

The Malawi Gazette Supplement, dated 31st December, 2020, containing Regulations, Rules, etc. (No. 42A)

GOVERNMENT NOTICE NO. 118

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (BUILDING)
BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

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SCHEDULES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Kasungu District Council makes the following By-laws—

1. These By-laws be cited as the Local Government (Kasungu District Council) (Building) By-laws, 2020. Citation

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

“development” means the carrying out of any works in, on, or under land;

“building” means any structure of whatsoever materials constructed for whatsoever purpose;

“Council” means the Kasungu District Council;

“designated area” means an area designated as such by the Council as prescribed in the First Schedule hereto;

“District Physical Development Plan” means the plan described under section 26 of the Physical Planning Act, that is applicable within the area of jurisdiction of the Council;

“domestic building” means any building which it not an industrial or public building;

“public building” means a building used or constructed or adapted to be used either ordinarily or occasionally for public purpose, which is not ordinarily for residential purposes;

“sanitary lane” means any strip of land, which is not a street, between adjoining buildings as per passage for persons or vehicle requiring access to such plots, premises for sanitary purposes;

“traditional house” means any building constructed wholly of materials customarily used in traditional building construction; and

“to erect a building” includes—

(a) to convert a building intended for one purpose into a building intended for a different purpose;

(b) to convert into more than one building a building originally constructed as one building;

(c) to enclose any open space between walls or building;

(d) to excavate the foundation trenches of any proposed building but does not include to bore a test hole purely to ascertain the depth necessary for proposed foundation;

(e) to make additions to any building;

(f) to make any alteration in the structure of any building; and

(g) to re-erect any building the walls of which have been wholly or partially pulled down or have fallen down.

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

Plans and specifications to be lodged 4.—(1) Every person who intends to erect a building within a designated area shall, except where otherwise provided, send or deliver to the Council plans, in quadruplicate, which shall—

(a) include site plan, floor plans, sections of storey, floor and structural drawings for public buildings;

(b) be of a size not less than A4; and

(c) be signed and dated by the applicant or his agent.

(2) In cases where adjacent buildings belonging to different owners are to be joined together, the plans shall show structural details of the party walls and such structural designed shall have been approved by all parties concerned.

(3) A developer shall follow the conditions specified under the notice of decision particularly on drainage, septic tank, and soak ways, as prescribed in the Second Schedule hereto.

(4) The plans, sections and elevations accompanied by such specifications and other documents as may be necessary or called for by the Council shall furnish the following particulars—

(a) the position and dimensions of the foundations, walls, floors, roofs, rooms, chimneys and other parts of the building, including outside kitchen, servants quarters, stables and garage and the particulars thereof shall be in such detail as is necessary to show that the building if constructed in accordance with the plan shall be safe and shall comply with all relevant by-laws;

(b) the materials to be used in the construction of the building including walls, floors and roofs;

(c) the provision for light and ventilation;

(d) the provision for drainage and sanitation, including particulars of any water closet, earth closet, privy, septic tank or cesspool to be constructed in connection with the building;

(e) the position of the building in relation to the existing adjacent building, roadways, streets, sanitary lanes or other plots;

(f) the width of any adjoining roadways, street and sanitary lanes;

(g) the position of any water closet, earth closet and privy and of any cesspool or other means of sewage disposal and or any water supply point on the plot or land adjacent thereto;

(h) the line of drainage of the building and the size, depth and inclination of each drain and the means to be provided for ventilation of the drains;

(i) the position and level of the outlet of the drains and the means by which the drainage shall be discharged; and

(j) any other information as the Council may require.

(5) Drawings and specifications submitted in compliance with these By-laws shall be of a quality approved by the Council and two copies shall be retained by the Council, the other two, if approved, shall be signed and returned to the applicant with the decision of the Council endorsed thereon.

5.—(1) The Council shall, within three months, after an application has been made under by-law 4, notify the applicant of its decision.

Building
permit

(2) Where the Council is satisfied with an application made under by-law 4, it shall issue a building permit to the applicant on such terms and conditions as it may determine.

(3) An application to erect a building under these By-laws shall be accompanied by a fee prescribed in the Third Schedule hereto.

Grounds for
disapproval

6. The Council may disapprove any plans on the following health, safety and policy grounds—

(a) the plans contravene these By-laws, or any other By-laws, rules or regulations for the time being in force in the area of jurisdiction of the Council;

(b) if anything in the building plans contravenes the Waterworks (Central Region Water Board) By-laws;

(c) the system of drainage is not satisfactory;

(d) sufficient facilities for access for sanitary purpose are not, in the opinion of the Council, provided;

(e) inadequate provision for ventilation, lighting and firefighting systems has been made;

(f) the development does not provide sufficient space for car parking;

(g) the plans do not adequately provide for the strength, stability or safety of the building or the sanitary requirements thereof;

(h) the site upon which it is proposed to create a building is unfit for human habitation or is otherwise unsuitable;

(i) in the opinion of the Council the building is calculated to depreciate unduly the value of neighbouring property;

(j) the proposed building is not in conformity with a scheme of plot subdivision which has already been sanctioned or approved land use; and

(k) the site of the proposed building is such that the erection of such building would contravene or affect detrimentally any approved District Physical Development Plan.

Power to
demolish

7.—(1) Where any person erects, begins to erect, adds to, or alters, any building without having obtained the building permit required by these By-laws or alteration of any building contravenes these By-laws or the terms of any permit, the Council may, by written notice, require such person to demolish and remove such building or part thereof or make such alteration to the building as prescribed by the Council and within a time specified in the notice.

(2) The Council may, by written notice, notify such person that if the provisions of paragraph (1) are not complied with within a period of thirty days, the Council shall enter upon the premises and remove the structure and shall recover all cost and expenses incurred on his behalf to comply with such requirement.

(3) Any person upon whom a notice is served may, prior to the expiration of the time specified therein, apply to a relevant authority, calling upon the

Council of such cause why the said notice should be rescinded or varied and upon the hearing of the application, the relevant authority may confirm, rescind or vary the said notice and make such orders as to costs as the authority deems just.

(4) The Council shall demolish the building or part thereof, if the person upon whom a notice has been served under this by-law does not demolish the same within the time limit and the expenses incurred by the Council during the demolition exercise shall be recovered as a civil debt.

8.—(1) The Council shall have the power to inspect any building in the course of erection or on completion.

Powers of inspection

(2) No building operations shall commence until the foundation excavation have been inspected and approved by the Director of Public Works of the Council, and no developer shall proceed with the construction until the building has been duly inspected and approved by the Director of Public Works of the Council.

9.—(1) Where the work for which a building permit has been granted is not completed within period of two years, the Council may give notice, in writing, to person concerned that unless he completes the work by a date specified in the notice, the building permit shall be deemed to have lapsed.

Completion of work

(2) Where a building permit lapses and the person has not commenced the works, the Council may repose the plot and the plot that had been allocated and shall be entitled to claim any charges accrued:

Provided that nothing in these By-laws shall prevent any person affected by this provision from making an application for an extension of a building permit for two times only.

(3) A permit that has been extended by the Council under this By-law shall be valid for one year.

10.—(1) All new permanent building within the designated area shall be built of bricks, blocks, stone or any other material approved by the Council, properly bonded and solidly put together.

Materials and construction

(2) The foundation and walls shall be of such sufficient strength and shall be constructed in such a manner as the Council shall require or approve.

(3) Every wall of a building, if built of bricks, blocks, stone or concrete and resting on the ground shall have a damp-proof course throughout its entire thickness and such damp-proof course shall be of a durable material, impervious to moisture and the damp-proof course shall be below the lowest floor level and at least 15 centimeters above the surface of the ground and such course shall be made, as far as possible, proof against the attack of white ants.

(4) All timber and wood work shall be properly protected from the attacks of insects.

(5) Every roof shall be constructed of wood, iron, tiles or impervious material.

(6) No thatched roof shall be constructed within the designated area without the permission of the Council.

(7) The Council may require that every building used or intended to be used for the manufacture of other materials likely to attract rodents shall be rendered rodent-proof by such means as the Council shall direct.

Rooms for
human
habitation

11.—(1) A part of any building, not shown on the plans submitted to, and approved by, the Council as intended for human habitation, shall not be used for that purpose without the prior written permission of the Council.

