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**CONTENTS**

**LEGAL NOTICE**

<b>No.</b>	<b>Page</b>
107	<b>Trading Enterprises Regulations 1999 .....75</b>

## LEGAL NOTICE NO. 107 OF 1999

**TRADING ENTERPRISES REGULATIONS 1999**

Pursuant to section 34 of the Trading Enterprises Order 1993<sup>1</sup>, I,

**MPHO MALIE**

Minister of Industry, Trade and Marketing make the following Regulations;

**Citation and commencement**

1. These Regulations may be cited as the Trading Enterprises Regulations 1999 and shall come into operation on the date of publication in the Gazette.

**Interpretation**

2. In these Regulations unless the context otherwise requires,

“Advertisement” means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their attention or notice in any manner intended to -

(a) promote the sale of goods or encourage their use or draw attention to their nature, conditions of or prices at which the goods may be purchased or otherwise acquired; or

(b) promote or encourage the use of any service or draw attention to their nature, qualities, advantages or uses thereof or the manner in, or conditions on or prices at which the service is provided.

“Foreign Enterprise” means -

- (a) a sole proprietor who is a non-citizen;
- (b) a partnership in which any partner is a non-citizen; or
- (c) a body corporate in which any of the directors or shareholders is a non-citizen

engaged in Trading activities.

"Board" means the Board established under section 3 of the Trading Enterprises Order 1993;

"Commissioner" means the commissioner of Trade;

"Committee"; means the committee established under regulation 8 of these Regulations;

"Citizen" means citizen as defined in the Constitution of Lesotho;

"Local Licencing Board" means the Local Licencing Board established under Section 11 of the Trading Enterprises Orders 1993;

"Minister" means the Minister responsible for Industry, Trade and Marketing;

"Order" means the Trading Enterprises Order 1993.

#### **Procedure of Local Licencing Board**

3. (1) The decisions of the Local Licencing Board shall be by a simple majority of members present and voting.

(2) The chairman shall, in the event of equality of votes, have a casting vote in addition to his deliberative vote.

#### **Notice of the meeting of the Local Licencing Board**

4. Notice of the time and place of the meetings of the Local Licencing Board shall be made in writing by the commercial officer and served on every Board Members at least one week before the meeting.

#### **Tenure of office of the Board and Licencing Board**

5. (1) The tenure of office for appointed members of both the Board and the Local Licencing Board shall be three years.

(2) Notwithstanding subregulation(1) the Minister may terminate the appointment of an appointed member of the Board or Local Licencing Board where he is satisfied that it is in the public interest to do so.

**Disqualification from being a member of the Board or Local Licencing Board**

6. A person who is -

- (a) under age of 18 years;
- (b) an unrehabilitated insolvent; or
- (c) convicted of an offence involving dishonesty for which imprisonment was imposed without the option of a fine,

shall not be appointed a member to the Board or Local Licencing Board.

**Expenses and allowances of members**

7. A member of the Board or Local licencing Board other than a public officers shall be paid such allowance and expenses as the Minister may, in consultation with the Minister of Finance, determine.

**The pre - selection Committee**

8. (1) There shall be a committee to be known as the Pre-Selection committee.

(2) The committee shall be composed of the following:

- (a) a representative of Lesotho Chamber of Commerce and Industry who shall be secretary;
- (b) a representative of the Ministry of Industry, Trade and Marketing who shall be chairman;
- (c) a representative of Lesotho Consumer Organisation;
- (d) a representative of Local Government Authority appointed by the District Secretary; and
- (e) a representative of the Ministry of Health.

(3) A person appointed to the pre-selection Committee shall not be a member of the Board or Local Licencing Board.

**Functions of the committee**

9. The committee shall -



- (a) receive application forms; and
- (b) make recommendations to the Board or Local Licencing Board.

#### **Contents of the application**

10. An application for a license shall contain the following information:

- (a) location of the business;
- (b) type of business;
- (c) amount of investment involved;
- (d) number of local people to be employed;
- (e) whether applicant is a company, partnership or sole-proprietor; and
- (f) which citizenship the applicant holds.

#### **Application for licences**

11. (1) An application for the grant, renewal or transfer of a licence for any of the trades or occupations specified in Part I of the First Schedule shall be -

- (a) addressed to the Commissioner or Commercial Officer in whose district the business is to be carried on;
- (b) submitted to the chairman of the pre-selection Committee;
- (c) in duplicate;
- (d) in Form A of the Second Schedule;
- (e) accompanied by the following:
  - (i) adequate documentary proof of ownership or possession of intended business premises;
  - (ii) a certificate of inspection in respect of the business premises produced by a person authorised by the Board or Local Licencing Board;

