GOVERNMENT NOTICE NO. 93

LOCAL GOVERNMENT ACT

(CAP. 22:01)

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

ARRANGEMENT OF BY-LAWS

BY-LAW

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

PART I—PRELIMINARY

Citation

1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Operation of Amusement Machines) By-laws, 2018.

Interpretation

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

"amusement machines" include—

(*a*) gaming machines as defined under the Gaming Act ; Cap 47:03

(*b*) lottery as defined under the Lotteries Act; Cap 47:04

(*c*) pool table;

(*d*) juke box; and

(*e*) similar machines and infrastructure installed for public entertainment and recreation for the purpose of making some gain or profit;

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

"Council" means the Lilongwe City Council;

"premises" includes bar, cinema, club and any other places where amusement machines are installed; and

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

Application

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

PART II—GENERAL

Installation or operation of amusement machines

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

Register of public amusement premises

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

Provision of sanitary facilities

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

Excessive noise at premises

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

Power of entry and inspection

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

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

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

PART III—OFFENCES AND PENALTIES

Offences and penalties

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

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

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

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

SCHEDULE (by-law. 5)

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

REGISTER OF PUBLIC AMUSEMENT PREMISES

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

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government and Rural Development

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