



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 23 July 2007

No. 3882

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General Notice

MUNICIPALITY OF WINDHOEK

No. 200 2007

INFORMAL TRADING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Council of the Municipality of Windhoek, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Regional and Local Government, Housing and Rural Development -

- (a) makes the regulations set out in the Schedule;
- (b) repeals the Street Trading Regulations promulgated under General Notice No. 252 of 1 September 1999.

BY ORDER OF THE COUNCIL

M. K. SHIKONGO
CHAIRPERSON OF THE COUNCIL

Windhoek, 26 June 2007

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates -

“authorised official” means a staff member of the Council authorised by it and appointed as a peace officer to administer and enforce these regulations;

“business” means any occupation, trade, undertaking, service, or activity conducted for gain in or alongside a street or from a stall, stand or marked site;

“Council” means the Municipal Council of Windhoek;

“fixed informal trader” means an informal trader that conducts his or her business from a stationary position from a stand or from a marked site;

“goods” means any movable merchandise displayed in or along a street or on a sidewalk or a public place for the purpose of selling it and in the context of impounding means any movable goods, regardless whether its purpose was for selling or not;

“informal trader” means a person registered in terms of regulation 3, who conducts a business and includes a market informal trader, a fixed informal trader, a roaming informal trader or a temporary informal trader;

“lease” means a lease agreement as contemplated in regulation 11;

“informal trading permit” means an informal trading permit issued in terms of regulation 3;

“marked site” means an area marked by the Council for the purposes of an informal trader to conduct his or her business from;

“market informal trader” means an informal trader that conducts his or her business from a stall in a municipal market;

“municipal market” means a place where stalls have been erected by the Council for purposes of an informal trader to conduct his or her business from;

“roaming informal trader” means an informal trader registered in terms of regulation 3;

“sell” means to sell by retail and to offer goods for sale by inviting members of the public to buy the goods, to barter or exchange or any other disposal against consideration;

“stall” means a structure that -

- (a) is permanent with a roof and walls;
- (b) is capable of being locked-up by the informal trader;
- (c) has been erected by the Council at a municipal market; and
- (d) is let out to an informal trader to conduct his or her business from.

“stand” means a structure that -

- (a) is permanent with a roof;
- (b) is not capable of being locked-up by the informal trader;
- (c) has been erected by the Council; and
- (d) is let out to an informal trader to conduct his or her business from.

“street furniture” means any structure, tree, parking meter, lamp-pole, electricity-pole, telephone booth, post box, traffic sign, bench, refuse disposal bins or other facilities or equipment intended for the use of the public in or on a street or public place;

“sidewalk” means that portion of a street intended for the exclusive use of pedestrians;

“temporary informal trader” means an informal trader registered in terms of regulation 4; and

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992).

Conducting of informal business

2. (1) A person may only conduct a business where an informal trading permit has been issued to him or her by the chief executive officer under regulation 3.

(2) An informal trader must throughout the validity of his or her informal trading permit keep that permit on his or her person or readily available at the place where that person conducts his or her business.

(3) An informal trader that conducts a business must ensure that the place where he or she conducts such business is at all time maintained in a state of good repair and ensure that the place is kept clean and hygienic in terms of public health laws.

(4) A person who fails to comply with this regulation commits an offence.

Application for an informal trading permit

3. (1) Subject to regulation 10, a person who intends to conduct a business as an informal trader or an assistant to an informal trader must apply, in the manner provided for in this regulation, to the chief executive officer for registration as an informal trader or as an assistant to an informal trader on the forms provided by the Council.

(2) An application for an informal trading permit must -

- (a) be made on Form 1 of the Annexure;
- (b) be submitted to the chief executive officer for consideration;
- (c) be accompanied by the applicable fee; and
- (d) in the case of an application for a renewal of an informal trading permit in terms of subregulation (10), include the existing lease agreement or stall or stand or marked site allocation letter from the chief executive.

(3) An application for an assistant to an informal trader must -

- (a) be made on Form 2 of the Annexure;
- (b) be submitted to the chief executive officer together with the application for an informal trading permit, or, where an informal trading permit was already issued to the person whom he or she intends to assist, the application must include the details of the informal trading permit concerned;
- (c) be accompanied by the applicable fee;
- (d) in the case of an application for a renewal as assistant to an informal trader, include a copy of the existing informal trading permit.

