open for examination by any member of the public, and any such person may obtain a copy thereof, or an extract therefrom, on payment of such fee as may be prescribed by the council.

24. Committees

(1) Every council shall appoint a Finance Committee and an Education Committee, and may from time to time appoint such other committees, either of a general or special nature, consisting of such number of members as the council may think fit, for the purpose of transacting such business or performing any act or duty which in the judgment of the council

would more conveniently be performed by means of a committee, and may delegate to any such committee such powers, except the power to make bye-laws and any power to raise money by rate or otherwise, as it may think fit; and unless in appointing any such committee the council has appointed one of the members as chairman thereof the committee shall elect one of the members as chairman thereof.

(2) In appointing members to the various Council Committees, the Council shall make appointments based on a cross sectional representation of all parties represented in the Council, with each member of the Council being appointed to at least one Committee.

(3) A council may revoke or amend any delegation made under the provisions of subregulation (1) and may attach conditions to such delegation, including general or particular directions, as to the manner in which any delegated power is to be exercised.

(4) A committee other than a Finance Committee, may co-opt persons other than members of the committee, and such co-opted persons may take part in the proceedings of the committee, but shall not have the right to vote thereat.

25. Joint committees of two or more councils

A council may concur with any one or more other councils or with a district council in appointing from among their respective members a joint committee of such town or district councils for any purposes in which they are jointly interested, and may delegate to such joint committees, with or without restriction or conditions, any powers or functions of such councils relating to the purpose for which such joint committee was formed, except the power to make bye-laws or the power to raise money by rate or otherwise.

PART IV

Privilege of Immunity (regs 26-29)

26. Immunity from legal proceedings

No civil or criminal proceedings may be instituted against a member of a council for words spoken before, or written in a report to the council or to a committee thereof, or by reason of any matter brought by the member by petition, motion or otherwise.

27. Freedom from arrest

A member of a council is not liable to arrest—

- (a) for any civil debt whilst going to, attending at or returning from a meeting of the council or a committee thereof; or
- (b) within the precincts of the council while the council or a committee thereof is sitting, for any criminal offence without the consent of the Mayor.

28. Exercise of process

No process issued by any court in the exercise of its jurisdiction shall be served or executed

on a member of a council within the precincts of the council while the council is sitting.

29. Definition

In this Part—

"precincts of the council" means the chamber and offices of a council and any gallery or place provided for the use or accommodation of members of the public, and includes, while the council is sitting, the entire building in which the chamber of the council is situated, and any forecourt, yard, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the council.

PART V Staff (regs 30-31)

30. Appointment of employees

(1) Subject to the provisions of the Unified Local Government Service Act, a council shall appoint such employees as it may deem necessary.

(2) A council shall pay to its employees such emoluments as it may determine.

(3) The powers conferred upon a council by subregulations (1) and (2) shall be exercised subject to the general or specific approval of the Minister and in conformity with any rules made under regulation 31.

31. Staff rules

The Minister may publish in the *Gazette* such rules as to him may seem proper governing the matters referred to in regulation 26 and all councils shall give effect to any such regulations.

PART VI Powers and Duties of Councils (regs 32-53)

32. Functions and general powers of councils

(1) The Minister may in the order establishing a council, and subject to such limitations and conditions as he may deem fit, provide that a council either shall be required to perform or may perform any of the functions set out in the First Schedule.

(2) Subject to the provisions of these Regulations, a council shall have power to do anything and enter into any transaction not unlawful which in its opinion is calculated to facilitate the proper discharge of any functions conferred or imposed upon it by or under these Regulations or any other law, or which is incidental or conducive thereto.

33. General duties of councils

It shall be the duty of a council to perform the functions it is required to perform and otherwise exercise its powers so as to secure and promote the health, order and good government of the area for which it has been established.

34 to 40.

41. Manner of entering into certain contracts

Subject to regulation 38, 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 P2 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 P2 000 but not to exceed P5 000, the contract shall be in writing and the council shall not enter into it without inviting quotations; or
- (c) is to exceed P5 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.

42. Exclusion of certain contracts from regulation 41

So much of regulation 41(a) as relates to the requirement that a contract such as is therein referred to shall be in writing and the whole of regulation 41(b) and (c) shall not apply to any contract for the purchase by a council of perishable goods bought on public market or any purchase entered into by council as a result of bidding at a public auction.

43. 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 tenders cannot be obtained.

44. Notice calling for tenders to be published and posted

(1) Whenever a council is required to invite tenders in terms of regulation 41(c) it shall, in addition to any individual invitation it may issue, 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.

45. Content of notice and delivery of tenders

(1) Any notice published and posted as required in regulation 44, and any individual invitation for tenders, shall call for tenders to be delivered to the Town Clerk 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 for . . .".

(2) All tenders shall be delivered by the time specified to the Town Clerk in plain sealed

envelopes marked as aforesaid.

46. Particulars of contract to be supplied

A council shall not enter into any contract to which regulation 41(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.

47. Opening of tenders

(1) All tenders for any one contract shall be opened at one time in the presence of the members of the council, or a committee thereof duly appointed by the council, and the Town Clerk.

(2) Notwithstanding anything in regulation 20, 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 Town Clerk to every person who has informed the council in writing of his wish to receive such notice.

48. 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 quotations or tenders the council, or a committee referred to in subregulation (1), shall have power to obtain professional or technical advice.

49. 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.

50. 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 Mayor, or by the chairman of the committee concerned (if any), and by the Town Clerk.

51. Tenderers to be informed

When a council has decided upon the question of acceptance of tenders it shall forthwith inform the tenderers, whether successful or unsuccessful, of the result.

52. Minister may approve waiver

Notwithstanding any of the provisions of regulations 41 to 51 inclusive, the Minister may approve any application made by any council to waive anything required to be done under these provisions relating to contracts.

53. Standing orders and financial rules

(1) A council shall make such standing orders as may be necessary for the conduct of its business; and without prejudice to the generality of the foregoing, shall make standing orders for the following purposes—

- (a) the regulation of the business and procedure of the council;
- (b) to ensure the punctuality of the attendance of the members at meetings, and to prevent meetings being held without adequate notice to members; and
- (c) to maintain order and method in the despatch of business and in the conduct of meetings.

(2) Every council shall transmit copies of all standing orders made by it under subregulation (1) to the Minister, who shall have power by notice to such council to amend or revoke any such standing order.

(3) The Minister may frame model standing orders of the same nature as the standing orders prescribed by subregulation (1) and shall communicate all model standing orders so framed to all councils.

(4) The Minister may, by notice to any council, specify any or all model standing orders framed and communicated under subregulation (3) as standing orders of such council, and the standing orders specified in such a notice shall, as soon as a council receives it, have effect as standing orders of such council until amended or revoked by the Minister by notice to such council and, if in conflict with any standing orders made by such council under subregulation (1), shall prevail over them.

(5) A council shall make such financial rules as may be necessary for the general conduct of its financial affairs.

PART VII

Valuation and Rating (regs 54-99)

54. Appointment of valuation officer

(1) Every council shall appoint one or more valuation officers approved by the Minister to

make any valuation and valuation rolls provided for in this Part.

(2) No valuation officer shall make a valuation of any land in which he is personally interested, directly or indirectly, or in which his wife, partner or relative within the first degree of consanguinity or affinity is interested, directly or indirectly, without disclosing the nature and extent of such interest.

(3) Every valuation officer shall submit to the Mayor a list of land in which he is so interested, setting out fully the nature and extent of his interest, and the Mayor shall transmit such list to the valuation court.

55. Valuation officer's powers of entry

(1) Every valuation officer provided with written authority signed by the Mayor shall have power to enter in the daytime into and upon any property within the council area for the purpose of carrying out his duty under this Part, provided that, before so entering into and upon any property the valuation officer shall give the owner or occupier at least 24 hours notice of his intention to visit and enter upon the property.

(2) Any person who obstructs or hinders a valuation officer in the exercise of his duties under subregulation (1) 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 three months.

56. Valuation officer may obtain information

(1) A valuation officer may require the owner or occupier or person in charge of any land in the council area to furnish him with written particulars and any information upon such matters as may be necessary to enable him correctly to value such land, including the names of the owner and occupier thereof and any other necessary particulars.

(2) If any person refuses or wilfully omits to give any such written particulars or information or wilfully makes any false statement or wilfully does anything which could reasonably lead to an under-valuation of any land, he 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 three months.

(3) No person convicted of an offence under this regulation shall thereby become exempt from liability to permit the entry of the valuation officer, or to supply the written particulars or information required.

57. Establishment and constitution of valuation courts

(1) There shall be established for each council a valuation court which shall have the jurisdiction, powers and authorities conferred upon it by these Regulations.

(2) The members of the valuation court shall be—

- (a) a person appointed by the Minister who holds or has held or is qualified to hold judicial office in terms of the Magistrates' Courts Act, who shall be chairman of the valuation court; and

(b) two assessors to be nominated by the council and approved and appointed by the Minister, who need not be members of the council.

(3) The names of the persons so appointed shall be shown on the front of the valuation roll.

58. Terms of office of members of valuation courts

(1) The members of a valuation court shall hold office at the Minister's pleasure.

(2) When a member's office is for any reason vacated or a member is prevented by illness, absence or for any other cause from exercising his functions in the valuation court the Minister shall appoint a person to fill the vacancy or to act temporarily for the member during his absence or period of incapacity.

(3) The chairman and other members of the valuation court shall, except in the case of a member who is a member of the public service of Botswana, be paid out of the funds of the council such remuneration and allowances as the Minister, after consultation with the council, may from time to time determine.

59. Meeting, decisions and procedure of valuation courts

(1) The members of the valuation court appointed as assessors in terms of regulation 57(2)(b) shall give, either in open court or otherwise, such assistance and advice as the chairman may require, but the decision shall be vested exclusively in the chairman; and the agreement or disagreement of such assessors with the decision of the chairman shall be noted on the record.

(2) The Minister may make rules to regulate the procedure of all valuation courts; and if no rules are made or in any case not covered by the rules, the valuation court shall act in such manner and on such principles as it deems best fitted to do substantial justice and to effect and carry out the objects and provisions of this Part.

60. When member of valuation court may not sit

No person shall sit as a member of a valuation court at the hearing of any matter in which he is personally interested, directly or indirectly, or in which his wife, partner or relative within the first degree of consanguinity or affinity is directly or indirectly interested, or in which any company of which he is an officer or a shareholder is directly or indirectly interested.

61. Clerk of valuation court

The council shall appoint a clerk to its valuation court and shall determine the remuneration, if any, and allowances to be paid to such clerk from its funds:

Provided however that if a member of the staff of the council is appointed clerk he shall receive no additional remuneration for this function.

62. Date and place of sittings of valuation court

(1) The valuation court shall sit at such times and places as it may decide upon so as to

complete its work in the shortest possible time compatible with effective adjudication.

(2) The clerk of the valuation court shall cause a notice showing the time and place of every meeting of such court to be exhibited on the notice board of the District Commissioner and at such other places as he may determine.

(3) At least six weeks notice shall be given of every meeting of such court.

63. Rateable property

(1) Subject to the provisions of this regulation, rateable land within the meaning of this Part means land within the council area except land that is—

- (a) vested in Government;
- (b) vested in the council;
- (c) set aside under the provisions of the Tati Concessions Land Act;
- (d) occupied for purposes of the provisions of public service:

Provided that this exemption shall apply only with the Minister's special consent;

- (e) subject to the provisions of regulation 81(3), used for any of the following purposes in so far as such land is used for such purposes only—
 - (i) a public library or public museum of natural history or fine arts;
 - (ii) public religious worship or public religious purposes;
 - (iii) a school registered under section 17 of the Education Act or a hostel attached to such a school;
 - (iv) a public hospital or public institution for mentally disordered persons;
 - (v) an orphanage or a charitable institution supported entirely by voluntary contributions or payments made by the inmates towards their maintenance;
 - (vi) a public cemetery or crematorium;
 - (vii) recreation or sport other than horse racing or any sport for which an admission charge is made;
 - (viii) agricultural show purposes;
 - (ix) church property used for worship;
 - (x) church owned residences for the clergy;
 - (xi) hostels for the destitute, handicapped or for the aged;
- (f) owned by Botswana Railways other than land occupied by railway employees for

residential purposes.

(2) If land is used for any of the purposes specified in subregulation (1)(e) and for some other purpose at the same time or at different times during any year, such land may be regarded as rateable in part and non-rateable in another part or as rateable during a portion of the year, as the case may be, and accordingly the council may apportion the valuation or rates or both valuation and rates.

(3) Nothing in this regulation shall be taken to exempt an owner of land from the payment of rates on land from which he derives a rent or income used for any of the purposes specified in subregulation (1)(e).

(4) It shall be lawful for the President in his discretion to make a grant to the revenue of the council in lieu of an owner's rate, on property vested in Government or set aside in the circumstances described in subregulation (1)(a) and (c) not exceeding the amount which would have been payable except for the provisions of subregulation (1)(a) and (c).

64. Listing of non-rateable property

(1) The owner of any land who claims that such land is not rateable shall forward such claim to the council and submit to it such particulars concerning the said land as the council may require to enable it to determine whether such land is rateable or not.

(2) If the council determines on the particulars supplied that such land is not rateable, the owner shall be notified in writing accordingly, and thereafter such land shall be listed as non-rateable until such time as the council determines otherwise or until such time as a change takes place in the use of such land.

(3) If any change in the use of land listed as non-rateable takes place, the owner shall forthwith notify the council thereof, and thereupon the council shall again determine whether such land is rateable or not and notify the owner as provided in subregulation (2).

(4) The council may at any time demand from the owner such particulars of any land listed as non-rateable as it may require to determine whether such land is properly listed as non-rateable.

(5) If any owner as aforesaid fails or neglects to make a claim and to submit particulars in terms of subregulations (1) and (4), the said land shall be deemed to be rateable until such time as the said owner complies with the provisions of subregulation (1) or (4), as the case may be.

(6) If any owner of land which is listed as non-rateable, or which he claims should be listed as non-rateable, fails or neglects to notify the council of any change as required by subregulation (3), or submits particulars in terms of subregulation (1) or (4) which are incorrect and the council by reason of such failure or neglect or submission of incorrect particulars does not remove such land from the list of non-rateable property, then such land shall be rateable and the owner thereof shall be liable to pay rates in respect thereof as from the date of such failure or neglect or submission of incorrect particulars.

(7) Any owner who wilfully submits false particulars in any claim in terms of subregulation (1) or any notification in terms of subregulation (3), or any particulars demanded in terms of

subregulation (4) 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 three months.

(8) Nothing contained in this regulation shall affect—

- (a) the auditor's right to question the correctness in law of a council's action in placing any such land on the list of non-rateable land; or
- (b) the owner's right to test in a competent court of law a council's refusal to place any such land on the list of non-rateable land.

(9) Nothing contained in this regulation shall be deemed to impose any duties on the Government in respect of rateable land which is its property, and the provisions of this regulation shall not apply to any such land.

65. Valuation of property for rating purposes

The council shall as soon as possible after it has been established and thereafter from time to time but not less than once in every five years cause to be made a general valuation and valuation roll of all land within the council area.

66. Interim valuation

(1) The council may, and if called upon to do so by an owner of land, shall, cause an interim valuation to be made of—

- (a) any land which has become rateable since the completion of the current valuation roll;
- (b) land the value of which has been materially depreciated by flood or other disaster;
- (c) land discovered to have been omitted from the current valuation roll;
- (d) land materially improved or depreciated in value by reason of the operation of any town planning scheme;
- (e) land which has been subdivided into lots for building or other purposes:

Provided that where land valued as a whole has been divided amongst two or more owners the valuation of the said land shall, until the council resolves at any time to cause an interim valuation to be made of such land or until the next general valuation, be divided amongst the owners of the subdivided portions or where a portion is retained by the original owner, be divided amongst the original owner and person or persons to whom he has transferred portions of the land in such proportions as may be agreed upon between the persons concerned, and, failing agreement, the valuation officer shall cause an apportionment to be made at the expense of the persons who have failed to agree, which apportionment shall be final until the making of the said interim or general valuation; or

- (f) land materially increased or decreased in value from any cause peculiar to such land.

(2) Any such interim valuation shall be based on what the value of the land would have been

at the last general valuation and any general increase or decrease in the value of land between the date of the last general valuation and such interim valuation shall be ignored.

(3) Upon the making of any interim valuation the same procedure shall be observed as is set forth in these Regulations with regard to general valuations.

(4) Any interim valuation made in terms of this regulation shall be forthwith added to the valuation role.

(5) Wherever any valuation is made in terms of this regulation, the council—

- (a) may, in the case of land which has become rateable, since the completion of the current valuation roll, cause the current rate to be collected in respect thereof and also any rates which would have been payable in respect thereof since the completion of the said valuation roll, had the valuation been made at the date such land became rateable;
- (b) may, in the case of land which is discovered to have been omitted from the current valuation roll, cause the current rate to be collected in respect thereof and also any rates which would have been payable in respect thereof since the completion of the said valuation roll, had the omission not been made;
- (c) shall, in the case of land materially improved or depreciated, in whole or in part, only be entitled to collect rates on the valuation of the land as determined under this regulation as from the date of such occurrence:

Provided that, where any land valued in terms of this regulation has been transferred to a new owner prior to such valuation being made, such new owner shall not be liable for any rates levied in respect of the period before the date upon which such land was transferred to him, but the owner at the date from which such rate is payable shall be liable for the proportion of such rate up to the date upon which such land was transferred;

- (d) may, in the case of land subdivided, cause the current rate to be collected in respect of the subdivisions and also any rates which would have been payable in respect thereof since the date of transfer of the subdivisions, had the valuation thereof been made at that date:

Provided that the council shall refund any rates paid on the whole land in respect of the period for which rates on the subdivisions are paid.

(6) Except as is provided in subregulation (5), the current rate shall be payable only with effect from the date on which the interim valuation comes into force.

67. Objection to interim valuations

(1) Every such interim valuation shall be subject to any objection made thereto at the next valuation court.

(2) The same right of appeal as is provided in regulation 74 shall apply to any interim

valuation made in terms of these Regulations.

68. Refund of excess rates paid

In the case of any land which is added to the valuation roll or the valuation of which is increased under the provisions of regulation 66, if at the next succeeding valuation court the value of the said land is fixed at a sum less than that on which the last preceding rate has been levied the owner shall be entitled to a refund of any rate paid by him in excess of that which would have been paid if the rate had been levied on the value as fixed by the said valuation court.

69. Basis of valuation

Subject to the provisions of regulation 66(2), where a general or interim valuation is made—

- (a) if any land is to be valued with improvements the basis of valuation of such land shall be the capital sum which the land might be expected to realize if offered for sale with all improvements existing thereon at the time of the valuation on such reasonable terms and conditions as a *bona fide* seller would require; and
- (b) if any land is to be valued without improvements the basis of valuation of such land shall be the capital sum which that land might be expected to realize if offered for sale exclusive of the improvements existing thereon at the time of the valuation on such reasonable terms and conditions as a *bona fide* seller would require,

due regard being had in either case not only to such particular rateable land, but to other rateable land of a similar class, character, value or position, and the land shall be considered subject to any restrictions imposed on it by a council under its bye-laws or by any town planning scheme which may either increase or decrease the value of such land:

Provided that any exceptional circumstance of a temporary nature which is likely to cause an abnormal price to be paid, shall be disregarded in arriving at the estimated price.

70. Particulars to be inserted in valuation roll

The valuation officer shall frame any valuation roll in such manner as to show—

- (a) the situation of the land;
- (b) the full name of the owner, and his address;
- (c) the description of the land; and
- (d) the value of the land both with and without improvements.

71. Objections to valuation roll

(1) As soon as a valuation roll has been completed by the valuation officer a copy thereof shall lie at the office of the Town Clerk for inspection by every ratepayer or his duly authorized representative who may at all reasonable times inspect such roll and make copies thereof.

(2) The council shall, by notice published in the *Gazette* and posted on such notice boards as it may determine, call upon ratepayers to lodge in writing with the Town Clerk and the clerk of the valuation court any objections they may have against the valuation of any land or in respect of any error or omission in relation to such land within 21 days from the first publication in the *Gazette* of such notice.

(3) No objections to the valuation roll shall be considered by the valuation court unless made within the time prescribed and in the manner aforesaid.

72. Appearance before court

(1) Every objection lodged by or on behalf of any ratepayer shall be brought before the valuation court by such ratepayer personally or by counsel, attorney or any other person duly authorized thereto by such ratepayer in writing.

(2) The council may appear before the valuation court at any of its sittings for the purpose of making any representations or objections on its behalf and shall be represented before the valuation court by such person or persons as the council may appoint.

(3) The representative of the council and the objector or his representative may call evidence and cross-examine any witness giving evidence before the valuation court.

(4) If the council objects to any valuation appearing in the valuation roll, it shall give written notice thereof to the owner of the land concerned and to the clerk of the valuation court at least 28 days before the day upon which the valuation court will sit to consider the valuation roll.

73. Power of valuation court

(1) The valuation court shall at each sitting proceed to consider the valuation roll and any objections made and may confirm any valuation or make such alterations or amendments in the valuation roll, whether objected to or not, either by way of reduction, increase, addition or alteration as it may deem just and expedient.

(2) No alteration or amendment shall be made to the valuation of any land to which no objection has been lodged until the owner of the land affected and the council have received 28 days' notice in writing from the clerk of the valuation court of the meeting of the valuation court at which any such alteration or amendment will be considered and of the nature and extent of the proposed alteration or amendment.

(3) The owner so affected and the council may make such representations to the valuation court as they may think fit.

(4) The valuation court shall not reduce or increase the valuation of land in the whole or any portion of the council area by a percentage.

(5) The valuation court may for the proper adjudication of all matters before it call witnesses and hear and receive and examine witnesses under oath or affirmation which shall be administered by the chairman, and may by notice under the hand of the chairman call upon any person who in its opinion is able to give material information concerning the valuation under

investigation or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has bearing on the said investigation to appear before it at a time and place specified in the notice to be interrogated under oath or to produce such book, document or thing.

(6) The valuation officer by whom any valuation under consideration has been made shall attend such valuation court and answer on oath or affirmation all questions which may be put to him or through the court in regard thereto.

(7) Any person who after being called upon to appear before the valuation court to be interrogated or to produce any book, document or thing as aforesaid fails without sufficient excuse to attend at the time and place specified in the notice, shall be guilty of an offence and liable to a fine not exceeding P50 in respect of each offence.

(8) Any such person who fails to remain in attendance until excused by the valuation court or refuses to be sworn or affirmed as a witness or fails to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him or knowingly makes a false answer to any question put to him or fails to produce any book, document or thing in his possession or custody or under his control when lawfully required to do so, shall be guilty of an offence and liable to a fine not exceeding P50 in respect of each offence.

74. Appeal

(1) On the determination by the valuation court of any matter under this Part any party who is dissatisfied may within one month appeal to the High Court whose decision shall be final and without appeal.

(2) Upon the hearing of the appeal the High Court may—

- (a) confirm, vary or reverse the determination appealed from;
- (b) remit the matter to the valuation court with instructions in regard to the taking of further evidence or the setting out of further information;
- (c) order the parties or any of them to produce at some convenient time before it such further proof as shall to it seem necessary or desirable;
- (d) take any other course which may lead to the just, speedy and, as much as may be, inexpensive settlement of the matter; and
- (e) make such order as to costs as it may deem just.

(3) The Chief Justice may make rules for regulating appeals to the High Court under this regulation and for the procedure on such appeals:

Provided that until rules are so made the Rules of the Magistrates' Courts governing appeals in civil cases from Magistrates' Courts to the High Court shall, subject to any necessary modifications, apply and be followed.

(4) The valuation court shall amend the valuation roll in accordance with the decision or

directions of the High Court and such amendment shall form part of the valuation roll in force with effect from the commencement of the valuation roll.

75. Record of proceedings of valuation court

(1) The valuation court shall keep a record of its proceedings and a note of the assessment, objection and finding in regard to each objection and shall notify the persons concerned of such finding; and such court shall cause any deposition taken before it to be taken down in writing and signed by the deponent, and shall authenticate it by the signature of the chairman as having been taken before such court.

(2) An objector or his authorized agent shall have the right to examine, without charge, the record of the valuation court proceedings relating to the land, the valuation of which he has objected.

(3) The valuation officer and the council shall at all times have access to the record.

76. Chairman to certify valuation roll

(1) When the valuation court has completed its consideration of the valuation roll and has made such alterations and amendments therein as it may deem necessary, the chairman of the valuation court shall sign and certify the same and the clerk of the valuation court shall thereupon transmit to the council a certified copy of the same showing the original valuation and all alterations made by the valuation court.

(2) Such valuation roll will become the valuation roll in force in the council area and shall supersede any previous valuation roll or assessment in force in the council area:

Provided that notwithstanding the provisions of regulation 73 it shall not be necessary for the valuation court to consider any valuation roll to which no objections have been lodged and any such roll shall be signed and certified by the Mayor.

77. Advertisement of valuation roll

The council shall cause a notice to be inserted in the *Gazette* informing all persons that the valuation roll has been completed and certified in terms of regulation 76 and that such valuation roll will become finally fixed and binding upon all persons concerned who do not before a date fixed in such notice, not being less than one month from the date of such notice, give notice of appeal from the decision of the valuation court in terms of this Part.

78. Correction of valuation roll

(1) Subject to the provisions of subregulation (2), the council may at any time after the valuation roll has been finally completed and certified by the chairman of the valuation court or signed and certified by the Mayor in terms of the proviso to regulation 76 cause any error on such roll to be corrected and may authorize any such amendments to such roll as may be consequential on the change of ownership of any land.

(2) Before causing any error to be corrected the council shall notify the owner of the land of

the proposed corrections.

(3) Such owner may within seven days of such notifications inform the council of his objection to the proposed corrections, in which event the objection shall be referred to the valuation court for determination.

(4) If no such objection is made the proposed corrections may be made, and the current rate may be collected in respect of the land.

79. Pending appeal not to interfere with decision of valuation court

The fact that an appeal is pending shall not in the meantime interfere with or affect the decision of the valuation court which forms the subject matter of the appeal and rates may be made, levied and recovered on the valuation fixed by such decision in like manner as if no appeal were pending:

Provided that in the event of the valuation being altered on appeal a due adjustment shall be made and amounts paid in excess shall be refunded by the council to the ratepayer and the amount short-paid shall be recoverable by the council from the ratepayer.

80. Valuation roll may not be set aside

No valuation contained in any valuation roll framed and certified under these Regulations and no rate based thereon shall be rendered void or be affected by reason of any mistake or variance amounting to a slight deviation not affecting the substance or calculated to mislead in the description of any rateable land or in the name of any owner thereof.

81. Annual assessment and levy of rates

(1) Subject to the provisions of this regulation, a council may, not more than once in every financial year, assess, raise and levy by bye-law, a rate upon all rateable land within the council area and such rate may be collected by the council in such amounts and at such intervals during the year as the council may determine:

Provided that, in the event of any period falling outside a financial year by reason of any change in the financial year of a council, the council may raise and levy a rate in respect of that period.

(2) If the Minister so directs, lower rates or no rates shall be levied under subregulation (1) for different classes of rateable land.

(3) In classifying such rateable land, regard shall be had to—

- (a) the situation of the land;
- (b) the area of the land;
- (c) the use to which the land is put;
- (d) the services of the council made available to such land; and

(e) any other factors warranting a lower rate.

(4) Notwithstanding anything to the contrary contained in this regulation, where the council levies rates under the provisions of subregulation (1) which are declared by such council by resolution to include the cost of defraying in whole or in part the expenses incurred in providing, undertaking, executing, maintaining, and extending any scheme of sewerage or drainage and in providing sewerage, sanitary or rubbish removal services, the owner of any land referred to in regulation 63(1)(e) shall pay to the council for such services a proportion of the rates levied, and such proportion shall be calculated on such portion of the land as the council may determine.

(5) If in any financial year a council is required to meet any unforeseen expenditure or any expenditure which is of an unusual nature, and if such expenditure cannot reasonably be met by rates imposed in terms of subregulation (1), the council may, in addition to any such rates, assess, raise, levy by bye-law and collect a supplementary rate upon all rateable land within the council area.

82. Special rates

(1) Subject to the provisions of this Part a council may, for the purpose of recovering in whole or in part the expenses incurred by it in executing any works, make and levy by bye-law a special rate upon the owners of rateable land in that portion of the council area which derives special benefit from such works and make and levy by bye-law different special rates in respect of different classes of rateable land in that portion of the council area.

(2) In determining such different special rates, the council shall have regard to the factors mentioned in regulation 81(2).

83. When rates are due and payable

Every rate assessed by a council shall become due and payable by the owner upon a day to be fixed by the council, of which day and the amount of such rate, a council shall give at least 30 days' notice by publication in the *Gazette* and in such other manner as the council by resolution directs.

84. To whom rates to be paid

Whenever the council has given such notice as provided in regulation 83 of the day on which any rate will become due and payable, it shall be the duty of the persons liable for such rate to pay the amount thereof to the Town Clerk or any collector duly authorized by the council to collect and receive the same, failing which defaulters shall be liable to legal proceedings for the recovery of the amounts due by them:

Provided that the council may accept payment of any rate by instalments in such equal or varying amounts as may be determined by it and on such conditions as it may specify.

85. Enforcement of payment of rates

(1) A council shall collect rates and may sue for, and recover, any rates which are due and payable to the council.

(2) Where the owner of any property fails to pay the rates or any part thereof owing in respect of such property after the expiration of one month from the time fixed under regulation 83 for the payment of the rates, the council shall cause a written notice of demand to be served on that owner to pay the amount stated in the notice within 14 days after service thereof.

(3) Where a person makes default in payment of rates after the expiration of the time specified in subregulation (2), the council shall cause to be published in the *Gazette*, or in a newspaper circulating in the area, the name of that person and the amount of the rates owing by him.

(4) The council shall, as soon as is reasonably practicable after the publication of the name of a defaulting rate payer in accordance with subregulation (3), apply to a magistrate or judge or a summary warrant for the recovery from such defaulter, or from any property belonging to him wheresoever situate, of the amount of the rates owing by him and any interest accruing in respect thereof in accordance with regulation 91.

(5) The magistrate shall, after the expiration of 14 days from the date of receipt of the application and verification of such a return, grant the warrant.

(6) A warrant granted in accordance with the provisions of this regulation shall contain every authority and be executed in all respects as if it were a writ of execution against property issued out of the magistrate's court or the high court, and the bailiff of the court in executing the warrant shall conform to such rules and make such charges as are for the time being applicable to a writ of execution of such court.

86. Rate recoverable by action in magistrate's court

(1) Notwithstanding the provisions of section 81, any rates assessed in accordance with the preceding provisions of these Regulations and unpaid after the expiration of the notice for the payment of such rates shall be recoverable at the suit of the council in the magistrate's court for the district in which the council area is situated, whether the person liable for the payment of the rates is resident within the jurisdiction of such court or not.

(2) If the person proceeded against is not resident within the jurisdiction of the magistrate's court for the district in which the council area is situate the summons directed to him may be served upon him by a messenger of the magistrate's court of the district in which he is found or upon the person, if any, receiving any rents or profits of the rateable land in regard to which the rate alleged to be due is claimed, or who would receive the same if such rateable land were let or occupied.

87. Evidence of rate

In any proceeding to levy or recover rates or consequent on the levying or recovering of any rates under the provisions of these Regulations, the valuation rolls and records of the council, and all entries purporting to be made therein in the manner required by these Regulations, extracts or certified copies thereof signed by the Town Clerk, shall upon the production thereof be *prima facie* evidence of such rates and the contents thereof without any evidence that the notices required by or other requirements of these Regulations have been complied with:

Provided that it shall be competent for any person proceeded against to offer evidence to prove the contrary.

88. When owner liable to pay portion only of rate

When the owner who is liable to pay any rate ceases to be the owner of the land in respect of which he is assessed to pay rate before the end of the year in which such rate was made such owner shall be liable to pay a portion only of the rate payable proportionate to the time during which he continued to be the owner and any person who is the owner of the land during the remainder of the year shall be liable to pay a portion of such rate in proportion to the time during which he is such owner, and the same shall be recovered from him in the same manner as if he had been originally assessed for such land.

89. Payment of rate by occupier

(1) When the owner of any rateable land has been assessed rate in respect thereof, and the rate remains unpaid for three months, the council or its collector as aforesaid may, at any time within 12 months after imposing the rate, demand the amount of such rate or any part thereof from the occupier for the time being of such rateable land.

(2) No right of action shall lie against such occupier by the council for the amount demanded but such occupier may pay such amount.

(3) Every such occupier shall be entitled, subject to any agreement to the contrary to deduct from any rent payable by him to any such owner, so much as was so paid by him; and the production of the receipts for such rates so paid by the occupier shall, subject as aforesaid, be a good and sufficient discharge for the amount so paid as payment of rent to the owner.

90. Refusal by occupier to disclose name of owner

If, on the request of the council or any collector of rates duly authorized as such, the occupier of any land refuses or wilfully omits to disclose, or wilfully misstates to the council or collector making such request, the name and address of the owner of such land, or of the person receiving or authorized to receive the rents of the same, he shall be guilty of an offence and liable to a fine not exceeding P25.

91. Interest on unpaid rates

In case any rates made or levied under the provisions of these Regulations remain unpaid after three months from the date fixed by the council for the payment thereof, interest upon such rates shall be chargeable and recoverable by such council at the rate of 12 per cent per annum, reckoned from the date upon which such period of three months has expired.

92. Transfer of ownership of property

Whenever as a consequence of any change of ownership of any land or for any other reason, liability to pay the rate in respect of such land is transferred, the person whose liability is transferred shall, unless he notifies the Town Clerk in writing of such transfer, continue to be liable for the rate as if such transfer had not occurred:

Provided that nothing in this regulation shall affect the liability of any transferee to pay the rate due after such transfer as aforesaid.

93. Abatement of rates

Whenever the council assesses the rate to become due and payable upon a day to be fixed by the council, it shall be lawful for such council by bye-law duly made to allow all persons liable for the payment of such rate such abatement of the amount thereof as it deems fit:

Provided that—

- (i) such abatement shall apply *pari passu* to all persons liable for such rate;
- (ii) such bye-law shall direct that no such abatement shall be allowed in whole or in part to any person who does not pay the rate as assessed at the office of the council on or before the date fixed as aforesaid for the payment thereof; and
- (iii) the council may refuse an abatement of rates in respect of any land liable for any arrears of rates.

94. Writing off rates

It shall be lawful for the council to write off any rates which have been in arrears and which are deemed by the council to be irrecoverable.

95. Grant of leases of unoccupied property

Where any rateable land in any council area is unoccupied, and the rates accrued thereon under these Regulations have been unpaid for five years, the council may take possession of such land and grant leases of the same subject to the provisions of these Regulations.

96. Term and rent

Every such lease shall be for such term, not exceeding three years, as the council may deem fit, and shall be granted for the best rent which may reasonably be had for such land and subject to such conditions as the council may determine.

97. Condition precedent

The council shall not take possession of any such land until three months after a notice in writing, setting forth the rates in respect of such land as are unpaid, and demanding payment thereof, and stating that, in default of payment the council will take possession of such land under the provisions of these Regulations, has been served upon the owner of such land, if he is within Botswana and his name and address are known to the council, or if there is no such owner so known until such notice has been affixed to some conspicuous place on such land and published in the *Gazette* at least once a month during three months; and every such notice shall contain sufficient description of the land to identify the same.

98. Resumption of possession by owner

Within three months after demand by the owner of any land taken possession of by the council as aforesaid, made within 30 years after the date of taking possession, and after payment of all arrears of rates due in respect thereof and interest upon all such arrears at the rate of 10 per cent per annum, such owner shall be entitled to resume possession of such land, subject to the terms of any lease theretofore lawfully granted by such council under the provisions of these Regulations.

99. Application of moneys received under leases by the council

All rent, and all other moneys payable under any such lease, shall, until the payment of all arrears and interest as aforesaid by the owner, or the expiration of 30 years from the date of taking possession of such land by the council, whichever first happens, be received by the council and shall be applicable—

- (a) in defraying the expenses of and incidental to the giving of the notices as aforesaid, and the execution of such lease and the collection of the rents;
- (b) in payment to the council of all arrears of rates and other payments due in respect of such land, together with interest on all arrears of rates at the rate of 10 per cent per annum, from the time when interest upon such rates accrues respectively, and in payment of all rates and other payments becoming due thereon,

and the residue of such moneys shall belong to such person as would have been entitled to receive the rents or profits of such land if these Regulations had not been brought into operation.

PART VIII

Revenues of Councils; Accounts and Audit (regs 100-108)

100. Revenue of councils

The revenues of a council shall consist of—

- (a) such tax as the council is authorized by law to collect from the inhabitants of the council area;
- (b) such rates as the council is authorized by law to impose;
- (c) rents from property owned or administered by the council;
- (d) all moneys derived from licences or permits issued by the council and all taxes, dues and fees imposed under lawful authority by the council;
- (e) interest on investments;
- (f) such royalties as may by law be payable to or receivable by the council;
- (g) donations, contributions and endowments;
- (h) reimbursements;

- (i) such grants as the Government may make to the council;
- (j) any other moneys which may by law be paid to or received by the council.

101. General funds

(1) Every council shall establish and maintain a general fund and all moneys received by the council by way of revenue shall be paid into such fund, and all expenses incurred by the council in the execution of the powers and duties conferred upon it by or under the provisions of these Regulations shall be defrayed out of such fund.

(2) The Minister acting in accordance with the advice of the Minister responsible for finance may from time to time issue instructions with regard to the general management, supervision and control of general funds established under the provisions of subregulation (1).

102. Bank account and investments

(1) Every council shall open and maintain an account at a bank, and shall operate such account in such manner as may be prescribed.

(2) A council may obtain overdraft facilities from its bank:

Provided that no overdraft shall at any one time exceed in all an amount equal to one-third of the revenue (excluding grants) received Bank account and investments by the council during the preceding financial year, except with the written approval of the Minister acting in accordance with the advice of the Minister responsible for finance.

(3) A council may invest all or any part of its moneys in such manner as the Minister acting in accordance with the advice of the Minister responsible for finance may approve.

103. Borrowing powers

(1) A council may raise loans of such amounts, in such manner, for such purposes, and upon such conditions as the Minister acting in accordance with the advice of the Minister responsible for finance may in each case approve.

(2) Such loans shall be secured on the revenue and assets of the council.

(3) The interest for the time being payable in respect of any moneys borrowed by the council shall be a first charge on the revenue and assets comprising the security for such moneys.

104. Accounts and audit

(1) Every council shall cause true accounts to be kept in accordance with such instructions as may from time to time be issued by the Minister.

(2) Within three months from the end of the financial year, 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 and presented to the Auditor-General.

(3) Such accounts with all books, vouchers and papers relating thereto, with a copy of such

annual statement or abstract shall be audited by the Auditor-General, who shall carry out his duties in accordance with the provisions of section 124(2) of the Constitution of Botswana, and, section 38 of the Finance and Audit Act.

(4) The Auditor-General shall complete the audit of accounts within twelve months of their submission to him.

(5) The Auditor-General's report and the audited statements shall be submitted to the—

- (i) Minister;
- (ii) Minister responsible for finance and development planning; and
- (iii) Chief Executive Officer, who shall cause the report and the audited statements to be tabled before the Full Council.

(6) The Council shall upon receipt of the report and audited statements submit them to the Finance and General Purposes Committee which shall, together with Council Management and the Auditor-General, examine them in detail and shall report back with any recommendations to the Full Council.

(7) Every council shall permit the Auditor-General to check any cash, and verify the existence of any investments or other assets in its possession and to have access to all its accounts and all books, vouchers and papers relating thereto.

105. Supply of copies of statement and report

A copy of such annual statement or abstract and of the auditors report shall be furnished to any inhabitant of the area upon payment of such fee, if any, not exceeding 20 thebe, as may be fixed by resolution of the council.

106. Disallowance and surcharge

(1) The Chief Executive may make objection in writing to any item of expenditure, and shall report such objection to the Minister.

(2) The Chief Executive shall disallow any such item of expenditure or any part of such item on the ground that the expenditure is wrongful or unreasonable or on any other ground, and the Chief Executive may by order in writing surcharge any person as the person responsible for the payment of any such item having been made.

(3) If it appears to the Chief Executive that any failure to collect money due or any loss of money or damage to the property of a council has occurred through the wilful or negligent or wrongful act of any member or employee of the council, he shall by order in writing surcharge the amount thereof on any member or employee who, in the opinion of the Chief Executive, is so responsible.

(4) On ordering such surcharge, the Chief Executive shall forthwith report in writing to the Permanent Secretary the details thereof, and the Permanent Secretary may confirm the

surcharge or remit all or any portion thereof as he may deem fit.

(5) Any sum so surcharged on any person shall be deemed to be a debt due to the council.

107. Financial year

The financial year of every council shall be from the first day of April to the 31st day of March in the next succeeding year.

108. Annual estimates

(1) Every council shall, after considering a report from its Finance Committee, at least three months before the beginning of any financial year prepare and approve by resolution detailed estimates of its revenue and expenditure for the forthcoming financial year, and shall submit such estimates together with a copy of such resolution for the approval of the Minister, who may either approve the estimates as submitted, or disallow such estimates in whole or in part, or refer such estimates back to the council for further consideration.

(2) A council may in any financial year prepare and approve by resolution supplementary estimates of revenue and expenditure.

(3) If the supplementary estimates include expenditure in excess of 10 per cent of an approved head under the annual estimates; or include expenditure not contained in the annual estimates or expenditure which cannot be met from revenue available to the council, the supplementary estimates together with a copy of the resolution approving them shall be submitted for the approval of the Minister, who may approve or disallow the supplementary estimates either wholly or in part.

(4) A council shall not, except with the prior approval of the Minister, incur any expenditure which has not been included in the estimates or supplementary estimates of the council, duly approved where necessary by the Minister, but may, after considering a report of its financial committee, and with the approval of the Minister, make reallocations of any sum contained in such approved estimates:

Provided that any person designated for the purpose in writing by the Minister, may, within such limits as the Minister may direct, approve reallocations without reference to the Minister.

PART IX

Dissolution of Councils (regs 109-110)

109. Minister may dissolve a council

Notwithstanding anything contained in these Regulations, the Minister may by order published in the *Gazette* dissolve any council, and thereupon all members thereof shall cease to hold office; and the Minister may thereupon by further order published in the *Gazette* appoint other persons to form a Commission, and every such Commission shall have the status of the council which has been dissolved and may exercise all the powers and authorities vested in such council:

Provided that, before exercising the powers conferred by this regulation, the Minister may

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direct such enquiry to be held as he may think necessary, and at any such enquiry the council in question or any employee of such council, or any member of the public who has been assessed for any tax within the area of the council, or held liable to pay rates to the council shall be entitled to be heard.

110. Suspension of a member of a council

Notwithstanding any other provision contained in these Regulations, the Minister may by order published in the *Gazette* suspend any member of any council, and thereupon such member shall, during such suspension, cease to hold office; and the Minister may also declare the seat of any such member to be vacant.

PART X

Miscellaneous (regs 111-115)

111. Power of entry

Any local government officer employed under the provisions of the Unified Local Government Service Act, and any employee of a council duly authorized for the purpose by the council in writing, may at all reasonable times enter into or upon land or premises within the council area or part thereof for the purpose of carrying out any duty imposed by these Regulations and specified in such authorization.

112. Authentication of orders

Every order, notice or other document requiring authentication by the council may be sufficiently authenticated if signed by the Town Clerk and countersigned by the Mayor or any other person duly authorized by the Mayor.

113. Service of notice

Any notice or order under these Regulations or under any bye-law made hereunder may be wholly or in part in printing or in writing, or both, and where any notice or order is required to be given to the owner or occupier of any land or premises such notice or order, addressed to the owner or occupier thereof, as the case may require, may be served on the occupier of such land or premises, or left with some inmate of his abode, or if there is no occupier, may be put on some conspicuous part of such land or premises, and it shall not be necessary in any such order or notice to name the occupier or owner of such land or premises:

Provided that when the owner of any such land or premises and his residence are known to the council it shall be the duty of the council to cause every notice or order required to be given to the owner to be served on such owner, or to send every such notice or order by registered post, addressed to the residence or postal address of such owner.

114. Penalty for obstruction

Every person who at any time obstructs the council or the Town Clerk or any person employed by the council or acting under the directions of the council in the performance of anything which they are respectively empowered or required to do by these Regulations or by

any bye-laws made hereunder or any other 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 three months.

115. Recovery of Government expenditure

(1) If the Government has expended public funds or incurred any liability as a result of a resolution of a council under which the council has undertaken to pay the Government a capital or recurrent contribution from its funds, the Minister may, if the council fails to make due payment in accordance with the provisions of such resolution, order that such payment be made from the funds of the council, and that any rate or tax necessary to produce the sum required shall be imposed upon and collected from the rateable or taxable inhabitants of the council area, or the part thereof concerned.

(2) If the Minister is satisfied that a judgment for the payment of money has been given by a competent court against a council, or that for good and sufficient reason money is due from and payable by a council, and the council fails to make due payment, he may order that such payment be made from the funds of the council and that any rate or tax necessary to produce the sum required shall be imposed upon and collected from the rateable or taxable inhabitants of the council area or the part thereof concerned.

FIRST SCHEDULE FUNCTIONS WHICH MAY BE CONFERRED ON COUNCIL

(regulation 32)

1. To provide primary school and other educational services in relation to primary education.
2. (1) To take steps in addition to those taken by any other authority to safeguard and promote public health and prevent the occurrence of, or to deal with any outbreak or prevalence of, any disease.

(2) To provide public lavatories.

(3) To prevent the breeding of disease-carrying animals and insects.
3. To make, alter and maintain public roads and streets other than those the maintenance of which has been undertaken by the Government, and to name all roads and streets within the council area.
4. To provide public water supplies outside any area for which a water authority has been appointed by law.
5. (1) To provide for the protection of common property.

(2) To protect common lands and pastures.

(3) To establish and maintain common markets.

(4) To establish and maintain recreation grounds and other public places and to provide for the planting and protection of plants and shrubs.

(5) To establish and maintain stockyards, pens and dipping tanks.

(6) To collect and dispose of stray livestock and other domestic animals.

(7) To establish and maintain cemeteries and burial grounds.

(8) To provide services or assist in the provision of services giving relief from or attempting to avert natural calamity.

(9) To assist associations existing for the promotion of recreation and sport, arts and crafts or for the welfare of children or young persons or for the relief and support of blind, infirm, indigent, aged or destitute persons.

6. To enter into contracts or concessions for the sale of land or premises or of any interest therein.

7. To carry into effect any bye-laws made by the council.

8. To secure the proper working of the council (and any committees thereof) and the welfare of its employees.

9. To provide public electricity supplies in accordance with any law relating to the supply of electricity.

10. With the approval of the Minister on land vested in the council to build, maintain and let out housing.

11. To establish, maintain, and operate abattoirs.

12. With the approval of the Minister to establish, maintain, and operate premises whereon traditional beer is sold or otherwise handled.

13. With the approval of the Minister to acquire land by purchase for development for particular purposes and sell such land in serviced lots.

SECOND SCHEDULE (repealed)

TOWN COUNCIL (KEEPING OF BYE-LAWS) REGULATIONS

(under section 9)

(14th March, 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

S.I. 33, 1969.

1. Citation

These Regulations may be cited as the Town Council (Keeping of Bye-laws) Regulations.