- (iii) in the case of food handlers, a valid health certificate issued in terms of public health regulations;
- (iv) in the case of a company, the registration certificate, the Memorandum and Articles of Association, Form L and share certificate issued in terms of the Companies Act 1967;
- (v) in the case of a partnership, deed of partnership issued in terms of the Partnership proclamation 1957.
- (vi) a fee of M20.00;

(2) An application for a licence shall not be considered unless the certificate of inspection shows that -

- (a) the business premises are fit, proper and suitable for the type of business for which the licence is to be issued;
- (b) the business premises are used exclusively for trade purposes;
- (c) the business premises are equipped with adequate sanitary facilities;
- (d) the business premises are kept clean and well ventilated;
- (e) the business premises are protected from and are free from vermin such as rodents and cockroaches;
- (f) the business premises provide adequate and appropriate storage facilities for food stuff separate from other merchandise;
- (g) the business premises are structurally safe; and
- (h) the business premises have such other facilities as the board or Local Licencing Board may require.

(3) The Commissioner shall, where the application for a transfer under section 25 and 26 of the Order of licence satisfies the requirements of sections 10, 11, 12, approve the application for a transfer.

(4) The Commissioner shall not unless he is satisfied that it is in the public interest to do so approve the application for a transfer of a licence under section 27 of the Order.

#### **Renewal of Licence**

12. An application for renewal of a licence shall be accompanied by the following -

(a) income tax and sales tax certificate reflecting that the applicant paid income tax and sales tax; and

(b) any other additional documents that the Board may require.

#### **Membership of Lesotho Chamber of Commerce and Industry**

13. Every person who holds a licence issued in terms of the Order may, upon grant of the licence, apply for membership of the Lesotho Chamber of Commerce and Industry or for membership of the Chamber of Commerce and Industry where his business is situated.

#### **Reserved Licence**

14. Licences to carry on the following businesses shall not be issued or transferred to foreign enterprises:

- (a) Agent of a foreign firm;
- (b) Barber;
- (c) Basotho beer shop;
- (d) Butcher;
- (e) Snack-bar;
- (f) Domestic Fuel dealer;
- (g) Dairy shop;
- (h) General cafe;
- (i) General dealer;
- (j) Greengrocer;

- (k) Hawker;
- (l) Street photographer;
- (m) Broker;
- (n) Mini supermarket;
- (o) Hair and beauty salon;
- (p) Petrol dealer;
- (q) Tentage dealer.

(2) A licence issued before the coming into operation of this regulations to a foreign enterprise, to carry on business reserved under these regulations, shall remain in force until such date that the Board with the approval of the Ministry may determine or until the expiry of the Licence, which ever period is shorter.

#### **Application fee**

15. (1) An application for a grant, renewal or transfer of a licence shall be accompanied by a fee of M20.00 or such amount as the Minister may determine.

(2) An applicant fee paid in accordance with subregulation (1) shall not be refundable.

#### **Licence fee**

16. (1) The fee for the Licence issued under the Order shall be as specified in Part II of the First Schedule.

(2) Twenty percent of the licence fee shall be payable to the Lesotho Chamber of Commerce and Industry.

#### **Late application fee**

17. Where an application is submitted late in terms of section 18 of the Order, a late application fee of M50.00 shall, in addition to the application fee, be payable.

#### **Transfer fee**

18. Where a licence is transferred in accordance with sections 25, 26, and 27 of the Order, a transfer fee of M50.00 shall be paid by the applicant.

#### **Duplicate Licence**



19. (1) The Commissioner may, where he is satisfied that a licence issued under the Order is lost, destroyed or defaced, issue a duplicate licence.

(2) An application for a duplicate licence shall -

- (a) be in duplicate;
- (b) be in form B of the Second Schedule; and
- (c) accompanied by a fee of M50.00.

#### **General conditions**

20. (1) A licence issued under the order shall be in the form prescribed in the Third Schedule and subject to such conditions as the board or Local Licencing Board may impose.

(2) A separate licence shall be required for each business.

#### **Display of Trade Names**

21. Every Licence holder shall display in legible writing in Sesotho or English language, at or close to the main entrance on the outside of the business premises the following:

- (a) trade names of the business;
- (b) the plot number on which the business is situated; and
- (c) where more than one business is carried on in the same plot, a designation of the business in letters, numerals or numbers to effect proper differentiation.

#### **Trade names**

22. The Board or the Local Licencing Board shall not approve trade names which, in its opinion -

- (a) mislead the public;
- (b) cause offence to any person or class of persons;

- (c) are suggestive of blasphemy or indecency; and
- (d) include the words Imperial, Royal, Crown, Empire, Government, State, Common - Wealth, Dominion, United Nations or any other word which imports or suggest that it enjoys the patronage of the Foreign or any international organisation.

### **Hours of business**

23. (1) The hours during which business may be carried on shall be as prescribed in the Fourth Schedule.

(2) Every licence holder shall, at or close to the main entrance of his place of business, display, in English or Sesotho, the hours of business he has adopted in terms of the Fourth Schedule.