(4) The chief executive officer must after receiving an application referred to in subregulation (2) or (3) -

- (a) grant the application with or without such conditions as he or she may consider appropriate; or
- (b) refuse the application.

(5) Where an application referred to in subregulation (2) or (3) is granted the chief executive officer must -

- (a) issue to that applicant an informal trading permit and, subject to regulation 5, register that person as a market informal trader, a fixed informal trader, a roaming informal trader or a temporary informal trader; or
- (b) add such applicant's name to the informal trading permit as an assistant to that informal trader and register that person as an assistant,

as the case may be.

(6) Where an application is refused, the chief executive officer must within 7 days of the refusal of such application provide the applicant with written reasons for such refusal and the applicant has the right to appeal to the Council against such decision, as set out in regulation 9.

(7) An informal trading permit issued by the chief executive officer under subregulation (5), must contain the following information -

- (a) the registered informal trader's full names, identification number and address;
- (b) whether the registered informal trader will be conducting a business as a market informal trader, a fixed informal trader, a roaming informal trader or a temporary informal trader;
- (c) the registration number;
- (d) the type of goods to be sold and further information on the goods where necessary;
- (e) the site where the goods are to be sold, or, in the case of an roaming informal trader, the general area in which goods are to be sold;

- (f) the names and registration numbers of assistants to the registered informal trader, where applicable;
- (g) such further conditions or restrictions as the chief executive officer may reasonably determine.

(8) An informal trading permit issued in terms of this regulation is valid for a period of 1 year from the date of issue thereof or until such informal trading permit is cancelled or suspended in terms of regulation 8, or as otherwise described in these regulations.

(9) An informal trader must notify the chief executive officer of any change of his or her residential address within 14 days of such change.

(10) An informal trader may at any time during the validity of his or her informal trading permit, or not later than 5 days after the date of expiry thereof, apply to the chief executive officer for a renewal of his or her informal trading permit in the manner provided for in subregulation (2) or (3).

(11) Despite subregulation (10), a person that applies for a renewal of an informal trading permit may continue to conduct his or her business during the period the chief executive officer is considering the renewed application and, during that period, the applicant must keep a copy available of such application for inspection purposes.

(12) A person, who wilfully furnishes incorrect or false information or particulars in terms of this regulation, commits an offence.

Temporary informal trading permit

4. (1) A person who intends to conduct a business for a limited period may, on the form provided by the Council for that purpose and on payment of the applicable fee, apply for a temporary informal trading permit in accordance with regulation 3.

(2) Where an application referred to in subregulation (1) is granted the chief executive officer must issue to that applicant a temporary informal trading permit.

(3) The chief executive officer must endorse the permit with the period of validity of the permit not exceeding 90 days.

(4) Subject to subregulation (3), the chief executive officer may not endorse a temporary informal trading permit for two consecutive periods of 90 days and must wait at least 30 days after such temporary informal trading permit has lapsed before endorsing a further informal trading permit applied for by the same person.

(5) Except for the period of validity, a temporary informal trading permit must comply with the provisions relating to informal trading permits in these regulations.

Types of informal traders

5. (1) Where an informal trading permit has been issued in terms of a-
- (a) stall the chief executive officer must register such informal trader as a market informal trader,
 - (b) a stand or a marked site, the chief executive officer must register such informal trader as a fixed informal trader.

(2) Where an informal trading permit is not issued in terms of a stall, a stand or a marked site and the informal trader physically moves around with his or her goods within a stated general area, the chief executive officer must -

- (a) register such informal trader as a roaming informal trader; and
- (b) allocate an identification card to such informal trader and his or her assistants and they must visibly wear such card.

Report of lost, stolen or damaged permit and issue of duplicate

6. (1) Where an informal trading permit is lost or stolen or damaged beyond legibility, the person to whom such informal trading permit had been issued must, as soon as is reasonably possible after becoming aware of such loss, theft or damage -

- (a) report such loss, theft or damage to the chief executive officer; and
- (b) apply to the chief executive officer for a duplicate of such informal trading permit.

(2) An application referred to in subregulation (1) must be made on Form 3 of the Annexure and be accompanied by the applicable fee determined by the Council under section 30(1)(u) of the Act.

(3) A person who fails to report the loss or theft of or damage to an informal trading permit commits an offence.

Inspections

7. (1) For the purposes of ensuring compliance with these regulations or any other law an authorised official may at any reasonable time inspect the informal trading permit of, the goods of or the place where an informal trader is conducting business.