(2) Every room intended to be used as sleeping room shall contain not less than 9 square metres of air space and such rooms shall be not less than 2.7 metres in height, 90 inch thickness and computing the cubic capacity of metres vertically from the floor level shall not be reckoned.

(3) Every room shall have a clear superficial floor area of not less than 4.6 square metres for every person who shall occupy it subject to minimum of 9.0 square metres for such room.

(4) Every room intended to be used as a sleeping room shall be provided with an external windows equal in area to at least one tenth of the floor area and the window shall be so designed that at least one half of the area shall be capable of being open.

(5) Every room which is without a fire place and flue shall be provided with special means of ventilation having an unobstructed section area of at least 2.8 metres.

Occupation
of building
after erection

12.—(1) A person shall not occupy, or be permitted to occupy, any building newly erected until such building has been certified by the Council in every respect to be fit for human habitation and the Council has issued a written permit on the occupation to the owner.

(2) The fee for such a permit shall be as prescribed in the Third Schedule hereto.

Power to
stipulate
position
of new
building

13.—(1) The Council shall define the building line for any street or road within a designated area and no person shall erect a building which shall deviate from this alignment, except with the written consent of the Council and the steps of any building or any projection which is an integral part shall be deemed to be part of the building.

(2) Where no building line has been defined within a designated area, the Council may stipulate that no part of any proposed building shall be erected within 366 centimeters of the edge of any surface, drain gutter, roadways or street abutting on the plot or within 213 centimeters of the centre of a sanitary lane.

Limit of
area which
dwelling
house occupy

14. No new or existing building intended for human dwelling house shall be used for that purpose if the area of the plot on which it is to be built or is built is less than one tenth of 0.4 hectares unless written consent of the Council is obtained.

- 15.—(1) Every external wall of a building shall have between it and the boundary line of the owner's premises an open space extending throughout the entire length of such wall at least 3 metres wide, save that in case where a sanitary lane adjoins the boundary of the plot, servant's quarters and latrines may be built up to such boundary but not so as to open on to the sanitary lane.
- (2) A space of not less than 3 metres shall be allowed between adjacent building to permit the entrance of light and air to the satisfaction of the health inspector.
16. No person shall lay out or construct any new street, road, footpath or sanitary lane within a designated area, except with the written consent of, and specifications laid down by, the Council.
17. The Council shall require the owner of any plot to make adequate provision, to the satisfaction of the Council, for carrying off rain water, surface water or sewage from the plot or from any building thereon.
18. Nothing in by-laws 3 to 17 shall preclude the erection of building of special forms of constructions not mentioned herein provided that such structures are approved by the Council.
19. A person shall not construct any wall or erect any fence within the designated area save with the written permission of the Council and subject to such conditions as the Council may impose relating to the height and materials to be used.
- 20.—(1) A person shall not, in the course of any building, excavate or cause any prohibited obstruction temporarily or otherwise in any street or footpath without prior written permission of the Council.
- (2) The permission referred to in paragraph (a) shall be granted only under the following conditions—
- (a) a sum to be determined by the Council shall be deposited with the Council before the commencement of such work, which shall be returned to the depositor after settlement of any fine or cost of any damage incidental to such work;
- (b) sufficient hoarding of fences shall be erected to enclose all such work;
- (c) a convenient platform and handrail shall be provided for pedestrians during the closure of public way;
- (d) any obstruction incidental to the works shall be sufficiently lighted between sunset and sunrise; and
- (e) all such hoardings, fences, platforms and handrails shall be kept in good repair during the period of the operations or such other period as the Council may determine and shall be removed together with all building material and debris within seven days of completion of the building operation or excavation.
- (3) A person shall not obstruct or damage any culvert, sewer or drain belonging to, or under the control of, the Council.

Relative cartilage of new building

Sanitary lane

Drainage

Exemptions

Erection of walls and fences

Obstruction during building operations

Restriction and
subdivision of
plots

21.—(1) A person shall not for the purpose of sale, hire, transfer, subdivide any premises, lot or piece of land or alter any existing street or sanitary lane within a designated area without the written permission of the Council.

(2) A person seeking permission under paragraph (1) shall submit to the Council a plan of the proposed subdivision or alteration drawn to a scale of not less than 1:1500 and such plan shall also show provision for drainage and culverts.

(3) Every such subdivision or alteration shall be in conformity with the general layout of the designated area and shall afford convenient access to the officers of the Council for rendering sanitary services and for assuring the control of the area for sanitary purposes.

(4) A latrine shall not be erected on any subdivision in such a situation or manner as to interfere with the comfort or convenience of neighbouring occupiers.

Removal of
dilapidated
buildings

22.—(1) Wherever any building or part thereof or anything affixed thereto appears to the Council to be ruinous or dilapidated or in such a state as to become and to be unfit for use or occupation or to be, from neglect or otherwise in a structural condition dangerous or prejudicial to the property in or the public health; the Council shall by written notice, inform the owner or the occupier of its opinion in regard thereto and shall call upon him to show cause, within a time specified in the notice, why such building should not be demolished, removed, repaired or altered.

(2) Where an owner or occupier fails to comply with such notice or fails to satisfy the Council that such demolition, removal, repairs or alterations are not necessary or if what is necessary to be done is not agreed upon between the Council and such owner or occupier, the Council may by written notice, require the owner or occupier to demolish or remove such buildings or any part thereof or anything affixed thereto or to carry out such repairs or alterations as it may prescribe within a time specified in the notice.

(3) The Council may, by written notice notify such person that, if the provisions of paragraph (2) are not complied with, the Council may enter upon the premises and carry out such demolition, removal, repairs or alterations and shall recover all costs and expenses incurred by it from the person who has failed to comply with such requirement.

(4) Where any notice under this by-law requiring demolition, removal, repairs or alterations is served, the Council may either in the same or separate notice, prohibit the use of the building for any specified purpose and any person acting in contravention of such prohibition shall commits an offence in respect of each day on which he contravenes the prohibition.

Right of entry

23. An officer of the Council or health inspector or their representatives, shall have the power to enter any premises for the purpose of carrying out any of the power listed under these By-laws.

Offences and
penalties

24.—(1) Any person who without lawful or reasonable excuse—

(a) fails to carry out any work or action required by any Council's written notice which has been served on him;

(b) obstructs or impedes any authorized officer of the Council lawfully exercising a power of entry on to land or building, from entering any land or any building;

(c) fails to comply with any order, direction, notice or instruction lawfully given to him by an authorized officer exercising any powers conferred by the Physical Planning Act and these By-laws;

(d) fails to comply with a condition subject to which a grant of development permission was made;

(e) subdivides or enters into any subdivision agreement with respect to any land or a portion thereof within any area in which such subdivision is prohibited;

(f) commences any development without a grant of development permission whose such permission is required; or

(g) ignores a stop notice, an order, notice of instruction or direction, commits an offence and shall be liable to a fine of K2,000.00 or to imprisonment for a term of 6 months for a first offence and in the case of a continuing offence, a further fine of K200.00 each day during which the offence continues after conviction.

(2) Any person who occupies a building without an appropriate certificate of occupation issued by the Council commits an offence and shall be liable to a fine of K2,000.00 and the offender shall still be required to pay the normal fees applicable for a certificate of occupation.

(3) Any person obstructing or damaging any culvert, sewer or drain belonging to or under the control of the Council commits an offence and shall be responsible for making good the obstructed or damaged culvert, sewer or drain.

Act No. 17 of
2016

FIRST SCHEDULE

(by-law 2)

DESIGNATED AREAS

1. Chinkhoma
2. Nkhamenya
3. Santhe
4. Chamama
5. Mtunthama
6. Chisinga
7. Chulu
8. Chatoloma
9. Kawamba
10. Chima
11. Mkhota

SECOND SCHEDULE

(by-law 4 (3))

NOTICE OF DECISION

CONDITIONS

Kasungu Town and Country Planning Committee Standard Planning Conditions (Revised March, 2001)

GENERAL CONDITIONS

1. The approval is valid for 2 years from the date of issue and construction should commence only after lease offer by landlord.

OUTLINE APPLICATIONS

2. Permission granted is in principle only, subject to the submission of a full application with detailed drawings.

TEMPORARY DEVELOPMENT

3. Temporary permission for only.

APPROVAL BY OTHER BODIES

4. Approval by the Ministry of Local Government and Rural Development
5. Approval of the, Ministry of Transport and Public infrastructure, Ministry of Labour and Ministry of Lands, Housing and Urban Development.
6. (Under line whichever is appropriate).
7. Construction must be in accordance with the Kasungu District Council (Building) By-laws.