2. Keeping of copies of bye-laws

(1) Whenever a bye-law is made by a council, a copy thereof certified by the Town Clerk as a true copy shall be filed and kept by the Town Clerk 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 regulation 31 of the Town Council Regulations, the Town Clerk shall immediately record such approval and publication on the copy of the bye-law kept by him as aforesaid.

(3) Any amendment, suspension, revocation or repeal of a bye-law shall likewise be recorded by the Town Clerk on the 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 Town Clerk as a true copy, shall be filed and kept as provided in regulation 2, and all the remaining provisions of the said regulation shall have effect *mutatis mutandis* in relation to such copy.

TOWN COUNCIL (MISCELLANEOUS PROVISIONS) REGULATIONS

(under section 9)

(8th August, 1969)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Appeal against refusal of issue of licence or permit
3. Operation of banking account by council
4. Period for balancing council's accounts

S.I. 76, 1969,
S.I. 1, 1978.

1. Citation

These Regulations may be cited as the Town Council (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 use of which any bye-law made under the Town Council Regulations (hereinafter referred to as "the principal Regulations"), 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; and
- (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. Operation of banking account by council

(1) Every account at a bank opened by a council in terms of regulation 98(1) of the principal Regulations 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 Town Clerk or a person duly appointed to act temporarily in his place; and
- (b) the Town Treasurer or a person duly appointed to act temporarily in his place.

4. 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 regulation 100(2) of the principal Regulations shall be a period of three months reckoned from the end of such financial year.

KASANE TOWNSHIP REGULATIONS

(under section 9)

(7th April, 1977)

ARRANGEMENT OF REGULATIONS

REGULATION

- 1. Citation
- 2. Interpretation
- 3. Kasane Township Authority
- 4. Constitution
- 5. Power to make bye-laws

S.I. 37, 1977,
G.N. 225, 1977.

1. Citation

These Regulations may be cited as the Kasane Township Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Kasane Township" or **"township"** means the Kasane Township as defined in terms of the Townships Act.

"North West District Council" means the North West District Council established and constituted under the Establishment of the North West District Council Order;

"Township Authority" means the Kasane Township Authority established under regulation 3.

3. Kasane Township Authority

There is hereby established a Township Authority for the Kasane Township, to be known as the Kasane Township Authority.

4. Constitution

The North West District Council shall be the Township Authority for Kasane Township.

5. Power to make bye-laws

The Township Authority may, subject to the approval of the Minister, make bye-laws for the health, order and good government of the township and to that extent any bye-laws made by the North West District Council shall apply *mutatis mutandis* to the township and shall be deemed to have been made under these Regulations.

GHANZI TOWNSHIP REGULATIONS

(under section 9)

(7th April, 1977)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Ghanzi Township Authority
4. Constitution
5. Power to make bye-laws

S.I. 38, 1977.

1. Citation

These Regulations may be cited as the Ghanzi Township Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Ghanzi District Council" means the Ghanzi District Council established and constituted under the Establishment of the Ghanzi District Council Order;

"Ghanzi Township" or **"township"** means the Ghanzi Township as defined in terms of the Townships Act;

"Township Authority" means the Ghanzi Township Authority established under regulation 3.

3. Ghanzi Township Authority

There is hereby established a Township Authority for the Ghanzi Township, to be known as the Ghanzi Township Authority.

4. Constitution

The Ghanzi District Council shall be the Township Authority for the Ghanzi Township.

5. Power to make bye-laws

The Township Authority may, subject to the approval of the Minister, make bye-laws for the health, order and good government of the township and to that extent any bye-laws made by the Ghanzi District Council shall apply *mutatis mutandis* to the township and shall be deemed to have been made under these Regulations.

TOWN COUNCIL (PUBLIC SEWERS) REGULATIONS

(under section 9)

(8th April, 1982)

ARRANGEMENT OF REGULATIONS

REGULATION

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. Disconnection
14. Discharge of trade effluent into public sewer
15. Control of trade effluent
16. Metering and assessment of trade effluent
17. Grease traps
18. Penalties where not prescribed

S.I. 37, 1982.

1. Citation

These Regulations may be cited as the Town Council (Public Sewers) Regulations.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires—

"authorized officer" means a person authorized by a council to inspect public sewers or pipes or drains connected therewith;

"council" means a city or town 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 a local authority or the Minister for the time being responsible for local government and lands;

"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;

"waste water" means used water, not being soil water, trade effluent or storm water.

(2) For the purposes of these Regulations a building shall not be deemed to have 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 a sufficient supply of water except where such is laid on or 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 a 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

Every 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

A 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

A 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 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 steam, 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) radioactive substance.

(2) Any person who contravenes any provision of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding P100 and a further fine not exceeding P10 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. 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.

9. Right to connect to public sewer

(1) Subject to the provisions of regulation 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 subregulation (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 regulation 14; or
 - (ii) the discharge of which is prohibited under these Regulations or any enactment;
- (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;
 - (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 a council is of the opinion that satisfactory provision has not been made for the hygienic and adequate disposal of foul water or that 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 his own 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 of his premises to be connected to a public sewer shall apply in writing to the council in such manner as may be prescribed.

(2) Where a council receives an application under subregulation (1) it shall, within 21 days of the receipt thereof, advise the applicant in writing whether or not the application has been granted or rejected.

(3) A rejection of an application under subregulation (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 subregulation (4) the applicant shall, before work commences, be required to pay the council the cost thereof as estimated by the council.

(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 authorized officer reasonable access to inspect the work.

(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this regulation 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 Regulations 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 subregulation (5)—

(a) exceeds the cost incurred, the council shall repay the excess; or

(b) is insufficient, the balance shall be recoverable from the person for whom the work was done.

12. Common sewer or drain

A council may, in its discretion and with the agreement of the owners concerned, permit the drainage installations of two or more buildings to connect with a public sewer by means of a common sewer or drain.

13. Disconnection

(1) Except with the written permission of the council and on its behalf, a drainage installation connected to a public sewer shall not be disconnected therefrom for the purpose of maintenance or renewal.

(2) Maintenance or renewal work carried out under subregulation (1) shall be at the expense of the owner of the premises.

14. Discharge of trade effluent into public sewer

(1) A council may, subject to the written approval of the Minister and to any condition he may think fit to impose, grant permission 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 subregulation (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 application in writing to the council for permission to do so 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 subregulation (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 P2000 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 subregulation (5), a council shall be entitled to 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.

15. Control of trade effluent

Notwithstanding any other provision of these Regulations a 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 regulation 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 a position such as the council may determine; or
- (d) provide and maintain a meter measuring the total volume of water drawn from a borehole, a spring or other natural source and used on the premises.

16. Metering and assessment of trade effluent

(1) A council may incorporate in a drainage installation conveying trade effluent to a public sewer, in such a position as it shall determine, a meter or gauge or other device for the purpose 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 meter, gauge or other device:

Provided that a 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) A council shall be entitled, in terms of subregulation (1), to install and maintain, at the expense of the owner, a meter, gauge or other device.

17. Grease traps

A council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, laundry or other premises from which waste water of a fatty or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice to provide and fix, to the satisfaction of the council, a proper and efficient grease trap for the reception thereof prior to the waste water being discharged into the sewer or drain.

18. Penalties where not prescribed

Any person found guilty of an offence against any provision of these Regulations shall, where no penalty is prescribed therefor, be liable to a fine not exceeding P100 and a further fine not exceeding P10 per day for each day on which the offence continues.

TOWN COUNCIL (HAWKING AND STREET-VENDING) REGULATIONS

(under section 9)

(26th April, 2002)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation

Copyright Government of Botswana

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

S.I. 27, 2002.

1. Citation

These Regulations may be cited as the Town Council (Hawking and Street-Vending) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"authorised official" means the Town Clerk or City Clerk 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 regulation 4;

"Council" means a city or a town council established under the Town Council Regulations;

"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 regulation 7;

"Registrar" means a Town Clerk or City Clerk 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 Regulations.

(2) Notwithstanding the provisions of subregulation (1), any person who is not required to obtain a licence to carry on any business in terms of section 54 of the Trade and Liquor 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 subregulation (1), as read with subregulation (2), shall be guilty of an offence under these Regulations.

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 Regulations 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 Regulations 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 Regulations.

5. Period of certificate

A certificate issued under regulation 4(4) shall, subject to the provisions of these Regulations, be valid for a period of two years and, unless renewed under regulation 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 subregulation (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 subregulation (1).

(3) Subject to the provisions of subregulation (5), the Registrar shall, on application made in terms of subregulations (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 subregulations (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 Regulations 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 Regulations 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 Regulations 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 subregulation (1) shall be guilty of an offence under these Regulations.

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 Regulations 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 Regulations; 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.

(3) Any person who contravenes the provisions of subregulations (1) or (2) shall be guilty of an offence under these Regulations.

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 subregulation (1) shall be guilty of an offence under these Regulations.

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' 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 subregulation (1) shall be guilty of an offence under these Regulations.

14. Appeals

Any person aggrieved by the decision of the Registrar, made under these Regulations, may appeal, in writing, to the Minister.

15. Certificate to be produced for inspection

(1) Every holder of a certificate issued under these Regulations 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 subregulation (1) shall be guilty of an offence under these Regulations.

16. Penalties for offences

(1) Any person who is guilty of an offence under these Regulations 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 Regulations may, in addition to any penalty to which he may be liable to—

- (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 existing stock; or
- (b) have his goods impounded or confiscated.

SCHEDULE

Form A

APPLICATION FOR A HAWKER'S OR STREET-VENDORS CERTIFICATE

(regulation 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 your *Omtang*.)

Full name of applicant

(Surname first)

Postal address

Identity No.

*(4) 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

*(5) Date of approval/rejection of application

.....
Registrar

**Form B
HAWKER'S CERTIFICATE**

(regulation 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:

.....

.....

.....
Signature of Registrar

Date:

Conditions:

.....

.....

.....
Signature of Registrar

Date:

Conditions:

.....

.....

.....
Signature of Registrar

Form C
STREET-VENDOR'S CERTIFICATE

(regulation 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 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

OFFICIAL STAMP

.....
Signature of Registrar

RENEWALS

Date:

Conditions:
.....
.....
.....

.....
Signature of Registrar

Date:

Conditions:
.....
.....
.....

.....
Signature of Registrar

Date:

Conditions:
.....
.....
.....

.....
Signature of Registrar

Date:

Conditions:
.....
.....
.....

.....
Signature of Registrar

Form D
APPLICATION FOR RENEWAL OF A HAWKER'S OR STREET-VENDOR'S CERTIFICATE
(regulation 4)

(This form is to be completed in block letters)

Full name of applicant
(Surname first)

Registration number

Place of residence
.....

Postal address

Identity No.

*(6) 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 fo goods—

.....
.....

Date:

.....
Signature of applicant

FOR OFFICIAL USE ONLY

Date on which application was received

*(7) Date of approval/rejection of application

(8)
Registrar

TOWN COUNCIL (HAWKING AND STREET-VENDING) REGULATIONS (APPLICATION) REGULATIONS

(under section 9)

(19th July, 1985)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
 2. Application
- Schedule

S.I. 94, 1985.

1. Citation

These Regulations may be cited as the Town Council (Hawking and Street-Vending) Regulations (Application) Regulations.

2. Application

The Town Council (Hawking and Street-Vending) Regulations shall apply to the council areas specified in the Schedule hereto.

SCHEDULE

Francistown Town Council area
Gaborone City Council area
Jwaneng Town Council area
Lobatse Town Council area
Selebi-Phikwe Town Council area

ESTABLISHMENT OF THE LOBATSE TOWN COUNCIL ORDER

(under regulation 4)

(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Constitution and establishment of the Lobatse Town Council
3. Filling of vacancies
4. Functions to be performed by the council

L.N. 48, 1966,
S.I. 111, 1969,
S.I. 79, 1980,
S.I. 58, 1984,
S.I. 109, 1984,
S.I. 97, 1994,
S.I. 43, 1999,
S.I. 102, 2004,
S.I. 122, 2004.

1. Citation

This Order may be cited as the Establishment of the Lobatse Town Council Order.

2. Constitution and establishment of the Lobatse Town Council

(1) There shall be a town council, to be known as the Lobatse Town Council in respect of the area defined in paragraph 6 of the Schedule to the Declaration of Townships Order.

(2) The Lobatse Town Council shall consist of—

- (a) 12 elected members; and
- (b) 2 nominated members.

(3) The elected members of the Lobatse Town Council shall be elected in the manner provided by the Electoral Act.

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

3. Filling of vacancies

If the seat of a member of the council becomes vacant by virtue of any provision of the Town Council Regulations 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.

4. Functions to be performed by the council

The Lobatse Town Council shall perform the functions set out in paragraph 1 of the First Schedule to the Town Council Regulations and may perform any or all of the remaining functions set out in the said First Schedule.

ESTABLISHMENT OF THE GABORONE CITY COUNCIL ORDER

(under regulation 4)

(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Constitution and establishment of the Gaborone City Council
3. Filling of vacancies
4. Functions to be performed by the council

L.N. 49, 1966,
S.I. 103, 1969,
S.I. 80, 1980,
S.I. 60, 1984,
S.I. 112, 1984,
G.N. 229, 1986,
S.I. 95, 1994,
S.I. 42, 1999,
S.I. 100, 2004.

1. Citation

This Order may be cited as the Establishment of the Gaborone City Council Order.

2. Constitution and establishment of the Gaborone City Council

(1) There shall be a city council, to be known as the Gaborone City Council, in respect of the area defined in the Schedule to the Declaration of Gaborone as a City Order.

(2) The Gaborone City Council shall consist of—

- (a) 30 elected members; and
- (b) 5 nominated members.

(3) The elected members of the Gaborone City Council shall be elected in the manner provided by the Electoral Act.

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

3. Filling of vacancies

If the seat of a member of the council becomes vacant by virtue of any provision of the Town Council Regulations 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.

4. Functions to be performed by the council

The Gaborone City Council shall perform the functions set out in regulation 1 of the First Schedule to the Town Council Regulations and may perform any or all of the remaining functions set out in the said First Schedule.

ESTABLISHMENT OF THE FRANCISTOWN TOWN COUNCIL ORDER

(under regulation 4)

(1st July, 1966)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Constitution and establishment of the Francistown Town Council
- 3. Filling of vacancies
- 4. Functions to be performed by council

L.N. 50, 1966,
S.I. 102, 1969,
S.I. 116, 1974,
S.I. 78, 1980,
S.I. 59, 1984,
S.I. 113, 1984,
S.I. 96, 1994,
S.I. 44, 1999,
S.I. 99, 2004.

1. Citation

This Order may be cited as the Establishment of the Francistown Town Council Order.

2. Constitution and establishment of the Francistown Town Council

(1) There shall be a town council, to be known as the Francistown Town Council, in respect of the area defined in paragraph 1 of the Schedule to the Declaration of Townships Order.

(2) The Francistown Town Council shall consist of—

- (a) 19 elected members; and
- (b) 3 nominated members.

(3) The elected members of the Francistown Town Council shall be elected in the manner provided by the Electoral Act

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

3. Filling of vacancies

If the seat of a member of the council becomes vacant by virtue of any provision of the Town Council Regulations 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.

4. Functions to be performed by council

The council shall perform the functions set out in paragraph 1 of the First Schedule to the Town Council Regulations and may perform any or all of the remaining functions set out in the said First Schedule.

ESTABLISHMENT OF THE JWANENG TOWN COUNCIL ORDER

(under regulation 4)

(10th August, 1984)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of council
- 4. Filling of vacancies
- 5. Functions to be performed by council

S.I. 77, 1984,
S.I. 111, 1984,
S.I. 99, 1994,
S.I. 41, 1999,
S.I. 99, 2004,
S.I. 121, 2004.

1. Citation

This Order may be cited as the Establishment of the Jwaneng Town Council Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"**council**" means the Jwaneng Town Council established by paragraph 3(1).

3. Establishment of council

(1) There is hereby established a town council to be known as the Jwaneng Town Council in respect of the area defined in paragraph 4 of the Schedule to the Declaration of Townships Order.

(2) The Council shall consist of—

- (a) 7 elected members; and
- (b) 1 nominated members.

4. Filling of vacancies

If the seat of a member of the council becomes vacant, the vacancy shall be filled in accordance with the provisions of paragraph 3.

5. Functions to be performed by council

The council shall perform the functions specified in paragraph 1 of the First Schedule to the Town Council Regulations and may perform all or any of the remaining functions specified in the said Schedule.

ESTABLISHMENT OF THE SELEBI-PHIKWE TOWN COUNCIL ORDER

(under regulation 4)

(26th October, 1974)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of council
- 4. Filling of vacancies
- 5. Functions to be performed by council

S.I. 118, 1974,
S.I. 77, 1980,
S.I. 57, 1984,
S.I. 110, 1984,
S.I. 98, 1994,
S.I. 45, 1999,

1. Citation

This Order may be cited as the Establishment of the Selebi-Phikwe Town Council Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"**council**" means the Selebi-Phikwe Town Council established by paragraph 3(1).

3. Establishment of council

(1) There shall be established a town council, to be known as the Selebi-Phikwe Town Council, in respect of the area defined in paragraph 7 of the Schedule to the Declaration of Townships Order.

(2) The Council shall consist of—

- (a) 14 elected members; and
- (b) 2 nominated members.

4. Filling of vacancies

If the seat of a member of the council becomes vacant, the vacancy shall be filled in accordance with the provisions of paragraph 3.

5. Functions to be performed by council

The council shall perform the functions specified in paragraph 1 of the First Schedule to the Town Council Regulations and may perform all or any of the remaining functions specified in the said Schedule.

GHANZI TOWNSHIP (REFUSE) BYE-LAWS

(under regulation 5 of the Ghanzi Township Regulations)

(27th January, 1978)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

- 1. Citation
- 2. Interpretation
- 3. Refuse not to be deposited in public place
- 4. Accumulation of refuse on private premises
- 5. Removal of refuse from private premises
- 6. Refuse dump
- 7. Maintenance of refuse receptacles

8. Fees for refuse removal services
9. Depositing refuse in water supplies
10. Penalties

Schedule - Charges

S.I. 9, 1978,
S.I. 102, 1999.

1. Citation

These Bye-laws may be cited as the Ghanzi Township (Refuse) Bye-laws.

2. Interpretation

In these Bye-laws—

"occupier of premises" means any person in actual occupation of premises or entitled by law to occupy those premises;

"premises" includes any yard, field, garden or land, whether enclosed or not;

"public place" includes any public way or square, any tribal kgotla and any public or communal land;

"refuse" includes any filth, 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;

"township" means the Ghanzi Township as defined in terms of the Townships Act;

"Township Authority" means the Ghanzi Township Authority.

3. Refuse not to be deposited in public place

(1) Subject to sub-bye-law (2), no person shall within the township deposit any refuse in or near a public place.

(2) A person may deposit refuse at a refuse dump designated by the Township Authority or in a receptacle provided by the Township Authority for the reception of refuse.

4. Accumulation of refuse on private premises

No owner or occupier of private premises situated within the township shall permit or allow any refuse to accumulate or remain on the premises so as to be offensive or a nuisance or injurious or dangerous to health or to favour the breeding of flies or mosquitoes or the harbouring of rodents.

5. Removal of refuse from private premises

(1) The Township Authority may, by notice in writing served on the owner or occupier of

private premises situated within the township, require him within three days after the date of service of the notice to remove from the premises any refuse thereon.

(2) Every owner or occupier of private premises on whom a notice has been served under sub-bye-law (1) shall comply with the requirement contained in the notice.

(3) Where an owner or occupier of private premises on whom a notice has been served under sub-bye-law (1) fails to comply with the requirement to remove refuse contained in the notice, the Township Authority may, by its servants or agents, enter upon the premises and remove the refuse and recover from the owner or occupier the cost of so doing.

(4) Where any person is convicted of contravening sub-bye-law (2), the court may, in addition to any penalty it may impose, order that person to reimburse the Township Authority or to pay any expenses the Township Authority may have incurred in removing refuse in consequence of that contravention.

6. Refuse dump

Every owner or occupier who removes refuse in compliance with the requirement contained in a notice served on him under bye-law 5(1) shall deposit the refuse at a place designated or in a receptacle provided by the Township Authority for the reception of such refuse.

7. Maintenance of refuse receptacles

Every occupier of premises situated within the township shall ensure that all refuse receptacles in use on the premises are regularly emptied and cleaned and that such receptacles, including the covers thereof, are at all times maintained in a sound condition.

8. Fees for refuse removal services

(1) Subject to sub-bye-law (3), every occupier of premises situated within the township for which a refuse removal service is provided by the Township Authority, shall pay on demand to the Township Authority such fee for that service as is set out in the Schedule.

(2) The Township Authority may by resolution make such charges for collecting and emptying dustbin and septic tank situated on institutional or private business premises as it may from time to time determine.

(3) No fees shall be payable under sub-bye-law (1) for the removal by the Township Authority of refuse from the communal receptacles provided by the Township Authority for the reception of refuse within the unsurveyed residential area of the township.

9. Depositing refuse in water supplies

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 situated within the township.

10. Penalties

(1) Any person who contravenes these Bye-laws, other than Bye-law 9, shall be liable to a fine not exceeding P100, or in default of payment to imprisonment for a term not exceeding three months, or, in the event of a second or subsequent conviction for the same offence, to a fine not exceeding P200, or in default of payment to imprisonment for a term not exceeding six months.

(2) Any person who contravenes Bye-law 9, shall be liable to a fine not exceeding P150, or in default of payment to imprisonment for a term not exceeding four months, or, in the event of a second or subsequent conviction, to a fine not exceeding P200, or in default of payment to imprisonment for a term not exceeding six months.

SCHEDULE CHARGES

REFUSE BYE-LAWS

(Bye-law 8(2))

Households

- | | | |
|-----|------------------|--------------|
| (a) | Standard dustbin | P1 per month |
| (b) | 200 litres drum | P2 per month |
| (c) | P30 per load | |

Business Premises

- | | | |
|-------|----------------|---------------|
| (i) | Small business | P25 per month |
| (ii) | Large business | P30 per month |
| (iii) | Bulk removal | P20 per month |
| (iv) | Desludging | P30 per month |

SOWA TOWNSHIP (HAWKING AND STREET VENDING) BYE-LAWS

(under regulations 34 and 35)

(4th March, 1994)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation

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

S.I. 20, 1994.

1. Citation

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

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—

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

"licensing authority" means the Sowa Township Authority or any committee convened by the Township Authority to perform its functions under these Bye-Laws;

"street vendor" means any person who carries on the business of selling goods from a pitch at which he stations himself, whether in a public place or on ground over which he has no right of control;

"Township Authority" means the Sowa Township Authority;

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

3. Licence required to carry on hawking business

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

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

(3) If the licensing authority is satisfied that the application is in order, and that there are no grounds for refusing the issue of a licence under these Bye-Laws, he may, on payment by the

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applicant of a fee of P5, issue a licence to the applicant, for such goods and such area, and subject to such conditions or qualifications as may be specified therein.

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

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

(5) Any person who carries on the business of hawking in Sowa Township, or any area thereof, without having a licence therefor in his name, and for the area concerned, or who fails to comply with any condition or qualification attached to his licence, shall be guilty of an offence and liable to a fine of P50 and to imprisonment for three months.

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

4. Street vendors to be registered

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

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

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

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

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

(5) Any person who carries on the business of a street vendor in Sowa Township or any area thereof, without being registered therefor and being in possession of a certificate of registration in his name for the area concerned, or who fails to comply with any condition or qualification subject to which such certificate is issued, shall be guilty of an offence and liable to a fine of P50 and to imprisonment for three months.

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

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

5. Procedure of licensing authority

(1) Where an application for a hawker's licence is made in terms of bye-law 6, the licensing authority shall, at least 14 days before the date of the meeting at which such application is to be considered, post a notice of such application at the council's office and such notice shall be open to public inspection.

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

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

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

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

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

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

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

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

(1) The licensing authority, on being satisfied that a hawker's licence issued by it has been lost or destroyed, shall on payment of a fee of 50 thebe and on being supplied with two copies of a clearly recognizable head and shoulders photograph of the person to whom the licence was issued, approximately 5 by 4 centimetres in size, issue a duplicate licence to that person.

(2) The licensing authority shall, on being satisfied that a street vendor's certificate issued by him has been lost or destroyed, and on payment of a fee of 50 thebe, issue a duplicate certificate to that person.

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

8. Cancellation or suspension of licence or certificate

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

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

9. Duties of hawkers and street vendors

(1) No hawker or street vendor shall—

- (a) agree, undertake or purport to cede, transfer, hire or in any other way make over his licence or certificate of registration to another person;
- (b) trade in any goods other than those specified in his licence or certificate of registration;
- (c) conduct his business on any private property without the consent of the owner, lessor, manager or occupier of the said property;
- (b) for the purpose of conducting his business, erect, or expose goods for sale in, any tent, booth, stall, stand or similar structure:

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

(2) Every hawker or street vendor shall—

- (a) at all times keep in a clean and sanitary condition all receptacles, instruments and other articles used in the conduct of his business;
- (b) pick up and remove any paper, litter, refuse, receptacle or other object which, in the

conduct of his business has been deposited or dropped, or has fallen in or on any public place or private property;

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

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

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

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

10. Further duties of street vendor

Every street vendor shall—

- (a) at the request of a police officer, or health inspector or any other township vendors officer, move his goods, vehicles, receptacles and any other objects associated with the conduct of his business, so as to permit the Township Authority's sanitation staff to clean any area in which he is so conducting his business; and
- (b) when departing from the pitch at which he has been carrying on business, remove all goods, vehicles, receptacles, or any other objects associated with his business, and leave such pitch in a clean state.

11. Licence or certificate to be produced for inspection

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

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

12. Offences and penalties

(1) Any person who contravenes any provision of these Bye-Laws, or who fails to comply with any provision with which it is his duty to comply, shall be guilty of an offence and liable,

where no other penalty is herein provided, to a fine of P50.00 and to imprisonment for one month.

(2) Any person who is convicted of any offence under these Bye-Laws may, in addition to any penalty to which he may be otherwise liable, have his hawker's licence or his certificate of registration, as the case may be, cancelled by the court, with effect from such date as the court considers reasonable, in order to enable him to dispose of any existing stock.

13. Appeal

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

GABORONE CITY COUNCIL (PUBLIC STANDPIPES) BYE-LAWS

(under regulations 34 and 35)

(25th February, 1994)

S.I. 17, 1994.

1. Citation

These Byelaws may be cited as the Gaborone City Council (Public Standpipes) Byelaws.

2. Interpretation

In these Byelaws, unless the context otherwise requires—

"authorized officer" means the City Clerk, or any officer of the City Council duly authorized in writing by the City Clerk for the purpose of inspecting standpipes;

"designated area" means an area of the City which has been designated by the City Council as an area for occupation by persons holding certificates of right or temporary occupancy permits;

"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 City Council.

3. Use of water from public standpipe

Subject to the provisions of byelaw 4, 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 authorized in writing by the City Council.

4. Use of water by persons other than occupiers

(1) A person who is not an occupier of the designated area in which a public standpipe is situated, may, without further authorization, draw water not exceeding five litres in any one day from such standpipe.

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

- (a) for immediate personal consumption;
- (b) for the purpose of fire prevention or extinguishing fire; or
- (c) as may be permitted in writing by the City Council.

(3) Except with the written permission of the City Council, or in an emergency for the purposes specified in paragraph (2)(b), water shall not be drawn from a public standpipe for use outside the designated area in which it is located.

5. Use of public standpipes

(1) Public standpipe water shall not be used for any purpose other than for domestic purposes, or in an emergency as specified in paragraph 4(2)(b), or as may be specified, in writing, by the City Council.

(2) The City 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 City, prohibit the use of water for any specified purpose, in any specified area within the City;
- (c) by written notice to consumers, 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 these Bye-laws, or contrary to the provisions of any notice issued by the City Council under subparagraph (2), shall be guilty of an offence and liable to a fine of P100, and in default of payment thereof to imprisonment for three months, and such fine or imprisonment shall be without prejudice to the right of the City Council to recover the charges for water improperly used.

6. Withholding of supply of public standpipe water

Without prejudice to the right of recovery of any money due to it, the City 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.

7. 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)(a) Where an authorized officer finds an unauthorized connection or attachment to a public standpipe, he shall immediately remove it or order it to be removed.

(b) The unauthorized connection or attachment shall be retained by the City Council for at least five days after which—

- (i) it may be released to the owner and upon the owner signing a written acknowledgement that a further transgression will result in prosecution and the confiscation of the connection or attachment in question; or
- (ii) the person responsible may be, and shall be for a second or subsequent transgression, prosecuted and liable to a fine of P100 and to imprisonment for 2 months, and the unauthorized connection or attachment shall be confiscated.

(3) Any person who hinders, obstructs or uses abusive or insulting language towards an authorized officer in the performance of his duties under these Bye-laws shall be guilty of an offence and liable to a fine of P200 and to imprisonment for three months.

8. 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.

9. 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 of P150 and to imprisonment for three months.

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

10. 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 therewith, shall be guilty of an offence and liable to a fine of P200 and to imprisonment for three months.

GABORONE CITY COUNCIL (HAIRDRESSER AND BARBER) BYE-LAWS

(under regulations 34 and 35)

(27th May, 1994)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Licences
4. Premises
5. Sanitary conditions
6. Closure of licensed premises
7. Powers of entry
8. Offences and penalties

S.I. 50, 1994.

1. Citation

These Bye-Laws may be cited as the Gaborone City Council (Hairdresser and Barber) Bye-Laws.

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—

"hairdresser" means a person who, in a fixed place of business or a salon, carries on the business of dressing and cutting hair, particularly the hair of women;

"barber" means a person who, in a fixed place of business or a salon, carries on the business of cutting or trimming men's hair or beards, or shaving men.

3. Licences

(1) No person shall carry on the business of hairdresser or barber within Gaborone City without being licensed therefor, and on the premises specified in the licence.

(2) Any person wishing to carry on the business of hairdresser or barber shall make application therefor to the City Council, supplying such information in relation thereto as the City Council may require, and the City Council may, if it is satisfied that the requirements of these Bye-Laws are met, and on payment of the fee of P10, issue the appropriate licence valid until the 31st December of the year of issue, which licence may be renewed from year to year on payment of the annual fee of P5.

(3) Licences issued under these Bye-Laws shall not be transferrable without the consent of the City Council, and may be revoked by the City Council if the holder thereof is convicted of any offence under these Bye-Laws.

(4) A licence issued under these Regulations or a copy thereof shall be displayed prominently in the premises to which it relates

4. Premises

(1) Premises used for the business of hairdresser or barber shall be constructed of bricks, concrete or other material approved for the purpose by the City Council.

(2) Premises used for the business of hairdresser or barber—

- (a) shall be not less than 7,5 square metres in size;
- (b) shall have adequate ventilation and lighting;
- (c) shall have an adequate constant supply of wholesome water; and
- (d) shall be maintained at all times in a clean and sanitary condition, and in good repair.

5. Sanitary conditions

The holder of a licence issued under these Regulations—

- (a) shall ensure that all utensils, vessels, containers, hair-clippers, scissors, linen, towels, cloths, furnishings and other articles used in the conduct of the business are maintained in a clean and sanitary condition by the use of soap and water and approved means of sterilization and disinfection;
- (b) shall take all reasonable steps to ensure that clean, sterilized and disinfected articles are kept separate from those which have not been washed, sterilized or disinfected;
- (c) shall ensure that at all times there are sufficient receptacles of galvanized iron, or other non-absorbent materials, with close-fitting covers available for collecting, storing and disposing of all refuse, including hair trimmings; and
- (d) shall ensure that adequate toilet facilities are available for all the staff of the premises.

6. Closure of licensed premises

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

7. Powers of entry

An officer of the City Council so authorized in writing by the Council or a police officer may at any reasonable time enter and inspect any premises used for the business of hairdresser or barber for the purpose of ensuring that the condition of the premises and the operation of the business complies with and is not in contravention of any of the provisions of these Bye-Laws or the conditions of the licence in respect thereof.

8. Offences and penalties

Any person who contravenes, or who fails to comply with, any of these Bye-Laws with which

it is his duty to comply, or who is the owner of a business of hairdresser or barber which operates in a manner which contravenes or fails to comply with the provisions of these Bye-Laws, shall be guilty of an offence and liable to a fine of P200 and to imprisonment for three months.

FRANCISTOWN TOWN COUNCIL (DAY CARE CENTRE) BYE-LAWS

(under regulations 34 and 35)

(11th April, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Registration of centres
4. Operating hours
5. Kitchen facilities
6. Age of admission
7. Premises of centres
8. Employed staff
9. Transport
10. Classroom equipment
11. Smoking prohibited
12. First aid
13. Infectious diseases and vaccinations
14. Responsibility of owner
15. Powers of entry
16. Offences and penalties

S.I. 21, 1997.

1. Citation

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

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—

"centre" means a day care centre as defined herein;

"day care centre" means a place for the supervision during the day of young children below school age;

"infectious disease" 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 centres

(1) No person shall operate a centre without the prior approval of and registration by the Council.

(2) Application to operate a centre shall be made to the Council on the prescribed form giving details of the premises intended to be used for the centre, the names and qualifications of all teachers and other assistants to be employed at the centre, and such other information with regard to the proposed centre as the Council may require.

(3) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-Laws it may on payment of P100 register a private centre and upon payment of P20 register a non-profit making centre and thereafter issue a registration certificate of which the renewal thereof shall be applied for annually upon payment of P100 and P20 respectively.

4. Operating hours

(1) A centre shall not operate outside the hours of 0700 hours and 1700 hours on weekdays, except with the written approval of the Council.

5. Kitchen facilities

(1) A centre which operates within the hours referred to in bye-law 4 shall have a kitchen with adequate hot and cold water, adequate hygienic storage space for food, adequate cutlery and crockery of a suitably hygienic type and a menu of food which shall be a balanced diet.

(2) Where children bring food into the centre, that centre, shall provide suitable facilities for the storage and refrigeration of the food.

6. Age of admission

A child who is under the age of two and a half and above six years shall not be admitted at the centre.

7. Premises of centres

(1) An occupied residential house shall not be used as a centre—

Provided that with the written approval of the Council the occupied residential house may be used adequately for the centre and satisfactorily be separable from the portion used for residential purposes.

(2) Premises used for the centre shall be walled or fenced and constructed in accordance with and from material permitted by the appropriate building regulations, floors shall be smooth, tiled or carpeted and every classroom shall be adequately lit and ventilated.

8. Employed staff

(1) There shall be one teacher for every thirty children who shall possess the necessary skill

and knowledge in the field of child care and an assistant who may supervise and look after the children.

(2) All staff employed at the centre shall—

- (a) be medically examined including being X-rayed before taking up employment and thereafter at six monthly intervals;
- (b) at all times wear clean uniforms or clothing.

9. Transport

A centre that offers transport for use by the children shall transport children in closed motor vehicles only.

10. Classroom equipment

There shall be sufficient furniture and enough toys for use by the children enrolled in the centre.

11. Smoking prohibited

Smoking shall be prohibited anywhere within the area of the centre and a notice to this effect shall be displayed prominently at the entrance of the centre.

12. First aid

In every centre there shall be maintained and readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilised cotton wool, adhesive plasters, disinfectant and safety pins.

13. Infectious diseases and vaccinations

An owner of a centre shall—

- (a) regularly inspect the child's vaccination card;
- (b) isolate children suffering from an infectious disease until they are well to be at the centre.

14. 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.

15. Powers of entry

An officer of the Council so authorised in writing by the Town Clerk may at any reasonable time enter a centre for the purpose of inspection and to ensure compliance with these Bye-Laws.

(2) Any person who refuses the officer of the Council to enter the centre for the purpose of

inspection shall be guilty of an offence and liable to a penalty contained in bye-law 16.

16. Offences and penalties

Any person who contravenes or fails to comply with any of 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 three months.

FRANCISTOWN TOWN COUNCIL (HAIRDRESSER AND BARBER) BYE-LAWS

(under regulations 34 and 35)

(11th April, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Application for licence
4. Premises of business
5. Duties of a hairdresser
6. Inspection of premises
7. Offence and penalty

S.I. 23, 1997.

1. Citation

These Bye-Laws may be cited as the Francistown Town Council (Hairdressing) 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;

"Council" means the Town Council of Francistown;

"hairdresser" includes a barber and any person carrying out a manicure or a pedicure;

"licensee" means the holder of a licence issued under regulation 3(2).

3. Application for licence

(1) No person shall carry on the business of hairdressing without being licensed under these Bye-Laws.

(2) A person who intends to carry on the business of hairdressing shall make an application to the Council, on the such form as may be prescribed giving such information as the Council

may require and the Council may, if it is satisfied that the requirements of the Bye-Laws are met and upon payment of a fee of P30, issue the appropriate licence valid for a year.

(3) Subject to bye-law (2), the licensee shall pay to the Council, an annual fee of P30.

(4) A licence issued under these Bye-Laws shall not be transferable without the consent of the Council and may be revoked by Council if the licensee thereof is convicted of an offence under these Bye-Laws.

4. Premises of business

(1) Premises used for the business of hairdressing shall—

- (a) be approved by the Council in writing;
- (b) be used solely for the business of hairdressing;
- (c) not be less than 7,5 square metres in size;
- (d) have adequate ventilation and lighting;
- (e) be free from insects, rodents or vermin;
- (f) be maintained at all times in a clean and sanitary condition.

(2) Where in the opinion of the Council, premises are such that they are likely to constitute or pose a danger to public health, the Council may direct the closure of such premises until it is satisfied that the danger or threat has been remedied.

5. Duties of a hairdresser

A hairdresser shall—

- (a) ensure that all utensils, vessels, containers, hairclippers, scissors, linen, towel cloths, furnishing and other articles used in the conduct of the business are maintained in a clean and sanitary condition by the use of a soap and water or approved means or sterilization;
- (b) take all reasonable steps to ensure that clean, sterilized and disinfected articles are kept separate from those which have not been washed, sterilised or disinfected;
- (c) ensure that at all reasonable times there are sufficient receptacles of galvanized metal or other corrosive metal available for collection, storing and disposing of all refuse;
- (d) ensure that adequate toilet facilities are available for all working staff and patrons of the premises;
- (e) ensure that cleaning agents which contain potential hazardous or poisonous substances harmful to human beings are not used for cleaning and disinfecting equipment for the business;

- (f) provide to the working staff at least two pairs of protective clothing made of light colour and washable material;
- (e) employ at least one other qualified hairdresser.

6. Inspection of premises

(1) An authorised official may at any reasonable time enter and inspect the premises used for the business of hairdressing for the purpose of ensuring that the condition of the premises and the operation of the business comply with these Bye-Laws or the conditions of the licence.

(2) Any person who refuses an authorised official entry into the premises used for the business of hairdressing shall be guilty of an offence and liable to the penalty contained in bye-law 7.

7. Offence and penalty

Any person who contravenes or fails to comply with 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 three months.

FRANCISTOWN TOWN COUNCIL ROADS AND TRAFFIC BYE-LAWS

(under regulations 34 and 35)

(5th September, 1997)

ARRANGEMENT OF BYE-LAWS

PART I *Preliminary*

BYE-LAW

- 1. Citation
- 2. Application
- 3. Interpretation
- 4. Queues
- 5. Damage to signs
- 6. Numbering of houses and buildings

PART II *Parking of Vehicles*

- 7. Parking - general
- 8. Time limit parking
- 9. Metered parking bays
- 10. Motor omnibus stopping places

PART III *Municipal Car Parks*

11. Presumption
12. Entry to municipal car parks
13. Manner of parking
14. Charges for parking
15. Parking tickets

PART IV
Private Car Parks

16. Establishment of private car parks
17. Control and maintenance of private car parks
18. Contraventions of conditions
19. Penalties

PART V
Defences

20. Defences

S.I. 79, 1997.

PART I
Preliminary (bye-laws 1-6)

1. Citation

These Bye-Laws may be cited as the Francistown Town Council Roads and Traffic Bye-Laws.

2. Application

These Bye-Laws shall apply to—

- (a) the municipal area of Francistown; and
- (b) land owned or governed by the municipality but outside the limits of the municipal area of Francistown.

3. Interpretation

In these Bye-Laws—

"authorized official" means any person authorized by the Council for the purpose of giving effect to these bye-laws;

"bus stop" means a place on an omnibus route intended for the picking up and depositing of passengers, which may be demarcated by yellow lines and indicated by a sign bearing the words "Bus Stop" or the word "Bus" painted in yellow on the road surface within such bus stop;

"carriageway" means that portion of a road formed for the use of vehicular traffic and includes that portion of a road between kerbs or temporary kerbs;

"Council" means the Town Council of Francistown;

"cycle", "motor vehicle", "motor cycle", "heavy commercial vehicle", "omnibus", "taxi", "trailer" and "vehicle" have the meaning assigned to them in the Road Traffic Act;

"forward parking" means driving a motor vehicle forward into a parking bay;

"invalid carriage" means a vehicle propelled by mechanical power and specially designed, constructed or adapted for the use of persons suffering from some physical defect or disability;

"land" includes an improvement or building thereon;

"maintenance" includes repair and renewal, and maintain shall be constructed accordingly;

"metered parking bay" means a parking bay whereon the parking of motor vehicles is controlled and regulated by a parking meter;

"municipal car park" means any land which is provided and maintained by the Council as a place for the parking of motor vehicles, whether or not a charge is levied for parking;

"no parking area" means an area in any road which is designated by means of—

- (a) a sign or signs erected or placed so as to indicate the extremities of the area and bearing the words "No Parking";
- (b) visible marking on the surface of the road so as to define the boundaries of the area, and with the words "No parking" painted thereon; or
- (c) yellow lines painted on the road, parallel to the kerb;

"parking bay" means a subdivision of a car park or of a parking area intended for the accommodation of a single vehicle;

"parking meter" means a mechanical device for the purpose of controlling and regulating the parking of motor vehicles in parking bays or in parking areas where such meters are installed, and includes the standard to which the meter is affixed;

"parking area"—

- (a) in relation to motor vehicles, other than omnibuses, motor cycles having less than three wheels and cycles, means an area which is designated by white boundary lines (whether continuous or broken) on the surface of a road so as to define the boundaries of the area where such vehicles may park;
- (b) in relation to omnibuses, taxis, motor cycles having less than three wheels or cycles, means an area which is designated by means of yellow boundary lines (whether continuous or broken) on the surface of the road so as to define the boundaries of the area where such vehicles may park, and with the word or words "buses", "taxis", "motor cycles", or "cycles", as the case may be, painted on the road surface:

Provided that where the surface of a road has not been covered with a wearing

surface, such as an asphalt seal-coat-like preparation, a parking area for the parking of omnibuses, taxis, motor cycles, or cycles may be designated by means of signs bearing the word or words "buses", "taxis", "motor cycles", or "cycles", as the case may be;

"pavement" means a footway or side-walk besides a road, the surface of which has been provided with a wearing covering of cement, concrete, asphalt or other like material or preparation;

"private car park" means a car park established on private land for use by the public on payment of a fee, but does not include on site parking provided by property owners for the private use of themselves, their tenants or their employees;

"road" means any street, road, highway, lane, service-lane, footway, side-walk, alley, passage, square or bridge, or other place of a like nature, or any portion thereof, and includes all appurtenances thereof, and whether a thoroughfare or not;

"service-lane" means a passage way or service-lane usually situated at the rear of blocks of building and primarily provided for the servicing of such buildings and the loading or unloading of goods;

"side-walk" means the space in the street or road between the kerb or the edge of the carriage-way and the boundary of the stands or plots on the same side of the carriage-way;

"wheel clamp" means a device which, when fitted to the wheel of an unlawfully parked vehicle by an authorized officer, will prevent it from being moved until the clamp is removed by such officer.

4. Queues

(1) When more than two persons are waiting on any sidewalk, road or other public thoroughfare for admission to any dance hall, cinema hall, theatre, sports ground or other place of public entertainment, or for the purpose of booking seats in respect of any of the aforementioned places of entertainment, or for any similar purpose, such persons shall form a queue, not exceeding two persons abreast, parallel with and immediately adjacent to the line of the building or place concerned.

(2) Whether more than two persons are waiting on any sideway, road or other public thoroughfare for the purpose of boarding a public service vehicle such persons shall form a queue, not exceeding two persons abreast, parallel with and immediately adjacent to the edge of such sidewalk, road or thoroughfare.

(3) The first person to arrive shall have precedence in any such queue as is referred to in sub-by-laws (1) and (2), and, in a queue of two persons abreast, the person on the side nearest to the premises or public service vehicle to which entry is desired shall have precedence.

(4) Every person desirous of taking up position in any such queue shall stand abreast of or

behind the last person in the queue already formed.

(5) Any person standing in a queue shall comply with all such directions of a policeman or authorised official as may be necessary for the proper control of such queue, or for the prevention of any obstruction of traffic.

(6) Persons standing in a queue shall not cause any obstruction at the entrance to, or exit from any building or premises in front of which such queue is formed.

(7) Any person who fails to comply with, or who contravenes any of the provisions of this bye-law shall be guilty of an offence.

5. Damage to signs

Any person who interferes with, removes, injures or destroys any traffic sign, road sign, street name plate, house number, direction sign, notice board, post box, erected or installed by the Council, or any other street furniture or thing, or who obliterates or disfigures the same by pasting or affixing in any way thereto or over the same, any bill placard or notice, or by writing, stamping, painting or drawing thereon, without the permission of Council, shall be guilty of an offence.

6. Numbering of houses and buildings

Where the Council, in terms of the Francistown Town Council (General) Bye-Laws, directs any owner or occupier of any house or premises to mark or affix a number to such house or premises, then notwithstanding such Bye-Laws the number shall be—

- (a) affixed or painted on a gate-post or building or in other such conspicuous place as to be visible and legible from the centre of the street; and,
- (b) of a size not less than forty millimetres in height.

PART II

Parking of Vehicles (bye-laws 7-10)

7. Parking - general

- (1) Any person who parks—
 - (a) any vehicle other than a motor vehicle in any parking area designated as such and marked by white boundary lines;
 - (b) any motor vehicle, other than a motor omnibus, a taxi or a motor cycle having less than three wheels, in any parking area designated as such and marked by yellow boundary lines; or
 - (c) any heavy commercial vehicle, road tanker, explosives vehicle or similar vehicle in any area designated as a residential area, except for the purpose of loading or off-loading furniture or other material at a plot therein;

(d) any vehicle in a no parking area;

shall be guilty of an offence.

(2) Any person who parks any vehicle upon a section of road which has not been designated as a parking area, except at the extreme left of such road, or, where there is a sidewalk, against the edge of the kerb of such sidewalk, and in such a position as not to obstruct other traffic, shall be guilty of an offence.

(3) Any person who parks, or causes or permits to be parked any vehicle on a section of road in which parking areas are designated, otherwise than within such parking areas, shall be guilty of an offence.

(4) Where forward parking areas are provided, any driver of a vehicle who—

(a) enters such a parking area otherwise than by driving such motor vehicle forward: or

(b) vacates such a parking area otherwise than by driving such motor vehicle in reverse,

shall be guilty of an offence.

(5) Any person who stops or parks a vehicle or a trailer attached thereto in any marked parking area or parking bay in such a manner that any part of such vehicle or trailer, or any goods thereon, extends beyond the limits of such parking area or parking bay, shall be guilty of an offence.

