

GOVERNMENT NOTICE NO. 111

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL)
(BUSINESS PREMISES LICENSING) BY-LAWS, 2020

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (M'mbelwa District Council) (Business Premises Licensing) By-laws, 2020.

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

“area” means the Local Government Area of the M'mbelwa District Council;

“business” includes any trade, industry and occupation;

“business premise licence” means a licence issued pursuant to by-law 4;

“Council” means the M’Mbelwa District Council;

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

“licence” means any licence issued under these By-laws;

“licensing officer” means the District Commissioner or any other officer of the Council duly authorized in that behalf by the Council;

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

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

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

PART II—GENERAL PROVISION

Business
premises
licence
Cap. 46:01

4.—(1) A person shall not, for gain or reward, engage in or pursue, within the area any of the businesses specified in the First Schedule, hereto unless he is a holder of a valid licence issued to him under the Business Licensing Act.

(2) A person shall not, for gain or reward, engage in, or pursue on any premises within the council area any business specified in the First Schedule, hereto, unless he is a holder of a valid premises licence issued to him under these By-Laws authorizing him to do so at those premises.

(3) A person shall not by way of business, use any premises within the area for any of the purposes specified in the First Schedule, unless—

(a) such premises are licensed for such purpose under a valid premises licence issued under these By-Laws; and

(b) such person is carrying out a lawful business.

Application of
a licence

5. An application for a licence under these By-Laws shall be made to the licensing officer in the form prescribed in the Second Schedule hereto and shall be accompanied by the prescribed fee specified in the Third Schedule hereto, appropriate to the class of licence applied for.

Renewal of
licence

6. A licence issued under these By-laws shall be renewable annually by the licensee upon payment of renewal fees prescribed in the Third Schedule hereto.

Licence not
transferrable

7. Any licence issued under these By-Laws shall not be transferable from the licensee to any other person.

8. A licence issued under these By-laws shall be in a form prescribed in the Fourth Schedule hereto. Form of licence

9.—(1) A premises licence shall not be issued unless the premises have been inspected by a health officer and certified as fit for the purpose of conducting business. Inspection of premises

(2) A holder of a licence shall ensure that the premises where he is carrying out his business within the area are being maintained in a clean and sanitary condition at all times.

(3) A health officer shall have power, at all reasonable times, to enter upon and inspect any licenced premises within the area and to examine the same for compliance with these By-laws.

PART III—OFFENCES AND PENALTIES

10.—(1) A holder of a business premises licence who uses, permits any other person to use any part of the licensed premises as a living or sleeping quarters or for any other purpose not authorized by the licence commits an offence. Offences and Penalties

(2) A person who 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.

(3) A person found guilty of any offence under these By-Laws shall be liable to pay a penalty of K2,000 to the Council.

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

(5) Notwithstanding the penalties provided under paragraph (3) and (4), 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 4)

BUSINESSES REQUIRING BUSINESS AND PREMISES LICENCE

1. Lodging house
2. Bakeries
3. Hawkers
4. Beauty or massage parlour
5. Barber
6. Welder
7. Private latrines/sanitary toilets/latrines
8. Milk sellers
9. Watch repairer
10. Tyre/tube seller/repairer/fitter

11. Sawyer
12. Photo studio
13. Photographer
14. Plumber
15. Painter
16. Laundry and dry cleaning
17. Contractor
18. Electrician
19. TV or Radio repair
20. Fridge repairs
21. Carpenters
22. Curio vendor
23. Tailor/knitter
24. Photocopier and binding
25. Video rent
26. Video showroom
27. Fine art "fine art" means sign writing, drawing, logo writing, entertainment, theatre and any other art which the Council may classify as such under these By-laws but excludes singing groups.
28. Manufacturing industry
29. Bicycle repair
30. Blacksmith
31. Tinsmith
32. Shoe maker
33. Motor vehicle repair
34. Consulting professional firms including—
 - (a) Law firms;
 - (b) Accounting & Auditing firms;
 - (c) Engineers firm;
 - (d) Architects firm;
 - (e) Advertising firm;
 - (f) Surveyors firm and any other fields that falls under consulting professional firms.
35. Financial institutions defined under the Financial Services Act [Cap 44:05] and includes—
 - (a) Banks;
 - (b) Forex Bureau;

- (c) Insurance companies;
 - (d) Stockbrokers;
 - (e) Insurance brokers;
 - (f) Discount house;
 - (g) Leasing & financing; and
 - (h) Microfinance companies.
36. Private schools and colleges
 37. Private medical facility
 38. Car wash
 39. Agro-dealer
 40. Filling station-Fuel Lubricants
 41. Motor vehicle and cycle dealers
 42. Transport
 43. Information and Communication Technology
 44. Warehouse
 45. Landscapers
 46. Security firms
 47. Decorators
 48. any other businesses as the Council may determine.

SECOND SCHEDULE

(by-law 5)

M'MBELWA DISTRICT COUNCIL

BUSINESS AND PREMISES LICENCE APPLICATION FORM

A. DETAILS OF OWNER OF BUSINESS

- (1) Name Nationality
- (2) Name of business
- (3) Area Plot No..... Street
- (4) Address
- Telephone Cell E-mail.....
- (5) Nature of business
- (6) If for renewal, insert old licence no
- (7) Signature of Owner of Business Date
- (8) Amount Paid Receipt No
- (9) Name of cashier Signature

B. FOR OFFICIAL USE ONLY

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

THIRD SCHEDULE

(by-law 5)

PREMISES AND BUSINESS LICENCE FEES PER ANNUM

<i>Category</i>	<i>K</i>	<i>t</i>
1. Application and Inspection Fee.. .. .	35,000.00	
2. Hotels—		
(a) 5 star hotel	500,000.00	
(b) 3-4 star hotel	350,000.00	
(c) 2-1 star hotel	200,000.00	
(d) Uncategorized	100,000.00	
3. Inn, lodges, motels and guest houses—		
(a) Central business district and low & medium density areas ..	100,000.00	
(b) Local townships	75,000.00	
4. Professional consulting firms—		
(a) Law firms	250,000.00	
(b) Accounting and auditing	250,000.00	
(c) Architectural	250,000.00	
(d) Surveying	250,000.00	
(e) Engineering	250,000.00	
(f) Any consulting firm	250,000.00	
5. Financial institutions—		
(a) Banks—		
i. Central bank	10,000,000.00	
ii. Commercial bank		
iii. Corporate office	3,000,000.00	
iv. Branch	2,000,000.00	
v. Agency	1,000,000.00	
(b) Forex Bureau	1,000,000.00	
(c) Stockbroker	250,000.00	

(d) Discount house	1,000,000.00
(e) Leasing and finance	1,000,000.00
(f) Insurance company	
i. insurer	5,000,000.00
ii. broker	500,000.00
(g) Money transfer or e-money—	
i. companies	1,000,000.00
ii. agents	40,000.00
(h) Micro finance—	
i. corporate office	500,000.00
ii. branch	250,000.00
6. Private education institutions	
(a) Tertiary—	
i. class A (Offering up to degrees)	1,000,000.00
ii. class B (Offering up to diplomas)	750,000.00
iii. class C (Technical colleges)	200,000.00
(b) Secondary Schools—	
i. international	750,000.00
ii. low and medium density areas	500,000.00
iii. high density areas	100,000.00
(c) Primary Schools—	
i. international	500,000.00
ii. low & medium density areas	300,000.00
iii. high density areas	75,000.00
(d) Nursery Schools—	
i. international	300,000.00
ii. low and medium density areas	150,000.00
iii. high density areas	50,000.00
7. Contractors—	
(a) Unlimited	1,000,000.00
(b) Up to K500,000,000.00	750,000.00
(c) Up to K200,000,000.00	500,000.00
(d) Up to K100,000,000.00	350,000.00
(e) Up to K50,000,000.00	250,000.00
(f) Up to K10,000,000.00	150,000.00