### **Advertisements**

24. Every licence holder may advertise goods sold or services rendered by him:

Except that the Commissioner may, in writing, prohibit the continuation of any advertisement if it is false, misleading or causes public disturbance.

### **Standards of morality and safety**

25. (1) Every licence holder shall conduct his business affairs -

- (a) in a manner compatible with good standards of honesty and good salesmanship; and
- (b) in such a manner as may be reasonably required to maintain good standards of safety with regard to his staff and the public he serves.

(2) The Board or Local Licencing Board may, in writing, give notice to the licence holder specifying matters, under this regulation, which it considers have to be remedied and requiring him to remedy them to its satisfaction within a specified period.

(3) The Board may, subject to section 20 of the Order, suspend or cancel the licence where licence holder fails to comply with this regulation.

**Staying over night on business premises**

26. (1) No person shall, on premises where business is carried on, stay over night.
- (2) A person who contravenes the provisions of subregulation (1) commits an offence and is liable on conviction to a fine not exceeding M1000.00 or to imprisonment for a period not exceeding six months or both.
- (3) The provisions of this regulation shall not apply to a security guard on duty.

**Appeal and procedure**

27. (1) A person who is not satisfied with the decision of the Board or the Local Licencing Board or the exercise of any power under these regulations or Trading Enterprises Order shall, within fourteen days of the decision of the Board or Local Licencing Board, appeal to the Minister.

- (2) The appeal made in accordance with subregulation (1) shall -
- (a) be lodged with the Commissioner;
  - (b) be in duplicate;
  - (c) be in writing;
  - (d) be in English or Sesotho Language;
  - (e) be accompanied by a fee of M50.00; and
  - (f) state the grounds of appeal.

**Power of Minister on appeal**

28. The Minister may within twenty-one days of the lodging of the appeal -
- (a) confirm, reverse or alter the decision;
  - (b) remit the record to the Board or Local licencing Board for the taking of further evidence; or
  - (c) direct the parties or any other person to give evidence to enable him to make a just decision in the matter.

### **Register of licences**

29. The Commissioner shall in respect of every business carried on, keep and maintain a record containing the following information:

- (a) the full names of the holder of the licence;
- (b) the full names of partners in the case of a partnership and Managing Director in the case of a company;
- (c) the full names of the manager;
- (d) the nature of the business;
- (e) the name or title under which the business is carried on;
- (f) the postal and residential address of the business or licence holder;
- (g) condition of the licence;
- (h) date of issue and reference number of every licence, renewal, transfer, suspension or cancellation thereof; and
- (i) any other information which the Commissioner considers necessary.

### **Penalties**

30. A person who contravenes the provisions of these regulations commits an offence and is liable on conviction to a fine not exceeding M1,000 or imprisonment for a period not exceeding one year or both.

### **Repeal**

31. The Trading Enterprises Regulations 1988 are repealed.



## INDEX OF THE FIRST SCHEDULE PART I

	ITEM NO
Advertising Agent	3
Agent of a Foreign Firm	1
Auctioneer	40
Barber Shop	16
Basotho Beer Shop	37
Bookstore	31
Broker	2
Builder and Contractor	20
Butcher	12
Cinema Theatre	17
Clearing Agent	42
Consultant	5
Curioshop	28
Dairy shop	14
Dealer in Furniture and Household Articles	24
Dry Cleaner	19
Domestic Fuel Dealer	32
Florist	29
Footwear and Textile Dealer	25
Funeral Undertaker	34
General Cafe	10
General Dealer	9
Greengrocer	11
Hair and Beauty Salon	15
Hardware Store	33
Hawker	39
Laundry	18

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Mini-Supermarket	8
Motor Dealer	21
Motor Garage	23
Music Shop	27
Petrol Dealer	22
Pharmacy	4
Photographic Studio	30
Scrapyard Dealer	38
Security Agent	43
Snack Bar	13
Specialised Dealer	36
Sportshop	26
Street Photographer	41
Supermarket	7
Tentage Dealer	44
Wholesaler	6
Workshop	35

**SCHEDULE 1 PART 1****Trades and occupations for which licences may be issued.****ITEM 1****Agent of a Foreign Firm**

- (a) A person who invites, solicites, canvasses, accepts orders for supply of goods or services on behalf of, or as representative, agent or employee of any manufacturing or trading establishment, carrying on business or registered outside Lesotho shall require an Agent of a Foreign Firm Licence.
- (b) The holder of an Agent of a foreign firm licence is not authorised to deliver goods so ordered nor provide services so ordered, canvassed or solicited.
- (c) The holder of an Agent of a foreign firm licence shall give names of each company, firm or trader represented.
- (d) A person who purchases and sell such goods or provides such services in the ordinary course of business shall not require the Agent of a Foreign Firm licence.