(6) Any person who parks a taxi, a motor omnibus, a motor cycle having less than three wheels or a cycle in a section of road other than an area which has been designated for the parking of taxis, motor omnibuses, motor cycles, as the case may be, shall be guilty of an offence.

8. Time limit parking

(1) Any person having control or charge of a vehicle who, between the hours of 8 a.m. and 5 p.m., parks such vehicle in a parking area for longer than the period permitted in accordance with any sign erected by the Council in such parking area, shall be guilty of an offence.

(2) Any person having control or charge of a vehicle which has been parked in a parking bay, other than a metered parking bay, for the maximum period for which such a vehicle may be so parked and having removed or caused to be removed such vehicle therefrom, and who, within 15 minutes after such removal, causes or allows it to be parked again in the same parking bay, shall be guilty of an offence.

(3) The provisions of sub-laws (1) and (2) shall not apply on Sundays or public holidays, or after 1 p.m. on Saturdays.

9. Metered parking bays

(1) Motor vehicles shall not be parked in a metered parking bay where the meter relating to such bay bears the word 'Expired', unless there is forthwith deposited in the parking meter

relating to such parking bay the required coin or coins according to the tariff therefor fixed by the Council and displayed on the meter as payment for the use of the parking bay for the period specified.

(2) Upon the deposit of the required coin or coins referred to in sub-bye-law (1), the metered parking bay may be lawfully occupied by the motor vehicle concerned, but only for the period indicated on the parking meter.

(3) When the meter relating to any such parking once again bears the word 'Expired' the motor vehicle shall be removed from the parking bay unless there is again forthwith deposited in the parking meter the required coin or coins according to the prescribed tariff, when the said motor vehicle may lawfully occupy the metered bay for the period thereafter indicated on the parking meter.

(4) Any person who, having control or charge of a vehicle other than a motor vehicle, parks it or causes it to be parked in a metered parking bay shall be guilty of an offence.

(5) Any person having control or charge of a motor vehicle who parks it in a metered parking bay otherwise than in accordance with the provisions of sub-bye-law (1), (2) and (3) shall be guilty of an offence:

Provided that the provisions of this sub-bye-law shall not apply to the holder of an invalid carriage certificate issued by the Council where such certificate is displayed on the motor vehicle to which it applies, and such motor vehicle is at the time in use personally by the incapacitated person to whom the certificate has been issued.

(6) Any vehicle which is parked in contravention of the provisions of this bye-law may be fitted with a wheel clamp, or may be towed away to a Council holding pound to be detained until the required fee or fine determined by the Council has been paid for its release.

(7) Notwithstanding the previous provisions of this bye-law, a motor vehicle may, without payment or further payment be parked in a metered parking bay—

- (a) for such time as may be indicated on the parking meter for that parking bay, being unexpired time from its previous use; and
- (b) on Sunday and public holidays and on weekdays between the hours of 5 p.m. and 8 a.m., and after 1 p.m. on Saturday.

(8) It shall be sufficient defence for any person charged with contravening any provision of this bye-law to prove that the recording of time by the parking meter was so inaccurate that for every five minutes of actual time it recorded not less than six minutes on the meter.

(9) Any person who operates, or attempts to operate, any parking meter by any means other than the means prescribed in these Bye-Laws shall be guilty of an offence.

(10) Any person who—

- (a) damages or misuses or tampers with any parking meter;

- (b) interferes with or tampers with the working or operation of any parking meter; or
- (c) deposits or causes or permits to be deposited in any parking meter anything other than a coin or coins of the required denomination;
- (d) without the prior authority of the Council affixes any placard, advertisement, notice, document or any other thing to a parking meter; or
- (e) paints upon, writes upon or otherwise disfigures a parking meter,

shall be guilty of an offence.

10. Motor omnibus stopping places

- (1) Any person who—
 - (a) causes or permits an unattended vehicle other than a motor omnibus to remain stationery at or in any bus stop or lay-by; or
 - (b) obstructs any bus stop or bus lay-by during any period in which it is or is likely to be, in use by a motor omnibus or by the passengers therefrom,

shall be guilty of an offence.

PART III ***Municipal Car Parks (bye-laws 11-15)***

11. Presumption

For the purposes of this Part, a vehicle to which a trailer is attached shall be deemed to be two vehicles.

12. Entry to municipal car parks

(1) Any person who causes or permits any vehicle, other than a motor vehicle, to enter or be parked in a municipal car park shall be guilty of an offence.

(2) Any person who causes or permits a motor vehicle to enter a municipal car park, if there is displayed at or near the entrance to such car a sign which indicates that the car park is full, shall be guilty of an offence.

13. Manner of parking

- (1) Any person who parks a motor vehicle in a municipal car park—
 - (a) otherwise than in a parking bay; or
 - (b) in such manner that the motor vehicle, or anything projecting from it, extends beyond the boundary line of the parking bay in which it is parked, shall be guilty of an offence.
- (2) Any person who parks a motor vehicle in a parking bay in any municipal car park in which

another motor vehicle is already parked, shall be guilty of an offence.

14. Charges for parking

(1) Where a parking charge is prescribed for a municipal car park, any person who, during a period when such charge is payable, parks a motor vehicle in such park without paying the charge prescribed for the period during which such motor vehicle is so parked shall be guilty of an offence.

(2) If a motor vehicle is, or has been, or remains parked in a municipal car park for which charges are prescribed, at a time when such charges are not payable—

- (a) the motor vehicle shall be removed from the car park by the owner or person in charge thereof before the start of the next period when charges are payable; or
- (b) the owner or person in charge of the motor vehicle shall pay the prescribed charge for such time as the motor vehicle remains in the car park during the period when such charges are payable.

(3) In the event of failure to comply with the provisions of sub-bye-law (2) the owner or person in charge of the vehicle shall be guilty of an offence, and in addition the vehicle may be fitted with a wheel clamp, or towed away to a pound until the resulting fee or fine has been paid for its release.

15. Parking tickets

(1) Where a prescribed charge is made for the use of a municipal car park, any person causing or permitting any motor vehicle to park in the car park during the hours during which such charge is payable, shall, before entering the car park, pay the required charge and obtain a parking ticket indicating that the charge has been paid.

(2) A parking ticket which has been issued or obtained on entry to a municipal car park shall be displayed in a prominent position within the motor vehicle, on the windscreen or above the dashboard, so as to be clearly visible from the outside of the vehicle and any owner or person in charge of such a vehicle who fails to comply with the provisions of this bye-law shall be guilty of an offence.

PART IV

Private Car Parks (bye-laws 16-19)

16. Establishment of private car parks

(1) Any person wishing to establish a private car park for use by the general public shall—

- (a) make written application therefor to the Council, stating in such application;
 - (i) the stand number of the plot, its location and extent of the area to be utilised for the car park;
 - (ii) the number of parking bays to be provided; and

- (iii) evidence to support the need for the establishment of a car park on the site proposed;
- (b) submit with the application two copies of a site plan showing—
 - (i) the location of the site and abutting roads and sidewalks;
 - (ii) the proposed layout of parking bays to be provided on the site or in the building;
 - (iii) measures to be taken for the drainage of storm water from the site; and
 - (iv) measures to be taken for the protection of pedestrians in the event of vehicles crossing the sidewalk; and
- (c) supply such further plans, drawings, details, particulars, specifications or other information as the Council may reasonably require.

(2) The Council may reject any application if it considers that sufficient need for such a private car park has not been established, or it may issue a permit granting such application, subject to such conditions as it may reasonably impose.

(3) When issuing a permit for the establishment of a private car park, the Council may attach thereto such conditions as it considers fit, and such conditions may include, but not be limited to the following—

- (a) the positioning and size of exits and entrance ways;
- (b) the means to be taken for the safety of the public and pedestrians;
- (c) the means to be taken for the protection of any drive-way across the sidewalk;
- (d) the disposal of storm water;
- (e) the nature of any structure proposed to be erected;
- (f) the precautions to be taken against fire;
- (g) the provisions to be made for the control of noise or any other nuisance likely to affect the public; and
- (h) any other matters which it considers will ensure the safety or welfare of members of the public either when in or using the car park, or in or using the surrounding areas.

(4) The Council may require that any of the conditions it may seek to impose shall be complied with prior to the establishment of a private car park.

17. Control and maintenance of private car parks

The owner of any private car park established in terms of these Bye-laws shall—

- (a) provide means, to the satisfaction of the Council for the supervision and control of

parking in the car park;

- (b) assume full responsibility for the safety and proper maintenance of the area and all facilities provided in connection therewith, to the satisfaction of the Council;
- (c) indemnify the Council against any cost or liabilities arising from any accident, event or consequence resulting from the use of the area as a car park.

18. Contraventions of conditions

(1) If any person fails to comply with any of the conditions imposed in accordance with bye-law 15, or fails to control and maintain the car park in terms of bye-law 16, the Council may serve a notice in writing on the owner of the car park, requiring him, at his own cost to comply with all or any specified conditions or provisions of these Bye-Laws within a period of seven days from the date of service upon him of the said notice.

(2) If the notice referred to in sub-bye-law (1) is not complied with within seven days from the date of service thereof, or within such further period as the Council may allow, the Council may by notice in writing require the car park to be closed to the public with immediate effect, and may revoke, modify or vary the permit, or any of the conditions of the permit, granted in terms of bye-law 15.

19. Penalties

(1) Any person who fails to comply with any of the provisions of these Bye-Laws with which it is his duty to comply, or to comply with any directions issued under or in pursuance thereof shall be guilty of an offence, and any person guilty of an offence under this bye-law, or any other provision of these Bye-laws shall be liable to a fine of P50 for a first offence, and for a second or subsequent offence to a fine of P100 and to imprisonment for three months.

(2) An authorised official, or police officer may affix a wheel clamp on any vehicle, or tow to a Council pound any vehicle, which contravenes, or whose owner or person in charge contravenes or fails to comply with any provision of the bye-laws in Part II of these Bye-Laws, and may decline to release such vehicle until a fee of P50 has been paid for its release.

(3) An authorised official or any police officer may affix to a vehicle contravening any provision of these Bye-Laws, or serve upon the owner or person in charge of any vehicle who is reasonably suspected of having committed an offence under these Bye-Laws, a notification of the offence or offences concerned, in the prescribed form and requesting the owner or person in charge of the vehicle to attend the court specified therein, at such time, being not later than 20 days after service of such notification, to answer such alleged offence or offences:

Provided that the owner or person in charge of the vehicle concerned shall be excused attendance at the specified court if, before the date specified in the notification, he pays an admission of guilty fine of P50 at the revenue office of such court.

PART V Defences (bye-law 20)

20. Defences

(1) It shall be a sufficient defence to any charge of contravening a provision of these Bye-Laws relating to parking that there were no legible signs or markings displayed in the relative section of the road to indicate that parking was prohibited or that it was restricted to a particular period, purpose or type of vehicle.

(2) It shall be a sufficient defence to any charge of contravening any provision of these Bye-Laws relating to parking in a metered parking place that there was no legible sign affixed to the parking meter indicating the prescribed charges and period of time during which charges are payable.

KASANE TOWNSHIP (TEMPORARY STRUCTURES) BYE-LAWS

(under regulations 34 and 35)

(21st August, 1998)

ARRANGEMENT OF BYE-LAWS

BYE LAW

1. Citation and application
2. Interpretation
3. Restriction on erection of temporary structure
4. Duty to demolish structure
5. Notice to demolish
6. Power to demolish unauthorised structure
7. Offences and penalties

S.I. 63, 1998.

1. Citation and application

(1) These Bye-Laws may be cited as the Kasane Township (Temporary Structures) Bye-Laws.

(2) These Bye-Laws shall apply to all plots in the Kasane Township.

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—

"Authority" means the Township Authority for Kasane Township;

"Plot" means a piece of immovable property in a residential area;

"plot holder" means the registered owner, lease holder or occupant of a plot,

"Assistant Council Secretary" means the Assistant Council Secretary for Kasane Township.

3. Restriction on erection of temporary structure

(1) A plot holder shall not erect a temporary structure on the plot he occupies except in accordance with these Bye-Laws.

(2) A plot holder may, before building a permanent dwelling house, or while the building is still in progress, erect a temporary structure for use as a dwelling house and or as a store for building material.

(3) The Authority may, upon application permit or require a plot holder to build a temporary structure for such purpose as the Authority may determine.

4. Duty to demolish structure

(1) Subject to sub-bye-law (2) a plot holder shall demolish a structure erected in accordance with bye-law 3 at or before the expiry of a period of six months immediately following the erection thereof.

(2) The Authority may grant authorisation for the continued maintenance of the temporary structure for a further period of six months to a plot holder who gives sufficient grounds in an application made at least 30 days before the temporary structure is required to be demolished under sub-Bye-Law (1).

(3) The duty to demolish a structure in accordance with sub-bye-law (1) includes the removal of all debris resulting from the demolition of the structure.

5. Notice to demolish

(1) A plot holder shall not demolish a temporary structure in accordance with bye law 4 unless notice of intention to demolish has been given to the Assistant Council Secretary at least twenty four hours before the structure is demolished.

(2) The Assistant Council Secretary shall take all reasonable steps to ensure that every demolition of a temporary structure is carried out under the immediate supervision of an employee of the Township Authority.

6. Power to demolish unauthorised structure

(1) The Authority may serve a notice in writing to a plot holder who has erected a temporary structure in contravention of these Bye-Laws or where the six months period for the erection of the temporary structure has elapsed, requiring the plot-holder to demolish the structure within seven days immediately after service of the notice.

(2) Where a plot holder fails to comply with the notice issued under sub-bye-law (1), the Authority may enter the plot and demolish the structure and take such other steps as appear to the authority to be necessary to safeguard the health and safety of the plot holder, other occupants of the plot or members of the public within the township.

(3) Expenses incurred by the authority in demolishing a structure under sub-bye-law (2) shall be deemed to be a civil debt, due and payable to the Township Authority by the plot holder and

may be recovered in a Court of law.

7. Offences and penalties

A plot holder who contravenes a provision of these Bye-Laws commits an offence and is liable on conviction to a fine not exceeding P100, or in default of payment to imprisonment for a term not exceeding three months.

SELEBI-PHIKWE DAY CARE CENTRE BYE-LAWS

(under regulations 34 and 35)

(14th May, 1999)

ARRANGEMENT OF BYE-LAWS

1. Citation
2. Interpretation
3. Registration of centres
4. Closure of centres
5. Operating hours
6. Age of admission
7. Premises of centres
8. First aid
9. Toilets
10. Classroom equipment
11. Outdoor play areas
12. Animals
13. Kitchen
14. Staff
15. Smoking prohibited
16. Responsibilities of owners
17. Powers of entry
18. Offences and penalties

S.I. 67, 1999.

1. Citation

These Bye-Laws may be cited as the Selebi-Phikwe Day Care Centre Bye-Laws.

2. Interpretation

In these Bye-Laws, unless the context otherwise requires—

"centre" means a place for the supervision during the day of young children below school age;

"Council" means the Selebi-Phikwe Town Council;

"infectious disease" includes diphtheria, cerebral-spinal meningitis, whooping cough, measles, mumps, german measles (rubella), chicken pox, scabies, ringworm on scalp or body,

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and typhoid fever;

3. Registration of centres

(1). No person shall operate a centre without a day care centre licence issued by the Council.

(2) Application to operate a centre shall be made to the Council on the form set out in the First Schedule giving details of the premises intended to be used for the centre, the names and qualifications of teachers and other assistants to be employed at the centre, and such other information with regard to the proposed centre as the Council may require.

(3) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-Laws it may on payment of P100 issue to the applicant a day care centre licence as set out in the Second Schedule and may attach such conditions to the licence as it may determine.

(4) The licence issued in terms of Sub Bye Law (3) shall be valid until 31st December of the year in which it was issued.

(5) On application made in terms of Sub Bye Law (2) and upon payment of a fee of P50, the Council may renew the licence and make an endorsement in the form as set out in Part II of the Second Schedule.

(6) The licence shall be displayed on the wall of the principal office of the centre.

4. Closure of centres

The Council may suspend or withdraw the licence of and require the closure of any centre that fails to comply with any of the provisions of these Bye-Laws.

5. Operating hours

A centre shall operate only between 6:00 a.m. and 6:00 p.m. on weekdays, except with the written approval of the Council.

6. Age of admission

Only children between the ages of two and a half years and six years shall be admitted at a centre, except with the written approval of the Council.

7. Premises of centres

(1) An occupied residential house shall not be used as a centre and a garage or veranda shall not be used as a classroom for a centre:

Provided that with the written approval of the Council an occupied residential house may be permitted to be used as a centre if the portion to be used as a centre can be adequately and satisfactorily separated from the portion used for residential purposes.

(2) Premises used as a centre shall—

- (a) be walled or fenced;
- (b) be set back at least 25 metres from busy roads;
- (c) be constructed in accordance with and from material permitted by the appropriate building regulations;
- (d) have floors that are smooth, and are either tiled or carpeted; and
- (e) be adequately lit and ventilated in every classroom.

(3) The size of rooms to be used as classrooms for centres shall directly relate to the number of children permitted to use them, so that for each child there shall be 1.5 square metres of floor space.

(4) In every centre there shall be a room, equipped with a bed with a mattress and clean bed linen, in which a sick child can rest and be isolated.

8. First aid

In every centre there shall be maintained and 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 tourniquet.

9. Toilets

(1) Every centre shall have separate toilets for staff and for children which shall be well lit and well ventilated and have adequate running water.

(2) Toilets for children shall be provided with standard junior toilets and wash basins so that there shall be one toilet and one hand basin for every 15 children.

(3) Storage facilities for towels, face cloths and personal belongings of staff shall be separate from similar facilities for children.

10. Classroom equipment

(1) There shall be an adequate supply of reading materials, picture books, blackboards and toys for use by the children enrolled in the centre.

(2) The Council may require or approve additional or alternative equipment to that referred to in sub bye-law (1).

11. Outdoor play areas

(1) Outdoor play areas shall provide a minimum area of not less than 2 square metres for each child attending the centre, and shall have a flat, generally dry surface.

(2) Outdoor play areas shall be provided with play equipment such as sand pits, swings, slides, and climbing frames, to the satisfaction of the council, and adequate for the number of

children attending the centre.

12. Animals

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.

13. Kitchen

(1) Where food is provided by a centre there shall be available in the kitchen adequate hot and cold water, adequate and clean storage space for food, adequate cutlery and crockery, and there shall be available for inspection a detailed menu to be provided, of a balanced diet.

(2) Where food is brought into a centre suitable facilities for the storage and refrigeration of the food should be provided.

14. Staff

(1) A centre shall have a minimum of two qualified teachers and at all material times there shall be at least one such teacher on duty:

Provided that there shall always be at least one teacher on duty for every 30 children at the centre.

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

(3) All staff employed at a centre shall at all times while on duty wear clean uniforms or clothing.

15. Smoking prohibited

Smoking shall be prohibited anywhere within the area of a centre and a notice to this effect shall be displayed prominently at the entrance.

16. Responsibilities of owners

(1) An owner of a centre shall ensure that at all times a high standard of maintenance and cleanliness is maintained within the centre.

(2) An owner of a centre shall ensure that any child or member of staff suffering from or suspected to be suffering from an infectious or communicable disease is immediately isolated from contact with other children or staff members.

(3) The owner of a centre shall ensure that all children at a centre shall have a common resting period of not less than an hour each afternoon.

17. Powers of entry

An officer of the Council so authorised in writing by the Town Clerk may at any reasonable time enter a centre for the purpose of inspection and to ensure compliance with these

Bye-Laws.

18. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of these Bye-Laws with which it his duty to comply and the owner of any centre which operates in breach of the provisions of 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 three months or to both.

**FIRST SCHEDULE
APPLICATION TO OPERATE A DAY CARE CENTRE**

(Bye-Law 3(2))

SELEBI-PHIKWE DAY CARE CENTRE BYE-LAWS, 1999
(S.I. No. 67 of 1999)

(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

NationalityNational Identity No.....

I wish to apply for a day care centre licence as follows;

(1) location of premises;.....
.....

(2) number and identity of teachers and their qualifications and
experience;.....

(3) number of assistants;.....

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

(Bye-Law 3(3))

SELEBI-PHIKWE DAY CARE CENTRE BYE-LAWS, 1999
(S.I. No. 67 of 1999)

PART I

Day Care Centre Licence

NOT TRANSFERABLE

Licence No.

Name is hereby licensed in accordance with the
Selebi-Phikwe Day Care Centre Bye-laws to operate a Day Care Centre in the following
area(s):

.....
.....

Conditions (if any) applicable

.....
Signature/ Right thumb print of holder

Date of issue: Fee paid O/R No.

Date on which application was received by Licensing Officer

.....
Licensing Officer

PART II

Renewal of Day Care Centre Licence

Having considered the application for the renewal of a Day Care Centre licence of

.....
..... dated licence no.

is hereby renewed in accordance with these Bye-Laws.

Conditions (if any) applicable

.....
Signature/ Right thumb print of holder

Date of renewal: Fee paid O/R No.

Date on which application was received by Licensing Officer

.....
Licensing Officer

GABORONE CITY COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(27th May, 1966)

ARRANGEMENT OF BYE-LAWS

PART I *Preliminary*

BYE-LAW

1. Citation
2. Interpretation

PART II *Health and Sanitation*

3. Latrine accommodation to be provided
4. Mosquitoes and pests
5. Prevention of accumulation of refuse
6. Refuse receptacles and removal fees
7. Swimming pools and fish ponds
8. Overcrowding

PART III *Livestock and Other Animals*

9. Keeping of livestock
10. Troublesome or dangerous animals
11. Bees, pigeons and poultry
12. Powers of council
13. Disposal of carcasses of dead animals

PART IV *Streets*

14. Naming of streets
15. Numbering of houses
16. Hoardings
17. Bills, posters, placards or advertisements
18. Trees

PART V *Fire Control Measures*

19. Accumulation of inflammable or combustible materials
20. Grass fences
21. Storing of inflammable, combustible or explosive substances
22. Burning of grass, refuse or rubbish
23. Fire-fighting appliances in public buildings

24. Attendance of fire brigade at fires

PART VI
Food Premises

25. Construction: general
26. Construction: bakeries
27. Construction: butcheries and fishmongers' shops
28. Operation of bakeries
29. Operation of butcheries and fishmongers' shops
30. Personal cleanliness
31. Health of employees
32. Conveyance, handling, storage and sale of foodstuffs
33. Canned food

PART VII
Miscellaneous

34. Noise and nuisance
35. Collection for charity
36. Protection of common property
37. Barbed wire fences
38. Offences and penalties

L.N. 58, 1966,
S.I. 24, 1968,
S.I. 74, 1969,
G.N. 197, 1970,
S.I. 1, 1972,
S.I. 15, 1975.

PART I
Preliminary (bye-laws 1-2)

1. Citation

These Bye-laws may be cited as the Gaborone City Council (General) Bye-laws.

2. Interpretation

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

"approved" means approved by the City Council or by any duly authorized officer of the City Council;

"baker" means any person who carries on the business of selling whether by wholesale or retail bakery products baked or made by him;

"bakery" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those

residing on the premises;

"bakery products" includes bread, biscuits, rolls, tarts, cakes, pies, confectionery or sweetmeats;

"business premises" means any premises which are used or intended to be used as a place of trade or industry;

"butcher" means any person who sells or exposes for sale or supplies butchers' meat for human consumption;

"butchery" means any premises used for the purpose of carrying on the business of a butcher;

"butchers' meat" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

"council" means the Gaborone City Council;

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

"dwelling" means any house, room, shed, hut or any other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"food" or **"foodstuffs"** means any thing whatsoever (other than drugs or water), in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"food premises" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human beings for the purposes of defecation or urination;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises—

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or
- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"official" means any duly appointed official of the City Council;

"owner" means, in relation to—

- (a) 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;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises;

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and includes any work or thing forming part of or connected with such street;

"veterinary surgeon" means a person duly registered as such under the provisions of the Veterinary Surgeons Act;

"waste-water" means any discharge of a non-excremental nature from any waste-water fitment, gully trap, grease trap or laundry.

PART II

Health and Sanitation (bye-laws 3-8)

3. Latrine accommodation to be provided

(1) The owner of any premises within the council area shall—

- (a) provide proper and sufficient latrine accommodation for all persons residing or employed thereon;
- (b) provide a minimum of one latrine for every 15 persons.

(2) No person shall urinate or defecate in the council area elsewhere than in a latrine.

(3) The council may, by notice in writing to the owner or occupier of any premises within the council area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the council, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the

satisfaction of the council.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the council area shall, in respect of such lot or premises—

- (a) maintain all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipe to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptacle for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

(1) For the purposes of this bye-law "**refuse**" means any garbage, excreta, night soil, filth stops, waste water, yard flushing, stable litter, rubbish, garden or kitchen refuse, dirt or crockery or glass, tins, cartons, plastic containers, and includes any derelict machinery or vehicle or part thereof.

(2) No person shall place, pour, throw or leave on any lot or premises or street or other public place, and no person shall permit to remain on any lot or premises under his control or any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such place or in such manner or for such time as to endanger health, or to favour the breeding or harbouring of flies, mosquitoes or other insect pests, or to encourage rats or other vermin to frequent such lot, premises or street or other public place, or to become an eyesore or to cause any nuisance, or to be likely to interfere with the comfort of the inhabitants of the city.

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

(4) Without prejudice to any prosecution for contravention of this bye-law, and notwithstanding any penalty which may be imposed under these Bye-laws for such contravention, an authorized officer may order any person who contravenes the provisions of sub-bye-law (2) to remove or dispose of any refuse which is the subject to the contravention in such manner as he may specify, and, if that person refuses to obey him, the council may forthwith remove or dispose of the refuse at that person's expense and such expense shall be a civil debt due to the council recoverable in any court of competent jurisdiction.

6. Refuse receptacles and removal fees

(1) Every occupier of premises in the council area shall, within 14 days of the service upon him of a notice in writing requiring him to do so, provide a sufficient number of suitable refuse receptacles, for the reception of refuse upon such premises.

(2) Every occupier shall cause such receptacle to be covered at all times except when refuse is being deposited in or discharged therefrom.

(3) Every occupier shall cause all refuse receptacles in use on his premises and covers thereof to be kept as clean as practicable and maintained in good order and condition.

(4) The council shall perform refuse removal services throughout the entire council area as often as circumstances warrant and a fee charged will be that as may be determined from time to time.

7. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the council to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always fresh and free from unpleasant or insanitary matter.

8. Overcrowding

No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 11,33 cubic metres of air space and 3,72 square metres of floor space, and for every person below the age of 14 years 8,50 cubic metres of air space and 2,79 square metres of floor space.

PART III

Livestock and Other Animals (bye-laws 9-13)

9. Keeping of livestock

(1) No person shall without the written consent of the council keep any livestock on any residential plot.

(2) The council may prohibit the use of any stable, cowshed, pen or site which in the opinion of the council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

10. Troublesome or dangerous animals

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

11. Bees, pigeons and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the

inhabitants of the council.

12. Powers of council

The council may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the council area, and if such animal is not claimed within seven days the council may order its sale or destruction.

13. Disposal of carcasses of dead animals

(1) Subject to the provisions of sub-bye-law (2), no person shall dispose of the carcass of any dead animal within the council area except in a place approved by the council.

(2) The provisions of sub-bye-law (1) shall not apply to the burial by a person within a lot under his control, of the carcass of any dog, cat, or other small pet animal—

Provided that:

- (i) the carcass shall be buried deeply enough to prevent the escape of any offensive odour or the digging up of the carcass by scavenging animals, and prevent any hazard to health,
- (ii) in the event of the death of the animal being caused by an infectious disease, the burial shall not take place except with the consent of a medical practitioner or veterinary surgeon,
- (iii) if the place where the carcass is buried is marked as a grave, this must be done, or shielded from view, so as not to be offensive to the religious or other susceptibilities of the neighbours,

and if these conditions are not complied with, the council may give such directions as may be necessary to secure compliance, or may order that the carcass be dug up and disposed of in some other place or manner, and failure to comply with such directions or order shall be punishable on conviction by a fine not exceeding P100 or in default of payment by imprisonment for a term not exceeding three months.

PART IV Streets (bye-laws 14-18)

14. Naming of streets

(1) The council may name or alter the name of any street.

(2) The council may from time to time, at its own expense, paint upon or affix to any building or erect in any street, the name of such street.

15. Numbering of houses

(1) The council may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time

to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the council shall affix or paint the number so allotted in a conspicuous place facing on to the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street on to which it faces.

16. Hoardings

(1) This bye-law shall not apply to hoardings which form a temporary part of any building operation or which can be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising from work in progress nor to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale:

Provided that the council may direct the person erecting such hoarding to remove it or reposition it for the reason set out in sub-bye-law 3(a).

(2) No hoarding shall be erected within the council area except with the written consent of the council.

(3) The council may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding—

- (a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;
- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, or any beauty-spot, park or recreational area; or
- (d) will be offensive to any occupier of residential premises adjacent to or looking upon the site of the proposed hoarding.

(4) The council may charge fees for permission to erect and maintain hoardings on any street or other public place within the council area.

(5) The council may itself erect hoardings and may permit the use thereof and of any walls or other suitable fixtures being the property of the council by any person to display any bill, poster, placard or advertisement and may charge fees for such use.

(6) The fees mentioned in sub-bye-laws (4) and (5) shall be determined from time to time by resolution of the council and a separate rate may be specified in respect of illuminated hoardings or signs.

(7) Failure to pay any fee charged under this bye-law shall be an offence.

(8) If any person—

- (a) erects a hoarding in contravention of this bye-law; or

- (b) refuses to remove a hoarding within a reasonable time when required to do so by the council; or
- (c) fails to pay any fee chargeable under this bye-law,

the council may, without prejudice to any prosecution for an offence against these Bye-laws, remove the hoarding which is the subject of the contravention at the expense of that person, and such expense shall be a civil debt due to the council recoverable in any court of competent jurisdiction.

17. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the council area without the written consent of the council.

(2) The council shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists or objectionable in substance, presentation or scale.

(3) The council may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-bye-laws (1) and (2) shall prevent any person holding a licence to trade in the council area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies:

Provided that the council does not object to the nature and substance of such bills, posters, placards or advertisement.

(5) Any bill, poster, placard or advertisement which has been erected in the Council area without the council's consent or to which the council objects may be removed by the council.

18. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the council.

PART V

Fire Control Measures (bye-laws 19-24)

19. Accumulation of inflammable or combustible materials

(1) The owner and occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the council an owner or occupier has allowed the accumulation of deposit of straw, wood, paper or other inflammable or combustible material on his property, the council may, by notice in writing to such owner or occupier, order him to remove such

accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do so.

20. Grass fences

If, in the opinion of the council, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire spreading therefrom to any buildings, the council may, by notice in writing, order the fence to be removed and the owner, or in his absence, the occupier of the premises upon which the fence is situated, shall remove the fence.

21. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the council, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that—

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to—
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the council may impose such conditions as it deems necessary.

22. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless—

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties and to prevent the fire spreading to such adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

(2) No person, other than an employee of the council, shall burn or set fire to any grass,

refuse, rubbish or other material on any street, or public open space.

23. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access shall, if required by the council, provide such building with portable fire extinguishers at the rate of one fire extinguisher for every 232,25 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

24. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-bye-law (1), the officer in charge of the fire brigade party—

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in the vicinity of the fire; and
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

Food Premises (bye-laws 25-33)

25. Construction: general

(1) No person shall erect or occupy any food premises within the council area unless the following provisions have been complied with—

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than 1,83 metres;
- (c) the floors shall, unless otherwise provided in these Bye-laws, be—

- (i) of concrete; or
- (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall not be less than 3,05 metres;
- (e) the premises shall be provided with a dustproof ceiling;
- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room or alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing-up facilities to enable all utensils, storage facilities, linen and protecting clothing to be kept clean.

(2) No food premises shall be used for sleeping accommodation and no portion of such premises shall communicate by door, window or otherwise with any sleeping or living room.

26. Construction: bakeries

No person shall erect or occupy any bakery within the council area unless the following provisions have been complied with in addition to the provisions of bye-law 24—

- (a) no portion of any bakery shall be underground, except that with the written consent of the council an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;
- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than 3,05 metres from any latrine;
- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least 1,83 metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

27. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmonger's shop within the council area unless the following provisions have been complied with, in addition to the provisions of bye-law 25—

- (a) no door or window opening in any room wherein butcher's meat or fish is stored, handled or placed for sale shall be so placed as to be less than 3,05 metres from any latrine;
- (b) the floors shall be of cement or concrete at least 7,62 centimetres in thickness and topped with granolithic or other impervious material at least 1,90 centimetres in thickness;
- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

28. Operation of bakeries

(1) Every person carrying on the trade of a baker in the council area shall—

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent—
 - Provided that—
 - (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the council;
 - (ii) where washable distemper is used it shall be renewed at least once in every 12 months;
 - (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot water and soap to ensure adequate cleanliness;
- (b) keep every part of his bakery and all vessels and utensils, carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
- (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
- (d) maintain a supply of soap and clean towels for the use of all persons employed in the bakery;
- (e) take all practical measures to maintain his premises free from rodents, flies, cockroaches and other insects;
- (f) provide means of protecting all bakery products, by glazed or fly-screened showcases or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance

in any public thoroughfare;

(g) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding 4,536 kilograms in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purpose of covering or wrapping bakery products.

29. Operation of butcheries and fishmongers' shops

(1) No butcher or fishmonger shall keep or allow to be kept in, or allow to enter into his shop or any premises connected therewith, any live animal or bird:

Provided that poultry intended for slaughter and sale may be kept in such place as may be approved in writing by the council.

(2) Every person carrying on the trade of a butcher or fishmonger in the council area shall—

- (a) keep every part of his shop in good order and repair and in a clean and sanitary condition;
- (b) keep thoroughly clean all knives and other instruments and appurtenances, machinery and vehicles used in cutting or handling or moving butchers' meat or fish;
- (c) provide receptacles of galvanized iron or other non-absorbent material and with close-fitting covers for collecting and conveying from his shop all refuse;
- (d) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed;
- (e) maintain a supply of soap and clean towels for the use of all persons employed in the shop.

30. Personal cleanliness

(1) Every person employed in any premises where food is handled or offered for sale shall wash his hands with soap and water before commencing work.

(2) No person in any food premises shall expectorate or blow his nose except into a handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(3) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

31. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the council.

32. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for any purpose.

(3) No person shall load onto or transport in any vehicle any carcass if such vehicle contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(4) No person shall sell, expose for sale or deliver any butchers' meat in the council area unless such meat has been obtained from a slaughterhouse or place approved in writing by the council.

(5) No person shall slaughter any animal for human consumption in the council area except at such slaughterhouse or approved place.

(6) All vehicles used for the conveyance of meat shall be constructed of or lined with an impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(7) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be construed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(8) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(9) Persons loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(10) No person shall sell, expose for sale or deliver any bakery products in the council area unless such bakery products have been obtained from a bakery approved in writing by the council.

(11) All foodstuffs shall be completely wrapped and no person who sells any foodstuffs shall

deliver the same wrapped in a newspaper or in any soiled or previously used wrapping paper.

33. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetables, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is—

- (a) blown so that there is unnatural bulging of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having been punctured and having had the puncture re-sealed.

PART VII

Miscellaneous (bye-laws 34-38)

34. Noise and nuisance

- (1) No person shall—
 - (a) operate or cause or permit to be operated any wireless, loudspeaker, gramophone, 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 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 other 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, after having been requested to desist by any member of the police or by any other 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 or the person so annoyed, disturbed or inconvenienced;
 - (e) between the hours of 5 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 council area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

(2) The provisions of paragraph (e) of sub-bye-law (1) shall not apply to the building or construction or to any ancillary operations connected with the erection of or alteration to any hotel or casino.

35. Collection for charity

(1) No collection of moneys or attempts to collect money shall take place within the council area without the prior written consent of the council.

(2) The council may in granting its consent to the collections of money impose such conditions as it deems fit.

36. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the council have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under bye-law 38, be ordered to pay compensation for such damage.

37. Barbed wire fences

No person shall use, or allow to be used, barbed wire for fencing any area or lot without the written permission of the council:

Provided that in the event of the refusal by the council to give permission as aforesaid an appeal shall lie to the Minister in accordance with the provisions of regulation 32(3) of the Town Council Regulations.

38. Offences and penalties

(1) Any person who obstructs or hinders the council in the exercise of its duties under the provisions of these Bye-laws or who fails to comply with any of the provisions of bye-law 3(2), 9(1), 11, 16, 17, 19, 20, 22, 34, or 36 shall be guilty of an offence and shall be liable

- (a) on first conviction to a fine not exceeding P150 or, in default of payment thereof, to imprisonment for a term not exceeding three months, and
- (b) on a second or subsequent conviction to a fine not exceeding P200, or, in default of payment thereof, to imprisonment for a term not exceeding six months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 7, 10, 18, 21, 23, 28, 29, 30, 31, 32 or 33 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100, or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 8, 25, 26 or 27 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200 or, in default of payment thereof, to imprisonment for a term not exceeding six months.

FRANCISTOWN TOWN COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(18th August, 1967)

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38. Offences and penalties

S.I. 41, 1967,
S.I. 80, 1968,
S.I. 18, 1970,
S.I. 6, 1971,
S.I. 64, 1973,
S.I. 100, 1976,
S.I. 22, 1997.

PART I
Preliminary (bye-laws 1-2)

1. Citation

These Bye-laws may be cited as the Francistown Town Council (General) Bye-Laws.

2. Interpretation

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

"approved" means approved by the council or by any duly authorized officer of the council;

"baker" means any person who carries on the business of selling whether by wholesale or retail bakery products baked or made by him;

"bakery" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those

residing on the premises;

"bakery products" includes, bread, biscuits, rolls, tarts, cakes, pies, confectionery or sweetmeats;

"business premises" means any premises which are used or intended to be used as a place of trade or industry;

"butcher" means any person who sells or exposes for sale or supplies butcher's meat for human consumption;

"butchery" means any premises used for the purpose of carrying on the business of a butcher;

"butchers' meat" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

"council" means the Francistown Town council;

"dwelling" means any house, room, shed, hut or any other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"food" or **"foodstuffs"** means any thing whatsoever (other than drugs or water), in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"food premises" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human beings for the purposes of defecation or urination;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises—

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or
- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"official" means any duly appointed official of the council;

"owner" means, in relation to—

- (a) 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;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises;

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and includes any work or thing forming part of or connected with such street;

"waste-water" means any discharge of a non-excremental nature from any waste-water fitment, gully trap, grease trap or laundry.

PART II

Health and Sanitation (bye-laws 3-8)

3. Latrine accommodation to be provided

(1) The owner of any premises within the council area shall—

- (a) provide proper and sufficient latrine accommodation for all persons residing or employed thereon;
- (b) provide a minimum of one latrine for every 15 persons.

(2) No person shall urinate or defecate in the council area elsewhere than in a latrine.

(3) The council may, by notice in writing to the owner or occupier of any premises within the council area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the council, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the satisfaction of the council.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the council area shall, in respect of

such lot or premises—

- (a) maintain all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipe to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptacle for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

(1) No person shall place, pour, throw or leave on any lot, premises, street or other public place, and no person shall permit to remain on any lot or premises under his control, or on any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such a place or in such a manner or for such a time as to endanger health, or to favour the breeding or harbouring of flies, mosquitoes or other insect pests, or to encourage rats or other vermin to frequent such lot, premises, street or other public place, or to become unsightly or a nuisance, or to be likely to interfere with the comfort of the inhabitants of the council area.

(2) The council may order any person who contravenes the provisions of sub-bye-law (1) to remove or dispose of any refuse which is the subject of the contravention in such a manner as it may specify and, should that person refuse, the council may remove or dispose of that refuse at that person's expense and that expense shall be a debt recoverable in a court of law.

6. Refuse receptacles and removal

(1) Every occupier shall, within 21 days of the service upon him of a notice requiring him to do so, provide the required number of refuse receptacles of a nature approved by the council.

(2) Every occupier shall keep his refuse receptacles covered at all times except when refuse is being deposited therein or discharged therefrom.

(3) Every occupier shall keep his refuse receptacles and covers thereof reasonably clean and in good order and condition.

(4) The council shall perform refuse removal services throughout the council area as often as circumstances warrant and the fee charged will be as determined from time to time.

7. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the council to reduce the danger of death by drowning and to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always fresh and free from unpleasant or insanitary matter.

8. Overcrowding

No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 11,33 cubic metres of air space and 3,72 square metres of floor space, and for every person below the age of 14 years 8,50 cubic metres of air space and 2,79 square metres of floor space.

PART III

Livestock and Other Animals (bye-laws 9-13)

9. Keeping of livestock

(1) No person shall keep or graze any livestock within the council area without the written consent of the council.

(2) The council may prohibit the use of any stable, cowshed, pen or site which in the opinion of the council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

10. Troublesome or dangerous animals

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

11. Bees, pigeons, and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the council area.

12. Disposal of carcasses

(1) Subject to the provisions of sub-bye-law (2), no person shall dispose of a carcass within the council area except in a place approved by the council.

(2) A person may bury within a lot under his control the carcass of any dog, cat or other small pet, provided that—

- (a) the carcass shall be buried deep enough to prevent the escape of any offensive odour or the digging up of any carcass by scavengers, and prevent any hazard to health;
- (b) if death was caused by an infectious disease, the advice of a medical practitioner or veterinary surgeon shall be obtained as to whether or not burial may take place;
- (c) if the place where the carcass is buried is marked as a grave, such mark must be

shielded from view so as not to offend such other persons' religious or other susceptibilities.

(3) The council may give such directions as may be necessary to secure compliance with the provisions of sub-bye-law (2).

13. Powers of council

The council may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the council area, and if such animal is not claimed within seven days the council may order its sale or destruction.

PART IV Streets (bye-laws 14-18)

14. Naming of streets

(1) The council may name or alter the name of any street.

(2) The council may from time to time, at its own expense, paint upon or affix to any building or erect in any street, the name of such street.

15. Numbering of houses

(1) The council may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the council shall affix or paint the number so allotted in a conspicuous place facing on to the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street on to which it faces.

16. Hoardings

(1) Subject to the provisions of sub-bye-law (3), this bye-law shall not apply to hoardings which form a temporary part of any building operation or which may be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising or which may arise from work in progress, or to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale.

(2) No hoarding shall be erected within the council area without the written consent of the council.

(3) The council may direct any person erecting or who has erected a hoarding to remove or reposition such hoarding and may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding—

(a) will obstruct the view of road users in a manner inconsistent with the smooth flow of

traffic, vehicular or otherwise;

- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, or any beauty-spot, park or recreational area; or
- (d) will be offensive to any occupier of residential premises adjacent to or looking upon the site of the proposed hoarding.

(4) The council may charge fees for permission to erect and maintain hoardings on any street or other public place within the council area.

(5) The council may erect hoardings and permit the use thereof and of any walls or other suitable fixtures being the property of the council by any person to display any bill, poster, placard or advertisement and may charge fees for such use.

(6) The fees mentioned in sub-byelaws (4) and (5) shall be determined from time to time by resolution of the council and a separate rate may be specified in respect of illuminated hoardings or signs.

(7) The council may remove a hoarding, at the expense of the person who erected the hoarding, such expense being recoverable as a civil debt in a court of law, if that person—

- (a) erects a hoarding in contravention of this bye-law;
- (b) refuses to remove a hoarding within a reasonable time when required to do so by the council; or
- (c) fails to pay a fee charged in terms of this bye-law.

17. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the council area without the written consent of the council.

(2) The council shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists or objectionable in substance, presentation or scale.

(3) The council may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-byelaw (1) shall prevent any person holding a licence to trade in the council area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies, provided that the council does not object to the nature and substance of such bills, posters, placards or advertisement.

(5) Any bill, poster, placard or advertisement which has been erected in the council area without the council's consent or to which the council objects may be removed by the council.

18. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the council.

PART V

Fire Control Measures (bye-laws 19-24)

19. Accumulation of inflammable or combustible materials

(1) The owner and occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the council, an owner or occupier has allowed the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on his property, the council may, by notice in writing to such owner or occupier, order him to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do so.

20. Grass fences

If, in the opinion of the council, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire spreading therefrom to any buildings, the council may, by notice in writing, order the fence to be removed and the owner, or in his absence, the occupier of the premises upon which the fence is situated, shall remove the fence.

21. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the council, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that—

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to—
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the council may impose such conditions as it deems necessary.

22. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless—

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties and to prevent the fire spreading to such adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

(2) No person, other than an employee of the council, shall burn or set fire to any grass, refuse, rubbish or other material on any street, or public open space.

23. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access shall, if required by the council, provide such building with portable fire extinguishers at the rate of one extinguisher for every 232,25 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

24. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-bye-law (1), the officer in charge of the fire brigade party—

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in the vicinity of the fire; and
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of

the fire.

PART VI
Food Premises (bye-laws 25-33)

25. Construction: general

(1) No person shall erect or occupy any food premises within the council area unless the following provisions have been complied with—

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than 1,83 metres;
- (c) the floor shall, unless otherwise provided in these Bye-laws, be—
 - (i) of concrete; or
 - (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall be not less than 3,05 metres;
- (e) the premises shall be provided with a dustproof ceiling;
- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room, alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing-up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean.

(2) No food premises shall be used for sleeping accommodation and no portion of such premises shall communicate by door, window or otherwise with any sleeping or living room.

26. Construction: bakeries

No person shall erect or occupy any bakery within the council area unless the following provisions have been complied with in addition to the provisions of bye-law 25—

- (a) no portion of any bakery shall be underground, except that with the written consent of the council an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;
- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than 3,05

metres from any latrine;

- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least 1,83 metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

27. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmonger's shop within the council area unless the following provisions have been complied with, in addition to the provisions of bye-law 25—

- (a) no door or window opening in any room wherein butcher's meat or fish is stored, handled or placed for sale shall be so placed as to be less than 3,05 metres from any latrine;
- (b) the floors shall be of cement or concrete at least 7,62 centimetres in thickness and topped with granolithic or other impervious material at least 1,90 centimetres in thickness;
- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

28. Operation of bakeries

(1) Every person carrying on the trade of a baker in the council area shall—

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent:

Provided that—

- (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the council;
- (ii) where washable distemper is used it shall be renewed at least once in every 12 months;
- (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot

water and soap to ensure adequate cleanliness;

- (b) keep every part of his bakery and all vessels and utensils, carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
- (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
- (d) maintain a supply of soap and clean towels for the use of all persons employed in the bakery;
- (e) take all practical measures to maintain his premises free from rodents, flies, cockroaches and other insects;
- (f) provide means of protecting all bakery products, by glazed or fly-screened showcases or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance in any public thoroughfare;
- (g) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding 4,56 kilograms in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purpose of covering or wrapping bakery products.

29. Operation of butcheries and fishmongers' shops

(1) No butcher or fishmonger shall keep or allow to be kept in, or allow to enter into his shop or any premises connected therewith, any live animal or bird:

Provided that poultry intended for slaughter and sale may be kept in such place as may be approved in writing by the council.

- (2) Every person carrying on the trade of a butcher or fishmonger in the council area shall—
 - (a) keep every part of his shop in good order and repair and in a clean and sanitary condition;
 - (b) keep thoroughly clean all knives and other instruments and appurtenances, machinery and vehicles used in cutting or handling or moving butchers' meat or fish;
 - (c) provide receptacles of galvanized iron or other non-absorbent material with close-fitting covers for collecting and conveying from his shop all refuse;

- (d) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed;
- (e) maintain a supply of soap and clean towels for the use of all persons employed in the shop.