RESTRICTIONS ON USE

8. The buildings/or land must only be used for the approved purpose and for no other use without the approval of the Planning Authority.

ROOFINGS

(Low and Medium Density residential)

9. Roofing materials must be of high quality (IBR with cooler blocks) and non-reflective. (all other development).
10. Roofing materials must be permanent and non-reflective.
11. The guest wing must be part of the main house.

SERVANT QUARTERS

12. The servant quarters to be occupied only by domestic helpers employed on the site.
13. Windows of servant quarters must face into the plot and not onto plots.

SETTING OUT, EXTENSIONS AND ALTERNATIONS

14. The applicant must clarify the location of the plot boundaries with the regional surveyors.

15. The existing holdings on the site must be demolished before any development takes place.
16. The materials and finishes for the new developments should match those for the existing building.

ACCESS AND PARKING

17. A 3 meter minimum access road must be provided into the plot from roadway to the satisfaction of the District Engineer.
18. A vehicle and pedestrian access must be provided over storm drain to the satisfaction of the District Engineer.
19. Access must be maintained to the septic tank, to allow cleansing and servicing.
20. Parking space must be provided within the plot boundaries before the development is occupied.

TREES AND LANDSCAPING

21. No trees on the site shall be felled except with the express consent of the Planning Authority.
22. A landscaping scheme for the site must be submitted and approved by the Planning Authority.

FENCES AND WALLS

23. The fence or wall must not exceed 2 meters in height.
24. The fence must be of plain mesh with vertical poles only.
25. A quick growing hedge must not exceed 2.4 meters and must be set back 0.5 meters inside plot boundaries.

SWIMMING POOLS

26. The swimming pool must be fenced for safety reasons.
27. The swimming pool must be constructed to the satisfaction of the District Engineer.

DRAINAGE REFUSAL DISPOSAL AND SEWAGE DISPOSAL

28. Roof and storm water drains must be provided for the building.
29. The septic tank, soak ways and drains must not encroach on adjoining plot.
30. The septic tank, soak ways and drains must be constructed to the satisfaction of the District Engineer.

SAFETY AND VENTILATION

31. The development must be at least 6 meters away from the high voltage power line.
32. Firefighting equipment must be provided to the satisfaction of the District Fire Officer before occupation.
33. Air bricks must be provided above all windows.

ADVERTISEMENT AND SIGNS

34. No signs of advertisements should be displayed on the premises without the approval of the Planning Authority.
35. Temporary permission of six month only as after which the advertisement/sign must be removed.
36. The advertisements or sign must be maintained in a clean, tidy, attractive and safe no other purpose.

GARAGES AND CAR PORTS

37. The garage or carport must be used only for the parking of private motor vehicles and no other purpose.
38. The carport must be maintained in clean and safe conditions.

NEW OFFICE, SHOP COMMERCIAL AND INDUSTRIAL DEVELOPMENT

39. Car parking for staff, visitors and customers must be provided and laid out within the site to the satisfaction of the Planning Authority before premises are occupied.
40. Servicing and delivery facilities must be provided and laid out within the site to the satisfaction of the Planning Authority before the premises are occupied.
41. Wheel chair access shall be provided for disabled persons.

THIRD SCHEDULE

(By-laws 5, 9 and 12)

FEES AND CHARGES

1. FEES

(a) Scrutiny Fee	.. .. .	development x 0.009
(b) Certification of Occupation	.. .. .	development cost x 0.01
(c) Production of site Plan	.. .. .	K500/site
(d) Submission of Land	.. .. .	K5/m ²
(e) Billboard/advertisement	.. .. .	K1,000 per unit per annum
(f) Renewal of planning Permission	.. .. .	development cost x 0.0045

2. OTHER CHARGES

(a) Billboard Ground Rent	.. .. .	K60,000.00 per board per annum
(b) Sign post	.. .. .	K60,000.00 per sign post per annum
(c) Banners	.. .. .	K15,000.00 per banners per annum
(d) Posters/Notices	.. .. .	K20,000.00 per posters/Notices per annum
(e) Advertisement – megaphone	.. .. .	K20000.00 per day

PLANNING CHARGES

NO.	Description of item	MK
A	HOUSING AREA	
	High Density	20,000.00
	Medium Density	25,000.00
	Low Density	40,000.00
B	INDUSTRIAL AREA	
	Factories/Warehouses	50,000.00
	Garages	50,000.00
	Sheds/Kholas	50,000.00
C	COMMERCIAL/OFFICERS/SHOPS	
	Single storey per storey	60,000.00
D	INSTITUTIONAL	50,000.00
	Fence	
	Wire fence	
	Brick wall fence	1,382.40
E	POST	
	Sign post/billboard rent (sqm)	3,000.00
	Sign post	3,000.00
	Electrical Bill Board	20,000.00
	Bill Board	10,000.00
	FEES	
	Scrutiny fees (formula: floor area X constant X 0.009) i.e. constant depends on the use	
	High Density	20,000.00
	Medium Density	5,000.00
	Low Density	40,000.00
	Factories/Warehouses	50,000.00
	Garages	0,000.00
	Sheds/Kholas	50,000.00
	Single storey per storey	60,000.00
	Or total estimated cost X 0.099 as A, B, C, and D	

HIGH DENSITY

Certificate of Occupation (total cost of)	800,000.00
Certificate of Occupation (total cost of Development X 1%)	1,500,000.00
Certificate of Occupation (total cost of Development X 1% 3 Bedroom)	

FOURTH SCHEDULE

PENALTIES

1. Any person who without lawful or reasonable excuse;
 - (a) fails to carry out any work or action required by any Council's written notice which has been served on him;
 - (b) obstructs or impedes any authorized officer of the Council lawfully exercising a power of entry on to land or building, from entering any land or any building;
 - (c) fails to comply with any order, direction, notice or instruction lawfully given to him by an authorized officer exercising any powers conferred by the Physical Planning Act and these By-laws;
 - (d) fails to comply with a condition subject to which a grant of development permission was made;
 - (e) subdivides or enters into any subdivision agreement with respect to any land or a portion thereof within any area in which such subdivision is prohibited;
 - (f) commences any development without a grant of development permission whose such permission is required; and
 - (g) ignores a stop notice, an order, notice of instruction or direction,

shall commit an offence and liable to a fine of K1,000.00 or to imprisonment for a term of 6 months for a first offence and a fine of K2,000 or imprisonment for 12 months for a second and subsequent offence or both such fine and imprisonment. In the case of a continuing offence, a further fine of K200.00 each day during which the offence continues after conviction.
2. Any person who occupies a building without an appropriate certificate of occupation issued by the Council shall commit an offence and liable to a fine of K5,000.00. Such an offender shall still be required to pay the normal fees applicable for a certificate of occupation.
3. Any person obstructing or damaging any culvert, sewer or drain belonging to or under the control of the Council shall commit an offence and be responsible for making good the obstructed or damaged culvert, sewer or drain.

Made this 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020.

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

DR. B. MALUNGA PHIRI
Minister of Local Government
and Rural Development

GOVERNMENT NOTICE NO. 119

LOCAL GOVERNMENT ACT
(CAP 22:01)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL)
(CONTROL OF AMUSEMENT MACHINES) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation
2. Application
3. Interpretation
4. Establishment and licence of premises
5. Refusal to register
6. Power to impose conditions
7. Registration of public amusement premises
8. Licenses and conditions'
9. Provision of toilet facilities
10. Excessive noise at premises
11. Power of entry
12. Revocation of licenses and imposition of conditions
13. Appeal
14. Age
15. Offence and penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Kasungu District Council makes the following By-laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Kasungu District Council) (Control of Amusement Machines) By-laws, 2020. 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 installed for public entertainment for the purpose of making some gain or profit;

“authorized person” means a person authorized by the Council to inspect premises examine persons or do any other act under its statutory powers;

“Council” means the Kasungu District Council;

“premises” includes bars, cinemas, clubs, and any other places where amusement machines are installed; and

“public” includes 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 Council.

PART II—GENERAL

Establishment and licensing of premises 4.—(1) A person shall not install or operate an amusement machine at any premises unless he has obtained a licence from the Council.

(2) An application for a licence under these By-laws shall be in the Form specified in Part I of the First Schedule hereto.

