



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

MUNICIPALITY OF WALVIS BAY

No. 199

2026

WALVIS BAY INFORMAL TRADING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1)(aj) and (at) of the Local Authorities Act, 1992 (Act No. 23 of 1992), the Municipal Council of Walvis Bay, after consultation with the Minister of Urban and Rural Development –

- (a) has made the regulations set out in the Schedule; and
- (b) repeals the Regulations on informal trading, published under General Notice No. 291 of 1 December 1998.

J. SHIMBILINGA
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Walvis Bay, 27 January 2026

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PART 1
INTRODUCTORY PROVISIONS

Definitions

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

“authorised official” means a staff member of the Council authorised by the Council to administer, enforce and implement these regulations;

“assistant informal trader” means a person who assists an informal trader in the conducting of informal trading and is registered in terms of regulation 12;

“chair renter” means a person registered as a chair renter in terms of regulation 6;

“chair rental” means the subleasing of a chair in a beauty or tailoring business, operating space inside a stall, and includes the provision to hairdresser or tailor of –

- (i) a chair with certain rights of access; or
- (ii) a clearly defined area such as on the floor of the operating room;

“Council” means the municipal council of Walvis Bay;

“designated area” means an area designated by the Council under regulation 20(1) for the conducting of informal trading;

“fitness certificate” means a certificate of fitness issued in terms of regulation 14;

“fee” means a fee determined by the Council in terms of section 30(1)(u) of the Act;

“food cart trading site” means a –

- (a) designated area used to conduct informal trading from a trailer; or
- (b) site proposed by a person to conduct informal trading from a trailer that is approved by the Council and designated by the Council under regulation 20(1);

“foreign national” means a person who is not a Namibian citizen but who lawfully resides or takes up employment in Namibia;

“goods” includes any movable property, foodstuff, clothing, cosmetics, magazines, merchandise or living thing used in connection with informal trading;

“informal trader” means a person who conducts informal trading and is registered as an informal trader under these regulations;

“informal trading” means the selling of goods or services in or alongside a street, a public place or any other designated area in the local authority area for informal trading purposes;

“informal trading permit” means an informal trading permit issued in terms of regulation 4, 5, 7, 8 or 9;

“litter” includes any container or other waste matter that has been discarded, abandoned or left behind by an informal trader, an assistant informal trader, a special event organiser or the customers;

“local authority area” means the local authority area of Walvis Bay;

“marked site” means the area marked by the Council indicating the boundaries from which an informal trader is confined to conduct informal trading;

“market” means a designated area in the local authority area for the purpose of conducting informal trading;

“Model Fire Brigade Services Regulations” means the Regulations made under the Local Authorities Fire Brigade Services Act, 2006 (Act No. 5 of 2006), published under Government Notice No. 177 of 13 August 2010;

“permit” means a permit issued in terms of these regulations;

“prohibited area” means any place declared by the Council in terms of regulation 21(1) as a prohibited area;

“public road” means a public road as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“roaming informal trading permit” means a roaming informal trading permit issued in terms of regulation 9;

“sell” means to –

- (a) display, offer, market or prepare for sale;
- (b) barter, exchange or hire out;
- (c) store with a view to sell; or
- (d) provide a service for reward;

“sidewalk” means a sidewalk as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“special event” includes but is not limited to a sports event, night market, cultural event, music festival, promotional event, filming activity or religious event;

“special event organiser” means a person who hosts a special event and is registered in terms of regulation 10;

“special event trading permit” means a special event trading permit issued for special events, when an individual wishes to sell goods in the vicinity of an event for the day or days the event is taking place, issued in terms of regulation 10 or 11;

“stall” means a permanent structure –

- (a) erected in a designated area with a roof and enclosing walls, that is capable of being locked up; and
- (b) leased by the Council to a person in terms of regulation 5 to conduct informal trading;

“stand” means –

- (a) an open area in a designated area or an open area proposed by a person, that is approved and designated by the Council under regulation 20(1); or
- (b) an area with a structure with or without a roof, which is not capable of being locked up and is erected by the Council in a designated area;

and is leased by the Council to a person in terms of regulation 5 to conduct informal trading;

“temporary informal trading permit” means a temporary informal trading permit issued in terms of regulation 8; and

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

PART 2 REGISTRATION OF INFORMAL TRADERS

Prohibitions on informal trading

2. (1) A person may not conduct informal trading in the local authority area unless the person is registered to conduct informal trading under these regulations and is issued a permit.

(2) An informal trader may not employ a person to assist him or her to conduct informal trading unless the person is registered as an assistant informal trader under regulation 12.

(3) A person may not rent a chair from an informal trader to conduct informal trading unless the person is registered as chair renter in terms of regulation 6.

(4) A person may not host a special event where informal trading may be conducted unless that person is registered as a special event organiser and is issued a special event trading permit in terms of regulation 10.

Types of informal trading

3. The following are the types of permits that may be issued under these regulations –
- (a) an informal trading permit to conduct informal trading at a market in terms of regulation 4;
 - (b) an informal trading permit to conduct informal trading from a stand or a stall in terms of regulation 5;

- (c) an informal trading permit to conduct informal trading from a food cart trading site in terms of regulation 7;
- (d) an informal trading permit to conduct informal trading temporarily for a period not exceeding 90 days issued in terms of regulation 8;
- (e) a roaming informal trading permit issued in terms of regulation 9;
- (f) a special event trading permit issued to a special event organiser in terms of regulation 10; or
- (g) a special event trading permit issued to an informal trader in terms of regulation 11.