30. Personal cleanliness

(1) Every person employed in any premises where food is handled or offered for sale shall wash his hands with soap and water before commencing work.

(2) No person in any food premises shall expectorate or blow his nose except into a handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(3) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

31. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the council.

32. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclear or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) No person shall load onto or transport in any vehicle any carcass if such vehicle contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(3) No person shall sell, expose for sale or deliver any butcher's meat in the council area unless such meat has been obtained from a slaughter-house or place approved in writing by the council.

(4) No person shall slaughter any animal for human consumption in the council area except at such slaughter-house or approved place.

(5) All vehicles used for the conveyance of meat shall be constructed of or lined with an impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(6) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be constructed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle

or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(7) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(8) Any person loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(9) No person shall sell, expose for sale or deliver any bakery products in the council area unless such bakery products have been obtained from a bakery approved in writing by the council.

(10) All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for the purpose of human consumption.

(11) All foodstuffs shall be completely wrapped and no person who sells any foodstuffs shall deliver the same wrapped in a newspaper or in any soiled or previously used wrapping paper.

33. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetable, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is—

- (a) blown so that there is unnatural building of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having been punctured and having had the puncture re-sealed.

PART VII

Miscellaneous (bye-laws 34-38)

34. Noise and nuisance

No person shall—

- (a) operate or cause or permit to be operated any wireless, loudspeaker, gramophone, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood, or which any authorized council officer or police officer of or above the rank of sergeant considers to be causing annoyance or unnecessary noise in any part of the council area;
- (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 council in writing and subject to such conditions as the council may impose;
- (c) continue to make any loud or unseemly noise or disturbance either 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, disturb or interfere with the rest, peace or tranquillity of the inhabitants, after having been requested to desist by any member of the police force or by any other 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 the person so annoyed, disturbed or inconvenienced;
- (e) between the hours of 5 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 council area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

35. Collection for charity

(1) No collection of moneys or attempt to collect money shall take place within the council area without the prior written consent of the council.

(2) The council may in granting its consent to the collection of money impose such conditions as it deems fit.

36. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the council area have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under bye-law 38, be ordered to pay compensation for such damage.

37. Control of air guns and catapults

(1) No person shall carry or discharge any air rifle, or pistol or catapult in any street or public place.

(2) No person shall discharge any air rifle, or pistol or catapult otherwise than in a street or public place in a manner whereby the projectile so discharged travels into or across, or would be likely to travel into or across, any street or public place.

38. Offences and penalties

(1) Any person who obstructs or hinders the Council in the exercise of its duties under the provisions of these Bye-Laws or who fails to comply with any of the provisions of bye-law 3(2), 9(1), 11, 16, 17, 19, 20, 22, 34 or 36 shall be guilty of an offence and shall be liable—

- (a) on first conviction to a fine not exceeding P150 or, in default of payment thereof, to

imprisonment for a term not exceeding three months; and

- (b) on a second or subsequent conviction to a fine not exceeding P200 or in default of payment thereof for a term not exceeding six months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 7, 10, 18, 21, 23, 28, 29, 30, 31, 32 or 33 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100, or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 8, 25, 26 or 27 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200, or, in default of payment thereof, to imprisonment for a term not exceeding six months.

LOBATSE TOWN COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(15th September, 1967)

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S.I. 47, 1967,
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PART I
Preliminary (bye-laws 1-2)

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (General) Bye-laws.

2. Interpretation

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

"approved" means approved by the council or by any duly authorized officer of the council;

"baker" means any person who carries on the business of selling whether by wholesale or retail, bakery products baked or made by him;

"bakery" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those residing on the premises;

"bakery products" includes bread, biscuits, rolls, tarts, cakes, pies, confectionery or sweetmeats;

"business premises" means any premises which are used or intended to be used as a place of trade or industry;

"butcher" means any person who sells or exposes for sale or supplies butcher's meat for human consumption;

"butchery" means any premises used for the purpose of carrying on the business of a butcher;

"butchers' meat" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

"council" means the Lobatse Town Council;

"dwelling" means any house, room, shed, hut or any other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"food" or **"foodstuffs"** means any thing whatsoever (other than drugs or water), in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"food premises" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human beings for the purposes of defecation or urination;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises—

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or

- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"official" means any duly appointed official of the council;

"owner" means, in relation to—

- (a) 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;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises.

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and, includes any work or thing forming part of or connected with such street;

"waste-water" means any discharge of a non-excremental nature from any waste-water fitment, gully trap, grease trap or laundry;

PART II

Health and Sanitation (bye-laws 3-7)

3. Latrine accommodation to be provided

(1) The owner of any premises within the council area shall—

- (a) provide proper and sufficient latrine accommodation for all persons residing or employed thereon;
- (b) provide a minimum of one latrine for every 15 persons.

(2) No person shall defecate or urinate in the council area elsewhere than in a latrine.

(3) The council may, by notice in writing to the owner or occupier of any premises within the council area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the council, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the

satisfaction of the council.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the council area shall, in respect of such lot or premises—

- (a) maintain all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipe to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptacle for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

No person shall place, pour, throw, leave or permit to remain on any lot or premises any refuse, excreta, night soil, filth, slops, exhaust water, waste liquid yard flushing, stable litter, rubbish, garden refuse, dirt or other offensive matter or any dead animal, broken crockery, glass or tins in such place or in such manner or for such time as to endanger health, or to favour the breeding or harbouring of flies or mosquitoes, or to encourage rats or other vermin to frequent such land or premises, or to cause any nuisance or to be likely to interfere with the comfort of the inhabitants of the council area.

6. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the council to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always fresh and free from unpleasant or insanitary matter.

7. Overcrowding

No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 11,33 cubic metres of air space and 3,72 square metres of floor space, and for every person below the age of 14 years 8,50 cubic metres of air space and 2,79 square metres of floor space.

PART III

Livestock and Other Animals (bye-laws 8-11)

8. Keeping of livestock

(1) No person shall without the written consent of the council keep any livestock on any residential plot.

(2) The council may prohibit the use of any stable, cowshed, pen or site which in the opinion of the council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

9. Troublesome or dangerous animals

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

10. Bees, pigeons, and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the council area.

11. Powers of the council

The council may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the council area, and if such animal is not claimed within seven days the council may order its sale or destruction.

PART IV Streets (bye-laws 12-16)

12. Naming of streets

(1) The council may name or alter the name of any street.

(2) The council may from time to time, at its own expense, paint upon or affix to any building or erect in any street, the name of such street.

13. Numbering of houses

(1) The council may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the council shall affix or paint the number so allotted in a conspicuous place facing on to the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street on to which it faces.

14. Hoardings

(1) No hoardings shall be erected within the council area except with the written consent of the council.

(2) The council shall withhold its consent only if it considers the hoardings to be a distraction to motorists or objectionable in substance, presentation or scale.

15. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the council area without the written consent of the council.

(2) The council shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists, or objectionable in substance, presentation or scale.

(3) The council may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-bye-law (1) shall prevent any person holding a licence to trade in the council area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies:

Provided that the council does not object to the nature and substance of such bills, posters, placards or advertisement.

(5) Any bill, poster, placard or advertisement which has been erected in the council area without the council's consent or to which the council objects may be removed by the council.

16. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the council.

PART V

Fire Control Measures (bye-laws 17-22)

17. Accumulation of inflammable or combustible materials

(1) The owner and occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the council, an owner or occupier has allowed the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on his property, the council may, by notice in writing to such owner or occupier, order him to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do so.

18. Grass fences

If, in the opinion of the council, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire

spreading therefrom to any buildings, the council may, by notice in writing, order the fence to be removed and the owner, or in his absence, the occupier of the premises upon which the fence is situated, shall remove the fence.

19. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the council, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that—

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to—
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the council may impose such conditions as it deems necessary.

20. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless—

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties and to prevent the fire spreading to such adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

(2) No person, other than an employee of the council, shall burn or set fire to any grass, refuse, rubbish or other material on any street, or public open space.

21. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access shall, if required by the council, provide such building with portable fire extinguishers at the rate of one extinguisher for every 232,25 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

22. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-by-law (1), the officer in charge of the fire brigade party—

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in the vicinity of the fire; and
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

Food Premises (bye-laws 23-31)

23. Construction: general

(1) No person shall erect or occupy any food premises within the council area unless the following provisions have been complied with—

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than 1,83 metres;
- (c) the floor shall, unless otherwise provided in these Bye-laws, be—
 - (i) of concrete; or
 - (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall be not less than 3,05 metres;
- (e) the premises shall be provided with a dustproof ceiling;

- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room or alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean.

(2) No food premises shall be used for sleeping accommodation and no portion of such premises shall communicate by door, window or otherwise with any sleeping or living room.

24. Construction: bakeries

No person shall erect or occupy any bakery within the council area unless the following provisions have been complied with in addition to the provisions of bye-law 23—

- (a) no portion of any bakery shall be underground, except that with the written consent of the council an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;
- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than 3,05 metres from any latrine;
- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least 1,83 metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

25. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmongers' shop within the council area unless the following provisions have been complied with, in addition to the provisions of bye-law 23—

- (a) no door or window opening in any room wherein butcher's meat or fish is stored, handled or placed for sale shall be so placed as to be less than 3,05 metres from any latrine;
- (b) the floors shall be of cement or concrete at least 7,62 centimetres in thickness and topped with granolithic or other impervious material at least 1,90 centimetres in

thickness;

- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly screens;
- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

26. Operation of bakeries

(1) Every person carrying on the trade of a baker in the council area shall—

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent:

Provided that—

- (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the council;
 - (ii) where washable distemper is used it shall be renewed at least once in every 12 months;
 - (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot water and soap to ensure adequate cleanliness;
- (b) keep every part of his bakery and all vessels and utensils carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
 - (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
 - (d) maintain a supply of soap and clean towels for the use of all persons employed in the bakery;
 - (e) take all practical measures to maintain his premises free from rodents, flies, cockroaches and other insects;
 - (f) provide means of protecting all bakery products, by glazed or fly-screened showcases or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance in any public thoroughfare;
 - (g) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other

way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding 4,536 kilograms in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purpose of covering or wrapping bakery products.

27. Operation of butcheries and fishmongers' shops

(1) No butcher or fishmonger shall keep or allow to be kept in, or allow to enter into his shop or any premises connected therewith, any live animal or bird:

Provided that poultry intended for slaughter and sale may be kept in such place as may be approved in writing by the council.

(2) Every person carrying on the trade of a butcher or fishmonger in the council area shall—

- (a) keep every part of his shop in good order and repair and in a clean and sanitary condition;
- (b) keep thoroughly clean all knives and other instruments and appurtenances, machinery and vehicles used in cutting or handling or moving butchers' meat or fish;
- (c) provide receptacles of galvanized iron or other non-absorbent material with close-fitting covers for collecting and conveying from his shop all refuse;
- (d) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed;
- (e) maintain a supply of soap and clean towels for the use of all persons employed in the shop.

28. Personal cleanliness

(1) Every person employed in any premises where food is handled or offered for sale shall wash his hands with soap and water before commencing work.

(2) No person in any food premises shall expectorate or blow his nose except into a handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(3) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

29. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the council.

30. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) No person shall load onto or transport in any vehicle any carcass if such vehicle contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(3) No person shall sell, expose for sale or deliver any butcher's meat in the council area unless such meat has been obtained from a slaughter-house or place approved in writing by the council.

(4) No person shall slaughter any animal for human consumption in the council area except at such slaughter-house or approved place.

(5) All vehicles used for the conveyance of meat shall be constructed of or lined with an impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(6) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be constructed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(7) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(8) Any person loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(9) No person shall sell, expose for sale or deliver any bakery products in the council area unless such bakery products have been obtained from a bakery approved in writing by the council.

31. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetable, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is—

- (a) blown so that there is unnatural bulging of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having

been punctured and having had the puncture re-sealed.

PART VII
Miscellaneous (bye-laws 32-36)

32. Noise and nuisance

No person shall—

- (a) operate or cause or permit to be operated any wireless, loud-speaker, gramophone, 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 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 other 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, after having been requested to desist by any member of the police or by any other 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 or the person so annoyed, disturbed or inconvenienced;
- (e) between the hours of 5 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 council area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

33. Collection for charity

(1) No collection of moneys or attempt to collect money shall take place within the council area without the prior written consent of the council.

(2) The council may in granting its consent to the collections of money impose such conditions as it deems fit.

34. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the council area have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under

bye-law 36, be ordered to pay compensation for such damage.

35. Control of air guns and catapults

(1) No person shall carry or discharge any air rifle, air pistol or catapult in any street or public place.

(2) No person shall discharge any air rifle or catapult, otherwise than in a street or public place, in a manner whereby the projectile so discharged would, or would be likely to, travel into any street or public place.

36. Offences and penalties

(1) Any person who obstructs or hinders the council in the exercise of its duties under the provisions of these Bye-laws or who fails to comply with any of the provisions of bye-law 3(2), 8(1), 10, 14, 15, 17, 18, 20, 32 or 34 shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding P10,00 or, in default of payment thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction to a fine not exceeding P50,00, or, in default of payment thereof, to imprisonment for a term not exceeding two months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 6, 9, 16, 19, 21, 26, 27, 28, 29, 30, 31 or 35 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100,00, or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 7, 23, 24 or 25 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200,00, or, in default of payment thereof, to imprisonment for a term not exceeding six months.

SELEBI-PHIKWE TOWN COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(12th February, 1971)

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37. Protection of common property
38. Offences and penalties

S.I. 13, 1971,
S.I. 37, 1974,
S.I. 73, 1974.

PART I ***Preliminary (bye-laws 1-2)***

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (General) Bye-laws.

2. Interpretation

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

"approved" means approved by the council or by any duly authorized officer of the council;

"authorized officer" means the health inspector and any other officer of the council authorized by the council;

"baker" means any person who carries on the business of selling whether by wholesale or retail, bakery products baked or made by him;

"bakery" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those residing on the premises;

"bakery products" includes bread, biscuits, rolls, tarts, cakes, pies, confectionery or sweetmeats;

"business premises" means any premises which are used or intended to be used as place of trade or industry;

"butcher" means any person who sells or exposes for sale or supplies butcher's meat for human consumption;

"butchery" means any premises used for the purpose of carrying on the business of a butcher;

"butchers' meat" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

"council" means the Selebi-Phikwe Town Council;

"dwelling" means any house, room, shed, hut or other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"food" or **"foodstuffs"** means any thing whatsoever (other than drugs or water) in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"food premises" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human beings for the purposes of defecation or urination;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises—

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or
- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"owner" means, in relation to—

- (a) 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;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises;

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and includes any work or thing forming part of or connected with such street;

"waste-water" means any discharge of a non-excremental nature from any waste-water

fitment, gully trap, grease trap or laundry.

PART II
Health and Sanitation (bye-laws 3-8)

3. Latrine accommodation

(1) The owner of any premises within the council area shall—

- (a) provide proper and sufficient latrine accommodation for all persons residing or employed thereon;
- (b) provide a minimum of one latrine for every 15 persons.

(2) No person shall urinate or defecate in the council area elsewhere than in a latrine.

(3) The council may, by notice in writing to the owner or occupier of any premises within the council area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the council, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the satisfaction of the council.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the council area shall, in respect of such lot or premises—

- (a) keep all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipes to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptable for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

(1) No person shall place, pour, throw or leave on any lot, premises, street, or other public place or permit to remain on any lot or premises under his control or any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such a place or in such a manner or for such a time as to endanger health, or to favour the breeding or harbouring of flies, mosquitoes or other insect pests or to encourage rats or other vermin to frequent such lot, premises, street or other public place, or to become unsightly or a nuisance,

or to be likely to interfere with the comfort of the inhabitants of the council area.

(2) The council may order any person who contravenes the provisions of sub-bye-law (1) to remove or dispose of any refuse which is the subject of the contravention in such a manner as it may specify and should that person refuse, the council may remove or dispose of the refuse, at that person's expense and that expense shall be a debt recoverable in a court of law.

6. Refuse receptacles and removal

(1) Every occupier shall within 21 days of the service upon him of a notice requiring him to do so provide the required number of refuse receptacles of a nature approved of by the council.

(2) Every occupier shall keep his refuse receptacles covered at all times except when refuse is being deposited therein or discharged therefrom.

(3) Every occupier shall keep his refuse receptacles and covers thereof reasonably clean and in good order and condition.

(4) The council shall perform refuse removal services throughout the council area as often as circumstances warrant and the fee charged will be determined from time to time.

7. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the council to reduce the danger of death by drowning and to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always free from unpleasant or insanitary matter.

8. Overcrowding

(1) No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 19,25 cubic metres of air space and 3,75 square metres of floor space and for every person below the age of 14 years 14,5 cubic metres of air space and 2,80 square metres of floor space.

(2) No dwelling shall be erected except on a surveyed plot nor shall the aggregate floor space of all dwellings on any plot exceed one-third of the area of such plot.

(3) No surveyed plot shall have an area of less than 140 square metres.

PART III

Livestock and Other Animals (bye-laws 9-13)

9. Keeping of livestock

(1) No person shall without the written consent of the council keep or graze any livestock within the council area except in such fenced areas as may be set aside by the council for that purpose.

(2) The council may prohibit the use of any stable, cowshed, pen or sty which in the opinion of the council is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

10. Troublesome or dangerous animals

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

11. Bees, pigeons and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the council area.

12. Powers of council

The council may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the council area, and if such animal is not claimed within seven days the council may order its sale or destruction.

13. Disposal of carcasses

(1) Subject to the provisions of sub-bye-law (2) no person shall dispose of any carcass within the council area except in a place approved by the council.

(2) A person may bury within a lot under his control the carcass of any dog, cat, or other small pet—

Provided that:

- (i) the carcass shall be buried deeply enough to prevent the escape of any offensive odour or the digging up of the carcass by scavengers and prevent any hazard to health;
- (ii) if death was caused by an infectious disease, the advice of a medical practitioner or veterinary surgeon shall be obtained against which such burial shall not take place; and
- (iii) if the place where the carcass is buried is marked as a grave, such mark must be shielded from view so as not to offend other persons' religious or other susceptibilities.

(3) The council may give such directions as may be necessary to secure compliance with the provisions of sub-bye-law (2).

PART IV Streets (bye-laws 14-18)

14. Naming of streets

(1) The council may name or alter the name of any street.

(2) The council may from time to time, at its own expense, paint upon or fix to any building or erect in any street, the name of such street.

15. Numbering of houses

(1) The council may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the council shall affix or paint the number so allotted in a conspicuous place facing on to the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street on to which it faces.

16. Hoardings

(1) Subject to the provisions of sub-bye-law (3), this bye-law shall not apply to hoardings which form a temporary part of any building operation or which can be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising or which may arise from work in progress or to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale.

(2) No hoardings shall be erected within the council area without the written consent of the council.

(3) The council may direct any person erecting or who has erected a hoarding to remove or re-position such hoarding and may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding—

- (a) will obstruct the view of road users in a manner inconsistent with the smooth flow of traffic, vehicular or otherwise;
- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, or any beauty-spot, park or recreational area; or
- (d) will be offensive to any occupier of residential premises adjacent to or looking upon the site of the proposed hoarding.

(4) The council may charge fees for permission to erect and maintain hoardings on any street or other public place within the council area.

(5) The council may erect hoardings and permit the use thereof and of any walls or other suitable fixtures being the property of the council by any person to display any bill, poster, placard or advertisement and may charge fees for such use.

(6) The fees mentioned in sub-bye-laws (4) and (5) shall be determined from time to time by resolution of the council and a separate rate may be specified in respect of illuminated

hoardings or signs.

(7) The council may remove a hoarding which contravenes the provisions of this bye-law at the expense of the person who erected the hoarding, such expense being recoverable as a civil debt in a court of law if the person—

- (a) erects a hoarding in contravention of these Bye-laws;
- (b) refuses to remove a hoarding within a reasonable time when required to do so by the council; or
- (c) fails to pay a fee charged in terms of these Bye-laws.

17. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the council area without the written consent of the council.

(2) The council shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists, or objectionable in substance, presentation or scale.

(3) The council may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-bye-law (1) shall prevent any person holding a licence to trade in the council area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies:

Provided that the council does not object to the nature and substance of such bills, posters, placards or advertisements.

(5) Any bill, poster, placard or advertisement which has been erected in the council area without the council's consent or to which the council objects may be removed by the council.

18. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the council.

PART V

Fire Control Measures (bye-laws 19-24)

19. Accumulation of inflammable or combustible materials

(1) The owner and occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the council, an owner or occupier has allowed the accumulation

or deposit of straw, wood, paper or other inflammable or combustible material on his property, the council may, by notice in writing to such owner or occupier, order him to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do so.

20. Grass fences

If, in the opinion of the council, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such state of disrepair that it gives rise to a danger of fire spreading therefrom to any buildings the council may, by notice in writing, order the fence to be removed and the owner, or in his absence the occupier, of the premises upon which the fence is situated shall remove the fence.

21. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the council, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that—

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance as is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to—
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or such other inflammable substance as is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the council may impose such conditions as it deems necessary.

22. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless—

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties and to prevent the fire spreading to such adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

(2) No person, other than an employee of the council, shall burn or set fire to any grass, refuse, rubbish or other material on any street or public open space.

23. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access shall, if required by the council, provide such building with portable fire extinguishers at the rate of one extinguisher for every 240 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

24. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-bye-law (1), the officer in charge of the fire brigade party—

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in the vicinity of the fire; and
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

Food Premises (bye-laws 25-33)

25. Construction: general

(1) No person shall erect or occupy any food premises within the council area unless the following provisions have been complied with—

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than two metres;

- (c) the floor shall, unless otherwise provided in these Bye-laws, be—
 - (i) of concrete; or
 - (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall be not less than three metres;
- (e) the premises shall be provided with a dust-proof ceiling and a sound roof;
- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room or alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean;
- (h) all reasonable precautions shall be taken to prevent the ingress or harbouring of rodents;
- (i) before any grain is stored in the premises sufficient supports for such grain shall be installed at least 2,5 decimetres above the floor in such manner as to make it possible to sweep underneath.

(2) No food premises shall be used for sleeping accommodation and no portion of such premises shall communicate by door, window or otherwise with any sleeping or living room.

26. Construction: bakeries

No person shall erect or occupy any bakery within the council area unless the following provisions have been complied with in addition to the provisions of bye-law 25—

- (a) no portion of any bakery shall be underground, except that with the written consent of the council an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;
- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than three metres from any latrine;
- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least two metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept

in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

27. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmonger's shop within the council area unless the following provisions have been complied with, in addition to the provisions of bye-law 25—

- (a) no door or window opening in any room wherein butchers' meat or fish is stored, handled or placed for sale shall be so placed as to be less than four metres from any latrine;
- (b) the floors shall be of cement or concrete at least eight centimetres in thickness and topped with granolithic or other impervious material at least two centimetres in thickness;
- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

28. Operation of bakeries

(1) Every person carrying on the trade of a baker in the council area shall—

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent:

Provided that—

- (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the council;
 - (ii) where washable distemper is used it shall be renewed at least once in every 12 months;
 - (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot water and soap to ensure adequate cleanliness;
- (b) keep every part of his bakery and all vessels and utensils, carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
 - (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
 - (d) provide means of protecting all bakery products, by glazed or fly-screened showcases

or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance in any public thoroughfare;

(e) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding five kilogrammes in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purposes of covering or wrapping bakery products.

29. Operation of butcheries and fishmongers' shops

Every person carrying on the trade of a butcher or fishmonger in the council area shall—

- (a) keep thoroughly clean all knives and other instruments and appurtenances, machinery and vehicles used in cutting or handling or moving butchers' meat or fish;
- (b) provide receptacles of galvanized iron or other non-absorbent material with close-fitting covers for collecting and conveying from his shop all refuse;
- (c) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed.

30. Food premises: general requirements of cleanliness

(1) Every person carrying on business in food premises shall—

- (a) keep every part of such premises in good order and repair and in a clean and sanitary condition;
- (b) take all practical measures to keep such premises free from rodents, flies, cockroaches and other insects;
- (c) maintain a supply of soap and clean towels for the use of all persons employed in such premises.

(2) No person carrying on business in food premises shall keep or allow to be kept in, or allow to enter into, such premises any live animal or bird.

(3) Every person employed in any food premises shall wash his hands with soap and water before commencing work, after every visit to the latrine, and whenever his hands become soiled.

(4) No person in any food premises shall expectorate or blow his nose except into a

handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(5) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

31. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the council.

32. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) No person shall load onto or transport in any vehicle any carcass if such vehicle contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(3) No person shall sell, expose for sale or deliver any butchers' meat in the council area unless such meat has been obtained from a slaughter-house or place approved in writing by the council.

(4) No person shall slaughter any animal for human consumption in the council area except at such slaughter-house or approved place.

(5) All vehicles used for the conveyance of meat shall be constructed of or lined with an impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(6) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be constructed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(7) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(8) Persons loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(9) No person shall sell, expose for sale or deliver any bakery products in the council area unless such bakery products have been obtained from a bakery approved in writing by the council.

(10) All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for the purpose of human consumption.

(11) All foodstuffs shall be completely wrapped up and no person who sells any foodstuffs shall deliver the same wrapped in a newspaper or in any soiled or previously used wrapping paper.

33. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetable, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is—

- (a) blown so that there is unnatural bulging of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having been punctured and having had the puncture re-sealed.

PART VII

Miscellaneous (bye-laws 34-38)

34. Powers of entry and inspection

Any authorized officer may enter and inspect any premises at any reasonable hour and may require to be furnished with such information as will enable him to determine whether or not the provisions of these Bye-laws are being complied with.

35. Noise and nuisance

No person shall—

- (a) operate or cause or permit to be operated any wireless, loudspeaker, gramophone, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood, or which any authorized council official or police officer of or above the rank of sergeant considers to be causing annoyance or unnecessary noise in any part of the council area;
- (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 council in writing and subject to such conditions as the council may impose;
- (c) continue to make any loud or unseemly noise or disturbance either 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, disturb or interfere with the rest, peace or tranquillity of the inhabitants, after having been requested to desist by any member of the police force or by 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 the person so annoyed, disturbed or inconvenienced;
- (e) between the hours of 5 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 council area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

36. Collection for charity

(1) No collection of moneys or attempt to collect money shall take place within the council area without the prior written consent of the council.

(2) The council authority may in granting its consent to the collection of money impose such conditions as it deems fit.

37. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the council area have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under bye-law 38, be ordered to pay compensation for such damage.

38. Offences and penalties

(1) Any person who obstructs or hinders the council in the exercise of its duties under the provisions of these Bye-laws or fails to comply with any of the provisions of bye-law 3(2), 9, 11, 16, 17, 19, 20, 22, 35 or 37 shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding P10 or, in default of payment thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction to a fine not exceeding P50 or, in default of payment thereof, to imprisonment for a term not exceeding two months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 6, 7, 10, 13, 18, 21, 23, 28, 29, 30, 31, 32 or 33 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100 or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 8, 25, 26 or 27 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200,00 or, in default of payment thereof, to imprisonment for a term not exceeding six months.

JWANENG TOWN COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(31st December, 1981)

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PART I
Preliminary (bye-laws 1-2)

1. Citation

These Bye-laws may be cited as the Jwaneng Town Council (General) Bye-laws.

2. Interpretation

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

"approved", wherever it appears in a provision, means approved by the council for the purposes of that provision;

"baker" means a person who carries on the business of selling, by wholesale or retail, bakery products baked or otherwise made by him;

"bakery" means premises on which is carried on the process of or any process incidental to the baking or other making of bakery products or which are used for the storage of bakery products if, in either case, the bakery products are for use by persons other than those residing on premises of which the former premises are part;

"bakery products" includes bread, biscuits, rolls, tarts, cakes, pies, confectionery and sweetmeats;

"butcher" means a person who sells, exposes for sale or supplies butcher's meat;

"butcher's meat" means the flesh or offal of any animal, other than a fish, fowl or deer, intended for human consumption or any product thereof other than canned or potted meat, biltong, ham, sausages, bacon or salted, smoked or other prepared meat;

"butchery" means premises used for the purpose of carrying on the business of a butcher;

"council" means the Jwaneng Town Council;

"dwelling" means a structure in which a human being habitually dwells or sleeps or is intended habitually to dwell or sleep;

"food premises" means premises used or intended to be used for the preparation, manufacturing, keeping, storing, conveying, depositing, handling or exposing for sale of foodstuffs;

"foodstuffs" means anything, other than drugs or water, ordinarily used for human consumption;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises, the person, other than the owner thereof, who has habitual immediate control or management of the lot or premises;

"premises" means any building or other erection or part thereof, whether above or below the ground, together with its grounds, precincts and appurtenances;

"public" includes any class or section of the public;

"public place" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making a payment, and any building or place which is, for the time being, being used for any public or religious meeting or assembly or as an open court;

"township" means the area of jurisdiction of the Jwaneng Town Council;

"street" means any street, road, road reserve, lane, mall, footpath, footbridge, passage, pavement, thoroughfare or way together with the immediate vicinity thereof;

"Town Clerk" means the Town Clerk of Jwaneng Town Council.

PART II

Health and Sanitation (bye-laws 3-7)

3. Latrines

(1) The owner of any premises within the township shall provide proper and sufficient latrine accommodation for all persons residing or employed thereon and any such owner who provides less than one latrine for every eight persons residing or employed on those premises shall be

deemed to have contravened this sub-by-law.

(2) The owner of any premises within the township to which the public are habitually entitled or permitted to have access, either without any condition or upon condition of making any payment, for the purpose of recreation, entertainment, refreshment or being accommodated thereon shall provide, for use by the public, adequate separate latrines for men and women.

(3) The council may, by order in writing served on the owner or occupier of any premises within the township, prohibit the use of any latrine on those premises which in the council's opinion, has become or is likely to become, by reason of faulty construction, neglect or any other cause, a nuisance or danger to public health until the nuisance or danger or the likelihood of becoming such a nuisance or danger has been abated to the council's satisfaction.

(4) Every owner or occupier on whom an order has been served under sub-by-law (3) shall take every reasonable step to ensure that the order is at all times complied with.

(5) No person shall defecate within the township in any place other than a latrine.

(6) Any person who contravenes—

(a) sub-by-law (1), (2) or (4) shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months; or

(b) sub-by-law (5) shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

4. Mosquitoes and other pests

(1) The owner of any lot or premises within the township shall take every reasonable step to ensure, in respect of the lot or premises, that at all times—

(a) every receptacle for water, such as a tank, cistern, barrel, cask, pail or other contrivance, in which water is to be or has been stored or retained for more than 24 consecutive hours, is covered so as to prevent the ingress of mosquitoes;

(b) every gutter, drainpipe, conduit, channel, ditch or other means by which water is conducted is free of any obstructions which prevents or hinders or may prevent or hinder the ready flow of water therein;

(c) every receptacle for the collection of slop water or household refuse is properly and adequately covered;

(d) every used tin or bottle or other refuse or article capable of holding water is in a properly and adequately covered receptacle for the collection of household refuse; and

(e) the breeding of mosquitoes and other pests is prevented:

Provided that, where there is an occupier of the lot or premises, this sub-bye-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(2) The owner of any premises within the township shall at all times keep every gutter and drainpipe which belongs to the premises in good repair and condition.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

5. Prevention of accumulation of waste, etc.

(1) No person shall place, pour, throw or leave in any place within the township or permit to remain on any lot or premises within the township any refuse, including garden refuse, excreta, night soil, filth, slops, exhaust water, waste liquid, yard flushing, stable litter, rubbish, dirt or other offensive matter, dead animal, broken crockery, glass or tins so as to encourage rats or other vermin to frequent such place, lot or premises, endanger health, favour the breeding of flies or mosquitoes, cause any nuisance or is likely to interfere with the comfort of the inhabitants or a section of the inhabitants of the township.

(2) Every householder or shopkeeper shall at all times provide for his house or shop a refuse bin with a closely fitting lid.

(3) Where, on or in the immediate vicinity of any lot or premises within the township, any unserviceable vehicle or machinery is exposed to the sight of the public, the council may, by order in writing served on the owner or occupier of that lot or those premises, require him forthwith to remove the vehicle or machinery to an approved place or forthwith to remove the same from the sight of the public and thereafter to keep it at all times so removed.

(4) Every owner or occupier on whom an order has been served under sub-bye-law (3) shall comply with the order.

(5) Where there is, in any place within the township, any apparently abandoned or unclaimed article exposed to the sight of the public, the council may seize and detain that article and thereafter dispose of it in such manner, including sale or destruction, as it shall determine and may, for this purpose, enter any lot or premises without the permission of the owner or occupier thereof.

(6) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

6. Swimming pools and fish ponds

(1) The council may, by order in writing served on the owner or occupier of any lot or premises within the township on which a swimming pool or fish pond is situated, require him to take such precautions as shall be specified in the order to reduce the danger of death by

drowning or to prevent the breeding of mosquitoes in the swimming pool or fish pond.

(2) Every owner or occupier on whom an order has been served under sub-bye-law (1) shall take every reasonable step to ensure that the order is at all times complied with.

(3) The owner of any lot or premises within the township on which a swimming pool or fish pond is situated shall take every reasonable step to ensure that the water contained therein is at all times free from unpleasant or insanitary matter:

Provided that, where there is an occupier of the lot or premises, this sub-bye-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

7. Prevention of overcrowding

(1) No room in any dwelling within the township shall be used for human habitation unless there is provided for every person who has attained the age of 14 years at least 19,25 cubic metres of air space and 3,75 square metres of floor space and for every person who has not attained that age at least 14,50 cubic metres of air space and 2,80 square metres of floor space.

(2) No dwelling shall be erected within the township except on a surveyed lot nor shall the aggregate ground floor space of all dwellings on any such lot exceed one third of the area of the lot.

(3) No surveyed lot within the township shall have an area of less than 140 square metres.

(4) Any person who is knowingly a party to the contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

PART III

Livestock and Other Animals (bye-laws 8-11)

8. Keeping of livestock

(1) No person shall, without the written consent of the council, keep or graze any livestock within the township except in a fenced area set aside by the council for that purpose.

(2) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, prohibit the use as such of any stable, cowshed, stall, pen or sty on that lot or those premises the use of which as such is, in the council's opinion, unfit, undesirable or otherwise objectionable by reason of its location, construction, condition or manner of use.

(3) Every owner or occupier on whom an order has been served under sub-bye-law (2) shall

take every reasonable step to ensure that the order is at all times complied with.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

9. Troublesome or dangerous animals

(1) No person shall bring or allow or permit to be brought into the township any wild animal or any troublesome, ferocious or dangerous animal or keep or allow or permit to be kept within the township any such animal.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

10. Bees, pigeons and poultry

(1) No person shall keep or allow or permit to be kept within the township any bees, pigeons or poultry so as to interfere with the comfort of the inhabitants or a section of the inhabitants of the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

11. Powers to seize, detain and dispose of livestock, etc.

(1) The Town Clerk or any other person authorized by him in that behalf may seize and detain any livestock or poultry found at large within the township and, if such livestock or poultry is not claimed by a person entitled to the ownership or possession thereof within seven days immediately after such seizure, the council may order the sale or destruction thereof.

(2) The Town Clerk or any other person authorized by him in that behalf may seize and destroy any wild animal or any troublesome, ferocious or dangerous animal found within the township.

PART IV

Naming of Streets and Numbering of Houses (bye-laws 12-13)

12. Naming of streets

(1) The council may—

(a) name and from time to time alter the name of any street within the township; and

(b) subject to sub-bye-law (2) and (3), from time to time, at its own expense, paint upon or fix to any building, wall or other structure adjacent to or erect in any street within the

township a sign bearing the name of that street.

(2) Before exercising a power conferred by sub-bye-law (1)(b) to paint upon or fix to any building, wall or other structure a sign bearing the name of a street, the council shall, where it is reasonably practicable to do so, consult the owner thereof.

(3) Where the council exercises a power conferred by sub-bye-law (1)(b) to paint upon or fix to any building, wall or other structure a sign bearing the name of a street without consulting the owner thereof, it shall take every reasonable step to inform the owner thereof that it has done so.

13. Numbering of houses

(1) The council may allot a number to any house or other building within the township for the purpose of distinguishing that house or other building from other houses and other buildings within the township and may from time to time so allot a fresh number in substitution for the existing number if it considers it necessary or expedient to do so.

(2) Where a number has been allotted to a house or other building under sub-bye-law (1), the owner thereof shall forthwith paint upon or fix to the premises the number so allotted in a conspicuous place facing the street on which the house or other building stands and the number shall be and shall at all times be maintained by the owner in such a condition as to be clearly legible from the opposite side of that street.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

PART V

Control of Advertising (bye-laws 14-15)

14. Hoardings

(1) No person shall, without the written consent of the council, erect within the township any hoarding for the purpose of carrying advertisements.

(2) The council shall consider every application for its consent to the erection of a hoarding for the purpose of carrying advertisements and may grant any such application unless it is of the opinion that the hoarding in question would be likely to distract motorists or would otherwise be objectionable by reason of its size.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

15. Bills, etc.

(1) No person shall, without the written consent of the council, publicly display within the

township any bill, poster, placard or advertisement.

(2) The council shall consider every application for its consent to the public display of any bill, poster, placard or advertisement and may grant any such application unless it is of the opinion that the bill, poster, placard or advertisement in question would be likely to distract motorists or is or would be otherwise objectionable by reason of its contents, size or the proposed manner of its presentation.

(3) Where the council grants its consent under this bye-law, it may, at the same time, require the person to whom the consent is given to cease publicly to display the bill, poster, placard or advertisement in question by such date as it shall specify and any person of whom such a requirement is made shall comply therewith.

(4) Notwithstanding sub-bye-law (1), any person who holds a licence to trade within the township may publicly display any bill, poster, placard, or advertisement on or inside the premises to which the licence relates:

Provided that the council may, by order in writing served on any such person, prohibit the continued public display by him of any bill, poster, placard or advertisement which, in the council's opinion, is distracting or likely to distract motorists or is otherwise objectionable by reason of its contents, size or the manner of its presentation.

(5) Every person on whom an order has been served under sub-bye-law (4) shall immediately comply therewith.

(6) The council may remove and destroy any bill, poster, placard or advertisement which is publicly displayed within the township in contravention of this bye-law.

(7) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

PART VI

Fire Precautions (bye-laws 16-21)

16. Prevention of accumulation of inflammable or combustible material

(1) The owner of any lot or premises within the township shall take every reasonable step to prevent the accumulation or deposit, on the lot or premises, of straw, wood, paper or other inflammable or combustible material:

Provided that, where there is an occupier of the lot or premises, this sub-bye-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(2) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, require him to remove, within such time as shall be specified in the notice, any straw, wood, paper or other inflammable or combustible material which may

have accumulated or been deposited on the lot or premises.

(3) Every owner or occupier on whom an order has been served under sub-bye-law (2) shall comply therewith.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

17. Grass, rush or reed fences

(1) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, require him forthwith to remove any fence of grass, rushes or reeds on the lot or premises which, in the council's opinion, is so located or in such a state of disrepair as to give rise to the risk of fire spreading therefrom to a building.

(2) Every owner or occupier on whom an order has been served under sub-bye-law (1) shall comply therewith.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

18. Storage of inflammable combustible or explosive substances

(1) No person shall, without the written permission of the council, store any inflammable combustible or explosive substance on any property within the township:

Provided that this sub-bye-law shall not apply—

- (i) to the storage, at a place of business or residence, in a closed-up container or other approved receptacle, of not more than 25 litres in aggregate of petrol, oil, paraffin and methylated spirits (in addition to the fuel contained in the fuel tank of any motor vehicle);
- (ii) to the storage, at a place of business or residence, of liquor; or
- (iii) to the storage, at a garage, service station or petrol filling station, of petrol, oil, paraffin and methylated spirits and of such other inflammable substances as are normally stored at such a place.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

19. Burning of grass, refuse or rubbish, etc.

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any lot

or premises within the township unless—

- (a) he is the owner or occupier of the lot or premises or has the permission of such owner or occupier to do so;
- (b) he takes every reasonable precaution to avoid annoyance to persons living or working nearby and to prevent the fire spreading to adjoining lots or premises; and
- (c) he ensures that no buildings are endangered by the burning.

(2) No person, other than an employee of the council in the performance of his functions as such, shall burn or set fire to any grass, refuse, rubbish or other material in any street or public open space.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

20. Fire-fighting appliances in public buildings

(1) The council may, by order in writing served on the owner of any hall, shop, offices or other building within the township to which the public has access, require him forthwith to provide the building with portable fire extinguishers at the rate of one extinguisher for every 240 square metres or part thereof of floor space within the building.

(2) Every owner on whom an order has been served under sub-bye-law (1) shall comply therewith and shall ensure that every extinguisher he provides is fixed in a conspicuous and easily accessible position and is at all times maintained in good working order.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

21. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire within the township, the officer in charge of the fire brigade party shall have full charge and control of the property on fire and over such other property as he considers to be in danger and may take all such reasonable measures as he considers necessary or expedient to prevent the spread of and to extinguish the fire and, without prejudice to the generality of the foregoing, may, either personally or through a person under his control—

- (a) enter upon any property and break into, through, take possession of or pull down any building:

Provided that he shall take all reasonable care to do as little damage as is reasonably practicable in the circumstances;

- (b) approach any hydrant, pipe, cistern, borehole or other water supply and draw water

therefrom;

- (c) divert, stop or otherwise regulate traffic in the vicinity of the fire; and
- (d) temporarily close any street in the vicinity of the fire.

(2) No person shall hinder or obstruct the officer in charge of a fire brigade party or any person under his control in the exercise of a power conferred on him by this bye-law.

(3) Any person who contravenes this bye-law 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.

PART VII

Food Premises, etc. (bye-laws 22-30)

22. General provisions governing construction and use of food premises

(1) No person shall erect or occupy any food premises within the township unless—

- (a) the premises are constructed of brick or concrete or other approved material;
- (b) the internal faces of the walls are, unless otherwise provided by these Bye-laws, tiled or plastered with a cement plaster, of which the surface has been brought to a smooth face and painted with three coats of oil paint or washable distemper or other approved material, to a height of not less than two metres;
- (c) the floors are, unless otherwise provided by these Bye-laws, of concrete or of wood ventilated to prevent dry rot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling is not less than three metres;
- (e) the premises have a dust-proof ceiling and a sound roof;
- (f) every room is lighted and ventilated by a window or windows of an area not less than one-tenth of the room's floor area and capable of being opened to at least one-twentieth of that area or is provided with an approved system of forced ventilation or air conditioning;
- (g) the premises have a supply of clear hot and cold water, adequate washing facilities to enable employees to keep clean and adequate washing-up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean;
- (h) all reasonable precautions are taken to prevent the ingress or harbouring of rodents; and
- (i) if grain is or is to be stored therein, there are sufficient supports for the grain at least 25 centimetres above the floor, installed in such a manner as to make it readily possible to sweep underneath the supports.

(2) No food premises shall be used for sleeping accommodation and no part of such

premises shall communicate by door, window or other means with any sleeping or living room.

(3) Any person who contravenes or is knowingly a party to a contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

23. Provisions governing construction of bakeries

(1) Without prejudice to bye-law 22, no person shall erect or occupy any bakery within the township unless—

(a) no part of the bakery is underground:

Provided that an underground room may, with the written consent of the council, be used as a store if no articles other than those specified in such consent are stored therein;

(b) the floors are of a smooth, impervious material;

(c) no door or window opening is less than three metres from any latrine;

(d) the doors of the bakehouse are self-closing and all doors and windows have effective fly-screens;

(e) the opening of the oven furnace is not situated in any room or at any place where foodstuffs are or are to be handled and is situated at least 2,5 metres from the nearest part of any door or window of the bakery; and

(f) the bakery has a dressing room in which the overalls of the employees may be kept in a clean and sanitary condition and such room is separate from any place where utensils or foodstuffs are or are to be stored or handled.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

24. Provisions governing construction of butcheries and fishmongers' shops

(1) Without prejudice to bye-law 22, no person shall erect or occupy any butchery or fishmonger's shop within the township unless—

(a) no door or window opening in any room in which a butcher's meat or fish is or is to be stored, handled or placed for sale is less than four metres from any latrine;

(b) the floors are of cement or concrete at least eight centimetres thick and topped with granolithic or other impervious material at least two centimetres thick;

(c) the doors are self-closing and all doors and windows have effective fly-screens;

(d) the butchery or fishmonger's shop has cold rooms, compartments or cupboards for the storage of meat or fish which are operated constantly at a temperature of not more

than 7,2 degrees centigrade; and

- (e) the internal faces of the walls are tiled to a height of not less than two metres.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

25. General provisions governing cleanliness of food premises

(1) Every person carrying on business on food premises within the township shall—

- (a) keep every part of the premises at all times in good order and repair and in a clean and sanitary condition;
- (b) take all practicable measures to keep the premises at all times free from rodents and from flies, cockroaches and other insects; and
- (c) maintain a supply of soap and clean towels for the use of all persons employed on the premises.

(2) No person carrying on business on food premises within the township shall keep or permit to be kept on or allow to enter the premises any live animal including any live bird.

(3) Every person employed on any food premises within the township shall wash his hands with soap and water immediately before commencing work, immediately after visiting the latrine and when and as often as his hands become soiled.

(4) No person shall, on any food premises within the township—

- (a) expectorate;
- (b) blow his nose except into a handkerchief or a tissue which he uses as an handkerchief and thereafter disposes of in a sanitary fashion; or
- (c) smoke in any place where smoking is likely to defile foodstuffs deposited there or exposed for sale.

(5) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

26. Provisions governing operation of bakeries

(1) Every person carrying on the trade of a baker within the township shall—

- (a) keep the internal faces of the walls (except for any parts thereof which are tiled) and ceilings of his bakery at all times painted with three coats of oil paint or washable distemper or other approved material;

- (b) where the internal faces of the walls and ceilings of his bakery—
 - (i) are painted with oil paint, renew the paint at least once in every five years; or
 - (ii) are painted with washable distemper, renew the distemper at least once in every 12 months;
- (c) keep every vessel, utensil, cart or other vehicle, sack or basket or other receptacle used in connection with the preparation, conveyance or storage of bakery products at all times in a clean and sanitary condition;
- (d) take every reasonable step to ensure that all persons employed in his bakery or to deliver bread therefrom are at all times while so employed clean and dressed in clean overalls;
- (c) at all times provide sufficient glazed or fly-screened showcases or cabinets to protect all bakery products exposed for sale from contamination by dust, dirt or flies;
- (f) cause the floor of the bakehouse to be thoroughly washed at least once every day;
- (h) ensure that all dough, butter or paste is at all times mixed in and by approved mixing machines:

Provided that dough, batter or paste may, for confectionery purposes alone, be mixed by hand in a quantity not exceeding five kilograms in a suitable mixing utensil; and

- (i) ensure that no soiled paper or other material of any kind is at any time used for the purpose of covering or wrapping any bakery product.

(2) Without prejudice to sub-bye-law (1)(b)(i), where the internal faces of the walls and ceilings of a bakery within the township are painted with oil paint, the council may, by order in writing served on the person carrying on the trade of baker in respect of those premises, require that person forthwith to renew the paint.