(3) An application for a licence under paragraph (2) shall be accompanied by an appropriate non-refundable fee as set out in Part II of the First Schedule hereto.

Refusal to register 5. The Council may refuse to register any premises to an applicant if it is satisfied that the premises concerned are not fit to be used for the purpose of operating amusement machines.

Power to impose conditions 6.—(1) The Council may, subject to paragraphs (2) and (3), determine that the premises or proprietor shall only be registered subject to any such conditions as appear expedient and necessary to the Council having regard to location, health and other circumstances in relation to the premises at the time of licensing.

(2) Where the Council intends to impose any conditions it shall give notice to the applicant for such registration of its intention and shall not proceed with the registration until the requirement of paragraph (3) is satisfied.

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

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

(b) he has abandoned his application; or

(c) he intends to appeal under by-law 13:

Provided that if an applicant who has informed the Council of his intention to appeal does not lodge such an appeal within the time prescribed under by-law 13, his application shall be deemed to have been abandoned.

(4) The Council may, by notice to the proprietor, vary or revoke any condition imposed either on licensing or at any subsequent time.

7. The Council shall keep and maintain a register in the form specified in the Third Schedule hereto, which shall contain a list of premises in the area of jurisdiction of the Council where amusement machines have been installed and are operated and such register shall be open to inspection at all reasonable times.

Register
of public
amusement
premises

8.—(1) Where a licence for any premises registered for the purpose of operating amusement machines is renewed after expiry under paragraph (5), the Council shall issue a licence in the form specified in the Second Schedule hereto.

Licenses
conditions

(2) A licence issued under these By-laws shall not be transferable to any other person or premises.

(3) A licence issued under these By-laws shall be displayed at a conspicuous place in a prominent part of the building on the premises to which it relates and shall be available for inspection by any authorized person.

(4) Where the Council is satisfied that any licence under this By-law has been lost, destroyed or mutilated, the Council may, subject to such licence remaining valid at the time of the application or reissue, whichever is later and subject further to the payment of the fee set out in Part II of the First Schedule hereto, issue a replacement licence.

(5) A licence issued under these By-laws shall be valid for one year and shall expire on the 30th of June of the financial year in which it was issued regardless of the date it was issued:

Provided that the Council may for reason of carrying out repairs, alterations or any work required by the Council to be done on the premises or for any other reason which in the opinion of the Council seems fit and appropriate give notice to the occupier or owner of a licence either for the unexpired period of such licence or for the period of the repairs alterations or work, as the case may be.

9. Premises to which these By-laws apply shall have adequate toilet facilities for separate use by males and females in accordance with the provisions of the Local Government (Kasungu District Council) (Sanitary Arrangements) By-laws.

Provision of
toilet facility

10. 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.

Excessive
noise at
premises

Power of entry
and inspection

11.—(1) An authorized person may, at all reasonable times, enter any premises used for the purpose of operating amusement machines and may 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, show 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).

Revocation of
licence and
imposition of
condition

12.—(1) Save as is otherwise provided by paragraph (2) and (3), where—

(a) there has been a contravention of, or non-compliance with, any condition imposed under these By-laws;

(b) it appears to the Council as respect any premises or person registered under by-law 4 (4), that circumstances exist which would have justified a refusal under by-law 5 to licence the premises or person;

(c) a licence issued under these By-laws has been transferred to any other person or premises; or

(d) the Council is of the opinion that it is in the interest of the public that the premises should be closed,

the Council may revoke the licence of the premises or close the premises concerned.

(2) The Council shall give at least fourteen days' notice to the proprietor or occupier of the premises to which the licence relates, of its intention to make such revocation, impose new or additional condition or vary any such condition imposed under by-law 6 before revoking the licence under paragraph (1) or imposing or varying the condition.

(3) Every such notice shall state the grounds on which the Council intends to make the revocation or impose the condition and shall call upon the person to whom the notice is given to show cause within fourteen days after receipt of the notice why the licence should not be revoked or the condition be imposed.

(4) Where the Council after giving the said notice and affording the proprietor or occupier an opportunity to show cause as aforesaid decides to revoke the licence or impose any condition, it shall do so and, by notice, inform the proprietor or occupier of its decision.

Appeal

13.—(1) Any person aggrieved by any decision of the Council under these By-laws may, within thirty days of receipt by him of the notification of such decision, appeal to the Minister.

(2) The decision of the Minister under this by-law 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.

14. A person below the age of 18 shall not be allowed to patronize amusement premises. Age

PART III—OFFENCES AND PENALTIES

15.—(1) Any person who contravenes or fails to comply with the provisions of these By-laws shall be liable to the following penalties— Offence and 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; and

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

FIRST SCHEDULE

(by-law 4)

PART I

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (CONTROL OF AMUSEMENT MACHINES) BY-LAWS, 2020

APPLICATION FOR LICENSING OF PREMISES FOR THE PURPOSE OF OPERATING AMUSEMENT MACHINES

TO: The District Commissioner,
Kasungu District Council,
P.O. Box,
KASUNGU.

I/We apply for a licence to establish premises for the purpose of installing and operating Amusement Machines and make application for the licence under By-law 4 of the Local Government (Kasungu District Council) (Control of Amusement Machines) By-laws, 2020 .

1. (a) Name of Applicant/Proprietor
(in block letters)
- (b) Postal Address
- (c) Residential telephone Number (if any)
- (d) Business Telephone Number
- (e) E-mail

- (f) Nationality
- (g) Identification Type ID No.....
2. (a) Name of premises where machines are to operated
-
- (b) Plot Number
- (c) Road/Street Name
- (d) Postal Address
- (e) Telephone Number (if any)
3. (a) Age of Applicant/Proprietor
- (b) Other occupation of Applicant/Proprietor
-
4. Normal Hours of Business.....
- Is Saturday included?
- Is Sunday included?
5. (a) Approximate size of room(s) to be used for operating the machines
-
- (b) Does it include dancing space?
- (c) Rooms to be used for other purposes—
- (i) Office
- (ii) Bar
- (iii) Stores
- (iv) Other (state).....
6. Description of toilet facilities—
- (a) Males
- (b) Females
- (c) Staff
7. Any other information.....
-
-

Dated this day of, 20.....

Signed
Applicant/Proprietor

PART II

FEE PAYABLE FOR REGISTRATION, LICENCE AND PERMIT

	K	t
1. Application fee	2,500	00
2. Permit for audio advertising per day	10,000	00
3. Permit for social functions	5,000	00
4. Fee payable on issue of a licence to operate Amusement Machine at the premises	20,000	00
5. Fee payable on each annual renewal of such licence	20,000	00
6. Fee payable on replacement of lost, destroyed or mutilated licence		Half of the charge of original licence

SECOND SCHEDULE

(by-law 8 (1))

KASUNGU DISTRICT COUNCIL

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (CONTROL OF AMUSEMENT MACHINES) BY-LAWS, 2020

LICENCE OF PREMISES FOR OPERATING AMUSEMENT MACHINES

..... of

is/are hereby licensed to operate amusement machines under the name and title

of.....

on plot No Area in the

Kasungu District Council until 30 June 20

This licence is issued /renewed/replaced* subject to the following conditions—

.....

.....

.....

Fee paid Kwacha Receipt No

Previous licence No (if any).....

*Delete whichever does not apply

Dated this day of 20.....

Signed

Licensing Officer

THIRD SCHEDULE

(by-law 7)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (CONTROL OF
AMUSEMENT MACHINES) BY-LAWS, 2020REGISTER TO BE KEPT BY THE COUNCIL FOR PUBLIC AMUSEMENT
PREMISES

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

Made this 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020.

DR. B. MALUNGA PHIRI
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE No. 120

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL)
(CONTROL OF ANIMALS) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART I—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 Kasungu District Council makes the following By-laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Kasungu District Council) (Control of Animals) By-laws, 2020. Citation
2. In these By-laws, unless the context otherwise requires— Interpretation

“animal” means any bull, cow, ox, heifer, calf, sheep, goat, horse, mule donkey, pig, domestic fowl and any game animal as defined in the definition of the expression “game” or “game animal” contained under the National Parks and Wildlife Act, any wild carnivore tamed and kept as a pet, guinea fowl, pigeon, pea-fowl, dog, cat 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. 66:07

“cemetery” means any burial ground, crematorium or any other place ordinarily used or set aside for the lawful disposal of human dead bodies; Cap. 66:02

“Council” means the Kasungu District Council;

“dead animal” means the carcass of an animal and includes any portion thereof;

“dog” means any quadruped of the species *canis familiaris*;

“owner” in relation to a dog or other animal means any person in whose custody, possession or charge and includes 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; and

“residential area” includes a squatter area.
3. These By-laws shall apply within the area of jurisdiction of the Council. Application

PART II—GENERAL PROVISIONS

Regulation
of keeping
animals

4.—(1) Subject to these By-laws and any other written law in force within the Council area, a person shall not be allowed, in any residential premises or any unauthorized area situated in a designated 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 hereto.