Application to conduct informal trading at market

4. (1) A person who wishes to conduct informal trading in a designated area for longer than 90 days must apply to the Council for an informal trading permit on a form determined by the Council.

(2) An application referred to in subsection (1) must be accompanied by –

- (a) a non-refundable application fee;
- (b) a certified copy of the national identification document or passport of the applicant; and
- (c) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1).

(3) On receipt of the application referred to in subregulation (1) the Council through its authorised official must consider the application and may –

- (a) request the applicant to provide more information within a specified time;
- (b) grant the application, with or without imposing conditions; or
- (c) refuse the application and give written reasons to the applicant for the decision.

(4) If an application is granted under subregulation (3)(b) the authorised official must register the applicant as an informal trader and must issue an informal trading permit to the applicant.

(5) On receipt of the informal trading permit in terms of subregulation (4) the informal trader must apply for a fitness certificate in terms of regulation 14.

(6) If the fitness certificate is issued to the informal trader he or she must lodge a certified copy of the fitness certificate with the authorised official in terms of regulation 14(5)(a).

(7) An informal trader who is issued an informal trading permit in terms of subregulation (4) and a fitness certificate must keep the informal trading permit and the fitness certificate at the site where the informal trading is conducted.

(8) An informal trader must on the request of an authorised official provide the informal trading permit and the fitness certificate to the authorised official for inspection purposes.

(9) A person who conducts informal trading under this regulation and who fails to provide the informal trading permit and fitness certificate at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(10) The informal trading permit issued under this regulation is valid only for the period for which it was issued.

Application to lease stand or stall

5. (1) A person who wishes to conduct informal trading and to lease a stand or a stall from the Council must apply to the Council for an informal trading permit on a form determined by the Council.

(2) An application referred to in subsection (1) must be accompanied by the following –

- (a) a non-refundable application fee;
- (b) a certified copy of the national identification document or passport of the applicant; and
- (c) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1).

(3) If an applicant proposes to set up a stand or stall in an open area that is not in a designated area to conduct informal trading, the Council must consider whether the proposed area –

- (a) complies with road, traffic and road transportation laws;
- (b) complies with the Walvis Bay Zoning Scheme;
- (c) is not within a radius of 500 metres from a market that is established, carried on and maintained by the Council in terms of section 30(1)(j) of the Act;
- (d) complies with public and environmental health and safety laws; and
- (e) complies with the Model Fire Brigade Service Regulations.

(4) On receipt of an application in terms of subregulation (2) or if the feedback is received in terms of subregulation (3) the Council through authorised official must consider the application and may –

- (a) request the applicant to provide more information within a specified time;
- (b) grant the application, with or without imposing conditions; or
- (c) refuse the application and give written reasons to the applicant for the decision.

(5) If an application is granted under subregulation 4(b) the authorised official must register the applicant as an informal trader and issue the applicant an informal trading permit.

(6) On receipt of the informal trading permit the informal trader must apply for a fitness certificate in terms of regulation 14.

(7) If the fitness certificate is issued to the informal trader he or she must lodge a certified copy of the fitness certificate with the authorised official in terms of regulation 14(5)(a).

(8) The Council must, when the informal trader lodges a copy of the fitness certificate with the Council, issue a lease agreement to the informal trader concerned to conduct informal trading from a stand or a stall.

(9) The Council may at the written request of a holder of an informal trading permit issue a duplicate of the lease agreement to an assistant informal trader who must keep the duplicate lease agreement at the stand or stall where the informal trading is conducted.

(10) An informal trader who is issued an informal trading permit in terms of this regulation must keep the informal trading permit, the fitness certificate and the copy of the lease agreement at the stand or stall where the informal trading is conducted.

(11) The informal trader must on the request of an authorised official provide the informal trading permit, the fitness certificate or the copy of the lease agreement to the authorised official inspection purposes.

(12) A person who conducts informal trading at a stand or a stall and who fail to provide the informal trading permit, the fitness certificate at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for registration as chair renter

6. (1) The holder of an informal trader permit who wishes to sublease or rent a space to a chair renter to provide tailor services, beauty services or hair dressing services must apply to the Council on behalf of that person on a form determined by the Council for the renter to be registered as a chair renter.

(2) An application referred to in subsection (1) must –

(a) be submitted to the Council together with the application for an informal trading permit under regulation 4 or 5; and

(b) be accompanied by –

(i) a certified copy of the issued permit, if the informal trading permit was already issued in terms of regulation 4 (4) or 5(5);

(ii) a certified copy of the national identification document or passport of the person on whose behalf the application is for; and

(c) if the person on whose behalf the application is made is a foreign national, a certified copy of the permit referred to in regulation 13(1);

(3) On receipt of the application referred to in subregulation (1) the Council through its authorised official must consider the application and may –

(a) request the applicant to provide more information within a specified time;

(b) grant the application, with or without imposing conditions, or

(c) refuse the application and give written reasons to the applicant for the decision.

(4) If an application is granted under subregulation (3)(b) the authorised official must register the person as a chair renter and add the name of the chair renter to the informal trading permit issued to the informal trader from whom the chair renter may sublet the space in the stand or stall.

(5) The Council may on the written request of the informal trader referred to subregulation (4) issue an additional permit to the chair renter.

(6) An informal trader may not rent out or sublet a space to a person from a stand or stall leased in terms of regulation 5 unless that person is registered as a chair renter under this regulation.

