

GOVERNMENT NOTICE NO. 103

LOCAL GOVERNMENT ACT

(CAP. 22:01)

**LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(PUBLIC AND PRIVATE CEMETERIES) BY-LAWS, 2020**

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 Blantyre City Council make the following By-laws—

1. These By-laws may be cited as the Local Government (Blantyre City Council) (Public and Private Cemeteries) By-laws, 2020.

Application	2. These By-laws shall apply within the area of jurisdiction of the Blantyre City Council.
Interpretation	3. In these By-laws unless the context otherwise requires— “body” means a dead body of a human being; “burial” means a burial in earth, interment or any other form of sepulchre; “class ‘A’ public cemetery” means a public cemetery in the First Schedule of these By-laws; “class ‘B’ public cemetery” means a public cemetery in the Second Schedule of these By-laws; “Council” means the Blantyre City Council; “grave space” means a plot of ground measuring 2.75 metres long and not less than 1.8 metres wide set apart for burial of one body or more bodies; “private cemetery” means any cemetery established by a religious denomination and which has been declared to be a cemetery in terms of section 114 of the Public Health Act; and “public cemetery” means any cemetery established and maintained by the Council under the Act and which has been declared to be a cemetery in terms of section 114 of the Public Health Act.
Cap. 34:01	
Cap. 34:01	
Establishment of private cemeteries	4.—(1) No person shall establish a private cemetery unless he has first obtained a written permission from the Council. (2) The Council may prescribe any conditions regarding the location and use of the cemetery as it determines appropriate.
Establishment of public cemeteries	5.—(1) The Council shall establish public cemeteries which shall be integrated into urban planning or plot allocation in the Council area. (2) The Council may, where necessary, require an owner of a residential estate to include in his development application for planning approval of an estate, a provision for part of the land to be used for a public cemetery. (3) The Council shall categorize public cemeteries as follows— (a) Class “A”; and (b) Class B.
Portions of public cemeteries to be designated for various religious denominations	6.—(1) In every public cemetery, the Council may designate portions for exclusive use by certain religious denominations. (2) Each designated portion shall, in so far as religious ceremonies connected with the burial of the dead are concerned, be under the control of the religious denominations concerned subject to compliance with these By-laws and with terms of a burial permit, if any, issued under by-law 6 of these By-laws.
Burial permit required for class “A” or “B” public cemeteries	7.—(1) No person shall cause any burial to take place in any class “A” or “B” public cemetery without written permission from the Council or otherwise than in strict conformity with the terms of such permission which shall prescribe the position of the grave site to be used for the burial.

(2) For the purpose of this by-law the Council shall have custody of a plan of every Class "A" and "B" public cemetery on which all grave spaces shall be marked and numbered.

(3) The permit issued pursuant to this by-law shall prescribe the position of the grave by quoting the number of the grave space as shown on the plan.

8.—(1) A person may request the Council to dig a grave or offer any other funeral services in that regard, on their behalf, in any cemetery whether private or public: Request for the Council to dig a grave

Provided that the request shall be made to the Council at least twenty-four hours before the intended time.

(2) The person who requests the Council to dig a grave or offer any other funeral services shall pay the fees prescribed in the Fifth Schedule hereto.

9.—(1) Any person may apply for reservation and use of a grave space as a private grave space in any class A public cemetery. Reservation of grave spaces

(2) Any person who wishes to reserve a grave space under paragraph (1) of this by-law shall make an application in writing to the Council and pay the fees prescribed in the Fifth Schedule hereto.

(3) The Council shall upon payment of the prescribed fees, reserve and hold the grave space for use by such a person:

Provided that no such grave space may be reserved for a longer period than five years from the date of the payment of the prescribed fee.

(4) No person shall sell, transfer or assign to any other person his right to the use of any private grave space granted under paragraph (1) of this by-law without the prior written consent of the Council.

10.—(1) A person who reserves a private grave space under by-law 8 hereto, may relinquish his right to such a grave space by notifying the Council in writing of his intention to do so. Cancellation of reservation of grave space

(2) Upon production of the original receipt of the fees paid for the reservation of the grave space, the person may obtain a refund of 20% of the fee for each un-expired year of the original grant of five years.

11.—(1) The Council shall keep and maintain a register in the form specified in the Fourth Schedule hereto in respect of every grave in public cemeteries. Register of grave spaces in public cemeteries

(2) The Council shall keep and maintain a record of every grave space in a "class A" public cemetery.

12.— A person who digs a grave in a private or public cemetery shall ensure that the grave is dug only in the regular line of excavation and as near as may be possible in the middle of the grave space. Digging of graves

13.—(1) Any person who digs a grave in a private or public cemetery shall ensure that the grave is of a perpendicular depth of not less than 1.8 metres throughout its entire area: Depth of graves

Provided that a grave intended for the burial of a child of six (6) years or below, shall be of a perpendicular depth of not less than 1.4 metres throughout its entire area.

(2) Where more than one body is intended to be buried in one grave, the person who digs such a grave shall ensure that the grave is of a perpendicular depth of not less than 2.3 metres throughout its entire area.

(3) No person shall cause a body or coffin, as the case may be, to be buried in any grave in such manner as to cause the top of the body or coffin to be at the depth of less than 1.1 metres below normal ground level.

Number of bodies in a grave and manner of burial

14.—(1) No person shall cause more than one body to be buried in one grave in any public or private cemetery, except with the permission of the Council.

(2) Where two bodies or coffins, as the case may be, are buried in any one grave with permission of the Council, the second body or coffin shall be effectively separated from the other body or coffin in the grave by means of a layer of earth of at least 0.3 m.

Filling of graves

15. Any person responsible for a burial shall ensure that immediately after the burial has taken place in any private or public cemetery, the grave is filled with earth to a height of not less than 30 cm above the ground.

Fees

16.—(1) The fees payable under these By-laws shall be exclusive of any additional costs or charges which the Council may, in its discretion, fix or levy in respect of other services such as the supply of a coffin or the use of a hearse.

(2) Notwithstanding paragraph (1), the Council may permit the burial of any body free of charge in a grave space in any public cemetery.

Opening hours of a public cemetery

17. Every public cemetery shall be open to the public between the hours of 6.00 a.m. and 6.00 p.m. every day and no person shall enter or remain in any public cemetery except during such hours of opening.

Unaccompanied child prohibited in public cemeteries

18. No person of under 18 years of age shall enter any private or public cemetery unless under the charge of a responsible person of not less than 18 years of age.

Erection or deposition of tombstone

19.—(1) No person shall erect or deposit in any public cemetery, tombstone, kerb or other structure of whatever description without prior written permission of the Council and otherwise than in strict compliance with the terms of such permission.

(2) Where any tombstone or other structure is erected in contravention of paragraph (1), or where any tombstone, kerb or other structure is displaced, dilapidated, ruined or unsafe, the Council may order that the same be removed, replaced or repaired and any expenses thereby incurred may be recovered from the estate or next of kin of the deceased person.

Maintenance of graves, tombstones, etc

20. The Council shall not be held liable for the care, or custody or maintenance of any grave space or of any tombstones, monument or other structure erected on any grave in any cemetery .

21.—(1) Any animal found straying in any cemetery may be removed or detained by an authorized officer of the Council and the owner of such animal shall be liable to repay any costs incurred by the Council by reason of such detention and removal. Detention of
stray animals

(2) Notwithstanding paragraph (1), the Council may deal with any animal found straying in any cemetery in accordance with provisions of the Control of Animals By-laws, 2019.