(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 situated in a designated 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 hereto.

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

(4) For purposes of paragraph (1), the areas listed in the Second Schedule hereto are hereby designated as designated areas.

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

Special
permit to
keep animals

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 Council shall deem fit and on such terms as shall be specified in the said permit.

(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 Third Schedule hereto.

(3) The permit provided for 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 Council 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 Council 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 Council 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 Council; and

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

(5) The Council shall levy a fee for any permit issued under these By-laws as prescribed in the Fourth Schedule hereto 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 Council 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 Council 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 Council.

Animal to
be kept under
control

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

(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 Council 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 Council and it shall be the duty of that person to comply with any instructions or directions of the Council.

(5) The Council 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 (5) certifies that an animal is of unsound health, he shall issue such instruction or direction as he considers appropriate.

(7) Where the instruction or direction referred to in paragraph (6) 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.

Custody and disposal of impounded animal

8.—(1) The Council shall maintain a place where an animal impounded under these By-laws shall be kept and shall levy a fee as prescribed in the Fourth Schedule hereto, 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 Council for all expenses consequent upon the Council's impounding of such animal.

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

Indemnity and payment of compensation

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

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 Council or fails to comply with any condition imposed by the Council, 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 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;

(c) on the second contravention, the animal shall be impounded and the Council shall levy a fee as prescribed in the Fourth Schedule hereto; 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 | 6. Goat |
| 2. Horse | 7. Sheep |
| 3. Mule | 8. Bees |
| 4. Cattle | 9. Any game animal |
| 5. Pig | 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>
Dog	2
Cats	2
Chickens	15
Guinea fowls	15
Rabbits	10
Ducks	15
Pigeons	30
Turkeys	15
Quails	20

SECOND SCHEDULE

(by-law 4 (4))

DESIGNATED AREAS

1. Chinkhoma
2. Mtunthama
3. Santhe
4. Nkhamenya
5. Chamama

THIRD SCHEDULE

(by-law 5 (4))

FORM I

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2020

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 (KASUNGU DISTRICT COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2020

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 operative

Signature of authorizing officer

Designation of authorizing officer

Date

FOURTH SCHEDULE

(by-laws 5 (5),
8 (1) & 10 (1))

FEES

1. Application for a permit	K5,000.00
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	K2,000.00

Made this 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020.

DR. B. MALUNGA PHIRI
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 121

LIQUOR ACT

(CAP. 50:07)

LIQUOR (KASUNGU DISTRICT COUNCIL) (LIQUOR LICENSING) BY-LAWS,
2020

ARRANGEMENT OF BYLAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Application

PART II—GENERAL PROVISIONS

3. Procedure on application for a licence
4. Premises licence
5. Licence fees
6. Local Licensing Board

BY-LAW

7. Permitted hours
8. Liquor to young person prohibited
9. Provisions as to quality and hygiene
10. Licence not transferable
11. Display of licence
12. Prohibition on the carrying of any weapon
13. Power of licencing officer and authorized person
14. Prohibition on the sale of liquor on residential premises
15. Replacement of lost licence

PART III—OFFENCES AND PENALTIES

16. Offences and Penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 70 of the Liquor Act, the Kasungu District Council makes the following By-laws—

PART I—PRELIMINARY

- | | |
|----------------|--|
| Citation | 1. These By-laws may be cited as the Liquor (Kasungu District Council) (Liquor Licensing) By-laws, 2020. |
| Interpretation | 2. In these By-laws, unless the context otherwise requires—
“Council” means the Kasungu District Council; and
“premises licence” means a licence issued under the Local Government (Kasungu District Council) (Business Premises Licensing) By-laws. |
| Application | 3. These By-laws shall apply within the area of jurisdiction of the Council. |

PART I—GENERAL PROVISIONS

- | | |
|---------------------------|---|
| Premises licence | 4. An owner or lessee of premises who desires to manufacture or sell liquor on the premises may apply for a premises licence under the Local Government (Kasungu District Council) (Business Premises Licensing) By-Laws. |
| Application for a licence | 5.—(1) A person who desires to sell liquor shall apply to the licensing officer for a licence in the form prescribed in Form I of the First Schedule hereto.

(2) 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.

(3) A holder of a liquor licence shall display the licence in a conspicuous place at his place of business. |

(4) A licence issued under these By-laws shall expire on the 30th of June of the financial year after the issuance thereof.

(5) An application for the renewal of a liquor licence may be made by the holder of the licence to a licensing officer thirty (30) days before the beginning of the Council's financial year.

(6) A holder of a Premises Licence shall not be required to apply for licence under this By-law.

6. A holder of a premises licence or liquor 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.

Display of
licence

7.—(1) The fees payable for the issue of liquor licence or premises licence shall pay the appropriate fee prescribed in the Second Schedule hereto.

Licence fees

(2) Where any licence, other than a temporary sales licence, is issued for a period of less than twelve months, the licensing fee payable shall be the same as those payable annually.

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

Local
Licensing
Board

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

Permitted
hours

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

Sale of liquor
to young
persons

(2) A licensee shall not permit a person who is under the age of eighteen to supply or sell liquor.

(3) A licensee 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 twelve months or to both such fine and imprisonment.

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

Provisions
as to quality
hygiene

(2) The holder of a liquor or premises licence shall—

(a) ensure continued compliance with minimum premises standards set out in the Fifth Schedule hereto; 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 twelve 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 the licence.

Licence not transferable

12. A 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.

Prohibition on the carrying of weapon

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

(2) A licensee shall not suffer or permit a person to enter or remain in the place or 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 any police officer or security agent of the Council whilst on duty.

Power of licensing officer and authorized personnel

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

- (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 and fit for human consumption; and
- (d) at such place or premises, require production for examination of any relevant licence or permit.

Prohibition on the sale of liquor on residential premises

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

PART I—OFFENCES AND PENALTIES

Offences and penalties

16.—(1) A person who—

- (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) in contravention of these By-laws, 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 in his place or premises where liquor is being sold; or

(e) contravenes or fails to comply with any provision of these By-laws or fails to comply with any notice or conditions imposed by the Council,

commits an offence and shall on conviction be liable to a fine of K2,000.00 or to imprisonment for twelve months or to both such fine and imprisonment.

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

FIRST SCHEDULE

(by-law 5 (1))

FORM I

KASUNGU DISTRICT COUNCIL

APPLICATION FOR ISSUE/RENEWAL OF LIQUOR LICENCE/ PREMISES 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)

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
KASUNGU DISTRICT COUNCIL
LIQUOR ACT
(CAP. 50:07)
LIQUOR LICENCE
(Part III of the Act)
(by-law 4 (3))

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 (Kasungu District Council)
(Liquor Licensing) By-laws, 2020 and to such conditions as may be endorsed at the back
thereof.

Trading hours Grade.....

Dated this day of 20.....

