

GOVERNMENT NOTICE NO. 93

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (OPERATION OF
AMUSEMENT MACHINES) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Installation or operation of amusement machines
5. Register of public amusement premises
6. Provision of sanitary facilities
7. Excessive noise at premises
8. Power of entry and inspection

PART III—OFFENCES AND PENALTIES

9. Offences and penalties
Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council, make the following By-laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Operation of Amusement Machines) By-laws, 2018. Citation
2. In these By-laws, unless the context otherwise requires— Interpretation

“amusement machines” include—

 - (a) gaming machines as defined under the Gaming Act ; Cap 47:03
 - (b) lottery as defined under the Lotteries Act; Cap 47:04
 - (c) pool table;
 - (d) juke box; and
 - (e) similar machines and infrastructure installed for public entertainment and recreation for the purpose of making some gain or profit;

“authorized person” means a person authorized by the Council to inspect premises or do any other act under these By-laws;

“Council” means the Lilongwe City Council;

“premises” includes a cinema, club and any other places where amusement machines are installed; and

“public” means members of the general public or members of a specified organization or part of such members.

Application 3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

PART II—GENERAL

Installation or operation of amusement machines 4. A person shall not install or operate an amusement machine at any premises unless he has obtained a business premises licence under the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018.

Register of public amusement premises 5. The Council shall keep and maintain a register in the form specified in the Schedule, which shall contain a list of premises in the City of Lilongwe where amusement machines have been installed and are operated and such register shall be open to inspection at all reasonable times.

Provision of sanitary facilities 6. Premises to which these By-laws apply shall have adequate sanitary facilities for separate use by males and females in accordance with the provisions of the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws.

Excessive noise at premises 7. A person who shall, in any premises in which amusement machines are operated and to which the public is admitted, make, cause or suffer to be made, any noise which is so loud and so continuous or repetitive as to cause annoyance to occupants or inmates of any premises in the neighbourhood commits an offence.

Power of entry and inspection 8.—(1) An authorized person may, at all reasonable times, enter any premises used for the purpose of operating amusement machines to inspect the premises and the facilities therein provided.

(2) An authorized person who proposes to exercise any power of entry or inspection conferred by or under this by-law shall, if so required, produce a duly authenticated document showing his authority to exercise such power.

(3) Where an authorized person has reasonable cause to believe that amusement machines are being operated in an unlicensed premises, such authorized person shall have power to enter such premises and carry out any such inspection as is specified in paragraph (1).

PART III—OFFENCES AND PENALTIES

Offences and penalties 9. A person who contravenes a provision of these By-laws or fails to comply with any condition imposed by the Council under these By-laws commits an offence and shall be liable to the following penalties—

(a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council;

(b) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment; and

(c) notwithstanding the penalties provided under paragraphs (a) and (b), the Council may suspend or revoke the premises licence in accordance with provisions of By-law 14 paragraphs (5), (6) and (7) of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018.

SCHEDULE

(by-law. 5)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (OPERATION OF AMUSEMENT MACHINES) BY-LAWS

REGISTER OF PUBLIC AMUSEMENT PREMISES

Date of issuance of licence	Licence No.	Name of Business	Name and contact details of person to whom Licence was issued (Tel. No., Postal, E-mail and physical address)	Business contact details (Tel. No, Postal, and E-mail address)	Street / Road	Plot no	Conditions (if any)

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government
and Rural Development

(FILE NO: LG/1/13/25)

GOVERNMENT NOTICE NO. 94

LOCAL GOVERNMENT ACT
(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (BUSINESS PREMISES
LICENSING) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Business premises licence
5. Application for licence
6. Effect of false information
7. Renewal and replacement of licence
8. Power to impose conditions
9. Appeal
10. Form of licence
11. Licence to be displayed at a conspicuous place
12. Licence not transferable
13. Inspection of premises
14. Revocation of licence

PART III—OFFENCES AND PENALTIES

15. Offences and penalties
Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

- Citation 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Business Premises Licensing) By-laws, 2018.
- Interpretation 2. In these By-laws unless the context otherwise requires—

“area” means the Local Government Area of the Lilongwe City Council;

“business” includes trade, industry and occupation;

“Council” means the Lilongwe City Council;

“licence” means a business premises licence issued under these By-laws;

“licensing officer” means the Chief Executive Officer or any other officer of the Council duly authorized in that behalf by the Council;

“licensed premises” means any premises licensed as such under these By-laws;

“premises” means any land, with or without buildings thereon, or part of any such land and buildings or part of any building within the area being used by any person for the purpose of engaging in or pursuing for gain or reward, any business and includes any motor vehicle or other mobile unit being so used by any such person;

“Health Officer” means environmental health officer, medical or health officer or any person authorized by the Council under these By-laws; and

“fine art” means sign writing, drawing, logo writing, entertainment, theatre and any other art which the Council may classify as such under these By-laws but excludes singing groups.

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council. Application

PART II—GENERAL PROVISIONS

4.—(1) A person shall not, for gain or reward, engage in or pursue on any premises within the area any business specified in the First Schedule, unless he is a holder of a valid licence issued to him under these By-laws authorizing him to operate the business on those premises. Business premises licence

(2) A licence shall not be issued unless the premises are inspected by the Council and certified as fit for the purpose.

(3) A person who is not a citizen of Malawi shall not be issued with a licence under these By-laws, unless he is a holder of a valid Business Residence Permit issued under the Immigration Act. Cap 15:03

5. An application for a licence under these By-laws shall be made to the Licensing Officer in the form prescribed in the Second Schedule and shall be accompanied with the appropriate fee prescribed in the Third Schedule. Application for licence

6. Where, on application for a licence or renewal thereof, the Council discovers that the applicant has withheld relevant information or provided false information, the Council shall deny the licence. Effect of false information

Renewal and
replacement of
licence

7.—(1) A licence issued under these By-laws shall be renewable annually by the licensee upon payment of the appropriate fees prescribed in the *Third Schedule*.

(2) Where the Council is satisfied that a licence issued under these By-laws has been lost, destroyed or mutilated, the Council may, subject to such licence remaining valid at the time of the application or re-issue, whichever is later, and subject further to the payment of the appropriate fee set out in the *Third Schedule* hereto, issue a replacement licence.

Power to
impose
conditions

8.—(1) The Council may, subject to paragraphs (2) and (3) of this By-law, determine that a premises licence shall be issued or renewed subject to any or all of the following conditions—

(a) that repairs, alterations or additions be carried out on the premises as determined and approved by the Council;

(b) that the premises be suitably equipped in accordance with the intended use and applicable By-laws and that the equipment shall be adequately maintained; and

(c) any other condition as the Council may deem it necessary to impose.

(2) Where the Council determines to impose any condition, it shall give notice in writing to the applicant of its intention and the proposed conditions and shall not proceed with the issuance of the licence until the requirement of paragraph (3) is satisfied.

(3) An applicant who receives a notice under the foregoing paragraph shall, within fourteen days of receipt thereof, inform the Council in writing that—

(a) he agrees with the imposition of such conditions;

(b) he has abandoned his application; or

(c) he intends to appeal under By-law 9:

Provided that if an applicant who has informed the Council of his intention to appeal does not lodge such appeal within the time prescribed under by-law 9, his application shall be deemed to have been abandoned.

(4) The Council may, By notice to the proprietor, vary, add to or revoke any condition imposed either in the licence or at any subsequent time.

(5) Any condition imposed under this By-law shall be in addition to the minimum standard requirements prescribed under appropriate legislation, including By-laws, regulating the intended business.

Appeal

9.—(1) A person aggrieved by a decision of the Council under by-law 8 may, within thirty days of receipt by him of the notification of such decision, appeal to the Minister.

(2) The decision of the Minister shall be subject to review by the High Court.

(3) An appeal or review lodged under this By-law shall not operate as a stay of execution of the decision of the Council.

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| 10. A licence issued under these By-laws shall be in the form prescribed in the <i>Fourth Schedule</i> . | Form of licence |
| 11. A licence issued under these By-laws shall be displayed at a conspicuous place in a prominent part of a building on the premises to which it relates, and shall be available for inspection by any authorized person at any reasonable time. | Licence to be displayed at a conspicuous place |
| 12. A licence issued under these By-laws shall not be transferable. | Licence not transferable |
| 13.—(1) A holder of a licence shall ensure that the premises are maintained in a clean and sanitary condition at all times. | Inspection of premises |
| (2) The Council shall be entitled; at all reasonable times, to enter upon and inspect the premises and to examine the same for the purpose of these By-laws. | |
| 14.—(1) Save as is otherwise provided under paragraphs (2) and (3), where— | Revocation of licence |
| <p>(a) it appears to the Council, in respect of any premises licensed under these By-laws, that circumstances exist which would have justified a refusal of the licence;</p> <p>(b) after a licence is issued, the Council discovers that the licensee withheld relevant information or provided false information;</p> <p>(c) a licence issued under these By-laws has been transferred to any other person; or</p> <p>(d) the Council is of the opinion that it is in the public interest that the premises should be closed,</p> <p>the Council shall revoke the licence.</p> | |
| (2) The Council shall give at least fourteen days' notice in writing to the licensee of its intention to revoke the licence. | |
| (3) The notice shall state the grounds on which the Council intends to make the revocation and shall call upon the licensee to show cause, within fourteen days after receipt of the notice, why the revocation should not be made. | |
| (4) Where the Council after giving the said notice and affording the licensee an opportunity to show cause as aforesaid decides to revoke the licence or impose any condition, it shall do so and, by notice in writing, inform the licensee of its decision. | |

PART III—OFFENCES AND PENALTIES

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|---|------------------------|
| 15.—(1) A holder of a licence who uses, permits or condones any other person to use any part of the licenced premises as a living or sleeping quarters or for any other purpose not authorised by the licence commits an offence. | Offences and penalties |
| (2) A person who contravenes a provision of these By-laws or fails to comply with the terms of any notice served upon him by the Council or fails to comply with any condition imposed by the Council commits an offence. | |

(3) A person found guilty of committing an offence under paragraph (1) or (2) shall be liable to pay to the Council a penalty of K2,000.00.

(4) Where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment.

(5) Notwithstanding the penalties provided under paragraphs (3) and (4), the Council may suspend the licence, on such conditions as the Council may consider appropriate, and close the premises forthwith or revoke the licence.

(6) No part of the fees paid for a licence shall be refunded on the suspension or revocation of the licence.

(7) The Council shall recover from the licensee the cost of enforcing its decision or rectifying the damage caused by the contravention, and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(para. 4)

BUSINESSES REQUIRING BUSINESS PREMISES LICENCE

1. Hotel, Inn, Lodge, Motel and Guest house
2. Private media house
3. Driving school
4. Auctioneer & Estate Agent
5. Travel Agent
6. Clearing Agents
7. Recording studio
8. Advertising Company
9. Bookshop
10. Printing & Publishing
11. Funeral Parlour & Morgue
12. Fumigation & Pest Control service
13. Recruitment & Employment Bureau
14. Casino
15. Timber processing and Selling
16. General wholesalers
17. General Retailer
18. Beauty/ massage parlour
19. Barber shop

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20. Welding
 21. Watch repair
 22. Sawyer
 23. Photo studio or Photography
 24. Liquor manufacturing and trading
 25. Plumbing
 26. Painting and decoration
 27. Laundry/Dry cleaning
 28. Contractor
 29. Electrician
 30. TV/Radio repair
 31. Fridge repair
 32. Carpentry and joinery
 33. Curio vending
 34. Tailoring/knitting
 35. Business centre (Photocopying, binding, etc)
 36. Video rent
 37. Video showroom
 38. Fine art
 39. Manufacturing industry
 40. Bicycle repair
 41. Blacksmith
 42. Tinsmith
 43. Shoe maker
 44. Motor vehicle repair
 45. Consulting professional firms including—
 - (a) law firm;
 - (b) accounting & Auditing firm;
 - (c) engineering firm;
 - (d) architectural firm;
 - (e) advertising firm;
 - (f) surveying firm; and
 - (g) any other professional field.
 46. Financial Institutions defined under the Financial Services Act (Cap. 44:05) and includes—

- (a) bank;
 - (b) forex Bureau;
 - (c) insurance company;
 - (d) stockbroker;
 - (e) insurance broker;
 - (f) discount house;
 - (g) leasing & financing;
 - (h) microfinance company;
47. Private education institution
 48. Private medical facility
 49. Car Wash
 50. Agro-dealer
 51. Filling station
 52. Tyre fitting
 53. Motor vehicle dealer
 54. Motor cycle dealer
 55. Transport business operator
 56. Information and Communication Technology firm
 57. Warehouse
 58. Landscaping
 59. Security firm
 60. Decorator
 61. Operation of amusement machines
 62. Food processing, packaging and vending
 63. Car hire
 64. Private public service vehicle terminus
 65. Any other businesses as the Council may determine

SECOND SCHEDULE
LILONGWE CITY COUNCIL

(by-law. 5)

BUSINESS PREMISES LICENCE APPLICATION FORM

A. DETAILS OF OWNER OF BUSINESS

- (1) Name: Nationality:
- (2) Name of business:
- (3) Area: Plo No.: Street:
- (4) Address:
- Telephone: Cell: Email:
- (5) Nature of business:
- (6) If for renewal, insert old licence no.:
- (7) Declaration
I declare that the information above is true to the best of my knowledge and I am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation thereof.
 Signature of owner of business: Date:
- (8) Amount Paid: Receipt No:
- (9) Name of cashier: Signature:

B. FOR OFFICIAL USE ONLY

- (1) Date of inspection:
- (2) Comments/Remarks:
- (3) Name of Official: Signature:
- Designation: Date:

**THIRD SCHEDULE
LICENCE FEES PER ANNUM**

(by-law 5 & 7)

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1. Application and inspection fee	35,000.00	
2. Hotels—		
(a) 5 star hotel	500,000.00	
(b) 3-4 star hotel	350,000.00	
(c) 2-1 star hotel	200,000.00	
(d) uncategorized	100,000.00	
3. Inn, Lodge, Motel and Guest House—		
(a) Central Business District and Low & Medium Density Areas	100,000.00	
(b) Local Townships	75,000.00	

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4. Professional Consulting firms—		
(a) Law firm	250,000.00	
(b) Accounting & Auditing firm	250,000.00	
(c) architectural firm	250,000.00	
(d) surveying firm	250,000.00	
(e) engineering firm	250,000.00	
(f) any consulting firm	250,000.00	
5. Financial institutions—		
(a) Banks—		
(i) Central Bank	10,000,000.00	
(ii) Commercial bank		
(A) Corporate office	3,000,000.00	
(B) Branch	2,000,000.00	
(C) Agency	1,000,000.00	
(b) Forex Bureau	1,000,000.00	
(c) Stockbroker	250,000.00	
(d) Discount house	1,000,000.00	
(e) Leasing and Finance	1,000,000.00	
(f) Insurance Company—		
(i) Insurer	5,000,000.00	
(ii) Broker	500,000.00	
(g) Money transfer-E-money—		
(i) Company	1,000,000.00	
(ii) Agent	40,000.00	
(h) Micro finance—		
(i) Corporate office	500,000.00	
(ii) Branch	250,000.00	
6. Private Education Institutions—		
(a) Tertiary—		
(i) Class A (Offering up to degree)	1,000,000.00	
(ii) Class B (Offering up to diploma)	750,000.00	
(iii) Class C (Technical college)	200,000.00	
(b) Secondary Schools—		
(i) Class A (International syllabus)	750,000.00	
(ii) Class B (local syllabus, in Low & Medium Density Area)	500,000.00	
(iii) Class C (local syllabus, in High Density Area)	100,000.00	

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(c) Primary Schools—		
(i) Class A (International syllabus) ..	250,000.00	
(ii) Class B (local syllabus, in Low and Medium Density areas) ..	150,000.00	
(iii) Class C (local syllabus, in High Density Areas)	50,000.00	
(d) Nursery Schools—		
(i) Class A (International school)	200,000.00	
(ii) Class B (Low and Medium Density areas)	100,000.00	
(iii) Class C (High Density Areas)	40,000.00	
7. Contractors—		
(a) unlimited	1,000,000.00	
(b) up to K500,000,000.00	750,000.00	
(c) up to K200,000,000.00	500,000.00	
(d) up to K100,000,000.00	350,000.00	
(e) up to K50,000,000.00	250,000.00	
(f) up to K10,000,000.00	150,000.00	
8. Private Medical Facilities—		
(a) hospital	500,000.00	
(b) clinic—		
(i) admission	450,000.00	
(ii) OPD	300,000.00	
(c) dispensary	100,000.00	
(d) pharmacy—		
(i) wholesale	150,000.00	
(ii) retail	75,000.00	
(e) drug store	50,000.00	
(f) laboratory	50,000.00	
9. Private Media Houses—		
(a) television	300,000.00	
(b) radio	200,000.00	
(c) print media	250,000.00	
10. Information Communication Technology—		
(a) Telecommunications Companies—		
(i) corporate	3,000,000.00	

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(ii) tower	300,000.00	per tower
(iii) site office	500,000.00	
(iv) airtime distributor	100,000.00	
(b) internet service provider	750,000.00	
(c) internet café	40,000.00	
11. Motor vehicle—		
(a) Selling		
-Franchise holders of the manufacturing companies—		
(i) large scale	5,000,000.00	
(ii) medium scale	1,000,000.00	
(iii) companies importing and selling second-hand vehicles	100,000.00	
(iv) individuals importing and selling second-hand vehicles	50,000	
(b) spare parts and Accessories	50,000.00	
12. Motorcycle Dealers	350,000.00	
13. Equipment, Plant & Machinery—		
(1) Industrial—		
-franchise holders of the manufacturing companies		
(a) large scale	1,000,000.00	
(b) small scale	250,000.00	
-individuals importing and selling brand new	150,000.00	
-individuals importing and selling second-hand	50,000.00	
14. Repairing of electrical, electronic, telecommunication and domestic appliances.	40,000.00	
15. Filling Station	60,000.00	per pump
16. Landscapers—		
Companies providing landscaping services		
(a) large scale	350,000.00	
(b) medium scale	100,000.00	
Individuals providing landscaping services	40,000.00	
17. Carwash	40,000.00	
18. Carpentry & Joinery—		
(a) companies	200,000.00	
(b) individuals	40,000.00	

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19. Video show room/video rent	40,000.00	
20. Driving School	100,000.00	
21. Auctioneer & Estate Agent	100,000.00	
22. Dry cleaning services—		
(a) companies	100,000.00	
(b) individuals	40,000.00	
23. Travel Agent	150,000.00	
24. Security companies—.. .. .	200,000.00	
25. Clearing and Forwarding Agents	200,000.00	
26. Recording studio	75,000.00	
27. Photo studio	100,000.00	
28. Photography (Individual)	40,000.00	
29. Advertising company	200,000.00	
30. Warehouse for commercial purposes	100,000.00	
31. Bookshop	50,000.00	
32. Printing & Publishing	200,000.00	
33. Curios	40,000.00	
34. Funeral Parlour & Morgue	100,000.00	
35. Fumigation and Pest control—		
(a) large scale—		
(i) organization	100,000.00	
(b) small scale—		
(i) individual	40,000.00	
36. Premises for skilled labour services (Welding, Watch Repair, Plumbing, Painting, Sawyer, Fine Art, Bicycle Repair, Blacksmith, Tinsmith, Shoe maker, Decoration and any other business that provide skilled labour services).	40,000.00	
37. Recruitment /Employment bureau	40,000.00	
38. Casino	750,000.00	
39. Beauty parlour/Massage/acupuncture—		
(a) organization	100,000.00	
(b) individual	40,000.00	

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40. Barbershop—		
(c) central business district	50,000.00	
(d) townships	40,000.00	
41. Timber—		
(a) processing	200,000.00	
(b) selling	50,000.00	
42. General Wholesalers—		
(a) central business district	200,000.00	
(b) townships	100,000.00	
43. Retailers—		
(a) central business district	75,000.00	
(b) townships	40,000.00	
44. Tailoring and knitting—		
(a) companies (specialized in tailoring/knitting)	150,000.00	
(b) located in major trading centres	40,000.00 per machine	
(c) khonde tailors/knitters and those located in townships	40,000.00 per machine	
45. Manufacturing Factories/Industries—		
(a) heavy	2,000,000.00	
(b) light	1,000,000.00	
46. Liquor trading—		
1. Grade “A” Bar—		
(a) premier	200,000.00	
(b) platinum	100,000.00	
(c) gold	75,000.00	
(d) silver	50,000.00	
2. Grade “B” Retail liquor Shops.. .. .	125,000.00	
3. Grade “C” —		
(a) hotel/casino	75,000.00/day	
(b) lodges and motels	50,000.00/ day	
4. Grade “D” Restaurant	150,000.00	
5. Grade “E” Club	150,000.00	
6. Grade “F” Cabarets	50,000.00/day	

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7. Grade "G" Theatres	50,000.00	
8. Grade "H" Bottle stores	100,000.00	
9. Grade "I" (Nature Sanctuary and Recreation Parks)	75,000.00	
10. Grade "TA" Air Terminals	100,000.00	
11. Grade "J" Railways & Bus Stations—		
(a) international bus station	100,000.00	
(b) local bus station	50,000.00	
(c) railway station	50,000.00	
12. Manufacturing—		
(a) distillers	300,000.00	
(b) commercial brewers (Translucent).. .. .	500,000.00	
(c) wine maker	100,000.00	
(d) opaque beer brewer	300,000.00	
13. Wholesale licences—		
(a) wholesale licence	150,000.00	
(b) agents licence.	100,000.00	
14. auctioneers' temporary licence	50,000.00/day	
15. opaque beer licence—		
(a) retailer	60,000.00	
(b) wholesaler.. .. .	100,000.00	
47. Operation of amusement machines—		
(a) casino	500,000.00	
(b) amusement or entertainment places (outdoor)	250,000.00	
(c) club, bars and bottle store	75,000.00	
48. Food processing, packaging and vending—		
(1) Wholesaler	100,000.00	
(2) Tuckshop /hawker/ Food Canteen / Fresh food shop	45,000.00	
(3) Groceries—		
(a) central Business District and low density areas	75,000.00	
(b) local townships	50,000.00	
(4.) Butcheries—		
(a) central business district and	75,000.00	

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Low & Medium Density Area		
(b) local townships	50,000.00	
(5) Bakeries outlet	75,000.00	
(6) Take away and coffee shops—		
(a) central business district and		
Low & Medium Density Area	75,000.00	
(b) local township	45,000.00	
(7) Restaurant—		
(1) Central Business District and		
Low & Medium Density Areas—		
(a) premier	75,000.00	
(b) standard	50,000.00	
(2) Local Townships	45,000.00	
(10) Hotels—		
(a) 5-star	125,000.00	
(b) 4-3 star	100,000.00	
(c) 2-1 star	75,000.00	
(d) Uncategorized	60,000.00	
(11) Lodges, Inns, Motels & Guest houses—		
(a) central business district and		
Low & Medium Density Areas	75,000.00	
(b) local township	50,000.00	
(12) Clubs	75,000.00	
(13) Superette	50,000,000.00	
(14) Supermarkets	100,000.00	
(15) Food Manufacturing & Processing—		
(a) dairies	75,000.00	
(b) bakeries	75,000.00	
(c) milling companies	40,000.00	per motor
(d) refiners	100,000.00	
(e) breweries/distilleries	75,000.00	
(f) bottled water	75,000.00	
(g) any other food product	40,000.00	
(h) small scale confectionery	40,000.00	

	K	t
(16) unprocessed milk	40,000.00	
49. Private public Service Vehicle Terminus ..	250,000.00	
50. Motor Vehicle repair	100,000.00	
51. Agro – dealer	75,000.00	
52. Transport business operator	75,000.00	
53. Decoration	50,000.00	
54. Car Hire	100,000.00	
55. Licence replacement	10,000.00	

FOURTH SCHEDULE
FORM OF LICENCE
LILONGWE CITY COUNCIL

(by-law 10)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (BUSINESS PREMISES
LICENSING) BY-LAWS

BUSINESS PREMISES LICENCE

.....of is hereby licensed to engage in
(Name of licensee) (address)

and pursue a business at plot No.....
within Lilongwe City for a period of one year.

Date of issue

This licence expires on 30th June 20.....

Amount paid K..... tambala Receipt No.....

.....
Licensing Officer

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
*Minister of Local Government
and Rural Development*

(FILE NO: LG/1/13/25)

GOVERNMENT NOTICE NO. 95

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND PRIVATE CEMETERIES) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Establishment of cemeteries
5. Burial of a body
6. Portions of public cemetery to be designated for various denominations
7. Burial fee payment required for Class 'A' public cemeteries
8. Burial permit for class "A" public cemetery
9. Reservation of grave space in class 'A' cemetery
10. Cancellation of reservation of grave space
11. Register of grave spaces in Class 'A' public cemetery
12. Digging of grave
13. Depth of grave
14. Provision of grave digging services
15. Number of bodies in a grave and manner of burial
16. Filling of graves
17. Opening hours for public cemetery
18. Erection and disposition of tombstone
19. Maintenance of graves, tombstone, etc
20. Detention of stray animals
21. Prohibited acts in a public cemetery

PART III—OFFENCES AND PENALTIES

22. Offences and penalties
Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

Citation

1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Public and Private Cemeteries) By-laws, 2018.

2. In these By-laws, unless the context otherwise requires—
- “body” means dead body of a human being;
- “burial” means burial in earth, interment or any other form of sepulchre;
- “class ‘A’ public cemetery” means a public cemetery that requires the payment of a fee for a grave space and other services;
- “class “B” public cemetery” means a public cemetery that does not require the payment of a fee for a grave space;
- “Council” means the Lilongwe City Council;
- “grave space” means a plot of ground measuring 2.75 metres long and not less than 1.80 metres wide set apart for burial of one or more bodies;
- “private cemetery” means any cemetery established by a religious denomination and which has been declared to be a cemetery in terms of section 114 of the Public Health Act; and Cap. 34:01
- “public cemetery” means any cemetery established and maintained by the Council under section 75 of the Public Health Act and which has been declared to be a cemetery in terms of section 114 of the Public Health Act. Cap. 34:01
3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council. Application

PART II—GENERAL PROVISIONS

- 4.—(1) Subject to the provisions of section 113(1) of the Public Health Act, the Council shall establish public and private cemeteries within its area of jurisdiction. Establishment
of cemeteries
Cap. 34:01
- (2) The cemeteries established under paragraph (1) shall be as prescribed in the First Schedule hereto, and shall include the following categories—
- (a) public cemeteries—
- (i) class “A” public cemetery; and
- (ii) class “B” public cemetery; and
- (b) private cemetery.
- (3) A person shall not establish a private cemetery, unless he has first obtained a written permission, as prescribed in Part II of the Second Schedule hereto, from the Council which has the right to impose any condition as to the siting and the use of the cemetery as it deems fit.
- (4) An application for a permit to establish a private cemetery shall be made in the Form as prescribed in Part I of the Second Schedule hereto, and shall be accompanied by a non-refundable fee, as prescribed in the Third Schedule hereto.