**ITEM 2****Broker**

- (1) A person who carries on the business of -
  - (i) negotiating contracts on behalf of others in matters of Trade, business or commerce for commission; or
  - (ii) undertaking administration of deceased estates or the trusteeship of insolvent estate shall,

require a broker Licence.

(2) Sub-item (1) shall not apply to the holder of an Agent of a Foreign Firm Licence in respect of transactions covered by that licence, legal practitioners, registered accountants or auditors in respect of acts done in their professional capacity.

**ITEM 3****Advertising Agent**

A person who carries on the business of contracting for the exhibition of any advertisement of any description in any public place [for money] shall require an Advertising Agent Licence.

**ITEM 4****PHARMACY**

(1) A person who carries on the business of selling or supplying medicines or drugs, compounding or dispensing medicines or drugs according to prescriptions shall require a Pharmacy Licence:

Except that Medical practitioners compounding and dispensing their own prescriptions and traders authorised to sell certain poisons and proprietary medicine under provisions of the Medical Dental and Pharmacy Order of 1970 shall not require the Pharmacy Licence.

(2) The holder of a Pharmacy Licence is entitled to sell Chemicals, Chemical preparations, surgical goods, toilet goods, infant food and such other articles of a like nature as are by custom sold by persons carrying on business of this nature.

(3) Pharmacy Licence shall only be issued to individuals or corporate bodies entitled to practice as pharmacy as pharmacists in terms of the Medical, Dental and Pharmacy Order, 1970.

**ITEM 5****CONSULTANT**

(1) A person who carries on the business of advising persons or organisations in any technical or managerial field for remuneration shall require a consultant licence.

(2) Sub-item (1) shall not apply to legal practitioners, registered accountants, auditors, architects, surveyors or engineers in respect of acts done in their professional capacity.



**ITEM 6**  
**Wholesaler**

(1) A person or corporate body selling goods in bulk to retailers shall require a wholesaler licence.

(2) The holder of the wholesaler licence shall not sell goods in small quantities for personal use or engage in retail trade.

**ITEM 7**  
**Supermarket**

(1) A person who carries on the business of selling foods and household provisions and any such goods other than those for which a pharmacy licence, petrol dealer, motor garage licence or motor dealer licence is required, shall require a supermarket licence.

(2) The supermarket licence shall only be issued in respect of a business that has a shop floor space of at least one thousand square metres and is situated in an urban area.

(3) The holder of the supermarket licence is entitled to sell chemicals, chemical preparations, surgical goods, toilets goods, infant food and such other articles of the same nature as are by custom sold in business of this nature.

(4) All existing supermarkets, in respect of which licences were issued though they do not meet the requirements as outlined here are given a grace period of six months to comply.

**ITEM 8**  
**Mini-Supermarket**

(1) A person who carries on the business of selling foods and household provisions and any such goods other than those for which a pharmacy licence, petrol dealer licence, motor garage licence or motor dealer licence is required shall require a mini-supermarket licence.

(2) The holder of a mini-supermarket licence is entitled to sell chemicals, chemical preparations, surgical goods, toilet goods and infant goods.

(3) The mini-supermarket licence may be issued in respect of busi-

ness situated either in urban or rural area, with a shop floor space at least two hundred and fifty square metres but not exceeding nine hundred and ninety nine square metres.

#### **ITEM 9**

##### **General Dealer**

(1) A person who carries on the business of selling goods other than those for which a pharmacy, petrol dealer, motor garage, motor dealer or butchery licence is required shall require a general dealer licence.

(2) The general dealer licence shall be issued in respect of businesses situated in rural areas only.

(3) The holder of general dealer licence may sell -

- (a) chemicals, chemical preparations, toilets goods, surgical goods or infant foods;
- (b) sausages, polonies, tripe, ham, bacon, eggs, butter, poultry and salted, frozen or preserved meat, fish or fresh vegetables;
- (c) motor vehicle spareparts, bicycles, motor-cycles or scooters; or
- (d) oil, engine oil, brake-fluid, distilled water, gas, paraffin, fan belts, or spark plugs.

#### **ITEM 10**

##### **GENERAL CAFE**

(1) A person who carries the business of selling groceries shall apply for a general cafe licence

(2) The holder of the general cafe licence is entitled to sell the following-

- (a) stationery, magazines, newspapers, books;
- (b) paraffin, gas, tobacco in any form and matches; or
- (c) sausages, polonies, eggs, butter and vegetables.

For the purpose of this Item groceries means all food stuff except meat or fish.

**ITEM 11  
GREENGROCER**

(1) A person who carries on the business of selling fresh fruits, fresh vegetables, flowers or plants shall require a greengrocer licence.

(2) The holder of a green grocer licence shall not sell flowers to the exclusion of all other items mentioned in sub-item (1):

provided that a grower of fruit, vegetables or plants, and a farmer who grows and cultivates farm produce, shall not require the greengrocer licence in respect of the sale of fruits, vegetables, plants or produce grown and cultivated by him.

