GOVERNMENT NOTICE NO. 94

LOCAL GOVERNMENT ACT

(CAP. 22:01)

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

ARRANGEMENT OF BY- LAWS

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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) (Business Premises Licensing) By-laws, 2018.

Interpretation

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

"area" means the Local Government Area of the Lilongwe City Council;

"business" includes trade, industry and occupation;

"Council" means the Lilongwe City Council;

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

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

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

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

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

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

Application

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

PART II—GENERAL PROVISIONS

Business premises licence

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

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

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

Application for 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 and shall be accompanied with the appropriate fee prescribed in the Third Schedule.

Effect of false information

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

Renewal and replacement of licence

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

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

Power to impose conditions

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

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

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

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

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

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

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

(*b*) he has abandoned his application; or

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

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

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

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

Appeal

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

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

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

10. A licence issued under these By-laws shall be in the form prescribed in the *Fourth Schedule.* Form of licence

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

12. A licence issued under these By-laws shall not be transferable. Licence not transferable

13.—(1) A holder of a licence shall ensure that the premises are maintained in a clean and sanitary condition at all times. Inspection of premises

(2) The Council shall be entitled, at all reasonable times, to enter upon and inspect the premises and to examine the same for the purpose of these By-laws.

14.—(1) Save as is otherwise provided under paragraphs (2) and (3), where— Revocation of licence

(*a*) it appears to the Council, in respect of any premises licensed under these By-laws, that circumstances exist which would have justified a refusal of the licence;

(*b*) after a licence is issued, the Council discovers that the licensee withheld relevant information or provided false information;

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

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

the Council shall revoke the licence.

(2) The Council shall give at least fourteen days' notice in writing to the licensee of its intention to revoke the licence.

(3) The notice shall state the grounds on which the Council intends to make the revocation and shall call upon the licensee to show cause, within fourteen days after receipt of the notice, why the revocation should not be made.

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

PART III—OFFENCES AND PENALTIES

15.—(1) A holder of a licence who uses, permits or condones any other person to use any part of the licenced premises as a living or sleeping quarters or for any other purpose not authorised by the licence commits an offence. Offences and penalties

(2) A person who contravenes a provision of these By-laws or fails to comply with the terms of any notice served upon him by the Council or fails to comply with any condition imposed by the Council commits an offence.

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

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

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

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

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

FIRST SCHEDULE (para. 4)

BUSINESSES REQUIRING BUSINESS PREMISES LICENCE

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

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

(*a*) bank;
(*b*) forex Bureau;
(*c*) insurance company;
(*d*) stockbroker;
(*e*) insurance broker;
(*f*) discount house;
(*g*) leasing & financing;
(*h*) microfinance company;

47. Private education institution
48. Private medical facility
49. Car Wash
50. Agro-dealer
51. Filling station
52. Tyre fitting
53. Motor vehicle dealer
54. Motor cycle dealer
55. Transport business operator
56. Information and Communication Technology firm
57. Warehouse
58. Landscaping
59. Security firm
60. Decorator
61. Operation of amusement machines
62. Food processing, packaging and vending
63. Car hire
64. Private public service vehicle terminus
65. Any other businesses as the Council may determine

SECOND SCHEDULE (by-law. 5)

LILONGWE CITY COUNCIL

BUSINESS PREMISES LICENCE APPLICATION FORM

A. DETAILS OF OWNER OF BUSINESS

(1) Name: ..... Nationality: .....

(2) Name of business: .....

(3) Area: ..... Plo No.: ..... Street: .....

(4)Address: .....

Telephone: ..... Cell: ..... Email: .....

(5) Nature of business: .....

(6) If for renewal, insert old licence no.: .....

(7) Declaration

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

Signature of owner of business: ..... Date: .....

(8) Amount Paid: ..... Receipt No: .....

(9) Name of cashier: ..... Signature: .....

B. FOR OFFICIAL USE ONLY

(1) Date of inspection: .....

(2) Comments/Remarks: .....

.....

.....

(3) Name of Official: ..... Signature: .....

Designation: ..... Date: .....

THIRD SCHEDULE (by-law 5 & 7)

LICENCE FEES PER ANNUM

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

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

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

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

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

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

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

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

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

FOURTH SCHEDULE (by-law 10)

FORM OF LICENCE

LILONGWE CITY COUNCIL

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

BUSINESS PREMISES LICENCE

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

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

Date of issue .....

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

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

.....
Licensing Officer

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government and Rural Development

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