.....
Licensing Officer

SECOND SCHEDULE (by-law 7)
KASUNGU DISTRICT COUNCIL
FEES PAYABLE

CLASS OF LICENCES	AMOUNT
1 Application and inspection fee	MK 35,000.00
2 Grade "A" Bar—	
(a) Premier	MK350,000.00
(b) Platinum	MK200,000.00
(c) Gold	MK100,000.00
(d) Silver	MK 75,000.00
3 Grade "B" Retail liquor Shops	MK150,000.00
4. Grade "C"	
(a) Hotel/Casino	MK200,000.00
(b) Lodges and Motels	MK100,000.00

CLASS OF LICENCES	AMOUNT
5. Grade "D" Restaurant	MK 50,000.00
6. Grade "E" Club	MK200,000.00
7. Grade "F" Cabarets	MK 75,000.00 per day
8. Grade "G" Theatres	MK 50,000.00
9. Grade "H" Bottle stores	MK150,000.00
10. Grade "I" (National Parks or Game Reserve Or City Park, Zoo)	MK100,000.00
11. Grade "TA" Air Terminals	MK150,000.00
12. Grade "J" Railways & Bus Stations—	
(a) International Bus Station	MK150,000.00
(b) Local Bus Station	MK 75,000.00
(c) Railway Station	MK 75,000.00
13. Manufacturing licences—	
(a) Distillers licences	MK450,000.00
(b) Commercial brewers licence (Translucent)	MK750,000.00
(c) Winemakers licences	MK150,000.00
(d) Opaque beer brewers licence	MK500,000.00
14. Wholesale licences—	
(a) Wholesale manufacturer licence	MK200,000.00
(b) Agents licence	MK150,000.00
15. Temporary licence Auctioneers temporary licence	MK 50,000.00
16. Opaque beer licence—	
(a) Retailers licence	MK 60,000.00
(b) Wholesalers licence	MK100,000.00
17. Replacement of licence	MK 10,000.00

THIRD SCHEDULE

(by-law 9)

KASUNGU DISTRICT COUNCIL

PERMITTED HOURS FOR SALES LICENCES

A WHOLESALE LICENCE	
1. Wholesale Licence	No restriction
2. Agent's Licences	7.00 a.m. to 6.30 p.m.

B 1 RETAIL LICENCES

(a) Grade A (Bar)

Minimum standards for Bar

(i) Premier

- A bar in the Central Business District
- Has rights of admission
- Top of the range security

Operate 24 hrs

(ii) Platinum

- A bar in the low and medium density area
- Well secured

Operate 24 hrs/whole night

(iii) Gold

- An off-premise drinking joint such as a super market
- A bar in the high-density area

Close at mid night

(iv) Silver

- A bar in the high-density area

Close at 22:00 hrs].

(b) Grade B (business)	07:30 hrs. to 20:00 hrs.
(c) Grade C (Hotel)	Sales persons not lodging on the premises 8.00 a.m. to 12 midnight, otherwise no restriction
(d) Grade D (restaurant)	Sale to persons consuming meals, no restriction
(e) Grade E (Club)	Sale to members only, - no restrictions
(f) Grade H (Limited off licence)	7.30 a.m. to 10.00 p.m.
(g) Grade F (Cabaret)	Liquor sold from 5.00 p.m. to 30 minutes after last show
(h) Grade G (Cinema and Theatre)	Sales permitted up to 30 minutes before and after the show
(j) Grade I (National Parks or Game Reserve)	No restrictions

2 TRAVEL AND TRANSIT LICENCES

(a) Grade "TA" Airport and Air terminal	No restrictions
(b) Grade "TB" Bus Station or Bus Terminal	8.30 a.m. to 12 midnight
(c) Grade "TR" Railway Station or Railway Terminals	8.00 a.m. to 12 midnight

- (d) Grade "TAV" flights—
 - (i) While in flight No restrictions
 - (ii) While not in flight No sales permitted
 - (e) Grade "TRY" (Railway Restaurant) No restrictions
- C TEMPORARY SALES LICENCE
- 1. Auctioneer's Temporary Licence 8.00 a.m. to 8.00 p.m.
 - 2. Occasional licence as started in the licence

FOURTH SCHEDULE (by-law 11 (4))
 KASUNGU DISTRICT 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 -

KASUNGU DISTRICT COUNCIL
PREMISES LICENCE TO SELL OPAQUE BEER

Name

Address

Is hereby licensed to sell opaque beer from (date).....Until (date)
..... at in accordance with the provisions of the Liquor
(Kasungu District Council) (Liquor Licensing) By-laws.

Fees paid Receipt No

Opening Hours 7.30 a.m. – 10.00 p.m.

Dated this.....day of.....20.....

.....
Licensing Officer

FIFTH SCHEDULE (by-law 11 (2))
KASUNGU DISTRICT 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. |
| Dish washing basin | 2. At least one hand wash 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 | 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. |
| Furnishings | 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-proofing material and other material as would render the place clean, rodent free and prevent any risk of infestation by insects or vermin. |

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. Lighting
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. Ventilation
10. The place or premises shall contain such number of refuse bins as would be sufficient to contain the quantity of refuse accumulated in two days. Refuse bin
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. First Aid Box
12. A storeroom of not less 5.6 square metres for the storage of liquor and other materials. Stores

PART B

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

The premises which sell liquor which shall be consumed off the premises shall be provided with the following facilities.

1. Notwithstanding the provisions of the Council's By-laws on sanitation, at least one toilet to be used by staff. Sanitary provision
2. Such other facilities as provided for in paragraphs (3), (5), (7), (8), (9), (10), (11) and (12) of Part A. Other facilities

Made this 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020.

DR. B. MALUNGA PHIRI
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 122

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL)
(MARKET AND VENDING) BY-LAWS, 2020

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

PART III—OFFENCES AND PENALTIES

28. Offences and penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Kasungu District Council, makes the following By-laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Kasungu District Council) (Market and Vending) By-laws, 2020. Citation
2. In these By-laws, unless the context otherwise requires— Interpretation
- “animal” bears the same meaning as ascribed to that term under the Control and Diseases of Animals Act; Cap.66:02
- “Council” means the Kasungu District Council;
- “goods” includes any fish, live animal, produce, meat, provisions, merchandise and wares;
- “infectious disease” means any disease which can be communicated directly or indirectly by a person or animal;
- “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;
- “market supervisor” means a person appointed by the Council to have general supervision of all public markets;
- “private market” means a market other than a public market;
- “public market” means a market designated as such under the First Schedule hereto; and
- “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.
3. These By-laws shall apply within the area of jurisdiction of the Council. Application

PART II—GENERAL PROVISIONS

- 4.—(1) The Council shall have the power to designate public markets within the area of jurisdiction of the Council. 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 area of jurisdiction of the Council, unless he has obtained a licence 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 hereto. 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 hereto.

Failure to pay
market fees or
rent

7.—(1) Where a person fails or refuses to pay the prescribed fee for use of a public market, the Council shall—

(a) impound his goods, articles or produce;

(b) impose a surcharge, as prescribed under by-law 28; 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, the Council shall—

(a) seal the stall, shop, room or place;

(b) impose a surcharge, as prescribed under by-law 28;

(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), repossess the stall, shop, room or place and reallocate to another applicant.

(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; and

(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 23.

(5) Where the proceeds realized 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 6:00 a.m. to 7:00 p.m. or such other time as the Council may 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 Council officers or any public officer may do so whilst engaged on Council duty.

Restriction on
sale

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

- | | |
|--|------------|
| (a) firearm or ammunition as defined in the Firearms Act; | Cap. 14:08 |
| (b) any explosive as defined in the Explosives Act; | Cap. 14:09 |
| (c) petroleum or other inflammable liquids as defined in the Liquid Fuels and Gas (Production and Supply) Act; | Cap. 50:03 |
| (d) any form of liquor or intoxicating substance; and | |
| (e) any pharmaceutical product, by an unauthorized person. | |

(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.

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 determines appropriate upon payment of a fee, as specified in the Second Schedule hereto:

Use and
erection of
stalls and
shops

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 not, unless authorized by the Council, 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 (3) shall be payable by the vendor at the prescribed rate specified in the Second Schedule hereto.

(6) An owner of a kiosk or other structure constructed under paragraphs (3) and (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 or smoke in any public market.

Control of
fires and
cooking

(2) A person shall not cook, 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.

Produce to be cleaned or prepared in specified areas

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.

Person suffering from an infectious disease

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:

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.

Sale of unwholesome food

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.

(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; and

(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 23.

(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.

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. Livestock prohibited in public market
- 18.—(1) A shopkeeper or stall holder within a public market shall— Sanitation and hygiene
- (a) keep his stall or shop and all fittings and utensils therein or thereon clean and in good order to the satisfaction of the Council; and
- (b) dispose of all refuse, sweepings, garbage, waste liquid or solid from his stall or shop into receptacles, channels or drains provided for that purpose.
- (2) The Council shall provide sanitary facilities in all markets.
- 19.—(1) A person selling goods, articles or produce by weight or measure shall use the standard weights and measures prescribed by the Metrology Act and provide and maintain such scales and measures at his own expense. Weights and measures
Act No. 10 of 2016
- (2) A person using equipment prescribed under paragraph (1) shall ensure that the equipment is calibrated at least once a year.
20. A person who is within the precincts of a public market shall comply with all reasonable directions given by the Council. Compliance with directions
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. Separate areas for specified food or goods
- 22.—(1) A person shall not leave any goods in a public market during any period when the market is closed to the public. Storage of goods
- (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 provisions of paragraph (1).
23. Where goods are— Disposal of impounded or abandoned goods
- (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; and
- (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.
24. 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

Eviction and
refusal of
admittance

25.—(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.