Application to lease food cart trading site

7. (1) A person who wishes to conduct informal trading from a food cart trading site and to lease the food cart trading site from the Council must apply to the Council for an informal trading permit on a form determined by the Council.

(2) An application referred to in subsection (1) must be accompanied by the following –

- (a) a non-refundable application fee;
- (b) a certified copy of the national identification document or passport of the applicant;
- (c) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1);
- (d) a certified copy of the registration certificate and licence disc of the motor vehicle issued under the regulations made in terms of the Road and Transport Act, 1999 (Act No. 22 of 1999), to be used to transport the trailer to the food cart trading site; and
- (e) a certified copy of the registration certificate and licence disc of the trailer issued under the regulations made in terms of the Road and Transport Act, 1999 (Act No. 22 of 1999), to be used for conducting informal trading at the food cart trading site.

(3) If the applicant proposes a food cart trading site, the Council must on receipt of the application first circulate the application to the different departments in the Council and receive feedback from the departments to ensure that the –

- (a) food cart trading site complies with the applicable road, traffic and road transportation laws;
- (b) food cart trading site complies with the Walvis Bay Zoning Scheme;
- (c) food cart trading site complies with the applicable public and environmental health and safety laws;
- (d) food cart trading site is not within a radius of 500 metres from a market that is established, carried on and maintained by the Council in terms of section 30(1)(j) of the Act;
- (e) trailer to be used to conduct informal trading complies with public and environmental health and safety laws; and
- (f) trailer and site to be used to conduct informal trading complies with the Model Fire Brigade Service Regulations.

(4) On receipt of the application in terms of subregulation (2) and a recommendation is received in terms of subregulation (3), the Council through its authorised official must consider the application and recommendation and may –

- (a) request the applicant to provide more information within a specified period;
- (b) grant the application with or without imposing conditions; or
- (c) refuse the application and give the applicant written reasons for the decision.

(5) If an application is granted under subregulation 4(b) the authorised official must register the applicant as an informal trader and issue the applicant an informal trading permit.

(6) On receipt of the informal trading permit, the informal trader must apply for a fitness certificate in terms regulation 14.

(7) If the fitness certificate is issued to the informal trader he or she must lodge the fitness certificate with the authorised official in terms regulation 14(5)(a).

(8) The authorised official must, when the informal trader lodges the fitness certificate issue a lease agreement to the informal trader to lease the food cart trading site from the Council to conduct informal trading.

(9) An informal trader who is issued with an informal trading permit, a lease agreement and a fitness certificate must keep the informal trading permit, fitness certificate and a copy of the lease agreement at the food cart trading site where the informal trading is conducted.

(10) An informal trader must on the request of an authorised official provide the informal trading permit, the fitness certificate or a copy of the lease agreement to the authorised official for inspection purposes.

(11) A person who conducts informal trading or copy of the lease agreement at a food cart trading site and who fails to provide the informal trading permit, fitness certificate or a copy of the lease agreement at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for temporary informal trading permit

8. (1) A person who wishes to conduct informal trading temporarily for a period not exceeding 90 days must apply to the Council for a temporary informal trading permit on a form determined by the Council.

- (2) An application referred to in subsection (1) must be accompanied by the following –
- (a) a non-refundable application fee;
 - (b) a certified copy of the national identification document or passport of the applicant; and
 - (c) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1).

(3) On receipt of an application referred to in subregulation (1) Council through its authorised official must circulate the application to the different departments within the Council and Council must consider the application and may –

- (a) request the applicant to provide more information within a specified period;
- (b) grant the application, with or without imposing conditions; or
- (c) refuse the application and give written reasons for the decision.

(4) If an application is granted under subregulation (3)(b), Council through its authorised official must register the applicant as an informal trader and issue the applicant a temporary informal trading permit.

(5) On receipt of the temporary informal trading permit, the informal trader must apply for a fitness certificate in terms of regulation 14.

(6) If a fitness certificate is issued to the informal trader, he or she must lodge a certified copy of the fitness certificate with the authorised official in terms of regulation 14(5)(a) before conducting informal trading.

(7) An authorised official may not issue a temporary informal trading permit for more than two consecutive periods of 90 days and the holder of the temporary informal permit must wait at least 30 days after the temporary informal trading permit has lapsed before applying for a new temporary informal permit.

(8) An informal trader who is issued a temporary informal trading permit or a fitness certificate must keep the informal trading permit and the fitness certificate at the area where the informal trading is conducted.

(9) An informal trader must at the request of an authorised official provide the informal trading permit and the fitness certificate to the authorised official for inspection purposes.

(10) A person who conducts informal trading under this regulation and who fails to provide the informal trading permit or fitness certificate at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for roaming informal trading permit

9. (1) A person who wishes to physically move around in an area that he or she proposes or a designated area to sell newspapers, magazines or hand out brochures in accordance with section 94(1)(at) of the Act must apply to the Council for a roaming informal trading permit on a form determined by the Council.

(2) An application referred to in subsection (1) must be accompanied by the following –

- (a) a non-refundable application fee;
- (b) a certified copy of the national identification document or passport of the applicant; and
- (c) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1).

(3) If an applicant proposes an area, the authorised official must first circulate the application internally to the different departments in the Council to receive feedback from the departments on whether the proposed area –

- (a) complies with road, traffic and road transportation laws;
- (b) complies with the Walvis Bay Zoning Scheme; and
- (a) complies with Model Fire Brigade Service Regulations.