(3) Every person on whom an order has been served under bye-law (2) shall comply therewith.

(4) No person shall smoke in the mixing or kneading room or bakehouse of any bakery within the township.

(5) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

27. Provisions governing operation of butcheries and fishmongers' shops

- (1) Every person carrying on the trade of a butcher or fishmonger within the township shall—
 - (a) keep every knife or other instrument, machine, appurtenance or vehicle used in connection with the cutting, handling or conveyance of butcher's meat or fish at all

times in a clean and sanitary condition;

- (b) at all times provide sufficient receptacles of galvanized iron or other non-absorbent material with close fitting covers for collecting and conveying from his butchery or shop all refuse; and
- (c) take every reasonable step to ensure that all persons employed in his butchery or shop or to deliver butcher's meat or fish therefrom are at all times while so employed clean and dressed in clean overalls.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

28. Health of persons working on or about food premises

(1) Before commencing work on or about any food premises within the township, every person shall be medically examined by an approved medical practitioner.

(2) No person shall knowingly permit another person suffering from an infectious or contagious disease to work on or about any food premises within the township.

(3) Where a person working on or about food premises within the township or resident on premises of which such food premises form part contracts an infectious or contagious disease, the person having immediate control or management of the food premises shall, as soon as he becomes aware of the occurrence of the disease report the same to the Town Clerk.

(4) The Town Clerk, the council's health inspector or any other member, officer or employee of the council authorized by it in that behalf may, at any reasonable time, enter any food premises within the township and require any person he finds working on or about those premises to submit to a medical examination by an approved medical practitioner.

(5) A person of whom a requirement has been made under sub-bye-law (4) shall forthwith take the necessary steps to comply with that requirement and the person having immediate control or management of the food premises in question shall take every reasonable step to facilitate such compliance.

(6) At the conclusion of a medical examination to which a person has been required to submit under sub-bye-law (4), the medical practitioner in question shall submit a written report thereon to the Town Clerk.

(7) Every medical examination for which provision is made by this bye-law shall be at the expense of the employer or prospective employer, as the case may be, of the person examined.

(8) Any person who contravenes or is knowingly a party to a contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

29. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall, within the township—

- (a) convey, deposit or expose for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to expose the foodstuff unnecessarily or improperly to contamination;
- (b) stand, sit or recline on any foodstuff which is being conveyed, has been deposited or is exposed for sale;
- (c) load on or convey in any vehicle any carcass if the vehicle contains any blood, viscera, intestines or offal;
- (d) convey any carcass unless it is at all times while being so conveyed completely covered with a clean covering;
- (e) sell, expose for sale or deliver any butcher's meat unless it has been obtained from an approved slaughter-house or other approved place;
- (f) slaughter any animal for human consumption except at an approved slaughter-house or other approved place;
- (g) convey in any vehicle any butcher's meat unless the vehicle is constructed of or lined with an impervious substance, is in a state of good repair and has a covering which protects the meat conveyed therein from contamination by dust and flies;
- (h) personally load or unload butcher's meat unless at all times while doing so he wears clean protective clothing including overalls and headgear;
- (i) store any foodstuff in a container, including a tray or bin, or handle any foodstuff with a utensil unless the container or utensil is of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material;
- (j) sell, expose for sale or deliver any fruit, vegetables, bakery products or other foodstuffs unless such foodstuffs are at all times protected from contamination by dust and flies;
or
- (k) sell, expose for sale or deliver any bakery products unless the products originate from an approved bakery.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

30. Canned food

(1) No person shall, within the township, prepare, sell, expose for sale, keep, deliver, convey or transmit any foodstuff packed—

- (a) in an hermetically sealed tin or other airtight container if the tin or other container—
 - (i) is blown so that there is an irregular bulging of any surface or gas escapes on

puncturing;

- (ii) is extensively rusted; or
 - (iii) shows evidence of having at some time become unsealed, whether through puncturing or other damage, and of having been subsequently re-sealed; or
- (b) in an unsealed tin or other non-airtight container intended or likely to be mistaken for an hermetically sealed tin or other air-tight container.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

PART VIII

Miscellaneous (bye-laws 31-35)

31. Trees

(1) No person, other than an employee of the council in the performance of his functions as such, shall, without the written permission of the council, fell or damage any tree or shrub in any street or public open space within the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

32. Noise and nuisance

(1) No person shall, within the township—

- (a) 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;
- (b) without the written permission of the council, operate any wireless, record player, loudspeaker, amplifier or similar device or play any musical instrument for the purpose of advertising in or adjacent to any street;
- (c) continue to make any loud or unseemly noise or disturbance by shouting, screaming, yelling, blowing upon any horn or other instrument or beating upon any drum or other instrument so as to annoy or disturb or interfere with the rest, peace or tranquillity of the inhabitants or a section of the inhabitants of the neighbourhood, after having been requested to desist from so doing by a police officer or by an inhabitant of the neighbourhood so annoyed or whose rest, peace or tranquillity has been so disturbed or interfered with;
- (d) in any street or other public place—
 - (i) continue to ring any bell, sound any horn, blow any whistle, use any noisy

instrument or shout; or

- (ii) continue to hawk, sell or distribute any article or thing whatsoever,

to the annoyance, disturbance or inconvenience of any person using the street or other public place, after having been requested to desist from so doing by a police officer or by any person so annoyed, disturbed or inconvenienced; or

- (e) for the purpose of carrying on any business, trade or industry, use, between 5 p.m. and 7.30 a.m. or on any Sunday or on any public holiday recognized in the business, trade or industry in question, any machinery creating a noise which is offensive, constitutes a nuisance or disturbs the comfort or peace of the inhabitants or a section of the inhabitants of the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

33. Public collections

(1) No person shall, without the written permission of the council, in any street or other public place or from premises to premises within the township, collect or solicit money for the benefit of any charitable or other purpose.

(2) In giving its permission for the purposes of this bye-law, the council may attach thereto such conditions as it thinks desirable.

(3) Any person who contravenes this bye-law or any condition attached by the council to its permission given for the purposes of this bye-law or is knowingly a party to such a contravention shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

34. Protection of common property

(1) No person shall cause any damage to any property within the township to which the inhabitants thereof have a common right.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

(3) Where a person is convicted of an offence under this bye-law, the court so convicting him may, in addition to or in substitution for any punishment, order him to pay compensation for the damage caused, which compensation shall be paid to the council and used by it to rectify the damage.

(4) For the purpose of determining the amount of compensation to be awarded under this bye-law or the liability of the convicted person therefor, the court may refer to the proceedings

and evidence at the trial or hear further evidence upon affidavit or verbal or the amount of compensation may be awarded by the court in accordance with an agreement reached between the convicted person and the council.

(5) Where a court has made an order under this bye-law for the payment of compensation, the order shall have the effect of a civil judgment of that court against the convicted person in favour of the council.

35. Powers of entry, inspection and questioning

(1) The Town Clerk, the council's health inspector or any other member, officer or employee of the council authorized by it in that behalf may, at any reasonable time enter any lot or premises within the township on which he has reasonable cause to suspect that a contravention of these Bye-laws has been, is being or is about to be committed and may, for the purpose of ascertaining the true state of affairs in that respect, inspect the lot or premises and require any person he finds thereon immediately to submit to questioning.

(2) A person of whom a requirement has been made under sub-bye-law (1) shall comply with that requirement and answer truthfully and to the best of his knowledge every question put to him by the person who made the requirement for the purpose of ascertaining whether or not a contravention of these Bye-laws has been, is being or is about to be committed on the lot or premises in question:

Provided that no such person shall be obliged to answer any question which might tend to incriminate him or render him liable to any forfeiture or penalty.

(3) Any person who contravenes this bye-law or hinders or obstructs the Town Clerk, the council's health inspector or any other member, officer or employee of the council in the exercise of a power conferred on him by this bye-law 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.

FRANCISTOWN TOWN COUNCIL (ESTABLISHMENT OF POUND) BYE-LAWS

(under regulations 34 and 35)

(25th June, 1965)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Establishment of pound
4. Appointment of poundmaster
5. Duties of poundmaster
6. Moneys payable into council's fund
7. Financing of pound

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Establishment of Pound) Bye-laws.

2. Application

These Bye-laws shall apply within the limits of the Francistown Town Council area.

3. Establishment of pound

Francistown Town Council shall establish a pound which shall be situate within the limits of the council area.

4. Appointment of poundmaster

Francistown Town Council shall appoint a poundmaster and such other persons as are necessary for the proper running of the pound.

5. Duties of poundmaster

The poundmaster shall comply with those provisions of the Pounds Act in force within the Francistown Town Council area.

6. Moneys payable into council's fund

All moneys received by the poundmaster in terms of the Pounds Act shall be paid into the funds of the Francistown Town Council.

7. Financing of pound

The cost of providing the pound and all other moneys lawfully expended by the poundmaster shall be defrayed by the Francistown Town Council.

GABORONE CITY COUNCIL (OPERATION OF POUND) BYE-LAWS

(under regulations 34 and 35)

(12th March, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Application
4. Operation of pound
5. Appointment of poundmaster
6. Financing of pound

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Operation of Pound) Bye-laws.

2. Interpretation

In these Bye-laws—

"city" means Gaborone city;

"council" means the Gaborone City Council.

3. Application

These Bye-laws shall apply within the limits of the city.

4. Operation of pound

The council shall operate a pound which shall be situated within the limits of the city.

5. Appointment of poundmaster

(1) The council shall appoint a poundmaster and such other persons as are necessary for the proper conduct of a pound.

(2) The poundmaster shall comply with those provisions of the Pounds Act which are in force within the city.

6. Financing of pound

(1) All moneys received by the poundmaster in terms of the Pounds Act shall be paid into the funds of the council.

(2) The cost of providing the pound and all moneys lawfully expended by the poundmaster shall be defrayed by the council.

SELEBI-PHIKWE TOWN COUNCIL (POUND) BYE-LAWS

(under regulations 34 and 35)

(2nd April, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Application
4. Establishment of pound
5. Appointment of poundmaster

6. Duties of poundmaster
7. Funds of township
8. Financing of pound

S.I. 42, 1971.

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Pound) Bye-laws.

2. Interpretation

In these Bye-laws—

"**township**" means Selebi-Phikwe Town Council;

3. Application

These Bye-laws shall apply within the limits of the township.

4. Establishment of pound

The township shall establish and operate a pound or pounds which shall be situated within the limits of the township.

5. Appointment of poundmaster

The township shall appoint a poundmaster and such other persons as are necessary for the proper conduct of any pound established under bye-law 4.

6. Duties of poundmaster

The poundmaster shall comply with those provisions of the Pounds Act which are in force within the township.

7. Funds of township

All moneys received by the poundmaster in terms of the Pounds Act shall be paid into the funds of the township.

8. Financing of pound

The cost of providing the pound or pounds and all moneys lawfully expended by the poundmaster in connection therewith shall be defrayed by the township.

FRANCISTOWN TOWN COUNCIL (TRAFFIC) BYE-LAWS

(under regulations 34 and 35)

(2nd December, 1966)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Offences and penalties

Schedule

L.N. 101, 1966.

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Traffic) Bye-laws.

2. Interpretation

In These Bye-laws, unless the context otherwise requires—

"a street in which the making of a U-turn is prohibited" means a street in which the council has erected signs indicating that the making of a U-turn in the street is prohibited;

"council" means the Francistown Town Council;

"council area" means the area for which the council has been established and in which the council has erected signs indicating the speed limit;

"driver" means driver or rider of a vehicle;

"non-parking area" means an area in which the council has erected signs indicating it is a non-parking area or that parking is prohibited except within the spaces indicated by painted lines;

"omnibus" means a vehicle designed solely or principally for the carriage of persons exceeding seven in number;

"one-way street" means any street or avenue which intersects any other street or avenue at the intersection of which the council has erected a sign indicating that it is a one-way street;

"sign" means a sign made in conformity with the terms of the Convention of Road Traffic (Geneva, 1949);

"park" means to keep a vehicle, whether occupied or not, stationary for a period of time greater than is necessary for the action of loading or unloading of persons or goods; and parking shall be construed accordingly;

"vehicle" includes any engine, wagon, dray, cart, carriage, bicycle or other means of carrying persons or goods by land having two or more wheels, whether driven or propelled by human, animal, steam, electric or other power, but shall not include any baby carriage or perambulator;

"stop street" means any street or avenue at the intersection of which the council has

erected a sign indicating that it is a stop street.

3. Offences and penalties

Any driver who—

- (a) parks a vehicle or an omnibus in a non-parking area in Haskins Street contrary to the provisions of the Schedule;
- (b) makes a U-turn in a street in which the making of a U-turn is prohibited and which is specified in the Schedule;
- (c) drives a vehicle within the council area in excess of a speed limit of 60 kilometres per hour;
- (d) enters the intersection of a stop street without first stopping at the line painted thereat to ensure that the street he is about to enter is clear;
- (e) enters or drives along a one-way street in the direction in which such entry or driving is prohibited;
- (f) rides a bicycle not fitted with a red rear reflector,

shall be guilty of an offence and liable to a fine of not exceeding P20.

SCHEDULE

1. The parallel parking of vehicles shall not be permitted in the east side of Haskins Street except within the spaces indicated by painted lines, 1,22 metres from the southern corner of the intersection of Selous Avenue and Haskins Street and continuing to the northern corner of the intersection of Tainton Avenue and Haskins Street.

2. The parking of vehicles shall not be permitted on the east side of Haskins Street between the north-east corner of Stand 535 and the northern corner of the intersection of Selous Avenue and Haskins Street.

3. The diagonal parking of vehicles shall not be permitted in Haskins Street except on the west side thereof.

4. The parking of omnibuses shall not be permitted in Haskins Street except within the area indicated by the painted lines on the west side opposite Lobengula Avenue and extending in a southerly direction.

5. Street in which the making of a U-turn is prohibited—

Haskins Street.

GABORONE CITY COUNCIL (TRAFFIC) (SCHEDULED AREAS) BYE-LAWS

(under regulations 34 and 35)

(25th June, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Driving, etc., in scheduled areas prohibited
4. Penalty

S.I. 73, 1971,
S.I. 89, 1971.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Traffic) (Scheduled Areas) Bye-laws.

2. Interpretation

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

"draught animal" includes any horse, donkey or mule, whether used for draught purposes or not;

"vehicle" means any contrivance for carrying persons or goods having two or more wheels but does not include a conveyance designed and used for transporting infants or infirm persons or a porter's barrow if such conveyance or barrow is propelled or drawn by a human being.

3. Driving, etc., in scheduled areas prohibited

No person shall in any area of Gaborone described in the Schedule drive, ride, move, halt, park or deposit any vehicle, draught animal or beast of burden except in a building or enclosure or on a road or in a place for the parking of vehicles denoted by the provision of parking bays:

Provided that when used for delivering builders' materials for use in building in any area described in the Schedule vehicles may be driven in such area on ground which is not surfaced with cement or concrete and is not cultivated and may be halted for a period sufficient to enable such materials to be unloaded:

Provided further that nothing in this bye-law shall preclude the wheeling of any bicycle, motor bicycle, tricycle or motor tricycle designed for the carriage of one person.

4. Penalty

Any person who contravenes any provision of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding P50.

SCHEDULE

The Mall, being the quadrilateral area bounded by Queens Road, Independence Avenue, Botswana

Road and Khama Crescent.

GABORONE CITY COUNCIL (DOGS) BYE-LAWS

(under regulations 34 and 35)

(5th April, 1968)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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. Licensing of dogs
7. Penalties

S.I. 24, 1968,
S.I. 57, 1997.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Dogs) Bye-laws.

2. Interpretation

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

"City Clerk" means the City Clerk of Gaborone;

"council" means the City Council of Gaborone;

"dog" includes a bitch;

"public place" includes any road, street, thoroughfare, bridge, foot pavement, open space or park and any enclosed space vested in the council;

"rabies certificate" is a certificate signed by a veterinary surgeon within a period of three years prior to its production stating that the dog (being a dog which was six months or more in age at the time of vaccination) has been vaccinated for rabies.

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

(1) No person shall permit the continual yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the council area.

(2) No person shall allow any bitch to be at large at such times 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 animal is normally kept.

(2) Any person who keeps any 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".

5. Detention and destruction of abandoned or diseased dogs

(1) A servant of the council authorized thereto by the City Clerk may detain and remove to kennels or other premises owned by the council any dog which is at large in a public place.

(2) Where any dog detained under the provisions of paragraph (1) is not claimed by or on behalf of its owner within a period of two weeks of such detention, it shall be deemed to be abandoned and, in such event the council may destroy, or otherwise dispose of such dog:

Provided that the City Clerk may authorize the destruction of a dog prior to the expiration of the aforesaid period of two weeks where he has reason to believe 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.

(3) 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. 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 dog licence shall be issued, on application and on production of a rabies certificate, by the City Clerk and shall be issued in respect of the 12 months period commencing on the 1st April in any year and terminating on the 31st March of the next succeeding year and on the payment of a fee of P6,00:

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

(3) Notwithstanding the provisions of sub-bye-law (1)—

(a) a dog licence issued in respect of the preceding calendar year shall be deemed to authorize the keeping of the dog to which the licence relates during the month of April of the succeeding year;

(b) a dog brought into the council area during the course of a calendar year shall be

licensed within a period of four weeks from the date when it was so brought in;

(c) a dog shall be licensed within four weeks of it attaining the age of six months.

(4) A licence issued under the provisions of this bye-law shall be in the form of a metal or plastic badge.

(5) No person shall permit any dog which is required to be licensed under the provisions of this bye-law to be at large unless a current licence issued under the provisions of this bye-law is affixed to it by means of a dog collar.

(6) Where a dog licence issued under the provisions of this bye-law has been lost, the City Clerk may issue a duplicate licence on payment of a fee of 25 thebe.

7. Penalties

Any person contravening the provisions of these Bye-laws shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding P15 or, in default of payment, to imprisonment for a term not exceeding two months.

LOBATSE TOWN COUNCIL (DOGS) BYE-LAWS

(under regulations 34 and 35)

(10th May, 1968)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Yapping of dogs and bitches in season
4. Troublesome, dangerous and infected dogs
5. Detention and destruction of abandoned or diseased dogs
6. Licensing of dogs
7. Penalties

S.I. 40, 1968.

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (Dogs) Bye-laws.

2. Interpretation

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

"**council**" means the Town Council of Lobatse;

"dog", except for the purposes of bye-law 6(2), includes a bitch;

"public place" includes any road, street, thoroughfare, bridge, foot pavement, open space or park and any enclosed space vested in the council;

"rabies certificate" means a certificate signed by a veterinary surgeon within a period of three years prior to its production stating that the dog (being a dog which was six months or more in age at the time of vaccination) has been vaccinated against rabies;

"Town Clerk" means the Town Clerk of Lobatse.

3. Yapping of dogs and bitches in season

(1) No person shall permit the continual yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the council area.

(2) No person shall allow any bitch to be at large at such times 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 animal is normally kept.

(2) Any person who keeps any 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".

5. Detention and destruction of abandoned or diseased dogs

(1) A servant of the council authorized thereto by the Town Clerk may detain and remove to kennels or other premises owned by the council any dog which is at large in a public place.

(2) Where any dog detained under the provisions of sub-bye-law (1) is not claimed by or on behalf of its owner within a period of two weeks of such detention, it shall be deemed to be abandoned and in such event the council may destroy or otherwise dispose of such dog:

Provided that the Town Clerk may authorize the destruction of a dog prior to the expiration of the aforesaid period of two weeks where he has reason to believe 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.

(3) 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. 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) In cases of dispute the opinion of a veterinary officer that a dog is in fact over the age of six months shall be final.

(3) A dog licence shall be issued, on application and on production of a rabies certificate, by the Town Clerk and shall be issued in respect of a calendar year and on payment of the following fees—

- (a) for a dog, 50 thebe;
- (b) for a bitch—
 - (i) if not spayed, P1;
 - (ii) if spayed, 50 thebe;

Provided that the fees 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 the 1st of July in any year.

(4) Notwithstanding the provisions of sub-bye-law (1)—

- (a) a dog licence issued in respect of the preceding calendar year shall be deemed to authorize the keeping of the dog to which the licence relates during the month of January of the succeeding year;
- (b) a dog brought into the council area during the course of a calendar year shall be licensed within a period of four weeks from the date when it was so brought in;
- (c) a dog shall be licensed within four weeks of its attaining the age of six months.

(5) A licence issued under the provisions of this bye-law shall be in the form of a metal badge.

(6) No person shall permit any dog which is required to be licensed under the provisions of this bye-law to be at large unless a current licence issued under the provisions of this bye-law is affixed to it by means of a dog collar.

(7) Where a dog licence issued under the provisions of this bye-law has been lost, the Town Clerk may issue a duplicate licence on payment of a fee of 25 thebe.

7. Penalties

Any person contravening the provisions of these Bye-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P15 or, in default of payment, to imprisonment for a term not exceeding two months.

FRANCISTOWN TOWN COUNCIL (DOGS) BYE-LAWS

(under regulations 34 and 35)

(13th March, 1970)

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 and diseased dogs
6. Diseased dogs to be presented for treatment
7. Dogs to be vaccinated against rabies
8. Licensing of dogs
9. Penalties

S.I. 18, 1970.

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Dogs) Bye-laws.

2. Interpretation

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

"**council**" means the Francistown Town Council;

"**dog**" includes a bitch;

"**public place**" includes any road, street, thoroughfare, bridge, foot pavement, open space or park, and any enclosed space vested in the 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;

"**Town Clerk**" means the Town Clerk of Francistown;

"**veterinary official**" means a veterinary officer, livestock officer, or stock inspector, employed in the service of the Government of Botswana.

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

(1) No person shall permit the continual yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the township area.

(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 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".

5. Detention and destruction of abandoned or diseased dogs

(1) An employee of the council authorized thereto by the Town Clerk 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 Town Clerk 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) Where any 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 Town Clerk may cause such dog to be destroyed or otherwise disposed of:

Provided that the Town Clerk may authorize the destruction of the dog prior to the expiration of the aforesaid period of seven days 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 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 Town Clerk 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 sub-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 on application by an employee of the council authorized by the Town Clerk on production of a rabies certificate relating to that dog, and shall be issued for a 12-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 township area, or attains the age of six months, on or after 1st July in any year.

(3) Notwithstanding the provisions of sub-bye-law (1)—

- (a) a dog brought into the township area shall be licensed within a period of four weeks from the date when it was brought in; and
- (b) a dog shall be licensed within four weeks of its attaining the age of six months.

(4) A licence issued under the provisions of this bye-law shall be in the form of a metal or plastic badge marked with an identifying number and the year of issue.

(5) No person shall permit any dog which is required to be licensed under the provisions of this bye-law to be at large unless a current licence badge issued under the said provisions is attached to it by means of a dog collar.

(6) Where a dog licence badge issued under the provisions of this bye-law has been lost, the Town Clerk may issue a duplicate badge on payment of a fee of 25 thebe.

9. Penalties

Any person contravening or failing to comply with any of the provisions of these Bye-laws shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding P20 or, in default of payment, to imprisonment for a term not exceeding two months.

SELEBI-PHIKWE TOWN COUNCIL (DOGS) BYE-LAWS

(under regulations 34 and 35)

(20th July, 1973)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

- 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. Licensing of dogs
7. Penalty

S.I. 57, 1973.

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Dogs) Bye-laws.

2. Interpretation

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

"council" means the Selebi-Phikwe Town Council;

"dog" includes a bitch;

"public place" includes any road, street, thoroughfare, bridge, foot pavement, open space or park and any enclosed space vested in the council;

"rabies certificate" is a certificate signed by an official within a period of three years prior to its production stating that the dog (being a dog which was six months or more in age at the time of vaccination) has been vaccinated against rabies.

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

(1) No person shall permit the continual yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants of the town council area.

(2) No person shall allow any bitch to be at large at such times 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 animal is normally kept.

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

5. Detention and destruction of abandoned or diseased dogs

(1) A servant of the council authorized thereto by the Town Clerk may detain and remove to kennels or other premises owned by the council any dog which is at large in a public place.

(2) Where any dog detained under the provisions of sub-bye-law (1) is not claimed by or on

behalf of its owner within a period of two weeks of such detention, it shall be deemed to be abandoned and, in such event the council may destroy or otherwise dispose of such dog:

Provided that the Town Clerk may authorize the destruction of a dog prior to the expiration of the aforesaid period of two weeks where he has reason to believe it is suffering from any 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.

(3) 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. 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 dog licence shall be issued, on application and on production of a rabies certificate, by the Town Clerk and shall be issued in respect of the 12 month period commencing on 1st January in any year and terminating on 31st December of that year and on payment of a fee of P1:

Provided that the fee payable shall be half the amount prescribed in the 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.

(3) Notwithstanding the provisions of sub-bye-law (1)—

- (a) a dog licence issued in respect of the preceding calendar year shall be deemed to authorize the keeping of the dog to which the licence relates up till 31st January of the next succeeding year;
- (b) a dog brought into the council area during the course of a calendar year shall be licensed within a period of four weeks from the date when it was so brought in;
- (c) a dog shall be licensed within four weeks of it attaining the age of six months.

(4) A licence issued under the provisions of this bye-law shall be in the form of a metal or plastic badge.

(5) No person shall permit any dog which is required to be licensed under the provisions of this bye-law to be at large unless a current licence issued under the provisions of this bye-law is affixed to it by means of a dog collar.

(6) Where a dog licence issued under the provisions of this bye-law has been lost, the Town Clerk may issue a duplicate licence on payment of a fee of 25 thebe.

7. Penalty

Any person contravening the provisions of these Bye-laws shall be guilty of an offence and

shall be liable to a fine not exceeding P15 or, in default of payment, to imprisonment for a term not exceeding two months.

JWANENG TOWN COUNCIL (CONTROL OF DOGS) BYE-LAWS

(under regulations 34 and 35)

(24th May, 1985)

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. Claiming of detained dogs
8. Penalties

Schedule

S.I. 64, 1985,
S.I. 130, 1985.

1. Citation

These Bye-laws may be cited as the Jwaneng Town Council (Control of Dogs) Bye-laws.

2. Interpretation

In these Bye-laws, unless context otherwise requires—

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

"dog" includes a bitch;

"rabies certificate" means a certificate signed by a veterinary surgeon, within a period of three years of its issue stating that a dog has been vaccinated against rabies.

3. Licensing of dogs

(1) No person shall keep within the council area a dog over the age of six months unless it is licensed in terms of these Bye-laws.

(2) A dog shall be licensed within four weeks of its attaining the age of six months.

(3) The Town Clerk or an officer duly authorized by him to do so, shall on payment of the appropriate fee specified in the Schedule, issue a dog licence to an applicant on production of a valid rabies certificate and a dog licence so issued shall be valid for a period of 12 months from

the date of issue.

(4) A licence issued under these Bye-laws shall be in a form of a metal or plastic badge.

(5) Subject to the provisions of bye-laws 4(2) and 5(1) no person shall permit any dog which is required to be licensed under these Bye-laws to be at large unless a current licence issued under these Bye-laws is affixed to it by means of a dog collar.

(6) Where a licence issued under these Bye-laws is lost or destroyed, the Town Clerk or any officer duly authorized by him to do so, may issue a duplicate licence on payment of the appropriate fee as specified in the Schedule.

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

(1) No person shall permit the continual yapping, whining or barking of dogs so as to disturb the comfort of any inhabitants in the council area.

(2) No person shall allow any female dog to be at large at such times as she 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 suffers from a contagious disease, to be at large off the premises on which such animal is normally kept.

(2) Any person who keeps any dog of the nature described in sub-bye-law (1) shall display at the principal entrance of the property where the dog is normally kept, a clearly legible sign reading—

"BEWARE OF THE DOG" or "TSHABA NTSA".

(3) The owner or person in charge of any dog which is affected or suspected of being affected by an infectious or contagious disease shall—

(a) as soon as reasonably practicable, give notice of the dog so affected to the council or to a veterinary officer;

(b) as far as practicable keep such dog securely tied, confined and isolated.

(4) Notwithstanding the provisions of sub-bye-law (3), the Town Clerk who having received reasonable information concerning, or having reasonable grounds for suspecting that any person keeps a dog which is affected or suspected to be affected by an infectious or contagious disease shall instruct that the dog be sent to a veterinary officer or cause it to be destroyed.

6. Detention and destruction of abandoned or diseased dogs

(1) Any officer authorized by the Town Clerk to do so may seize and detain in kennels or other premises owned by the council any dog found wandering at large in a public place.

(2) Any dog detained under the provisions of sub-bye-law (1) which is not claimed by or on

behalf of its owner within a period of two weeks of such detention shall be deemed to be abandoned and the council may destroy or otherwise dispose of such dog.

(3) Notwithstanding the provisions of sub-bye-law (2) the Town Clerk may authorize the destruction of a dog so detained before the expiration of a period of two weeks where he has reason to believe that it suffers from an infectious or contagious disease of a serious nature and in his opinion the destruction of the dog is necessary for the prevention of spread of the disease.

(4) No person shall wilfully obstruct or unlawfully interfere with any officer authorized by the Town Clerk in the carrying out of his duties under these Bye-laws.

7. Claiming of detained dogs

Any dog detained under these Bye-laws may be reclaimed by or on behalf of the owner on payment of the appropriate fee specified in the Schedule and chargeable for each day during which the dog is detained.

8. Penalties

Any person who contravenes the provisions of these Bye-laws or fails to comply with any requirement thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P20 or in default of payment to imprisonment for a term not exceeding two months.

SCHEDULE

Licence fee (under reg. 3(3))	P2,00 p.a.
Duplicate Licence fee (under reg. 3(6))	P1,00 p.a.
Detention fee (under reg. 7)	P2,00 per day

GABORONE CITY COUNCIL (CEMETERY) BYE-LAWS

(under regulations 34 and 35)

(28th June, 1968)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment
4. Burials outside cemetery
5. Permit for burials
6. Burial fees

7. Dimensions of graves
8. Body to be buried in coffin
9. Coffin to be covered
10. Graves to be numbered and burials registered
11. Memorial work
12. Exhumations
13. Restricted number of burials in one grave
14. Hours of opening of cemetery
15. Closing of cemetery
16. Exercise of control by caretaker
17. Offences within a cemetery
18. Penalties

First Schedule

Second Schedule - Burial Permit (Sesupo Sa Phitlho)

S.I. 54, 1968,
S.I. 56, 1997.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Cemetery) Bye-laws.

2. Interpretation

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

"**adult**", in relation to a deceased person, means a person other than a child;

"**caretaker**" means the person designated as such by the council;

"**cemetery**" means cemetery established under the provisions of bye-law 3;

"**child**" means a child under the age of 10 years;

"**City Clerk**" means the City Clerk of Gaborone;

"**Council**" means the City Council of Gaborone;

"**memorial work**" includes any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto.

3. Establishment

The areas of land defined in the First Schedule are established as cemeteries for the purposes of these Bye-laws.

4. Burials outside cemetery

No person shall bury or cause to be buried any body elsewhere than in a cemetery.

5. Permit for burials

(1) No burial shall take place in a cemetery except under, and in accordance with, a permit issued by the City Clerk and on payment of the fees prescribed in bye-law 6.

(2) The permit shall be in the form set out in the Second Schedule.

(3) A person making 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 his application shall be accompanied by a certificate of the cause of death signed by a medical practitioner or a duly certified copy thereof or, in the absence of such certificate, by the written permission of a magistrate authorizing the burial.

(4) The City Clerk may refuse the issue of a permit where the deceased died outside the city area and was not, prior to his death, a resident of the city.

6. Burial fees

(1) There shall be charged for the issue of a permit in accordance with the provisions of bye-law 5 burial fees of—

- (a) P10,00 in the case of the burial of an adult;
- (b) P6,00 in the case of the burial of a child:

Provided that the City Clerk may waive the payment of such fees in the whole or in part where he is satisfied that the person responsible for the burial is unable to pay the full amount and may, additionally or alternatively, make arrangements for the payment of the fee in instalments; and, in the event of any failure to comply with the terms and conditions of payment imposed by the City Clerk the outstanding balance owing shall forthwith be a debt due to the Council and shall be recoverable in a court of competent jurisdiction.

(2) In the event of a child's coffin being too large for a child's grave as prescribed in bye-law 7 and if, as a result, it is placed in an adult's grave, burial fees shall be paid at the rate prescribed for the burial of an adult.

7. Dimensions of graves

(1) Graves shall be of the following dimensions—

- (a) in the case of an adult—

length

2,128 m

width 0,912 m

depth 1,824 m

(b) in the case of a child—

length 1,524 m

width 0,912 m

depth 1,524 m.

(2) A person making application for a permit in accordance with the provisions of bye-law 5(3) shall notify the City Clerk in the event of any coffin being of dimensions greater than those prescribed in sub-bye-law (1)(a) and, in such event, an additional burial fee of P1 shall be payable.

8. Body to be buried in coffin

Unless the City Clerk otherwise directs no burial shall take place unless the body of the deceased is enclosed in a coffin of solid and sound construction.

9. Coffin to be covered

The person who is responsible for the burial shall forthwith upon placing the body in a grave cover it with earth until the grave is full.

10. Graves to be numbered and burials registered

(1) All graves in a cemetery shall be allotted a number and all burials shall be registered in a register book which shall be kept by the City Clerk.

(2) The register kept under the provisions of sub-bye-law (2) may be inspected by members of the public during office hours on payment of a fee of 25 thebe.

11. Memorial work

(1) No person may erect on any grave any memorial work without the permission in writing of the City Clerk and in accordance with such permission.

(2) Any person making application to the City Clerk for permission to erect any memorial work shall, if required to do so, furnish to the City Clerk plans or diagrams thereof in such degree of detail as he may specify and shall supply such details as the City Clerk may require as to the manner in which the work is to be executed.

(3) The City Clerk may refuse to grant permission for the erection of any other memorial work if he is of the opinion that the memorial work would be unsightly or offensive or if it is not of a permanent and durable nature:

Provided that any person aggrieved by any decision of the City Clerk under the provisions of this sub-bye-law may appeal to the Council.

(4) The Council may take down and remove any memorial work which has been placed or erected within a cemetery without their authority or which is not maintained in an adequate state of repair and any cost incurred by the Council in so doing may be recovered from the person who erected the work.

12. Exhumations

Subject to the provisions of the Inquests Act, no person shall exhume or cause any body to be exhumed within a cemetery or reopen any grave without the consent of the Council.

13. Restricted number of burials in one grave

Not more than one adult, or two children may be buried in any grave:

Provided that the body of a still-born child may be buried with the body of its mother.

14. Hours of opening of cemetery

A cemetery shall be open to the public between the hours of 10 a.m. and 4 p.m.:

Provided that—

- (a) nothing in this section shall authorize members of the public to enter any building or enclosed space within a cemetery;
- (b) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

15. Closing of cemetery

The council may by resolution close any cemetery; but any cemetery so closed shall continue to be a cemetery except that no burial may take place therein except on the authority of the council.

16. Exercise of control by caretaker

(1) Every person within a cemetery shall be subject to the direction and control of the caretaker who may, in addition, give such reasonable directions as he thinks fit for the arrangements of funerals and for the times and manner in which work within the cemetery is to be performed.

(2) No person shall resist or obstruct the caretaker in the execution of his duties or disobey any direction given under the provisions of sub-bye-law (1).

17. Offences within a cemetery

No person shall—

- (a) without the consent of the City Clerk or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 14;
- (b) destroy or injure any building, wall or fence in the cemetery or destroy or injure any tree or plant therein;
- (c) put up any bill in any cemetery or any wall thereof;
- (d) within a cemetery destroy, injure or deface any memorial work;
- (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 within a cemetery;
- (h) within a cemetery shout or scream or behave in an indecent or immodest manner;
- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door; or
- (j) allow any dog or livestock within the cemetery.

18. Penalties

Any person contravening the provisions of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding P15,00.

FIRST SCHEDULE

That piece of land known as the old cemetery, being presently Lot 1755.

That piece of land known as the new cemetery, being presently Lot 4688.

**SECOND SCHEDULE
BURIAL PERMIT
SESUPO SA PHITLHO**

(bye-law 5(2))

No.:

Nomore:.....

GABORONE CITY COUNCIL

Name of Applicant: (Full Name)
Leina la Mokopi: (Block Letters)

Address of Applicant:

Aterese ya Mokopi:

Name of Deceased:

Leina la Moswi:

Address of Deceased:

Aterese ya Moswi:

Date of Death:

Letsatsi la Loso:

Place of Death:

Felo ga Loso:

Death Certificate:

Sesupo sa Loso:

Age:

Dingwaga:

Sex:

Ke Mong:

*(9) Religious Denomination:

*(10) Wa Kereke Efe:

I certify that the information given above is true in every respect.
Mofoko otlhe a ke a buileng ke boammaruri.

.....
Signature of Applicant
Boitlamo Jwa Mokopi

.....
For Official Use Only
Ga Tiriso Ya Babereki Fela

Fee:

Tuelo:

Official Receipt No:

Nommore Ya Sesupo Sa Tuelo:

Grave Number:
Nomore ya Lebitla:

.....
City Clerk
Mokwaledi wa Motse

Date:

Letsatsi:

FRANCISTOWN TOWN COUNCIL (CEMETERY) BYE-LAWS

(under regulations 34 and 35)

(1st September, 1972)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment of cemeteries
4. Burials in cemetery
5. Permit for burials
6. Burial fees
7. Dimensions of graves
8. Body to be buried in coffin
9. Covering of coffin or body
10. Graves to be numbered and burials registered
11. Memorial work
12. Exhumations and reopenings
13. Restricted number of burials in one grave
14. Hours of opening of cemetery
15. Closing of cemetery
16. Exercise of control by caretaker
17. Offences within a cemetery
18. Penalties

First Schedule - List of Cemeteries

Second Schedule - Burial Permit (Sesupo Sa Phitlho)

S.I. 63, 1972.

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Cemetery) Bye-laws.

2. Interpretation

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

"**adult**" means a person other than a child;

"**caretaker**" means any person so designated by the council;

"**cemetery**" means a cemetery established under the provisions of bye-law 3;

"**child**" means a person under the age of 10 years;

"**council**" means the Francistown Town Council;

"**council area**" means the area of jurisdiction of the Francistown Town Council;

"**memorial work**" means any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto;

"**Town Clerk**" means the Town Clerk of Francistown.

3. Establishment of cemeteries

The areas of land defined in the First Schedule are established as cemeteries for the purposes of these Bye-laws.

4. Burial in cemetery

No person shall bury or cause to be buried any body elsewhere within the council area than in a cemetery.

5. Permit for burials

(1) No burial shall take place in a cemetery except under and in accordance with a permit issued by the Town Clerk and on payment of the fees prescribed in bye-law 6.

(2) The permit shall be in the form set out in the Second Schedule.

(3) A person making 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 his application shall be accompanied by a certificate of the cause of death signed by a medical practitioner or a duly certified copy thereof or, in the absence of such certificate, by the written permission of a magistrate or District Officer authorizing the burial.

(4) The Town Clerk may refuse the issue of a permit where the deceased died outside the

council area and was not, prior to his death, a resident of the council area.

6. Burial fees

There shall be charged for the issue of a permit in accordance with the provisions of bye-law 5 a burial fee of P5,00:

Provided that the Town Clerk may waive the payment of such fees in whole or in part where he is satisfied that the person responsible for the burial is unable to pay the full amount and may, additionally or alternatively, make arrangements for the payment of the fee in instalments, and, in the event of failure to comply with the terms and conditions of payment imposed by the Town Clerk the outstanding balance owing shall forthwith be a debt due to the council and shall be recoverable in a court of competent jurisdiction:

Provided further that the Town Clerk may waive the payment of such fees in whole or in part when the person responsible for the burial wishes to dig the grave himself and agrees to do so only after receiving authorization from the Town Clerk and undertakes to abide by specified conditions of siting and digging the grave as appear in bye-law 7 and as may be fixed from time to time by the council.

7. Dimensions of graves

Unless the Town Clerk otherwise directs, graves shall be of the following dimensions—

Length	2,134 metres
Width	0,991 metres
Depth	1,828 metres.

8. Body to be buried in coffin

Unless the Town Clerk otherwise directs no burial shall take place unless the body of the deceased is enclosed in a coffin of solid and sound construction.

9. Covering of coffin or body

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.

10. Graves to be numbered and burials registered

(1) All graves in a cemetery shall be allotted a number and all burials shall be registered in a register which shall be kept by the Town Clerk.

(2) The register may be inspected by members of the public during office hours.

11. Memorial work

(1) No person shall erect on any grave any memorial work without permission in writing from the Town Clerk and in accordance with such permission.

(2) Any person making application to the Town Clerk for permission to erect any memorial work shall, if required to do so, furnish the Town Clerk with plans or diagrams thereof in such degree of detail as he may specify and shall supply such details as the Town Clerk may require as to the manner in which the work is to be executed.

(3) The Town Clerk may refuse to grant permission for the erection of any memorial work if he is of the opinion that the memorial work would be unsightly or offensive or if it is not of a permanent and durable nature:

Provided that any person aggrieved by any decision of the Town Clerk may appeal to the council.

(4) The council may take down and remove any memorial work which has been placed or erected within a cemetery without their authority or which is not maintained in an adequate state of repair and any cost incurred by the council in so doing may be recovered from the person who erected the work.

12. Exhumations and reopenings

Subject to the provisions of the Inquests Act, no person shall exhume or cause any body to be exhumed within a cemetery or reopen any grave without the consent of the council.

13. Restricted number of burials in one grave

Unless the Town Clerk otherwise directs, not more than one adult, or two children, may be buried in any grave:

Provided that the body of a still-born child may be buried with the body of its mother.

14. Hours of opening of cemetery

A cemetery shall be open to the public between sunrise and sunset:

Provided that—

- (i) the Town Clerk or the caretaker may from time to time authorize an earlier opening or a later closing;
- (ii) nothing in this bye-law shall authorize members of the public to enter any building or enclosed space within a cemetery; and
- (iii) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

15. 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 except on the authority of the council.

16. Exercise of control by caretaker

(1) Every person within a cemetery shall be subject to the direction and control of the caretaker who may, in addition, give reasonable directions as he thinks fit for the arrangements of funerals.

(2) No person shall resist or obstruct the caretaker in the execution of his duties or disobey any directions given under the provisions of this bye-law.

17. Offences within a cemetery

No person shall—

- (a) without the consent of the Town Clerk or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 14;
- (b) destroy or injure any building, wall or fence in the cemetery or destroy or injure any tree or plant therein;
- (c) put up any bill in any cemetery or any wall thereof;
- (d) within a cemetery destroy, injure or deface any memorial work;
- (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 within a cemetery;
- (h) within a cemetery shout or scream or behave in an indecent or immodest manner;
- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door; or
- (j) allow any dog or livestock within a cemetery.

18. Penalties

Any person contravening the provisions of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding P15.

FIRST SCHEDULE LIST OF CEMETERIES

(Bye-law 3)

No. 1 — Cemetery adjacent to the Tati River and West of the Railway Bridge within Riverside South Polling Ward which is shown more fully on Plan NO-108.

- No. 2 — Cemetery near the Inchwe River and North of the Monarch Bridge and Road within the Monarch Polling Ward which site is shown more fully on Plan NO-107.
- No. 3 — Cemetery northeast of the intersection of the Monarch Road and the Veterinary Offices Road within the Government Camp Polling Ward which site is shown more fully on Plan NO-106.
- No. 4 — Cemetery south of the Maun Road and West of the Railway Reserve near the Nyangabgwe School within the Francistown Central Polling Ward which site is shown more fully on Plan NO-105.
- No. 5 — Cemetery north of the Palapye Road and south of the Matsiloje Road within the Francistown East Polling Ward and Known as Stand No. 1012, which site is shown more fully on Plan NO-104.

**SECOND SCHEDULE
BURIAL PERMIT
(Sesupo sa Phitlho)**

(Bye-law 5(2))

Number

(Nomore):

FRANCISTOWN TOWN COUNCIL

Applicant's Name
(Leina la Mokopi):

Address of Applicant
(Aterese ya Mokopi):

Name of Deceased:
(Leina la Moswi)

Date of Death
(Letsatsi la Loso):

Place of Death
(Felo ga Loso)

Death Certificate (issued where and by whom and when)
(Sesupo sa Loso)

Age
(Dingwaga):

Sex
(Ke Mong):

Religious Denomination *(11)

(Wa Kereke efe) *(12) :

I certify that the information given above is true in every respect
(Mafoko otlhe a ke a buileng ke boammaruri)

.....
Signature of Applicant
(Boitlamo jwa Mokopi)

LOBATSE TOWN COUNCIL (CEMETERY) BYE-LAWS

(under regulations 34 and 35)

(29th September, 1978)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Establishment
4. Burials outside cemetery
5. Burials without permit
6. Application for burial permits
7. Fees
8. Dimensions of graves
9. Body to be buried in coffin
10. Coffin to be covered
11. Graves to be numbered and burials registered
12. Restriction on erection of memorial work on graves
13. Exhumations
14. Restriction of number of bodies in one grave
15. Hours of opening of cemeteries
16. Closing of cemeteries
17. Exercise of control of cemeteries by caretakers
18. Offences within cemeteries
19. Penalties

First Schedule - Areas Established as Cemeteries

Second Schedule - Burial Permit

Third Schedule - Burial Fees

Fourth Schedule - Grave Dimensions

S.I. 104, 1978.

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (Cemetery) Bye-laws.

2. Interpretation

In these Bye-laws—

"the caretaker" means the person designated by the Town Council as the caretaker of a particular cemetery;

"cemetery" means an area established as a cemetery by bye-law 3;

"child" means a person under 10 years of age;

"memorial work" means any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto;

"Town Clerk" means the Town Clerk of the Lobatse Town Council;

"Town Council" means the Lobatse Town Council.

3. Establishment

Each of the areas specified in the First Schedule is hereby established as a cemetery.

4. Burials outside cemetery

No person shall bury or cause to be buried a body in any place other than in a cemetery.

5. Burials without permit

(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 Town Clerk or the caretaker of the cemetery.

(2) Every burial permit issued under this bye-law shall be in the form set out in the Second Schedule.

6. Application for burial permits

Every application for a burial permit to be issued under bye-law 5 shall be in the form set out in the Second Schedule and 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
- (b) by the written sanction of a magistrate or administrative officer authorizing the burial.

7. Fees

(1) Subject to this bye-law, a fee shall be paid for every burial permit issued under bye-law 5 before the permit is issued.

(2) The fee to be paid for a burial permit issued under bye-law 5 shall be as specified in the

Third Schedule.

(3) Where the Town Clerk is satisfied that any fee payable under this bye-law cannot, by reason of poverty, be paid, he may—

- (a) remit the fee either wholly or in part;
- (b) direct that the fee, or so much of the fee as he has not remitted under sub-bye-law (a), shall be paid by instalments of such amounts and at such times as he shall specify.

8. Dimensions of graves

Except where the Town Clerk 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 Fourth Schedule.

9. Body to be buried in coffin

Except where the Town Clerk otherwise directs, 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 this bye-law shall not apply in the case of the burial of a Muslim.

10. Coffin to be covered

The caretaker of the cemetery in which a body is buried shall ensure that as soon as the coffin or body is placed in a grave it is covered with earth until the grave is filled.

11. 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 Town Clerk.

(2) The register referred to in sub-bye-law (1) may be inspected by members of the public during ordinary office hours.

12. Restriction on erection of memorial work on graves

(1) No person shall erect on any grave any memorial work unless the written permission of the Town Clerk has been granted therefor and the erection is carried out in accordance with that permission.