**ITEM 12  
BUTCHER**

(1) A person who carries on the business of offering or exposing fresh meat for sale shall require a Butcher licence.

(2) The holder of a butcher licence may sell sausages, polonies, trip, ham, bacon, eggs, butter, poultry and salted frozen or preserved meat or fish, vegetables and spices.

**ITEM 13  
SNACKBAR**

A person who carries on the business of selling or supplying snacks, meals or refreshments for consumption on or off the business premises shall require a snack bar licence.

**ITEM 14  
DAIRY SHOP**

(1) A person who carries on the business of selling, distributing or delivering milk or any milk product shall require a dairy Licence.

(2) The holder of a Dairy licence may sell or deliver butter, eggs,

cheese and ice cream and any other dairy and milk products on his business premises.

For the purposes of this item, milk product includes cream, buttermilk, sour milk, skimmed milk, separated milk, curds, whey and yogurt.

#### **ITEM 15 HAIR AND BEAUTY SALON**

(1) A person who carries on the business of cutting, shaving, waving, straightening or otherwise treating people's hair or beard or giving beauty Salon Licence.

(2) The holder of a Hair and Beauty Salon licence is entitled to sell toilet goods, hair, beauty and skin products.

(3) The prospective holder of a Hair and Beauty Salon licence shall furnish the Local Licencing Board or the Board with evidence of training or competence in hair and skin care.

(4) Where the owner of a Hair and Beauty Salon has an assistant, the assistant shall furnish evidence of at least six months training or apprenticeship.

(5) The holder of a Hair and Beauty Salon licence shall, at the place of his business, provide or install equipment and such other facilities as the Board or the Local Licencing Board may deem necessary.

(6) The holder of a Hairdresser licence issued under the 1988 Trading Enterprises Regulations 1988, as well as hairdresser assistant shall, within six(6) months of the coming into operation of these Regulations, furnish the Board or Local Licencing Board with proof of their training, competence, or apprenticeship.

#### **ITEM 16 BARBER SHOP**

(1) A person, who carries on the business of cutting, shaving or washing people's hair or beard shall require a barber licence:

Except that sub-item (1) shall not apply to the holder of hair and beauty salon licence.

(2) The holder of the Barber licence is entitled to sell toilet goods.



**ITEM 17  
CINEMA THEATRE**

(1) A person who carries on the business of showing or exhibiting motion pictures and charging admission fee from spectators shall require a cinema theatre licence.

(2) The holder of the cinema theatre licence is entitled to sell refreshments, snacks, confectionery, cigarettes, tobacco and matches provided that such sales are conducted only during show-time.

**ITEM 18  
LAUNDRY**

(1) A person who carries on the business of washing or cleaning linen, floor rugs, blankets, clothes or any other household soft goods or washing and ironing curtains shall require a laundry licence.

(2) The holder of the laundry licence may provide services at people's homes and offices.

**ITEM 19  
DRY CLEANER**

A person who carries on the business of -

(1) dry cleaning clothing, linen, blankets, curtains and any other household soft goods;

(2) bleaching;

(3) drying or steam pressing,

shall require a dry cleaner licence.

**ITEM 20  
BUILDER AND CONTRACTOR**

A person who carries on the business of undertaking building or construction work including such items as house construction, electrical construction, office construction, industrial factory construction, road making, road maintenance, drilling, bridges and conservation structure for reward shall require a Builder and contrac-

tor licence

#### **ITEM 21 MOTOR DEALER**

(1) A person who carries on the business of selling, buying or exchanging vehicles whether new or used shall require a motor dealer licence.

(2) The holder of the motor dealer licence is entitled to sell or exchange caravans, trailers, tractors, agricultural implements and irrigation machinery, whether new or used.

(3) The holder of a motor dealer licence may also sell motor vehicle spareparts, bicycles, motor-cycles and scooters.

(4) The holder of the motor dealer licence shall have a proper show-room or shelter satisfactory to the Board or Local Licencing Board.

#### **ITEM 22 PETROL DEALER**

(1) A person who carries on the business of selling petrol, or diesel from pump shall require a petrol dealer licence.

(2) The holder of the petrol dealer licence is entitled to sell oil, engine oil, brakefluid, distilled water, and paraffin.

(3) The holder of a petrol dealer licence may also sell motor vehicle accessories such as fan belts, spark plugs or fuses.

(4) The holder of a petrol dealer licence shall provide such other facilities as the Board or the Local Licencing Board may require.

#### **ITEM 23 MOTOR GARAGE**

(1) A person who carries on business of repairing, renovating, servicing, dismantling or cleaning motor vehicles or spares thereof shall require a Motor Garage Licence.