22. A person who intends to exhume any body or remains of any body shall comply with requirements sections 115 and 116 of the Public Health Act. Exhumation of
bodies
Cap. 34:01

23. A person shall not, in any public cemetery— Prohibited acts
in public
cemeteries

(a) trespass upon any grave except for the purposes of placing flowers upon or otherwise tending such grave or paying homage;

(b) commit any nuisance;

(c) bring into, or allow any dog, cat, fowl or any domestic animal or bird in his charge or control to be in or to wander inside the cemetery;

(d) injure, pluck, uproot or remove any flower, plant, shrub or tree;

(e) mark, deface or damage any tombstone, monument, railing, chain, decoration, ornament, structure or other improvement;

(f) create a disturbance or otherwise behave in an unseemly, indecent or irreverent manner;

(g) erect or place any advertisement or sign board or solicit any business order or exhibit, distribute or leave any tract, pamphlet or business card or sale of any road or path for the conveyance or sale of any goods or materials except such as are intended for use in such a cemetery;

(h) hold or take part in any demonstration; or

(i) willfully obstruct or impede any person employed by or on behalf of the Council in the performance of his duties.

24.—(1) All public and private cemeteries shall be fenced. Fencing and
encroachment
of cemeteries

(2) A person shall not encroach into a public or private cemetery

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

FIRST SCHEDULE

(by-law 4)

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC
CEMETERIES) BY-LAWS, 2020

CLASS "A" PUBLIC CEMETERIES

Blantyre:

All that area of land comprising 2.522 hectares, and known as Plot No. TP. 434/44 situated off Chileka Road to the west of Kapeni College which said plot is bordered on the north-west by the Likhubula Stream, on the north-east by Plot No. TP. 434/46, on the south-east by Plot No. TP 434/45 (which is C.C.A.P. Private Cemetery as described in the Third Schedule) and on the south-west by Plot No. TP. 434.

Limbe:

All that area of land comprising 3.000 hectares, and known as Plot E. 5D, situated on the Thyolo Road, which said plot is bordered on the east by the Thyolo Road, on the South by Plot No. E. 5C/2 and on the west and north by the Imperial Tobacco Group Forest.

SECOND SCHEDULE

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC
CEMETERIES) BY-LAWS, 2020

CLASS "B" CEMETERIES

Bangwe:

All that area of land comprising 10.8750 hectares on Plot LE 806 situated on eastern side of Railway line to Nsanje and south of Midima Road.

Bangwe

All that area of land comprising 3.124 hectare east of Assemblies of God (Bangwe) and south of Mpingwe hill.

Blantyre:

All that area of land comprising 2.904 hectares and known as Plot No. TP 434/46, which is now closed.

Chilobwe:

All that area of land comprising 2 hectares situated in between east of Stella Maris Secondary Forest and west of Chilobwe Township.

Chitawira:

All that area of land comprising 3.008 hectares and known as Plot No. BL. 26/597, the said plot is bordered on the north by the Naperi Stream and is situated north of Kenyatta Drive; and all that area of land comprising 0.460 hectares and known as plot No. BL 26/579/1, which is now closed.

Kanjedza:

All that area of land comprising 2.980 hectares and known as Plot No. H. 39 which has been recently extended. The said plot is bordered on the west by Kanjedza Camp Road, on the north by Dalton Road, on the east by Plot No. H. 51 and on the south-east by Plot No. H. 38. Closed in 1999.

Malabada (Ndirande):

All that area of land comprising 4.4020 hectares situated east of Malabada Stream and lying on the south-west corner of Ndirande Mountain. Extended in 1996 by 0.76 hectares. New area 5.162 hectares.

Namalimwe (Ndirande):

All that area of land comprising 1.0025 hectares situated north-east of Blantyre Secondary School and south of Namalimwe Primary School.

Namatapa:

All that area of land comprising 3.124 hectares situated to the east of Assemblies of God Church (Bangwe) and south of Mpingwe Hill.

Namiwawa:

All that area of land comprising 1.8495 hectares on Plot No. LK 188 situated to the west of Namiwawa Avenue and east of Namiwawa Stream. Now closed.

Naperi:

All that area of land comprising 3.210 hectares and previously known as Plot No. BL 26/599, the said plot is bordered on the north-east by the Anglican Church, on the south by Mlambalala Stream, and is situated on the south of Chitawira Road. Now plot No. SW 8/599/3 and SW 8/599/1. Was extended in 1996 on plot No. SW 8/599/2 which was in between the mentioned plots....

Zingwangwa:

All that area of land comprising 2.3 hectares situated to the south-west of Soche Sewerage Works and south of Naperi Stream.

THIRD SCHEDULE*(by-law 4)***(CAP. 22:01)****LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC CEMETERIES) BY-LAWS, 2020****PRIVATE CEMETERIES**

Catholic Cemetery, Blantyre

Catholic Cemetery, Limbe

Church of Central African Presbyterian Cemetery, Blantyre, extended in 1999

Moslem Cemetery, Blantyre

Moslem Cemetery, Limbe

Catholic Cemetery, St. Pius XII

FOURTH SCHEDULE

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC
CEMETERIES BY-LAWS, 2020

REGISTER OF A DEAD PERSON IN A CLASS "A" PUBLIC CEMETERY

1. Cemetery:
 2. Grave No.:
 3. Surname:
 4. Forename or other names:
 5. Occupation:
 6. Date of death:
 7. Place of burial:
 8. Date of burial:
 9. Religion:
 10. Age:
 11. Sex:
 12. Nationality:
 13. Officiating Clergyman:
 14. Next of Kin:
 15. Remarks:
- Compiled by..... Signature

Date.....

Cemetery Supervisor

FIFTH SCHEDULE

(By-law 9 (2))

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC
CEMETERIES) BY-LAWS, 2019

BURIAL AND OTHER FEES

DETAILS	fees (MK)
BURIAL AND OTHER FEES	
(a) Grave Digging	25,000.00
(b) Transport fee of grave diggers	800.00
within city boundary per KM	800.00
(c) Undertaker's Service Fees	36,000.00
(d) Undertaker's Allowance	5,000.00

(e) Interment Fees Class 'A' Cemetery							
i.	Adult	..	..	..	..	..	36,000.00
ii.	Child	..	..	..	..	..	20,000.00

HIRE OF HEARSE AND OTHER FEES

(a) Hire of 1 st Class Hearse							
i.	daily charge	..	..	..	..	..	75,000.00
ii.	charge/km	..	..	..	..	..	800.00
(b) Hire of 2 nd Class Hearse							
i.	daily charge	..	..	..	..	..	50,000.00
ii.	charge/km	..	..	..	..	..	800.00
(c) Reservation of grave space (for 5 years)							
		..	..	..	..	..	100,000.00
(d) annual renewal							
		..	..	..	..	..	20,000.00
(e) burial certificate							
		..	..	..	..	..	20,000.00
(f) grave tracing.							
		..	..	..	..	..	20,000.00

EXHUMATION CHARGES

(g) exhumation fee							
		..	..	..	..	..	300,000.00
i.	grave diggers per person	25,000.00
ii.	supervisors/undertaker	40,000.00

BURIAL OF UNCLAIMED BODIES	0
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Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

This 11th day of September, 2019.

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 104

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(CONTROL OF ANIMALS) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

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

PART III—OFFENCES AND PENALTIES

10. 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 Blantyre City Council has made the following By-laws—

PART I—PRELIMINARY

- | | |
|---------------------------|--|
| Citation and commencement | 1. These By-laws may be cited as the Local Government (Blantyre City Council) (Control of Animals) By-law, 2020. |
| Interpretation | 2. In these By-laws, unless the context otherwise requires—
<p style="margin-left: 20px;">“animal” includes any bull, cow, ox, heifer, calf, sheep, goat, horse, mule, donkey, pig, domestic fowl, any wild carnivore or reptile tamed and kept as a pet, guinea fowl, pigeon, pea-fowl, dog, cat and any other creature which the Minister responsible for agriculture has, by order under section 4 of the Control and Diseases of Animals Act, declared to be an animal and includes bees;</p> |
| Cap. 66:02 | |

“area” means the Local Government Area of the Blantyre City Council;

“Authority” means the Council or any person duly authorized, whether generally or specifically, to act or conduct business on behalf of the Council;

“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 Blantyre City Council;

“dead animal” means the carcass of an animal and includes part of a carcass taken separately or any portion thereof;

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

“owner” in relation to a dog or other animal means—

(a) any person in whose custody, possession or charge the dog or animal is; and

(b) any person in whose house or premises the dog or animal is kept or found unless the person shall prove that the dog or animal does not belong to him and is not in his custody, possession or charge; and

“residential area” includes informal settlement areas.