Burial of a body

5.—(1) A person shall not dump or bury a dead body on or in any other place other than in an established public or private cemetery.

(2) The provisions of paragraph (1) shall not apply to a burial, authorized by the police, of a dead body so decomposed that it is not possible to move it to be buried in an established cemetery.

Portions of public cemetery to be designated for various denominations

6. A Public cemetery may be portioned to be designated for exclusive use by certain religious denominations and each portion so designated shall, in so far as religious burial ceremonies are concerned, be under the control of the religious denomination concerned, subject to compliance with these By-laws and terms of a burial permit issued under By-law 8, where applicable.

Burial fee payment required for class 'A' public cemeteries

7.—(1) A person shall not cause a burial to take place in a Class "A" public cemetery unless he has paid to the Council a fee as specified in the Third Schedule hereto.

(2) The fees shall be exclusive of any additional costs or charges which the Council may, in its discretion, fix or levy in respect of other services rendered by the Council as specified in the Third Schedule hereto.

Burial permit for class "A" public cemetery

8.—(1) A person shall not cause a burial to take place in a Class "A" public cemetery without a written permit from the Council, and any burial in such cemetery shall take place in strict conformity with the terms of such permit which shall prescribe the position of the grave to be used for the burial.

(2) For the purpose of this by-law, the Council shall maintain a plan of every Class "A" public cemetery on which all grave spaces shall be marked and numbered and the burial permit shall prescribe the position of the grave by quoting the number of the grave space as shown on the plan.

Reservation of grave space in class 'A' cemetery

9.—(1) The Council may, at its discretion and upon payment of the prescribed fee, grant any person the right to the reservation and use of a grave space as a private grave space in any Class "A" public cemetery.

(2) A person desiring to reserve a grave space under paragraph (1) shall make an application, in writing, to the Council and upon payment of the prescribed fee, such a grave space shall be reserved and held for use by that person.

(3) A person who has reserved a grave space in accordance with paragraph (1) shall pay an annual fee to the Council, as specified in the Third Schedule.

(4) Where a person fails to pay the annual fee as required under paragraph (3), the Council shall repossess the grave space and all fees paid previously shall be forfeited.

(5) A person shall not sell, transfer or assign to any other person his right to the use of a private grave space granted under paragraph (1) without prior written consent of the Council.

Cancellation of reservation of grave space

10. A person for whom the Council has reserved a private grave space under By-law 9 hereof, may relinquish his right to such grave space by

notifying the Council, in writing, of his intention to do so and all fees paid previously shall be forfeited.

11.—(1) The Council shall keep and maintain a register in the Form specified in the Fourth Schedule hereto, in respect of every grave space in a Class "A" public cemetery.

Register of
grave spaces
in Class 'A'
Public
cemetery

(2) The Council shall keep and maintain a record of every grave space in a Class "A" public cemetery.

12. A grave shall be dug only in the regular line of excavation and, as near as possible, in the middle of the grave space.

Digging
of grave

13.—(1) A grave in a private or public cemetery intended for the burial of a body of a person aged above 6 years shall be of a perpendicular depth of not less than 1.80 metres throughout its entire area.

Depth of
grave

(2) A grave intended for the burial of a body of a child of 6 years of age or under shall be of a perpendicular depth of not less than 1.3 metres.

(3) Where more than one body is intended to be buried in one grave, such a grave shall be of a perpendicular depth of not less than 2.25 metres.

14. A person may request the Council to dig a grave in any cemetery and to provide attendant services at a fee as prescribed in the Third Schedule hereto:

Provision
of grave
digging
services

Provided that an application to that effect shall be made to the Council at least 24 hours before the intended time for burial.

15.—(1) Except with the special permission of the Council, not more than two bodies shall be buried in any one grave in a public or private cemetery.

Number of
bodies in a
grave and
manner of
burial

(2) Where two bodies or coffins, as the case may be, are buried in one grave, the second body or coffin shall be effectively separated from the other body or coffin in the grave by means of a layer of earth at least 0.05 metres thick.

16. Except with a special permission from the Council, immediately after a burial has taken place in any private or public cemetery, the grave shall be filled with earth to a height of not less than 30 cm.

Filling of
graves

17.—(1) A public cemetery shall be open to the public between the hours of 7:30 am and 4:30 pm every day.

Opening
hours for
public
cemetery

(2) A person shall not enter, or remain, in any public cemetery beyond the opening hours specified in paragraph (1) unless he has a special permit from the Council.

18.—(1) A person shall not erect or deposit in any public cemetery any tombstone, kerb or other structure of whatever description, without the prior written permission of the Council or otherwise than in strict compliance with the terms of such permission and will be required to pay a fee as specified in the Third Schedule for Class "A" cemetery.

Erection and
disposition
of tombstone

(2) Where any tombstone, kerb or other structure is erected in contravention of paragraph (1) or if any tombstone, kerb or other structure is displaced, dilapidated, ruined or unsafe, the Council may order that the same be removed, replaced or repaired, and in cases where the Council has incurred any expenses in the removal, replacement or repair of the structure, the estate or the next of kin of the deceased shall bear the cost.

Maintenance of graves, tombstone, etc

19. The Council shall not be held liable for the care, custody or maintenance of any grave space or of any tombstone, monument or other structure erected on any grave in any cemetery:

Provided that the Council may, where a grave space has, in its opinion, become unsightly by reason of overgrown vegetation, carry out any necessary clearance work.

Detention of stray animal

20. An animal found straying in any cemetery shall be dealt with in accordance with the Local Government (Lilongwe City Council) (Control of Animals) By-laws.

Prohibited acts in a public cemetery

21. A person shall not, in any public cemetery—

(a) trespass upon a grave;

(b) enter or leave the cemetery, except by the designated entrance gates;

(c) commit any nuisance;

(d) bring into or allow a dog or any other animal listed in part 1 of the First Schedule of the Local Government (Lilongwe City Council) (Control of Animals) By-laws, 2018.

(e) injure, pluck, uproot, or remove any flower, plant, shrub or tree;

(f) mark, deface or damage any tombstone, monument, railing chain, decoration, ornament structure or other improvement;

(g) create a disturbance or otherwise behave in an unseemly, indecent or irreverent manner;

(h) erect or place any advertisement or sign board or solicit any business order or exhibit, distribute or leave any tract, pamphlet or business card or use any road or path for the conveyance or sale of any goods or materials except such as are intended for use in such a cemetery;

(i) hold or take part in any demonstration; or

(j) wilfully obstruct or impede any person employed by, or acting on behalf of, the Council in the performance of his duties.

PART III—OFFENCES AND PENALTIES

Offences and penalties

22. A person who contravenes a provision of these By-laws or fails to comply with any condition imposed by the Council under these By-laws commits an offence and shall be liable to the following penalties—

(a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council; and

(b) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment.

FIRST SCHEDULE

(by-law 4(2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND PRIVATE CEMETERIES) BY-LAWS

PART I—PUBLIC CEMETERIES

A.—CLASS “A” PUBLIC CEMETERIES

1. Plot No. 1 in Area 30
2. Plot No. 3053 and partly on plot 3054 along Glyn Jones Road in Area 3

B.—CLASS “B” PUBLIC CEMETERIES

1. Part of plot No. 1 delineated as a class “B” public cemetery in Area 30
2. Kawale II Cemetery, Area 7
3. Kaliyeka Cemetery, Area 21
4. Area 23 Cemetery
5. Area 47 Cemetery
6. Area 49 Cemetery
7. Area 25 Cemetery
8. Lumbadzi Cemetery, Area 53
9. Dedza Road Cemetery, Area 8 adjacent to Lilongwe Girls Secondary School (as subdivided to provide areas for Catholics, Muslims and other denominations)
10. Chilinde Cemetery
11. Kabwabwa Cemetery
12. Mgoni Cemetery
13. Senti Cemetery
14. Chimoka Cemetery
15. Area 36 Cemetery

PART II—PRIVATE CEMETERIES

1. Poor Clara’s Private Cemetery, Plot No. 4001, off Kamuzu Procession Road.
2. Hindu/Sikh Cemetery and Crematorium, Plot No. 2016, along the Kamuzu Procession Road.

SECOND SCHEDULE
LILONGWE CITY COUNCIL

(by-law 4 (3&4))

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND
PRIVATE CEMETERIES) BY-LAWS

PART I—APPLICATION FOR ESTABLISHMENT OF A PRIVATE CEMETERY

A.—DETAILS OF APPLICANT

- (1) Name:
- (2) Area: Plot No.: Street:
- (3) Address:
Telephone: Cell.: E-mail:
- (4) Proposed location: Plot No.:
- (5) Landlord for the area:
- (6) Signature of applicant: Date:

B.—FOR OFFICIAL USE ONLY

- (1) Date of inspection:
- (2) Comments/Remarks:
.....
.....
- (3) Amount paid: Receipt No.:
- (4) Name of cashier: Signature:
- (5) Name of Official: Signature:.....
Designation: Date:

PART II—LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND
PRIVATE CEMETERIES) BY-LAWS

PRIVATE CEMETERY PERMIT

Permission is hereby granted to of
..... to establish a private cemetery, as detailed below, in accordance
with the Local Government (Lilongwe City Council) (Public and Private Cemeteries)
By-laws, 2018.

Permit No. Plot number

Location

Landlord

GIVEN under my hand at LILONGWE this day of Two Thousand.....

.....
Chief Executive Officer

THIRD SCHEDULE

(by-laws 4(4), 7(1&2),
9(3), 14 & 18))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND
PRIVATE CEMETERIES) BY-LAWS

BURIAL AND OTHER SERVICE FEES

1. Burial for an adult in Class "A" cemetery	K25,000.00
2. Burial for a child of 6 years or under in a Class "A" public cemetery	K15,000.00
3. Digging of a grave in a private or public cemetery for an adult	K 20,000.00
4. Digging of a grave in a private or public cemetery for a child of 6 years or under	k12,500.00
5. Hire of lowering machine	K15,000.00 per day
6. Tomb construction at Class "A" cemetery	50% of current burial fee
7. Hire of hearse within the City boundary—	
(a) Category A hearse (>16 seater)	K150,000.00 per day
(b) Category B hearse (<16 seater)	K75,000.00 per day
8. Hire of hearse outside the City boundary—	
(a) category A hearse (>16 seater)	K150,000.00 per day plus K600 per km, excluding driver's allowance
(c) category B hearse (<16 seater)	K75,000.00 per day plus K600 per km, excluding driver's allowance

9. Hire of hearse outside Malawi	K200,000 per day plus K600 per km, excluding drivers allowance
10. Wreaths (Fresh—)	
(a) category A—	
(i) large	K6,000.00 per wreath
(ii) medium	K5,000.00 per wreath
(iii) small	K4,000.00 per wreath
(b) Category B —	
(i) large	K4,500.00 per wreath
(ii) medium	K3,500.00 per wreath
(iii) small	K2,500.00 per wreath
11. Undertakers	K20,000.00
12. Grave space reservation	K100,000.00 per plot and renewable yearly at K20,000
13. Exhumation charges (upon production of a court order) —	
(a) exhumation fee	K300,000.00
(b) grave tracing	K15,000.00
(c) exhumers allowance	K30,000.00 per digger
(d) senior exhumers allowance	K50,000.00
14. Burial certificate	K5,000.00
15. Application fee for establishment of private cemetery	K5,000.00
16. Inspection fee	K30,000.00
17. Fees payable on issuance of a Private Cemetery Permit	K50,000.00

FOURTH SCHEDULE

(by-law 11)

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PUBLIC AND PRIVATE CEMETERIES) BY-LAWS

REGISTER OF GRAVES IN CLASS "A" PUBLIC CEMETERIES

- 1 Cemetery:
- 2 Grave No.:
- 3 Surname:
- 4 Forename and or other names:
- 5 Last address:
- 6 Occupation:
- 7 Date of death:
- 8 Place of death:
- 9 Date of burial:
- 10 Religion:
- 11 Age:
- 12 Sex:
- 13 Nationality:
- 14 Officiating clergy:
- 15 Next of Kin and contact details:
- 16 Legal representative (if any):
- 17 Remarks:

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer
 COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
*Minister of Local Government
 and Rural Development*

(FILE NO: LG/1/13/25)

GOVERNMENT NOTICE No. 96

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Regulation of keeping of animals
5. Special permit to keep animal
6. Animals to be kept under control
7. Animal health and hygiene
8. Custody and disposal of impounded animal
9. Indemnity and payment of compensation

PART III—OFFENCES AND PENALTIES

10. Offences and penalties
- Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

- | | |
|----------------|--|
| Citation | 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Control of Animals) By-laws, 2018. |
| Interpretation | 2. In these By-laws, unless the context otherwise requires—
“animal” means any bull, cow, ox, heifer, calf, sheep, goat, horse, mule, donkey, pig, domestic fowl, guinea fowl, pigeon, pea-fowl, dog, cat and any wild animal, carnivore or reptile tamed and kept as a pet and any other creature which the Minister has, by order under section 4 of the Control and Diseases of Animals Act, declared to be an animal and includes bees; |
| Cap. 66:02 | “area” means the Local Government Area of the Lilongwe City Council; |
| | “authority” means the Council or any person duly authorized, whether generally or specifically, to act or conduct business on behalf of the Council; |

"cemetery" means any burial ground, crematorium or any other place ordinarily used or set aside for the lawful disposal of human dead bodies;

"Council" means the Lilongwe City Council;

"dead animal" means the carcass of an animal and includes part of a carcass taken separately or any portion thereof;

"dog" means any quadruped of the species *canis familiaris*; and

"owner" in relation to a dog or other animal means any person in whose custody, possession or charge it is, also any person in whose house or premises it is kept or found unless such last mentioned person shall prove that it does not belong to him and is not in his custody, possession or charge;

"residential area" includes a squatter.