**ITEM 33  
HARDWARE STORE**

(1) A person who carries on the business of selling tools, metal household articles and heavy machinery, as well as any other metal articles shall require a hardware centre licence.

(2) The holder of a hardware store licence is entitled to sell electrical accessories.

**ITEM 34  
FUNERAL UNDERTAKER**

(1) A person who carries on the business of attending to corpses, undertaking or arranging the burial, cremation or rendering other services in this connection shall require a funeral undertaker licence.

(2) The holder of a funeral undertaker licence may sell coffins, tombstones, flowers, wreaths, vases and other related articles.

**ITEM 35  
WORKSHOP**

A person who carries on the business of supplying any personal services, such as repairs, installations, sewing by order or printing shall require a workshop licence.

**ITEM 36  
SPECIALISED DEALER**

(1) The specialised dealer licence shall be issued by the Commissioner of Trade on the advice of the Board or Local Licencing Board.

(2) The holder of a specialised dealer licence shall sell goods or provide services specified in the licence.

(3) The holder of a specialised dealer licence shall provide adequate

sanitary facilities.

(4) The holder of a specialised dealer licence shall not sell or supply beverages for which a licence is required under the Liquor Licencing Act 1969 or any other Law.

(5) The licence fee for a specialised dealer licence shall be determined by the Minister.

### **ITEM 37 BASOTHO BEER SHOP**

(1) A person who carries on the business of selling, bartering or exchanging "Joala or Leting" shall require a Basotho Beer shop licence.

(2) The Basotho Beer Shop licence shall only be required if the business is conducted in urban areas.

(3) The holder of a Basotho Beer Shop licence shall provide adequate sanitary facilities.

(4) The holder of a Basotho Beer Shop licence shall not sell or supply any beverage for which a licence is required under the Liquor Licencing Act 1969 or any other Law.

### **ITEM 38 SCRAPYARD DEALER**

(1) A person who carries on the business of acquiring, disposing or selling scrap metals, scrap cars and their parts shall require a scrap yard dealer licence.

(2) The holder of a scrapyard dealer licence shall -

- (a) have a breakdown vehicle; and
- (b) Fence his business premises with a brick-wall which is not less than two metres high.



**ITEM 39**  
**HAWKER**

(1) A person who, as a Principal, agent or employee, carries on the business of selling, offering or exposing goods for sale at no fixed place shall require a Hawker licence.

(2) The holder of a Hawker licence shall not sell goods within two kilometres (2 km) of a business licenced to sell similar goods.

(3) The holder of a Hawker licence shall on demand by a trade councillor or police officer produce the hawker licence.

(4) The Hawker licence shall be valid for a period of one month or one year.

**ITEM 40**  
**AUCTIONEER**

(1) A person who carries on the business of selling any goods by public auction shall require an Auction licence.

(2) The holder of an Auctioneer licence shall not sell land, livestock, fresh meat or fish.

(3) Sub-item 1 shall not apply to the sheriff of the High Court or his deputy, a messenger of a magistrate court or his deputy, pound master or any other person duly authorised by the government to undertake a public auction, or any person holding a licence under the Agricultural Marketing (Trading) Regulations 1974 in respect of sales by him by public auction in the course of business done under the said licence.

(4) The Auctioneer licence shall be valid for a period of one month or one year.

**ITEM 41**

## **STREET PHOTOGRAPHER**

- (1) A person who carries on the business of taking photographs in public place for payment shall require a Street Photographer licence.
- (2) The holder of a street photographer licence is entitled to take photographs in people's homes and offices.
- (3) The holder of a street photographer licence shall on demand by trade councillor or police officer produce his licence.

## **ITEM 42 CLEARING AGENT**

A person who carries on the business of clearing imported and exported commodities shall require a Clearing Agent licence.

## **ITEM 43 SECURITY AGENT**

- (a) A person who carries on the business of providing security services shall require a Security Agent Licence.
- (b) The holder of a Security Agent Licence may provide services to private or public sectors or the Public at large.
- (c) The holder of a Security Agent Licence shall not employ more than one hundred police or Military trained personnel except with the written consent of the Minister in consultation with the Army Commander in the Ministry of Defence and the commissioner of Police.
- (d) The holder of a Security Agent Licence shall, before employing any person as a Security guard, consult the Army Commander and commissioner of Police for Security and Criminal Clearance.
- (e) The Licencing Board shall, before considering the application for a Security Agent Licence, consult the Army

Commander and the Commissioner of Police who shall prescribe the firearms that may be used and the conditions under which they may be used in accordance with the Internal Security (Arms and Ammunition) Act 1999.