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

PART II—GENERAL PROVISIONS

4.—(1) A person shall not, in any residential premises or any unauthorized area, 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. Regulation of keeping of animals

(2) A person shall not, in any residential premises or any unauthorized area, keep, rear, stall or suffer to be kept, reared or stalled any animals in excess of the respective maximum numbers as specified in Part II of the First Schedule hereto.

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

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

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

5.—(1) The Council may, upon application in writing, allow a person or group of persons, community or association of persons to keep, any animal for any purposes on conditions as shall be specified in a 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 Second Schedule hereto.

(3) The permit provided for under this by-law shall not be transferable and any person who transfers, or 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 Authority shall have regard to the following factors—

(a) whether keeping of the animal in respect of which an application has been made to 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 so, whether the said person or persons have, or have not paid any penalty in that connection or have otherwise complied or not with any instructions or directions of the Authority; and

(c) any other grounds as the authority may determine.

(5) The Authority shall charge a fee for any permit issued under these By-laws as prescribed in the Third Schedule hereto and in so doing, shall have regard to the kind of animals allowed to be kept, the numbers thereof and any other relevant consideration.

(6) The Authority may, on issuing a permit, limit the number of animals to be kept by an individual or group of persons under that permit, notwithstanding, the fact that the person or persons on making his or their application were desirous of keeping a greater number of animals.

(7) The Authority may, at any time and for sufficient reason, cancel or abridge the effect of any permit previously issued by it under these By-laws.

(8). No part of the fees paid for a permit shall be refunded on the cancellation or abridgement of the permit.

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, thoroughfare, cemetery or public place or otherwise to commit a nuisance and any animal found straying in such place or committing a nuisance may be impounded by the Authority.

(2) An owner of a dog shall, whilst the dog is within the area of the premises of the owner, during the day time, keep or cause the dog to be kept under proper control, and the dog shall not be permitted to stray therefrom, unless controlled by a leash.

(3) The Authority may seize any dog in respect of which any condition prescribed under paragraph (2) is contravened.

Animal health and hygiene

7.—(1) An owner or person responsible for an animal shall keep that animal in sanitary, hygienic and properly ventilated conditions and 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.

(2) A person shall not dispose of any animal waste at any place other than a place reserved by the Authority for the disposal of such waste material.

(3) A dead animal shall be dealt with in accordance with the provisions of the Control and Diseases of Animals Act and the Rules and Regulations made thereunder. Cap 66:02

(4) A sick animal shall be kept apart from healthy animals and the owner of or any person charged with keeping such animal shall inform the Authority and it shall be the duty of that person to comply with any instructions or directions of the Authority.

(5) The Authority may require a person to subject any or all of his animals for examination by a qualified veterinary officer.

(6) Where a veterinary officer referred to in paragraph (4) 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.—(1) The Authority shall maintain a place where an animal impounded under these By-laws shall be kept and shall charge a fee as prescribed in the Third Schedule hereto in respect of every animal impounded and the owner of such animal shall, in addition to payment of the fee hereby imposed, reimburse the Authority for all expenses consequent upon the authority's impounding of such animal. Custody and disposal of an impounded animal

(2) Where, at the expiry of three days from the date the animal was impounded by the Authority, the animal is not redeemed by the owner, the authority may, upon giving notice to the general public, sell to the highest bidder or otherwise dispose of such animal as it considers fit, 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 authority, the proceeds thereof shall be appropriated to the general revenue of the authority and shall not thereafter be recoverable by any person.

9. The Authority shall not be liable to compensate any person for any loss, injury or damage arising from the exercise by the Authority of any of the powers granted under these By-laws: Indemnity and payment of compensation

Provided that the Authority shall always exercise the said powers reasonably and in good faith.

10.—(1) Any person who keeps a service animal or pet shall be under a duty to keep that animal or pet free of any diseases or vermin to ensure that the companion animal or pet is vaccinated against all animal diseases for which vaccination are required. Conditions for keeping of service animals and pets

(2) No companion animal or pet shall be allowed to roam or move around unaccompanied or without proper leash or control outside the dwelling premises on which it is ordinarily kept.

(3) Any pet or companion animal that is found roaming unaccompanied shall be impounded by the Authority or any authorised person and shall be taken to the Authority pound where Authority shall keep the companion animal or pet in terms of its pound regulations.

(4) Where the owner of the impounded companion animal or pet is located, he shall pay all the costs incurred by Council or any other relevant authority or person carrying out his duties in terms of these Bylaws in handling the companion animal or pet.

PART III—OFFENCES AND PENALTIES

Offences and penalties

11.—(1) Any person who contravenes a provision of these By-laws or fails to comply with directions given by the Authority 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 authority and where the contravention continues, to a further fine of K200.00 for each day during which the offence continues;

(b) on the second contravention, the animal shall be impounded and the authority shall levy a fee as prescribed in the Third Schedule hereto;

(c) 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; or

(d) upon conviction by a court of law to a penalty of K2000.00 and a term of imprisonment of six months or both.

(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

The following animals shall not be kept in residential premises—

1. Donkey
2. Horse
3. Mule
4. Cattle
5. Crocodile
6. Pig

- 7. Goat
- 8. Sheep
- 9. Snake
- 10. Bees
- 11. Any game species
- 12. Any other such like animal to the above mentioned list by whatever description

PART II

ANIMALS ALLOWED WITHIN RESIDENTIAL PREMISES

The following animals may be kept within residential premises—

Type of animal	Maximum number Permissible per household
Dogs	3
Cats	2
Chickens	15
Guinea fowls	15
Rabbits	10
Ducks	15
Pigeons	30
Turkeys	15
Quails	30

SECOND SCHEDULE

(By-law 5(2))

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2020

FORM I

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(s) and number desired to be kept

(i)

(ii)

(iii)

(b) Reasons for desiring to keep such animals and such numbers.....

.....

.....

8 Dates or period for which application made

Signature

Date

FORM II

(By-law 5(2))

LOCAL GOVERNMENT (BLANTYRE CITY 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 is operative.....

Signature of authorizing officer

Designation of authorizing officer

Date

THIRD SCHEDULE		(By-laws 5 (5), 8 (1) & 10 (1))
FEES		
		K t
1. Application for a permit		5,000 00
2. Fee payable on issue of a permit-		
(a) 1-10 animals		15,000 00
(b) 11-50 animals		20,000 00
(c) 51 animals and above		30,000 00
3. Storage fee per animal per day		2,000 00

Made this 11th day of September 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved this 11th day of September 2019.

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 105

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (FOOD)
BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application

BY-LAW

PART II—GENERAL PROVISIONS

4. Application for a food business licence
5. Refusal of application
6. Food business licence conditions and duration
7. Sale of meat and certificate
8. Powers of entry and inspection by an authorized officer
9. Unwholesome food
10. Sale and service of food during outbreaks
11. Food premises
12. Ventilation and lighting
13. Water, sink and wash hand basin
14. Sanitary accommodation
15. Storage facilities for staff
16. Waste management
17. First aid
18. Personal hygiene of staff at a food business premises
19. Training requirement
20. Food packaging
21. Cleanliness and protection of food
22. Prohibition of animals at food premises
23. Transportation of meat
24. Mobile restaurants
25. Offences and penalties

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

PART I—PRELIMINARY

Citation 1. These By-laws may be cited as the Local Government (Blantyre City Council) (Food) By-laws, 2020.

