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LG. 85703

THE LOCAL GOVERNMENT ORDINANCE

(CAP. 333)

BY-LAWS

*Made by the Mbeya Town Council with the approval of the Minister
 for Local Government under section 59 of the Local Government
 Ordinance*

THE MBEYA TOWN COUNCIL (HAWKING AND STREET TRADING)
 BY-LAWS, 1963

1. These By-laws may be cited as the Mbeya Town Council (Hawking and Street Trading) By-laws, 1963. Short title

2. In these By-laws—

Definitions

“Council” means the Mbeya Town Council;

“foodstuffs” includes drinks, fresh and dried fish, vegetables, fruit and nuts;

“goods” includes wares, merchandise, articles of handicraft, books, newspapers, periodicals, publications and flowers;

“hawker” means any person who either on his own behalf or as an agent for another carries on the business of offering, selling, or exposing for sale, barter or exchange, any goods or foodstuffs in any place other than on premises licensed under the provisions of the Trades Licensing Ordinance (Cap. 208), or a market established by the Council;

“to hawk” with its grammatical variations and cognate expressions means the carrying for sale, barter or exchange of any goods or foodstuffs, and includes the act of exposing for sale any goods or foodstuffs whether from a stall or not, but does not include the seeking of orders for subsequent delivery from dealers therein;

“stall” means any booth, table, receptacle or structure of whatsoever kind used for the display or sale of goods or foodstuffs;

“street” means any highway, road, path, lane, square, court, passage, sanitary lane, alley, whether a thoroughfare or not, pavement, sidewalk, roadside verge and any open space or public place to which the public have access;

G.N. No. 320 (contd.)

"Township" shall mean the area of the Township of Mbeya;

"Town Clerk" means the person for the time being performing the duties of the Town Clerk of the Mbeya Town Council and shall include the Deputy Town Clerk.

Hawkers to
be licensed

3.—(1) No person shall hawk any goods or foodstuffs within a part of the Township unless he is in lawful possession of a valid licence issued by the Council authorizing him to do so.

Licences
not to be
transferred

(2) No hawker licensed under the provisions of paragraph (1) of this by-law shall sell, let, exchange, transfer, hire or otherwise part with his licence to any other person, except by surrender to the Council as provided for in paragraph (3) of by-law 4 and by-law 12.

Licences to
be produced
for
inspection

(3) Every hawker shall produce his licence for inspection when requested to do so by a Police Officer or an officer of the Council authorized by the Town Clerk for the purpose.

(4) Any person who contravenes or fails to comply with the provisions of paragraph (1), (2) or (3) of this by-law shall be guilty of an offence.

Form of
licence

4.—(1) Every licence issued under these By-laws shall be in the form set out in the First Schedule hereto and shall specify the nature or class of goods or foodstuffs to which it applies and the particular area of the Township in which such goods or foodstuffs may be hawked.

Licence fees

(2) The fees for a licence shall be as set out in the Second Schedule hereto and every licence shall remain in force until the thirty-first day of December next following the date of issue.

Surrender
of licences

(3) A licence shall cease to have effect on being surrendered to the Council at any time and upon surrender the person to whom the licence was issued shall be entitled to a refund—

(a) if the licence had six months or more to run, of one-third of the fee; or

(b) if the licence had less than six months and more than three months to run, of one-sixth of the fee.

Hawking
unspecified
goods and
foodstuffs
and
hawking in
unspecified
places

5. Any licensed hawker who hawks goods or foodstuffs not specified in his licence, or who hawks in a place not authorized by his licence shall be guilty of an offence.

Badges to
be worn

6.—(1) Every hawker shall wear on his left arm in a conspicuous position a numbered badge which shall be issued to him by the Council on the payment of a fee of Shs. 2/-. This fee shall be refunded to the hawker upon the surrender, cancellation or expiry of his licence and the return of the badge to the Council.

Badges not
to be
transferred

(2) No hawker shall sell, let, exchange, transfer, hire or part with his badge to any other person otherwise than by returning it to the Council on the surrender, cancellation or expiry of his licence.