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council. Application

PART II—GENERAL PROVISIONS

4.—(1) Subject to these By-laws and any other written law in force within the area, a person shall not be allowed, in any residential premises or any unauthorized area, to keep, rear, stall, graze or suffer to be kept reared, stalled or grazed any of the animals as specified in Part I of the First Schedule. Regulation of keeping of animals

(2) Subject to these By-laws and any other written law in force within the area, a person shall not be allowed, in any residential premises or any unauthorized area, to keep, rear, stall or suffer to be kept, reared or stalled any animals in excess of the respective maximum numbers as specified in Part II of the First Schedule.

(3) A person shall be allowed to keep a maximum of three types of animals in a residential premises.

(4) Where a person contravenes the provisions of paragraphs (2) or (3), the authority shall impound the excess animals and the person shall pay to the authority a penalty of K2,000.00 for each impounded animal.

(5) Notwithstanding the provisions of this by-law, it shall be lawful to keep, rear or suffer to be kept, reared or grazed any animal in a plot zoned for urban agriculture in the city, upon obtaining a town planning permit for the same.

5.—(1) Notwithstanding the provisions of these By-laws, the Council may, in its discretion and upon application in writing, allow a person, group of persons, community or any representative thereof to keep, but not rear, any animal for purposes only of a religious or other lawful ceremony, festival or event, as the authority shall deem fit and on such terms as shall be specified in the said permit. Special permit to keep animal

(2) An application for a permit and a permit issued under paragraph (1) shall be in Forms I and II, respectively as prescribed in the Second Schedule.

(3) The permit provided under this by-law shall not be transferable and any person who transfers, or shall attempts to extend the benefit thereby accruing to any other person or persons, other than those allowed by the authority to so benefit, commits an offence.

(4) In considering whether or not a permit under this by-law shall be issued to any person, group, community or association of persons, the authority may have regard to the following factors—

(a) whether the keeping of the animal in respect of which an application has been made to the authority may constitute a health hazard to members of the public or other animals for the time being residing or being kept in the area in which such animal is proposed to be kept;

(b) whether the applicant or persons thereby represented has or have previously been guilty of a contravention of these By-laws, and if that be so, whether the said person or persons have, or have not, paid any penalty in that connection imposed upon him or them or have otherwise complied or not with any instructions or directions of the authority; and

(c) any other grounds as the authority shall from time to time determine.

(5) The authority shall levy a fee for any permit issued under these By-laws as prescribed in the Third Schedule and in so doing shall have regard to the kind of animals allowed to be kept, the numbers thereof and any other relevant consideration.

(6) The authority may, on issuing a permit, limit the number of animals to be kept by an individual or group of persons under that permit, notwithstanding, the fact that the person or persons on making his or their application were desirous of keeping a greater number of animals.

(7) The authority may, at any time and for sufficient reason, cancel or abridge the effect of any permit previously issued by it under these By-laws.

(8) No part of the fees paid for a permit shall be refunded on the cancellation or abridgement of the permit.

6.—(1) A person shall not knowingly allow or suffer any animal to stray into a street, road, lane, thoroughfare, cemetery or public place or otherwise to commit a nuisance and any animal found straying in such place or committing a nuisance may be impounded by the authority.

(2) An owner of a dog shall, whilst the dog is within the area during the day time, keep or cause the dog to be kept under proper control on the premises upon which the owner thereof resides, and the dog shall not be permitted to stray therefrom, unless controlled by a leash.

(3) The authority may seize any dog in respect of which any condition prescribed under paragraph (2) of this by-law is contravened.

Animal to be kept under control

(4) A person keeping or otherwise dealing with animals shall have a duty to comply with the provisions of the Control and Diseases of Animals Act and any other written law whose provisions regulate matters in respect of the control of animals or public health. Cap 66:02

7.—(1) An animal shall be kept in sanitary, hygienic and properly ventilated conditions and the owner or other person therefore responsible shall not allow any waste from such animal to accumulate on his or other premises or allow any obnoxious or otherwise offensive smells or gases to be discharged from the premises. Animal health and hygiene

(2) A person shall not dispose of any animal waste at any place other than a place reserved by the authority for the disposal of such waste material.

(3) A dead animal shall be dealt with in accordance with the provisions of the Control and Diseases of Animals Act and the Rules and Regulations made thereunder. Cap 66:02

(4) A sick animal shall be kept apart from healthy animals and the owner of or any person charged with keeping such animal shall inform the authority and it shall be the duty of that person to comply with any instructions or directions of the authority.

(5) The authority may require a person to submit any or all of his animals for examination by a qualified veterinary officer.

(6) Where a veterinary officer referred to in paragraph (4) certifies that an animal is of unsound health, he shall issue such instruction or direction as he deems appropriate.

(7) Where the instruction or direction referred to in paragraph (5) has been issued, the owner or any person for the time being charged with control of such animal shall be under a duty to act in accordance with the instruction or direction of such veterinary officer.

8.—(1) The authority shall maintain a place where an animal impounded under these By-laws shall be kept and shall levy a fee as prescribed in the Third Schedule, in respect of every animal impounded by it and the owner of such animal shall, in addition to payment of the fee hereby imposed, reimburse the authority for all expenses consequent upon the authority's impounding of such animal. Custody and disposal of impounded animal

(2) Where, at the expiry of three clear days from the date the animal was impounded by the authority, the animal is not redeemed by the owner, the authority may, upon giving notice to the general public, sell to the highest bidder or otherwise dispose of such animal as it deems fit, but shall not offer such animal to any person gratis or for unduly low payment, and where such animal is sold or otherwise disposed of by the authority, the proceeds thereof shall be appropriated to the general revenue of the authority and shall not thereafter be recoverable by any person.

9.—The authority shall not be liable to compensate any person for loss, injury or damage arising from the exercise by the authority of any of the powers granted under these By-laws provided always that the authority shall exercise the said powers reasonably and in good faith. Indemnity and payment of compensation

PART III—OFFENCES AND PENALTIES

Offences and penalties

10.—(1) A person who contravenes a provision of these By-laws or fails to comply with directions given by the authority or fails to comply with any condition imposed by the authority, commits an offence and shall be liable to the following penalties—

(a) a fine of K2,000.00, payable to the Council, when the contravention has been notified for the first time by the authority;

(b) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment;

(c) on the second contravention, the animal shall be impounded and the authority shall levy a fee as prescribed in the Third Schedule; and

(d) where the contravention has resulted into a loss or damage to a person or property, the owner of the animal shall be responsible for rectification of the loss or damage.

(2) The Council shall, in addition to the above penalties, recover from the offender the cost of enforcing its decision and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law 4)

PART I—PROHIBITED ANIMALS WITHIN RESIDENTIAL PREMISES

1. Donkey
2. Horse
3. Mule
4. Cattle
5. Pig
6. Goat
7. Sheep
8. Bees
9. Any wild animal, carnival or reptile
10. Any other such like animal by whatever description

PART II—ANIMALS ALLOWED WITHIN RESIDENTIAL PREMISES

<i>Type of animal</i>	<i>Maximum number permissible per plot</i>
Dogs	2
Cats	2
Chickens	15
Guinea fowls	15

<i>Type of animal</i>	<i>Maximum number permissible per plot</i>
Rabbits	10
Ducks	15
Pigeons	30
Turkeys	15
Quails	20

SECOND SCHEDULE

(by-law 5(2))

FORM-I

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

APPLICATION FOR ISSUE OF ANIMAL PERMIT

- 1 Name of Applicant:
 - 2 Postal Address:
 - 3 Telephone Number:
 - 4 E-mail address:
 - 5 Residential Address—
 - (a) area:
 - (b) plot No
 - (c) street No.:
 - 6 If application made on behalf of group of persons or community
 - Name of such Group or Community:
 - 7 Details of Animals in respect of which the application is made
 - (a) type of animal:
 - (b) number desired to be kept:
 - (c) reasons for desiring to keep such animals and such numbers:
 - 8 Dates or period for which application made:
- Signature:
- Date:

FORM—II

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

ANIMAL PERMIT

Issued to (Name of person, group of persons or community):

Address:

Area:..... Plot No.:..... Street No.:.....

Type of animals permitted to be kept:

Reasons for keeping animals:

Numbers thereof (per plot):

Period in respect of which permit is operative:

Signature of authorizing officer:

Designation of authorizing officer: Date:

THIRD SCHEDULE

FEEs

1.	Application for a permit	K 5,000.00
2.	Fee payable on issue of a permit—	
	(a) 1-10 animals	K15,000.00
	(b) 11-50 animals	K20,000.00
	(c) 51 animals and above	K30,000.00
3.	Storage fee per animal per day	K 2,000.00

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government
and Rural Development

GOVERNMENT NOTICE No. 97

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD)
BY-LAWS, 2018

BY-LAW

PART I—PRELIMINARY

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3. Application

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6. Food licence conditions and expiry date
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8. Inspection and power of Officers
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17. Personal cleanliness
18. Wrapped and unwrapped bakery products, etc
19. Cleanliness and protection of food
20. Prohibition of immediate slaughter of animal.
21. Transportation of meat
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23. Closure of food premises

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Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

Citation 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Food) By-laws, 2018.

Interpretation 2.—(1) In these By-laws, unless the context otherwise requires—

“authorized officer” means any person authorized by the Council to inspect premises, examine food, take samples of food, examine any person engaged in the handling of food or do any other act under the statutory powers of the Council;

“contamination” means the infection, pollution or adulteration of food by extraneous matter, whether or not injurious or dangerous to health, and includes contamination by odour, liquid gases or radioactive particles;

“Council” means the Lilongwe City Council;

“equipment” includes apparatus, furnishings and utensils;

“fish” means vertebrate fish or aquatic crustacean, mollusc or other shell fish, or any other normally edible cold blooded aquatic animal, whether alive or dead and includes the eggs and any edible part thereof, but does not include any reptile;

“food” means anything taken by mouth other than drugs and water but includes ice and any article which ordinarily enters into or is used in the processing or preparation of human food and includes flavouring matters and condiments, and “foodstuffs” has a corresponding meaning;

“food business” includes grocery shop, milk shop, hotel, restaurant or eating house, canteen, bar, refreshment or entertainment room, coffee room, and includes any food manufacturing, preparation, packing or repacking premises, ice cream bar, fish and chips shops and any food premises used or proposed for use for the purpose of carrying on any food business or trade;

“food premises” means any premises on or from which food business is carried on;

“food room” means any room in which food is handled for the purpose of food business;

“handling of food” means the carrying out or assisting in carrying out any process or operation of food for the purpose of food business or the transportation, storage, packaging, wrapping, exposure for sale or for service or delivery of food and includes the cleaning of articles or equipment with which food comes into contact;

“Health Officer” means a medical officer, an environmental health officer or any other officer duly authorized in writing by the Council;

“meat” means the carcass or offal or any part of the carcass or offal or any other product of the carcass or offal of any animal and includes poultry;

“occupier” means a person in actual occupation of land or premises without regard to title under which he occupies the land or premises;

“open food” means food not wrapped in a container or not so closed as to exclude the risk of contamination;

“other qualified person” means any person certified by the Central Government and any officer designated by the Council to be qualified in the examination of meat or other food; and

“owner” as regards immovable property includes a person receiving rent or profits of any land or premises from a tenants or occupier thereof.

(2) In determining whether any matter involves a risk of contamination to any food, regard shall be given to—

(a) the nature of the food;

(b) the manner in which the food is packed; or

(c) any process to which the food is or is to be subjected to before sale to consumers.

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council. Application

PART II—GENERAL PROVISIONS RELATING TO FOOD LICENCES

4.—(1) A person shall not establish or carry on a food business, unless he is the holder of a valid business premises licence issued under the Local Government (Lilongwe City Council) (Business Premises Licensing) By-laws, 2018 and a food licence issued under these By-laws. Business premises and food licences GN ...2018

(2) An application for a food licence or for a renewal of a food licence shall be in the form prescribed in Form I of the First Schedule.

(3) An application under the foregoing paragraph shall be accompanied by a fee set out in the Second Schedule.

(4) A food licence shall not be issued to a foreigner unless he has a valid Business Residence Permit under the Immigration Act to conduct business in Malawi. Cap 15:01

(5) Any fee payable to the Council under these By-laws shall be non-refundable.

5. The Council may refuse to grant a food licence, suspend or withdraw a food licence, as the case may be, if it is satisfied that the premises concerned are not fit to be used for the purpose of a food business, or that the owner or any person employed or proposed to be employed by him for the purposes of the food business is suffering from an infectious or contagious disease or is an illegal immigrant under the Immigration Act or has had a deportation order made against him under the Immigration Act. Refusal, etc of a food licence
Cap 15:01

Food licence
conditions and
expiry date

6.—(1) A licence issued under these By-laws shall be in accordance with Form II of the First Schedule.

(2) The Council may impose conditions on a licence issued under paragraph (1).

(3) A licence issued under these By-laws shall expire on the last day of the financial year in which it was issued.