(2) A person making application to the Town Clerk for his permission to erect any memorial work on a grave shall, if the Town Clerk requires him to do so, furnish the Town Clerk with plans or diagrams thereof in such degree of detail as to the manner in which the work is to be executed as the Town Clerk may require.

(3) The Town Clerk may refuse to grant permission for the erection of any memorial work on a grave if he 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; but any person aggrieved by such a refusal to grant permission may appeal to the Town Council whose decision shall be final.

(4) The Town Council may take down and remove any memorial work erected on a grave without the permission of the Town Clerk or of the Town Council granted on appeal under this bye-law or which is not maintained in an adequate state of repair and may recover from the person who erected the memorial work the cost of so doing.

13. Exhumations

Subject to the Inquests Act, no person shall exhume or cause to be exhumed a body within a cemetery or reopen any grave except with the written permission of the Town Council.

14. Restriction of number of bodies in one grave

No person shall bury or cause to be buried in a cemetery more than one body of a person who is not a child or more than two bodies of children in one grave unless the written permission of the Town Clerk has been granted therefor:

Provided that the body of a still-born child may be buried with the body of its mother in one grave without permission therefor being granted under this bye-law.

15. Hours of opening of cemeteries

Every cemetery shall be open to the public between sunrise and sunset:

Provided that—

- (i) the Town Clerk or the caretaker of the cemetery may from time to time authorize an earlier opening or a later closing of the cemetery;
- (ii) nothing in this bye-law shall authorize 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.

16. Closing of cemeteries

The Town Council may close any cemetery; but any cemetery so closed shall remain a cemetery except that no person shall bury or cause to be buried a body therein except with the written permission of the Town Council.

17. Exercise of control of cemeteries by caretakers

(1) Every person within a cemetery shall be subject to the directions and control of the caretaker of the cemetery.

(2) A caretaker of a cemetery may give such reasonable directions as he thinks fit for the arrangement of funerals or of a particular funeral.

(3) No person shall resist or obstruct the caretaker of a cemetery in the performance of his functions or disobey any lawful directions given by the caretaker.

18. Offences within cemeteries

No person shall—

- (a) enter or remain in any cemetery other than when the cemetery is open to the public in accordance with bye-law 15;
- (b) destroy, injure or damage any building, wall, fence, tree or plant within a cemetery;
- (c) put up any bill in a cemetery or on any wall or fence thereof;
- (d) destroy, injure or damage any memorial work within a cemetery;
- (e) play any game or sport in a cemetery;
- (f) discharge a firearm in a cemetery, unless he is lawfully ordered to do so as part of a military funeral;
- (g) disturb or annoy any person attending a 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; or
- (j) permit or allow any dog or livestock to enter or remain in any cemetery.

19. Penalties

Any person who contravenes these Bye-laws shall be liable to a fine not exceeding P15 or in default of payment to imprisonment for a term not exceeding two months.

FIRST SCHEDULE AREAS ESTABLISHED AS CEMETERIES

(bye-law 3)

Fenced areas east of Lobatse Township centre used as a cemetery

SECOND SCHEDULE BURIAL PERMITS

(bye-laws 5 and 6)

PART I Application for Burial Permit/ Kopo Ya Tetelele Ya Phitlho

LOBATSE TOWN COUNCIL

Applicant's full name

Copyright Government of Botswana

Leina la mokopi

Block letters/Ditlhaka tse ditona

Applicant's address
Aterese ya mokopi

Name of deceased
Leina la moswi

Address of deceased
Aterese ya moswi

Sex of deceased
Moswi ke mong

Age of deceased
Dingwaga tsa moswi

Religious denomination of deceased *(13)
Wa kereke efe—moswi *(14)

Date of death
Letsatsi la loso

Place of death
Felo ga loso

Death certificate (place and date of issue and name of issuing person)
Sesupo sa loso (felo, letsatsi le leina la yoo ntshitseng sesupo)

.....
.....
I certify that the information given above is true in every respect.
Mafoko otlhe a ke a buileng ke boammaruri.

.....
Signature of applicant
Boitlamo jwa mokopi

PART II

For Official Use Only
Ga Tiriso Ya Babereki Fela

Fee
Tuelo

Official Receipt No.
Nomore ya sesupo sa tuelo

Grave number
Nomore ya lebitla

PART III ***Burial Permit***

Tetlelelo ya Phitlho
Burial Hereby Permitted
Phitlho e Letleletswe

.....
Town Clerk/Caretaker

Date

Letsatsi

THIRD SCHEDULE **BURIAL FEES**

(bye-law 7)

Persons other than children P6 per grave

Children P4 per grave

FOURTH SCHEDULE **GRAVE DIMENSIONS**

(bye-law 8)

Grave of person other than child—

length 2,128 m

width 0,912 m

depth 1,824 m

Grave of child—

length 1,524 m

width 0,912 m

depth 1,524 m

Grave of two children—

length 1,524 m

width 1,218 m

depth 1,524 m

SELEBI-PHIKWE TOWN COUNCIL (CEMETERY) BYE-LAWS

(under regulations 34 and 35)

(11th January, 1974)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Establishment of cemeteries
4. Burial in cemetery
5. Burial permit
6. Burial fees
7. Dimensions of graves
8. Body to be buried in coffin
9. Covering of coffin or body
10. Graves to be numbered and burials registered
11. Memorial work
12. Exhumations and reopenings
13. Restricted number of burials in one grave
14. Hours of opening of cemetery
15. Closing of cemetery
16. Exercise of control by caretaker
17. Offences within a cemetery
18. Penalty

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Cemetery) Bye-laws.

2. Interpretation

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

"**adult**" means a person other than a child;

"**caretaker**" means any person so designated by the council;

"**cemetery**" means a cemetery established under the provision of bye-law 3;

"**child**" means a person under the age of 10 years;

"**memorial work**" means any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto.

3. Establishment of cemeteries

The areas of land defined in the First Schedule are established as cemeteries for the purposes of these Bye-laws.

4. Burial in cemetery

No person shall bury or cause to be buried any body elsewhere within the council area than in a cemetery.

5. Burial permit

(1) No burial shall take place in a cemetery except under and in accordance with a permit issued by the Town Clerk and on payment of the fees prescribed in bye-law 6.

(2) The permit shall be in the form set out in the Second Schedule.

(3) A person making application for a permit shall state—

(a) the name, age and sex of the deceased;

(b) the religious denomination, if any, of the deceased; and

(c) the place of death,

and his application shall be accompanied by a certificate of death signed by a medical

practitioner or a duly certified copy thereof or, in the absence of such certificate, by the written permission of a magistrate or District Officer authorizing the burial.

(4) The Town Clerk may refuse the issue of a permit where the deceased died outside the council area and was not prior to his death a resident of the area.

6. Burial fees

There shall be charged for the issue of a permit in accordance with the provision of bye-law 5 a burial fee of P5,00:

Provided that—

- (i) the Town Clerk may waive the payment of such fees in whole or in part where he is satisfied that the person responsible for the burial is unable to pay the full amount and may, additionally or alternatively, make arrangements for the payment of the fee in instalments, and in event of failure to comply with the terms and conditions of payment imposed by the Town Clerk, the outstanding balance owing shall forthwith be a debt due to the council and shall be recoverable in a court of competent jurisdiction; and
- (ii) the Town Clerk may waive the payment of such fees in whole or in part when the person responsible for the burial wishes to dig the grave himself and agrees to do so only after receiving authorization from the Town Clerk and undertakes to abide by the specified conditions of siting and digging the grave as appear in bye-law 7 and as may be fixed from time to time by the council.

7. Dimensions of graves

Unless the Town Clerk otherwise directs, graves shall be of the following dimensions—

Length	2,128 metres
Width	0,912 metres
Depth	1,824 metres.

8. Body to be buried in coffin

Unless the Town Clerk otherwise directs, no burial shall take place unless the body of the deceased is enclosed in a coffin of solid and sound construction.

9. Covering of coffin or body

(1) The family of the deceased shall—

- (a) immediately upon the placing of the coffin or body in a grave, cover it with earth until the grave is filled; and

- (b) be responsible for the maintenance and upkeep of the grave from the date of the burial.

(2) Notwithstanding the provisions of paragraph (1)(b), the Council shall, after satisfying itself that there is no family available to maintain and upkeep a particular grave, be responsible for the maintenance and upkeep of such grave.

10. Graves to be numbered and burials registered

(1) All graves in a cemetery shall be allocated a number and all burials shall be registered in a register which shall be kept by the Town Clerk.

(2) The register may be inspected by members of the public during office hours.

11. Memorial work

(1) No person shall erect on any grave any memorial work without permission in writing from the Town Clerk and in accordance with such permission.

(2) Any person making application to the Town Clerk for permission to erect any memorial work shall, if required to do so, furnish the Town Clerk with plans or diagrams thereof in such degree of detail as he may specify and shall supply such details as the Town Clerk may require as to the manner in which the work is to be executed.

(3) The Town Clerk may refuse to grant permission for the erection of any memorial work if he is of the opinion that the memorial work would be unsightly or offensive or if it is not of permanent and durable nature:

Provided that any person aggrieved by any decision of the Town Clerk may appeal to the council.

(4) The council may take down and remove any memorial work which has been placed or erected within a cemetery without their authority or which is not maintained in an adequate state of repair and any cost incurred by the council in so doing may be recovered from the person who erected the work.

12. Exhumations and re-openings

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 except with the consent of the council.

13. Restricted number of burials in one grave

Unless the Town Clerk otherwise directs, not more than one body of an adult or two bodies of children may be buried in one grave:

Provided that the body of a still-born baby may be buried with the body of its mother.

14. Hours of opening of cemetery

A cemetery shall be open to the public between sunrise and sunset provided that—

- (a) the Town Clerk or caretaker may from time to time authorize an earlier opening or a later closing;
- (b) nothing in this bye-law shall authorize members of the public to enter any building or enclosed space within a cemetery; and
- (c) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

15. 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 except on the authority of the Council.

16. Exercise of control by caretaker

(1) Every person within a cemetery shall be subject to the direction and control of the caretaker who may, in addition, give reasonable direction as he thinks fit for the arrangement of funerals.

(2) No person shall resist or obstruct the caretaker in the execution of his duties or disobey any directions given under the provisions of this bye-law.

17. Offences within a cemetery

No person shall—

- (a) without the consent of the Town Clerk or the caretaker, be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 14;
- (b) destroy or injure any building, wall or fence in the cemetery or destroy or injure any tree or plant thereof;
- (c) put up any bill in any cemetery or any wall thereof;
- (d) within a cemetery, destroy, injure or deface any memorial work;
- (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 within a cemetery;
- (h) within a cemetery, shout or scream or behave in an indecent or immodest manner;
- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door; or
- (j) allow any dog or livestock within a cemetery.

18. Penalty

Any person contravening the provisions of these Bye-laws 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 two months.

**FIRST SCHEDULE
LIST OF CEMETERIES**

(bye-law 3)

1. Fenced area north of the town centre used as a cemetery.

**SECOND SCHEDULE
BURIAL PERMIT
SESUPO SA PHITLHO**

(bye-law 5(2))

Number
Nomore

SELEBI-PHIKWE TOWN COUNCIL

Applicant's Name (Full name)
Leina la Mokopi

(BLOCK LETTERS)
(DITLHAKA TSE DITONA)

Applicant's Address
Aterese ya Mokopi

Name of Deceased
Leina la Moswi

Address of Deceased
Aterese ya Moswi

Date of Death.
Letsatsi la loso

Place of Death
Felo ga loso

Death Certificate (issued where and by whom and when)
Sesupo sa Loso

.....

..... Sex
Mong

Age
Dingwaga

*(15) Religious Denomination

*(16) Wa Kereke efe

I certify that the information given above is true in every respect.
Mafoko otlhe a ke a buileng ke boammaruri.

.....
Signature of applicant
Boitlamo jwa mokopi

.....
Town Clerk

FOR OFFICIAL USE ONLY
GA TIRISO YA BABEREKI FELA

Fee
Tuelo

Official Receipt No.
Nomore ya sesupo sa tuelo

Grave Number
Nomore ya Lebitla

APPROVED

.....
Town Clerk

Date
Letsatsi

GABORONE CITY COUNCIL (SMOKING IN CINEMAS) BYE-LAWS

(under regulations 34 and 35)

(16th April, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Smoking in cinemas prohibited
3. Penalties

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Smoking in Cinemas) Bye-laws.

2. Smoking in cinemas prohibited

(1) No person shall smoke tobacco or any other substance in a pipe or in the form of a cigar, cheroot, cigarillo or cigarette or in any other form or manner in any cinema, theatre, hall or roofed and enclosed place in which a public meeting, service, entertainment, recital or performance is being held, shown or given.

(2) This bye-law shall not apply to any performer while engaged in playing a part in any theatrical performance.

3. Penalties

Any person who contravenes bye-law 2 shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding P10 or, in default of payment, to imprisonment for a term not exceeding 14 days and on a subsequent conviction to a fine not exceeding P50 or, in default of payment, to imprisonment for a term not exceeding two months.

FRANCISTOWN TOWN COUNCIL (RETAIL SALES OF TRADITIONAL BEER) BYE-LAWS

(under regulations 34 and 35)

(12th March, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Traditional beer to be sold or bought only on licensed premises
4. Consumption on licensed premises
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. Breach of conditions
11. Revocation of licence
12. Fees
13. Appeal and review
14. Permitted hours
15. Sanitary conditions to be maintained
16. Restrictions on sale of traditional beer to young persons, etc.
17. Persons to sell on licensed premises
18. Drunkenness, etc. not to be permitted on licensed premises

19. Rights of licensee to refuse admission, etc.
20. Premises not to be a brothel, etc.
21. Structural alterations to premises
22. Inspection of premises by police, etc.
23. Closing of licensed premises
24. Criminal responsibility of employer and employee
25. Display of licence and bye-laws
26. Penalties

Schedule - Licence to Use Premises for the Retail Sale of Traditional Beer

S.I. 24, 1971,
S.I. 36, 1973

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Retail Sales of Traditional Beer) Bye-laws.

2. Interpretation

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

"council" means the Francistown Town Council;

"licensed" means licensed in terms of these Bye-laws;

"licensee" means the occupier of licensed premises;

"lolwapa" means a customary residential precinct;

"township" means the area of jurisdiction of Francistown Town Council;

"traditional beer" means—

- (a) beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as **"ila"**, **"kabidikama"** or **"banyana"**, or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as **"khadi"**; or
- (b) any other liquor which the Minister has, by order published in the *Gazette*, declared to be traditional beer for the purposes of the Trade and Liquor Act.

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 township except in a beerhall conducted by the 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 any person 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 hereto.

4. Consumption on licensed premises

No person shall consume traditional beer, or permit traditional beer to be consumed, on licensed premises 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 council and shall specify whether the applicant seeks a licence for—

- (a) sale for consumption on the licensed premises;
- (b) sale for consumption off the licensed premises; or
- (c) sale for consumption both on and off the licensed premises.

(2) An application for the renewal of a licence of premises for the sale of traditional beer by retail shall be made to the 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 township and in writing to the principal police officer of the township and the Medical Officer of Health.

6. Grant and renewal of licences

(1) Subject as herein, the 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 as herein, 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 or both.

(3) The 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 in the case of an applicant company the person responsible for its management and the management of the premises) is 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 their situation, construction, state of repair, accommodation and equipment, the premises 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; and
- (d) that the applicant has complied with these Bye-laws with respect to applications or licences.

(4) The council may refuse to grant a licence if it is of the opinion that sufficient licences under these Bye-laws have been issued in respect of the year the application is made.

(5) 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 traditional beer, non-alcoholic liquids and tobacco and of foodstuffs served for consumption on the premises.

(6) No person shall sell goods other than those provided for in sub-bye-law (5) on premises licensed for the sale of traditional beer for consumption on the premises.

(7) The 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 otherwise 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 fulfilled.

(8) 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

Subject to bye-laws 8 and 11, a licence shall remain in force until 31st December following the date upon which it takes effect and shall 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 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 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. Breach of conditions

No licensee shall contravene any condition attached to the licence granted in respect of the premises occupied by him.

11. Revocation of licence

Upon the conviction of any licensee of any offence under these Bye-laws the council may revoke his licence.

12. Fees

All fees collected in terms of these Bye-laws shall be paid into the General Fund of the council.

13. Appeal and review

(1) Any person aggrieved by any decision of the council under these Bye-Laws may within 30 days thereof give notice of appeal therefrom in writing to the 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 council shall refer the appeal to the Minister who shall have power to confirm or vary the decision.

14. Permitted hours

(1) Subject to sub-bye-law (4) on premises licensed for the sale of traditional beer for consumption on the premises no traditional beer shall be consumed except between 8 a.m. and 10.30 p.m.

(2) Subject to sub-bye-law (4) no traditional beer shall be sold on licensed premises except between 8 a.m. and 10.30 p.m.:

Provided that on licensed premises to which the Shop and Restaurants Hours Act applies and which are licensed for consumption off the premises, traditional beer may be sold for consumption off the licensed premises only 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 traditional beer may be sold thereon.

(4) On Good Friday no licensed premises shall be open.

15. Sanitary conditions to be maintained

Every licensee shall—

- (a) maintain the licensed 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) sell or cause to be sold no drink which is not sound and wholesome;
- (d) provide and maintain suitable means for protecting all foodstuffs and drinks on the premises from contamination by dust, dirt, flies and other causes of contamination; and
- (e) provide latrines for the staff of the licensed premises and in addition, in the case of premises licensed for the sale of traditional beer for consumption on the premises, adequate separate latrines for male and female customers.

16. Restrictions on sale of traditional beer to young persons, etc.

(1) No licensee shall sell or supply traditional beer to any person whom he knows or has reason to believe is under 18 years old.

(2) A person under 18 years old shall not consume or buy or attempt to buy traditional beer on licensed premises.

(3) No licensee shall sell to or permit any traditional beer to be consumed on the licensed premises by a person whom he knows or has reason to believe is under 18 years old.

(4) No person shall buy or attempt to buy traditional beer on licensed premises for consumption on those premises by a person whom he knows or has reason to believe is under 18 years old.

(5) No licensee shall employ on licensed premises any person whom he knows or has reason to believe to be under 18 years old, nor, except in such circumstances as the council may specify in the licence, shall he allow any such person to enter the licensed premises.

17. Persons 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, violent or riotous conduct to take place on the licensed premises.

(2) No licensee shall sell traditional beer to, or for consumption on the licensed premises by, any person who appears to be drunk or who is violent or riotous.

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 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 licensed premises forthwith.

20. Premises not 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. Structural alterations to 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 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 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-bye-law (1) to such premises.

23. Closing of licensed premises

(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 to close 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 these Bye-laws, then except in the circumstances set out in sub-bye-law (2) that licensee shall be deemed to have contravened these Bye-laws.

(2) Sub-bye-law (1) 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 these Bye-laws shall be deemed himself to have contravened these Bye-laws.

25. Display of licence and bye-laws

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 bye-law 3, 6(6), 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 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 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 bye-law 19(2) shall be guilty of an offence and liable to a fine not exceeding P20.

(5) A licensee of any premises which are altered contrary to bye-law 21, or a licensee who contravenes 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**

FRANCISTOWN TOWN COUNCIL

(Name) is hereby licensed, in accordance with the Francistown Town Council (Retail Sales of Traditional Beer) Bye-laws, to use the premises specified below until 31st December, 20....., for sale by retail of traditional beer for consumption on the premises *(17) /for consumption off the premises *(18) .

This licence is subject to the following conditions—

.....
.....

Premises

Date of issue

Fee paid

.....
Town Council Clerk

Date of Renewal

Date of Renewal

Fee paid

Fee paid

Date of Renewal

Date of Renewal

Fee paid

Fee paid

Date of Renewal

Date of Renewal

Fee paid

Fee paid

GABORONE CITY COUNCIL (RETAIL SALES OF TRADITIONAL BEER) BYE-LAWS

(under regulations 34 and 35)

(19th March, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Traditional beer to be sold or bought only on licensed premises
4. Consumption of traditional beer
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. Breach of conditions of licence
11. Revocation of licence
12. Fees collected
13. Appeal and review
14. Permitted hours
15. Sanitary conditions to be maintained
16. Restrictions on sale of traditional beer to young persons, etc.
17. Persons to sell on licensed premises
18. Drunkenness, etc., not to be permitted on licensed premises
19. Rights of licensee to refuse admission, etc.
20. Premises not to be a brothel, etc.
21. 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. Display of licence and bye-laws
26. Penalties

Schedule - Licence to Use Premises for the Retail Sale of Traditional Beer

S.I. 34, 1971,
S.I. 57, 1971,
S.I. 84, 1972

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Retail Sales of Traditional Beer) Bye-laws.

2. Interpretation

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

"**city**" means the area of jurisdiction of Gaborone City Council;

"**council**" means the Gaborone City Council;

"**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—

- (a) beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as **"ila"**, **"kabidikama"** or **"banyana"**, or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as **"khadi"**; or
- (b) any other liquor which the Minister may by order declare to be traditional beer for the purposes of the Trade and Liquor Act.

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 city except in a beer hall conducted by the 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 any person 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 hereto.

4. Consumption of traditional beer

No person shall consume traditional beer, or permit traditional beer to be consumed, on licensed premises 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 council and shall specify whether the applicant seeks a licence for—

- (a) sale for consumption on the licensed premises;
- (b) sale for consumption off the licensed premises; or
- (c) sale for consumption both on and off the licensed premises.

(2) An application for the renewal of a licence of premises for the sale of traditional beer by retail shall be made to the 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 city and in writing to the Commissioner of Police and the Medical Officer of Health.

6. Grant and renewal of licences

(1) Subject as herein, the 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 as herein, 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 or both.

(3) The 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 in the case of an applicant company the person responsible for its management and the management of the premises) is 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 their situation, construction, state of repair, accommodation and equipment, the premises 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; and
- (d) that the applicant has complied with these Bye-laws with respect to applications for licences.

(4) The council may refuse to grant a licence if it is of the opinion that sufficient licences under these Bye-laws have been issued in respect of the year for which the application is made.

(5) 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 traditional beer, non-alcoholic liquids and tobacco and of foodstuffs served for consumption on the premises.

(6) No person shall sell goods other than those provided for in sub-bye-law (5) on premises licensed for the sale of traditional beer for consumption on the premises.

(7) The 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 otherwise 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 fulfilled.

(8) 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

Subject to bye-laws 8 and 11, a licence shall remain in force until 31st December following the date upon which it takes effect and shall 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 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 the licensee.

(2) There shall be charged on every such endorsement a fee of P5.

9. Duplicate licences

The 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. Breach of conditions of licence

No licensee shall contravene any condition attached to the licence granted in respect of the premises occupied by him.

11. Revocation of licence

Upon the conviction of any licensee of any offence under these Bye-laws the council may revoke his licence.

12. Fees collected

All fees collected in terms of these Bye-laws shall be paid into the General Fund of the council.

13. Appeal and review

(1) Any person aggrieved by any decision of the council under these Bye-laws may within 30 days thereof give notice of appeal therefrom in writing to the 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 council shall refer the appeal to the Minister who shall have power to confirm or vary the decision.

14. Permitted hours

(1) Subject to sub-by-law (4) on premises licensed for the sale of traditional beer for consumption on the premises no traditional beer shall be consumed except between 8 a.m. and 10.30 p.m.

(2) Subject to sub-by-law (4) no traditional beer shall be sold on licensed premises except between 8 a.m. and 10.30 p.m.:

Provided that on licensed premises to which the Shop and Restaurant Hours Act applies and which are licensed for consumption off the premises, traditional beer may be sold for consumption off the licensed premises only 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 traditional beer may be sold thereon.

(4) On Good Friday no licensed premises shall be open.

15. Sanitary conditions to be maintained

Every licensee shall—

- (a) maintain the licensed 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) sell or cause to be sold no drink which is not sound and wholesome;
- (d) provide and maintain suitable means for protecting all foodstuffs and drinks on the premises from contamination by dust, dirt, flies and other causes of contamination; and
- (e) provide latrines for the staff of the licensed premises and in addition, in the case of premises licensed for the sale of traditional beer for consumption on the premises, adequate separate latrines for male and female customers.

16. Restrictions on sale of traditional beer to young persons, etc.

(1) No licensee shall sell or supply traditional beer to any person whom he knows or has reason to believe is under 18 years old.

(2) A person under 18 years old shall not consume or buy or attempt to buy traditional beer on licensed premises.

(3) No licensee shall sell to or permit any traditional beer to be consumed on the licensed premises by a person whom he knows or has reason to believe is under 18 years old.

(4) No person shall buy or attempt to buy traditional beer on licensed premises for

consumption on those premises by a person whom he knows or has reason to believe is under 18 years old.

(5) No licensee shall employ on licensed premises any person whom he knows or has reason to believe to be under 18 years old, nor, except in such circumstances as the council may specify in the licence, shall he allow any such person to enter the licensed premises.

17. Persons 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, violent or riotous conduct to take place on the licensed premises.

(2) No licensee shall sell traditional beer to, or for consumption on the licensed premises by, any person who appears to be drunk or who is violent or riotous.

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 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 licensed premises forthwith.

20. Premises not 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. 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 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 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-bye-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 to close 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 these Bye-laws, then except in the circumstances set out in sub-bye-law (2) that licensee shall be deemed to have contravened these Bye-laws.

(2) Sub-bye-law (1) 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 these Bye-laws shall be deemed himself to have contravened these Bye-laws.

25. Display of licence and bye-laws

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 bye-law 3, 6(6), 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

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both.

(2) Any person who contravenes 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 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 bye-law 19(2) shall be guilty of an offence and liable to a fine not exceeding P20.

(5) A licensee of any premises which are altered contrary to bye-law 21, or a licensee who contravenes 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
GABORONE CITY COUNCIL

(Name) is hereby licensed, in accordance with the Gaborone City Council (Retail Sales of Traditional Beer) Bye-laws, to use the premises specified below until 31st December, 20, for sale by retail of traditional beer for consumption on the premises *(19) /for consumption off the premises *(20) .

This licence is subject to the following conditions—

.....
.....

Premises

Date of issue

Fee paid

.....
Town Council Clerk

Date of Renewal

Date of Renewal

Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid

LOBATSE TOWN COUNCIL (RETAIL SALES OF TRADITIONAL BEER) BYE-LAWS

(under regulations 34 and 35)

(2nd April, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Traditional beer to be sold or bought only on licensed premises
4. Consumption on licensed premises
5. Application 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. Breach of conditions
11. Revocation of licence
12. Fees
13. Appeal and review
14. Permitted hours
15. Sanitary conditions to be maintained
16. Restrictions on sale of traditional beer to young persons, etc.
17. Persons to sell on licensed premises
18. Drunkenness, etc., not to be permitted on licensed premises
19. Rights of licensee to refuse admission, etc.
20. Premises not to be a brothel, etc.
21. Structural alterations to premises
22. Inspection of premises by police, etc.
23. Closing of licensed premises on serious breach of peace on danger to public health
24. Criminal responsibility of employer and employee
25. Display of licence and bye laws
26. Penalties

Schedule - Licence to Use Premises for the Retail Sale of Traditional Beer

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (Retail Sales of Traditional Beer) Bye-laws.

2. Interpretation

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

"council" means the Lobatse Town Council;

"licensed" means licensed in terms of these Bye-laws;

"licensee" means the occupier of licensed premises;

"lolwapa" means a customary residential precinct;

"township" means the area of jurisdiction of Lobatse Town Council;

"traditional beer" means—

- (a) beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as **"ila"**, **"kbidikama"** or **"banyana"**, or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as **"khadi"**; or
- (b) any other liquor which the Minister may by order published in the *Gazette*, declare to be traditional beer for the purposes of the Trade and Liquor Act.

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 township except in a beer hall conducted by the council, or on premises on which the sale of intoxicating liquor is permitted under the Trade and Liquor Act, 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 any person 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 hereto.

4. Consumption on licensed premises

No person shall consume traditional beer, or permit traditional beer to be consumed, on licensed premises 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 council and shall specify whether the applicant seeks a licence for—

- (a) sale for consumption on the licensed premises;
- (b) sale for consumption off the licensed premises; or
- (c) sale for consumption both on and off the licensed premises.

(2) An application for the renewal of a licence of premises for the sale of traditional beer by retail shall be made to the 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 township and in writing to the principal police officer of the township and the Medical Officer of Health.

6. Grant and renewal of licences

(1) Subject as herein, the 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 as herein, 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 or both.

(3) The 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 in the case of an applicant company the person responsible for its management and the management of the premises) is 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 their situation, construction, state of repair, accommodation and equipment, the premises 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; and
- (d) that the applicant has complied with these Bye-laws with respect to applications for licences.

(4) The council may refuse to grant a licence if it is of the opinion that sufficient licences under these Bye-laws have been issued in respect of the year for which the application is made.

(5) 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 traditional beer, non-alcoholic liquids and tobacco and of foodstuffs served for consumption on the premises.

(6) No person shall sell goods other than those provided for in sub-by-law (5) on premises licensed for the sale of traditional beer for consumption on the premises.

(7) The 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 otherwise 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 fulfilled.

(8) 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

Subject to bye-laws 8 and 11, a licence 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 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 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. Breach of conditions

No licensee shall contravene any condition attached to the licence granted in respect of the premises occupied by him.

11. Revocation of licence

Upon the conviction of any licensee of any offence under these Bye-laws the council may revoke his licence.

12. Fees

All fees collected in terms of these Bye-Laws shall be paid into the General Fund of the council.

13. Appeal and review

(1) Any person aggrieved by any decision of the council under these Bye-laws may within 30 days thereof give notice of appeal therefrom in writing to the 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 council shall refer the appeal to the Minister who shall have power to confirm or vary the decision.

14. Permitted hours

(1) Subject to sub-bye-law (4) on premises licensed for the sale of traditional beer for consumption on the premises no traditional beer shall be consumed except between 8 a.m. and 10.30 p.m.:

Provided that on licensed premises to which the Shop and Restaurant Hours Act applies and which are licensed for consumption off the premises, traditional beer may be sold for consumption off the licensed premises only 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 traditional beer may be sold thereon.

(4) On Good Friday no licensed premises shall be open.

15. Sanitary conditions to be maintained

Every licensee shall—

- (a) maintain the licensed 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) sell or cause to be sold no drink which is not sound and wholesome;
- (d) provide and maintain suitable means for protecting all foodstuffs and drinks on the premises from contamination by dust, dirt, flies and other causes of contamination; and

- (e) provide latrines for the staff of the licensed premises and in addition, in the case of premises licensed for the sale of traditional beer for consumption on the premises, adequate separate latrines for male and female customers.

16. Restrictions on sale of traditional beer to young persons, etc.

(1) No licensee shall sell or supply traditional beer to any person whom he knows or has reason to believe is under 18 years old.

(2) A person under 18 years old shall not consume or buy or attempt to buy traditional beer on licensed premises.

(3) No licensee shall sell to or permit any traditional beer to be consumed on the licensed premises by a person whom he knows or has reason to believe is under 18 years old.

(4) No person shall buy or attempt to buy traditional beer on licensed premises for consumption on those premises by a person whom he knows or has reason to believe is under 18 years old.

(5) No licensee shall employ on licensed premises any person whom he knows or has reason to believe to be under 18 years old, nor, except in such circumstances as the council may specify in the licence, shall he allow any such person to enter the licensed premises.

17. Persons 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, violent or riotous conduct to take place on the licensed premises.

(2) No licensee shall sell traditional beer to, or for consumption on the licensed premises by, any person who appears to be drunk or who is violent or riotous.

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 these Bye-laws is required 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 licensed premises forthwith.

20. Premises not 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. Structural alterations to 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 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 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-bye-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 to close 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 these Bye-laws, then except in the circumstances set out in sub-bye-law (2) that licensee shall be deemed to have contravened these Bye-laws.

(2) Sub-bye-law (1) 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 these Bye-laws shall be deemed himself to have contravened these Bye-laws.

25. Display of licence and bye-laws

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 bye-law 3, 6(6), 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 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 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 bye-law 19(2) shall be guilty of an offence and liable to a fine not exceeding P20.

(5) A licensee of any premises which are altered contrary to bye-law 21, or a licensee who contravenes 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 LOBATSE TOWN COUNCIL

(Name) is hereby licensed, in accordance with the Lobatse Town Council (Retail Sales of Traditional Beer) Bye-laws, to use the premises specified below until 31st December, 20, for sale by retail of traditional beer for consumption on the premises *(21) /for consumption off the premises *(22) .

This licence is subject to the following conditions—

.....
.....

Premises
Date of issue
Fee paid

.....
Town Council Clerk

Date of Renewal	Date of Renewal
Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid

**JWANENG TOWN COUNCIL (CONTROL OF RETAIL SALES OF TRADITIONAL BEER)
BYE-LAWS**

(under regulations 34 and 35)

(19th September, 1980)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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20. Structural alteration to licensed premises
21. Display of licence and of bye-laws
22. Power to inspect licensed premises
23. Closure of licensed premises
24. Imputed criminal liability of licensee and licensee's servant
25. Revocation of licence on conviction of licensee

Schedule - Traditional Beer Licence Fees

S.I. 115, 1980.

1. Citation

These Bye-laws may be cited as the Jwaneng Town Council (Control of Retail Sales of Traditional Beer) Bye-laws.

2. Interpretation

In these Bye-laws—

"council" means Jwaneng Town Council;

"licensed premises" means premises in respect of which a traditional beer licence is in force;

"licensee" means the holder of a traditional beer licence;

"Town Clerk" means the Town Clerk of Jwaneng Town Council;

"township" means the area of jurisdiction of the Jwaneng Town Council;

"traditional beer" means—

- (a) beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum (but excluding the liquors commonly known as **"ila"**, **"kabidikama"** or **"banyana"**) or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as **"khadi"**; or
- (b) any other liquor which the Minister may, by order published in the *Gazette*, declare to be traditional beer for the purposes of the Trade and Liquor Act.

3. General restriction on sale of traditional beer by retail

(1) No person shall sell or buy traditional beer by retail within the township except—

- (a) in a beer hall conducted by the council;
- (b) on premises in respect of which a licence issued under the Trade and Liquor Act (other than a provisional licence) is in force; or
- (c) on premises in respect of which a licence issued under these Bye-laws (hereinafter referred to as a "traditional beer licence") is in force.

(2) Any person who contravenes this bye-law 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.

4. Application for issue, renewal or transfer of traditional beer licence

(1) In order to make an application for the issue or renewal of a traditional beer licence or for the transfer of such a licence to another person the occupier of the premises in respect of which the licence is sought or is in force, as the case may be, shall lodge an application in writing, in such form as the council may require, with the Town Clerk.

(2) Every application for the issue of a traditional beer licence shall state whether a licence is sought authorizing the sale of traditional beer for consumption—

- (a) on the premises in question;

- (b) off the premises in question; or
- (c) both on and off the premises in question.

(3) No application for the issue or renewal of a traditional beer licence shall be made unless the applicant, not less than 21 days immediately before the application is made, has given notice of his intention to make the application and of the particulars thereof in a newspaper circulating within the township and in writing served on the principal police officer and the Government Medical Officer of Health stationed within the township.

(4) No application for the renewal of a traditional beer licence shall be made after the licence has expired.

(5) Where an application is made in accordance with this bye-law, the Town Clerk shall place the application before the council at its meeting next after the date on which the application was made.

5. Issue or renewal of traditional beer licence

(1) Subject to the other provisions of this bye-law, the council shall—

- (a) grant every application for the issue of a traditional beer licence, and the Town Clerk shall issue a licence authorizing the kind of sale for which authorization was sought; and
- (b) grant every application for the renewal of a traditional beer licence, and the Town Clerk shall endorse the licence to the effect that it has been renewed:

Provided that the council may—

- (i) attach to the licence such conditions as it thinks appropriate, which conditions shall be clearly written in the licence by the Town Clerk, and
- (ii) where an application is for the issue of a licence authorizing the sale of traditional beer for consumption both on and off the premises in question or for the renewal of a licence already authorizing both kinds of sale, direct the Town Clerk to issue a licence authorizing one kind of sale alone or to alter the existing licence to authorize one kind of sale alone.

(2) The council shall not grant an application for the issue or renewal of a traditional beer licence unless it is satisfied—

- (a) that the person to whom the licence is to be issued or the holder of the existing licence, as the case may be, is or remains of good character and repute and otherwise a fit and proper person to sell traditional beer by retail;
- (b) that, having regard to their situation, construction, state of repair, accommodation and equipment, the premises in question are or remain suitable for the kind of sale to be authorized by the licence;

- (c) that the premises in question are not used or likely to be used for a purpose which is in any way improper or undesirable in connection with the use of those premises for the sale of traditional beer; and
- (d) that the application has been made in accordance with these Bye-laws.

(3) The council may refuse to grant an application for the issue of a traditional beer licence if it is of the opinion that a sufficient type of such licences are already or are likely to be in force in respect of the period for which such licence would otherwise have been in force unless renewed.

(4) The council may approve in principle an application for the issue or renewal of a traditional beer licence but withhold granting the application until it is satisfied (by inspection or otherwise) that any condition in relation to the construction, state of repair, accommodation or equipment of the premises in question, which it proposes to attach or has already attached to the licence, is being observed.

(5) No traditional beer licence shall be issued to any company, society, partnership or other association of persons; but this sub-bye-law shall not prohibit the issue of such a licence to the nominee of a company, society, partnership or other association of persons.

6. Transfer of traditional beer licence

(1) Subject to the other provisions of this bye-law, the council shall grant every application for the transfer of a traditional beer licence to another person, and the Town Clerk shall endorse the licence to the effect that it has been transferred to the other person concerned.

(2) The council shall not grant an application for the transfer of a traditional beer licence to another person unless it is satisfied—

- (a) that the person to whom the licence is to be transferred is of good character and repute and otherwise a fit and proper person to sell traditional beer by retail; and
- (b) that the application has been made in accordance with these Bye-laws.

(3) No traditional beer licence shall be transferred to any company, society, partnership or other association of persons; but, where the person holding such a licence has been but ceases to be the nominee of a company, society, partnership or other association of persons, steps may be taken in accordance with these Bye-laws to have the licence transferred to a new nominee of that company, society, partnership or other association of persons.

(4) No traditional beer licence shall be transferable in respect of the premises to which it relates.

7. Appeal to Minister against decision of council

(1) Any applicant for the issue, renewal or transfer of a traditional beer licence who is aggrieved by the council's decision not to grant his application or as to any term of or condition attached to the licence may appeal against that decision to the Minister by written notice.

(2) Every notice of appeal under this bye-law shall be lodged in duplicate with the Town Clerk within 30 days immediately after the date on which the application was refused or the licence issued or endorsed to the effect that it had been renewed, as the case may be, and the Town Clerk shall forthwith transmit one copy of the notice of appeal to the Minister.

(3) Every notice of appeal under this bye-law shall clearly state—

- (a) the appellant's full name, residential address and postal address (if any);
- (b) the date on which the application was refused or the licence issued or endorsed to the effect that it had been renewed, as the case may be;
- (c) where the appeal is against a decision as to any term of or condition attached to the licence, the full terms and conditions of the licence; and
- (d) the grounds on which the appellant contends that his application was wrongly refused or the term or condition in question should be rescinded or altered.

(4) The Minister shall consider every appeal made to him under this bye-law and shall—

- (a) in the case of an appeal against a decision of the council not to grant an application for the issue, renewal or transfer of a traditional beer licence, either dismiss the appeal or allow it, in which last case the Town Clerk shall forthwith issue a licence authorizing the kind of sale for which authorization was sought (unless the Minister otherwise directs under sub-bye-law (5)(b)) or endorse the licence to the effect that it has been renewed or transferred to the other person concerned, as is appropriate; or
- (b) in the case of an appeal against a decision of the council as to any term of or condition attached to a traditional beer licence, either dismiss the appeal or allow it, wholly or in part, and rescind or alter the term or condition, in which last case the Town Clerk shall forthwith ensure that the terms and conditions set out in the licence accord with the Minister's decision.

(5) Where the Minister allows an appeal under this bye-law against a decision of the council not to grant an application for the issue or renewal of a traditional beer licence, the Minister may—

- (a) attach to the licence such conditions as he thinks appropriate, which conditions shall be clearly written in the licence by the Town Clerk; and
- (b) where the application was for the issue of a licence authorizing the sale of traditional beer for consumption both on and off the premises in question or for the renewal of a licence already authorizing both kinds of sale, direct the Town Clerk to issue a licence authorizing one kind of sale alone or to alter the existing licence to authorize one kind of sale alone.

8. Issue of duplicate of traditional beer licence

(1) In order to replace a traditional beer licence which has been lost or destroyed, the holder

thereof shall apply in writing to the Town Clerk for a duplicate of the same.

(2) Where the Town Clerk is satisfied that the original licence has been lost or destroyed, he shall grant every application under this bye-law and issue to the applicant a duplicate of the original traditional beer licence.

9. Fees in connection with traditional beer licence

(1) For the issue, renewal or transfer of a traditional beer licence or for the issue of a duplicate thereof, a fee shall be payable to the council as provided in the Schedule and the fee shall be paid before the licence is issued, renewed or transferred or the duplicate thereof is issued, as the case may be.

(2) All fees paid in accordance with this bye-law shall be paid into the general fund of the council.

10. Period of validity of traditional beer licence

Every traditional beer licence shall remain in force until 31st December next following the date specified in the licence by the Town Clerk from which it takes effect on issue or renewal unless earlier renewed in accordance with these Bye-laws.

11. Consumption on licensed premises

(1) No person shall consume traditional beer or permit traditional beer to be consumed on licensed premises unless the traditional beer licence in respect of those premises authorizes the sale of traditional beer for consumption on those premises.

(2) Any person who contravenes 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 three months, or to both.

12. Permitted hours

(1) No person shall sell traditional beer on licensed premises except between 8 a.m. and 10.30 p.m.

Provided that, where the traditional beer licence in question authorizes the sale of traditional beer for consumption off the premises and the Shop and Restaurants Hours Act applies to those premises, no person shall sell traditional beer on those premises except during the hours permitted by that Act.

(2) No person shall consume traditional beer or permit traditional beer to be consumed on licensed premises in respect of which the sale of traditional beer for consumption on those premises is authorized except between 8 a.m. and 10.30 p.m. on any day other than Good Friday.

(3) Every licensee shall ensure that the licensed premises are closed to the public except during the hours during which traditional beer may be sold on those premises.

(4) Every licensee shall ensure that the licensed premises are closed to the public on Good

Friday.

(5) Any person who contravenes 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 three months, or to both.

13. Penalties for breach of condition attached to traditional beer licence

Any licensee who contravenes a condition attached to his traditional beer licence by the council or by the Minister 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 each day during which the offence continues:

Provided that the court may fix a reasonable period from the date of conviction within which the licensee is to observe the condition in question and, where the court does so, the daily penalty shall not be recoverable in respect of any day before the expiry of that period.

14. Duties of licensee

(1) Every licensee shall at all times ensure—

- (a) that the licensed premises (including any latrines provided in accordance with this bye-law) and all utensils, containers, linen, towels, cloths, furnishings and all other articles used therein are in a clean and sanitary condition and in good repair;
- (b) that no drink is sold on the licensed premises which is not wholesome;
- (c) that effective means are available for protecting all foodstuffs and drink on the licensed premises from contamination by dust, dirt or flies or by any other agency whatsoever;
- (d) that adequate latrines are provided for the staff of the licensed premises and, in the case of licensed premises in respect of which the sale of traditional beer for consumption on those premises is authorized, that adequate separate latrines are provided for men and women customers; and
- (e) in the case of licensed premises in respect of which the sale of traditional beer for consumption on those premises is authorized, that the premises are used, in addition to the sale of traditional beer, for the sale only of non-alcoholic drinks and tobacco and of food to be consumed on the premises.

(2) Any licensee who contravenes 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 three months, or to both.

15. Restriction on sale or supply of traditional beer on licensed premises to person under 18

(1) No person shall sell or supply traditional beer on licensed premises to a person whom he knows or has reasonable cause to believe is under 18 years of age.

(2) No person shall permit traditional beer to be consumed on licensed premises by a person whom he knows or has reasonable cause to believe is under 18 years of age.

(3) No person shall buy or otherwise obtain traditional beer on licensed premises for consumption on those premises by a person whom he knows or has reasonable cause to believe is under 18 years of age.

(4) No person under 18 years of age shall buy or otherwise obtain or consume traditional beer on licensed premises.

(5) No licensee shall employ on the licensed premises any person whom he knows or has reasonable cause to believe is under 18 years of age and no licensee shall permit such a person to enter or remain on the licensed premises except to the extent that his licence may authorize him to do so.

(6) Any person who contravenes 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 three months, or to both.

16. Persons to sell on licensed premises

(1) No person shall sell traditional beer on licensed premises unless he is the licensee of those premises or the servant of the licensee.

(2) No licensee shall permit another person to sell traditional beer on the licensed premises unless that other person is his servant.

(3) Any person who contravenes 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 three months, or to both.

17. Drunkenness, etc. not to be permitted on licensed premises

(1) A licensee shall not—

- (a) permit drunkenness or violent or disorderly conduct on the licensed premises; or
- (b) sell traditional beer on the licensed premises to or for consumption on the licensed premises by any person who he has reasonable cause to believe is drunk or whose conduct is violent or disorderly.

(2) Any licensee who contravenes this bye-law shall be guilty of an offence and liable—

- (a) in the case of a contravention of sub-bye-law (1)(a), to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both; or
- (b) in the case of a contravention of sub-bye-law (1)(b), to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

18. Power of licensee to refuse admission to or to expel from licensed premises

(1) Without prejudice to his rights under any other law, a licensee or his servant may refuse to admit to, or, expel from the licensed premises, any person who appears to him to be drunk or whose conduct is violent or disorderly or whose presence or continued presence on the licensed premises might, in the opinion of the licensee or his servant, as the case may be,

expose the licensee or his servant to a penalty under these Bye-laws or any other written law.

(2) Any person liable to be expelled from licensed premises under this bye-law shall, on being required to leave the premises by the licensee or his servant or by a police officer, immediately leave the licensed premises.

(3) No person shall hinder or obstruct a licensee or his servant in the exercise of the powers conferred on him by this bye-law.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable—

(a) in the case of a contravention of sub-bye-law (2), to a fine not exceeding P20; or

(b) in the case of a contravention of sub-bye-law (3) to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

19. Licensed premises not to be used as brothel

(1) Every licensee shall ensure that the licensed premises are not used as a brothel or as an habitual resort or place of meeting of reputed prostitutes.

(2) Any licensee who contravenes this bye-law 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.

20. Structural alteration to licensed premises

(1) No person shall make any structural alteration or addition to licensed premises or any material alteration to the internal arrangement of licensed premises unless the council has approved the alteration or addition in writing signed by the Town Clerk.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 and, in the case of a continuing offence, to an additional fine not exceeding P10 for every day the offence continues.

21. Display of licence and of bye-laws

(1) Every licensee shall ensure that a copy of his licence and a copy of these Bye-laws are displayed in a conspicuous place within the licensed premises, where the same may readily be read by members of the public, at all times when the licensed premises are open to the public.

(2) Any licensee who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 and, in the case of a continuing offence, to an additional fine not exceeding P10 for every day the offence continues.