Duplicate
badges

(3) A duplicate badge will be issued to a hawker in the event of the loss of his original badge and on the payment of a fee of Shs. 10/-; and on the return of such duplicate badge to the Council a refund of Shs. 2/- only shall be made.

G.N. No. 320 (contd.)

(4) No person other than a licensed hawker shall wear any badge issued under the provisions of these By-laws. Only licensed hawkers to wear badges

(5) Any person who contravenes or fails to comply with the provisions of paragraph (1), (2) or (4) of this by-law shall be guilty of an offence.

7. The Council may at any time by resolution restrict for such period as may be specified in the resolution the number of licences which may be issued for any class of goods or foodstuffs and the number of licences of licences which may be issued for any part of the Township. Council may restrict numbers of licences

8.—(1) The Council may attach to any licence issued under these By-laws such conditions as it may deem expedient and the licensee shall observe all such conditions. Attachment conditions

(2) Any hawker who fails to comply with any condition attaching to a licence issued to him under these By-laws shall be guilty of an offence.

9.—(1) No stall for the display or sale of any goods or foodstuffs shall be erected in any street by any person unless he is in lawful possession of a valid hawker's licence issued by the Council. Only licensed hawkers to erect street stalls

(2) No licensed hawker shall erect any stall for the display of goods or foodstuffs in any street unless he is in possession of a permit to do so issued by the Council under the hand of the Town Clerk in the form set out in the Third Schedule hereto. Such permit may specify the conditions subject to which a stall may be erected. Permit required to erect street stalls

(3) Every person permitted to erect a stall under the provisions of sub-paragraph (2) of this by-law shall cause to be clearly and visibly written, painted or inscribed on it the hawker's name and the words "Licensed Hawker".

(4) Any person who contravenes or fails to comply with the provisions of paragraph (1), (2) or (3) of this by-law, or any condition subject to which a permit to erect a stall was issued, shall be guilty of an offence.

10.—(1) No person shall set down and expose or offer for sale any goods or foodstuffs in any street unless he is in possession of a valid permit so to do issued by the Council under the hand of the Town Clerk in the form set out in the Third Schedule hereto. Such permit may specify the conditions subject to which goods or foodstuffs may be displayed in a street. No goods or foodstuffs to be displayed on street without permission

(2) Any person who contravenes or fails to comply with the provisions of paragraph (1) of this by-law or any condition subject to which a permit to display goods or foodstuffs in a street was issued, shall be guilty of an offence.

11. Notwithstanding the provisions of these By-laws the Council may in its discretion remit the whole or any part of any fee payable for a licence. Remission of fees

G.N. No. 320 (contd.)

12. The Council may cancel a licence if the holder is convicted of any offence under these By-laws, and the said holder shall therefore surrender such licence to the Council. Where a licence has been cancelled under this by-law, the Council may in its discretion refuse to issue a fresh licence to the said holder during the same or the next following licensing period.

Penalties

13. Any person who contravenes or fails to comply with any of the provisions of these By-laws or any condition attached to a licence or permit issued hereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 500/- or to imprisonment not exceeding three months or to both such fine and imprisonment.

FIRST SCHEDULE

FORM 1

Licence No.

The Mbeya Town Council (Hawking and Street Trading) By-laws, 1963

LICENCE TO HAWK

(By-law No. 4 (1))

.....
(Name)
of
(Address)
is hereby granted a licence to hawk
.....
(Type of goods or foodstuffs)
* within Township with the
exception of
(Description of area)
of
*within the following areas only of Township
.....
for the period from to
subject to the following conditions:
.....
.....
Fee of Shs. has been paid *vide* Receipt No.
date
Badge No. has been issued to the holder of this licence and a deposit
of Shs. 2/- has been paid *vide* Receipt No.
date
.....
Signature or Mark of Licence Holder
.....
Town Clerk,
Mbeya Town Council

*Delete whichever is inapplicable.

SECOND SCHEDULE

LICENCE FEES

(By-law No. 4 (2))

	Shs.
(a) (i) For an annual licence to hawk books, newspapers, periodicals, publications and flowers	12/-
(ii) For a licence as in (i) above the issue date of which is after the 30th June in any year	6/-

G.N. No. 320 (contd.)