<i>Category</i>	<i>K</i>	<i>₹</i>
8. Private Medical Facilities—		
i. hospital	500,000.00	
ii. clinics—		
i. admission	450,000.00	
ii. OPD	300,000.00	
iii. dispensary	100,000.00	
iv. pharmacy—		
i. wholesale	100,000.00	
ii. retail	75,000.00	
v. drug store	50,000.00	
vi. laboratory	50,000.00	
9. Private Media House—		
(a) television	300,000.00	
(b) radio	200,000.00	
(c) print media	250,000.00	
10. Information Communication Technology		
(a) Telecommunications Companies—		
i. corporate	3,000,000.00	
ii. tower	300,000.00/Tower	
iii. site offices	500,000.00	
iv. airtime distributors	100,000.00	
(b) internet service providers	750,000.00	
(c) internet café	40,000.00	
11. Motor Vehicle/Motorcycle Selling—		
(a) large—	5,000,000.00	
(aa) dealer companies in the CBD		
(ab) franchise holders of the manufacturing companies		
(ac) companies with more than 100 employees		
(b) medium—	1,000,000.00	
(aa) companies with 21 – 100 employees	100,000.00	
(ab) landscapers in the CBD, low and medium density areas		
(c) Small—		
(aa) a business with 5 – 20 employees		
(ab) a business in the high-density area	600,000.00	
(ac) individual car dealers or second hand car dealers	150,000.00	

<i>Category</i>	<i>K</i>	<i>t</i>
(d) Accessories—		
a. large		
b. small		
12. Equipment, Plant and Machinery		
(a) Industrial—		
i. large	300,000.00	
ii. small	100,000.00	
(b) Domestic (repairing of electrical, telecommunication appliances and other general dealing in maintaining or repairing of equipment)	40,000.00	
13. Filling Station	60,000.00/pump	
14. Landscapers—		
(a) large	100,000.00	
(b) small	40,000.00	
15. Carwash—		
(a) premier	100,000.00	
(b) standard	50,000.00	
16. Carpentry and Joinery—		
(a) companies	200,000.00	
(b) individuals—		
i. large Scale	75,000.00	
ii. small scale	40,000.00	
17. Video Show Room or Video Rent	40,000.00	
18. Driving Schools	350,000.00	
19. Auctioneers and Estate Agents	200,000.00	
20. Dry Cleaning Services—		
(a) companies.	100,000.00	
(b) individuals	40,000.00	
21. Travel Agents	150,000.00	
22. Security Companies—		
(a) premier (100 guards and above)	350,000.00	
(b) standard (less than 100 guards)	150,000.00	
23. Clearing and Forwarding Agents	200,000.00	
24. Recording Studios—		
(a) central Business District	150,000.00	
(b) townships	75,000.00	

<i>Category</i>	<i>K</i>	<i>t</i>
25. Photo Studios—		
(a) central business district	100,000.00	
(b) townships	50,000.00	
26. Advertising companies	200,000.00	
27. Warehouse for commercial purposes	100,000.00	
28. Bookshop—		
(a) wholesale	150,000.00	
(b) retail	80,000.00	
29. Printing and publishing	200,000.00	
30. Curios	50,000.00	
31. Funeral Parlor and Morgue	100,000.00	
32. Fumigation and pest control—		
(a) large	100,000.00	
(b) small—.. .. .	40,000.00	
i. a large business is the one with more than 100 employees		
ii. a small business is the one with 1 – 100 employees		
33. Artisan and skilled labour	40,000.00	
34. Recruitment/Employment bureau	40,000.00	
35. Casino	750,000.00	
36. Beauty parlour/Massage/acupuncture—		
(a) Central Business District—		
i. premier	100,000.00	
ii. standard	75,000.00	
(b) Townships—		
i. premier	60,000.00	
ii. standard	40,000.00	
37. Barbershop—		
(a) Central Business District—		
i. premier	80,000.00	
ii. standard	50,000.00	
(b) Townships—		
i. premier	50,000.00	
ii. standard	40,000.00	
38. Timber—		
(a) processing—		

<i>Category</i>	<i>K</i>	<i>t</i>
i. large scale	200,000.00	
ii. small scale	100,000.00	
(b) Selling—		
i. central business district	75,000.00	
ii. townships	60,000.00	
39. Wholesaler—		
(a) central business district	200,000.00	
(b) townships	100,000.00	
40. Tailor and Knitting—		
(a) companies (specialized in tailoring)	150,000.00	
(b) located in major trading centres	40,000.00	
41. Retailers—		
(a) central Business District	100,000.00	
(b) townships	40,000.00	
42. Renewals fees	35,000.00	
43. Manufacturing factories/Industries		
(a) heavy	2,000,000.00	
(b) light	1,000,000.00	
44. Replacement fees	10,000.00	

FOURTH SCHEDULE
FORM OF A LICENCE

(by-law 8)

LICENCE No. of 20.....

No.

RETAILER'S LICENCE

.....
(Name of Licensee)

.....
(Address of Licensee)

Is hereby licensed to carry on business as a retailer at the following premises:

..... until the 30th day of June, 20.....

*This licence is a renewal of a previous licence to carry on business as a wholesaler.

This licence is subject to the following condition(s):

It is a condition of this licence that—

- (1) This holder thereof shall not sell any goods falling within any classes of goods specified in paragraph 1 in the First Column of the Schedule to the Hire-Purchase Act (Cap. 48:05) unless and until either—

- (a) there are available in Malawi an adequate supply of spare parts for such goods and repair facilities provided by competent and sufficiently skilled persons which ensure that in the event of such goods becoming unavailable they may, if reasonably repairable, be repaired in Malawi as a reasonable cost and within a reasonable time; or
- (b) in the case of any such goods the nature of which renders it impracticable for adequate repair facilities and supply of spare parts to be maintained in Malawi, there are adequate repair facilities available outside Malawi provided by some person or firm to whom or to which the goods will be transmitted by post for repair by the licensee at the request of, and at a reasonable cost to, the owner for the time being of such goods.
- (2) Date of issue
- Fee Kwacha tambala G.R. Number
- Paid Date

Licensing Authority

FIFTH SCHEDULE

(by-law 8)

FORM OF A LICENCE

LICENCE No. of 20.....

M'MBELWA DISTRICT COUNCIL
P.O. BOX 132, MZIMBA

No.

BUSINESS LICENSING ACT

(CAP. 46:01)

WHOLESELER'S LICENCE

.....
(Name of Licensee)

.....
(Address of Licensee)

Is hereby licensed to carry on business as a retailer at the following premises:
..... until the 30th day of June, 20.....

*This licence is a renewal of a previous licence to carry on business as a wholesaler.

This licence is subject to the following condition(s)–

It is a condition of this license that–

- (1) This holder thereof shall not sell any goods falling within any classes of goods specified in paragraph 1 in the First Column of the Schedule to the Hire-Purchase Act (Cap. 48:05) unless and until either–
- (a) there are available in Malawi an adequate supply of spare parts for such goods and repair facilities provided by competent and sufficiently skilled persons which ensure that in the event of such goods becoming unavailable they may, if reasonably repairable, be repaired in Malawi as a reasonable cost and within a reasonable time; or

(b) in the case of any such goods the nature of which renders it impracticable for adequate repair facilities and supply of spare parts to be maintained in Malawi, there are adequate repair facilities available outside Malawi provided by some person or firm to whom or to which the goods will be transmitted by post for repair by the licensee at the request of, and at a reasonable cost to, the owner for the time being of such goods.