(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.

Market
committees

26.—(1) The Council shall facilitate the establishment of a public market committee at every public market which shall consist of at least ten (10) market vendors.

(2) The size of a market committee shall depend on the size of a particular public market or designated vending area.

(3) The composition of the membership of a market committee shall comprise at least 40% of female representation.

(4) The Council, in consultation with the market committee, shall develop terms of reference for each public market.

(5) The Council and the market committee shall meet regularly to discuss issues that pertain to the management of the market, welfare of the vendors and the fees payable.

(6) A market committee shall run for a period of two (2) years.

Public access
to by-laws

27. 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.

PART III—OFFENCES AND PENALTIES

Offences and
penalties

28.—(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) willfully 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;

(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 the provisions of by-law 5, the Council shall impound his merchandise.

(3) Where a person fails to comply with the provisions of 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 immediately.

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

(6) A person who contravenes the provisions of by-law 10 (6) shall be liable to eviction from the market and the Council shall repossess 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 24 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-law 4 (2))

31st December, 2020

697

NO	MARKETS	SUB OFFICE
44	Kadwala	
45	Mankhaka	
46	Carmel	

SECOND SCHEDULE

(by-laws 6 (1) & (2), 10 (1) & (5))

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (MARKET AND VENDING) BY-LAWS, 2020

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 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020

NO	MARKETS	SUB OFFICE
3	Nkhamenya	Nthembwe
4	Kachinda	
5	Chisemphere	
6	Santhe	Chigodi
7	Katenje	
9	Mkhota	
10	Katondo	
11	Chaima	
12	Kawamba	Misozi
13	Linyangwa	
14	Kayesa	
15	Kalanga	
16	Nthunduwala	
17	Malepera	
18	Kamboni	
19	Bua	Bua
20	Chinkhoma	
21	Kasera	
22	Kamphulu	
23	Mtunthama	Kachokolo
24	Chitenje	
25	Wimbe	
26	Chima	
27	Lupapya	
28	Chambwe	
29	Kadifula	
30	Simlemba	Mthabuwa
31	Chiwinga	
32	Chisinga	Matenje
33	Mphomwa	
34	Chulu	
35	Chiseka	
36	Kamtuwale	
37	Dwangwa	
38	Chamama	Ndonda
39	Mdoni	
40	Kapichila	
41	Kapelula	
42	Suza	Chilanga
43	Check Point	

1. Citation
2. Interpretation
3. Application

PART II—GENERAL

4. Peddler's licence
5. Issue of licence and conditions
6. Licence not transferable
7. Use of the expression "Licenced peddler"
8. Restriction on number of licences and areas of validity
9. Use of stalls, counters, etc prohibited
10. Established markets

PART II—OFFENCES AND PENALTIES

11. Offences and penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Kasungu District Council makes the following By-laws—

PART I—PRELIMINARY

- Citation 1. These By-laws may be cited as the Local Government (Kasungu District Council) (Peddlers) By-laws, 2020.
- Interpretation 2. In these By-laws, unless the context otherwise requires—
 "Council" means the Kasungu District Council;
 "food stuff" means any meat, fish or poultry whether alive or dead,

“peddler” means a person who goes about from place to place selling or exposing for immediate delivery any goods or foodstuffs carried on a person or motorcycle, tricycle or handcart;

“licence” means a licence issued by the Council under these By-laws permitting the peddling of goods or food stuffs; and

“public place” means any public way or building and includes a street, footpath, sanitary or service lane, open space, market, car park or other place or area to which for the time being the public is entitled or permitted to have access, either without any condition or upon condition of making any payment.

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

PART II—GENERAL

4.—(1) A person shall not carry on the business of a peddler within the area of the Council unless he has obtained a licence issued by the Council under these By-laws. Peddler's licence

(2) A licensed peddler shall only operate within the areas designated by the Council in the First Schedule hereto.

5.—(1) An application for a licence or renewal of a licence shall be in the form prescribed in the Second Schedule hereto. Issue of licence and conditions

(2) An application for a licence under this by-law shall be accompanied by a fee as prescribed in the Third Schedule hereto.

(3) 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 withheld relevant information or provided false information, the Council shall deny the licence or, if issued, revoke it immediately.

(4) Upon satisfaction of the requirements under this By-law, the Council may issue a licence in the form prescribed in the Fourth Schedule hereto, which shall be carried at all times by the peddler.

(5) The Council shall not grant a licence to a person who is not a citizen of Malawi.

(6) A licence issued under these By-laws shall be valid for one year and shall expire on 30th June of the financial year in which it was issued regardless of date of issue of the licence.

6.—(1) A licence issued under these By-laws shall not be lent out or transferred to another person. Licence not transferable

(2) A person who—

(a) lends out or transfers, his licence to another person; or

(b) borrows or receives and makes use of another person's licence, in contravention of this by-law, commits an offence.

- Use of the expression "Licensed peddler" 7. A person who does not have a valid licence issued under these By-laws shall not use the words 'licensed peddler' or any words importing or implying that he is authorized to be a peddler.
- Restriction on number of licences and areas of validity 8. The Council may, at any time by resolution, restrict the number of licences which may be issued under these By-laws, in respect of any—
 (a) particular foodstuff or goods;
 (b) part of the area of jurisdiction of the Council,
 for such period as may be specified in such resolution.
- Use of stalls counters, etc prohibited 9.—(1) A peddler shall not place or deposit any goods or foodstuffs on the ground or any stall, bench, counter or in any kiosk, shelter or other structure for the purpose of sale or display.
 (2) A peddler shall move himself or together with the motorcycle, tricycle, or handcart used for the conveyance or carriage of the goods or foodstuffs, and shall not remain in one place for more than thirty minutes.
 (3) A person who fails to comply with this by-law commits an offence.
- Established markets 10. These By-laws shall not apply to a person selling goods or foodstuffs in a market established under any other written law.

PART III—OFFENCES AND PENALTIES

- Offences and penalties 11.—(1) A person who contravenes a provision of these By-laws or fails to comply with any condition imposed by the Council 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 to both such fine and imprisonment; and
 (c) notwithstanding the penalties provided under paragraphs (a) and (b), the Council may suspend the licence, on such conditions as the Council may consider appropriate, or revoke the licence immediately and confiscate the food stuffs or goods and dispose of such food stuffs or goods, as the Council may determine appropriate.
 (2) No part of the fees paid for a licence shall be refunded on the suspension or revocation of the licence.
 (3) The Council may recover from the licensee the cost of enforcing its decision and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE
DESIGNATED AREAS

(by-law 4 (2))

- 1. Chinkhoma
- 2. Mtunthama
- 3. Santhe
- 4. Nkhamenya
- 5. Chamama

SECOND SCHEDULE
KASUNGU DISTRICT COUNCIL

(by-law 5 (1))

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (PEDDLERS)
BY-LAWS, 2020

APPLICATION FOR ISSUANCE/RENEWAL OF PEDDLER'S LICENCE
DETAIL OF OWNER OF BUSINESS

- (1) Name of Applicant
- (2) Nationality
- (3) Identification Type No.
- (4) Name of business
- (5) Area Plot No Street.....
- (6) Address
- Telephone CellE-mail
- (7) Nature of business
- (8) Location of business
- (9) If for renewal, insert old licence no
- (10) Declaration:

I declare that the information above is true to the best of my knowledge and 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 of the licence upon discovery of the anomaly

Signature of Applicant Date

FOR OFFICIAL USE ONLY

- (1) Comments/Remarks.....
-
-

- (2) Name of Official Signature
- Designation Date
- (3) Amount paid Receipt No.....
- Name of Cashier Signature

THIRD SCHEDULE

(by-law 5 (2))

KASUNGU DISTRICT COUNCIL

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL) (PEDDLERS)
BY-LAWS, 2020

LICENCE FEES

- (1) Application fee .. K 5,000.00
- (2) Licence Fee K40,000.00 per annum per motorcycle, tricycle or handcart
- (3) Replacement of licence K10,000.00

FOURTH SCHEDULE

(by-law 5 (4))

KASUNGU DISTRICT COUNCIL

LOCAL GOVERNMENT (KASUNGU CITY COUNCIL) (PEDDLERS) BY-LAWS,
2020

PEDDLER'S LICENCE

..... (Name of Licensee)
of (Address)
is hereby licensed to peddle, hawk or vend the following foodstuffs or articles in the area
prescribed here below—

Name of article (s)

Area of activity

Fee paid

Receipt No

Date of issue

Date of expiry

Issued by the Kasungu District Council this day of 20.....