Interpretation 2.—(1) In these By-laws unless the context otherwise requires—

“authorized officer” means any person authorized by the Council to inspect premises, examine food, take samples of food, examine any person engaged in the handling of food or do any other act under the statutory powers of the Council;

“bottled water” means processed drinking water packed in a Polyethylene Terephthalate (PET) bottle or glass bottle;

“contamination” means the infection, pollution or adulteration of food by extraneous matter, whether or not injurious or dangerous to health, and includes contamination of odour, liquid gases or radioactive particles;

“equipment” includes apparatus, furnishings and utensils;

“fish” means any vertebrate, fish or aquatic crustacean, mollusc or other shell fish, or any other normal edible cold-blooded aquatic animal, whether alive or dead, and includes the eggs and any edible part thereof, but does not include any reptiles or mammals;

“food” means anything taken by mouth other than drugs and water but includes ice, bottled water and any article which ordinarily enters into, or is used in the position or preparation of human food, and includes flavouring matters, condiments, and such items with a corresponding meaning;

“food business” includes grocery shops, milk shops, hotels, restaurants or eating houses, canteens, bars, refreshment or entertainment rooms, coffee rooms, and includes any food manufacturing, preparation, packing or repacking premises, ice cream bars, fish and chips shops and any food premises used or proposed for use for the purpose of carrying on any food business or trade;

“food premises” means any premises on or from which a food business is carried on;

“food room” means any room in which food is handled for the purposes of a food business;

“food safety” means the assurance that food is not dangerous and will not cause harm to the consumers when it is prepared and eaten according to its intended use;

“food hygiene” means that all conditions and measures necessary to ensure the safety and suitability of food at all stages of the food chain are put in place;

“handling of food” means the carrying out or assisting in carrying out any process or operation of food for the purpose of food business or the transportation, storage, packaging, wrapping or exposure for sale, or for service or delivery of food at any place or event and includes the cleaning, of articles or equipment with which food comes into contact;

“health officer” includes the officer responsible for health and social services, environmental health officer or any other person authorized by the Council;

“latrine” includes a urinal, earth-closet, pit latrine, chemical closet, water closet or similar appliances;

“meat” means the carcass, or offal or any part thereof or any product of the carcass or offal of any animal or poultry and includes the eggs thereof;

“medical officer” means the Secretary responsible for Health, or any medical officer appointed by the Secretary for Health or the Council to act as such;

“occupier” includes any person in actual occupation of land or premises without regard to title under which he occupies and in case of premises subdivided and let to lodgers or various tenants, whether on his own account or as an agent for any person entitled thereto or interested therein;

“open food” means food not wrapped in a container or not so closed as to exclude the risk of contamination; and

“owner of premises” means any person, other than the Government, receiving the rent or profits of any land or premises from any tenants or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than the Government entitled thereto or interested therein.

(2) In determining whether any matter involves a risk of contamination to any food, the following shall be taken into consideration—

(a) the nature of the food;

(b) the manner in which the food is packed; or

(c) any process to which the food is or is to be subjected to before being consumed or sold to consumers.

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

PART II—GENERAL PROVISIONS

Application for food business licence 4.—(1) No person shall establish or carry on a food business unless he has a food business licence issued by the Council.

(2) An application for a food business licence or the renewal or transfer of food business licence shall be in the forms prescribed in the First Schedule hereto and shall, among other things, specify the name and address of the applicant and the location of the food premises.

(3) An application under paragraph (1) shall be accompanied by the fee set out in the Second Schedule hereto.

Refusal of an application 5. The Council may refuse to grant a food business licence or may suspend or cancel a food business licence if—

(a) the Council determines that the premises concerned are not fit to be used for the purpose of a food business; or

(b) the owner or proprietor of such food business or any person employed or proposed to be employed by him for the purposes of the food business is suffering from obvious infectious or contagious diseases.

Food business licence conditions and duration 6.—(1) A licence issued under these By-laws shall be in the prescribed Form II of the First Schedule hereto and may be subject to such conditions as the Council determines appropriate to impose.

(2) A licence issued under these By-laws shall expire on the last day of the financial year after the issue thereof, notwithstanding the initial date of issue.

7.—(1) No person shall sell or expose for sale any animal, carcass or meat intended for human consumption unless such animal, carcass or meat has been certified fit for human consumption by a health officer or any other authorized officer: Sale of meat and certification

Provided that where meat is imported from a source outside Malawi and such meat has not been condemned, it shall be deemed to have been inspected and approved as fit for human consumption if it has in relation to it, a certificate issued by a competent authority approved by the Council.

(2) No person shall sell or expose for sale, meat in any place other than in a market place or other premises authorized in writing by the Council and such meat shall, while exposed for sale or in transit, be covered or protected from contamination to the satisfaction of the Council and shall not be transported at the same time in the same vehicle with other materials.

(3) No person shall sell or expose for sale, any fish intended for human consumption anywhere other than in a market place or other premises, authorized in writing by the Council and all such fish shall, while exposed for sale or in transit, be covered or protected from contamination.

8.—(1) An authorized officer may, at a reasonable time, enter any food premises and examine or inspect the premises and if upon such examination or inspection he is of the opinion that— Power of entry and inspection by an authorized officer

(a) the food at the premises is not fit for human consumption; or

(b) that the continued presence of the person or existence of the thing is likely to cause injury to health;

he may, in the case of food or meat, issue a certificate of unfitness to the owner, occupier, proprietor, employee or any person at that moment in possession of such food and cause the same to be destroyed, and in the case of a person or a thing, give such directions in writing as he determines fit.

(2) An authorized officer may take a sample of food or bottled water for the purpose of analysis and if upon such analysis the report discloses that such food or water is unfit for human consumption, issue a certificate of unfitness, as prescribed in the Fourth Schedule hereto and cause such food or meat to be destroyed.

(3) Where an authorized officer takes samples of food, the owner of the food shall not sell or expose for sale for the purpose of human consumption unless and until the report of such analysis shows the food to be fit for human consumption or unless the authorized officer otherwise directs.

(4) Where food samples are taken for tests, they shall be taken in accordance with relevant national standards and appropriate forms as prescribed in the Third Schedule hereto.

(5) An authorized officer may enter and take samples from any utensil at any food premises for the purposes of carrying out bacteriological tests and shall duly fill the forms as prescribed in the Third Schedule hereto.

(6) The power of an authorized officer under this by-law shall similarly apply to those food premises outside the City of Blantyre from which food prepared or processed therein is found to be contaminated when offered for sale within the Council.

(7) Any person who refuses to admit any other authorized officer or who obstructs the exercise of any power conferred by this By-law commits an offence.

Unwholesome
food

9.—(1) Any person who—

(a) sells, offers for sale, or has in his possession for the purpose of sale;

(b) deposits with or consigns to any person for the purpose of sale;

or

(c) manufactures, stores, packs, prepares, processes or otherwise does anything to food for human consumption which is unfit for that purpose,

commits an offence.

Sale and
service of
food during
outbreaks

10. The Council shall prohibit preparation, offering for sale or serving of food at social events or any other place where there is an official declaration of an outbreak of a disease.

Food premises

11.—(1) No person shall establish or carry on a food business in any premises which, for reason of its condition, structure, situation or unsanitary nature, is unfit for such purpose or is likely to expose food to the risk of contamination.

(2) Unless otherwise approved in writing by the Council, every owner of food premises shall include a food store with an internal superficial floor area of not less than 28 square metres.

(3) No person shall use or permit other persons to use a food store as a sleeping or living place and the food store shall not have a direct connection with any sleeping or living place.

(4) The floor, walls, doors, windows, ceiling, woodwork, work surface or other parts of a food store or premises shall be made or constructed from such materials approved by the Council and shall be manufactured and—

(a) be in a clean state at all times;

(b) be rodent free; and

(c) prevent any risk of infestation by insects or vermin.

(5) Notwithstanding the generality paragraph (4), the walls immediately adjacent to or adjoining a cooker, sink, wash hand basins or any surface on which food is prepared shall either be tied to a height of not less than 2.1 metres from the floor or be treated or coated with a material of non-absorbent material.

(6) The Council shall close any food premises immediately after observing that the premises do not meet the conditions prescribed in this By-law.

12.—(1) Every owner of food premises shall ensure that every food room or kitchen is exposed to, or provided with thorough or cross ventilation either by means of window opening into the external air and equal to not less than one-tenth of the floor area of such room or kitchen, by means of both such window and extract fan of the type approved by the Council.