(2) Date of issue
Fee Kwacha tambala
G.R. Number
Paid Date

.....
Licensing Authority

Made this 5th day of February, 2020.

District Commissioner

Chairperson

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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

GOVERNMENT NOTICE NO. 112

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (MZIMBA DISTRICT COUNCIL) (COMMUNITY
BASED ORGANISATIONS) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

BY-LAW

PART II—GENERAL PROVISION

4. Registration and licensing of community based organizations
5. Refusal to register
6. Power to impose conditions on proprietor
7. Register of community based organization
8. Licence
9. Record of members
10. Powers of entry and inspection
11. Powers of the Council
12. Cancellation of registration licence
13. Performance review by the Council
14. Existing community based organizations
15. Civil servants

FIRST SCHEDULE — APPLICATION FOR REGISTRATION OF A COMMUNITY BASED ORGANIZATION

SECOND SCHEDULE — REGISTER OF COMMUNITY BASED ORGANIZATION

THIRD SCHEDULE — LICENCE OF A COMMUNITY BASED ORGANIZATION

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the M'mbelwa District Council makes the following By-Laws—

PART I—PRELIMINARY

Citation 1. These By-laws may be cited as the Local Government the application (Mzimba District Council) (Community Based Organizations) By-Laws, 2020.

Interpretation 2. In these By-laws unless the context otherwise requires—
“authorized person” means a person authorized by the Council to inspect premises of a community based organization or do any other act under Local Government Act;

Cap. 22:01 “community based organization” means a membership based organization formed by a particular community sharing common goals and objectives in order to address development issues relating to that Community and includes, where appropriate, a Faith Based Organization;

“Council” means the M'mbelwa District Council;

“District Commissioner” means the District Commissioner responsible for the Council; and

“proprietor” means a group of persons in whom is vested the control of a community based organization.

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

4.—(1) A person who intends to operate a community based organization shall apply to the Council for registration as prescribed in Form I of the First Schedule hereto.

Registration
of a
community
based
organization

(2) An application under paragraph (1) shall state—

- (a) the location of the community based organization;
- (b) the name and address of the community based organization;
- (c) be accompanied by the fees prescribed in Part II in the First Schedule hereto.

(3) The application fees shall be non-refundable even where registration has not been approved.

(4) The Council shall make a decision on application within ninety days:

Provided that where this is not possible, the Council shall communicate the reason for the delay in writing.

5.—(1) The Council may refuse to register a community based organization if it is satisfied that the person applying to register the community based organization does not meet the requirements of these By-laws.

Refusal to
register

(2) Where the Council refuses to register a community based organization, the Council shall give reasons in writing for such refusal within seven days from the date the decision was made.

(3) Any person aggrieved by the decision of the Council refusing to register a community based organization may appeal to the Minister

6.—(1) The Council may, subject to paragraphs (2) and (3) of this By-Law, determine that a community based organization shall only be registered subject to any or all of the following conditions—

Power to
impose
conditions on
proprietor

(a) that the community based organization shall undertake the activities specified in its Constitution;

(b) that the community based organization shall operate within the area designated in the license;

(c) that the community based organization shall be adequately managed in terms of the caliber, qualifications or experience of the persons constituting the Executive committee;

(d) that the community is aware of the existence of the community based organization;

(e) that the community based organization has the ability to achieve its objectives as laid down in its Constitution;

that the office of the community based organization shall be physically located within the community it shall be operating in;

(f) that the community based organization shall be operating in premises are owned by and accessible to the community and the general public; and

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

(2) Before the Council imposes any condition, it shall give notice to the community based organization of its intention and shall not proceed with registration until the requirement of paragraph (3) of this by-law is satisfied.

(3) A community based organization which receives a notice under the foregoing paragraph shall, within fourteen days of the receipt thereof, inform the council in writing whether it—

(a) agrees to such conditions; or

(b) abandons its application.

(4) The Council may, by notice to the community based organization, vary, add to or revoke any condition imposed either on registration or at any subsequent time.

(5) Any condition imposed under these By-laws shall be in addition to the conditions imposed under by-law 5.

Register of
community
based
organizations

7.—(1) The District Commissioner shall keep and maintain a register in the form specified in the Second Schedule hereto in respect of every community based organization operating in the area of jurisdiction of the Council

(2) The register shall be open to the public for inspection at all reasonable times.

Certificate of
registration

8.—(1) The Council shall issue a certificate of registration in the form specified in the Third Schedule hereto and such licence shall specify the situation or location the names and addresses of the community based organization and any conditions imposed under by-law 5—

(2) A licence issued under paragraph (1) of this By-law shall not be transferred to any other community based organization.

(3) A licence issued under paragraph (1) of this By-law shall be displayed in a prominent part of the building on the premises of the community based organization and shall be available for inspection by any authorized person at any reasonable time.

(4) The Council may issue a replacement certificate if—

(a) it is satisfied that the licence issued under this By-law is lost, destroyed or mutilated, where such licence would have been valid at the time of the application or re-issue, whichever is later; and

(b) the applicant has paid the replacement fees specified in Part II of the First Schedule hereto.

(5) Every certificate issued under these By-laws shall be valid for one year and expire on the last day of the financial year after the issue thereof:

Provided that the Council may—

(a) for reason of the carrying out of repairs, alteration or any work required by the Council to be done on the premises of the community based organization; or

(b) for any reason which in the opinion of the Council determines appropriate,

by notice to the community based organization, temporarily suspend a licence either for the unexpired period of such licence or for the period of the repairs, alteration or work as the case may be

9. Where community based organization is registered under these By-laws the community based organization shall keep a register of all its members and such register shall be open to inspection by the Council at all reasonable time. Record of members

10.—(1) An authorized person may, at all reasonable times, enter any premises which are used by a community organization to inspect the premises and if so required, produce a duly authenticated document showing his authority to exercise such power— Entry and inspection

(2) If an authorized person has reasonable cause to believe that a community based organization is operating in private premises or in any other premises in contravention of these By-Laws, the Council shall have powers to revoke the certificate.

(3) Any person who refuses to admit an authorized person or who obstructs the exercise of any power conferred by these By-laws commits an offence.

11. The Council shall have powers to— Powers of the Council

(a) regulate the distribution of community based organization in its local government area;

(b) audit a community based organization;

(c) ensure that a community based organization is operating in a transparent and accountable manner through—

(i) Receipt of periodic financial and management reports;

(ii) Monitoring and evaluation; and

(iii) Audit reports.

12.—(1) The Council may deregister a community based organization subject to paragraphs (2) and (3) of this by-Law where— Deregistration

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

(b) it appears to the Council regarding any community based organization registered under by-law 3, that circumstances exist which would have justified a refusal under by-law 4 to register the community based organization;

(c) a community based organization is operating contrary to its Constitution

(d) a licence issued under by-law 3 has been transferred to any other community based organization; or

(e) the council is of the opinion that it is in the interest or welfare of the members that the community based organization be closed,

(f) the community based organization is operating in private premises,

(2) Before the Council deregisters a community based organization under this By-law, it shall give fourteen day notice to the community based organization of its intention to effect the deregistration.

