

Hawkers Regulations



Updated: June 2008

HAWKER REGULATIONS

Notice is hereby given in terms of Section 94(1)(o) and 94(aj)(ii) of the Local Authorities Act, Act No. 23 of 1992 as amended, that the Municipal Council of Swakopmund hereby wishes to promulgate the following new Hawker Regulations to be applicable to the Town of Swakopmund.

1. In these regulations unless inconsistent with the context:-

“**Council**” - means the Council of the Municipality of Swakopmund;

“**General Manager: Health Services**” - means the General Manager: Health Services of the Council or any person for the time being acting as General Manager: Health Services or his/her duly authorised representative;

“**Health inspector**” - means the health inspector employed in Council's Health Department;

“**hawker**” - means without in any way restricting the ordinary meaning of the word, also anybody, including a *bona fide* farmer, who within the municipal area sells or otherwise disposes for profit or exhibits or offers any other food or other wares, whether these are the products of his/her own industry or otherwise, other than from a specified business place and which is or has to be registered in terms of these regulations or which is exempted from the registration in terms of regulation 2(a);

“**Municipal area**” - means the municipal area of Swakopmund;

“**Registration certificate**” – means the registration certificate mentioned in regulation 3.

2. (a) No person shall carry on or assist in carrying on within the municipal area of Swakopmund the trade, business or occupation of hawker, whether his/her wares are the products of his/her own industry or otherwise, unless he/she has been registered in the manner hereinafter prescribed, and has procured the registration certificate to be kept as required by these regulations: Provided that the General Manager: Health Services or any other health inspector authorised thereto may upon presentation of satisfactory evidence to the effect that a person is a *bona fide* farmer who desires to dispose of the products of his own industry, exempt such person from the provision of this regulation.
 - (b) No person who is registered as an assistant of a hawker shall carry on the trade, business or occupation of a hawker except as the assistant of the said hawker.
 - (c) No hawker shall employ for the purpose of his trade an assistant unless such assistant is registered as required by these regulations.
3. (a) Every person applying to the Council for registration as aforesaid shall do so upon the form prescribed by the Council, giving his/her full name age and address, birthplace, the address of the storeroom referred to in regulation 7 (b) hereunder, nationality and the address of the person (if any) by whom he/she is employed and shall further state the class of articles or articles he/she proposes to sell.
 - (b) If the Council approves the application, the General Manager: Health Services shall issue a numbered registration certificate to the hawker or assistant to any hawker as the case may be, in the manner prescribed by the Council: Provided that the class of article or articles which the person concerned proposes to sell, as stated in his/her application, shall be entered on the registration certificate and the photograph and signature or mark of the person concerned appears thereon.
 - (c) The sale or exposure for sale by a hawker or assistant, of any class of article or articles not specified on his/her registration certificate shall be deemed to be a contravention of this regulation