Ventilation
and lighting

(2) Unless the construction of a food premises is such that this by-law will not apply in so far as it concerns hoods and flues, every owner of food premises shall construct immediately over every cooking stove or oven, a hood of such size and height as to permit easy preparation or service of food and a chimney with a flue of not less than thirty centimetres in diameter and exhausting or discharging smoke or fume to the outer atmosphere at such height and in such position and manner as to prevent pollution, odour, nuisance or annoyance to the neighbourhood.

(3) Every owner of food premises, room or kitchen shall ensure that the food premises, store or kitchen are exposed to sufficient natural light either by means of window opening into the external area and equal to not less than one-tenth of the floor area of that apartment, room or kitchen, by means of both such window and electric or other lighting approved by the Council.

13. Every owner of food premises shall provide—

Water, sink
and wash hand
basin

(a) an adequate supply of clean potable water at all times;

(b) a sink for washing utensils, cooking pans, equipment and food, and the sink shall be connected to a continuous supply of water together with trapped drainage for the discharge of used or waste water;

(c) suitable supplies of soap or detergent for the washing of cooking pots and pans, equipment, cloth and other materials connected with preparation of food;

(d) adequate disposable hand towels or hand dryers for wiping or drying purposes;

(e) fittings for the storage of such disposable towels and dryers; and

(f) wash-hand basins for use by persons engaged in the handling of food and the wash-hand basins shall be connected with potable running water together with trapped drainage and be supplied with soap, disposable hand towels or hand dryers, and fitments.

14.—(1) An owner of food premises shall, in addition to complying with the provisions of the Blantyre City Council (Sanitary Arrangements) By-laws, 2020 ensure that every sanitary accommodation within the food premises is—

Sanitary
accommoda-
tion

(a) kept clean and, in the case of water closet, flushed without overflow of water; and

(b) sited so as to prevent odour from affecting or penetrating any food room.

(2) An owner of food premises shall not use any sanitary accommodation for the storage, preparation, manufacture or sale of food.

(3) An owner of food premises shall affix in a prominent position nearest to the sanitary accommodation, a hand basin and a disposable towel or hand dryer for persons using the sanitary accommodation to wash and to dry their hands immediately after such use.

15.—(1) An owner of food premises shall provide cupboards and lockers for the storage of clothes, footwear, handbags and other personal items not being used during working hours by persons engaged in the food business.

Storage
facilities for
staff

(2) Any person who does not use or who prevents another person from using the cupboards or lockers provided commits an offence.

16.—(1) An owner of food premises shall provide such number of approved refuse bins as are sufficient to contain the quantity of refuse accumulated each day at such premises.

Waste
management

(2) The spilling over of refuse from such bins shall be evidence that the number of refuse bins provided is insufficient.

(3) An approved type of refuse bin is a cylindrical receptacle of galvanized iron or hard plastic, about 450 mm in diameter at the top, 350 mm in diameter at the bottom and 750 mm in height and has an effective capacity of about 0.4 cubic metres with a tight fitting lid which is capable of keeping out rain and preventing the escape of offensive odour.

17. An owner of food premises shall provide a first aid box in a place readily accessible to persons engaged in the food business and the box shall contain all necessary appliances and medicines for first aid.

First aid

18.—(1) No person engaged in the handling or preparation of food or meat shall, while knowing that he is suffering from typhoid fever, paratyphoid fever, dysentery, venereal disease or any other disease which is contagious or likely to result in food poisoning, handle or prepare food or meat.

Personal
hygiene of
staff at a food
business
premise

(2) No person shall employ, or continue to employ for the purpose of food business, any person suffering or convalescing from any of the diseases referred to in paragraph (1).

(3) The owner, occupier or proprietor of a food business shall, upon knowledge that any person is suffering from any of the diseases in paragraph (1) notify the Medical Officer forthwith describing the nature of the disease and the name and address of the person suffering from the same and any other information that may be required by the Medical Officer.

(4) No person shall be employed in a food business unless such person has been examined and certified as fit to work in such capacity, by a medical officer recognized by the Council.

(5) The medical officer shall issue a medical certificate after specimen such as urine, blood and stool of such person has been examined.

(6) The Council shall not issue a food business licence to any person unless the person has obtained or is in possession of a medical certificate of fitness obtained at least every six months.

(7) The Council may publish in a newspaper of wide circulation in the City, names of medical practitioners recognized under subparagraph (4).

(8) Every person engaged in the handling or preparation of food or meat shall, while so engaged—

- (a) not place or expose food to the risk of contamination;
- (b) wear clean washable or disposable head covering, and washable clothing;
- (c) keep any open cut, abrasion or wound covered with water proof dressing;
- (d) not smoke or snuff tobacco; and
- (e) refrain from spitting.

19.—(1) Every food handler shall undergo training in food hygiene and safety at an institution recognized by the Council. Training requirement

(2) Possession of a certificate in food hygiene and safety shall be prima facie evidence that the holder thereof underwent such training.

PART V—FOOD HANDLING

20.—(1) A person shall not sell, expose, deliver or distribute for sale food items including bread, sweet, biscuit, cake, chocolate, fruit or vegetable unless such food is wrapped in transparent greaseproof wrapping material or other material approved by the Council or approved under any written law: Food packaging

Provided that where any such food is unwrapped, no person shall lay out or display the food on a road, path, lane or pavement or expose the food for sale except in a sealed container of which at least one side shall be constructed with transparent material.

(2) The seller of any food stuff shall ensure that the wrapper bears distinguishing readable marks.

21. An owner or operator of a food business shall keep clean and in a good state of repair, every container, counter, shelf, tray, display cabinet, refrigerator and other equipment with which food or meat comes into contact during sale or display for sale of the same. Cleanliness and protection of food

22. No person shall bring in, keep or allow any person to bring any animal, other than a fowl, for immediate slaughter into any food premises. Prohibition of animals at food premises

23. The Council may, from time to time by notice fixed at a conspicuous market place, or in a newspaper circulating within the City or any other medium of communication, prescribe the type, design and content of vehicle which may be used for the transportation of meat within the City. Transportation of meat

24. A person shall not operate a mobile restaurant unless he has obtained a food licence from the Council. Mobile restaurants

PART V—MISCELLANEOUS

25.—(1) Any person who contravenes or fails to comply with any of the provisions of these By-laws or comply with the terms of any notice served upon him by the Council pursuant to these By-laws commits an offence and upon conviction shall be liable to a fine of K2,000.

(2) Where the offence in sub paragraph (1) continues, the person shall be liable to pay 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.

FIRST SCHEDULE

(By-law 4 (2))

LOCAL GOVERNMENT ACT

(CAP. 22:01)

BLANTYRE CITY COUNCIL (FOOD BUSINESS) BY-LAWS, 2020

FORM I

APPLICATION FOR THE ISSUE/RENEWAL OF FOOD BUSINESS LICENCE

PART A: To be completed by applicant

Business name:

Name of applicant: Phone No.

Postal address:

E-mail address:

Location: Street:

Plot No.: Zoning:

Type of business:

Name of owner of premises: Phone No

Address:

Nature of Business: - Restaurant, Café, Grocery, Butchery, Bar, Bottlestore, Superette, Club, Bakery, Hotel, Lodge, Motel, Wholesaler, Dairy food, Manufacturing or Processing Premises, other (give details)

.....

Number of Food handlers including waiters employed or to be employed: Male..... Female.....

Number of Food handlers who underwent Basic Food Hygiene Training: Male..... Female.....

Previous licence number: Date of issue

Signature of applicant: Date:

PART B: To be completed by Town Planning Officer

I wish to confirm that I have inspected the premises of the applicant and below are my comments and observations:

.....

Recommendations:

.....

Director of Town Planning Signature Date.....

PART C: To be completed by Environmental Health Officer

I wish to confirm that I have inspected the premises of the applicant and below are my comments and observations:

.....

Recommendations:

.....