(4) No person other than a licensed hawker shall wear any badge issued under the provisions of these By-laws. Only licensed hawkers to wear badges

(5) Any person who contravenes or fails to comply with the provisions of paragraph (1), (2) or (4) of this by-law shall be guilty of an offence.

7. The Council may at any time by resolution restrict for such period as may be specified in the resolution the number of licences which may be issued for any class of goods or foodstuffs and the number of licences which may be issued for any part of the Township. Council may restrict numbers of licences

8.—(1) The Council may attach to any licence issued under these By-laws such conditions as it may deem expedient and the licensee shall observe all such conditions. Attachment conditions

(2) Any hawker who fails to comply with any condition attaching to a licence issued to him under these By-laws shall be guilty of an offence.

9.—(1) No stall for the display or sale of any goods or foodstuffs shall be erected in any street by any person unless he is in lawful possession of a valid hawker's licence issued by the Council. Only licensed hawkers to erect street stalls

(2) No licensed hawker shall erect any stall for the display of goods or foodstuffs in any street unless he is in possession of a permit to do so issued by the Council under the hand of the Town Clerk in the form set out in the Third Schedule hereto. Such permit may specify the conditions subject to which a stall may be erected. Permit required to erect street stalls

(3) Every person permitted to erect a stall under the provisions of sub-paragraph (2) of this by-law shall cause to be clearly and visibly written, painted or inscribed on it the hawker's name and the words "Licensed Hawker".

(4) Any person who contravenes or fails to comply with the provisions of paragraph (1), (2) or (3) of this by-law, or any condition subject to which a permit to erect a stall was issued, shall be guilty of an offence.

10.—(1) No person shall set down and expose or offer for sale any goods or foodstuffs in any street unless he is in possession of a valid permit so to do issued by the Council under the hand of the Town Clerk in the form set out in the Third Schedule hereto. Such permit may specify the conditions subject to which goods or foodstuffs may be displayed in a street. No goods or foodstuffs to be displayed on street without permission

(2) Any person who contravenes or fails to comply with the provisions of paragraph (1) of this by-law or any condition subject to which a permit to display goods or foodstuffs in a street was issued, shall be guilty of an offence.

11. Notwithstanding the provisions of these By-laws the Council may in its discretion remit the whole or any part of any fee payable for a licence. Remission of fees

G.N. No. 320 (contd.)

Shs.

(b) (i) For an annual licence to hawk nuts (raw or roasted), coffee, tea and soft drinks	20/-
(ii) For a licence as in (i) above the issue date of which is after the 30th June in any year	10/-
(c) (i) For an annual licence to hawk fresh or dried fish, fruits or vegetables	30/-
(ii) For a licence as in (i) above the issue date of which is after the 30th June in any year	15/-
(d) (i) For an annual licence to hawk all kinds of cooked foods	40/-
(ii) For a licence as in (i) above the issue date of which is after the 30th June in any year	20/-
(e) (i) For an annual licence to hawk any goods other than books, newspapers, periodicals, publications and flowers	50/-
(ii) For a licence as in (i) above the issue date of which is after the 30th June in any year	25/-

THIRD SCHEDULE

FORM 2

Permit No.

The Mbeya Town Council (Hawking and Street Trading) By-laws, 1963

PERMIT TO ERECT A STALL OR DISPLAY GOODS OR FOODSTUFFS IN THE STREET

(By-laws Nos. 9 (2) and 10 (1))

.....
 (Name)
 of
 (Address)
 is hereby granted permission to
 (State purpose of licence)
 at
 (Place)
 for the period to
 subject to the following conditions:—

Signature or Mark of Licence Holder

Town Clerk,
Mbeya Town Council

The Common Seal of the Mbeya Town Council was hereto affixed in pursuance of a resolution passed at a meeting of the Council, duly convened and held on the twenty-third day of May, 1963, and the same was so affixed in the presence of:

L. R. MPWINIZA,
ChairmanE. NTILA,
Town Clerk

I APPROVE

Dar es Salaam,
17th July, 1963A. K. E. SHABA,
Minister for Local Government