(2) An authorised official must carry upon his or her person an identification card issued by the Council indicating that such person is authorised to carry out inspections for the purpose of these regulations and must, when requested to do so, present for inspection that identification card to the informal trader or to the person in charge of the premises.

(3) Where in the opinion of the authorised official a contravention of these regulations is being committed such official must report such contravention to the Council.

(4) If after the inspection of the informal trading permit or the goods of or the place where an informal trader is conducting business, the authorised official finds that the informal trader fails to comply with any provision of these regulations or is in conflict with any provision relating to public health and safety, such authorised official -

- (a) must give notice to the informal trader or person in charge of the business of such failure; and
- (b) call upon such informal trader to comply with the requirements of the notice within 14 days or within another period that the authorised official may decide on.

(5) After the expiry of the period stipulated in the notice referred to in subregulation (4), the Council may cause a further inspection to be carried out.

(6) An informal trader who fails to comply with the requirements stipulated in the notice referred to in subregulation (4) commits an offence and the authorized official may impound the informal trader's or the person in charge of the premises' goods and equipment, as set out in regulation 13.

Withdrawal or suspension of informal trading permit

8. (1) The Council may cancel or, for such period of time as it may determine, suspend an informal trading permit where an informal trader does or causes anything to be done or allows anything to be done at his or her business which is in contravention of any provision of these regulations.

(2) The Council may not cancel or suspend an informal trading permit unless the Council

- (a) gives the informal trader at least 30 days notice in writing of its proposed action and of the reasons thereof;
- (b) in such notice, invites such person to lodge with the Council in writing any representation, which he or she wishes to make in connection with the Council's proposed action.

(3) The chief executive officer must cause, where an informal trading permit is cancelled or suspended, such cancellation or suspension to be indicated in the register.

Appeals

9. (1) A person who is aggrieved by a decision made under these regulations may lodge an appeal with the Council against that decision in the manner provided for in this regulation.

(2) An appeal referred to in subregulation (1) must -

- (a) be lodged with the Council within 30 days from the date of such decision;
- (b) be in writing
- (c) be on Form 6 of the Annexure;
- (d) indicate the grounds of appeal;
- (e) indicate the redress sought.

(3) The Council must, within 30 days from the date of receipt of the appeal, consider the appeal and after hearing oral representations, if any, from the appellant, or the appellant's legal representative, either -

- (a) confirm the appeal;
- (b) refuse the appeal; or
- (c) confirm the appeal subject to such conditions as the Council may consider appropriate.

(4) The Council must furnish the appellant with reasons for the decision made under subregulation (3).

Application by a foreign national for an informal trading permit

10. (1) For the purposes of this regulation “foreign national” means a person who must apply in terms of section 24 of the Immigration Control Act, 1993 (Act No. 7 of 1993), for a permanent residence permit or an employment permit in order to be able to reside and take up employment in Namibia.

(2) These regulations apply to a foreign national who intends to conduct a business.

(3) In order for a foreign national's application for an informal trading permit to be approved by the chief executive officer the foreign national must include a certified copy of his or her valid residence permit or employment permit, issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993), with that application.

(4) The period of validity of an informal trading permit issued to a foreign national must comply with regulation 3(8) and must not exceed the period indicated on the relevant permit allocated to that person in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993).

Application to hire a stall or stand

11. (1) An informal trader may apply to the Council to hire a stall or a stand.

(2) Where an application for hiring a stall or stand is approved by the Council-

(a) the applicant must enter, in respect of such stall or stand into a lease agreement on Form 5 of the Annexure, with the Council at such rental as prescribed at intervals by the Council;

(b) the Council must issue a token to the informal trader as proof that he or she has the right to occupy that stand;

(c) an informal trader must while conducting his or her business at the stall or stand, in addition to keeping his or her informal trading permit, retain the token on his or her person for inspection purposes;

(d) the Council may, at the written request of an informal trader, issue an additional token to one registered assistant of that person, and the provisions of paragraph (c) applies with the necessary changes to such assistant.

(3) An informal trader or his or her assistant who conducts a business at a stall or stand and who fails to produce a token commits an offence.

Prohibition of and restriction on conducting of business

12. (1) An informal trader may only sell the class of goods indicated on his or her informal trading permit.

