

Prepared by Council LA 29 April 2010

**THE HONIARA (HAWKERS) BY-LAWS - UNOFFICIAL CONSOLIDATION**

LN 59/1965; LN 144/1967; LN 14/1978; LN 45/1984; LN 51/1994; LN 111/1995; LN 82/1996; LN 9/2010; LN 17/2010

[22nd February 1965]

*Title*

1. These By-laws may be cited as the Honiara (Hawkers) By-laws.

*Interpretation*

2. In these By-laws, unless the context otherwise requires—

"appropriate fee" means any fee prescribed in the Honiara City Council (Fees, Rates and Charges) Ordinance 2009 for the purposes of the provision in which the term appears.

"Council" means the Honiara Town Council;

"to hawk" means to carry for sale, barter, or exchange, any goods, and includes the act of selling or exposing for sale any of the aforesaid articles by any person at any place, in which he does not usually reside or carry on business, but shall not include the seeking of orders for subsequent delivery from persons who are dealers therein and who buy to sell again;

"goods" includes wares, merchandise, foodstuffs, refreshments and drinks;

*LN 14/1978*

"public market" means a public market as defined in the Honiara (Market) By-laws.

*Hawkers to be licensed*

3. No person shall, within the limits of the Honiara Town boundaries hawk any goods whatsoever, unless he shall have taken out and is in lawful possession of an unexpired hawker's licence in his own name issued by the Council:

*LN 14/1978*

Provided that a person who sells goods only within the precincts of a public market shall not be required to take out a hawker's licence

*Applications for and issue of licences - LN 111/1995*

4.—(1) Application for a hawker's licence shall be made to the Executive Officer who, upon payment of the appropriate fee may, subject to the provisions of by-law 5 of these By-laws, issue a hawker's licence to the applicant:

*LN 144/1967*

Provided that in the event of an application being refused by the Executive Officer, the applicant may appeal to the Council against such refusal and shall be given the opportunity to appear before and address the Council in support of his appeal.

(2) Every hawker's licence shall be valid from the date of issue to the 31st December of the year of issue.

(3) Only half-year licences shall be issued during the period commencing 1st July and ending on the 31st December in any year.

*Power to restrict number of licences*

5. The Council may, at any time, by resolution restrict the number of hawker's licences which may be taken out under the provisions of these By-laws, for such period as shall be specified in such resolution.

*No hawking from buildings*

6. A hawker's licence shall not entitle the licensee to sell goods in or upon any premises or buildings occupied either permanently or temporarily by him.

*Powers of Police and Council officers*

7.—(1) It shall be lawful for any police officer or officer of the Council at all reasonable times to demand the production of any hawker's licence for inspection and to make any enquiries that he thinks fit to ascertain whether any breach of these By-laws has been committed.

(2) No person shall obstruct, resist or hinder any police officer or any officer of the Council acting in the due exercise of any of his powers under these by-laws, or make any false statement to any police officer or any officer of the Council so acting, or refuse or fail without lawful excuse to produce any licence which he is duly required to produce.

*Penalties*

8. — Any person who contravenes or fails to comply with any of these by-laws shall be guilty of an offence and liable to a fine of 1,000 penalty units.

*Powers of enforcement officers to arrest without warrant*

9.(1) — For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest —

(a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or

(b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.

(2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.

*Authorised officers may prosecute offences*

10.(1) — The City Clerk may, in writing, authorise any officer of the Council or other person ("authorised officer") to prosecute any offence under this Ordinance in the magistrate's court.

(2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate's court in respect of any offence under this Ordinance.

11. All monetary penalties secured under this Ordinance shall be paid into the City Fund.