(3) The notice shall state the ground on which the Council intends to make the deregistration and shall call upon the community based organization to show cause within fourteen days after the receipt of the notice why the registration should be cancelled.

(4) Where the Council, after taking into consideration the presentations of the community based organization under paragraph (3), decides to deregister, it shall inform the community based organization of its decision in writing.

(5) Notwithstanding paragraphs (1), (2), (3) and (4) of this By-law, where in the opinion of the Council it is necessary on medical or other emergency grounds to immediately deregister a community based organization, the Council shall immediately close such community based organization without any prior consultation.

Performance
review by the
Council

13.—(1) The Council shall undertake annual performance reviews of community based organizations operating in its area of jurisdiction

(2) The Council may, after giving the community based organization an opportunity to be heard, deregister a community based organization which is not performing in accordance with the objectives set out in its Constitution.

Existing
community
based
organizations

14.—(1) Any person who, before the commencement of these By-laws, had established a community based organization in such circumstances that he would be required to comply with the provisions of these By-Laws, commits an offence if after three months of the commencement of these By-Laws, he continues to operate the community based organization in similar circumstances without first registering the community based organization

(2) For the purpose of this By-law, the words “any person” includes the proprietors and any person connected with the day to day affairs of such community based organization.

Membership
of public
officers

15. Upon declaration of interest a public officer may serve as a member of board of a community based Organization by virtue of office or in an individual capacity but shall not serve as a member of the executive committee or management committee.

Offences and
penalties

16. Any person who contravenes any of the provisions of these By-laws or who fails to comply with any of the conditions imposed by the Council thereof commits an offence and upon conviction shall be liable to a fine of K2,000.00, and in the case of a continuing offence, to a further fine of K200.00 for each day during which the offence continues after communication thereof or to six months imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE

(by-law 4)

PART I

APPLICATION FOR REGISTRATION OF A COMMUNITY BASED ORGANIZATION

To: The District Commissioner
Mzimba District Council
P.O Box
Mzimba

We apply for permission to establish a community based organization and make application for registration under by-law 3 of the Mzimba District Council Community Based Organizations By-Laws.

A fee of K2,500.00 and the Constitution accompany this application.

Signed on behalf of community based organization

- (1) (a) Name of community based organization
- (b) Sector year of establishment
- (c) Postal address
- (d) Physical address
- (e) Telephone number (if any)
- (f) Impact area (area covered not beyond Township)
- (g) City
- (h) Ward
- (i) Contact person (name and address)
- Brief background
- Composition of the Executive Committee
- Chairperson.....
- Vice Chairperson.....
- Secretary.....
- Vice Secretary.....
- Treasure.....
- Vice Treasure.....
- Other members:
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Scope and focus
 Mission Statement:

 Vision:

 Goals

 Target group:
 Future plans
 Verification of availability of resources:
 Sustainability mechanisms:

(5) BOARD OF TRUSTEES

Name	Designation	Signature
1.
2.
3.
Name and signature:		Date
<i>Contact person</i>		
Certified by:		Date.....
<i>Councillor</i>		
Certified by:		
<i>Member of Parliament (M.P.)</i>		

(6) Comments by District Social Welfare Officer in behalf of the Evaluation Team:

.....

PART B FOR OFFICIAL USE ONLY

Approved by _____
Chief Executive Officer



PART II

FEEES PAYABLE FOR REGISTRATION AND CERTIFICATE

	K t
1. Processing registration of a community based organization ..	2,500 00
2. Issue of certificate to register a community based Organization ..	5,000 00
3. Replacement of lost, destroyed or mutilated certificate	4,500 00

SECOND SCHEDULE (by-law 6)
REGISTER OF COMMUNITY BASED ORGANIZATION*

Date of Registration	Name and address of community based organization	Constituency	Ward	Township	Tel. No. (if any)	Area of focus	Certificate No.

*to be kept at the Council

THIRD SCHEDULE (by-law 7)
LICENCE OF A COMMUNITY BASED ORGANISATION

.....
is hereby registered as a community based organization and is licenced to operate a community based organization under the name of
in the area of Township in
Council until the day of 20..... This licence is issued/renewed/replaced* subject to the following conditions-

Fee paid Kwacha

Previous Licence No. (if any) Year

Signed

District Commissioner

Dated this day of 20.....

*delete the non applicable.

Made this 5th day of February, 2020

District Commissioner

Councillor

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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

GOVERNMENT NOTICE No. 113

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL)
(CONTROL OF ANIMALS) BY-LAWS, 2020

ARRANGEMENT OF PARAGRAPHS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

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

PART III—OFFENCES AND PENALTIES

11. Offences and penalties

FIRST SCHEDULE — PROHIBITED ANIMALS WITHIN
RESIDENTIAL PREMISES

SECOND SCHEDULE — APPLICATION FOR ISSUE OF
ANIMAL PERMIT

THIRD SCHEDULE — FEES PAYABLE IN RESPECT OF
PERMITS

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

PART I—PRELIMINARY

- | | |
|----------------|--|
| Citation | 1. These by-laws may be cited as the Local Government (M'mbelwa District Council) (Control of Animals) By-laws, 2020. |
| Interpretation | 2. In these by-laws, unless the context otherwise requires— |
| Cap. 66:03 | “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 Gaming 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. 66:02 | |

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

“Council” means the M’mbelwa Council;

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

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

“owner” in relation to a dog or other animal means any person in whose custody, possession or charge it is, 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

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, 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. Keeping of animals

(2) 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, to keep, rear, stall or suffer to be kept, reared or stalled any animals in excess of the respective maximum numbers as specified in Part II of the First Schedule.

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

(4) designated areas in Second Schedule

(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 authority a penalty of K2,000.00 for each impounded animal.

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

5.—(1) 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 determine appropriate and on such terms as shall be specified in the said permit. Special permit to keep an animal

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

(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 authority to so benefit, commits an offence.

(4) In considering whether or not a permit under this by-law shall be issued to any person, group, community or association of persons, the 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 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 was desirous of keeping a greater number of animals.

(7) The Council may, at any time and for sufficient reason, cancel 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.

Animal to be
kept under
control

6.—(1) A person shall not knowingly allow or suffer any animal to stray into a street, road, lane, thorough fare, 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.

(2) An owner of a dog shall, whilst the dog is within the Council 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. 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.

8. A person shall not transport animals in a manner other than that prescribed by the Council. Transportation of animals

9.—(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. Custody and disposal of impounded 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 determines 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

10. 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

11.—(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 to 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; and

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

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

FIRST SCHEDULE

(by-law 4)

PART I

PROHIBITED ANIMALS WITHIN RESIDENTIAL PREMISES

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

PART II
ANIMALS ALLOWED WITHIN RESIDENTIAL PREMISES

Type of animal	Maximum number Permissible per plot
Dogs	2
Cats	2
Chickens	15
Guinea fowls	15
Rabbits	10
Ducks	15
Pigeons	30
Turkeys	15
Quails	20

SECOND SCHEDULE
DESIGNATED AREAS

(by-law) 4(4)

All Urban area and growth centres in M'mbelwa District

1. Mzimba Boma
2. Jenda Trading Centre
3. Ekwendeni Trading Centre
4. Euthini Trading Centre
5. Mpherembe Trading Centre
6. Mbalachanda Trading Centre
7. Kafukule Trading Centre
8. Embangweni Trading Centre
9. Edingeni Trading Centre
10. Bwengu Trading Centre
11. Emfeni Trading Centre
12. Luwerezi Trading Centre
13. Khosolo Trading Centre
14. Raiply
15. Eswazini Trading Centre
16. Chikangawa

- 17. Mzlangwe
- 18. Bulala
- 19. Manyamula
- 20. Erukweni
- 21. Engalaweni
- 22. Champhira
- 23. Luzi
- 24. Ezondweni
- 25. Ephangweni
- 26. Kanjuchi
- 27. Kapando

THIRD SCHEDULE

(by-law 5 (2))

FORM I

LOCAL GOVERNMENT (M'MBELWA 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 (M'MBELWA 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), 9 (1) & 11 (1))

FEEES

	K	t
1. Application for a permit	5,000.00	
2. Fee payable on issue of a permit—		
(a) 1-10 animals		30,000.00

(b) 11-50 animals	..	..	..	..	..	50,000.00
(c) 51 animals and above	..	..	..	..	..	100,000.00
3. Storage fee per animal per day	..	..	..	..	..	5,000.00

Made this 5th day of February, 2020.