(4) On receipt of the feedback from the departments in the Council in terms of subregulation (3) or if the application was lodged for a designated area in terms of subregulation (2), the Council through its authorised official must consider the application and may –

- (a) request the applicant to provide more information within a specified period;
- (b) grant the application, with or without imposing conditions; or
- (c) refuse the application and give the applicant written reasons for the decision.

(5) If an application is granted under subregulation 4(b) the authorised official must register the applicant as an informal trader and issue the applicant a roaming informal trading permit.

(6) An informal trader who is issued a roaming informal trading permit in terms of this regulation must carry the permit on his or her person at all times when conducting business as a roaming informal trader.

(7) An informal trader must on the request of an authorised official provide the roaming informal trading permit to the authorised official for inspection purposes.

(8) The informal trader must only conduct informal trading from a designated area.

(9) A person who conducts informal trading under this regulation and who fails to provide the roaming informal trading permit at the request of an authorised official for inspection purposes or who fails to comply with subregulation (8) commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application to host special event

10. (1) A person who intends on hosting a special event and inviting persons to conduct informal trading at the special event must apply to the Council for a special event trading permit on a form determined by the Council –

- (a) at least six months before the proposed date of a special event to be hosted annually; or
 - (b) at least three months before the proposed date of any other special event.
- (2) The application for the special event trading permit must be accompanied by –
- (a) a non-refundable application fee;
 - (b) if the applicant is a foreign national, a certified copy of the permit referred to in regulation 13(1); and
 - (c) any other documents required by the Council.

(3) On receipt of the application referred to in subregulation (1) the Council through its authorised official must first circulate the application to the different departments of the Council for their input.

(4) On receipt of the input from the departments, the Council through its authorised official must consider the application and comments and may –

- (a) if necessary require the applicant to provide more information on the application; and
- (b) make a recommendation to the General Manager of Community and Economic Development.

(5) On receipt of the recommendation in terms of subregulation (4)(c) the General Manager of Community and Economic Development on behalf of the Council may –

- (a) grant the application, with or without imposing conditions; or
- (b) refuse the application and give the applicant written reasons for the decision.

(6) If the application is granted under subregulation (5)(a), the authorised official must register the applicant as a special event organiser and issue a special event trading permit to the applicant.

(7) If the special event organiser is issued with the special event trading permit under subregulation 5(a), he or she must apply for a fitness certificate in terms of regulation 14.

(8) If the fitness certificate is issued to the special event organiser, he or she must lodge the fitness certificate with the authorised official in terms of regulation 14(5)(a) before hosting the special event.

(9) The special event trading permit is valid only for the specific special event for which it was issued by the authorised official.

(10) A special event organiser who is issued a special event trading informal trading permit in terms of this regulation and a fitness certificate must keep the special event trading permit and the fitness certificate at the area where the informal trading is conducted.

(11) The special event organiser must on the request of an authorised official provide the special event trading permit or the fitness certificate to the authorised official for inspection purposes.

(12) A person who hosts a special event under this regulation and who fails to provide the special event trading permit or the fitness certificate at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application to trade at special events

11. (1) A person who wishes to conduct informal trading at a special event that is hosted by the special event organiser under regulation 10 or a special event that is hosted by the Council must apply to the Council for a special trading permit on a form determined by the Council.

- (2) An application referred to in subsection (1) must –
 - (a) be lodged at least three days before the date on which the special event takes place;

- (b) be accompanied by –
 - (i) a non-refundable application fee;
 - (ii) proof of the invitation to conduct informal trading at the special event or copy of the advertisement;
 - (iii) an approval in writing from the special event organiser, if the applicant applies to conduct informal trading at a special event hosted by the special event organiser under regulation 10;
 - (c) if the applicant is a foreign national, be accompanied by the permit referred to in regulation 13(1); and
 - (d) be accompanied by any other documents required by the Council.
- (3) On receipt of the application referred to a subregulation (1) the Council through its authorised official must first circulate the application to the different departments of the Council for their input.
- (4) On receipt of the input from the departments the Council through its authorised official must consider the application and comments and may –
- (a) request the applicant to provide more information within a specified period;
 - (b) grant the application, with or without imposing conditions; or
 - (c) refuse the application and give the applicant written reasons for the decision.
- (5) If the application is granted under subregulation (4)(b) the authorised official must register the applicant as an informal trader and issue a special event trading permit to the applicant.
- (6) If the informal trader is issued with the special event trading permit in terms of subregulation he or she must apply for a fitness certificate under regulation 14.
- (7) If the fitness certificate is issued to the informal trader, he or she must lodge the fitness certificate with the authorised official in terms of regulation 14(5)(a) before conducting informal trading at the special event.
- (8) The special event trading permit is valid only for the specific special event for which it was issued by the authorised official.
- (9) An informal trader who is issued a special event trading permit in terms of this regulation and a fitness certificate must keep the informal trading permit and the fitness certificate at the area where the informal trading is conducted.
- (10) An informal trader must on the request of an authorised official provide the informal trading permit or the fitness certificate to the authorised official for inspection purposes.
- (11) A person who conducts informal trading under this regulation and who fails to provide the informal trading permit and fitness certificate at the request of an authorised official for inspection purposes commits an offence and is on conviction liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for registration as assistant informal trader

12. (1) The holder of an informal trading permit who wishes for a person to assist him or her as an assistant must apply to the Council on a form determined by the Council for the person to be registered as an assistant informal trader.