Certification
of meat

7.—(1) A person shall not sell or display for sale any meat intended for human consumption, unless such meat has been certified fit for human consumption by a Health Officer or other authorized officer.

(2) Where meat is imported from a source outside Malawi and such meat has not been condemned, it shall be deemed to have been inspected and approved as fit for human consumption if it has, in relation to it, a certificate issued by a competent authority approved by the Council.

(3) A person shall not sell or display for sale meat in any place other than in a market place or other premises authorized in writing by the Council and such meat shall, while exposed for sale or in transit, be covered or protected from contamination to the satisfaction of the Council and shall not be transported concurrently with other goods, materials or passengers in a vehicle.

(4) A person shall not sell or display for sale any meat intended for human consumption, unless the animal or bird is slaughtered in an abattoir or slaughter house licensed by the Council and where the meat is imported from a source outside Malawi, the provisions of this by-law shall apply *mutatis mutandis*.

(5) A person shall not sell or display for sale any fish intended for human consumption at any place other than in a market place or other premises, authorized in writing by the Council and the fish shall, while so exposed for sale or in transit, be covered or protected from contamination.

Inspection
and power
of Officers

8.—(1) A Health Officer or other authorized officer may, at all reasonable times, enter any food premises and examine or inspect any food, meat or person involved in food business or food handling or handling of equipment connected with the food business.

(2) Where upon such examination or inspection, the officer is of the opinion that the food or meat is not fit for human consumption or that the continued presence of a person or equipment on the food premises is likely to be injurious to human health, he may, in the case of food or meat, issue a certificate of unfitness in the form prescribed in the Third Schedule to the owner, occupier, proprietor, employee or any person at that moment in possession of such food and cause the same to be destroyed and, in the case of a person or equipment, give such direction in writing as he deems fit:

Provided that—

(a) any Health Officer or authorized officer may, upon payment of a reasonable price for any food, take samples of the same for the purpose of analysis and, if upon such analysis the report discloses that such food

is unfit for human consumption issue a certificate of unfitness for the same and cause such food or meat to be destroyed; and

(b) where a Health Officer or other authorized officer has taken samples of such food, the food shall continue to be sold or displayed for sale for the purposes of human consumption, until—

(i) the report of such analysis shows that the food is unfit for human consumption; or

(ii) the Health Officer or other authorized officer directs that the food is unfit for human consumption.

(3) Where a sample is taken for bacteriological test under this by-law, the sample shall be taken in accordance with the procedure specified in the Fourth Schedule, but other samples for chemical or other tests shall be taken in the manner or form as the Health Officer or other authorized officer may consider appropriate.

(4) The power of a Health Officer or other authorized officer under this by-law shall apply, mutatis mutandis, to those food premises outside the City of Lilongwe from which food prepared or processed therein is found to be contaminated when offered for sale within the City of Lilongwe.

(5) A Health Officer or any other authorized officer who intends to exercise any of the powers conferred by, or under, this by-law shall, if so required, produce a duly authenticated document showing his authority to exercise such power.

(6) A person who—

(a) refuses admission to a Health Officer or other authorized officer; or

(b) obstructs the exercise of any power conferred by or under this by-law,

commits an offence.

9.—(1) Any person who—

(a) sells, offers for sale or has in his possession for the purpose of sale;

(b) deposits with, or consigns to, any person for the purpose of sale; or

(c) manufactures, stores, packs, prepares or processes, food intended for human consumption which is unfit for that purpose, commits an offence and the food shall be condemned and confiscated, and the provisions of paragraph (2) shall apply in addition to the penalty prescribed under by-law 24 herein.

(2) Any food confiscated in accordance with paragraph (1), shall be destroyed by the Council.

PART III—PROVISIONS RELATING TO FOOD PREMISES

10.—(1) A person shall not establish or carry on a food business in any

Unwhole-
some food

Food
premises

premises which, for reason of its condition, construction, situation or insanitary nature, is unfit for such purpose or is likely to expose food to the risk of contamination.

(2) Unless otherwise approved in writing by the Council, every food premises shall include a food store with an internal superficial floor area of not less than 10 square metres.

(3) A person shall not use or permit another person to use a food room or food store as a sleeping or living place and such food room or food store shall not have direct connection with any sleeping or living place.

(4) The floor, walls, doors, windows, ceiling, woodwork, wood surface or other parts of a food store or premises shall be made or constructed of such materials as shall be approved by the Council and shall be so maintained as to—

- (a) be in a clean state at all times;
- (b) render them rodent free; and
- (c) prevent any risk of infestation by insects or vermin.

(5) Notwithstanding the generality of the foregoing paragraph, the walls immediately adjacent to or adjoining a cooker, sink, wash hand basin or any surface on which food is prepared shall either be tiled to a height of not less than 2 metres from the floor or be treated or coated with a material of non-absorbent material.

Ventilation and lighting

11.—(1) A food room or kitchen shall be exposed to, or provided with, ventilation either by means of windows opening into the external air and equal to not less than one tenth of the floor area of such room or kitchen, or means of both such windows and extract fan of the type approved by the Council.

(2) Unless the construction of a food premises is such that this by-law will not apply in so far as it concerns hoods and flues, every cooking stove or oven shall have constructed immediately over it a hood of such size and height as to permit easy preparation or service of food and a chimney with flue of not less than 30 centimetres in diameter and exhausting or discharging smoke fume to the outer atmosphere at such height and in such position and manner as to prevent pollution, odour, nuisance or annoyance to the neighbourhood.

(3) A food premises, food room or kitchen shall be exposed to sufficient natural light either by means of window opening into the external air and shall be equal to or not less than one tenth of the floor area of the food premises, room or kitchen to which it relates or by means of both such window and electric or other lighting approved by the Council.

Water, sink and wash hand basin

12.—(1) A food premises shall be provided with adequate supply of clean potable water at all times.

(2) A food premises shall be provided with a sink for washing cooking pans, equipment and food and there shall be connected to such sink, a continuous source of supply of hot and cold water together with trapped drainage for the discharge of used or waste water.

(3) A food premises shall be provided with suitable supplies of soap or detergent for the washing of cooking pans, plates, equipment, cloth and other materials connected with the preparation of food.

(4) A food premises shall have adequate provision of towels and flannels for wiping or cleaning purposes and shall be provided with fitments for the storage of such towels and flannels.

(5) A food premises shall be provided with a hand wash basin for use by persons engaged in the handling of food and such hand wash basin shall be connected with hot and cold water together with trapped drainage and be supplied with soap, towels and fitments in the manner required in paragraphs (2) and (3).

13.—(1) Subject to the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws, 2018 every sanitary accommodation on the food premises shall be—

Sanitary
accommoda-
tion
GN... of
2018

(a) kept clean and, in the case of a water closet, flushed without overflow of water; and

(b) sited so as to prevent odour from affecting or penetrating any food room.

(2) Sanitary accommodation shall not be used for the storage, preparation, manufacture or sale of food.

(3) Sanitary accommodation shall not have an entrance or door which directly opens into, or directly communicates with, a food room.

(4) Every food premises shall have a fixed hand wash basin in a prominent position nearest to the sanitary accommodation for users thereof to wash their hands after such use.

14.—(1) Every food premises shall be provided with two separate change rooms, one for each gender, fitted with cupboards or lockers for the storage of clothes, footwear, handbags and other personal items not being used during working hours by persons engaged in the food business.

Change
rooms

(2) A person who—

(a) fails to provide;

(b) fails to use; or

(c) prevents another person from using,

the change room, cupboards or lockers provided under paragraph (1), commits an offence.

(3) For the purpose of this by-law, a “change room” shall mean a room that contains at least a cupboard, toilet, shower, locker, sitting bench and other such facilities.

15.—(1) Every food premises shall be provided with such number of regulation type refuse bins as would be sufficient to contain the quantity of refuse accumulated each day in such premises and the spilling over of refuse from such bins is evidence that the number of refuse bins provided is insufficient.

Refuse bins

(2) For the avoidance of doubt, a standard refuse bin is a cylindrical receptacle of galvanized iron or PVC plastic about 450 mm in diameter at the top, 350 mm in diameter at the bottom and 750 mm in height and has an effective capacity of about 0.40 cubic metres and it has a tight fitting lid which is capable of keeping out rain and preventing the escape of offensive odour.

First Aid Box 16. Every food premises shall be provided with a first aid box in a place readily accessible to persons engaged in the food business and such box shall contain necessary appliances and medicine for first aid.

PART IV—PROVISIONS RELATING TO FOOD HANDLING

Personal cleanliness 17.—(1) A person shall not engage in handling or preparation of food or meat, while knowing that he is suffering from typhoid fever, paratyphoid fever, dysentery, venereal disease or any other disease which is contagious or likely to result in food poisoning.

(2) The owner, or proprietor of a food business or premises shall, upon knowledge that any person engaged in food handling or processing is suffering from any of the diseases in the foregoing paragraph, notify a Medical Officer or Environment Health Officer forthwith describing the nature of the disease and the name and address of the person suffering from the same and provide any other information that may be required by the Medical Officer or Environment Health Officer.

(3) A person engaged in the handling or preparation of food or meat shall, while so engaged—

- (a) undergo medical examination every six months;
- (b) not place or expose food to the risk of contamination;
- (c) wear clean and washable head and neck covering and washable over clothing;
- (d) keep any open cut, abrasion or wound covered with water proof dressing;
- (e) not smoke, sniff or chew tobacco;
- (f) refrain from spitting; and
- (g) not keep long nails or apply nail polish.

(4) An owner of a food business shall cause all persons handling food on the premises to undergo periodic hygiene and food handling skills training offered by the Council or any other institution approved by the Council.

Wrapped and unwrapped bakery products, etc 18.—(1) A person shall not sell, display, deliver or distribute for sale any bread, bun, scorn, cake, doughnut or other similar bakery product, unless it is wrapped in a transparent grease proof bread wrapping material or other material approved by the Council.

(2) Subject to paragraph (3), a person shall not sell, display, deliver or distribute for sale any sweet, biscuit, chocolate or similar confectionery product unless it is wrapped in a grease proof wrapping material or other material approved by the Council.

(3) A person may be allowed to sell or expose for sale food stuffs referred to in paragraph (2) without any wrapping, if he—

- (a) stores the food stuffs in a suitable covered storage container; and
- (b) provides a suitable handling equipment such as food clipping spoon, fork or stick:

Provided that no such equipment shall be exposed to the risk of contamination or be used for tasting or eating the foodstuff.

(4) Every wrapped bread shall bear on the wrapping—

- (a) a labelling of distinguishing marks of “White Bread” or “Brown Bread”, as the case may be, printed in English and Chichewa in letters each of which shall be of not less than one-quarter of 25.4 mm;
 - (b) the ingredients and nutritional contents of the bread;
 - (c) the name, address and telephone numbers of the manufacturer;
- and
- (d) manufacturing date and expiry date.

(5) Every processed or wrapped food shall bear, on the wrapper—

- (a) the ingredients and nutritional contents of the food stuff;
 - (b) the name, address and telephone numbers of the manufacturer;
- and
- (c) manufacturing date and expiry date.

19.—(1) Every container, counter, shelf, tray, display cabinet, refrigerator and other equipment with which food or meat comes into contact during preparation or manufacture of such food or meat or during sale or display for sale of the same shall be kept clean and in a good state of repair.

Cleanliness and protection of food

(2) A person shall not, when storing food stuffs—

- (a) mix fresh and cooked foods; or
- (b) subject the food stuffs to inappropriate temperatures.

20.—(1) A person shall not bring to an abattoir or a slaughter house, for immediate slaughter, any animal, other than a fowl, duck or other pheasant meat.

Prohibition of immediate slaughter of animal.

(2) For the purposes of this by-law, “pheasant meat” includes rabbit and wild duck.

21.—The Council may, from time to time, by notice published in a newspaper circulating within the City of Lilongwe, prescribe the type, design and content of vehicle which may be used to transport meat within the City of Lilongwe.

Transportation of meat

22. A person shall not light fire or prepare food on any street or on any open land or plot whether public or private.

Lighting of fire and preparation of food

Closure of
food premises

23. Where there is an outbreak of a contagious disease or a nuisance occurs in a food premises or the premises pose a health risk to consumers, a Health Officer or Environmental Health Officer may order that all or any food premises in the area or any part thereof be closed until further notice or for such a period as is specified in such order or the nuisance or condition that rendered the premises hazardous to human health has been addressed to the satisfaction of the Council.

PART V—OFFENCES AND PENALTIES

Offences and
penalties

24.—(1) A person who contravenes a provision of these By-laws or fails to comply with terms of any notice served upon him by the Council or fails to comply with any condition imposed by the Council under these By-laws commits an offence and shall be liable to the following penalties—

(a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an Official of the Council;

(b) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment; and

(c) notwithstanding the penalties provided under paragraphs (a) and (b), the Council may—

(i) confiscate and dispose of the food or meat which is the subject of the contravention in a manner the council shall deem fit; or

(ii) suspend the food licence, on such conditions as the Council may consider appropriate, or revoke the licence and close the premises forthwith.

(2) The Council may, in addition to the penalties in paragraph (1) suspend or revoke the licence of the premises and in so doing the provisions of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018 shall apply.

(3) No part of the fees paid for a licence shall be refunded on the suspension or revocation of the licence.