- (d) Every applicant for registration shall pay at the time of application the sum of N\$...
4.
 - (a) Every certificate of registration shall be issued and shall take effect from the date of issue up to including the next succeeding 31st day of March when it shall lapse. Any application for renewal of such certificate of registration shall be made not less than one month before the date of expiry.
 - (b) Every person registered under these regulations shall give immediate notice to the General Manager: Health Services of any change of his/her residence or storeroom during the currency of his/her registration certificate and shall be required to have the change endorsed on such certificate by the General Manager: Health Services.
 5.
 - (a) The registration certificate shall be produced by the holder when called upon by any member of the police force, the General Manager: Health Services, any health inspector or other authorised officer of the Council or any house-holder.
 - (b) Any hawker or assistant suffering from any infectious or contagious disease or who has been in contact with a person suffering therefrom and has not been declared free from infection thereafter, or having any discharging ulcer or sore or whose body or clothing is not in a clean condition shall not handle or in any way take part or assist in the sale or disposition of any fruit, vegetables or foodstuffs of any description.
 6.
 - (a) Every person registered under these regulations who loses his/her registration certificate shall give notice thereof forthwith to the Council and shall obtain a new registration certificate on payment of a fee of N\$... and the former registration certificate shall thereupon be cancelled and upon such cancellation shall be deemed not to have been issued, and any person found thereafter in the possession of and using such registration certificate shall be guilty of an offence.
 - (b) No person registered under these regulations shall transfer, lend or hire his registration certificate to any other person.
 7.
 - (a) No hawker shall use or employ for the purpose of plying his/her profession or calling any wagon, cart, handcart, barrow or other conveyance for the carrying of his/her goods, wares or merchandise until it has been inspected and approved by the health inspector for the conveyance of the wares for which the registration certificate has been issued and unless his/her name and address and the number of his/her registration certificate shall have been painted on both sides thereof in some conspicuous place in legible characters not less than 72 pitch in height and of proportional breadth and of a colour clearly distinguishable from the ground whereon the same are painted.
 - (b) No person shall carry on the trade or business of a hawker unless he/she is in possession of a storeroom, (where applicable) approved by the health inspector and no person shall store any article forming part of the stock-in-trade of such hawker in any place other than a storeroom so approved.
 8.
 - (a) No hawker shall in any public street or public place within the municipal area unload his/her vehicle for the purpose of exhibiting his/her goods or sell any such goods in any other manner than from his/her vehicle.
 - (b) No hawker shall remain or loiter or keep or allow his/her vehicle to remain stationary in any spot to which the public has access for a period longer than one hour for the purposes of his/her trade; at the end of the said one hour he/she shall move not less than 50 meters from the spot previously occupied; and he/she shall not for the purpose of his/her trade return within one hour to any spot, or, to within 50 meters thereof, which he/she has already visited for such purposes.
 9. No person shall carry on the trade of hawker within the limits of the municipal area before 07h00 and after 20h00 on any day on which such trade is by law permitted and carry on such trade from door to door.

10. (a) No person carrying on the trade of a hawker shall employ more than three persons per vehicle to assist him/her in soliciting business if such trade be carried on with or from a wheeled vehicle other than a vehicle propelled by a person, or more than one person to assist him/her in soliciting business if the trade be carried on either with or from a wheeled vehicle propelled by a person or without a vehicle.
 - (b) Every person carrying on the trade of a hawker of food shall, when engaged in such trade, wear a white coat or jacket, which shall at all times be maintained in a clean condition.
 11. No person carrying on the trade of hawker shall while engaged on such trade throw, place or deposit or cause to be thrown place or deposited any fruit or vegetable peelings, paper, trash or rubbish of any nature in, on or about any street or public place or by loudly or persistently soliciting business annoy any member of the public, or in any way by any means obstruct the free passage of vehicular or pedestrian traffic.
 12. (a) The Council may on any breach of these regulations by the holder of a registration certificate decline or renew or may at any time withdraw any registration certificate granted in terms of these regulations: Provided that before the Council so declines to renew or withdraw any such registration certificate it shall afford the said holder an opportunity of appearing before it, either personally or by his/her legal representative, and showing cause, if any, to the contrary.
 - (b) Upon such withdrawal, the registration certificate concerned shall be deemed not to have been issued and the holder shall forthwith hand it in to the Council.
 13. Every hawker shall observe the following rules:
 - (a) Any vehicle, handcart, barrow or receptacle used by a hawker for the purpose of his/her business shall be kept clean.
 - (b) Every vehicle, handcart, barrow or receptacle shall be removed from the hawking area at the conclusion of business each day and the hawking area shall be left clean and tidy.
 - (c) Every hawker shall be cleanly clad and shall conduct him-/herself in a civil and decorous manner.
 14. (a) No person shall carry on hawking business anywhere within the municipal area other than on the specially demarcated hawking area made available by the Council.
 - (b) No person shall stay overnight in the demarcated hawking area.
 - (c) A levy of N\$... per day ending at 20h00 shall be payable for using the hawking area, and receipt shall be produced when this is requested by an authorised official of the Council.
 15. Any person who contravenes the provision of these regulations, commits an offence and shall, upon conviction, be subject to a fine not exceeding N\$... or in default of payment to imprisonment not exceeding six months and in the event of a continuance of the offence, a further fine of N\$... or imprisonment as laid down by the court, for every day on which such offence is continued.
 16. Requirements and standards are laid down by these regulations which should be construed as additional to and not as a substitution for the provision of legislation contained in the General Health Regulations promulgated under Government Notice 121 of 1969, as amended.
-