(2) An application referred to in subsection (1) must –

(a) be submitted to the authorised official together with the application for an informal trading permit under regulation 4 or 5;

(b) be accompanied by –

(i) a certified copy of the issued permit, if the informal trading permit is already issued in terms of regulation 4(4) or 5(5);

(ii) a certified copy of the national identification document or passport of the person on whose behalf the application is for; and

(c) if the person is a foreign national, be accompanied a certified copy of the permit referred to in regulation 13(1).

(3) On receipt of an application referred to in subregulation (1) referred to the Council through its authorised official must consider the application and may –

(a) request the informal trader to be assisted to provide more information within a specified time;

(b) grant the application, with or without imposing conditions; or

(c) refuse the application and give written reasons to the applicant for the decision.

(4) If an application is granted under subregulation (3)(b), the authorised official must register the person on whose behalf the application is made as an assistant informal trader and add the name of the assistant informal trader to the new permit issued under these regulations or existing permit issued under these regulations to the informal trader who the assistant informal trader may assist.

(5) The Council through the authorised official may on the written request of the informal trader issue a duplicate permit with the name of the assistant informal trader to the assistant informal trader who must keep the duplicate permit at his or her business place.

PART 3
FOREIGN NATIONALS

Applications by foreign nationals to conduct informal trading

13. (1) A foreign national who wishes to conduct informal trading under these regulations must comply with the provisions of the regulations and must submit with every application lodged under these regulations a certified copy his or her –

(a) permanent residence permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993); or

- (b) employment permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993).

(2) The period of validity of a permit issued under these regulations may not exceed the periods provided on the permit referred to in subregulation (1)(b).

PART 4 FITNESS CERTIFICATE

Application for, issue and validity of fitness certificate

14. (1) A person who is issued a permit in terms of these regulations, except a person issued with a roaming informal trading permit in terms regulation 9, must after he or she is issued the permit and before conducting informal trading apply to the Council on the form determined by the Council for a fitness certificate.

(2) An application referred to in subsection (1) must be –

(a) submitted to the head of the division for environmental health in the Council;

(b) accompanied by –

(i) the permit issued under these regulations;

(ii) a non-refundable application fee; and

(iii) any other information considered necessary by the head of division for the purposes of making a decision on the application.

(3) The head of the division for environmental health must, when considering an application, take into account –

(a) whether the informal trading business applied for on the premises designated as an informal trading area is clean and safe to conduct informal trading on those premises and whether –

(i) the premises are kept in clean and sanitary conditions;

(ii) all goods are kept in a clean and sanitary condition;

(iii) the premises are free of litter and other waste;

(iv) all goods are collected and removed from any public road or public place and stored in a suitable facility;

(v) the spilling of fat, oil or grease onto a public road, or a public place or into a storm water drain, is prevented;

(vi) no smoke, fumes or other substances, odours or noise emanate from activities associated with informal trading causes pollution of any kind;

(vii) business is carried only in a manner which does not pose a threat to public health or public safety;

- (viii) the trader undertakes at the request of an authorised official to move or remove any object so that the area or informal trading site from which informal trading is conducted may be cleaned;
 - (b) whether the conducting of informal trading businesses on the premises is not in conflict with any laws relating to public health and safety or is in conflict with any town planning scheme or township condition, applicable to those premises; and
 - (c) any other matter that the head of environmental health division may consider necessary for the interest of public health.
- (4) The head of the division for environmental health must consider the application and may –
- (a) request the applicant to provide more information within a specified period;
 - (b) grant the application, with or without conditions, and issue the fitness certificate to the applicant; or
 - (c) refuse the application and provide the applicant with the decision and written reasons for the decision.
- (5) If the fitness certificate is issued under subregulation (4)(b), the applicant must –
- (a) lodge a certified copy of the fitness certificate with the authorised official; and
 - (b) at all times keep the fitness certificate on his or her person or at the area or place where the informal trading is conducted, ready for display to the authorised official if requested for inspection purposes.
- (6) A fitness certificate is valid for a period of 12 months from the date of issue.
- (7) The holder of a fitness certificate may, 30 days before the expiry of the certificate, apply to the department of environmental health for the renewal of the certificate and subregulations (2), (3), (4) and (5) apply with the necessary changes.
- (8) Despite subregulation (6) and (7), a fitness certificate issued for a special event referred to in regulations 10 and 11 or for conducting informal trading temporarily in terms of regulation 8 is only valid for the particular special event or the temporary period for which it was issued, and the applicant must reapply for a new certificate of fitness for the next special event or new temporary informal trading permit.

PART 5 PERMITS

Display and validity of permit

- 15.** (1) A permit issued under these regulations must –
- (a) specify the area or place where the informal trading must be conducted;
 - (b) specify the goods, services or the class of goods or services which the holder of the permit is entitled to sell;

- (c) at all times be kept by the informal trader, the assistant informal trader, chair renter or special event organiser on his or her person or at the area or place where the informal trading is conducted; and
- (d) contain the period of validity of the permit.

(2) An informal trading permit, excluding a temporary permit, a roaming permit or a special event permit, is valid for a period of three years or until such time the permit is cancelled or suspended in terms of regulation 19.

(3) A temporary informal trading permit or a special event trading permit is only valid for the period provided in the permit or until such time the permit is cancelled or suspended in terms of regulation 19.

(4) The period of validity of the permits issued under these regulations must be in line with the period of validity of the permit referred to in regulation 13(1)(b), if the person concerned is a foreign national.

