GOVERNMENT NOTICE NO. 98

LIQUOR ACT

(CAP. 50:07)

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

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Application

PART II—GENERAL PROVISIONS

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

BY-LAW

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

PART III—OFFENCES AND PENALTIES

15. Offences and Penalties
Schedules

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

PART I—PRELIMINARY

Citation

1. These By-laws may be cited as the Liquor (Lilongwe City Council) (Liquor Licensing) By-laws, 2018.

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

PART II—GENERAL PROVISIONS

Application

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

(2) An application for a liquor licence shall be supported by a business premises licence obtained in accordance with provisions of by-law 6 below.

(3) Subject to section 65 of the Act, the licensing officer shall, on receipt of an application and appropriate fees, issue to the applicant a licence in the form prescribed in Form II of the First Schedule, authorizing the applicant to sell liquor at such place and time as shall be specified therein.

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

(5) A liquor licence shall expire on the last day of the financial year in which it was issued.

(6) An application for the renewal of a liquor licence may be made by the holder of the licence to a licensing officer sixty (60) days before the beginning of the Council's financial year.

(7) Where, on receipt of an application for a licence or renewal thereof or at a later stage after a licence is issued, the Council discovers that the applicant provided false information, the Council shall deny the licence or, if issued, revoke it forthwith.

Licence fees

4. The fees payable for the issue of a liquor licence shall be the appropriate fee prescribed in the Second Schedule.

Replacement of licence

5. 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 Second Schedule, issue a replacement licence.

Premises licence

GN..../2018

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

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

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

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

Licence not transferable

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

Local Licensing Board

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

Permitted hours of business

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

Sale of liquor to prohibited persons

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

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

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

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

Provisions as to quality and hygiene

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

(2) The holder of a liquor licence shall—

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

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

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

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

(*a*) condemn and confiscate the unsound or unwholesome liquor; or

(*b*) suspend or withdraw the liquor or liquor business premises licence or both.

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

Prohibition on the carrying of a weapon

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

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

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

Power of licensing officer and authorized person

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

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

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

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

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

Prohibition of sale of liquor on residential premises

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

PART III—OFFENCES AND PENALTIES

Offences and penalties

15.—(1) A person who—

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

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

(*c*) sells liquor on residential premises;

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

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

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

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

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

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

FIRST SCHEDULE (by-law 3(1&3))

FORM I

LILONGWE CITY COUNCIL

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

APPLICATION FOR ISSUE/RENEWAL OF LIQUOR LICENCE

DETAILS OF OWNER OF BUSINESS

Name of owner of business: .....

Identity Number: .....Nationality: .....

Name of business: .....

(*Attach the certificate of Business*)

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

Address: .....

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

Nature of business: .....

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

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

Declaration

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

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

Amount paid: ..... Receipt No.: .....

Name of Cashier: ..... Signature: .....

FOR OFFICIAL USE ONLY

Date of inspection: .....

Comments/Remarks: .....

.....

.....

.....

Name of Official: ..... Signature: .....

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

FORM II

LILONGWE CITY COUNCIL

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

LIQUOR ACT

(CAP. 50:07)

LIQUOR LICENCE

(Part III of the Act)

A. (Describe the licence and grade)

.....

.....

is hereby granted to .....(name of licensee) of

..... (address)

In respect of ..... (describe premises)

This licence commences on ..... and expires on .....

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

Trading hours .....

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

.....

Licensing Officer

SECOND SCHEDULE (by-laws 4&5)

LILONGWE CITY COUNCIL

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

LICENCE FEES

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

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

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

LILONGWE CITY COUNCIL

MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

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

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

SANITARY PROVISION

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

WASH HAND BASIN

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

COUNTER

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

MINIMUM FLOOR SPACE IN DANCING ROOM

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

HEIGHT OF ROOM

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

FURNISHING

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

SOUND-PROOFING

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

LIGHTING

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

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

VENTILATION

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

REFUSE BIN

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

FIRST AID BOX

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

STORES

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

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

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

SANITARY PROVISION

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

OTHER FACILITIES

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

FOURTH SCHEDULE (by-law 9)

LILONGWE CITY COUNCIL

PERMITTED HOURS FOR SALES LICENCES

A WHOLESALE LICENCE—

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

B 1 RETAIL LICENCES—

(*a*) grade A (Bar)

Minimum standards for Bar

(i) premier

- A bar in the Central Business District
- Adequate sound (acoustics) proof facilities
- Has rights of admission
- Top of the range security

Operate from 12:00 noon to 2:00 am

(ii) platinum

- A bar in the low and medium density area
- Adequate sound (acoustics) proof facilities
- Well secured

Operate from 10:00 am to 12:00 midnight

(iii)gold

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

Operate from 10:00 am to 10:00 pm

(iv)silver

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

Operate from 10:00 am to 8:00 pm

(*b*)	grade B (off premises business)	10:00 am to 10:00pm
(*c*)	grade C (Hotel)—	
	(i) sales to persons not lodging on the premises	10:00am to 12 midnight
	(ii) room service	no restriction
(*d*)	grade D (restaurant)	Sale to persons consuming meals 7:30 am to 10:00pm
(*e*)	grade E (Club).	Sale to membership10:00 am to 12 midnight
(*f*)	grade H (Limited off licence) . .	7:30am to 10:00pm
(*g*)	grade F (Cabaret)	Liquor sold from 5.00 pm to 30 minutes after last show
(*h*)	grade G (Cinema and Theatre) . .	Sales permitted up to 30 minutes before and after the show
(i)	grade I (Nature Sanctuary and Recreation Parks).	10:00 am to 10:00 pm
2	TRAVEL AND TRANSIT LICENCES—	
(*a*)	grade "TA" Airport and Air terminal	No restrictions

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

FIFTH SCHEDULE (by-law 11(5))

LILONGWE CITY COUNCIL

CONDEMNATION AND CONFISCATION OF LIQUOR

TO: .....

Address: .....

.....

CONDEMNATION AND CONFISCATION OF LIQUOR

This is to certify that today .....

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

Signed: ..... Position held: .....

QUANTITY	DESCRIPTION OF ITEM	UNIT PRICE	REASON FOR CONDEMNATION AND CONFISCATION

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

NAME: ..... SIGNATURE: .....

Owner/Agent –

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government and Rural Development

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