(4) The Council shall recover from the licensee the cost of enforcing its decision or rectifying the damage caused by the contravention, and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law 4(2))

FORM—I

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

APPLICATION FOR ISSUE/RENEWAL OF FOOD LICENCE

A. DETAILS OF OWNER OF BUSINESS

- (1) Name of applicant:
- (2) Nationality:
- (3) Name of business:
- (4) Area: Plot No.: Street:
- (5) Address
- Telephone: Cell:
- E-mail:
- (6) Nature of business:
- (7) If for renewal, insert old licence No.:
- (8) Premises licence No.: (*attach copy*)
- (9) Declaration

I declare that the information above is true to the best of my knowledge and I am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation thereof

- Signature of owner of business: Date:
- (10) Amount paid: Receipt No.:
- (11) Name of Cashier: Signature:

B. FOR OFFICIAL USE ONLY

- (1) Date of inspection:
- (2) Comments/Remarks:
-
-
- (3) Name of Official:
- Signature:
- Designation: Date:

Low & Medium Density Areas	..	..	..	..	K25,000.00
(b) local townships	..	..	..	..	K15,000.00
7. Bakeries outlets	..	..	..	..	K20,000.00
8. Take away and coffee shops—					
(a) central business district and Low & Medium Density Areas	..	..	..	..	K25,000.00
(b) local townships	..	..	..	..	K20,000.00
9. Restaurant—					
(1) Central Business District and Low & Medium Density Areas—					
(a) premier	..	..	..	..	K30,000.00
(b) standard	..	..	..	..	K25,000.00
(2) Local Townships Restaurant	..	..	..	..	K15,000.00
10. Hotels—					
(a) 5-star	..	..	..	..	K75,000.00
(b) 4-3 star	..	..	..	..	K50,000.00
(c) 2-1 star	..	..	..	..	K25,000.00
(d) uncategorized	..	..	..	..	K15,000.00
11. Lodges, Inns, Motels & Guest houses—					
(a) Central Business District and Low & Medium Density Areas	..	..	..	..	K25,000.00
(b) Local Township	..	..	..	..	K15,000.00
12. Clubs	..	..	..	..	K50,000.00
13. Superette	..	..	..	..	K25,000.00
14. Supermarkets	..	..	..	..	K50,000.00
15. Food Manufacturing & Processing—					
(a) dairies	..	..	..	..	K25,000.00
(b) bakeries	..	..	..	..	K25,000.00
(c) milling companies	..	..	..	..	K20,000.00 per motor
(d) refiners	..	..	..	..	K50,000.00
(e) breweries/distilleries	..	..	..	..	K25,000.00
(f) bottled water	..	..	..	..	K25,000.00
(g) any other food product	..	..	..	..	K25,000.00
(h) small scale confectionery	..	..	..	..	K15,000.00
17. Unprocessed milk	..	..	..	..	K10,000.00
18. Replacement of licence	..	..	..	..	K10,000.00

FOURTH SCHEDULE

(by-law 12(3))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

PART I—PROCEDURE FOR BACTERIOLOGICAL SAMPLING

1. Any Health Officer or environmental health officer may, for the purposes of bacteriological tests, take samples from any knife, fork, spoon, plate, dish, cup, saucer, glass or other implement or utensil on food premises or from any cloth or any water contained in a sink or other receptacle which cloth or any water has been or is at the time being used in the drying or washing as the case may be, of any such articles as foresaid or from any receptacle in which food is stored or kept.
2. The average plate count for every utensil or any surface thereof sampled shall not exceed 100 bacteria and where the said count is exceeded the owner or the person at the material time in control of the premises from which the article sampled was taken commits an offence.
3. The procedure for taking samples for bacteriological test is as follows—
 - (a) a sample shall be taken from a group of four articles of the same kind, and it shall not include a sample taken from any article of any other kind:
Provided that—
 - (i) if the number on the premises of an article of one kind sampled is less than four the sample shall be taken from such lesser number; and
 - (ii) this procedure shall not apply to the taking of samples from water or cloth used for washing or drying;
 - (b) the sample shall be taken with a sterile swab which shall immediately thereafter be placed in a sterilized swab-container containing 2 ml of sterile saline of a strength of 0.85 percent and a sample or liquid shall at once be placed in any other form of suitable sterilized container;
 - (c) a container in which a swab or other sample is placed bear its own number clearly marked on it or on adhesive label firmly attached to it;
 - (d) before a sample is removed from the premises the owner or person for the time being in control of the premises shall be invited and the person taking the sample shall be obliged to append his signature to a document in duplicate in the form set out in Part I of this Schedule to these By-laws and one of the two documents shall be left at the premises and the other retained by the Health Officer;
 - (e) if the owner or person for the time being in control of the premises refuses to sign the document aforesaid the Health Officer shall complete and sign the document in duplicate in the form set out in Part II of this Schedule ;
 - (f) where the Health Officer completes and signs the document pursuant to subparagraph (e), he shall leave one copy of the said document at a conspicuous place on the premises;
 - (g) in the event of a refusal to sign the aforesaid document, it shall, unless the contrary is proved, be presumed that a sample labelled and numbered in accordance with subparagraph (c) is the sample to which the said document refers;

- (h) as soon as possible, after taking a sample, the person taking it shall hand it for investigation to a person qualified for that purpose by technical training, having competent knowledge, skill and experience for the proper discharge of his duties; and
- (i) the person carrying out the said investigation shall submit a report thereon to the Health Officer in the form set out in Part III to this Schedule therein.

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

PART II—FORM TO BE COMPLETED AND SIGNED IN PURSUANCE OF PARAGRAPH 4 OF THE THIRD SCHEDULE

FORM FOR BACTERIOLOGICAL SAMPLES

Sample No.:

This sample was taken from: (state article(s)) on date at (time) at the premises known as

In the presence of

Who stated that he was the (owner/person for the time being in in charge in connection of the said premises in his capacity as

Signature:
Health Officer

Designation:

The sample referred to above was taken and given the above mentioned number in my presence

Signature: Capacity:
(state whether owner or person for the time being in charge of the premises)

PART III

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

FORM TO BE COMPLETED AND SIGNED BY THE PERSON TAKING A SAMPLE WHERE THE OWNER OR PERSON FOR THE TIME BEING IN CONTROL OF PREMISES REFUSES TO SIGN THE DOCUMENT IN PART I TO THE THIRD SCHEDULE

Sample No.:

This sample was taken by me in my capacity as from (state article) on (date at) (time) at the premises known as in the presence of (state name and capacity of witness)

I certify that the form set out in Part 1 of the Third Schedule to these By-laws was presented for signature to and refused by the person named therein.

Signature: Designation:

Health Officer

PART IV

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

BACTERIOLOGIST'S REPORT SUBMITTED IN TERMS OF BY-LAW 7(3)

On I, the undersigned examined the under mentioned samples submitted to me by—

My examination of the said samples yielded the plate count specified opposite to each of them respectively.

Sample No.: Plate Count:

Signature and Qualifications of Examiner

The method of taking samples for bacteriological tests is as follows—

- (a) in the case of cups, glasses and other drinking utensils the sample shall be taken from the exterior and interior surface to a depth of at least 1.3cm from the top of the rim;
- (b) in the case of spoons and ice-cream scoops the sample shall be taken from the entire inner and outer surface of their bowls; in the case of plates, saucers, bowls and the like over an area of (as nearly as possible) 25.81 cm² of the surface which come into contact with food; and in case of all other articles and eating utensils except forks from all parts of the surface likely to come into contact with food;
- (c) for the purpose of taking samples of articles mentioned in (a) and (b) above use shall be made of moist sterile swabs kept in 2 ml of sterile saline solution of a strength of 0.85 percent;
- (d) the swab shall be carefully removed from the aforesaid sterile saline and rubbed three times slowly and firmly over the surface of every article being tested;
- (e) forks shall be in groups of four and shall be so placed in a container holding 50ml of sterile saline as aforesaid that their prongs are completely immersed and shall be left therein for one hour with the opening of the vessel so covered as to avoid contamination after which they shall be withdrawn and the container be immediately resealed;
- (f) for the purpose of calculating the bacteria present on any utensil of a type required under this Schedule to be sampled in groups of four, the total number of bacteria determined by the plate count present in 50ml of solution as above prescribed shall be divided by four;
- (g) immediately after each article of a group as mentioned in this Schedule has been swabbed the swab shall be replaced in its container and be rotated in 2ml of sterile

water and the excess of such water shall be pressed out on the swab against the side of the container before the swab is used to swab the next article of the group; and

- (h) immediately after the swabbing of any utensil or group of utensils or the taking in any other manner of any sample as prescribed in this Schedule the swab shall be replaced in its container and the container or other sample be delivered to a bacteriologist for examination within four hours of the taking of the sample:

Provided that if there is reason to suppose that it will not be possible to deliver the sample to a bacteriologist within the said four hours the container containing the sample shall be placed in ice immediately after it has been taken.

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
*Minister of Local Government
and Rural Development*

GOVERNMENT NOTICE NO. 98

LIQUOR ACT

(CAP. 50:07)

LIQUOR (LILONGWE CITY COUNCIL) (LIQUOR LICENSING) BY-LAWS,
2018.

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Application

PART II—GENERAL PROVISIONS

3. Liquor licence
4. Licence fees
5. Replacement of licence
6. Premises licence
7. Licence not transferable
8. Local Licensing Board
9. Permitted hours of business
10. Sale of liquor to prohibited persons
11. Provisions as to quality and hygiene

BY-LAW

12. Prohibition on the carrying of a weapon
13. Power of licencing officer and authorized person
14. Prohibition of sale of liquor on residential premises

PART III—OFFENCES AND PENALTIES

15. Offences and Penalties
Schedules

IN EXERCISE of the powers conferred by section 70 of the Liquor Act, the Lilongwe City Council, make the following By-laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Liquor (Lilongwe City Council) Citation
(Liquor Licensing) By-laws, 2018.
2. These By-laws shall apply within the area of jurisdiction of the
Lilongwe City Council.

PART II—GENERAL PROVISIONS

- 3.—(1) A person who desires to sell liquor shall apply to the licensing Application
officer for a licence in the form prescribed in Form I of the First Schedule.
(2) An application for a liquor licence shall be supported by a business
premises licence obtained in accordance with provisions of by-law 6 below.
(3) Subject to section 65 of the Act, the licensing officer shall, on receipt
of an application and appropriate fees, issue to the applicant a licence in the
form prescribed in Form II of the First Schedule, authorizing the applicant to
sell liquor at such place and time as shall be specified therein.
(4) A holder of a liquor licence shall display the licence in a conspicuous
place at his place of business.
(5) A liquor licence shall expire on the last day of the financial year in
which it was issued.
(6) An application for the renewal of a liquor licence may be made by the
holder of the licence to a licensing officer sixty (60) days before the beginning
of the Council's financial year.
(7) Where, on receipt of an application for a licence or renewal thereof or
at a later stage after a licence is issued, the Council discovers that the
applicant provided false information, the Council shall deny the licence or, if
issued, revoke it forthwith.
4. The fees payable for the issue of a liquor licence shall be the Licence fees
appropriate fee prescribed in the Second Schedule.
5. Where the Council is satisfied that a licence issued under these Replacement
By-laws has been lost, destroyed or mutilated, the Council may, subject to of licence
such licence remaining valid at the time of the application or re-issue,

whichever is later, and subject further to the payment of the appropriate fee set out in the Second Schedule, issue a replacement licence.

Premises
licence

GN.../2018

6.—(1) An owner or lessee of premises who desires to manufacture or sell liquor on the premises shall apply for a business premises licence under the Local Government (Lilongwe City Council) (Business Premises Licensing) By-laws, 2018.

(2) In granting a liquor business premises licence, the Council shall take into account the provisions of section 65 of the Act.

(3) A licence under paragraph (2) shall not be issued or renewed unless the premises meet the minimum standards set out in the Third Schedule.

(4) A holder of a liquor business premises licence shall display the licence in a conspicuous place inside the premises to which it relates, where it can easily be seen by a person entering therein.

Licence not
transferable

7. A liquor licence or liquor business premises licence shall not be transferable, whether from one place to another or from one person to another person or from one business to another business.

Local
Licensing
Board

8. Subject to section 5 (2) (d) of the Act, in appointing members of the Local Licensing Board, the Minister shall appoint persons from political parties represented in the Council.

Permitted hours
of business

9. The permitted hours for the sale of liquor shall be as prescribed in the Fourth Schedule.

Sale of liquor
to prohibited
persons

10.—(1) A person shall not supply or sell liquor to any person who is under the age of eighteen.

(2) A holder of a liquor licence shall not permit a person who is under the age of eighteen to supply or sell liquor to patrons on his business premises.

(3) A person shall not supply or sell liquor to a mentally incompetent person.

(4) A person who contravenes this by-law commits an offence and shall, upon conviction, be liable to a fine of K2,000.00 or to imprisonment for six months or to both such fine and imprisonment.

Provisions
as to quality
and hygiene

11.—(1) A holder of a liquor licence shall ensure that liquor sold under the authority of the licence is in a sealed container and is sound and wholesome.

(2) The holder of a liquor licence shall—

(a) ensure continued compliance with minimum premises standards set out in the Third Schedule; and

(b) maintain the premises and the furniture therein in a clean and sanitary condition and in a good state of repair in accordance with the health requirements prescribed by the Council.

(3) A person who contravenes this by-law commits an offence and shall, upon conviction, be liable to a fine of K2,000.00 or to imprisonment for six months or to both such fine and imprisonment.

(4) In addition to the penalty imposed under paragraph (3), the Council may—

- (a) condemn and confiscate the unsound or unwholesome liquor; or
- (b) suspend or withdraw the liquor or liquor business premises licence or both.