(2) An informal trader may only conduct business at the stall, stand or marked site, or in case of a roaming informal trader, the general area indicated on his or her informal trading permit, unless the Council has given prior written consent to the contrary.

(3) The Council must visibly mark the sites in the municipal area on which an informal trader is to conduct business.

(4) An informal trader may not sell intoxicating liquor, as defined in section 1 of the Liquor Act, 1998 (Act No. 6 of 1998), at his or her business.

(5) An informal trader or an assistant to an informal trader may not at any time while conducting a business -

- (a) obstruct access to any local authority service or local authority service works;
- (b) stay overnight at the place of such business or erect any structure, other than a device which operates in the same manner as an umbrella, for the purposes of providing shelter without the prior written approval of the Council;
- (c) create a nuisance, damage or deface any property or create a traffic hazard;
- (d) attach any object to or obstruct access to street furniture;
- (e) make a fire at the site or surroundings that could harm any person or damage any property or street furniture;

(6) An informal trader or an assistant to an informal trader may not conduct business -

- (a) in a garden or park unless such area has been set apart and marked as such in whole or in part by the Council for that purpose;
- (b) on a sidewalk contiguous to -
 - (i) a public building unless the Council has granted its express approval in writing;
 - (ii) a church or other place of worship;
 - (iii) a national monument, as declared under the National Monuments Act, 1969 (Act No. 28 of 1969);
- (c) in an area within 500 meters from a municipal market belonging to the Council or any place declared by resolution of the Council by notice in the *Gazette* to be an area in which an informal trader is prohibited from conducting business;
- (d) on a sidewalk contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto;
- (e) in any building or private premises without the prior written consent of the occupier of the building or the portion of the building, as the case may be;
- (f) in a manner that, and a place where -
 - (i) it obstructs access to any entrance to or exit from a building;
 - (ii) it prevents pedestrians from using, or substantially obstructs in their use of a sidewalk;
 - (iii) it causes an obstruction on a street;

- (iv) it limits access to parking or loading zones or other facilities for vehicular traffic;
 - (v) that person commits an offence in terms of any other law;
 - (vi) it obstructs the visibility of a display window of business premises that is not the business of a person holding an informal trading permit;
 - (vii) it obstructs access to a pedestrian crossing;
 - (viii) it obscures any road traffic sign or any marking, notice or sign displayed in terms of these regulations;
 - (ix) it obstructs access to a vehicle.
- (7) An informal trader or an assistant to an informal trader carrying on a business may not -
- (a) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, storm water drain or any public road or public place, other than in a refuse receptacle approved by the Council;
 - (b) keep the stall or stand or marked site in an unclean or unsanitary condition;
 - (c) keep his or her goods in an unclean or unsanitary condition;
 - (d) fail to remove daily from any public road or public place at the conclusion of trading, in the case of a stand or marked site, packaging material, stock and equipment of whatsoever nature;
 - (e) carry on the business in such a manner as to be a danger or a threat to public health or public safety;
 - (f) spill any fat, oil or grease onto a public road or public place in the course of conducting the business;
 - (g) at the request of an authorized official, fail to move or remove anything so that the area or site is free from any litter, fat, oil or grease.

Impounding of goods

- 13.** (1) Subject to regulation 7, an authorised official may impound -
- (a) goods in the possession of a person who acts in contravention of regulation 2;
 - (b) any goods found in contravention of regulation 12;
 - (c) any goods left unattended for a period of 30 days or longer in a storage facility owned by, or under the control of, the Council without the prior written consent of the Council; or
 - (d) any goods left unattended for a period of 30 days or longer in a market stand, building or other premises owned by, or under the control of, the Council without the prior written consent of the Council.

(2) An authorised official impounding goods must faithfully enter into a register kept for that purpose -

- (a) the date the goods were impounded;
- (b) the place where the goods were impounded;
- (c) a description of the goods impounded;
- (d) the quantity of the goods impounded;
- (e) the condition of the goods impounded;
- (f) the names and address of the owner, if known; and
- (g) confirm the entries by signing as to the correctness thereof.

(3) A second authorised official must verify the entries made in terms of subregulation (2) and certify the corrections thereof.

(4) If the name and address of the owner of impounded goods is known to the authorised official impounding the goods he or she must write, or cause to be written, as soon as possible a letter to the owner informing him or her -

- (a) of the particulars entered into a register in terms of subregulation (2);
- (b) that the goods may be collected against payment of the actual cost of impounding, removing and storing the goods plus an administrative levy of 15%; and
- (c) that failing collection of the goods under paragraph (b) it may be sold by public auction.