District Commissioner

Chairperson

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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

GOVERNMENT NOTICE NO. 114

LIQUOR ACT

(CAP. 50:07)

LIQUOR (M'MBELWA DISTRICT COUNCIL) (LIQUOR LICENSING)

BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Application for a licence
5. Premises licence
6. Display of licence
7. Licence fees
8. Permitted hours
9. Sale of Liquor to or by a young person is prohibited
10. Quality and hygiene
11. Licence not transferable
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

PART III—OFFENCES AND PENALTIES

15. Offences and Penalties

- FIRST SCHEDULE — APPLICATION FOR ISSUE/RENEWAL OF LIQUOR LICENCE/PREMISES LICENCE
- SECOND SCHEDULE — FEES PAYABLE
- THIRD SCHEDULE — PERMITTED HOURS FOR SALES LICENCES
- FOURTH SCHEDULE — CONDEMNATION AND CONFISCATION OF LIQUOR
- FIFTH SCHEDULE — MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

IN EXERCISES of the powers conferred by section 70 of the Liquor Act, the M'Mbelwa District Council makes the following By-Laws—

PART I—PRELIMINARY

1. These By-laws may be cited as the Liquor (M'Mbelwa District Council) (Liquor Licensing) By-laws, 2020.

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

“Council” means the M'Mbelwa District Council; and

“premises licence” means a licence issued under the Local Government (M'Mbelwa Business Premises Licensing) By-laws;

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

Part II—GENERAL PROVISIONS

4.—(1) A person who intends to sell liquor shall apply to the licensing officer for a licence in the form prescribed in Form I of the First Schedule hereto. Application for a licence

(2) An application for a premises licence shall be made at least ninety days before the date upon which the applicant desires the licence to be issued. Cap. 50:07

(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 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 days before the beginning of the Council's financial year.

5.—(1) An owner or lessee of premises who desires to manufacture or sell liquor on the premises shall apply to the licensing officer for a premises licence. Premises licence

(2) Subject to section 65 of the Act, the licensing officer shall, after receipt of the application and appropriate fees, issue to the applicant a premises licence in the form prescribed in Form II of the First Schedule, hereto authorizing the applicant to manufacture or sell liquor on the premises specified therein.

Provided that no liquor licence or premises licence shall be issued to a foreigner, unless he is a holder of a valid Business Residence Permit issued under the Immigration Act.

Cap. 15:03

(3) A retail or wholesale premises licence shall not be issued or renewed unless the premises meet the minimum standards set out in the Fifth Schedule hereto.

(4) An application for the renewal of a premises 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.

Display of licence

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

Licence fees

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

(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 for an annual licence.

Permitted hours

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

Sale of liquor to or by young persons is prohibited

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

(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 K500.00 or to imprisonment for twelve months or to both such fine and imprisonment.

Quality and hygiene

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

(2) The holder of a liquor 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 K500.00 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 premises licence.

11. 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. Licence not transferable

12.—(1) Any person who has in his possession any weapon and enters or remains in any place where liquor is sold or supplied commits an offence. Prohibition on the carrying of any weapon

(2) Any seller of liquor who keeps or permits any person to enter or remain in any place where liquor is sold by retail or on behalf of the seller, who has in his possession any weapon or other instrument capable of inflicting bodily harm, commits an offence.

(3) This By-law shall not apply to any police officer or to any security personnel whilst on duty and whether in uniform or not.

13. A licensing officer or any person duly authorized in writing, may at any time— Power of licensing officer and authorized persons

(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.

14. A person shall not sell liquor from residential premises. Prohibition on the sale of liquor on residential premises

PART III—OFFENCES AND PENALTIES

15.—(1) A person who— Offences and penalties

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

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

(c) sells liquor on residential premises;

(d) 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 K500.00 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 4 (1))

FORM I

M'MBELWA 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

(by-law 4 (3))

M'MBELWA DISTRICT COUNCIL

LIQUOR ACT

(CAP. 50:07)

LIQUOR LICENCE

(Part III of the Act)

A. (Describe the licence and grade)

..... is hereby

granted to of

(name of licensee)

(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 (M'mbelwa District Council) (Liquor Licensing) By-laws 2018, 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 5 and 7)

M'MBELWA DISTRICT COUNCIL

FEES PAYABLE

CLASS OF LICENCES	AMOUNT
	K t
1. Application and inspection fee	35,000.00
2. Grade "A" Bar	
(a) Premier	350,000.00

(b) Platinum	200,000.00
(c) Gold	100,000.00
(d) Silver	75,000.00
3. Grade "B" Retail liquor Shops	150,000.00
4. Grade "C"	
(a) Hotel/Casino	200,000.00
(b) Lodges and Motels	100,000.00
5. Grade "D" Restaurant	50,000.00
6. Grade "E" Club	200,000.00
7. Grade "F" Cabarets	75,000.00 per day
8. Grade "G" Theatres	50,000.00
9. Grade "H" Bottle stores	150,000.00
10. Grade "I" (National Parks or Game Reserve Or City Park, Zoo)	100,000.00
11. Grade "TA" Air Terminals	150,000.00
12. Grade "J" Railways & Bus Stations-	
(a) International Bus Station	150,000.00
(b) Local Bus Station	75,000.00
(c) Railway Station	75,000.00
13. Manufacturing licences—	
(a) Distillers licences	450,000.00
(b) Commercial brewers licence (Translucent)	750,000.00
(c) Winemakers licences	150,000.00
(d) Opaque beer brewers licence	500,000.00
14. Wholesale licenses—	
(a) Wholesale manufacturer licence	200,000.00
(b) Agents licence	150,000.00
15. Temporary licence Auctioneers temporary licence	50,000.00
16. Opaque beer licence—	
(a) Retailers licence	60,000.00
(b) Wholesalers licence	100,000.00
17. Replacement of licence	10,000.00

THIRD SCHEDULE
M'MBELWA DISTRICT COUNCIL
PERMITTED HOURS FOR SALES LICENCES

(by-law 8)

A. WHOLESALE LICENCE

- | | | | | | |
|----------------------|----|----|----|----|------------------------|
| 1. Wholesale Licence | .. | .. | .. | .. | 6 a.m. to 10 p.m. |
| 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

(aa) A bar in the Central Business District

(ab) Has rights of admission

(ac) Top of the range security Operate 24 hrs

ii. Platinum

(aa) A bar in the low and medium density area

(ab) Well secured Operate 24 hrs./whole night

iii. Gold

(aa) An off-premise drinking joint such as a super market

(ab) A bar in the high-density area Close at mid night

iv. Silver

(aa) Grade A bar in the high-density area Close at 22:00 hrs.