Renewal of permit

16. (1) The holder of an informal trading permit or a roaming informal trading permit must apply to the Council on a form determined by the Council for the renewal of the permit concerned within 30 days before the expiry of the permit.

(2) The provisions of regulations 4 and 9 apply with necessary changes required in the context to the renewal of an informal trading permit or a roaming informal trading permit.

Prohibition of transfer of permit

17. A permit issued under these regulations is not transferable and only the person in whose name it is issued and the person whose name appears on the permit is entitled to conduct informal trading in terms of the permit.

Lost, stolen or damaged permit and issue of duplicate permit

18. (1) If a permit issued under these regulations is lost, stolen or damaged, the holder of the permit must within seven days from the date on which such loss, theft or damage became known to him or her –

- (a) notify the authorised official in writing of such loss, theft or damage; and
- (b) apply to the Council for the issue of a duplicate permit.

(2) The Council on receipt of the application and payment of the fee must issue the duplicate permit to the applicant.

Cancellation or suspension of permit or lease agreement

19. (1) The Council may cancel a permit or terminate a lease agreement or for such period of time and on such conditions as it may determine suspend a permit or a lease agreement issued under these regulations where the holder of a permit or lease agreement an assistant informal trader or a chair renter –

- (a) contravenes or fails to comply with the conditions of the permit;

- (b) contravenes or fails to comply with the conditions of the lease agreement concerned;
- (c) contravenes or fails to comply with the provisions of these regulations; or
- (d) wilfully gives incorrect information to the authorised official or the Council when required to provide that information.

(2) The Council must cancel a permit or a lease agreement issued under these regulations, if the person in whose name the permit is issued dies or the person who signed the lease agreement dies.

(3) The Council may not cancel or suspend a permit or terminate a lease agreement under subregulation (1) unless the Council –

- (a) issues the holder of the permit or lease agreement concerned at least seven days' notice in writing of the cancellation or the suspension and the reasons for the proposed cancellation or suspension; and
- (b) invites the holder of the permit or lease agreement concerned to lodge with the Council in writing any representations, which he or she wishes to make in connection with the Council's proposed action.

PART 6 CONDUCTING OF INFORMAL TRADING

Designation of areas for informal trading

20. (1) The Council may by resolution designate areas for informal trading and declare any area in its jurisdiction to be an area in which informal trading is allowed.

(2) The Council may by resolution amend the designated areas referred to under subregulation (1).

(3) The areas designated under subregulation (1) must be in accordance with the Walvis Bay Zoning Scheme.

(4) The Council must make known in two daily newspapers circulating in the local authority area as well as on the website of the Council, to the persons who conduct informal trading under these regulations, the permit holders under these regulations and members of the public, the areas designated as areas at which informal trading is allowed.

Declaration of prohibited areas and signs indicating restricted and prohibited areas

21. (1) The Council may by resolution declare any area in the local authority area to be an area in which informal trading is restricted or prohibited and must erect signs, markings or other devices indicating –

- (a) specified places, goods or services in respect of which informal trading is prohibited;
- (b) the boundaries of a stand, stall or an area set apart for the purposes of conducting informal trading;
- (c) the location of boundaries in respect of restricted or prohibited areas;
- (d) the fact that any stand, stall or an area has been let or allocated; or

(e) any other restriction against informal trading in terms of these regulations.

(2) The Council must display any sign, marking or device in a position and manner that indicates a restriction or prohibition and the location or boundaries of the stand, stall or area concerned.

(3) A sign, marking or device erected in terms of these regulations serves as sufficient notice to an informal trader of the prohibition or restriction in respect of the area concerned.

(4) The Council must make known in two daily newspapers circulating in the local authority area as well as on the website of the Council, to the members of the public and informal traders, the areas declared as areas at which informal trading is prohibited.

Cleanliness

22. A holder of a permit or a lease agreement entered into in terms of these regulations must –

- (a) keep the place, area or site occupied by him or her for the purposes of conducting informal trading in a clean and sanitary condition;
- (b) dispose of litter generated in a refuse container provided by the Council for the public or at a dumping site of the Council;
- (c) not dispose of litter in a manhole, storm water drain, street, public road, public place or other place not intended for the disposal of litter;
- (d) ensure that on completion of each business day, the place or area occupied by him or her for the purposes of conducting informal trading is free of litter;
- (e) take the necessary precautions while conducting his or her trading to –
 - (i) prevent the spilling of any fat, oil or grease onto a street, public road, public place or into a storm water drain; and
 - (ii) ensure that no smoke, fumes, odours, noise or other substances cause a public nuisance of any kind;
- (f) not conduct his or her trading in such a manner that may pose a danger or threat to public and environmental health and safety; and
- (g) at the request of an authorised official, move his or her property for the cleaning of the place, area or site by the trader or lessee, where he or she is conducting informal trading.