22. Power to inspect licensed premises

(1) The Town Clerk, any person authorized by the Town Clerk in writing in that behalf or any police officer or Government Medical Officer of Health may, at any time, enter and inspect licensed premises for the purpose of ensuring that these Bye-laws and the terms of any conditions attached to the traditional beer licence in question are being complied with and of observing the construction, state of repair, accommodation, equipment and sanitary condition of

the premises.

(2) Any person who hinders or obstructs any person such as is referred to in this bye-law in the exercise of the powers conferred on him by 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 three months, or to both.

23. Closure of licensed premises

(1) Where any serious breach of the peace takes place or there are reasonable grounds to suppose that a serious breach of the peace is imminent in any place in or near which licensed premises are situated, a Senior District Officer, District Officer or the principal police officer stationed within the township may order the licensee of those premises or, in his absence, any servant of the licensee immediately to close the premises to the public if they are then open, or to refrain from opening the premises to the public, if they are then closed, and thereafter the licensee shall ensure that the premises are kept closed to the public for such period as the person giving the order may require.

(2) Where an order to close licensed premises is given under sub-bye-law (1), the licensee and his servant may use such force as is both necessary and reasonable to comply with the order and the person giving the order and any public officer (including a police officer) subordinate to him and acting under his direction may use such force as is both necessary and reasonable to ensure compliance with the order.

(3) Where, in the opinion of a Government Medical Officer of Health, a danger to public health is likely to be caused by any licensed premises being open to the public, he may in writing order the licensee of those premises or, in his absence, any servant of the licensee immediately to close the premises to the public, if they are then open, or to refrain from opening the premises to the public, if they are then closed, and thereafter the licensee shall ensure that the premises are kept closed to the public for such period as the Government Medical Officer of Health may require.

(4) Any licensee or his servant who fails immediately to take every reasonable step to close the licensed premises to the public on being ordered to do so under this bye-law or opens the licensed premises to the public having been ordered to refrain from doing so under this bye-law and any licensee who fails to ensure that the licensed premises are kept closed for the period required under this bye-law and any person who hinders, obstructs or delays compliance with an order under 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 three months, or to both.

24. Imputed criminal liability of licensee and of licensee's servant

(1) Where the servant of a licensee does or omits to do anything which would constitute an offence under these Bye-laws if the licensee had done or omitted to do that thing, the servant shall be deemed, for the purposes of these Bye-laws, to commit that offence.

(2) Where the servant of a licensee commits or is deemed, by virtue of sub-bye-law (1), to commit an offence under these Bye-laws, the licensee shall be deemed, for the purposes of

these Bye-laws, also to commit that offence unless he proves—

- (a) that the servant acted without the licensee's knowledge, consent and connivance; and
- (b) that the licensee has taken every reasonable step to prevent any commission, act or omission of the kind in question.

(3) A licensee shall be deemed, for the purposes of sub-bye-law (2), not to have taken every reasonable step to prevent any commission, act or omission of the kind in question if the only step he has taken is to issue instructions forbidding such commission, act or omission by his servant.

(4) Where a licensee is deemed, by virtue of sub-bye-law (2), to commit an offence under these Bye-laws, he and the servant in question may be prosecuted for that offence either separately or together.

25. Revocation of licence on conviction of licensee

(1) Where the council is satisfied that a licensee has been convicted of an offence under these Bye-laws, it may, notwithstanding bye-law 10, forthwith cancel the licensee's traditional beer licence and thereupon the Town Clerk shall serve notice in writing of the cancellation on the licensee.

(2) Where a court convicts a licensee of an offence under these Bye-laws, it shall forthwith inform the council in writing of the conviction.

(3) Where a traditional beer licence has been cancelled under this bye-law and the conviction in question is subsequently quashed, the council shall forthwith restore the licence unless it would otherwise have expired.

(4) Any person who has been served with notice under this bye-law of the cancellation of his traditional beer licence and who fails forthwith to return the licence form to the Town Clerk 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 P5 for each day during which the offence continues:

Provided that a person shall not be liable to be convicted under this sub-bye-law if he proves he was unable to return the licence form to the Town Clerk by reason of its having been lost or destroyed through no fault of his.

(5) Where a traditional beer licence is cancelled under this bye-law, no fee paid in respect of the licence shall be refunded.

SCHEDULE TRADITIONAL BEER LICENCE FEES

(bye-law 9)

1. For the issue or renewal of a traditional beer licence authorizing the sale of traditional beer for consumption—

- (a) on the premises, a fee of P50 shall be payable:

Provided that, where the licence is to take effect on issue after 30th June in any year, a fee of P25 shall be payable;

- (b) off the premises, a fee of P20 shall be payable:

Provided that, where the licence is to take effect on issue after 30th June in any year, a fee of P10 shall be payable; or

- (c) both on and off the premises, a fee of P70 shall be payable:

Provided that, where the licence is to take effect on issue after 30th June in any year, a fee of P35 shall be payable.

2. For the transfer of a traditional beer licence, a fee of P5 shall be payable.

3. For the issue of a duplicate of a traditional beer licence, a fee of 50 thebe shall be payable.

SELEBI-PHIKWE TOWN COUNCIL (RETAIL SALES OF TRADITIONAL BEER) BYE-LAWS

(under regulations 34 and 35)

(17th September, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Beer to be sold on licensed premises
4. Consumption on licensed premises
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. Breach of conditions
11. Revocation of licence
12. Fees
13. Appeal and review
14. Permitted hours
15. Sanitary conditions to be maintained
16. Restrictions on sale of traditional beer to young persons, etc.
17. Persons to sell on licensed premises
18. Drunkenness, etc. not permitted on licensed premises
19. Rights of licensee to refuse admission, etc.
20. Premises not to be a brothel, etc.
21. Structural alterations to licensed premises
22. Inspection of premises by police, etc.
23. Closing of licensed premises

- 24. Criminal responsibility of employer and employee
- 25. Display of licence and bye-laws
- 26. Penalties

Schedule - Licence to Use Premises for the Retail Sale of Traditional Beer

S.I. 108, 1971,
S.I. 37, 1973.

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Retail Sales of Traditional Beer) Bye-laws.

2. Interpretation

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

"council" means the Selebi-Phikwe Town Council;

"licensed" means licensed in terms of these Bye-laws;

"licensee" means the occupier of licensed premises;

"lolwapa" means a customary residential precinct;

"township" means the area of jurisdiction of Selebi-Phikwe Town Council;

"traditional beer" means—

- (a) beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as **"ila"**, **"kabidikama"** or **"banyana"**, or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as **"khadi"**; or
- (b) any other liquor which the Minister may by order published in the *Gazette*, declare to be traditional beer for the purposes of the Trade and Liquor Act.

3. Beer to be sold on licensed premises

(1) No person shall sell or buy any traditional beer by retail within the township except in a beerhall conducted by the 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 any person 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 hereto.

4. Consumption on licensed premises

No person shall consume traditional beer, or permit traditional beer to be consumed, on licensed premises 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 council and shall specify whether the applicant seeks a licence for—

- (a) sale for consumption on the licensed premises;
- (b) sale for consumption off the licensed premises; or
- (c) sale for consumption both on and off the licensed premises.

(2) An application for the renewal of a licence of premises for the sale of traditional beer by retail shall be made to the 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 township and in writing to the principal police officer of the township and the Medical Officer of Health.

6. Grant and renewal of licences

(1) Subject as herein, the 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 as herein, 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 or both.

(3) The 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 in the case of an applicant company the person responsible for its management and the management of the premises) is 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 their situation, construction, state of repair, accommodation and equipment, the premises 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; and
- (d) that the applicant has complied with these Bye-laws with respect to applications for

licences.

(4) The council may refuse to grant a licence if it is of the opinion that sufficient licences under these Bye-laws have been issued in respect of the year for which the application is made.

(5) 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 traditional beer, non-alcoholic liquids and tobacco and of foodstuffs served for consumption on the premises.

(6) No person shall sell goods other than those provided for in sub-bye-law (5) on premises licensed for the sale of traditional beer for consumption on the premises.

(7) The 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 otherwise 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 fulfilled.

(8) 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

Subject to bye-laws 8 and 11, a licence 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 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 the licensee.

(2) There shall be charged on every such endorsement a fee of P5.

9. Duplicate licences

The council, if satisfied that a licence has been lost or destroyed, shall on payment of a fee of

50 thebe authorise the issue of a duplicate to the licensee.

10. Breach of conditions

No licensee shall contravene any condition attached to the licence granted in respect of the premises occupied by him.

11. Revocation of licence

Upon the conviction of any licensee of any offence under these Bye-laws the council may revoke his licence.

12. Fees

All fees collected in terms of these Bye-laws shall be paid into the General Fund of the council.

13. Appeal and review

(1) Any person aggrieved by any decision of the council under these Bye-Laws may within 30 days thereof give notice of appeal therefrom in writing to the 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 council shall refer the appeal to the Minister who shall have power to confirm or vary the decision.

14. Permitted hours

(1) Subject to sub-bye-law (4) on premises licensed for the sale of traditional beer for consumption on the premises no traditional beer shall be consumed except between 8 a.m. and 10.30 p.m.:

Provided that on licensed premises to which the Shop and Restaurants Hours Act applies and which are licensed for consumption off the premises, traditional beer may be sold for consumption off the licensed premises only 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 traditional beer may be sold thereon.

(4) On Good Friday no licensed premises shall be open.

15. Sanitary conditions to be maintained

Every licensee shall—

- (a) maintain the licensed 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) sell or cause to be sold no drink which is not sound and wholesome;
- (d) provide and maintain suitable means for protecting all foodstuffs and drinks on the premises from contamination by dust, dirt, flies and other causes of contamination; and
- (e) provide latrines for the staff of the licensed premises and in addition, in the case of premises licensed for the sale of traditional beer for consumption on the premises, adequate separate latrines for male and female customers.

16. Restrictions on sale of traditional beer to young persons, etc.

(1) No licensee shall sell or supply traditional beer to any person whom he knows or has reason to believe is under 18 years old.

(2) A person under 18 years old shall not consume or buy or attempt to buy traditional beer on licensed premises.

(3) No licensee shall sell to or permit any traditional beer to be consumed on the licensed premises by a person whom he knows or has reason to believe is under 18 years old.

(4) No person shall buy or attempt to buy traditional beer on licensed premises for consumption on those premises by a person whom he knows or has reason to believe is under 18 years old.

(5) No licensee shall employ on licensed premises any person whom he knows or has reason to believe to be under 18 years old, nor, except in such circumstances as the council may specify in the licence, shall he allow any such person to enter the licensed premises.

17. Persons 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 permitted on licensed premises

(1) No licensee shall permit drunkenness, violent or riotous conduct to take place on the licensed premises.

(2) No licensee shall sell traditional beer to, or for consumption on the licensed premises by, any person who appears to be drunk or who is violent or riotous.

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 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 licensed premises forthwith.

20. Premises not 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. 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 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 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-bye-law (1) to such premises.

23. Closing of licensed premises

(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 to close 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 these Bye-laws, then except in the circumstances set out in sub-bye-law (2) that licensee shall be deemed to have contravened the Bye-laws.

(2) Sub-bye-law (1) 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 these Bye-laws shall be deemed himself to have contravened these Bye-laws.

25. Display of licence and bye-laws

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 bye-law 3, 6(6), 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 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 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 bye-law 19(2) shall be guilty of an offence and liable to a fine not exceeding P20.

(5) A licensee of any premises which are altered contrary to bye-law 21, or a licensee who contravenes 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

SELEBI-PHIKWE TOWN COUNCIL

(Name) is hereby licensed, in accordance with the Selebi-Phikwe Town Council (Retail Sales of Traditional Beer) Bye-laws, to use the premises specified below until 31st December, 20....., for sale by retail of traditional beer for consumption on the premises *(23) /for consumption off the premises *(24) .

This licence is subject to the following conditions—

.....
.....

Premises
Date of issue
Fee paid

.....
Town Council Clerk

Date of Renewal	Date of Renewal
Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid
Date of Renewal	Date of Renewal
Fee paid	Fee paid

GABORONE CITY COUNCIL (ABATTOIR) BYE-LAWS

(under regulations 34 and 35)

(30th July, 1971)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Tariff of charges
4. Hours of entry
5. Delivery of animals
6. Penning, care, feeding and treatment of animals

7. Diseased animals
8. Unpenning restricted
9. Condemnation of carcasses of certain animals
10. Slaughtering
11. Authority of manager
12. Cleanliness and hygiene
13. Restrictions on slaughter
14. Place for slaughter, etc.
15. Manner of slaughtering
16. Time for flaying and dressing
17. Carcasses to be marked after slaughter
18. Deceptive dressing
19. Soiled meat to be condemned
20. Examination of animals, carcasses, etc.
21. Diseased or injured animals
22. Marking of healthy carcasses, etc.
23. Removal of meat, etc., from abattoir restricted
24. Introduction of meat into city restricted
25. Condemnation of meat
26. Appropriation of meat, etc.
27. Human diseases or injuries
28. Disposal of animals of unclaimed or disputed ownership
29. Exclusion of dogs, cats, birds, etc.
30. Placing of vehicles
31. Exclusion of children
32. Spitting, smoking, etc. prohibited
33. Exclusion of intoxicating liquor, etc.
34. Restriction on removal of animals or carcasses
35. Offences and penalties

S.I. 88, 1971,
S.I. 43, 1978,
S.I. 42, 1986,
S.I. 58, 1997.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Abattoir) Bye-laws.

2. Interpretation

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

"abattoir" means the municipal 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;

"animals" 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 Gaborone City Council;

"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 also includes 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 purposes 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 Gaborone;

"offal" means the stomach, intestines and other internal organs of any slaughtered animal not being red offal;

"red offal" means the head, horns, feet, tail, heart, lungs, liver, kidneys spleen of any slaughtered animal;

"slaughterman" means a person appointed as such by the council.

3. Tariff of charges

(1) The following fees shall be paid to the council for services rendered or facilities provided at the abattoir—

- (a) use of abattoir for slaughtering including lairage and water, inspection and stamping of meat, shall be as follows—

	p t
Bull, ox, cow, heifer, steer or calf	40,00
Sheep, lamb, goat or kid	10,00
Pig	20,00

- (b) charges per day for use of freezer—

	p t
Bull, ox, cow, heifer, steer, or calf	2,50
sheep, lamb, goat or kid	0,50

(2) The council shall not be responsible for the safe custody or feeding of any animal placed in the abattoir lairages or for the safe keeping or preservation of any meat left in the abattoir after slaughter, and all contracts for the use of the abattoir or facilities thereat, whether in writing or not, shall be deemed to be entered into on that basis unless specific provision to the contrary is made therein.

4. Hours of entry

(1) The abattoir shall be open for the receiving and slaughtering of animals during the following hours:

(a) *Receiving:*

Between 3 p.m. and 8 p.m. except on Fridays, Saturdays and days prior to public holidays;

(a) *Slaughtering:*

Between 6 a.m. and 12 noon except on Saturdays, Sundays and public holidays.

(2) Meat may be removed from the abattoir between the hours of 10 a.m. and 3 p.m. except on Saturdays, Sundays and public holidays.

(3) 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 hour or after being requested by the manager to leave.

(4) Without the permission of the manager no person shall enter the abattoir premises or any part thereof unless on lawful business connected therewith.

5. 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 the 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.

6. 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.

7. 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 the 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 that any animal which is found to be diseased, or which has been in contact with an infected or suspected animal, be slaughtered at a place set apart for the slaughtering of diseased animals.

(5) 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.

8. 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.

9. 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.

10. 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's area of jurisdiction other than the abattoir.

(3) Slaughtering in accordance with a written consent referred to in sub-bye-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.

11. 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 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.

12. 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.

13. 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.

14. Place for slaughter, etc.

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.

15. 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 suffer to be slaughtered in the abattoir any animal, the flesh of which is intended to be used as human food, except by shooting with a humane killer:

Provided that the requirement of this sub-by-law 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.

16. 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, however, the flaying or dressing shall be completed without delay.

17. 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.

18. Deceptive dressing

No person shall inflate, stuff or dress any carcass or any portion thereof with the object of giving it a deceptive appearance.

19. Soiled meat to be condemned

All meat, fat and red offal which becomes 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 red offal so treated shall if not otherwise unfit, be deemed to be fit for human consumption.

20. 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, offal and red 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, offal or red 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-by-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, offal or red offal of a slaughtered animal which has been found under sub-by-law (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.

21. Diseased or injured animals

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.

22. 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, offal and red 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, offal or red 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.

23. 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, offal or red 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.

24. Introduction of meat into city restricted

No person shall introduce into the city for sale any carcass or any butchers' meat of animals (other than game) slaughtered outside the city unless such animals have been slaughtered at an abattoir approved by the council.

25. Condemnation of meat

(1) An authorized veterinary surgeon or a meat inspector shall seize and condemn any carcass, meat, fat, offal or red offal which, as a result of examination is found to be diseased, unsound, unwholesome or unfit for human consumption.

(2) Any carcass, meat, fat, offal or red 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, offal or red 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.

26. 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.

27. 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 so 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.

28. 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 proceeds of such sale less the amount of any and all expenses and charges incurred in respect of such animal.

29. 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.

30. 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.

31. Exclusion of children

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, except with the prior permission of the manager and accompanied by an adult.

32. Spitting, smoking, etc., prohibited

No person shall expectorate, smoke tobacco or commit any nuisance in any part of the abattoir premises where animals are slaughtered, inspected or kept.

33. Exclusion of intoxicating liquor, etc.

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.

34. Restriction on removal of animals or carcasses

No person shall remove from the abattoir any animal, alive or dead, or the carcass of any animal or any meat, offal or red offal or any other thing pertaining to any animal without the prior permission of the manager.

35. Offences and penalties

Any 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 on first conviction to a fine not exceeding

P50 and on any subsequent conviction to a fine not exceeding P100.

FRANCISTOWN TOWN COUNCIL (ABATTOIR) BYE-LAWS

(under regulations 34 and 35)

(26th May, 1972)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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33. Exclusion of intoxicating liquor, etc.
34. Restriction on removal of animals or carcasses
35. Offences and penalties

S.I. 47, 1972,
S.I. 42, 1978,

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Abattoir) Bye-laws.

2. Interpretation

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

"abattoir" means the municipal 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 and 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 Francistown Town 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 also includes 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 purposes 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 Francistown;

"offal" means the stomach, intestines and other internal organs of any slaughtered animal not being red offal;

"red offal" means the head, horns, feet, tail, heart, lungs, liver, kidneys and spleen of any slaughtered animal;

"slaughterman" means a person appointed as such by the council.

3. Tariff of charges

(1) The following fees shall be paid to the council for services rendered or facilities provided at the abattoir—

(a) use of abattoir for slaughtering, lairage water, inspection and stamping of

meat shall be as follows—

	<i>P t</i>
Bull, ox, cow, heifer, steer or calf	12,00
Sheep, lamb, goat or kid	3,00
Pig	6,00
(b) charges for use of the freezer—	
Bull, ox, cow, heifer, steer or calf	2,50
Sheep, lamb, goat or kid	0,50
Pig	1,00.

(2) The council shall not be responsible for the safe custody or feeding of any animal placed in the abattoir lairages or for the safe keeping or preservation of any meat left in the abattoir after slaughter, and all contracts for the use of the abattoir or facilities thereat, whether in writing or not, shall be deemed to be entered into on that basis unless specific provision to the contrary is made therein.

4. Hours of entry

(1) The abattoir shall be open for the receiving and slaughtering of animals during the following hours—

(a) *Receiving:*

Between 12 noon and 5 p.m. except on Fridays, Saturdays and days prior to public holidays;

(b) *Slaughtering:*

Between 6.30 a.m. and 12 noon except on Saturdays, Sundays and public holidays.

(2) Meat may be removed from the abattoir between the hours of 8 a.m. and 2 p.m. except on Saturdays, Sundays and public holidays.

(3) 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 hour or after being requested by the manager to leave.

(4) Without the permission of the manager no person shall enter the abattoir premises or any part thereof unless on lawful business connected therewith.

5. 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 the 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.

6. 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.

7. 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.

(5) 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.

8. 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.

9. 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.

10. 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's area of jurisdiction other than the abattoir.

(3) Slaughtering in accordance with a written consent referred to in sub-bye-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 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.

11. 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 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.

12. 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.

13. 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.

14. Place for slaughter, etc.

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.

15. 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 suffer to be slaughtered in the abattoir any animal, the flesh of which is intended to be used as human food, except by shooting with a humane killer:

Provided that the requirement of this sub-bye-law 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.

16. 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, however, the flaying or dressing shall be completed without delay.

17. 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.

18. Deceptive dressing

No person shall inflate, stuff or dress any carcass or any portion thereof with the object of giving it a deceptive appearance.

19. Soiled meat to be condemned

All meat, fat and red offal which becomes 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 red offal so treated shall if not otherwise unfit, be deemed to be fit for human consumption.

20. 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 assistant 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, offal and red 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 examination of carcass, meat, offal or red 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-by-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, offal or red offal of a slaughtered animal which has been found under sub-by-law (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.

21. Diseased or injured animals

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.

22. 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, offal and red 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, offal or red 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.

23. 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, offal or red 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.

24. Introduction of meat into township restricted

No person shall introduce into the township for sale any carcass or any butchers' meat of animals (other than game) slaughtered outside the township unless such animals have been slaughtered at an abattoir approved by the council.

25. Condemnation of meat

(1) An authorized veterinary surgeon or a meat inspector shall seize and condemn any carcass, meat, fat, offal or red offal which, as a result of examination is found to be diseased, unsound, unwholesome or unfit for human consumption.

(2) Any carcass, meat, fat, offal or red 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, offal or red 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.

26. 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.

27. 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 so 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.

28. 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 proceeds of such sale less the amount of any and all expenses and charges incurred in respect of such animal.

29. 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.

30. 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.

31. Exclusion of children

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.

32. Spitting, smoking, etc. prohibited

No person shall expectorate, smoke or commit any nuisance in any part of the abattoir premises where animals are slaughtered, inspected or kept.

33. Exclusion of intoxicating liquor, etc.

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.

34. Restriction on removal of animals or carcasses

No person shall remove from the abattoir any animal, alive or dead, or the carcass of any animal or any meat, offal or red offal or any other thing pertaining to an animal without the prior permission of the manager.

35. Offences and penalties

Any 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 on first conviction to a fine not exceeding

P50 and on any subsequent conviction to a fine not exceeding P100.

LOBATSE TOWN COUNCIL (ABATTOIR) BYE-LAWS

(under regulations 34 and 35)

(10th September, 1976)

ARRANGEMENT OF BYE-LAWS

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Schedule

S.I. 135, 1976,

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (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 registered under the Veterinary Surgeons Act;

"council" means the Lobatse Town Council;

"manager" means the person appointed by the council to perform the functions of manager of the abattoir;

"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 includes 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 purposes of examining any slaughtered animals 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 Lobatse;

"offal" means the stomach, intestines and other internal organs of any slaughtered animal not being red offal;

"red offal" means the head, horns, feet, tail, heart, lungs, liver, kidneys and spleen of any slaughtered animal;

"slaughterman" means a person appointed or recognized as such by the council.

3. Tariff of charges

(1) Fees prescribed in the Schedule are payable to the council for services rendered or facilities provided at the abattoir.

(2) The council shall not be responsible for the safe custody or feeding of any animal placed

in the abattoir lairages or for the safe keeping or preservation of any meat left in the abattoir after slaughter.

4. Hours of entry

(1) The abattoir shall be open for the receiving and slaughtering of animals during the following hours—

(a) *Receiving:*

Between 8.00 a.m. and 5 p.m. except on Fridays, Saturdays and days prior to public holidays.

(b) *Slaughtering:*

Between 6.30 a.m. and 12 noon except on Saturdays, Sundays and public holidays.

(2) Meat may be removed from the abattoir between 8 a.m. and 2 p.m. except on Saturdays, Sundays and public holidays.

(3) No person shall, without permission from the manager, enter or remain in the abattoir premises or any part thereof outside the permitted hours in paragraphs (1) and (2).

(4) No person shall, without the permission of the manager, enter the abattoir premises or any part thereof unless on lawful business connected therewith.

5. 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 other 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 the 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 chain or rope of sufficient strength.

6. 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.

(3) No person shall overfeed or give salt to any animal while in the abattoir.

(4) 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.

(5) Any animal in the abattoir, whether awaiting slaughter or in the process of slaughter, shall be treated with utmost care and shall not be subjected to any cruel or unnecessary suffering.

(6) The manager may take summary measures to prevent any unnecessary suffering of or cruelty to animals.

7. 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) Any person found guilty of contravening this bye-law shall not, 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 from the slaughtering of diseased animals.

(5) 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.

8. 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.

9. 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.

10. 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 or the medical officer or the manager, slaughter any animal intended for human consumption at any place within the council area other than at the abattoir.

(3) Slaughtering in accordance with a written consent referred to in sub-bye-law (2) shall take place only at such hours and in such manner as required by 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 requirement 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 and 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.

11. 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 contravening this bye-law, be required by the manager to leave the abattoir premises forthwith.

(2) No person shall interfere or obstruct the manager or any of his staff or cause any disturbance within the abattoir, and any person who 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.

12. 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 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.

13. Restrictions on slaughter

(1) No animal shall be slaughtered on the day it enters the abattoir but 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 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.

14. Place for slaughter, etc.

No person shall slaughter or dress any animal in any part of the abattoir premises except in the place specially designated and set apart for such purpose.

15. 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 suffer to be slaughtered in the abattoir any animal except by shooting with a humane killer.

(3) The requirement of sub-bye-law (2) shall not be enforced in the case of animals slaughtered for the use of persons of the Muslim or Jewish faiths.

(4) Slaughtering under Jewish or Muslim rites shall be executed and superintended by members of the Jewish or Muslim 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.

(5) Subject to the provisions of these Bye-Laws, no person may interfere with the ceremonies or killing under Jewish or Muslim rites, except that all unnecessary cruelty shall be avoided.

(6) 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.

16. 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.

17. Carcass 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.

18. Deceptive dressing

No person shall inflate, stuff or dress any carcass or any portion thereof with the object of giving it a deceptive appearance.

19. Soiled meat to be condemned

All meat, fat and red offal which becomes soiled by the contents of the alimentary tract shall be condemned as unfit for human consumption but if, in the opinion of an authorized veterinary surgeon or any meat inspector, the soiling may be removed by cutting away the soiled portions, the veterinary surgeon or meat inspector may authorize this to be done and any meat, fat or red offal so treated shall, if not otherwise unfit, be deemed to be fit for human consumption.

20. 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 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.

(3) No person shall deposit any carcass or portion thereof in such part of the abattoir unless it has been stamped.

(4) 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.

(5) A meat inspector shall examine, handle and cut into the carcass, offal and red 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.

(6) In no case shall any examination of carcass, meat, offal or red offal be made except by daylight.

(7) Any animal found to be diseased, unsound or in any way unfit for human consumption upon inspection or examination under sub-by-law (4) shall be dealt with in accordance with by-law 7(4) and (5).

(8) The carcass of every animal condemned under by-law 7(4) and (5) and any part of the carcass, offal or red offal of a slaughtered animal which has been found under sub-by-laws (4) and (5) to be diseased, unsound, unwholesome or in any way unfit for human consumption shall

be destroyed at the abattoir by the manager or by any person acting under his direction.

21. Diseased or injured animals

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.

22. 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, offal and red 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, offal or red offal any official brand or mark or any similar marking, nor shall any person 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.

23. 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, offal or red 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.

24. Introduction of meat into township restricted

No person shall introduce into the township for sale any carcass or any butchers' meat of animals (other than game) slaughtered outside the township unless such animals have been slaughtered at an abattoir approved by the council.

25. Condemnation of meat

(1) An authorized veterinary surgeon or meat inspector shall seize and condemn any carcass, meat, fat, offal or red offal which, as a result of examination is found to be diseased, unsound, unwholesome or unfit for human consumption, even if it had been marked or branded as approved if subsequently found to be diseased, unsound, unwholesome or otherwise unfit for human consumption.

(2) Any carcass, meat, fat, offal or red offal seized and condemned shall, upon a certificate by an authorized veterinary surgeon or meat inspector, be destroyed or, alternatively, it may, at the owner's risk, be treated in such manner as the authorized veterinary surgeon or meat inspector may decide to render it fit for human consumption.

(3) No compensation shall be paid for any meat, carcass or animal which has been condemned seized and destroyed.

26. 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.

27. 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 so 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 may examine 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.

28. Disposal of animals of unclaimed or disputed ownership

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 and, on ascertaining the rightful owner, the council shall pay him the proceeds of such sale less the amount of any and all expenses and charges incurred in respect of such animal.

29. Exclusion of dogs, cats, birds, etc.

No person shall bring on to the abattoir premises, or permit to enter or remain therein, any dog, cat or other animal or any bird which feeds 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.

30. Placing of vehicles

All vans, lorries, wagons, carts and other vehicles brought into the abattoir shall stand in such places as the manager appoints.

31. Exclusion of children

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 except with the prior permission of the manager and accompanied by an adult.

32. Spitting, smoking, etc. prohibited

No person shall spit, smoke, or commit any nuisance in any part of the abattoir premises where animals are slaughtered, inspected or kept.

33. Exclusion of intoxicating liquor, etc.

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.

34. Restriction on removal of animals

No person shall remove from the abattoir any animal alive or dead, or the carcass of any animal or any meat, offal or red offal or any other thing pertaining to an animal without the prior permission of the manager.

35. Offences and penalties

Any 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 on first conviction to a fine not exceeding P50 and on any subsequent conviction to a fine not exceeding P100.

SCHEDULE

(bye-law 3(1))

Use of abattoir for slaughtering, including lairage water, inspection and stamping of meat shall be as follows—

	<i>P t</i>
Bull, ox, cow, heifer, steer or calf	2,00
Sheep, lamb, goat or kid	3,00
Pig	6,00

SELEBI-PHIKWE TOWN COUNCIL (ABATTOIR) BYE-LAWS

(under regulations 34 and 35)

(10th November, 1978)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Tariff of charges
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6. Penning, care, feeding and treatment of animals
7. Diseased animals
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20. Examination of animals, carcasses, etc.
21. Diseased or injured animals
22. Marking of healthy carcasses, etc.
23. Removal of meat, etc., from abattoir restricted
24. Introduction of meat into township restricted
25. Condemnation of meat
26. Appropriation of meat, etc.
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29. Exclusion of dogs, cats, birds, etc.
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31. Exclusion of children
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33. Exclusion of intoxicating liquor
34. Restriction on removal of animals or carcasses
35. Offences and penalties

Schedule

S.I. 137, 1978,
S.I. 41, 1986.

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Abattoir) Bye-laws.

2. Interpretation

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

"abattoir" means the council abattoir, and shall include 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 registered under the Veterinary Surgeons Act;

"council" means Selebi-Phikwe Town Council;

"manager" means the person appointed by the council to perform the functions of the 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 includes 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 Permanent Secretary, Ministry of Health, to act as medical officer in respect of Selebi-Phikwe;

"offal" means the stomach, intestines and other internal organs of any slaughtered animal not being red offal;

"red offal" means the head, horns, feet, tail, heart, lungs, liver, kidneys and spleen of any slaughtered animal;

"slaughterman" means a person appointed or recognized as such by the council.

3. Tariff of charges

(1) The fees prescribed in the Schedule are payable to the council for services rendered or provided at the abattoir.

(2) The council shall not be responsible for the safe custody or feeding of any animal placed in the abattoir lairages or for the safe keeping or preservation of any meat left in the abattoir after slaughter.

4. Hours of entry

(1) The abattoir shall be open for the receiving and slaughtering of animals during the following hours—

(a) *Receiving:*

between 12.00 noon and 5 p.m. except on Fridays, Saturdays and days prior to public holidays;

(b) *Slaughtering:*

between 6.30 a.m. and 12.00 noon except on Saturdays, Sundays and public holidays.

(2) Meat may be removed from the abattoir between 8 a.m. and 2 p.m. except on Saturdays, Sundays and public holidays.

(3) No person shall, without the permission of the manager, enter or remain in the abattoir premises or any part thereof outside the permitted hours prescribed in sub-by-laws (1) and (2).

(4) No person shall, without the permission of the manager, enter the abattoir premises or any part thereof unless on lawful business connected therewith.

5. Delivery of animals

(1) Every person who delivers 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 the name of the owner thereof and shall, if so requested by such official, furnish such other 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 the 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.

6. 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.

(3) No person shall overfeed or give salt to any animal while in the abattoir.

(4) 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 required 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.

(5) 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.

(6) The manager may, in his discretion, take summary measures to prevent any unnecessary suffering of or cruelty to animals.

7. 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 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.

8. Unpenning restricted

No person shall without the permission of the manager or any authorized official unpen any animals, unless for the purpose of removing it to the waiting pen or slaughter chamber.

9. 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.

10. 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, Council Health Inspector or the medical officer or the manager, slaughter any animal intended for human consumption at any place within the council's area other than the abattoir.

(3) Slaughtering in accordance with a written consent referred to in sub-bye-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 at any place outside the abattoir in cases where, on account of religious requirements or of injuries received by the animal or for any other cause, it is considered impracticable, inadvisable or undesirable to have the animal removed to the abattoir; and in every such case the owner of the animal or other person responsible shall comply with any conditions imposed by the authorized veterinary surgeon and shall also conform with the requirements of these Bye-laws.

11. 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 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.

12. 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 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.

(4) All meat conveyed within the council area shall be conveyed in suitable vehicles and completely and sufficiently protected from dust and from the access of insects and the said vehicles shall on each occasion be thoroughly cleansed before and immediately after use.

(5) If the veterinary surgeon, Council Health Inspector or meat inspector is of the opinion that

a vehicle used or intended to be used for the conveyance of meat constitutes a health hazard he shall prevent such vehicle from conveying such meat.

13. Restrictions on slaughter

(1) No animal shall be slaughtered on the day it enters the abattoir but 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 having notified the manager and obtained his consent.

(2) No person shall slaughter for human consumption any 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.

14. Place for slaughter, etc.

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.

15. 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 suffer to be slaughtered in the abattoir any animal except by shooting with a humane killer:

Provided that the requirement of the sub-bye-law (2) shall not be enforced in the case of animals slaughtered for the use of persons of the Muslim or Jewish faith.

(3) Slaughtering under Muslim or Jewish rites shall be executed and superintended by members of the Muslim or Jewish 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.

(4) Subject to the provisions of these Bye-laws, no person may interfere with the ceremonies or killing under Muslim or Jewish rites, except that all unnecessary cruelty shall be avoided.

(5) 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.

16. 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.

17. 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.

18. Deceptive dressing

No person shall inflate, stuff or dress any carcass or any portion thereof with the object of giving it a deceptive appearance.

19. Soiled meat to be condemned

All meat, fat and red 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 a meat inspector, the above-mentioned soiling may be removed by cutting away the soiled portions, the said surgeon or meat inspector may authorize this to be done and any meat, fat and red offal so treated shall, if not otherwise unfit, be deemed to be fit for human consumption.

20. 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 a 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 be diseased, unsound, or in any way unfit for human consumption.

(4) A meat inspector shall examine, handle and cut into carcass, offal and red 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, offal or red 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,

offal or red offal or a slaughtered animal which has been found under sub-bye-law (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.

21. Diseased or injured animals

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.

22. 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 offal and red 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 or red 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 branch 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.

23. 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, offal or red 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 the meat inspector.

24. Introduction of meat into township restricted

No person shall introduce into the township for sale any carcass or any butchers' meat of animals (other than game) slaughtered outside the township unless such animals have been slaughtered at an abattoir approved by the council.

25. Condemnation of meat

(1) An authorized veterinary surgeon or meat inspector shall seize and condemn any carcass, meat, fat, offal or red offal which as a result of examination is found to be diseased, unsound, unwholesome or unfit for human consumption, even if it has been marked or branded as approved if subsequently found to be diseased, unsound, unwholesome or otherwise unfit for human consumption.

(2) Any carcass, meat, fat, offal or red offal seized and condemned shall, upon a certificate by an authorized veterinary surgeon, be destroyed, or alternatively it may, at the owners risk, be treated in such manner as the authorized veterinary surgeon or meat inspector may decide to

render it fit for human consumption.

(3) No compensation shall be paid for any meat, carcass or animal which has been condemned, seized and destroyed.

26. Appropriation of meat, etc.

(1) All meat (except such carcass 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 carcass or portion of condemned carcass shall become the property of the council.

27. 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 so 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 may examine 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 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, water-proof dressing.

28. Disposal of animals of unclaimed or disputed ownership

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 and, on ascertaining the rightful owner, the council shall pay him the proceeds of such sale less the amount of any and all expenses and charges incurred in respect of such animal.

29. Exclusion of dogs, cats, birds, etc.

No person shall bring on the abattoir premises, or permit to enter or remain therein, any dog, cat or other animal or any bird which feeds on offal, and the manager may remove or cause to be removed from the abattoir any such animal or bird found thereon.

30. 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.

31. Exclusion of children

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, except with the prior permission of the manager and accompanied by an adult.

32. Spitting, smoking, etc. prohibited

No person shall expectorate, smoke tobacco or commit any nuisance in any part of the abattoir premises where animals are slaughtered, inspected or kept.

33. Exclusion of intoxicating liquor

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.

34. Restriction on removal of animals or carcasses

No person shall remove from the abattoir any animal alive or dead, or the carcass of any animal or any meat, offal or red offal or any other thing pertaining to an animal, without the prior permission of the manager.

35. Offences and penalties

Any 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 on first conviction to a fine not exceeding P50 or to imprisonment for a term not exceeding one month, and on any subsequent conviction to a fine not exceeding P100 or to imprisonment for a term not exceeding three months.

SCHEDULE

(bye-law 3)

1. Use of abattoir for slaughtering, including lairage water, inspection and stamping of meat shall be as follows—

	<i>P t</i>
Bull, ox, cow, heifer, steer or calf	12,00
Sheep, lamb, goat or kid	3,00
Pig	6,00

2. Charges per day for use of freezer—

	<i>P t</i>
Bull, ox, cow, heifer, steer or calf	2,50
Sheep, lamb, goat or kid	0,50
Pig	1,50

GABORONE CITY COUNCIL (PUBLIC LAND EXCAVATION) (CONTROL) BYE-LAWS

(under regulations 34 and 35)

(22nd October, 1976)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Excavation on public land
4. Penalty

S.I. 148, 1976.

1. Citation

These Bye-laws may be cited as the Gaborone City Council (Public Land Excavation) (Control) Bye-laws.

2. Interpretation

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

"**council**" means the Gaborone City Council;

"**excavation**" means the hollow cavity formed on land by cutting or removal of soil or gravel;

"**public land**" means land within the council area which is not private land.

3. Excavation on public land

(1) No person shall, without the written permission of the council, construct or dig or cause to be constructed or dug on any public land within the council area any hole, trench or other excavation for the purpose of removing soil, sand, gravel or any vegetation or for the purpose of any private construction or drainage or for any other purpose.

(2) Any person who constructs or digs or causes to be constructed or dug any hole, trench or other excavation within public land in the council area shall take adequate precautions to ensure the safety of the public.

(3) Without prejudice to any prosecution for contravention of this bye-law and notwithstanding any penalty which may be imposed under these Bye-laws for such contravention, the council may take such measures as it deems necessary to ensure safety to the public, if, in the opinion of the council, measures required under sub-bye-law (2) are inadequate, and any expense incurred by the council shall be borne by the person responsible for the excavation and shall be a civil debt to the council recoverable in any court of competent jurisdiction.

4. Penalty

Any person who contravenes the provisions of bye-law 3(1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding P200 and, in default of payment, to imprisonment for a term not exceeding six months.

FRANCISTOWN TOWN COUNCIL (LOCAL BEER) BYE-LAWS

(under regulations 34 and 35)

(21st October, 1963)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Manufacture or possession of local beer
4. Permit to manufacture, etc.
5. Penalties
6. Permitted quantities
7. Fee
8. Form of permit
9. Permit not transferable
10. Appeal
11. Funds of the Council

Schedule - Permit to Manufacture or be in Possession of Local Beer

Bye-Law 1, 1963,
G.N. 124, 1963.

1. Citation

These Bye-laws may be cited as the Francistown Town Council (Local Beer) Bye-laws.

2. Interpretation

In these Bye-laws "**local beer**" means beer brewed from sorghum-meal or a mixture of sorghum-meal and mealie-meal by the fermentation of malted sorghum, but excluding the liquors commonly known as "**ila**", "**kabidikamo**" or "**banyana**", or any beer brewed as described to which sugar, honey or syrup has been added or which is mixed with or fortified or adulterated by any other liquor or substance, or any other of the liquors commonly known as "**khadi**".

3. Manufacture or possession of local beer

No person shall manufacture or be in possession of local beer within the limits of the Francistown Town Council area unless he is in possession of a valid permit authorizing such manufacture or possession.

4. Permit to manufacture, etc.

Application for a permit of the type referred to in bye-law 3 shall be made to the Town Clerk of the Francistown Town Council who may—

- (a) issue such a permit;
- (b) refuse to issue such a permit;
- (c) issue a permit for a lesser quantity of local beer than that applied for; or
- (d) impose such conditions to a permit as he may deem fit.

5. Penalties

Any person who contravenes the provisions of bye-law 3 or who contravenes any condition imposed in a permit in terms of bye-law 4 shall be guilty of an offence and liable on conviction to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding six months.

6. Permitted quantities

The Town Clerk shall not issue any permit for a quantity of local beer in excess of 90,92 litres.

7. Fee

Before the issue of a permit a fee of two thebe in respect of each 4,546 litres of local beer authorized in such permit shall be paid to the Town Clerk.

8. Form of permit

A permit shall be in the form specified in the Schedule hereto and shall be valid only for the period specified therein, which period shall not, in the case of a permit to be in possession of local beer, exceed two days, and, in the case of a permit to manufacture local beer, exceed seven days.

9. Permit not transferable

A permit issued in terms of these Bye-laws shall not be transferable.

10. Appeal

Any person aggrieved by any decision of the Town Clerk relating to the issue of or conditions imposed in a permit may, on payment to the Town Clerk of a deposit of 20 thebe, appeal in writing to the Francistown Town Council within seven days of such decision and the decision of the Council on such appeal shall be final; in any successful appeal the said deposit shall be refunded to the appellent.

11. Funds of the Council

All moneys received by the Town Clerk in terms of these Bye-laws shall be paid into the funds of the Council.

**SCHEDULE
PERMIT TO MANUFACTURE OR BE IN POSSESSION OF LOCAL BEER
FRANCISTOWN TOWN COUNCIL**

(issued under the Francistown Town Council (Local Beer) Bye-laws)

Permission is hereby granted to

(Name)

of

(Address)

to manufacture and/or be in possession *(25) of litres of

local beer within the limits of Francistown Council area for the period

from a.m./p.m. on the day of 20

to a.m./p.m. on the day of 20

subject to the conditions set out hereunder.

Conditions

.....
.....

.....
Date

.....
Town Clerk

Fee paid

**SELEBI-PHIKWE TOWN COUNCIL (PUBLIC STANDPIPES)
BYE-LAWS**

(under regulations 34 and 35)

(16th April, 1981)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Supply of standpipe water to occupier, etc.
4. Supply of water to other persons
5. Use of public standpipe water
6. Power to withhold supply of public standpipe water
7. Inspection of public standpipes
8. Misuse of water
9. Damage to public standpipe
10. Pollution

S.I. 31, 1981.

1. Citation

These Bye-laws may be cited as the Selebi-Phikwe Town Council (Public Standpipes) Bye-laws.

2. Interpretation

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

"authorized officer" means the Town Clerk or an officer of the local authority duly authorized in writing by the Town Clerk to inspect public standpipes;

"designated area" means an area within the township which has been allocated to persons for occupation and in respect of which a certificate of rights or a temporary occupancy permit has been issued;

"local authority" means the Selebi-Phikwe Town Council;

"occupier" means any person who is residing in a designated area;

"public standpipe" means a water supply point in a designated area intended for use by the occupants;

"unauthorized connection or attachment" means a connection or attachment to a public standpipe without the written permission of the local authority.

3. Supply of standpipe water to occupier, etc.

Subject to the provisions of bye-law 4, a public standpipe water shall be available only to an occupier or any person authorized in writing by the local authority to draw water from a public standpipe.

4. Supply of water to other persons

(1) Any person, who is not an occupier in the area in which the standpipe is located or a person authorized in writing to do so, may draw water to a quantity not exceeding five litres from a public standpipe.

(2) An occupier shall not supply to any person not entitled thereto water from a public standpipe or permit a person to take water therefrom except—

- (a) for consumption;
- (b) for the purpose of extinguishing fire; or
- (c) with the written permission of the local authority.

(3) Except with the written permission of the local authority, water shall not be drawn from a public standpipe for use outside the designated area in which the standpipe is located.

(4) Any person who contravenes any provision of this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month.

5. Use of public standpipe water

(1) No person shall use public standpipe water for any purpose other than domestic or for a purpose specified in writing by the local authority.

(2) The local authority may from time to time—

- (a) limit the quantity of water which may be drawn from a particular public standpipe;
- (b) by notice published in the *Gazette*, prohibit the use of a particular public standpipe in a particular area for any purpose specified in the notice; or
- (c) by written notice to a consumer, prohibit the use of public standpipe water for the purpose specified in the notice.

(3) Any person who uses public standpipe water for any purpose other than that for which it is supplied shall be guilty of an offence and liable to a fine not exceeding P10 or in default of payment to imprisonment for a term not exceeding one week, and such fine or term of imprisonment shall not prejudice the right of the local authority to recover the charge for the water improperly used.

6. Power to withhold supply of public standpipe water

Without prejudice to the right of recovery of any amount due to it, the local authority may turn off or curtail the supply of public standpipe water to any designated area where—

- (a) the occupiers, as a whole or in part have failed to pay any service levy or to comply with any provisions of these Bye-laws;
- (b) a repair or maintenance to or extension of the water system is required; or
- (c) a general water supply shortage occurs in the area of the local authority.

7. Inspection of public standpipes

(1) An authorized officer shall from time to time inspect public standpipes for—

- (a) unauthorized connections or attachments;
- (b) any waste or misuse of water,

and supervise the proper use thereof.

(2) Where an unauthorized connection or attachment to a public standpipe is found by an authorized officer he shall, where it is—

- (a) a first offence, remove the connection or attachment and return it forthwith to the owner together with a warning in writing;
- (b) a second offence—
 - (i) remove the connection or attachment and cause it to be placed in the temporary custody of the local authority;
 - (ii) within three days thereafter issue a warning in writing and permit the connection or attachment to be released; and
 - (iii) require the person concerned to sign an acknowledgement to the effect that a further offence shall warrant confiscation of the connection or attachment; and
- (c) a third offence, confiscate the connection or attachment and the person concerned shall be liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month, or to both.

(3) Any person who hinders or obstructs or uses abusive or insulting language towards an authorized officer in the performance of his duties under this bye-law shall be guilty of an offence and liable to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

8. Misuse of water

Any person who wilfully or negligently wastes or misuses or causes or allows to be wasted or misused any public standpipe water shall be guilty of an offence and liable to a fine not

exceeding P10.

9. 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 in connection therewith shall be guilty of an offence and liable to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

(2) A fine or term of imprisonment shall not prejudice the right of the local authority to recover the cost of effecting any repair or replacement arising from damage to a public standpipe.

10. Pollution

Any person who pollutes or causes the pollution of public standpipe water or allows any foul liquid, gas or other noxious matter to enter any pipe or fitting connected therewith shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month, or to both.