Signed

Licensing Officer

NOTE:

1. A peddler shall periodically move together with his motorcycle, tricycle or handcart and shall not remain in one place for more than thirty minutes.

-
2. This licence shall be conspicuously displayed at all times.

Made this 16th day of June, 2020.

CHAIRPERSON
Kasungu District Council

Approved by the Minister of Local Government and Rural Development

This 23rd day of June, 2020.

DR. B. MALUNGA PHIRI
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 124

LOCAL GOVERNMENT ACT
(CAP 22:01)

LOCAL GOVERNMENT (KASUNGU DISTRICT COUNCIL)
(PLOT ALLOCATION IN TOWNSHIPS AND IMPROVEMENT AREAS)
BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation
2. Interpretation
3. Application
4. Establishment of the committee
5. Functions of the committee
6. Plot allocation criteria
7. General procedures for allocation of plots
8. Plot dispute management
9. Transfer of plots.
10. Transfer of deceased property.
11. Plot development
12. Plot boundaries
13. Leasehold and certificate of title
14. Layout of plots
15. Trees to be planted
16. Withdrawal of plot
17. Offence and penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Kasungu District Council makes the following By-laws—

- Citation 1. These By-laws may be cited as the Local Government (Kasungu District Council) (Plot Allocation in Improvement Areas) By-laws, 2020.
- Interpretation 2. In these By-laws, unless the context otherwise requires—
 “Council” means Kasungu District Council;
 “committee” means the Plot Allocation Committee established under by-law 4; and
 “improvement area” means an area over the whole of which title has been vested in the Council.
- Application 3. These By-laws shall apply within the area of the jurisdiction of the Council designated as improvement areas in the First Schedule hereto.
- Establishment of the committee 4.—(1) The Council shall establish a committee to be known as Plot Allocation Committee.
 (2) The committee shall consist of the following members—
 (a) at least three Councillors, appointed by the Council, who shall have powers to vote; and
 (b) the following *ex-officio* members—
 (i) the Director Planning and Development, who shall be the secretary;
 (ii) the District Lands Officer;
 (iii) the District Land Surveyor;
 (iv) the Environmental District Officer; and
 (v) the District Physical Planning Officer.
 (3) The members of the committee shall, at the first meeting, elect a Chairperson amongst their number.
 (4) The committee shall elect its chairperson by secret ballot and a simple majority.
 (5) An *ex-officio* member of the committee shall not be eligible to be elected as chairperson.
 (6) The committee shall determine its own rules of procedure.
- Functions of the committee 5.—(1) The Committee shall perform such functions as may be assigned to it by the Council.
 (2) Without prejudice to the generality of paragraph (1), the Committee shall—
 (a) allocate plots;
 (b) enforce allocation covenants; and
 (c) hear and settle plot disputes, in improvement areas.

6. In allocating a plot in an improvement area, the Committee shall take into consideration the following—

Plot
allocation
criteria

- (a) whether or not the applicant holds another plot in the area;
- (b) the age of the applicant being above the age of 18 regardless of sex;
- (c) the applicant's position on the waiting list;
- (d) whether the applicant is a citizen of Malawi;
- (e) the length of time the applicant has resided in the area; and
- (f) any other factor which, in the opinion of the committee may be relevant.

7.—(1) An application for a plot in an improvement area shall be made on such form as prescribed in the Second Schedule hereto.

General
procedures
for allocation
of plots

(2) An application for a plot in an improvement area, shall be accompanied by such application fee, as prescribed in the Third Schedule hereto.

(3) Where new plots exist in an improvement area, the Council shall advertise the existence of such plots stating the options available and the closing date for receipt of applications.

(4) All applications for plots in an improvement area, shall be made to the District Commissioner.

(5) On receipt of an application for a plot in an improvement area, the Council shall—

- (a) put a date stamp on the application; and
- (b) register the application.

(6) The Council shall, in respect of an applicant who has been allocated a plot in an improvement area, prepare and register lease documents relating to the plot upon request upon request in the form prescribed in the Second Schedule hereto.

8.—(1) Any plot dispute shall first be reported to the District Lands Officer, who shall forward the dispute to the Director of Planning and Development for mediation.

Transfer of
plots

(2) Where a plot dispute is not resolved by the Director of Planning and Development, the dispute shall be referred to the Committee for resolution.

9.—(1) A plot holder in an improvement area who wishes to transfer the plot to another person, shall apply to the Council, in the form prescribed in the Second Schedule hereto, about the proposed transfer and shall, in addition, provide the Council with particulars of the proposed transferee and consideration, if any.

Transfer of
plots

(2) The Council shall—

- (a) verify the ownership of the plot;
- (b) verify if the plot is developed, and if developed establish the nature of development that has taken place; and

(c) establish whether ground rent and city rates have been paid.

(3) Where the Council approves the transfer, the transferor shall surrender all documents of the plot to the Council and the Council shall thereafter issue new documents to the transferee, subject to such conditions as the Council may impose.

(4) Any transfer of a plot done in contravention of this by-law shall not be effective.

Transfer of
deceased
property

10.—(1) Where a plot holder in an improvement area—

(a) dies intestate, the Council shall—

(i) if the plot was developed, refer the matter to the Administrator General or District Commissioner, as the case may be; and

(ii) if the plot was undeveloped, repossess it; and

(b) dies testate, the Council shall where an executor is named in the will, refer the matter to the Administrator General or District Commissioner, as the case may be.

Plot
development

11.—(1) The development of plots in an improvement area shall involve the construction of habitable dwelling units, safe community services buildings or structures in compliance with the provisions of the Local Government (Kasungu District Council) (Building) By-laws or any other relevant written laws.

(2) A holder of a plot in an improvement area shall notify the Council prior to undertaking any plot development so that the Council may ensure that the developer complies with the provisions of paragraph (1).

Plot
boundaries

12.—(1) The Council shall demarcate the boundaries of a plot allocation to any person in an improvement area.

(2) The Council shall ensure that plots areas in an improvement areas are within the range of 224 square metres to 400 square metres.

Leasehold and
certificate of
title

13.—(1) The Council may give an applicant a lease title for a plot in an improvement area.

(2) The Council shall, for purposes of proper record keeping and registration of titles, issue certificate of title to all lease holders in an improvement area, upon request.

Layout of
plots

14.—(1) The Council shall produce improvement areas layouts based on accurate base maps at 1:2,500 or 1:1,250 scale in order to facilitate plot demarcation.

(2) The Council shall supply layouts to licensed surveyors for block perimeter cadastral survey for the purpose of title plans for title registration.

(3) The Council shall ensure that throughout the survey, a layout showing survey of plot numbers is produced in order for the committee to allocate plots.

(4) The Council shall furnish an applicant who has been allocated a plot in an improvement area with all the details of the allocation.

15.—(1) every plot holder shall plant trees around his plot and shall be responsible for the management of the trees.

Trees to be planted

(2) Where a plot holder does not comply with the provisions of paragraph (1), the Council may plant the trees and recover from the plot holder the cost of the trees and labour costs.

16.—(1) The Council may withdraw a plot from a plot holder who contravenes or fails to comply with these By-laws and allocate it to another applicant on the waiting list.

Withdrawal of a plot

17. Any person who contravenes or fails to comply with any provision of these By-laws commits an offence and on conviction shall be liable to a fine of K2,000 and in the case of continuing offence, to a fine of K200 for each day the offence continues after conviction and six months imprisonment or to both fine and imprisonment.

Offence and penalties

FIRST SCHEDULE

(by-law 3)

DESIGNATED IMPROVEMENT AREAS

1. Chinkhoma
2. Nkhamenya
3. Santhe
4. Chamama
5. Mtunthama
6. Chisinga
7. Chulu
8. Chatoloma
9. Kawamba
10. Chima
11. Mkhota