General prohibitions and restrictions

23. (1) A holder of a permit issued under these regulations or a person registered to conduct informal trading under these regulations may not conduct informal trading –

- (a) at a place, area or site that is not designated by the Council under regulation 20;
- (b) at a place, area or site declared by the Council in terms of regulation 21 as a prohibited area;

- (c) at a place, area or site where it causes an obstruction to –
 - (i) a fire hydrant;
 - (ii) any entrance to or exit from a building;
- (d) at a place, an area or a site where it is likely to obstruct vehicular traffic;
- (e) next to a building used for residential purposes if the owner, person in control of the building or any occupier of that building objects and such objection is made known to the holder of a permit or a person registered under these regulations by an authorised official;
- (f) within a traffic intersection; or
- (g) at a sidewalk next to or near a building in which business is being carried on, without the prior consent of the owner, lawful occupier or person in control of that building.
- (2) A holder of a permit or a lease agreement entered into under these regulations –
 - (a) may not sleep overnight at the place, area or site where he or she conducts informal trading;
 - (b) may not be intoxicated while conducting informal trading;
 - (c) may not sell liquor as defined in section 1 of the Liquor Act, 1998 (Act No. 6 of 1998) unless permitted by the applicable law;
 - (d) may not incite or partake in violence at the place, area or site where he or she conducts informal trading;
 - (e) may not be in possession of or use an arm as defined in section 1 of the Arms and Ammunition Act, 1996 (No. 7 of 1996) or any other object that is capable of inflicting bodily injury or death;
 - (f) may not erect any structure for the purpose of providing shelter at the place, area or site where he or she conducts informal trading other than a structure approved by the Council;
 - (g) may not place his or her goods on a street, public road or public place;
 - (h) may not place or stack his or her goods in a manner that constitutes a danger to any person or property;
 - (i) may not display his or her goods or services offered on or in a building, without the consent of the owner, lawful occupier or person in control of that building;
 - (j) must, on request by an authorised official or supplier of telecommunications, electricity or other municipal services, move his or her goods for the carrying out of that service on the area, street, public road or public place;
 - (k) may not attach any of his or her goods to a building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street fixtures on a street, public road or in a public place;

- (l) may not carry on informal trading in such a manner so as to –
 - (i) create a public nuisance;
 - (ii) damage or deface the surface of a street, public road, public place, public property or private property, unless allowed by owner; or
 - (iii) create a traffic, health hazard or a health risk;
 - (m) may not make an open fire on a street, public road, public place or private property;
 - (n) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window;
 - (o) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
 - (p) may not obstruct access to, or the use of, a street fixture and any other facility designed for the use of the public;
 - (q) may not obscure any road traffic sign displayed in terms of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999) or any marking, notice or sign displayed or made in terms of these regulations;
 - (r) may not conduct informal trading, take up a position or place his or her goods on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purposes of these regulations;
 - (s) must place on a street, public road or public place his or her goods that is not capable of being easily removed to a storage place away from that street, public road or public place at the end of the business day;
 - (t) must, at the end of each business day, move his or her goods to a place which is not part of a street, public road or public place; and
 - (u) may not store his or her property in a manhole, storm water drain, public toilet, bus shelter, on a tree or any other place that is not conducive for storing the property.
- (2) A person who fails to comply with or acts contrary to any provisions of subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

PART 7 IMPOUNDING OF GOODS

Impounding of goods

- 24.** (1) An authorised official may impound goods of –
- (a) a person who is not in possession of a valid permit, a valid lease agreement or a valid fitness certificate;
 - (b) the holder of the permit or a lease agreement –
 - (i) who contravenes or fails to comply with any provision under these regulations;

- (ii) who is not in possession of a valid permit, a valid lease agreement or a valid fitness certificate on his or her person or at the site where he or she conducts informal trading business;
- (iii) that are left unattended for a period of 30 days or longer without the prior written approval in writing from the authorised official in a place owned by or under the control of the Council for storage purposes in terms of section 30(1)(j) of the Act;
- (iv) that the authorised official finds –
 - (aa) at any place, area or site where informal trading is prohibited;
 - (bb) at any place, area or site that prevents pedestrians from passing on the sidewalk;
 - (cc) at any place, area or site that causes an obstruction to vehicular traffic;
 - (dd) in front of a fire hydrant; or
 - (ee) in front of an entrance to or exit from a building,

if the informal trader has failed to remove the goods from such place, area or site after having been requested to do so by the authorised official or the goods are left at such a place, an area or a site that the authorised official considers as abandoned.

(2) The authorised official must give the informal trader 24 hours to remove his or her goods before such goods are impounded under this Part.

(3) If the informal trader does not comply with the notice referred to in subregulation (2), the authorised official may impound the goods of the informal trader in terms subregulations (4), (5), (6) and (7).

- (4) An authorised official impounding goods must –
 - (a) enter into a register kept by the Council for that purpose –
 - (i) the date the goods were impounded;
 - (ii) the place, area or site where the goods were impounded;
 - (iii) a description of the goods impounded;
 - (iv) the quantity of the goods impounded;
 - (v) the condition of the goods impounded;
 - (vi) the names and address of the owner of the goods if known; and
 - (b) confirm the entries by signing as to the correctness of the entries.

(5) If the name and address of the owner or the holder of a permit or a lease agreement entered into under these regulations whose goods are impounded under this Part is known to the authorised official impounding the goods, the authorised official must write, or cause to be written, at

the impounding of the goods, a receipt to the owner or the holder of the permit or the lease agreement informing him or her –

- (a) of the particulars entered into the register in terms of subregulation (4);
- (b) that the goods may be claimed against payment of the actual cost of impounding, removing and storing of the goods; and
- (c) that failing to claim the goods referred to under subparagraph (b), the goods may be sold by public auction.

(6) The impounding of goods under this Part does not exempt a person from being charged with an offence committed under these regulations.

(7) The Council is not liable for any loss or damage to any goods removed and impounded under this Part.