(5) Where the Council has condemned and confiscated unsound or unwholesome liquor pursuant to paragraph (4), the responsible officer of the Council shall complete the form prescribed in the Fifth Schedule.

12.—(1) A licensee shall ensure that no person being in possession of a weapon or any instrument capable of being used to inflict bodily harm enters or remains on his business premises.

Prohibition on the carrying of a weapon

(2) A licensee shall not suffer or permit a person to enter or remain on the premises to which the permit relates if such person is in possession of any such weapon or instrument.

(3) This by-law shall not apply to a police officer or security agent of the Council whilst on duty.

13. A licensing officer or any person duly authorized in writing by the Council, may at any time—

Power of licensing officer and authorized person

(a) enter or remain in any place or premises with a view to ascertaining whether or not the provisions of the Act or these By-laws are being complied with;

(b) inspect any such place or premises and any article used in connection with supply of liquor;

(c) examine liquor being sold by a licensee to determine whether or not it is sound, wholesome or fit for human consumption; or

(d) at such place or premises, require production for examination of any relevant licence or permit.

14. A person shall not sell liquor from residential premises.

Prohibition of sale of liquor on residential premises

PART III—OFFENCES AND PENALTIES

15.—(1) A person who—

Offences and penalties

(a) sells liquor without a licence issued under these By-laws;

(b) sells liquor on premises that do not satisfy the minimum sanitary requirements under these By-laws;

(c) sells liquor on residential premises;

(d) permits or allows a person in possession of a weapon or any instrument capable of being used to inflict bodily harm to enter or remain on his business premises; or

(e) contravenes or fails to comply with any provision of these By-laws or fails to comply with any notice or condition imposed by the Council, commits an offence and shall on conviction be liable to a fine of K2,000.00 or to imprisonment for six months or to both such fine and

imprisonment and, in the event of a continuing offence, a further fine of K200.00 for each day during which the offence continues.

(2) Notwithstanding the penalties provided under paragraph (1), the Council may suspend the licence, on such conditions as the Council may consider appropriate, or revoke the licence and close the premises forthwith.

(3) No part of the fees paid for a licence shall be refunded on the suspension or revocation of the licence.

(4) The Council shall recover from the licensee the cost of enforcing its decision or rectifying the damage caused by the contravention, and such costs shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law 3(1&3))

FORM I

LILONGWE CITY COUNCIL

LIQUOR (LILONGWE CITY COUNCIL) (LIQUOR LICENSING) BY-LAWS,
2018

APPLICATION FOR ISSUE/RENEWAL OF LIQUOR LICENCE

DETAILS OF OWNER OF BUSINESS

Name of owner of business:

Identity Number: Nationality:

Name of business:

(Attach the certificate of Business)

Area: Plot No.: Street

Address:

Telephone: Cell:

Nature of business:

If for renewal, insert old licence No.: Wholesale/Retailer (Tick)

Business premises licence No.: (attach copy of licence)

Declaration

I declare that the information above is true to the best of my knowledge and I am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation thereof

Signature of owner of business: Date:

Amount paid: Receipt No.:

Name of Cashier: Signature:

FOR OFFICIAL USE ONLY

Date of inspection:

Comments/Remarks:

.....

.....

.....

Name of Official: Signature:

Designation: Date:

FORM II

LILONGWE CITY COUNCIL

LIQUOR (LILONGWE CITY COUNCIL) (LIQUOR LICENSING) BY-LAWS,
2018

LIQUOR ACT

(CAP. 50:07)

LIQUOR LICENCE

(Part III of the Act)

A. (Describe the licence and grade)

.....

.....

is hereby granted to(name of licensee) of

..... (address)

In respect of (describe premises)

This licence commences on and expires on

and is subject to the provisions of the Liquor Act and the Liquor (Lilongwe City Council) (Liquor Licensing) By-laws, 2018 and to such conditions as may be endorsed at the back thereof.

Trading hours

Dated this day of 20.....

.....
Licensing Officer

SECOND SCHEDULE
LILONGWE CITY COUNCIL

(by-laws 4&5)

LIQUOR (LILONGWE CITY COUNCIL) (LIQUOR LICENSING)
BY-LAWS, 2018

LICENCE FEES

CLASS OF LICENCE	AMOUNT
1. Grade "A" Bar	
(a) premier	K150,000.00
(b) platinum	K75,000.00
(c) gold	K50,000.00
(d) silver	K25,000.00
2. Grade "B" Retail liquor Shops	K50,000.00
3. Grade "C"	
(a) hotel/casino	K 75,000.00
(b) lodges and motels	K25,000.00
4. Grade "D" Restaurant	K20,000.00
5. Grade "E" Club	K50,000.00
6. Grade "F" Cabarets	K25,000.00 per day
7. Grade "G" Theatres	K20,000.00
8. Grade "H" Bottle stores	K50,000.00
9. Grade "I" (Nature Sanctuary and Recreation Parks)	K25,000.00
10. Grade "TA" Air Terminals	K50,000.00
11. Grade "J" Railways & Bus Stations—	
(a) international bus station	K50,000.00
(b) local bus station	K25,000.00
(c) railway station	K25,000.00
12. Manufacturing licences—	
(a) distillers licences	K150,000.00
(b) commercial brewers licence (Translucent)	K250,000.00
(c) winemakers licences	K50,000.00
(d) opaque beer brewers licence	K200,000.00
13. Wholesale licenses—	
(a) wholesale manufacturer licence	K100,000.00
(b) agents licence	K75,000.00
14. Auctioneers temporary licence	K25,000.00 per day

CLASS OF LICENCE	AMOUNT
15. Opaque beer licence—	
(a) retailers licence	K40,000.00
(b) wholesalers licence	K75,000.00
16. Replacement of licence	K10,000.00

THIRD SCHEDULE (by-laws 6(3) & 11(2))

LILONGWE CITY COUNCIL

MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

PART A—Provisions relating to premises where liquor is sold and consumed on the premises

Where liquor is sold and consumed, the premises shall have at least following facilities—

SANITARY PROVISION

1. At least one (1) separate toilet for each sex, and the male sanitary accommodation should have a urinal.

WASH HAND BASIN

2. At least one wash hand basin supplied with a continuous source of hot and cold water together with trapped drainage for used or waste water.

COUNTER

3. In any sales and dancing room, there shall be provided a beautifully constructed counter which will separate the sales staff and the customers.

MINIMUM FLOOR SPACE IN DANCING ROOM

4. A sales and dancing room shall be provided with a dancing floor whose area shall be not less than 40 square metres.

HEIGHT OF ROOM

5. No room shall have a minimum height of less than 4 metres.

FURNISHING

6. A dancing room shall be provided with such number of comfortable stools, chairs and furniture as to sufficiently accommodate the average number of people who visit such premises.

SOUND-PROOFING

7. The floor, walls, doors, windows, ceiling and woodwork shall be constructed of sound (acoustic)-proofing material and other material as would render the place clean, rodent free and prevent any risk of infestation by insects or vermin.

LIGHTING

8. Every room shall be exposed to sufficient natural light whether by means of window opening into the external air and equal to not less than one tenth of the floor area of the

apartment or room or by means of both such natural light and electricity or other lighting approved by the Council.

VENTILATION

9. The room or rooms shall be exposed to, or provided with, through or cross ventilation either by means of window opening into the external or and equal to not less than one tenth of the floor area of such room or by means of both such window and extract fan of the type approved by the Council.

REFUSE BIN

10. The place or premises shall have such number of refuse bins as would be sufficient to contain the quantity of refuse accumulated in two days.

FIRST AID BOX

11. A First Aid Box in a place readily accessible to persons engaged in the selling of beer and such box shall contain all necessary appliances and medicine for first aid.

STORES

12. A storeroom of not less 5.6 square metres for the storage of liquor and other materials.

PART B—Provisions relating to premises where liquor is sold for consumption off the premises

Premises selling liquor which is to be consumed off the premises shall be provided with the following facilities—

SANITARY PROVISION

1. Notwithstanding provisions of the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws, at least one toilet to be used by staff.

OTHER FACILITIES

2. Such other facilities as provided for in paragraphs (3), (5), (7), (8), (9), (10), (11) and (12) of Part A.

FOURTH SCHEDULE

(by-law 9)

LILONGWE CITY COUNCIL

PERMITTED HOURS FOR SALES LICENCES

A WHOLESALE LICENCE—

- | | | |
|----------------------|-------|--------------------|
| 1. Wholesale Licence | .. .. | No restriction |
| 2. Agent's Licences | .. .. | 7.30 am to 6.30 pm |

B 1 RETAIL LICENCES—

(a) grade A (Bar)

Minimum standards for Bar

- (i) premier
- A bar in the Central Business District
 - Adequate sound (acoustics) proof facilities
 - Has rights of admission
 - Top of the range security
- Operate from 12:00 noon to 2:00 am
- (ii) platinum
- A bar in the low and medium density area
 - Adequate sound (acoustics) proof facilities
 - Well secured
- Operate from 10:00 am to 12:00 midnight
- (iii) gold
- An off-premise drinking joint such as a superette, grocery and super market
 - A bar in the high-density area
- Operate from 10:00 am to 10:00 pm
- (iv) silver
- An off-premise drinking joint such as a superette grocery
 - A bar in the high-density area
- Operate from 10:00 am to 8:00 pm
- (b) grade B (off premises business) 10:00 am to 10:00pm
- (c) grade C (Hotel)—
- (i) sales to persons not lodging on the premises 10:00am to 12 midnight
 - (ii) room service no restriction
- (d) grade D (restaurant) Sale to persons consuming meals
7:30 am to 10:00pm
- (e) grade E (Club) Sale to membership 10:00 am to 12 midnight
- (f) grade H (Limited off licence) 7:30am to 10:00pm
- (g) grade F (Cabaret) Liquor sold from 5.00 pm to 30 minutes after last show
- (h) grade G (Cinema and Theatre) Sales permitted up to 30 minutes before and after the show
- (i) grade I (Nature Sanctuary and Recreation Parks) 10:00 am to 10:00 pm
- 2 TRAVEL AND TRANSIT LICENCES—
- (a) grade "TA" Airport and Air terminal No restrictions

- (b) grade "TB" Bus Station or Bus Terminal 10.00am to 12 midnight
 - (c) grade "TR" Railway Station or
Railway Terminals 10:00am to 12 midnight
 - (d) grade "TAV" flights—
 - (i) while in flight No restrictions
 - (ii) while not in flight No sales permitted
- C TEMPORARY SALES LICENCE
- 1. Auctioneer's Temporary Licence .. 10:00 am to 5:00 pm
 - 2. Occasional licence as started in the licence

FIFTH SCHEDULE (by-law 11(5))
LILONGWE CITY COUNCIL

CONDEMNATION AND CONFISCATION OF LIQUOR

TO:

Address:

.....

CONDEMNATION AND CONFISCATION OF LIQUOR

This is to certify that today

I have examined the under-listed item(s) and found it/them unfit for human consumption

Signed: Position held:

QUANTITY	DESCRIPTION OF ITEM	UNIT PRICE	REASON FOR CONDEMNATION AND CONFISCATION

I do hereby certify that the above item(s) has/have been examined in my presence and found unfit for human consumption. I, therefore, wilfully surrender the same for destruction.

NAME: SIGNATURE:

Owner/Agent –

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
*Minister of Local Government
and Rural Development*

(FILE NO: LG/1/13/25)

GOVERNMENT NOTICE No. 99

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (MARKET AND
VENDING) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Designation of public markets
5. Private market and street vending
6. Market fees and rentals
7. Failure to pay market fees or rentals
8. Hours of opening a public market
9. Restriction on sale
10. Use and erection of stalls and shops
11. Insurance cover for merchandise
12. Control of fires and cooking
13. Produce to be cleaned or prepared in specified areas
14. Person suffering from an infectious disease
15. Sale of unwholesome food
16. Obstruction of pathways prohibited
17. Livestock prohibited in public market
18. Sanitation and hygiene
19. Weights and measures

BY-LAW

20. Compliance with directions
21. Separate areas for specified food or goods
22. Public access to by-laws
23. Storage of goods
24. Disposal of impounded or abandoned goods
25. Use of authorized entrances
26. Eviction and refusal of admission

PART III—OFFENCES AND PENALTIES

27. Offences and penalties
Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

- | | |
|----------------|--|
| Citation | 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Market and Vending) By-laws, 2018. |
| Interpretation | 2. In these By-laws, unless the context otherwise requires— |
| Cap.66:02 | <p>“animal” bears the meaning as ascribed to that term under the Control and Diseases of Animals Act;</p> <p>“Council” means the Lilongwe City Council;</p> <p>“goods” includes any fish, animal, produce, meat, provisions, merchandise and wares;</p> <p>“infectious disease” means any disease which can be communicated directly or indirectly by a person or animal;</p> <p>“market master” means a person appointed by the Council to be responsible for the management and control of a public market and for the maintenance of proper sanitary practices therein;</p> <p>“market supervisor” means a person appointed by the Council to have general supervision of all public markets;</p> <p>“private market” means a market other than a public market;</p> <p>“public market” means a market designated as such under the First Schedule hereto; and</p> <p>“sell” includes barter, exchange, offer to sell, expose for sale and make any other disposition for money or money’s worth and any similar expression shall bear a corresponding meaning.</p> |
| Application | 3.—These By-laws shall apply within the area of jurisdiction of Lilongwe City Council. |

PART II—GENERAL PROVISIONS

- 4—(1) The Council shall have the power to designate public markets within the city of Lilongwe. Designation of public markets
- (2) The markets listed in the First Schedule are hereby designated as public markets.
5. A person shall not establish a private market or engage in street vending within the City of Lilongwe, unless he has obtained prior written permission from the Council. Private market and street vending
- 6.—(1) A person shall not sell goods of any description in a public market, unless he has paid the appropriate market fees set out in the Second Schedule. Market fees and rent
- (2) The Council shall, for the use of a public market stall, shop, room or place therein for the purpose of selling any goods, charge rent or fees, as set out in the Second Schedule.
- (3) A person shall not sell goods of any description unless he pays to the Council, in respect of use of its property in a public market—
- (a) rent payable in advance; or
 - (b) an appropriate fee on the spot, as the case may be.
- 7.—(1) Where a person fails or refuses to pay the requisite fee in a public market, the Council shall— Failure to pay market fees or rent
- (a) impound his goods, articles or produce;
 - (b) impose a surcharge, as prescribed under by-law 27 (3); and
 - (c) evict the person from the market if he fails to pay both the fee and the surcharge.
- (2) Where a person fails or refuses to pay rent as prescribed under by-law 6 (2) and (3), the Council shall—
- (a) seal the stall, shop, room or place;
 - (b) impose a surcharge, as prescribed under by-law 27 (3);
 - (c) if he fails to pay both the rentals and surcharge, impound his goods, articles or produce; and
 - (d) if he fails to redeem the goods, articles or produce as provided under paragraph (3), reposes the stall, shop, room or place and reallocate to another deserving person.
- (3) A person whose goods, articles or produce are impounded under paragraph (1) or (2) shall, within seven days, redeem the goods, articles or produce, upon payment of the fee or rentals and surcharge.
- (4) Where the goods, articles or produce remain unredeemed for a period of more than seven days, the market supervisor or market master, as the case may be, shall—
- (a) in the case of perishable goods, destroy the goods, articles or produce; or

(b) in the case of other goods, dispose of the goods as if they were unclaimed or abandoned in a public market as provided under by-law 24.