Environmental Health Officer Signature Date.....

PART D: To be completed by Director of Commerce, Trade and Industry.

I wish confirm that I have analysed the application and below is my recommendation

Licence fee: Receipt No:

Licensing officer: Signature: Date

Approved/Not Approved: DATE

Chief Executive Officer

FORM II

(By-law 6)

FOOD BUSINESS LICENCE

Business name:

Name of applicant: Phone No.

Postal address:

E-mail address:

Location: Street:

Plot No.: Zoning:

Type of business:

Name and owner of premises: Phone No

Address:

Licence Fee: Receipt No:

Recommended/Not Recommended: DATE:
Director of Commerce, Trade and Industry

Approved/ Not approved: DATE:
Chief Executive Officer

SECOND SCHEDULE
 LOCAL GOVERNMENT ACT
 (CAP. 22:01)

(By-law 4 (3))

BLANTYRE CITY COUNCIL (FOOD BUSINESS) BY-LAWS, 2020
 FEES PAYABLE FOR LICENCE

DETAILS	RATE	
	K	t
<i>Food – Hotels</i>	175,000.00	
<i>Food - Dairies & bakeries</i>	275,000.00	
<i>Food manufacturing (chain store bakeries, etc)</i>	175,000.00	
<i>Food - Restaurants, inns & cafes</i>		
Premier – Executive	150,000.00	
Premier – standard	125,000.00	
Class A	85,000.00	
Class B	50,000.00	
Class C	30,000.00	
<i>Food - Lodges, motels</i>	100,000.00	
<i>Food – Casino</i>	175,000.00	
<i>Food – Wholesalers</i>	175,000.00	
<i>Food – Supermarkets</i>	125,000.00	
<i>Food – Clubs</i>	175,000.00	
<i>Food – Superette</i>	50,000.00	
<i>Food - Bars/Bottlestores</i>		
Premier (24 hours)	150,000.00	
Class A	70,000.00	
Class B	50,000.00	
<i>Coffee shops/takeaways:</i>		
Class A	80,000.00	
Class B	40,000.00	

Class C	25,000.00
<i>Small confectionery manufacturing</i>	40,000.00
<i>Milk permit</i>	
Class A (supermarkets)	30,000.00
Class B (Superretes)	25,000.00
<i>Fresh foods</i>	
City Centres – Premier	150,000.00
City Centres – Other	100,000.00
Blantyre and Limbe market	35,000.00
Townships/other markets	25,000.00
<i>Bakery outlets</i>	90,000.00
<i>Distributors of drinks – food</i>	95,000.00
Food	95,000.00
Liquor	170,000.00
<i>Licence replacement fee</i>	10,000.00
<i>Licence application forms</i>	2,000.00

THIRD SCHEDULE

(By-law 8 (4))

LOCAL GOVERNMENT ACT

(CAP. 22:01)

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS, 2020

FOOD/WATER SAMPLE(S) COLLECTION FORM

FORM I

Sample No..... Date:

This sample was taken from (state article(s) from which sample taken) at

.....
 (state time, business name and physical address of the premises).

In the presence of

Who stated that he was the (owner/person for the time being in - charge in connection with the said premises in his capacity as

Owner or agent's name:

Signature: Date:

Health Officer Name:

Signature: Date:

FORM II

(By-law 8 (4))

FOOD / WATER SAMPLE COLLECTION FORM WHERE OWNER/AGENT REFUSES TO SIGN

Sample No..... Date:

This sample was taken by me,, in my capacity as at

(state time, business name and physical address of the premises)

from (state article(s) from which sample(s) taken

I certify that the form set out in Form II of the Fourth Schedule to these Bylaws was presented for signature and refused by the person named therein.

Name(s) of Health Officer(s) :

Signature: Date:

FOURTH SCHEDULE

LOCAL GOVERNMENT ACT

(By-law 8 (2))

(CAP. 22:01)

BLANTYRE CITY COUNCIL (FOOD BUSINESS) BY-LAWS, 2020

CERTIFICATE OF UNFITNESS

TO:

Address

CONDEMNATION AND CONFISCATION OF FOOD

This is to certify that this day of I/We, have examined the under listed food item(s) and found it/them unfit for human consumption

Signed Position held

GOVERNMENT NOTICE NO. 106

LOCAL GOVERNMENT ACT
(CAP. 22:01)
BLANTYRE CITY COUNCIL (LIQUOR LICENSING) BY-LAWS, 2019

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. No sale of liquor without licence
5. Application fees
6. Reissuance of a licence
7. Licence to sell liquor
8. Operating hours for stores
9. Persons below the age of eighteen not allowed in liquor premises
10. Packaging of liquor
11. Liquor premises standards
12. Weapons prohibited on liquor premises
13. Entry and inspection of liquor premises
14. Liquor not to be sold at residential premises

PART III—OFFENCES AND PENALTIES

15. Offences and penalties

FIRST SCHEDULE — APPLICATION FOR ISSUE/RENEWAL OF LIQUOR LICENCE

SECOND SCHEDULE — LICENCE FEES

THIRD SCHEDULE — MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

FOURTH SCHEDULE — PERMITTED HOURS FOR SALES LICENCES

FIFTH SCHEDULE — CONDEMNATION AND CONFISCATION OF LIQUOR

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Liquor (Blantyre City Council) Citation
(Liquor Licensing) By-laws, 2020.

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

“auctioneer’s temporary licence” means licence issued for sale of liquor at an auction

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

“industrial grade ethanol” means distilled ethanol produce and sold for other tahn beverage purposes;

“intoxicating liquor” means any spirit, wine, beer, cider or other potable liquor intended for human consumption, which, on analysis of a sample thereof at any time, is found to contain more than two per cent by volume of proof spirits;

“licence” means a licence issued under to these By-laws;

“licensed premises” means any premises, or part of any premises, which are specified in a licence issued under these By-laws;

“licensing officer” means, in relation to any area, the person designated by the Minister as such for such area pursuant to section 4 of the Liquor Act, and includes any person so designated as acting licensing officer for such area; Cap. 50:07

“liquor” means intoxicating liquor;

“manufacturer’s licence” means any licence under which the principal right exercisable by the licensee thereunder is the manufacture of liquor by an industrial process, for ultimate sale to and use by the public;

“mentally incompetent person” means a person who is mentally ill, senile or suffering from a debility that prevents one from competently managing his own affairs;

“non-potable ethanol” means ethanol that is not fit for human consumption;

“off-licence” means any class or grade of retail sales licence issued under this By-law which is exercisable on stated licensed premises and which authorizes the licensee thereunder to sell liquor by retail sale for consumption off the said relevant licensed premises only;

“on-licence” means any class or grade of retail sales licence, issued under this Act, which is exercisable on stated licensed premises and which, inter alia, authorizes the licensee thereunder to sell liquor by retail sale for consumption on the said relevant licensed premises;

“opaque beer” means liquor brewed by an industrial brewing process, which, if brewed by traditional methods, would be traditional beer;

“permitted hours” means the prescribed hours appropriate to the relevant licence or permit, as the case may be, together with any lawful extensions thereof;

“premises” means any land, with or without buildings thereon, or part of any such land 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, the selling of liquor, and includes any motor vehicles or other mobile unit being so used by any such person;

“prescribed hours” means the days of the week and the hours of the day during which a licensee or permit holder is authorized to sell liquor in the exercise of his licence or permit under these By-laws;

“retail sales licence” means any class of sales licence which authorizes the licensee thereunder to sell liquor by way of retail sale;

“sell” includes to supply and to keep for sale;

“temporary sales licence” means any auctioneer’s temporary licence or any occasional licence;

“traditional beer” means any liquor brewed by a process of fermentation, by traditional methods, from one or more of the following ingredients, 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;

“weapon” means anything, arm or armament which has the ability to inflict bodily harm and physical damage;

“young person” means any person who is under the age of eighteen years.

