

It is important that you get hold of a copy of the by-laws that affect you in the municipality you are trading in.

You have a right to know what the law says

How can you get hold of it?



You can go to the Council offices of your municipality and ask to see a copy.

You can also go to the municipal library and ask to see their copy of the by-law on informal traders.

If you have access to the internet, the by-laws should also be available on the webpage of your municipality.



INFORMAL TRADERS

*Know
your
rights!*

WHAT LAWS COVER YOU?

You are covered by The Businesses Act 71 of 1991. This Act says that trading cannot be stopped. But local authorities have the power to make by-laws that regulate where and how and under what conditions you can trade.



Are you an informal trader trading in the street, or in a mall or market? Maybe you are a mobile trader or a special events trader. This pamphlet is aimed at helping you to understand and organise for your **RIGHTS!**

The main legislation covering you are the by-laws of the municipalities you trade in.

You need to get access to these by-laws so that you know exactly what your rights are and what the law says you can and can't do.

These are the main areas covered by the by-laws:

- They confirm that you have the right to trade;
- They provide for the creation of areas where informal trading can happen, as well as for the closing down of these areas;
- They grant trading permits or licences;
- They regulate the conduct of street vendors;
- They set out health and safety measures and requirements;
- They set out penalties if the by-laws are violated.

What should you be looking for in the by-law:

- Do you need to apply for a permit or licence if you want to trade in the municipality? Or only if you want to trade in a designated area with a stall?
- What are the restrictions on what you can do? For instance, many by-laws say that you can't erect your structure, or trade in front of a shop selling goods similar to yours, or sleep overnight at your stall, or set up a stall outside a place of worship.
- Under what conditions can your goods be confiscated? Must you first be given written warnings? If your goods are confiscated must you have a right to a list of exactly what was taken?
- How can you get your goods back?
- How can you appeal any decision that is taken against you in terms of the by-law?