- (f) The Commissioner of Police shall determine the number and types of firearms that may be used by any Security Agent.
- (g) The application for renewal of a Security Agent Licence shall be accompanied by a recommendation from the Army Commander or the Commissioner of Police as the case may be, showing that the operations and activities of the holder of the Security Agent Licence, in respect of firearms and the number of guards or trained personnel, are conducted in accordance with the law.
- (h) The firearms used or in possession of the holder of the Security Agent Licence shall -
  - (i) meet the requirements; and
  - (ii) observe security measures,  
prescribed in the Internal Security (Arms and Ammunition) Act 1999 or any other such law.
- (i) The holder of the Security Agents Licence shall keep copies of ballistic records of all firearms in his possession.

#### **ITEM 44 TENTAGE DEALER**

(1) A person who carries on the business of leasing or selling tents shall require a tentage licence.

(2) The holder of a tentage licence is entitled to lease or sell all other tenting equipment and tentage accessories.

**FIRST SCHEDULE: PART II LICENCE FEE (REGULATION 12)**

	INDIVIDUAL HOLDERS LICENCE HOLDERS	OTHER HOLDERS
--	---------------------------------------	---------------

MALOTI

MALOTI

1.	Agent of a Foreign Firm	350	750
2.	Broker	150	300
3.	Advertising Agent	75	150
4.	Pharmacy	200	400
5.	Consultant	150	300
6.	Wholesaler	250	300
7.	Mini-Supermarket	150	300
8.	Supermarket	200	400
9.	General Dealer	150	300
10.	General Cafe	75	150
11.	Greengrocer	75	150
12.	Butcher	75	150
13.	Snack Bar	75	150
14.	Dairy Shop	75	150
15.	Hair and Beauty Salon	75	150
16.	Barber shop	75	150
17.	Cinema Theatre	75	150
18.	Laundry and		



	Drycleaner	150	300
19.	Builder and Contractor	75	150
20.	Motor Dealer	150	300
21.	Petrol Dealer	150	300
22.	Motor Garage	75	150
23.	Household Articles	100	300
24.	Footwear and Textiles	100	300
25.	Sportshop	75	150
26.	Music Shop	75	150
27.	Curioshop	75	150
28.	Florist	75	150
29.	Photographic Studio	75	150
30.	Bookstore	75	150
31.	Domestic Fuel Dealer	75	150
32.	Hardware Store	75	150
33.	Funeral Undertaker	75	150
34.	Workshop	75	150
35.	Basotho Beer Shop	75	150
36.	Scrapyard Dealer	75	150
37.	Hawker	120	360

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38.	Auctioneer	360	720
39.	Street Photographer	100	----
40.	Clearing Agent	500	1000
41.	Security Agents	250	500
42.	Tentage	200	400

**SECOND SCHEDULE: FORM A  
(REGULATION 11)**

**The Trading Enterprises Order, 1993**

**APPLICATION FORM**

**GRANT/RENEWAL/TRANSFER**

**A. PROPOSED ENTERPRISE**

1. Type of enterprise/business applied for .....
2. Name under which the business will operate .....
3. Location and site number of the business .....
4. Name of the Wardchief .....
5. Applicant's corporate status:
  - (a) Sole proprietor
  - (b) Partnership
  - (c) Locally registered company
  - (d) Other (specify)

**B. PARTICULARS OF APPLICANT**

1. For sole proprietor
  - (a) Name and address .....
  - (b) Citizenship (state whether by birth, naturalization or registration, prove by passport, registration certificates or equivalent) .....
  - (c) Age of the the applicant .....
  - (d) Experience and qualifications of the applicant .....

(b) Address

### (c) Citizenship

(d) Contribution

A 10x10 grid of 100 small, identical images of a white cat lying down, arranged in a 10x10 pattern.

\* If an applicant is for transfer of licence: Particulars of transferee

3. For the company

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

(b) Address and telephone/fax/telex/E. Mail .....

(c) Registration number .....

(d) Percentage share of citizen's equity holding .....

(e) Particulars of each director and officer in charge:

1) Name

## 2) Citizenship

### 3) Address

4)% share in equity

[illegible]



.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

### C. ASSETS

1. Amount to be invested .....
2. Source of financing .....
3. Cash available .....
4. Expected annual turnover .....

### D. PARTICULARS OF BUSINESS PREMISES

1. Plot number .....
2. Urban or rural area .....
3. If premises are subleased state .....
- (a) Name of the principal lease holder .....
- (b) Name of the previous sub-lease .....
4. Date of expiry of lease/sub-lease .....
5. Size of the premises(sq.m. of floor space) .....

### E. STATE OF BUILDINGS

1. Year of construction of the building .....
2. Have the premises been inspected by the Health Inspector and approved by the Board of Local Licencing .....
- If so, when .....

### F. RESIDENCE/WORK PERMITS/EMPLOYMENT

1. Work permits held before in Lesotho .....
2. Residence permits held before in Lesotho .....
3. Employment capacity (staff and labour): .....