Disposal of perishable impounded goods

25. (1) The owner or the holder of a permit or lease agreement under which goods were impounded in terms of regulation 24 may, within a period of 24 hours from the time such goods have been impounded, apply to the Council in writing or in person for the return of such goods and attach or produce the relevant receipt issued to him or her in terms of regulation 24(5).

(2) If the owner of perishable goods or the holder of the permit or the lease agreement under which the perishable goods were impounded in terms of regulations 24 fails to claim his or her goods within 24 hours from the time of impoundment, the Council may destroy the goods.

(3) Perishable goods that are no longer fit for human consumption may be destroyed pursuant to the laws governing public health.

Storage and sale of impounded goods

26. (1) If the goods impounded have not been claimed in terms of regulation 24 or 25, the Council may sell the goods impounded by public auction or any other means approved by Council.

(2) If –

- (a) the owner; or
- (b) the holder of the permit or the lease agreement under which goods were impounded,

claims the return of the goods in terms of regulation 24 or 25 from the Council and he or she is unable or refuses to refund in full the expenses incurred by the Council in respect of the removal and impounding of the goods, the Council may refuse to return the goods and sell the goods by public auction.

(3) Before any goods are sold by public auction, the auction must be advertised by Council in two daily newspapers circulating in the local authority area in which the goods have been impounded for a period of not less than 15 days from the date of seizure of the goods.

(4) An advertisement referred to in subregulation (3) must, subject to subregulation (2), state a short description of the goods to be sold.

(5) If the proceeds of the sale of goods referred to in subregulation (3) are not enough to cover the expenses incurred by the Council in respect of the removal and impoundment of such goods, the owner of the goods remains liable to the Council for payment of the expenses that are not covered by the proceeds.

PART 8 GENERAL PROVISIONS

Inspections

27. (1) For the purpose of enforcing these regulations an authorised official may perform the duties or exercise the powers given or conferred by or under of section 91(1)(b) of the Act.

(2) An authorised official may for the purpose of ensuring compliance with these regulations at any reasonable time inspect –

- (a) the premises where informal trading is conducted; or
- (b) the permit, lease agreement or fitness certificate issued under these regulations.

(3) For purposes of the inspection referred to in subregulation (2), an authorised official must –

- (a) carry his or her personal identification card issued by the Council indicating that the person who conducts the inspection is authorised to carry out the inspection for the purpose of these regulations; and
- (b) when requested to do so, present for inspection the identification card to the permit holder or the holder of the lease agreement or the fitness certificate referred to in subregulation (2).

(4) If in the opinion of the authorised official a contravention of or failure to comply with these regulations is being committed the authorised official must report the contravention or failure to comply to the Council.

(5) If after the inspection of the permit, lease agreement, fitness certificate, goods or place, area or site where informal trading is conducted, the authorised official finds that the permit holder or registered person contravenes or fails to comply with any provision of these regulations or contravenes or fails to comply with any public health and safety laws, such authorised official must –

- (a) give notice to the holder of the permit, lease agreement or fitness certificate of such contravention or failure; and
- (b) call on the holder of the permit, lease agreement or the fitness certificate to comply with the requirements of the notice within 21 working days or within another period that the authorised official may provide.

(6) After the expiry of the period stipulated in the notice referred to in subregulation (5)(b), the Council may cause a further inspection to be carried out after giving notice to the permit holder or registered person.

(7) A holder of a permit who fails to comply with the requirements stated in the notice referred to in subregulation (5) commits an offence in terms of regulation 30(e) and the authorised official may, as set out in Part 7, impound the goods of the holder of the permit, lease agreement or fitness certificate.

Service of notices, instructions or documents

28. (1) A notice, an instruction or a document to be served or given in terms of these regulations must be served or given in accordance with section 93 of the Act, and in addition to that may be served in any other manner specified in these regulations.

(2) A notice, document or an instruction referred to in subregulation (1) may be given orally or in writing.

Review of decisions

29. (1) A person who is aggrieved by a decision of the authorised official made under these regulations may apply to the Council for the review of the decision.

(2) The review 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) indicate the grounds of review; and
- (d) indicate the redress sought.

(3) After hearing the applicant or the representatives of the applicant or after receipt of the written representations made by the applicant in terms of subregulation (1), the Council must –

- (a) consider the application for review and make a decision within 30 days after the hearing or receipt of the written representations;
- (b) inform the applicant of the decision of the Council in writing; and
- (c) furnish the applicant with reasons for the decision.

Offences and penalties

30. A person commits an offence if that person –

- (a) hinders or obstructs an authorised official in the exercise of his or her powers or the performance of functions in terms of these regulations;
- (b) provides false or misleading information to an authorised official in respect of an application for a permit or any other application lodged under these regulations;
- (c) intentionally alters, damages or destroys any permit, lease agreement or fitness certificate issued in terms of these regulations;
- (d) fails to comply with any notice issued in terms of these regulations; or
- (e) fails to comply with any lawful instruction given in terms of these regulations,

and is liable on conviction to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Transitional provisions

31. (1) Any person to whom the Council has issued an authorisation to conduct informal trading or assist in the conducting of informal trading in the local authority area before the commencement of these regulations is considered to have been authorised by the Council under these regulations to conduct informal trading.

(2) If the Council has entered into a lease agreement with a person before the commencement of these regulations for purposes of conducting informal trading, the lease agreement is considered to have been entered into under these regulations.

(3) Despite the repealed regulations, a pending application lodged under the existing regulations must be dealt with under the existing regulations.