Application

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

PART II—GENERAL PROVISIONS

No sale of
liquor without
licence

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

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

Cap. 50:07

(3) Subject to section 65 of the Liquor Act, the Council 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, hereto 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 of the Council 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 the Council 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 not grant the licence or, if issued, revoke it forthwith.

5. The fees payable for the issue of a liquor licence shall be the fee prescribed in the Second Schedule hereto. Application fees

6. 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, hereto issue a replacement licence. Reissuance of a licence

7.—(1) An owner or lessee of premises who intends to manufacture or sell, or manufacture and sell liquor on the premises shall— Licence to sell liquor

(a) first apply for a business premises licence under the Local Government Blantyre City Council (Business Premises Licensing) By-laws, 2020; and

(b) where the licence in (a) has been issued, apply for a liquor licence.

(2) In granting a liquor business premises licence, the Council shall take into account the provisions of section 65 of the Liquor Act. Cap. 50:07

(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 hereto.

(4) A holder of a 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.

(5) A liquor or premises licence shall not be transferable.

(6) The fee payable for the issue of a liquor licence shall be the fee prescribed in the First Schedule hereto for the liquor licence concerned.

8. The permitted hours for the sale of liquor shall be as prescribed in the Fourth Schedule here to. Operating hours for liquor stores

Persons below
the age of
eighteen not
allowed in
liquor
premises

9.—(1) A holder of a liquor licencer shall not permit persons below the age of eighteen into liquor premises.

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

(3) 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.

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

(5) A person who contravenes this by-law commits an offence.

Packaging of
liquor

10.—(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) A person shall not package industrial grade ethanol or other non-potable ethanol, or package a blend of either industrial grade ethanol or non-potable ethanol with intoxicating liquor.

(3) A person shall not package intoxicating liquor in plastic or polythene sachets or any other similar packaging.

(4) The quantities and packaging set out in the Fifth Schedule hereto shall be the authorized quantities and packaging for the purposes of the manufacture, keeping, stocking, bottling, packaging, conveyance, possession, sale or supply of intoxicating liquor.

(5) In addition to the penalty imposed under Part III of the By-laws, the Council may—

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

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

(6) 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 Sixth Schedule hereto.

Liquor
premises
standards

11.—(1) The holder of a liquor licence shall—

(a) ensure continued compliance with minimum premises standards set out in the Third 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 requirements prescribed in the Sanitary Arrangements By-laws, 2020.

(2) A person who contravenes this By-law commits an offence.

Weapons
prohibited
on liquor
premises

12.—(1) A licensee shall ensure that no person in possession of a weapon 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.

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

13. Any person duly authorized in writing by the Council, may at any time— Entry and inspection of liquor premises

(a) enter or remain in any place or premises for purposes of ascertaining whether or not the provisions of 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.

(e)

14. A person shall not sell liquor from residential premises. Liquor not to be sold at 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) 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 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 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 conform to prevailing market rates.

FIRST SCHEDULE

By-law 4 (1)

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (LIQUOR LICENSING)
BY-LAWS, 2020

FORM I

APPLICATION FOR ISSUANCE/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 Phone No.

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 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 misinformation or misrepresentation.

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))
 LIQUOR LICENCE

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

Trading hours

Dated this day of 20.....

.....
Chief Executive Officer

SECOND SCHEDULE
 BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (LIQUOR LICENSING)
 BY-LAWS, 2020

LICENCE FEES

CLASS OF LICENCE	AMOUNT	K	t
1. Grade "A" Bar			
(a) Premier	150,000	00
(b) Platinum	75,000	00
(c) Gold	50,000	00
(d) Silver	25,000	00

							K	t
2.	Grade "B"							
	Retail liquor Shops	..	..	..	..	..	50,000	00
3.	Grade "C"							
	(a) Hotel/Casino	..	..	..	..	..	75,000	00
	(b) Lodges and Motels	..	..	..	..	..	25,000	00
4.	Grade "D"							
	Restaurant	..	..	..	..	..	20,000	00
5.	Grade "E"							
	Club	..	..	..	..	..	50,000	00
6.	Grade "F"							
	Cabarets (per day)	..	..	..	..	..	25,000	00
7.	Grade "G"							
	Theatres	..	..	..	..	..	20,000	00
8.	Grade "H"							
	Bottle stores	..	..	..	..	..	50,000	00
9.	Grade "I"							
	Nature Sanctuary and Recreation Parks)	..	..	..	..	..	25,000	00
10.	Grade "TA" Air Terminals	..	..	..	..	..	50,000	00
11.	Grade "J" Railways & Bus Stations-							
	(a) International Bus Station	..	..	..	..	..	50,000	00
	(b) Local Bus Station	..	..	..	..	..	25,000	00
	(c) Railway Station	..	..	..	..	..	25,000.00	
12.	Manufacturing licences—							
	(a) Distillers licences	..	..	..	..	..	150,000	00
	(b) Commercial brewers licence (Translucent)	..	..	..	..	..	250,000	00
	(c) Winemakers licences	..	..	..	..	..	50,000	00
	(d) Opaque beer brewers licence	..	..	..	..	..	200,000	00
13.	Wholesale licences—							
	(a) Wholesale manufacturer licence	..	..	..	..	..	100,000	00
	(b) Agents licence	..	..	..	..	..	75,000	00
14.	Temporary licence—							
	Auctioneers temporary licence (per day)	..	..	..	..	..	25,000	00
15.	Opaque beer licence—							
	(a) Retailers licence	..	..	..	..	..	40,000	00
	(b) Wholesalers licence	..	..	..	..	..	75,000	00
16.	Replacement of licence	..	..	..	..	..	10,000	00

THIRD SCHEDULE (By-Laws 7 (3) and 11 (1) (a))

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (LIQUOR LICENSING)
BY-LAWS, 2020

MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

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.
2. At least one wash hand basin supplied with a continuous source of water together with trapped drainage for used or waste water.
3. In any sales and dancing room, there shall be provided a well constructed counter which will separate the sales staff and the customers.
4. A sales and dancing room shall be provided with a dancing floor whose area shall be not less than 40 square metres.
5. No dancing room shall have a minimum height of less than 4 metres.
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.
7. The floor, walls, doors, windows, ceiling and woodwork shall be constructed of sound (acoustic)-proofing material and other material to avoid noise pollution. .
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.
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.
10. The place or premises shall have such number of refuse bins as would be sufficient to contain the quantity of refuse accumulated .
11. The place or premises shall have a First Aid Box readily accessible to staff and such box shall contain all necessary appliances and medicine for first aid.
12. The place or premises shall have a storeroom of not less than 5.6 square metres for the storage of liquor and other materials.

FOURTH SCHEDULE

(By-law 9)

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (LIQUOR LICENSING)
BY-LAWS, 2020

PERMITTED HOURS FOR SALES LICENCES

A WHOLESALE LICENCE—

- | | |
|----------------------|------------------------|
| 1. Wholesale Licence | No restriction |
| 2. Agent's Licences | 7.30 a.m. to 6.30 p.m. |

B RETAIL LICENCES—

(a) Grade A (Bar)

Minimum standards for Bar

(i) Premium

- 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 a.m.

(ii) Platinum

- A bar in the low and medium density area
 - Adequate sound (acoustics) proof facilities
 - Well secured
- Operate from 10:00 a.m. 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 a.m. to 10:00 p.m.

(iv) Silver

- An off-premise drinking joint such as a superette grocery.
 - A bar in the high-density area
- Operate from 10:00 a.m. to 8:00 p.m.