(5) Where the proceeds realised from the sale of the impounded goods, articles or produce are not adequate to cover the fees or rentals and surcharge due, the Council shall recover the balance as a debt due and payable to the Council.

Hours of
opening a
public
market

8.—(1) Public markets shall be open every day, from 6:00am to 6:00pm or such other time as the Council may, from time to time, determine.

(2) A person shall not sell any goods in a public market other than during such hours of opening as determined by the Council under paragraph (1).

(3) A person shall not enter, remain, sleep or reside in a public market without the authority of the Council during any time when it is closed:

Provided that Councillors, Council officers or any public officer may do so whilst engaged on Council duty.

Restriction
on sale
Cap. 14:08
Cap. 14:09

9.—(1) The sale of the following goods in any market is prohibited —

(a) firearm or ammunition as defined in the Firearms Act;

(b) any explosive as defined in the Explosives Act;

(c) petroleum or other inflammable liquids as defined in the Liquid Fuels and Gas (Production and Supply) Act;

(d) any form of liquor or intoxicating substance; and

(e) any pharmaceutical product, by an unauthorized person.

Cap. 50:03

(2) The Council shall have power, by resolution, to prohibit the sale, in any public market, of any specific type of goods and, in particular, to prohibit the sale of any specific item of food or produce in a public market, in which reasonably adequate facilities are not available for the protection of such food or produce from contamination or deterioration.

Use and
erection of
stalls and
shops

10.—(1) In any public market where stalls and shops have been provided, each stall or shop shall be numbered and the Council may let or hire out such stalls and shops, upon such terms and conditions as it shall think fit, and upon payment of a fee, as specified in the Second Schedule:

Provided that no vendor shall be allocated more than one stall or shop.

(2) A stall holder or shop tenant shall not transfer or sub-let his stall or shop to any other person or allow any other person to use the stall or shop on any arrangement between him and the other person.

(3) Subject to paragraph (1), a person shall, unless authorised by the Council, not erect, place or construct any kiosk, shed, counter, stall or other structure of any kind in, or within the precincts of a public market in which structures are provided.

(4) Where structures are not provided in a public market, the Council may allow a vendor to construct a kiosk or other structure to the specification of the Council:

Provided that no vendor shall be allocated more than one plot.

(5) A fee for the use of such kiosk or other structure referred to in paragraph (4) shall be payable by the vendor at the relevant rate specified in the Second Schedule.

(6) An owner of a kiosk or other structure constructed under paragraph (4) shall not sub-let, sale, transfer or in any other way part with possession thereof without the approval of the Council.

11.—(1) A person trading in a public market shall ensure that his merchandise are insured against any eventualities, such as fire and theft. Insurance cover for merchandise

(2) The Council shall not compensate any person as a result of any loss arising from any eventuality referred to in paragraph (1).

12.—(1) A person shall not light an open fire in any public market. Control of fires and cooking

(2) A person shall not cook or prepare or permit to be cooked or prepared any cooked food for sale in a public market except in a designated place, room or area and subject to such conditions as the Council may prescribe.

13. A person shall not wash, clean or prepare for sale any vegetables, meat, animal, fish, fruit or other produce in a public market otherwise than in such basins, sinks or other receptacles, as may be provided by the Council for the particular purpose in question. Produce to be cleaned or prepared in specified areas

14. A person suffering from an infectious disease shall not be engaged in trading or be employed or enter a public market for any other purpose: Person suffering from an infectious disease

Provided that it shall be a defence for a person charged with contravening this by-law if he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that he was suffering from an infectious disease.

15.—(1) A person shall not sell, in a public market, any article of food which is diseased, tainted, unwholesome or otherwise unfit for human consumption. Sale of unwholesome food

(2) The Market Supervisor or Market Master shall detain and take possession of any food item which is suspected of being diseased, tainted, unwholesome or otherwise unfit for human consumption.

(3) Where a Market Supervisor or Market Master has taken possession of any food item as provided under paragraph (2), he shall hand over such food item to a Medical Officer, Health Officer, Veterinary Officer, Health Inspector or Police Officer of or above the rank of Sub-Inspector to whom he shall immediately report that he has detained such food.

(4) The Medical Officer, Health Officer, Veterinary Officer, Health Inspector or Police Officer referred to in paragraph (3), shall inspect the detained food to determine whether the food is diseased, tainted, unwholesome or otherwise unfit for human consumption.

(5) Where the food inspected under paragraph (4) is found to be—

(a) undiseased, untainted, wholesome or otherwise fit for human consumption, such food shall be returned to the owner; or

(b) diseased, tainted, unwholesome or otherwise unfit for human consumption, such food shall be condemned, confiscated and disposed of as if it was unclaimed or abandoned in a public market as provided under by-law 24.

(6) No compensation shall be payable by the Council in respect of any food item which is detained or disposed of in accordance with paragraphs (2) and (5).

Obstruction
of pathways
prohibited

16. Goods shall not be exhibited for sale on a roadway, pathway, stairway or passage or over any drain within a public market and a board, box, basket, tin, sack or other container shall not be left in, over or upon such roadway, stairway, passage or drain.

Livestock
prohibited in
public market

17. A person shall not bring an animal or bird, other than a live domestic fowl, into a public market, or part thereof, which has not been set aside for the sale of such animal or bird.

Sanitation
and hygiene

18. A shopkeeper or stall holder within a public market shall—

(a) keep his stall or shop and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of the Council; and

(b) dispose of all refuse, sweepings, garbage, offal and waste liquid or solid from his stall or shop into receptacles, channels or drains provided for that purpose.

Weights and
measures
Act No. 10 of
2016

19.—(1) A person selling goods, articles or produce by weight or measure shall use the standard weights and measures prescribed under the Metrology Act and provide and maintain such scales and measures at his own expense.

(2) A person using equipment prescribed under paragraph (1) shall ensure that the equipment is calibrated at least once a year.

Compliance
with
directions

20. A person who is within the precincts of a public market shall comply with all reasonable directions given by the Council.

Separate areas
for specified
food or goods

21. The Council may set aside, allocate or provide parts of a public market for the sale therein of such type of goods as specified only and no goods or food items of any other type, other than those specified, shall be sold or displayed for sale in that part of the market.

Public access
to by-laws

22. The Council shall ensure that every Market Master keeps in his office, for access by users of the market, a copy of these By-laws.

Storage of
goods

23.—(1) A person shall not leave any goods in a public market during any period when the market is closed to the public.

(2) No compensation shall be payable by the Council in respect of any loss or damage to any goods left in a public market contrary to the provision of paragraph (1).

24. Where goods are—

(a) impounded, left unclaimed or abandoned in any place in a public market for a period exceeding, in case of non-perishable goods seven (7) days, or in case of perishable goods one (1) day; or

(b) left unclaimed or abandoned in a general storeroom of a public market for a period exceeding, in case of non-perishable goods twenty one (21) days, or in case of perishable goods one (1) day, the Council shall have power to dispose of such goods by auction sale or otherwise as the Council may determine.

Disposal of impounded or abandoned goods

25. A person entering or attempting to enter a public market for the purpose of selling any goods shall enter the market through such entrance as shall be designated for the purpose by the Council.

Use of authorized entrance

26.—(1) A person who is found committing or who is reasonably suspected of having committed any offence against these By-laws, shall be liable to eviction from a public market by the Market Supervisor, Market Master or by any public officer duly authorized to take such action by the Council.

Eviction and refusal of admittance

(2) A person who has been convicted on more than two occasions of any offence against these By-laws may be barred from entering any public market by the Council.

(3) The Council shall maintain a register of persons who have been convicted of any offence under these By-laws.

(4) A person who, having been lawfully evicted from a public market or having been barred from entering any or all public markets under paragraph (2), shall not enter or attempt to enter any public market for the purpose of selling any goods or produce.

PART III—OFFENCES AND PENALTIES

27.—(1) A person who, in any public market —

(a) commits any nuisance or expectorates;

(b) peddles any goods;

(c) sells any goods from any place other than an authorized stall, selling space, shop, kiosk or other place approved by the Council;

(d) wilfully or negligently prevent, obstruct, hinder or interrupt the free passage of any person into, out of or within the market;

(e) causes any disturbance by quarrelling with any other person within sight or hearing of persons within the market or by interfering with or molesting any other person;

(f) uses any offensive or obscene language or makes excessive noise to the annoyance or irritation of another person;

(g) deposits or throws on the floor or ground any refuse or waste or offensive offal, fruit or vegetable substance or matter;

Offences and penalties

(h) damages, defaces, fouls, misuses or interferes with part of the market or any equipment, fittings or fixtures therein; or

(i) plays any game, gambles or takes any bets,

commits an offence and the Council shall evict him from the market or confiscate his merchandise.

(2) Where a person fails to comply with by-law 5, the Council shall impound his merchandise.

(3) Where a person fails to comply with by-law 6, he shall be liable to pay 100 percent surcharge of the fees or rentals payable.

(4) A person who contravenes by-law 10 (1) or (2), or fails to comply with any condition set by the Council, shall be liable to eviction from the market and the tenancy agreement shall be terminated forthwith.

(5) Where a person contravenes by-law 10 (3), the Council shall demolish or remove the structure and no compensation shall be payable.

(6) A person who contravenes by-law 10 (6) shall be liable to eviction from the market and the Council shall reposes the plot and no compensation shall be payable for the development thereof.

(7) A person who contravenes by-laws 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 or 25 shall be evicted from the market precincts by the Council.

(8) A person who commits any offence for which no penalty is provided, shall be liable to—

(a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council; and

(b) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or confiscation of his merchandise and eviction from the market.

FIRST SCHEDULE

(by-laws 4(2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (MARKET AND VENDING) BY-LAWS

DESIGNATED PUBLIC MARKETS IN THE CITY OF LILONGWE

1. Central Market
2. Tsoka Flea Market
3. Kawale Market
4. Mchesi Market
5. Area 3 Market

6. Kawale II Market A
7. Kawale II Market B
8. Area 13 Market
9. Chilinde Market
10. Chilinde II Market
11. Area 23 Market A
12. Biwi Market
13. Area 25 A Market
14. Area 25 B Market
15. Area 25 C Market
16. Kanengo Market
17. Area 29 Market
18. Ngwenya Market
19. Area 18A Market
20. Area 18B Market
21. Phwetekere Market
22. Lumbadzi Market
23. Gulliver Market
24. Mwenyekondo Market
25. Majiga Market
26. Kaliyeka Market
27. Area 22 Market
28. Kauma Market
29. Mgoni Market
30. Nsungwi Market
31. Chinsapo 1 Market
32. Namichimba Market
33. Bwandilo Market
34. Chigoneka Market
35. Mtandile Market
36. Mtsiliza Market
37. Dubai Market
38. Senti Market
39. Area 49 (Proper) Market
40. Tadala Market

41. Gologota Market
42. Mathanki Market
43. Area 36 Market
44. Ngomani Market

SECOND SCHEDULE by-laws 6(1&2) & 10 (1&5))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (MARKET AND VENDING) BY-LAWS, 2018

MARKET FEES AND RENT

1. Market fee—
 - (a) open space or bench K100.00 per day
 - (b) shop/kiosk/hawker K200.00 per day
 - (c) Fish and agricultural Produce, wholesaler—
 - (i) up to 3 tonnes vehicle K500.00
 - (ii) > 3 to 7 tonnes vehicle K1,000.00
 - (iii) above 7 tonnes vehicle K1,500.00
2. Rent (Council owned property)—
 - (a) central business district K750.00 per square metre per month
 - (b) township K500.00 per square metre per month
3. Ground rent (vendor constructed property) K5,000.00 per year

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government
and Rural Development

(FILE NO: LG/1/13/25)