(ab) Grade B (business) 07:30 hrs to 20.00 hrs.

(ac) Grade C (Hotel) Sales persons not lodging on the premises 8.00 a.m. to 12 midnight, Otherwise no restriction

(ad) Grade D (restaurant) Sale to persons consuming Meals, no restriction

(ae) Grade E (Club) Sale to members only, no restrictions

(af) Grade H (Limited off licence) 7.30 a.m. to 10.00 p.m.

(ag) Grade F (Cabaret Liquor sold from 5.00 pm to 30 minutes after last show

(ah) Grade G (Cinema and Theatre) Sales permitted up to 30 minutes before and after the show

(ai) Grade I (National Parks or Game Reserve) No restrictions

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

M'MBELWA DISTRICT COUNCIL s

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 (M'mbelwa 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 10 (2))

M'MBELWA 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—

- 1. At least one (1) separate toilet for each sex, and the male sanitary accommodation should have a urinal. Sanitary provision
- 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. Dish washing basin
- 3. In any sales and dancing room, there shall be provided a beautifully constructed counter which will separate the sales staff and the customers. Counter
- 4. A sales and dancing room shall be provided with a dancing floor whose area shall be not less than 40 square metres. Minimum floor space in dancing room
- 5. No room shall have a minimum height of less than 4 metres. Height of rooms

- 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.
- Lighting 8. Every room shall be exposed to sufficient natural light whether by means of window opening into the external air and equal to not less than one tenth of the floor area of the apartment or room or by means of both such natural light and electricity or other lighting approved by the Council.
- Ventilation 9. The room or rooms shall be exposed to, or provided with, through or cross ventilation either by means of window opening into the external or and equal to not less than one tenth of the floor area of such room or by means of both such window and extract fan of the type approved by the Council.
- Refuse bin 10. The place or premises shall contain such number of refuse bins as would be sufficient to contain the quantity of refuse accumulated in two days.
- First aid box 11. A First Aid Box in a place readily accessible to persons engaged in the selling of beer and such box shall contain all necessary appliances and medicine for first aid.
- Stores 12. A storeroom of not less 5.6 square metres for the storage of liquor and other materials.

PART B

PROVISIONS RELATING TO PREMISES WHERE LIQUOR IS SOLD FOR CONSUMPTION OFF THE PREMISES

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

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

Made this 5th day of February, 2020.

District Commissioner

Chairperson

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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

GOVERNMENT NOTICE No. 115

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (M'MBELWA 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 rentals
8. Hours of opening a public market
9. Restriction on sale
10. Use and erection of stalls and shops
11. Insurance cover for merchandise
12. Control of fires and cooking
13. Produce to be cleaned or prepared in specified areas
14. Person suffering from an infectious disease
15. Sale of unwholesome food
16. Obstruction of pathways prohibited
17. Sale of 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. Public access to By-laws
23. Storage of goods
24. Disposal of impounded or abandoned goods
25. Use of authorized entrances
26. Eviction and refusal of admission

PART III—OFFENCES AND PENALTIES

27. Offences and penalties

FIRST SCHEDULE — DESIGNATED PUBLIC MARKETS

SECOND SCHEDULE — MARKET FEES

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the M'belwa District Council, makes the following By-Laws—

PART I—PRELIMINARY

- Citation 1. These By-laws may be cited as the Local Government (M'belwa District Council) (Market and Vending) By-laws 2020.
- Interpretation 2. In these By-laws, unless the context otherwise requires—
- Cap. 66:02 “animal” bears the same meaning as ascribed to that term under the Control and Diseases of Animals Act;
- “Council” means the M'belwa 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.
- Application 3. These By-laws shall apply within the area of jurisdiction of the Council.

PART II—GENERAL PROVISIONS

- Designation of public markets 4.—(1) The Council shall have the power to designate public markets within the Council area.
- (2) The markets listed in the First Schedule hereto are hereby designated as public markets.
- Private markets and street vending 5. A person shall not establish a private market or engage in street vending within the Council area, unless he has obtained a licence from the Council.
- Market fees and rent 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.
- (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.

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

- (a) impound his goods, articles or produce;
- (b) impose a surcharge, as prescribed under by-law 27 (3); and
- (c) evict the person from the market if he fails to pay both the fee and the surcharge.

(2) Where a person fails or refuses to pay rent as prescribed under by-law 6, the Council shall—

- (a) seal the stall, shop, room or place;
- (b) impose a surcharge, as prescribed under by-law 27 (3);
- (c) if he fails to pay both the rentals and surcharge, impound his goods, articles or produce; and
- (d) if he fails to redeem the goods, articles or produce as provided under paragraph (3), repossess the stall, shop, room or place and reallocate it 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; or
- (b) in the case of other goods, dispose of the goods as if they were unclaimed or abandoned in a public market as provided under by-law 24.

(5) Where the proceeds 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 from the owner of the impounded property as a debt due and payable to the Council.

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. Hours of opening a public market

(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.

9.—(1) The sale of the following goods in any market is prohibited— Restriction on sale
Cap. 14:09

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

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

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

Use and
erection of
stalls and
shops

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

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 prescribed rate specified in the Second Schedule hereto.

(6) An owner of a kiosk or other structure constructed under paragraph (3) and (4) shall not sub-let, sale, transfer or in any other way part with possession thereof without the approval of the Council.

Insurance
cover for
merchandise

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

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

Controls of
fires and
cooking

12.—(1) A person shall not light an open fire in any public market.

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

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

Produce to be cleaned or prepared in specified areas

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

Person suffering from an infectious disease

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

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

Sale of unwholesome food

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

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

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

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

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

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

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

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.

Obstruction of pathways prohibited

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.

Sale of Livestock prohibited in public market

- Sanitation and hygiene 18. A shopkeeper or stall holder within a public market shall—
- (a) keep his stall or shop and all fittings and utensils therein or thereon clean and in good order to the satisfaction of the Council;
- (b) dispose of all refuse, sweepings, garbage, offal and waste liquid or solid from his stall or shop into receptacles, channels or drains provided for that purpose.
- Weights and measures Act No. 10 of 2016 19.—(1) A person selling goods, articles or produce by weight or measure shall use the standard weights and measures prescribed by the Metrology Act and provide and maintain such scales and measures at his own expense.
- (2) A person using equipment prescribed under paragraph (1) shall ensure that the equipment is calibrated at least once a year.
- Compliance with directions 20. A person who is within the precincts of a public market shall comply with all reasonable directions given by the Council.
- Separate areas for specified food or goods 21. The Council may set aside, allocate or provide parts of a public market for the sale therein of such type of goods as specified only and no goods or food items of any other type, other than those specified, shall be sold or displayed for sale in that part of the market.
- Storage of 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.
- (2) No compensation shall be payable by the Council in respect of any loss or damage to any goods left in a public market contrary to the provision of paragraph (1).
- Disposal of impounded or abandoned goods 23. Where goods are—
- (a) impounded, left unclaimed or abandoned in any place in a public market for a period exceeding, in case of non-perishable goods seven days, or in case of perishable goods one day; or
- (b) left unclaimed or abandoned in a general store room of a public market for a period exceeding, in case of non-perishable goods twenty one days, or in case of perishable goods one day,
- the Council shall have power to dispose of such goods by auction sale or otherwise as the Council may determine.
- Use of authorized entrance 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.
- 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-law.

(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.

26.—(1) Every public market shall have a market committee.

Market
committees

(2) The Council shall facilitate the establishment of a public market at every public market which shall comprise of at least ten market vendors.