(5) The impounding of any goods does not exempt a person from being charged with any offence under these regulations.

(6) This regulation does not apply in respect of any perishable goods that are no longer fit for consumption and which may be destroyed pursuant to public health laws.

Storage and sale of impounded goods

14. (1) Any goods impounded must be kept in storage for at least 30 days.

(2) Impounded goods may be sold by public auction at any time after 30 days of impounding thereof

(3) Prior to any goods being sold by auction, the Council must advertise the auction twice during a period of 14 days in at least one newspaper that is circulated in the area in which it was impounded and once in the *Gazette* during that period.

- (4) An advertisement pursuant to subregulation (3) must state -
 - (a) a short description of the goods to be sold;

- (b) the date and place of impoundment;
 - (c) the name of the owner, if known; and
 - (d) the date, time and place where the auction will be held.
- (5) The following costs may be deducted from the proceeds of the auction -
- (a) the actual cost of impounding, removing and storing the goods plus an administrative levy of 15%; and
 - (b) the costs pertaining to the auction, inclusive of costs of advertising and auctioneer's commission, plus an administrative levy of 15%.

(6) The owner of the goods sold is liable to the Council for any shortfall between the proceeds realized by the auction and the amounts due to the Council in terms of subregulation (5).

(7) If the sale of the goods sold realizes a greater amount than the monies due to the Council, the surplus must be paid into a suspense account of the Council and paid to the owner if claimed within 3 years from the date of the auction.

(8) If any amount paid into a suspense account pursuant to subregulation (7) remains unclaimed for 3 years after the date of the auction, any such amount must be credited to the funds of the Council.

Fees

15. (1) The Council may determine fees for the purposes of these regulations and publish those fees in the *Gazette* pursuant to section 30(1)(u) of the Act.

(2) In determining fees, the Council may distinguish between various markets, stalls, stands, and areas of operation in the case of different types of informal traders.

Informal trading permit register

16. The chief executive officer must keep a register in which it must enter particulars relating to permits issued in terms of these regulations.

Departure or exemption from regulations

17. If, due to exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these regulations the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption will not be in conflict with any provision of the Act.

Non-application of Business Registration Regulations

18. The requirements of any business registration regulations of the Council relating to the issuing of certificates of fitness and registration certificates will not apply to an informal trader.

Offence and penalty

19. A person who contravenes or fails to comply with any provision of these regulations commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or imprisonment for a period not exceeding 6 months.

Transitional provisions

20. (1) Any informal trading permit issued pursuant to the repealed regulations is regarded as being issued under these regulations.

(2) Any lease agreement entered into or stall or stand awarded pursuant to the repealed regulations is regarded as being entered into or awarded under these regulations.

ANNEXURE**FORM 1****APPLICATION FORM:
REGISTRATION AS AN INFORMAL TRADER**

FULL NAMES AND SURNAME: _____

IDENTITY NUMBER: _____

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TELEPHONE NUMBER: (_____) _____

CELL: _____

NAME OF BUSINESS: _____

TYPE OF TRADING: FIXED / MARKET / ROAMING (delete which does not apply)

LOCATION WHERE BUSINESS WILL BE CARRIED ON: (suburb and street)

ATTACH SKETCH PLAN OF LOCATION OF PROPOSED SELLING POINT OR
MARKED SITE TO THIS APPLICATION.FULL PARTICULARS AND IDENTIFICATION OF THE ASSISTANTS EMPLOYED
BY THE APPLICANT:

1. _____

2. _____

3. _____

THE FOLLOWING GOODS WILL BE OFFERED FOR SALE:

1. _____

2. _____

3. _____

SIGNATURE OF APPLICANT: _____

DATE: _____

FORM 2

**APPLICATION FORM:
REGISTRATION AS AN ASSISTANT TO AN INFORMAL TRADER**

FULL NAMES AND SURNAME (ASSISTANT):

ID NO: _____

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TEL. NO: _____ CELL NO: _____

NAME OF INFORMAL TRADER AND REGISTRATION NUMBER OF INFORMAL
TRADING PERMIT:

ADDRESS: _____

TEL. NO: _____ CELL: _____

NAME OF BUSINESS AND SITUATION: _____

SIGNATURE OF ASSISTANT

SIGNATURE OF INFORMAL TRADER

DATE

FORM 3**REPORT OF LOST OR STOLEN OR DAMAGED INFORMAL TRADING
PERMIT
AND APPLICATION FOR A DUPLICATE INFORMAL TRADING PERMIT**

FULL NAMES AND SURNAME: _____

IDENTITY NUMBER: _____

INFORMAL TRADING REGISTRATION NUMBER: _____

THE ORIGINAL INFORMAL TRADING PERMIT WAS LOST / STOLEN / DAMAGED
BEYOND LEGIBILITY ON _____ (DATE) (delete which does not apply).