## Citizens

- (a) Management
- (c) Clerical
- (d) Manual

## Non-citizens

## G. GENERAL INFORMATION

1. Has the applicant/director been convicted of an offence under the Order or any other Trading Enterprises law during the past five years, if so give particulars . . .

.....

.....

.....

2. Does the applicant hold any other licence under the Order, if so, specify

.....

.....

.....

3. Number and names of other business associated with or owned by the applicant:

Name

Type

Number

.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

4. Any other information which the applicant wishes to give in support of this application . . .

.....

.....

.....

.....

.....

.....

I solemnly declare that to the best of my knowledge and belief all information given in this application is true and correct.

Date: ..... Signature of applicant .....

Enclosures: (tick which applicable)

Application fee

Proof of ownership of business premises:

(i) form C.2 (rural areas under the Land Act 1979)

(ii) form C.3 (rural areas under the Land Act 1979)

(iii) lease

(iv) sub-lease (with the consent of the Ministry of Home Affairs Local Government)

(v) certificate of inspection of business premises

(vi) Health certificate (food handlers only)

(vii) Memorandum and article of association, including certificate of incorporation

(viii) Registered deed of partnership (where applicable)

(ix) Member of the Lesotho Chamber of Commerce and Industry

(x) Form L

**SECOND SCHEDULE: FORM B  
(REGULATION 19)**

**APPLICATION FOR DUPLICATE LICENCE**

I, .....  
hereby apply for a duplicate of the licence in terms of the Trading Enterprises  
Order 1993.

My reasons for this application are as follows:-

.....  
.....

The licence destroyed, lost, defaced (delete whichever in-applicable) was granted  
to carry on the business of .....

classified as Item (name and no.) .....  
at .....

I solemnly declare that to the best of my knowledge and belief all information  
given in this application is true and correct.

Date: .....

.....  
Signature of Applicant

.....  
.....  
Specialised Dealer  
Wholesaler  
Retail Dealer  
Clearing Agent  
.....  
.....



**THIRD SCHEDULE  
(REGULATION 20)**

**TRADER'S LICENCE CERTIFICATE**

**SERIAL NO. ....**

This is to certify that .....  
.....  
of .....  
having paid the required licence fee of .....  
.....  
(amount in words) has been granted a licence to carry on the business of .....  
.....  
classified as Item (name and no.) .....  
and is thus authorised to trade as such in terms of the Trading Enterprises Order of  
1993, at .....  
.....  
.....  
.....  
.....

This licence shall be subjected to the undermentioned conditions in addition to the  
conditions of the said Order:

- (i) .....
- (ii) .....
- (iii) .....

The validity of this licence commences on the day of .....  
.....and shall be valid for one year from that day.

Date stamp

Licencing Authority

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**FOURTH SCHEDULE  
(REGULATION 23)**

**HOURS OF BUSINESS**

(1) A person licenced in terms of the Order shall carry on business during the business hours specified in sub-item 2.

(2) (a) The following enterprises are authorised to carry on business on all weekdays including Saturdays, Sundays and Public Holidays from 8.00 a.m. to 8.00 p.m.

Agent of a Foreign Firm  
Broker  
Advertising Agent  
Consultant  
Mini-supermarket  
Supermarket  
General Dealer  
General Cafe  
Greengrocer  
Laundry  
Drycleaner  
Builder and Contractor  
Footwear and Textile Dealer  
Sport-shop  
Music-shop  
Photographic Studio  
Bookstore  
Domestic Fuel Dealer  
Hardware Store  
Hawker  
Workshop  
Basotho Beer shop  
Scrap-yard Dealer  
Auctioneer  
Specialised Dealer  
Wholesaler  
Motor Dealer  
Cleaning Agent  
Tentage  
Hair and Beauty Salon

Provided that on Saturdays business can be carried on up to 6.00 p.m. and on Sundays and Public Holidays up to 12.00:

Provided further than on Good Fridays, Christmas Day, and Independence Day no business shall be carried on.

(b) The following enterprises are authorised to carry on business on all weekdays including Saturday, Sunday and Public Holiday from 6.00 a.m. to 12.00 p.m.

Pharmacy  
Butcher  
Florist  
Snack Bar  
Dairy Shop  
Cinema Theatre  
Curio Shop  
Barber

Provided further than on Good Fridays, Christmas Day, Army day and Independence Day no business shall be carried on between 8.00 a.m. and 3.00 p.m.

(c) The following enterprises are authorised to carry on business on all weekdays including Saturdays, Sundays and Public Holidays twenty four hours a day.

Petrol Dealer  
Funeral Undertaker  
Motor Garage  
Street Photographer  
Security Agent

For the purpose of this schedule "public holidays" means any public holiday scheduled as such in the schedule to the Public Holidays Act of 1995.

**MPHO MALIE**  
**MINISTER OF INDUSTRY, TRADE AND MARKETING**

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**NOTE**

1. Order No. 11 of 1993