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

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

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

(6) The Council and the committee shall meet at least monthly and where necessary to discuss issues that pertain to the management of the market, welfare of the vendors and fees.

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

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.

Public access
to By-Laws

PART III—OFFENCES AND PENALTIES

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

Offences and
penalties

(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 merchandize.

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

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

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

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

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

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

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

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

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

FIRST SCHEDULE

(by-law 4 (2))

M'MBELWA DISTRICT COUNCIL

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL) (MARKET AND VENDING) BY-LAWS

DESIGNATED PUBLIC MARKETS IN M'MBELWA DISTRICT COUNCIL

1. Ekwendeni Sub Office
 - (a) Ekwendeni
 - (b) Enukweni
 - (c) Jombo
 - (d) Bwengu
 - (e) Luzi
 - (f) Engucwini
2. Mpherembe Sub Office
 - (a) Mpherembe
 - (b) Kafukule
 - (c) Kazuni
 - (d) Malidade

-
3. Euthini Sub Office
 - (a) Euthini
 - (b) Kapando
 - (c) Mzambazi
 - (d) Mkwangwali
 4. Mbalachanda Sub Office
 - (a) Mbalachanda
 - (b) Madede
 - (c) Mnyanjagha
 5. Bulala Sub Office
 - (a) Bulala
 - (b) Kawonekera
 - (c) Kamwala
 6. Eswazini Sub Office
 - (a) Eswazini
 - (b) Ngomiyawo
 - (c) Mzalangwe
 7. M'mbelwa Sub Office
 - (a) Mzimba Boma
 - (b) Mtelemuka
 - (c) Raiply
 - (d) Manyamula
 8. Edingeni Sub Office
 - (a) Edingeni
 - (b) Engalaweni
 - (c) Mhalaunda
 - (d) Kasichi
 9. Ephangweni Sub Office
 - (a) Embangweni
 - (b) Thoza
 - (c) Thaza
 10. Emchakachakeni Sub Office
 - (a) Jenda
 - (b) Luviri
 - (c) Msegede
 11. Emfeni Sub Office
 - (a) Mafundeya
 - (b) Luwelezi
 - (c) Khosolo
 - (d) Chiwandauka

(e) Kanjuchi

(f) Phazi

The Council will treat any other place as a market where people gather with the purpose of selling and buying merchandize and will collect market fees.

SECOND SCHEDULE

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

M'MBELWA DISTRICT COUNCIL

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL) (MARKET
AND VENDING) BY-LAWS
MARKET FEES AND RENT

	K	t
1. Market fee		
(a) open space or bench	150.00	per day
(b) shop/kiosk/hawker	200.00	per day
(c) Fish and agricultural Produce, wholesaler		
i. up to 3 tonnes vehicle	2,000.00	
ii. >3 to 7 tonnes vehicle	3,000.00	
iii. above 7 tonnes vehicle	4,500.00	
2. Rent (Council owned property)		
(a) Central Business District A	25,000.00	per month
(b) Central Business District B	15,000.00	per month
(c) Township	10,000.00	per month
3. Ground rent (vendor constructed property)	2,000.00	per month

Made this 5th day of February, 2020.

District Commissioner

Chairperson

Approved by the Minister of Local Government and Rural Development

This 12th day of March 2020.

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

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

GOVERNMENT NOTICE NO. 116

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL) (PEDDLERS)
BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

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

PART III—OFFENCES AND PENALTIES

11. Offences and Penalties

FIRST SCHEDULE — APPLICATION FOR ISSUANCE/
RENEWAL OF PEDDLER'S LICENCE

SECOND SCHEDULE— LICENCE FEES

THIRD SCHEDULE — PEDDLER'S LICENCE

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (M'mbelwa Citation District Council) (Peddlers) By-Laws 2020.

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

"Council" means the M'mbelwa District Council;

"food stuff" means any meat, fish or poultry whether alive or dead, cooked or fresh and includes bakery products, vegetables and fruits;

"goods" include books, flowers, articles of native art, woven mats, household furniture or equipment, carvings or curios but does not include newspaper or periodical news publications or airtime;

"peddle" means the exposure and sale of goods or foodstuffs a peddler;

“peddler” means a person who goes about from place to place to sell or expose immediate delivery any goods or foodstuff carried on his person or on a motorcycle, tricycle or handcart;

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

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

PART II—GENERAL PROVISIONS

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

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

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

(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.

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

(2) Any 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 “licenced 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.

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—

Restriction on number of licences and areas of validity

- (a) particular foodstuff or goods; or
 - (b) part of the area of jurisdiction of the Council;
- for such period as may be specified in such resolution.

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.

Use of stalls, counters, prohibited

(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.

10. These By-laws shall not apply to a person selling goods or foodstuff in a market established under any other written law.

Established markets

PART III—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—

Offences 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;

(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

(by-law 4)

PEDDLER AREAS OF OPERATION

DESIGNATED AREAS

1. Ekwendeni Sub Office

- (a) Ekwendeni
- (b) Enukweni

- (c) Jombo
 - (d) Bwengu
 - (e) Luzi
 - (f) Engucwini
2. Mpherembe Sub Office
 - (a) Mpherembe
 - (b) Kafukule
 - (c) Kazuni
 - (d) Malidade
 3. Euthini Sub Office
 - (a) Euthini
 - (b) Kapando
 - (c) Mzambazi
 - (d) Mkwangwali
 4. Mbalachanda Sub Office
 - (a) Mbalachanda
 - (b) Madede
 - (c) Mnyanjagha
 5. Bulala Sub Office
 - (a) Bulala
 - (b) Kawonekera
 - (c) Kamwala
 6. Eswazini Sub Office
 - (a) Eswazini
 - (b) Ngomiyawo
 - (c) Mzalangwe
 7. M'mbelwa Sub Office
 - (a) M'mbelwa Boma
 - (b) Mtelemuka
 - (c) Raiply
 - (d) Manyamula
 8. Edingeni Sub Office
 - (a) Edingeni
 - (b) Engalaweni
 - (c) Mhalaunda
 - (d) Kasichi

9. Ephangweni Sub Office
 - (a) Embangweni
 - (b) Thoza
 - (c) Thaza
10. Emchakachakeni Sub Office
 - (a) Jenda
 - (b) Luviri
 - (c) Msegede
11. Emfeni Sub Office
 - (a) Mafundeya
 - (b) Luwelezi
 - (c) Khosolo
 - (d) Chiwandauka
 - (e) Kanjuchi
 - (f) Phazi

The Council will treat any other place as a market where people gather with the purpose of selling and buying merchandize and will collect market fees

SECOND SCHEDULE

(by-law 5 (1))

MZIMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (MZIMBA 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 Cell E-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)

MZIMBA DISTRICT COUNCIL

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

LICENCE FEES

	K t
Application fee	5,000.00
Licence Fee.. .. .	40,000.00 per Annum per motorcycle,
Tricycle or handcart	10,000.00 per annum
Replacement of licence	10,000.00

FOURTH SCHEDULE

(by-law) 5 (4)

MZIMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (MZIMBA DISTRICT COUNCIL) (PEDDLERS)
BY-LAWS, 2019

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 M'mbelwa 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 carried at all times.

Made this 5th day of February, 2020.