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TELEPHONE NUMBER: (_____) _____

CELL: _____

NAME OF BUSINESS: _____

I HEREBY APPLY FOR A DUPLICATE OF MY INFORMAL TRADING PERMIT.

SIGNATURE OF APPLICANT: _____

DATE: _____

FORM 4**APPLICATION FORM:
TEMPORARY INFORMAL TRADING PERMIT**

FULL NAMES AND SURNAME: _____

IDENTITY NUMBER: _____

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TELEPHONE NUMBER: (_____) _____

CELL: _____

PERIOD FOR WHICH TEMPORARY INFORMAL TRADING PERMIT IS REQUESTED:

TYPE OF TRADING: FIXED / MARKET / ROAMING (delete which does not apply)

LOCATION WHERE BUSINESS WILL BE CARRIED ON: (suburb and street)

FULL PARTICULARS AND IDENTIFICATION OF THE ASSISTANTS
EMPLOYED BY THE APPLICANT:

1. _____

2. _____

3. _____

THE FOLLOWING GOODS WILL BE OFFERED FOR SALE:

1. _____

2. _____

3. _____

SIGNATURE OF APPLICANT: _____

DATE: _____

FORM 5**LEASE AGREEMENT**

Memorandum of Lease agreement between -

COUNCIL OF THE MUNICIPALITY OF WINDHOEK

Herein duly represented by _____

in his capacity as _____
(hereinafter referred to as the "COUNCIL")

and,

NAME: _____

ID NO: _____

ADDRESS: _____

(hereinafter referred to as the "INFORMAL TRADER").

WHEREAS the INFORMAL TRADER is desirous to lease stall or stand No.

Situated at _____

AND WHEREAS the COUNCIL is willing to let the INFORMAL TRADER the stall or stand subject to certain terms and conditions;

NOW THEREFORE the parties hereby agree as follows:

1. This Agreement commences from the date of signature and continues for a period of 12 (twelve) months from such date.
2. The rental in respect of the stall or stand is the sum of N\$ _____ (_____) per month or any such amount as the COUNCIL may at intervals determine under section 30(1)(u) of the Local Authorities Act, 1992 (Act No. 23 of 1992). The rental is payable in advance on or before the 7th working day of each month.
3. Should the INFORMAL TRADER fail to comply with any of the terms and conditions of this Agreement and fail to remedy such breach within 14 (fourteen) days after the date of written notification from the COUNCIL to do so, the COUNCIL is entitled to cancel this agreement with immediate effect. All outstanding amounts owing to the COUNCIL in respect of this Agreement, becomes immediately payable upon such cancellation.
4. The INFORMAL TRADER must observe and adhere to all relevant statutory provisions and the common law relating to trading in force from time to time. Non-compliance entitles the Council to invoke clause 3.
5. Either Party may cancel this Agreement by giving the other Party one month's written notice to that effect.

FORM 6

APPEAL IN TERMS OF INFORMAL TRADING REGULATIONS, 2007

(Please attach extra pages if the space provided is not sufficient.)

NAME OF APPELLANT: _____

IDENTITY NUMBER: _____

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TEL: (_____) _____ CELL: _____

INFORMAL TRADING PERMIT REGISTRATION NUMBER, WHERE APPLICABLE:

THE APPELLANT APPEALS AGAINST THE FOLLOWING DECISION BY THE CHIEF EXECUTIVE OFFICER / COUNCIL (attach copy of letter or decision):

THE DECISION BY THE CHIEF EXECUTIVE OFFICER / COUNCIL WAS MADE ON:

STATE THE GROUNDS FOR THE APPEAL AND CITE THE RELEVANT REGULATION WHERE POSSIBLE:

STATE THE REDRESS SOUGHT:

SIGNATURE OF APPELLANT

DATE