LOBATSE TOWN COUNCIL (PUBLIC STANDPIPES) BYE-LAWS

(under regulations 34 and 35)

(3rd June, 1983)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Supervision of public standpipes
4. Supply of public standpipe water to residents, etc.
5. Supply of public standpipe water to other persons
6. Restrictions on use of public standpipe water
7. Extinguishing fires
8. Power to withhold supply of public standpipe water
9. Inspection of public standpipes
10. Waste or misuse of public standpipe water
11. Damage to public standpipes
12. Prohibition of pollution

S.I. 67, 1983.

1. Citation

These Bye-laws may be cited as the Lobatse Town Council (Public Standpipes) Bye-laws.

2. Interpretation

In these Bye-laws—

"authorized officer" means the Town Clerk or a person authorized by him under bye-law 3;

"designated area" means an area within the township which has been allocated to persons for occupation in respect of which a certificate of rights or a temporary occupancy permit has been issued;

"public standpipe" means a water supply point in a designated area intended for use by persons residing in that area;

"Town Clerk" means the Town Clerk of the town council;

"town council" means the Lobatse Town Council;

"unauthorized connection or attachment" means a connection or attachment made without the written permission of the town council.

3. Supervision of public standpipes

The Town Clerk may, in writing, from time to time authorize any officer or employee of the town council to inspect and supervise the use of public standpipes.

4. Supply of public standpipe water to residents, etc.

(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 Town Clerk to draw from the standpipe.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month.

5. Supply of public standpipe water to other persons

(1) Notwithstanding bye-law 4, a person who is not resident or authorized 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—

- (a) more than once from the same standpipe; or
- (b) from 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 bye-law 4 from himself drawing water from that standpipe except—

- (a) for consumption by that other person; or
- (b) with the written permission of the Town Clerk.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one

month.

6. Restrictions on use of public standpipe water

(1) No person shall, without the written permission of the Town Clerk, draw water or cause water to be drawn from a public standpipe or supply water so drawn to another person for use or use water so drawn outside the designated area in which the standpipe is located.

(2) No person shall use water drawn from a public standpipe for any purpose other than a domestic purpose or for a purpose specified in a written permit issued to him by the Town Clerk.

(3) The town 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 by public exhibition at its principal office and at the principal post office within the township, prohibit the drawing of water from a particular public standpipe for any purpose specified in the notice; or
- (c) by written notice served on any person, prohibit the use by that person and by any other persons subject to his control of water drawn from a public standpipe for any purpose specified in the notice.

(4) No person shall draw water or cause water to be drawn from a public standpipe or use water so drawn in contravention of the terms of any prohibition imposed by the town council under this bye-law.

(5) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P10 or in default of payment to imprisonment for a term not exceeding one week.

(6) No fine or sentence of imprisonment imposed in respect of an offence under this bye-law shall prejudice the right of the town council to recover the appropriate charge for any water unlawfully drawn from a public standpipe.

7. Extinguishing fires

Notwithstanding the other provisions of these Bye-laws, any person may draw water or cause water to be drawn from any public standpipe or supply water so drawn to any other person or use water so drawn anywhere for the purpose of extinguishing a fire.

8. Power to withhold supply of public standpipe water

Without prejudice to its right to recover any amount due to it, the town 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 pay any service levy or to comply with these Bye-laws,
- (b) any repair, maintenance or extension of the water system is required; or

- (c) a general water shortage occurs in the township.

9. Inspection of public standpipes

(1) The Town Clerk shall ensure that every public standpipe is regularly inspected by an authorized officer for—

- (a) unauthorized connections of attachments thereto; and
- (b) any waste or misuse of water.

(2) It shall be the duty of authorized officers generally to supervise the proper use of public standpipes.

(3) No person shall make any unauthorized connection or attachment to a public standpipe, an authorized officer shall, if it is—

- (a) a first transgression, remove the connection or attachment and return it forthwith to the person responsible therefor together with a written warning;
- (b) a second transgression—
 - (i) remove the connection or attachment and cause it to be placed in the temporary custody of the town council;
 - (ii) issue a written warning to the person responsible for the connection or attachment within three days of its removal and permit it to be released to him; and
 - (iii) require the person responsible for the connection or attachment to sign a written acknowledgement to the effect that a further transgression will constitute an offence and require confiscation of the connection or attachment in question; or
- (c) a third transgression, confiscate the connection or attachment and the person responsible therefor shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month.

(4) Any person who hinders or obstructs or uses abusive or insulting language to an authorized officer in the performance of his duties under this bye-law shall be guilty of an offence and liable to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

10. Waste or misuse of public standpipe water

Any person who wilfully or negligently wastes or misuses 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 P10 or in default of payment to imprisonment for a term not exceeding one week.

11. Damage to public standpipes

- (1) Any person who tampers with or wilfully or negligently causes damage to a public

standpipe or to any appliance or equipment in connection therewith shall be guilty of an offence and liable to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

(2) No fine or sentence of imprisonment imposed in respect of an offence under this bye-law shall prejudice the right of the town council to recover the cost of effecting any repair or replacement arising from damage to a public standpipe.

12. Prohibition of pollution

Any person who pollutes or causes the pollution of public standpipe water or allows any foul liquid, gas or other noxious matter to enter any pipe or fitting connected with a public standpipe shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding one month.

LOBATSE BUS TERMINUS (OPERATION) BYE-LAWS

(under regulations 34 and 35)

(22nd May, 1987)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Registration of buses
4. Parking
5. Buses not to park continuously for 12 hours
6. Repairs at bus terminus
7. Failure to comply with bye-law 6
8. Non-liability for loss
9. Sale of unclaimed vehicles
10. Obligation to comply with directions
11. Penalties

S.I. 60, 1987.

1. Citation

These Bye-laws may be cited as the Lobatse Bus Terminus (Operation) Bye-laws.

2. Interpretation

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

"council" means the Lobatse Town Council;

"bus" means any omnibus used for the transportation of members of the general public for payment.

3. Registration of buses

No bus owner shall operate in Lobatse without having registered his bus and provided the council with his time schedule showing arrival and departure times.

4. Parking

(1) No bus shall be parked at any place other than at the bus terminus or at designated halts.

(2) Parking fees of P1 00 for each entry into the bus terminus shall be payable in advance and non-payment of such fees shall be sufficient reason for not admitting a bus into the terminus.

5. Buses not to park continuously for 12 hours

An owner of a bus parked at the terminus for a longer period than 12 hours shall be liable to a charge of P1 per hour until the bus is removed either by the owner or the council authorities.

6. Repairs at bus terminus

No repairs shall be conducted at the bus terminus and any broken down bus must be removed within 24 hours of the vehicle's arrival.

7. Failure to comply with bye-law 6

Failure to comply with bye-law 6 shall empower the council to tow the vehicle to the council yard, from whence it shall only be released to the owner upon payment of all costs incurred by the council and a charge of P2 per day for the period it was kept in the yard.

8. Non-liability for loss

The council shall not be liable for any loss or damage to any vehicle detained in accordance with bye-law 7.

9. Sale of unclaimed vehicles

Any bus not claimed from the council yard within a period of three months from the date of its detention shall be sold by public auction to defray expenses.

10. Obligation to comply with directions

All bus owners and drivers shall comply with such directions as may be given by the council employees empowered in that behalf.

11. Penalties

Any person contravening the provisions of these Bye-laws shall be liable on first conviction to a fine not exceeding P10 or 14 days imprisonment in default of payment, and on a second or subsequent conviction to a fine not exceeding P20 or 30 days' imprisonment in default of payment.

JWANENG TOWN COUNCIL (ABATTOIR) BYE-LAWS

(under regulations 34 and 35)

(19th October, 1990)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Tariff of charges
4. Hours of entry
5. Delivery of animals
6. Penning, care, feeding and treatment of animals
7. Diseased animals
8. Unpenning restricted
9. Condemnation of carcasses of certain animals
10. Slaughtering
11. Authority of manager
12. Cleanliness and hygiene
13. Restrictions on slaughter
14. Place for slaughter and dressing of animals
15. Manner of slaughtering
16. Time for flaying and dressing
17. Carcasses to be marked after slaughter
18. Deceptive dressing prohibited
19. Soiled meat to be condemned
20. Examination of animals, carcasses, etc.
21. Concealment of diseased or injured parts prohibited
22. Marking of healthy carcasses, etc.
23. Removal of meat, etc., from abattoir restricted
24. Introduction of meat into Council area restricted
25. Condemnation of meat
26. Appropriation of meat, etc.
27. Human diseases or injuries
28. Disposal of animals of unclaimed or disputed ownership
29. Exclusion of dogs, cats, birds, etc.
30. Placing of vehicles
31. Exclusion of children from slaughtering, etc.
32. Spitting, smoking, etc., prohibited
33. Exclusion of intoxicating liquor and intoxicated persons
34. Removal of animals or carcasses without permission prohibited
35. Offence and penalties

S.I. 103, 1990,
S.I. 41, 1992,
S.I. 88, 1999.

1. Citation

These Bye-Laws may be cited as the Jwaneng Town Council (Abattoir) Bye-Laws.

2. Interpretation

In these Bye-Laws, unless the context otherwise requires:

"abattoir" means the Council abattoir, and shall include the area set aside by the Council for such purpose and demarcated as such, together with any building, space, pen, enclosure and lairage therein;

"animals" means and includes any bull, ox, cow, heifer, steer, calf, sheep, lamb, goat, kid, pig or other quadruped used for the food of man;

"authorized veterinary surgeon" means a veterinary surgeon approved by the Director of Veterinary Services;

"Council" means the Jwaneng Town Council;

"Council Area" means the area as defined in the Schedule to Statutory Instrument 51 of 1979;

"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, chopped or minced meat or any other meat similarly prepared;

"meat inspector" means a person appointed by the Council after consultation with the Director of Veterinary Services for the purposes 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 Jwaneng Town Council;

"offal" means and 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 following fees shall be paid to the Council for services rendered or facilities provided at the abattoir—

- (a) Use of abattoir for slaughtering, including lairage and water, inspection and stamping of meat, use of hanging hall and power saw—

	<i>P</i>	<i>t</i>
Ox	23	00
Sheep, lamb or goat	6	00
Pig	12	00

(b) charges per day for use of freezer—

	<i>P</i>	<i>t</i>
Ox	5	00
Sheep, lamb or goat	1	00
Pig	2	00

(c) cutting charges—

	<i>P</i>	<i>t</i>
Ox	60	00
Sheep, lamb or goat	10	00
Pig	10	00

(2) The Council shall not be responsible for the safe custody or feeding of any animal placed in the abattoir lairages or for the safe keeping or preservation of any meat left in the abattoir after slaughter, and all contracts for the use of the abattoir or facilities thereat, whether in writing or not, shall be deemed to be entered into on that basis unless specific provision to the contrary is made therein.

4. Hours of entry

(1) The abattoir shall be open for the receiving of and slaughtering of animals during the hours prescribed by resolution of the Council.

(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) Without the permission of the manager, no person shall enter the abattoir premises or any part thereof unless on lawful business connected therewith.

5. Delivery of animals

(1) Every person who delivers any animal 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 the purpose.

(4) The owner, or person in charge, of any bull or other dangerous animal shall, when bringing such animals 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.

6. Penning, care, feeding and treatment of animals

(1) The owner or person in charge of any animal brought into the abattoir, except draught animals, shall pen it 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 so to do 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) No person shall permit any animal in the abattoir, whether awaiting slaughter or in the process of slaughter, to be treated with any but the utmost care, or permit any cruelty or any unnecessary suffering to any animal. The manager may, in his discretion, take summary measures to prevent any unnecessary suffering or cruelty to animals.

7. 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.

8. Unpenning restricted

No person shall without the permission of the manager or any authorized official unpen any animal, unless for the purpose of removing to the waiting pen or slaughter chamber.

9. Condemnation of carcasses of certain animals

The carcass of any animal dying within the abattoir otherwise than by slaughter, or arriving dead at the abattoir, or of any animal less than 14 days old, shall be condemned, seized and destroyed as unfit for human consumption. Skins of animals condemned under this bye-law may be released to the owner at the discretion of an authorized veterinary surgeon.

10. 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, a 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 paragraph (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. In every such case the owner of the animal or other person or persons responsible shall comply with any condition imposed by the authorized veterinary surgeon and shall also conform with the requirements of these Bye-laws.

11. 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.

12. Cleanliness and hygiene

(1) Every person engaged in 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 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.

13. 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 heavy in young or which is on the point of giving birth to young.

14. 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.

15. 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 shall be slaughtered as quickly and with as little pain as possible.

(2) No person shall slaughter or permit or suffer to be slaughtered in the abattoir any animal, the flesh 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, and so long as all unnecessary cruelty is 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.

16. 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. Thereafter, however, the flaying or dressing shall be completed without delay.

17. 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.

18. 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.

19. Soiled meat to be condemned

All meat, fat and offal which becomes 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.

20. 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 and until 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

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of ascertaining whether it be 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 paragraph (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.

21. Concealment 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 shall have obtained the permission of a meat inspector so to do.

22. 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, wholesome, sound, and fit for human consumption.

(2) No person other than an official duly authorized thereto, shall stamp 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 to induce the belief that such meat or offal has been inspected and approved under these Bye-laws or slaughtered at the abattoir.

23. 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 and until 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 and until it has been washed and cleaned to the satisfaction of a meat inspector.

24. 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.

25. 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 paragraph (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.

26. 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, refuse, condemned carcasses or portions of condemned carcasses shall become the property of the Council.

27. Human diseases or injuries

(1) No person knowingly suffering from any notifiable infectious or contagious disease, who has within twelve 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 so 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.

28. Disposal of animals of unclaimed or disputed ownership

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. 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.

29. Exclusion of dogs, cats, birds, etc.

No person shall bring onto 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.

30. 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.

31. 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.

32. 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.

33. 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 be permitted to enter or remain on such premises.

34. Removal of animals or carcasses without permission prohibited

No person shall remove from the abattoir any animal, alive or dead, or the carcass of any animal or meat or offal or any thing pertaining to an animal without the prior permission of the manager.

35. Offences and penalties

(1) Any 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 on first conviction to a fine of P50 and on any subsequent conviction to a fine of P100.

(2) Any person who, being the holder of a butchery or restaurant licence and who is convicted under this bye-law, shall forfeit the right to make use of the abattoir for a period of 2 months.

JWANENG TOWN COUNCIL (POUND) BYE-LAWS

(under regulations 34 and 35)

(13th September, 1991)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Establishment of pound
3. Appointment of poundmaster
4. Financing of pound

S.I. 110, 1991.

1. Citation

These Bye-laws may be cited as the Jwaneng Town Council (Pound) Bye-laws.

2. Establishment of pound

The Jwaneng Town Council shall establish a pound to be situated and operated within the limits of the township.

3. Appointment of pound master

The Jwaneng Town Council shall appoint a pound master, and such other persons as may be necessary for the proper conduct of the pound in accordance with the provisions of the Pounds Act.

4. Financing of pound

All moneys received by the poundmaster in terms of the Pounds Act shall be paid into the funds of the Jwaneng Town Council, and all costs incurred in operating the pound, and all moneys lawfully expended by the poundmaster shall be paid by the Council.

SOWA TOWNSHIP (DOGS) BYE-LAWS

(under regulations 34 and 35)

(19th February, 1993)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Barking, etc., of dogs and bitches in season
4. Troublesome, dangerous or infected dogs
5. Detention and destruction of abandoned or diseased dogs
6. Licensing of dogs
7. Offences and penalties

S.I. 10, 1993.

1. Citation

These Bye-laws may be cited as the Sowa Township (Dogs) Bye-laws.

2. Interpretation

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

"authority" means the township authority for Sowa Township;

"dog" includes a bitch;

"public place" includes any road, street, thoroughfare, bridge, foot pavement, open space or park and any enclosed space to which the public is admitted within Sowa Township;

"rabies certificate" means a certificate signed by a veterinary officer within a period of three years prior to its production, stating that the dog has been vaccinated against rabies and that it was six months or more in age at the time of vaccination.

3. Barking, etc., of dogs, and bitches in season

(1) No person shall permit the continual barking or whining of a dog owned by him or in his custody, so as to disturb the comfort of any inhabitants of Sowa Township.

(2) No person shall allow any bitch owned by him or in his custody to be at large at such times 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 owned by him or in his custody, or any dog owned by him or in his custody which is suffering from a contagious or infectious disease, to be at large off the premises on which such animal is normally kept.

(2) Any person who keeps any dog of the nature described in sub-by-law (1) shall display at the principal entrance of the property where the dog is kept, a legible sign reading "BEWARE

OF THE DOG" or "TSHABA NTSA".

5. Detention and destruction of abandoned or diseased dogs

(1) An employee of the authority authorized thereto by the Chief Executive Officer may detain and remove to kennels or other premises owned by the authority any dog which is at large, or not under the control of any person in a public place.

(2) Where any dog detained under the provisions of sub-bye-law (1) is not claimed by or on behalf of its owner within a period of two weeks of such detention, it shall be deemed to be abandoned and, in such event it may be destroyed or otherwise disposed of as the authority may decide:

Provided that the authority may authorize the destruction of a dog before the expiration of the aforesaid period of two weeks where it has reason to believe it is suffering from any 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.

(3) 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 authority, and its destruction is not required in accordance with the provisions of sub-bye-law (2), on payment of a fee of P2 for each day during which it has been so detained.

6. Licensing of dogs

(1) No person shall keep a dog over the age of six months in Sowa Township unless it is licensed in terms of this bye-law:

Provided that:

- (a) a dog shall be required to be licensed within four weeks of its attaining the age of six months;
- (b) a dog brought into Sowa Township during the course of a calendar year shall be required to be licensed within a period of four weeks from the date when it was so brought in.

(2) The licensing officer for the authority shall issue a dog licence on application, and on production of a rabies certificate, and on payment of a fee of P5, and such licence shall be issued in respect of the 12 month period commencing on 1st January in any year and terminating on 31st December of that year:

Provided that—

- (a) the fee payable shall be half the amount prescribed if the dog is brought into the township area, or attains the age of six months, on or after 1st July in that year, as the case may be; and
- (b) a person shall not be guilty of an offence under this bye-law if the dog licence issued in respect of the preceding calendar year is renewed before the 31st January of the next

succeeding year.

(4) A licence issued under the provisions of this bye-law shall be in the form of a metal or plastic badge.

(5) No person shall permit any dog which is required to be licensed under the provisions of this bye-law to be at large unless it is wearing a dog collar to which a current licence issued under the provisions of this bye-law is affixed, and any dog at large in the township which is not wearing such a collar or licence may be detained and dealt with under and in accordance with the provisions of bye-law 5.

(6) Where a dog licence issued under the provisions of this bye-law has been lost, the licensing officer may issue a duplicate thereof on payment of a fee of P1.

7. Offences and penalties

Any person contravening any provision of these Bye-Laws, or not complying with any provision with which he is required to comply, shall be guilty of an offence and shall be liable to a fine of P15 or, in default of payment, to imprisonment for two months.

SOWA TOWNSHIP AUTHORITY (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(27th December, 1996)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

PART I *Preliminary*

1. Citation
2. Interpretation

PART II *Health and Sanitation*

3. Latrine accommodation to be provided
4. Mosquitoes and pests
5. Prevention of accumulation of refuse
6. Refuse receptacle and removal fees
7. Swimming pools and fish ponds
8. Overcrowding

PART III *Livestock and Other Animals*

9. Keeping of livestock
10. Troublesome or dangerous animals
11. Bees, pigeons and poultry

12. Powers of Authority
13. Disposal of carcasses of dead animals

PART IV
Streets

14. Naming of streets
15. Numbering of houses
16. Hoardings
17. Bills, posters, placards or advertisements
18. Trees

PART V
Fire Control Measures

19. Accumulation of inflammable or combustible materials
20. Grass fences
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24. Attendance of fire brigade at fires

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Food Premises

25. Construction: general
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35. Collection for charity
36. Protection of common property
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S.I. 95, 1996.

PART I
Preliminary (bye-laws 1-2)

1. Citation

These Bye-Laws may be cited as the Sowa Township Authority (General) Bye-Laws.

2. Interpretation

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

"approved" means approved by the Sowa Township Authority or by any duly authorized officer of the Authority;

"Authority" means the Sowa Township Authority;

"baker" means any person who carries on the business of selling whether by wholesale or retail bakery products baked or made by him;

"bakery" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those residing on the premises;

"bakery products" includes bread, biscuits, rolls, tarts, cakes, pies, confectionery or sweetmeats;

"business premises" means any premises which are used or intended to be used as a place of trade or industry;

"butcher" means any person who sells or exposes for sale or supplies butcher's meat for human consumption;

"butchery" means any premises used for the purpose of carrying on the business of a butcher;

"butchers' meat" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

"dwelling" means any house, room, shed, hut or any other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"food" or **"foodstuff"** means any thing whatsoever (other than drugs or water), in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"food premises" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human

beings for the purposes of defecation or urination;

"livestock" means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

"occupier" means, in relation to any lot or premises—

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or
- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"official" means any duly appointed official of the Township Authority;

"owner" means, in relation to—

- (a) 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;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises;

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and includes any work or thing forming part of or connected with such street;

"Township Authority area" means the area under the jurisdiction of the Sowa Township Authority;

"veterinary surgeon" means a person duly registered as such under the provisions of the Veterinary Surgeons Act;

"waste-water" means any discharge of a non-excremental nature from any waste-water fitment, gully trap, grease trap or laundry.

PART II

Health and Sanitation (bye-laws 3-8)

3. Latrine accommodation to be provided

(1) The owner of any premises within the Township Authority area shall—

- (a) provide proper and sufficient latrine accommodation for all persons residing or employed thereon;
- (b) provide a minimum of one latrine for every 15 persons.

(2) No person shall urinate or defecate in the Township Authority area elsewhere than in a latrine.

(3) The Authority may, by notice in writing to the owner or occupier of any premises within the Township Authority area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the Authority, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the satisfaction of the Authority.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the Township Authority area shall, in respect of such lot or premises—

- (a) maintain all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipe to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptacle for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

(1) For the purposes of this bye-law "refuse" means any garbage, excreta, night soil, filth stops, waste water, yard flushing, stable litter, rubbish, garden or kitchen refuse, dirt or crockery or glass, tins, cartons, plastic containers, and includes any derelict machinery or vehicle or part thereof.

(2) No person shall place, pour, throw or leave on any lot or premises or street or other public place, and no person shall permit to remain on any lot or premises under his control or any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such place or in such manner or for such time as to endanger health, or to favour

the breeding or harbouring of flies, mosquitoes or other insect pests, or to encourage rats or other vermin to frequent such lot, premises or street or other public place, or to become an eyesore or to cause any nuisance, or to be likely to interfere with the comfort of the inhabitants of the Township.

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

(4) Without prejudice to any prosecution for contravention of this bye-law, and notwithstanding any penalty which may be imposed under these Bye-laws for such contravention, an authorized officer may order any person who contravenes the provisions of sub-bye-law (2) to remove or dispose of any refuse which is the subject of the contravention in such manner as he may specify, and, if that person refuses to obey him, the Authority may forthwith remove or dispose of the refuse at that person's expense and such expense shall be a civil debt due to the Authority recoverable in any court of competent jurisdiction.

6. Refuse receptacle and removal fees

(1) Every occupier of premises in the Township Authority area shall, within 14 days of the service upon him of a notice in writing requiring him to do so, provide a sufficient number of suitable refuse receptacles, for the reception of refuse upon such premises.

(2) Every occupier shall cause such receptacle to be covered at all times except when refuse is being deposited in or discharged therefrom.

(3) Every occupier shall cause all refuse receptacles in use on his premises and covers thereof to be kept as clean as practicable and maintained in good order and condition.

(4) The Authority shall perform refuse removal services throughout the entire Township Authority area as often as circumstances warrant and the fee charged shall be such as may be determined from time to time by resolution of the Authority.

7. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the Authority to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always fresh and free from unpleasant or insanitary matter.

8. Overcrowding

No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 11,33 cubic metres of air space and 3,7 square metres of floor space, and for every person below the age of 14 years 8,50 cubic metres of air space and 2,79 square metres of floor space.

PART III

Livestock and Other Animals (bye-laws 9-13)

9. Keeping of livestock

(1) No person shall without the written consent of the Authority keep any livestock on any residential plot.

(2) The Authority may prohibit the use of any stable, cowshed, pen or site which in the opinion of the Authority is unfit, undesirable or objectionable by reason of its locality, construction, condition or manner of use.

10. Troublesome or dangerous animals

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

11. Bees, pigeons and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the Township.

12. Powers of Authority

The Authority may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the Township Authority area, and if such animal is not claimed within seven days the Authority may order its sale or destruction.

13. Disposal of carcasses of dead animals

(1) Subject to the provisions of sub-bye-law (2), no person shall dispose of the carcass of any dead animal within the Township Authority area except in a place approved by the Authority.

(2) The provisions of sub-bye-law (1) shall not apply to the burial by a person within a lot under his control, of the carcass of any dog, cat, or other small pet animal:

Provided:

- (i) the carcass shall be buried deeply enough to prevent the escape of any offensive odour or the digging up of the carcass by scavenging animals, and prevent any hazard to health;
- (ii) in the event of the death of the animal being caused by an infectious disease, the burial shall not take place except with the consent of a medical practitioner or veterinary surgeon;
- (iii) if the place where the carcass is buried is marked as a grave, this must be done, or shielded from view, so as not to be offensive to the religious or other susceptibilities of the neighbours,

and if these conditions are not complied with, the Authority may give such directions as may be necessary to secure compliance, or may order that the carcass be dug up and disposed of in some other place or manner, and failure to comply with such directions or order shall be

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punishable on conviction by a fine not exceeding P100 or in default of payment by imprisonment for a term not exceeding three months.

PART IV **Streets (bye-laws 14-18)**

14. Naming of streets

(1) The Authority may name or alter the name of any street.

(2) The Authority may from time to time, at its own expense, paint upon or affix to any building or erect in any street, the name of such street.

15. Numbering of houses

(1) The Authority may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the Authority shall affix or paint the number so allotted in a conspicuous place facing onto the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street onto which it faces.

16. Hoardings

(1) Subject to the provisions of sub-bye-law (3) this bye-law shall not apply to hoardings which form a temporary part of any building operation or which can be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising from work in progress nor to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale:

Provided that the Authority may direct the person erecting such hoarding to remove it or reposition it for the reason set out in sub-bye-law (3)(a).

(2) No hoarding shall be erected within the Township Authority area except with the written consent of the Authority.

(3) The Authority may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding—

- (a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;
- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, or any beauty-spot, park or recreational area; or
- (d) will be offensive to any occupier of residential premises adjacent to or looking upon the

site of the proposed hoarding.

(4) The Authority may charge fees for permission to erect and maintain hoardings on any street or other public place within the Township Authority area.

(5) The Authority may itself erect hoardings and may permit the use thereof and of any walls or other suitable fixtures being the property of the Authority by any person to display any bill, poster, placard or advertisement and may charge fees for such use.

(6) The fees mentioned in sub-byelaws (4) and (5) shall be determined from time to time by resolution of the Authority and a separate rate may be specified in respect of illuminated hoardings or signs.

(7) Failure to pay any fee charged under this byelaw shall be an offence.

(8) If any person—

(a) erects a hoarding in contravention of this byelaw; or

(b) refuses to remove a hoarding within a reasonable time when required to do so by the Authority; or

(c) fails to pay any fee chargeable under this byelaw,

the Authority may, without prejudice to any prosecution for an offence against these Byelaws, remove the hoarding which is the subject of the contravention at the expense of that person, and such expense shall be a civil debt due to the council recoverable in any court of competent jurisdiction.

17. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the Township Authority area without the written consent of the Authority.

(2) The Authority shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists or objectionable in substance, presentation or scale.

(3) The Authority may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-byelaws (1) and (2) shall prevent any person holding a licence to trade in the Township Authority area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies:

Provided that the Authority does not object to the nature and substance of such bills, posters, placards or advertisements.

(5) Any bill, poster, placard or advertisement which has been erected in the Township Authority area without the Authority's consent or to which the Authority objects may be removed

by the Authority.

18. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the Authority.

PART V

Fire Control Measures (bye-laws 19-24)

19. Accumulation of inflammable or combustible materials

(1) The owner or occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the Authority an owner or occupier has allowed the accumulation of deposit of straw, wood, paper or other inflammable or combustible material on his property, the Authority may, by notice in writing to such owner or occupier, order him to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do so.

20. Grass fences

If, in the opinion of the Authority, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire spreading therefrom to any buildings, the Authority may, by notice in writing, order the fence to be removed and the owner, or in his absence, the occupier of the premises upon which the fence is situated, shall remove the fence.

21. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the Authority, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that—

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to—
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which

is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the Authority may impose such conditions as it deems necessary.

22. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless—

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

(2) No person, other than an employee of the Authority, shall burn or set fire to any grass, refuse, rubbish or other material on any street or public open space.

23. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access shall, if required by the Authority, provide such building with portable fire extinguishers at the rate of one fire extinguisher for every 232,25 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

24. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-bye-law (1), the officer in charge of the fire brigade party—

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in

the vicinity of the fire; and

- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

Food Premises (bye-laws 25-33)

25. Construction: general

(1) No person shall erect or occupy any food premises within the Township Authority area unless the following provisions have been complied with—

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than 1,83 metres;
- (c) the floors shall, unless otherwise provided in these Bye-laws, be—
 - (i) of concrete; or
 - (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall not be less than 3,05 metres;
- (e) the premises shall be provided with a dustproof ceiling;
- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room or alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing-up facilities to enable all utensils, storage facilities, linen and protecting clothing to be kept clean.

(2) No food premises shall be used for sleeping accommodation and no portion of such premises shall communicate by door, window or otherwise with any sleeping or living room.

26. Construction: bakeries

No person shall erect or occupy any bakery within the Township Authority area unless the following provisions have been complied with in addition to the provisions of bye-law 24—

- (a) no portion of any bakery shall be underground, except that with the written consent of the Authority an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;

- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than 3,05 metres from any latrine;
- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least 1,83 metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

27. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmonger's shop within the Township Authority area unless the following provisions have been complied with, in addition to the provisions of bye-law 25—

- (a) no door or window opening in any room wherein butcher's meat or fish is stored, handled or placed for sale shall be so placed as to be less than 3,05 metres from any latrine;
- (b) the floors shall be of cement or concrete at least 7,62 centimetres in thickness and topped with granolithic or other impervious material at least 1,90 centimetres in thickness;
- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

28. Operation of bakeries

(1) Every person carrying on the trade of a baker in the Township Authority area shall—

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent:

Provided that—

- (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the Authority;
- (ii) where washable distemper is used it shall be renewed at least once in every 12

months;

- (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot water and soap to ensure adequate cleanliness;
- (b) keep every part of his bakery and all vessels and utensils, carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
- (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
- (d) maintain a supply of soap and clean towels for the use of all persons employed in the bakery;
- (e) take all practical measures to maintain his premises free from rodents, flies, cockroaches and other insects;
- (f) provide means of protecting all bakery products by glazed or fly-screened showcases or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance in any public thoroughfare;
- (g) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding 4,536 kilograms in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purpose of covering or wrapping bakery products.

29. Operation of butcheries and fishmongers' shops

(1) No butcher or fishmonger shall keep or allow to be kept in, or allow to enter into his shop or any premises connected therewith, any live animal or bird:

Provided that poultry intended for slaughter and sale may be kept in such place as may be approved in writing by the Authority.

(2) Every person carrying on the trade of a butcher or fishmonger in the Township Authority area shall—

- (a) keep every part of his shop in good order and repair and in a clean and sanitary condition;
- (b) keep thoroughly clean all knives and other instruments and appurtenances, machinery

and vehicles used in cutting or handling or moving butchers' meat or fish;

- (c) provided receptacles of galvanized iron or other non-absorbent material and with close-fitting covers for collecting and conveying from his shop all refuse;
- (d) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed;
- (e) maintain a supply of soap and clean towels for the use of all persons employed in the shop.

30. Personal cleanliness

(1) Every person employed in any premises where food is handled or offered for sale shall wash his hands with soap and water before commencing work.

(2) No person in any food premises shall expectorate or blow his nose except into a handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(3) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

31. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the Authority.

32. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for any purpose.

(3) No person shall load onto or transport in any vehicle any carcass if such vehicle contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(4) No person shall sell, expose for sale or deliver any butchers' meat in the Township Authority area unless such meat has been obtained from a slaughterhouse or place approved in writing by the Authority.

(5) No person shall slaughter any animal for human consumption in the Township Authority area except at such slaughterhouse or approved place.

(6) All vehicles used for the conveyance of meat shall be constructed of or lined with an

impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(7) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be construed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(8) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(9) Persons loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(10) No person shall sell, expose for sale or deliver any bakery products in the Township Authority are unless such bakery products have been obtained from a bakery approved in writing by the Authority.

(11) All foodstuffs shall be completely wrapped and no person who sells any foodstuffs shall deliver the same wrapped in a newspaper or in any soiled or previously used wrapping paper.

33. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetables, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is—

- (a) blown so that there is unnatural bulging of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having been punctured and having had the puncture re-sealed.

PART VII

Miscellaneous (bye-laws 34-38)

34. Noise and nuisance

(1) No person shall—

- (a) operate or cause or permit to be operated any wireless, loudspeaker, gramophone, 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 Authority;

- (c) continue to make any loud or unseemly noise or disturbance either 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, disturb or interfere with the rest, peace or tranquillity of the inhabitants, after having been requested to desist by any member of the police or by any other 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 or the person so annoyed, disturbed or inconvenienced;
- (e) between the hours of 5 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 Township Authority area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

(2) The provisions of paragraph (e) of sub-bye-law (1) shall not apply to the building or construction or to any ancillary operations connected with the erection of or alteration to any hotel or casino.

35. Collection for charity

(1) No collection of moneys or attempts to collect money shall take place within the Township Authority area without the prior written consent of the Authority.

(2) The Authority may in granting its consent to the collection of money impose such conditions as it deems fit.

36. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the Authority have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under bye-law 38, be ordered to pay compensation for such damage.

37. Barbed wire fences

No person shall use, or allow to be used, barbed wire for fencing any area or lot without the written permission of the Authority:

Provided that in the event of the refusal by the Authority to give permission as aforesaid an appeal shall lie to the Minister in accordance with the provisions of regulation 32(3) of the Sowa Township Authority Regulations.

38. Offences and penalties

(1) Any person who obstructs or hinders the Authority in the exercise of its duties under the provisions of these Bye-laws or who fails to comply with any of the provisions of bye-law 3(2), 9(1), 11, 16, 17, 19, 20, 22, 34, or 36 shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding P10 or, in default of payment thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction to a fine not exceeding P50, or, in default of payment thereof, to imprisonment for a term not exceeding two months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 7, 10, 18, 21, 23, 28, 29, 30, 31, 32 or 33 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100, or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 8, 25, 26 or 27 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200 or, in default of payment thereof, to imprisonment for a term not exceeding six months.

JWANENG TOWN COUNCIL (CEMETERY) BYE-LAWS

(under regulations 34 and 35)

(11th April, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment of cemeteries
4. Permission for burial
5. Burials
6. Register of burials
7. Memorial work
8. Exhumations
9. Opening and closing of cemeteries
10. Powers of caretakers
11. Offences and penalties

Schedule - Burial Permit

S.I. 24, 1997.

1. Citation

These Bye-Laws may be cited as the Jwaneng Town Council (Cemetery) Bye-Laws.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"**adult**" means a person of or above the age of 10 years;

"**caretaker**" means a person so designated by the Council;

"**cemetery**" means a cemetery established in accordance with bye-law 3;

"**child**" means a person under the age of 10 years;

"**Council**" means the Jwaneng Town Council;

"**memorial work**" means any gravestone, monument, cenotaph, tablet or monumental inscription erected over a grave, or any work ancillary thereto;

"**Town Clerk**" means the Town Clerk of Jwaneng.

3. Establishment of cemeteries

(1) The Council shall establish, designate and identify areas within the Township as cemeteries.

(2) No person shall bury or cause to be buried any body within the Township elsewhere than in a cemetery established and designated in accordance with this bye-law.

4. Permission for burial

(1) No burial shall take place except under and in accordance with a permit issued by the Town Clerk, and on payment of the fee of P5;

Provided that the Town Clerk may—

- (i) waive the payment of such fee, in whole or in part, where—
 - (a) he is satisfied that the person responsible for the burial is unable to pay the full amount;
 - (b) where the person responsible for the burial, at his own request, and in accordance with any conditions with regard to the sitting and digging of graves as may be prescribed or required by or under these Bye-Laws, is authorized by the Town Clerk to dig the grave himself;
- (ii) additionally or alternatively, permit and make arrangements for the payment of the fee by instalments, the non-compliance with which arrangements, or the non-payment of such instalments resulting in the whole of the fee, or any outstanding amount thereof, becoming a debt due to the Council, recoverable in a court of competent jurisdiction.

(2) An application for a permit under this bye-law shall state the name, age and sex of the deceased, his religious denomination, if any, and his place of birth, and shall be accompanied by a certificate, signed by a medical practitioner, or a duly certified copy thereof, showing the cause of death, or, in the absence of such a certificate, by the written permission of a magistrate or a district officer authorizing the burial.

(3) A permit issued under this bye-law shall be in the form indicated in the Schedule.

(4) The Town Clerk may refuse to issue a permit under this bye-law where the deceased died outside the Township, and was not, prior to his death, a resident of the Township.

5. Burials

(1) Unless the Town Clerk otherwise directs, graves shall conform with the following dimensions—

Length 7 feet

Width 3 feet

Depth 6 feet

(2) Unless the Town Clerk otherwise directs, no burial shall take place unless the body is enclosed in a coffin of solid and sound construction.

(3) Unless the Town Clerk otherwise directs, not more than one adult, or two children, may be buried in the same grave:

Provided that the body of a still-born child may be buried with the body of its mother.

(4) The caretaker responsible for a cemetery shall ensure that forthwith upon the placing of the coffin or body in a grave it is covered with earth and the grave is filled in.

6. Register of burials

(1) All graves in a cemetery shall be allotted a number, and all burials shall be recorded in a register to be kept by the Town Clerk.

(2) The register required under sub-bye-law (1) shall be kept open for inspection by members of the public during office hours.

7. Memorial work

(1) Memorial work shall not be erected on or in relation to any grave without the written permission of the Town Clerk, and otherwise than in accordance with any conditions subject to which such permission is given.

(2) Any person wishing to erect memorial work in a cemetery shall make application to the Town Clerk, and if required to do so shall furnish to the Town Clerk plans and diagrams thereof, and as to the manner in which the work is to be executed, in such detail as he may require.

(3) The Town Clerk may refuse to grant permission for the erection of any memorial work if he is of the opinion that it would be unsightly or offensive, or if it is not of a permanent and durable nature:

Provided that a person aggrieved by a decision of the Town Clerk may appeal therefrom

directly to the Council.

(4) The Council may take down, or cause to be taken down, and removed any memorial work which has been placed or erected in a cemetery without permission, or which is not maintained in an adequate state of repair, and any costs incurred thereby may be recovered from the person who erected the works.

8. Exhumations

Subject to the provisions of the Inquests Act, and without the permission of the Council, no person shall exhume any body, or cause any body to be exhumed, within a cemetery, or reopen any grave, without the written permission of the Council.

9. Opening and closing of cemeteries

(1) A cemetery shall be open to the public between the hours of sunrise and sunset:

Provided that—

- (i) the Town Clerk, or the caretaker of the cemetery concerned may, from time to time, authorize an earlier opening or a later closing thereof;
- (ii) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

(2) The Council may close any cemetery, but any cemetery so closed shall continue to be a cemetery, save that no burial may take place therein except on the authority of the Council.

(3) Nothing in this bye-law shall authorize members of the public to enter any building or enclosed space within a cemetery.

10. Powers of caretakers

(1) Every person within a cemetery shall be subject to the direction and control of the caretaker of that cemetery, who may also, as he consider necessary, give reasonable directions with regard to the arrangement of funerals.

(2) Any person who resists or obstructs a caretaker in the exercise of his duties under these Bye-Laws, or who disobeys a reasonable direction given by him in accordance with his duties and responsibilities under these Bye-Laws, shall be guilty of an offence and liable to a fine of P15.

11. Offences and penalties

Any person who—

- (a) without the consent of the Town Clerk, or the caretaker, enters or is found within a cemetery other than during the hours when the cemetery is open to the public in accordance with the provisions of bye-law 9;

- (b) destroys or damages any building, wall, fence, tree or plant in a cemetery;
- (c) puts up any poster or advertisement in a cemetery or on any wall thereof;
- (d) destroys, damages or defaces any memorial within a cemetery;
- (e) plays any game or sport within a cemetery;
- (f) discharges any firearm within a cemetery, except at a military funeral;
- (g) disturbs or annoys any person in a cemetery to attend a funeral;
- (h) shouts or screams, or otherwise behaves in an indecent or offensive manner in a cemetery;
- (i) enters a cemetery enclosed by a wall or a fence otherwise than through a door or gate provided for entry thereto; or
- (j) takes any dog or livestock into, or permits any dog or livestock to enter, a cemetery,

shall be guilty of an offence against these Bye-Laws and liable to a fine of P15.

**SCHEDULE
BURIAL PERMIT
SESUPO SA PHITLHO**

No.
Nomoro

JWANENG TOWN COUNCIL

Name of Applicant:.....(Full name)

Leina la Mokopi: (Block Letters)

Address of Applicant:.....

Aterese ya Mokopi:

Name of Deceased:.....

Leina la Moswi:

Address of Deceased:.....

Aterese ya Moswi:

Date of Death:.....

Letsatsi la Loso:

Place of Death:.....

Felo ga Loso:

Death Certificate:.....
Sesupo sa Loso:

Age:.....
Dingwaga:

Sex:.....
Mong:

*(26) Religious Denomination:.....
Wa Kereke efe:

I certify that the information given above is true in every respect.
Mafoko otlhe a ke a buileng ke boammaruri.

.....
Signature/Boitlamo jwa mokopi

.....
FOR OFFICIAL USE ONLY/GA TIRISO YA BABEREKI FELA

Fee:..... Official Receipt No:.....
Tuelo: Nomoro ya Sesupo sa Tuelo:

Grave Number:.....
Nomore ya Lebitla:

Date:.....
Letsatsi:

.....
*Town Clerk,
Mokwaledi wa Toropo*

GABORONE CITY COUNCIL DAY-CARE CENTRE BYE-LAWS

(under regulations 34 and 35)

(31st March, 1995)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation

3. Registration of day-care centres
4. Closure of day-care centres
5. Hours of operation
6. Age of admission
7. Premises
8. First aid requirements
9. Toilets
10. Classroom equipment
11. Outdoor play areas
12. Pets
13. Kitchens
14. Staff
15. Smoking prohibited
16. Responsibilities of owner
17. Powers of entry
18. Offences and penalties

S.I. 21, 1995.

1. Citation

These Byelaws may be cited as the Gaborone City Council Day-Care Centre Bye-laws.

2. Interpretation

In these Bye-laws—

"day-care centre" means a place for the supervision during the day of young children below normal school age and before they attend a normal school;

"infectious disease" includes diphtheria, cerebro-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 the prior approval of, and registration by, the City Council.

(2) Any person intending to operate a day-care centre shall make application to the City Council therefor, on the appropriate form, giving details of the premises intended to be used for the centre, the names and qualifications of all the teachers and other assistants to be employed at the centre, and such other information with regard to the proposed centre as the Council may require.

(3) If the City 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, register the centre, and issue to the applicant a registration certificate, valid until the 31st. December of the year of issue, but thereafter renewable from year to year, on payment of the annual fee of P10.

(4) The current registration certificate shall be displayed on the wall of the principal office of the centre.

4. Closure of day-care centres

The City Council may cancel the registration of, and require the closure of, any day-care centre that contravenes or fails to comply with any of the provisions of these Bye-Laws with which it is its duty to comply.

5. Hours of operation

A day-care centre shall not operate outside the hours between 7.00 am and 17.00 pm on week-days, except with the written approval of the City Council.

6. Age of admission

Children shall not be admitted to, or be allowed to remain at, a day-care centre, without the written permission of the City Council, if under the age of two and a half years or over the age of six years.

7. Premises

(1) Occupied residential houses shall not be used as day-care centres, and garages and verandahs shall not be used or extended as classrooms for day-care centres:

Provided that, with the written consent of the City Council, an occupied residential house may be permitted to be used as a day-care centre if the portion to be used for the centre can be adequately and satisfactorily separated from the portion used for residential purposes.

(2) Premises used for day-care centres shall be constructed in accordance with and from material permitted by the appropriate building regulations, floors shall be smooth and tiled or carpeted, and every classroom or rest room must be adequately lit and ventilated.

(3) 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.

(4) In every day-care 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.

(5) Premises used for day-care centres shall be adequately and securely fenced in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

8. First aid requirements

In every day-care centre there shall be maintained, and 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.

9. Toilets

(1) Every 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 wash hand basins, so that there shall be one toilet and one wash hand basin for every 15 children.

(3) Storage facilities for towels, face cloths and personal belongings of staff shall be separate from similar facilities for children.

10. Classroom equipment

(1) Every day-care centre shall, bearing in mind the number of children attending the centre, provide an adequate supply of equipment suitable for use in a day-care centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.

(2) The City Council may require or approve additional, or alternative equipment to that referred to in sub-byelaw (1).

11. Outdoor play areas

(1) Outdoor play areas shall be adequate in size, providing a minimum area equivalent to not less than 2 cubic metres for each child attending the day-care centre, shall have a flat, generally dry surface, with adequate shade.

(2) Outdoor play areas shall be provided with play equipment such as sand pits, swings, slides and climbing frames, to the satisfaction of the City Council, and adequate for the number of children attending the day-care centre.

12. Pets

Animals, whether pets or otherwise, shall not be permitted within any area used for the purposes of a day-care centre, without the written permission of the City Council.

13. Kitchens

(1) Where food is provided by a day-care centre, there shall be available in the kitchen adequate hot and cold water, adequate and hygienic storage space for food, adequate cutlery and crockery of a suitably hygienic type, and there shall be available for inspection a detailed menu of food provided, with a suitably 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.

14. Staff

(1) A day-care centre shall have a minimum of two qualified teachers, and at all material times there shall be at least one such teacher on duty:

Provided that there shall always be at least one teacher on duty for every 30 children at the centre.

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

(3) All staff employed at a day-care centre shall be medically examined, including being x-rayed, before taking up employment, and thereafter at six monthly intervals.

(4) All staff employed at a day-care centre shall at all times wear clean uniforms or clothing.

15. Smoking prohibited

Smoking shall be prohibited anywhere within the area of a day-care centre, and a notice to this effect shall be displayed prominently at the entrance to the centre.

16. Responsibilities of owner

(1) 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 centre.

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

(3) The owner of a day-care centre shall ensure that all children at the centre shall have a common resting period of not less than an hour each afternoon.

17. Powers of entry

An officer of the City Council so authorized in writing by the Town Clerk may at any reasonable time enter a day-care centre for the purpose of inspection, and to ensure compliance with these Bye-Laws.

18. Offences and penalties

Any person who contravenes, or fails to comply with any of these Bye-Laws with which it is his duty to comply, and the owner of any day-care centre which operates in breach of the provisions of any of these Bye-Laws, shall be guilty of an offence and liable to a fine of P200 and to imprisonment for three months.

Endnotes

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