District Commissioner

Councillor

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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

GOVERNMENT NOTICE NO. 117

LOCAL GOVERNMENT (M'MBELWA DISTRICT COUNCIL) (OPAQUE AND
TRADITIONAL BEER) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

BY-LAW

4. Retail Licence
5. Weapons prohibited where beer is being sold
6. No selling of beer in unlicensed premises
7. Validity of premises licence
8. Refusal to admit
9. Display of licence
10. Inspection of licence
11. Offence and Penalties

FIRST SCHEDULE — APPLICATION TO SELL OPAQUE OR TRADITIONAL BEER

SECOND SCHEDULE— FEES

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

- | | |
|----------------|--|
| Citation | 1. These By-laws may be cited as the Local Government, (M'Mbelwa District Council) (Opaque and Traditional Beer) By-laws, 2020. |
| Interpretation | 2. In these By-laws, unless the context otherwise requires—
<p>“approved” means approved by the Council regard being given to the reasonable public health requirements of the particular case;</p> <p>“Council” means the M'Mbelwa District Council;</p> <p>“licensing officer” means the person appointed by the Council to issue licenses under these By-laws;</p> <p>“traditional beer” means any liquor brewed by a process of fermentation, by traditional methods, from one or more of the following ingredients, that is to say, millet, barley, sorghum, maize, cassava, or any prescribed cereal, tuber or root, or from any concentrate, extract or product of any such ingredient or from any combination of any such ingredients, concentrates, extracts or products, but shall not include any liquor brewed from any other ingredient, or any distilled liquor</p> <p>“premises” means any building habitually used for the retail sale of traditional beer; and</p> <p>“premises license” means a license issued under these By-Laws.</p> |
| Application | 3. These By-laws shall apply within the area of jurisdiction of the Council. |
| Retail Licence | 4.—(1) No person shall sell by retail any traditional beer within the area of jurisdiction of the Council unless he has first obtained a retail license from the licensing officer in the Form I specified in the First Schedule hereto and paid to the licensing officer the fee specified in the Second Schedule hereto: |

Provided that the holder of a premises license shall not be required to obtain retail license in respect of the traditional beer which he sells on the licensed premises.

(2) A retail license shall be valid for—

(a) in the case of beer brewed using traditional processes, a period of seven days; and

(b) in the case of beer brewed using industrial processes, a period of one year and shall expire at the end of each financial year.

(3) The holder of a retail license issued under these By-laws shall—

(a) sell traditional beer only on the days specified in the licence;

(b) not sell or supply traditional beer between the hours of 10:00 p.m. to 6:00 a.m.;

(c) not sell or supply traditional beer to any person under the age of 18 years;

(d) keep all utensils, vessels, containers, linen, towels, cloths and other articles used in the conduct of his business in clean and sanitary condition and in good repair;

(e) sell only sound and wholesome traditional beer; and

(f) provide and maintain suitable means for protecting from contamination by dust, dirt, flies or other contaminating causes, any traditional beer sold or intended for sale.

5.—(1) Any person who has in his possession any weapon and enters or remains in any place where traditional beer is being sold or supplied commits an offence.

Weapons prohibited where beer is being sold

(2) Any seller of traditional beer who keeps or permits any person to enter or remain in any place where traditional beer is sold by retail or on behalf of the seller, who has in his possession any weapon or other instrument capable of inflicting bodily harm, commits an offence.

(3) This By-law shall not apply to any police officer or to any security personnel whilst on duty and whether in uniform or not.

(4) For purposes of this By-law “weapon” means any instrument capable of inflicting bodily harm.

6.—(1) No person shall use any premises for sale of traditional beer unless the proprietor of that premises has obtained from the Council a premises license in the Form II specified in the First Schedule and has paid to the Council the appropriate fee specified in the Second Schedule hereto:

No selling of beer in unlicensed premises

Provided that—

(a) the fee for a premises license shall not be reduced by the number of completed months in a financial year which have expired prior to its issue; and

(b) the licence fee may be paid in two instalments but a single payment shall not be an amount less than one quarter of the annual license fee.

(2) An application for a premises license shall be made to the Council at least three months before the date of which the applicant wishes to use the premises.

(3) The Council shall inspect the premises for which the application under paragraph (2) has been made.

(4) Where the Council has approved the premises, the Council shall issue a licence in the Form II prescribed in the First Schedule hereto.

Validity of
premises
licence

7. A premises license shall be valid until the 30th day of June in the following year from the date of issue.

Renewal of
premises
licence

8. An Application for the renewal of a premises license shall be made to the Council before the 1st day of July or at such later date as the Council may permit, prior to the year for which renewal is sought.

Premises
licence
conditions

9. Every premises license shall be issued subject to the following conditions—

(a) the holder of a premises license shall not—

(i) sell or allow traditional beer to be sold on the premises to which the license relates between the hours of 10:00 p.m. and 6:00 a.m.;

(ii) sell or supply opaque or traditional beer to any person under the age of 18 years;

(iii) employ any person under the age of 18 years on the premises;

(iv) permit disorderly conduct to take place on the premises;

or

(v) permit any person, other than his employee, not in possession of a valid retail license to sell by retail traditional beer on the premises.

(b) The holder of a premises license shall—

(i) maintain the premises at all times in a clean and sanitary condition and in good repair;

(ii) keep all utensils, vessels, containers, linen, towels, cloths, furniture and other articles used in the conduct of his business in clean and sanitary condition and in good repair;

(iii) sell or cause to be sold only sound wholesome traditional beer;

(iv) provide and maintain suitable means for protecting, from contamination by dust, dirt, flies or other causes, any traditional beer sold or intended for sale; and

(v) provide separate latrines for each sex.

Refusal to
admit

10. The holder of a premises license or person authorized by him may refuse to admit or may remove from the premises any person who is drunk or

disorderly or to whom the supply of beer is prohibited and any such person who, on being requested by the holder of the license or any person authorized by him, refuses or, without reasonable excuse fails to leave the premises, commits an offence.

11. The holder of a premises licence shall display in a conspicuous place inside the premises a copy of his licence. Display of licence

12. A licensing officer or any person duly authorized in writing by the Council may, for the purpose of— Inspection of licence

(a) examining the premises licensed;

(b) preventing or detecting an offence against these By-laws; or

(c) observing the state of repair or the sanitary condition of the premises and the general conduct of the business,

enter and inspect any premises, at any reasonable time.

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

FIRST SCHEDULE

(By-Laws 4 (1), 6 (1) (4))

FORM 1

APPLICATION TO SELL OPAQUE OR TRADITIONAL BEER

Mr./Ms.
.....
.....
.....

The Chief Executive
Mzimba District Council
P.O. Box
Mzimba.

Dear Sir,

I hereby apply for a licence to sell Opaque/Traditional Beer as from
to 20..... My station is
.....
.....

Yours faithfully,
Applicant

**Delete if not applicable*

FORM II

LICENCE TO USE PREMISES FOR THE RETAIL SALE OF THE OPAQUE
OR TRADITIONAL BEER

Name

Address

.....

.....

.....

Is hereby licensed to use premises specified below until 30th June, 20..... in accordance with the provisions of the Mzimba District Council (Opaque and Tradition Beer) By-Laws.

Plinth area Fee paid

Date issued

SECOND SCHEDULE

(By-law 4 and 6)

LICENCE FEES FOR SALE OF TRADITIONAL BEER

- | | | |
|--|---------|------------|
| 1. Retail licence to sell traditional beer, per week | .. .. . | K 1,000.00 |
| 2. Premises licence, for retail sell of traditional beer per annum | .. .. . | K60,000.00 |

Made this 5th day of February, 2020.

*District Commissioner**Councillor*

Approved by the Minister of Local Government and Rural Development

This 12th day of March, 2020.

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

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