(b) Grade B (off premises business) 10:00 a.m. to 10:00pm

(c) Grade C (Hotel)—

- | | |
|--|---------------------------|
| (i) Sales to persons not lodging on the premises | 10:00 a.m. to 12 midnight |
| (ii) Room service | no restriction |

(d) Grade D (restaurant) Sale to persons consuming meals	7:30 a.m. to 10:00 p.m.
(e) Grade E (Club Sale to membership)	10:00 a.m. to 12 midnight
(f) Grade H (Limited off licence)	7:30 a.m. to 10:00 p.m.
(g) Grade F (Cabaret)	Liquor sold from 5.00 p.m. to 30 minutes after last show
(h) Grade G (Cinema and Theatre)	Sales permitted up to 30 minutes before and after the show
(i) Grade I (Nature Sanctuary and Recreation Parks)	10:00 a.m. to 10:00 p.m.
2 TRAVEL AND TRANSIT LICENCES—	
(a) Grade "TA" Airport and Air terminal	No restrictions
(b) Grade "TB" Bus Station or Bus Terminal	10.00 a.m. to 12 midnight
(c) Grade "TR" Railway Station or Railway Terminals	10:00 a.m. 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 a.m. to 5:00 p.m.
2. Occasional licence	as started in the licence

FIFTH SCHEDULE

(By-law 11 (4))

BLANTYRE CITY COUNCIL

AUTHORIZED QUANTITIES AND PACKING OF INTOXICATING LIQUOR

These prescriptions do not apply to—

(a) the sale or supply to, or consumption by, any person of intoxicating liquor in any licensed hotel premises.

<i>Type of intoxicating liquor</i>	<i>Authorized packaging</i>	<i>Minimum quantities</i>
1. Clear beer	Glass bottle/Aluminium	330 ml
2. Spirits	Glass bottle	200 ml
3. Traditional beer	Cardboard box	250 ml
4. Liquor	Glass bottle	200 ml
5. Ciders and acopops	Glass bottle	300 ml

SIXTH SCHEDULE

(By-law 10 (6))

BLANTYRE 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, willfully surrender the same for destruction.

NAME SIGNATURE
Owner/Agent

Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

This 11th day of September, 2019.

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 107

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (MARKET AND
VENDING) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and commencement
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. 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

BY-LAW

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 Blantyre City Council makes the following By-laws—

PART I—PRELIMINARY

Citation and commencement

1. These By-laws may be cited as the Local Government (Blantyre City Council) (Market and Vending) By-laws, 2020.

Interpretation

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

Cap.66:02

“animal” bears the meaning as ascribed to that term under the Control and Diseases of Animals Act;

“Council” means the Blantyre City Council;

“goods” includes any fish, animal, produce, meat, provisions, merchandise and wares;

“infectious disease” means any disease which can be communicated directly or indirectly by a person, animal or farm produce;

“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 public markets;

Cap.36:01

“medical practitioner” means a person registered under Section 17 (3) of the Medical Practitioners and Dentists Act;

“private market” means a market other than a public market;

“produce” includes farm produce;

“public market” means a market designated as such under the First Schedule hereto and it includes the area within 500m from the physical boundaries of those markets;

“sell” includes barter, exchange, offer to sell, expose for sale and make any other disposition for money or money’s worth; and

“street vending” means vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public

place or private area from a temporary built-up structure or by moving from place to place and includes, hawker, peddler and squatter.

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

PART II—GENERAL PROVISIONS

4.—(1) The Council shall have the power to designate areas within the council areas as a public market. Designation of public markets

(2) The markets listed in the First Schedule hereto are hereby designated as public markets.

5.—(1) A person shall not engage in street vending within the City of Blantyre unless he has been given prior permission by the Council. Private market and street vending

(2) A person shall not operate a private market within the City of Blantyre unless he has obtained prior written permission from the Council.

6.—(1) A person shall not sell goods of any description in a public market, unless he has paid the appropriate market fees set out in the Second Schedule hereto. Market fees and rent

(2) The Council shall, for the use of a public market stall, shop, room or place therein, for the purpose of selling any goods, charge rent or fees, as set out in the Second Schedule hereto.

(3) A person shall not sell goods of any description unless he pays to the Council, in respect of use of its property in a public market—

(a) rent payable in advance; or

(b) an appropriate fee on the spot, as the case may be.

7.—(1) Where a person fails or refuses to pay the requisite fee in 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 (2) and (3), 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 to another deserving person.

(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 realised 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 as a debt due and payable to the Council.

Hours of
opening a
public market

8.—(1) A public market shall be open every day, from 6:00 a.m. to 6:00 p.m. or such other time as the Council may, from time to time, determine.

(2) A person shall not sell any goods in a public market other than during such hours of opening as determined by the Council under paragraph (1).

(3) A person shall not enter, remain, sleep or reside in a public market without the authority of the Council during any time when it is closed:

Provided that Councillors, Council officers or any public officer may do so whilst engaged on Council duty.

Restriction on
sale

Cap. 14:08

Cap. 14:09

Cap. 50:03

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

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

(b) any explosive as defined in the Explosives Act;

(c) liquid fuels and gas 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 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 the Council considers 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 without prior notification and approval of the Council.

(3) Subject to paragraph (1), a person shall, unless authorised by the Council, not erect, place or construct any kiosk, shed, counter, stall or other structure of any kind in, or within the precincts of a public market in which structures are provided.

(4) Where structures are not provided in a public market, the Council may allow a vendor to construct a kiosk or other structure to the specification of the Council:

Provided that no vendor shall be allocated more than one plot.

(5) A fee for the use of such kiosk or other structure referred to in paragraph (3) shall be payable by the vendor at the rate specified in the Second Schedule hereto.

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

(7) A market committee or any vendor shall not allocate a place in the market to a vendor to conduct his business, and where the market committee or a vendor does so, the decision of the Council as to allocation of a place to a vendor at the market shall override that of the committee or any vendor.

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

Insurance cover for merchandise

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

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

Control of fires and cooking

(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.—(1) 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.

(2) Where a market master or any officer of the Council has reasonable grounds to believe that a person is carrying an infectious disease, he shall refer the person to a medical practitioner who shall upon consent from the person examine him to verify that the person is so infected.

Sale of unwholesome food

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

(2) The market supervisor, market master or any officer of the Council 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 or any officer of the Council 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) Subject to paragraph (3), where the food detained has been handed over to a police officer of or above the rank of a sub-inspector, the police officer shall immediately hand over the detained food item to a medical officer, health officer, veterinary officer or health inspector.

(5) The medical officer, health officer, veterinary officer, health inspector shall inspect the detained food to determine whether the food is diseased, tainted, unwholesome or otherwise unfit for human consumption.

(6) Where the food inspected under paragraph (5) 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.

(7) 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 (6).

Obstruction of pathways prohibited

16.—(1) Goods shall not be exhibited for sale on a roadway, pathway, stairway or passage or over any drain within a public market.

(2) A board, box, basket, tin, sack or other container shall not be left in, over or upon a roadway, stairway, passage or drain.

Livestock prohibited in public market

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.

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 thoroughly clean and in good order to the satisfaction of the Council; and
- (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.
- 19.—(1) A person selling goods, articles or produce by weight or measure shall use the standard weights and measures prescribed under the Metrology Act and provide and maintain such scales and measures at his own expense. Weights and measures Act No. 10 of 2016
- (2) A person using equipment prescribed under paragraph (1) shall ensure that the equipment is calibrated at least once a year.
20. A person who is within the precincts of a public market shall comply with all directions given by the Council in relation to implementation of these By-laws. Compliance with directions
21. The Council may set aside, allocate or provide parts of a public market for the sale therein of such type of goods as specified only and no goods or food items of any other type, other than those specified, shall be sold or displayed for sale in that part of the market. Separate areas for specified food or goods
22. 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
- 23.—(1) A person shall not leave any goods in a public market during any period when the market is closed to the public. Storage of goods
- (2) No compensation shall be payable by the Council in respect of any loss or damage to any goods left in a public market contrary to the provision of paragraph (1).
24. Where goods are— Disposal of impounded or abandoned goods
- (a) impounded, left unclaimed or abandoned in any place in a public market for a period exceeding, in case of non-perishable goods seven (7) days, or in case of perishable goods one (1) day; or
- (b) left unclaimed or abandoned in a general storeroom of a public market for a period exceeding in case of non-perishable goods, twenty-one (21) days, or in case of perishable goods one (1) day, the Council shall have power to dispose of such goods by auction sale or otherwise as the Council may determine.
25. 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 that purpose by the Council. Use of authorized entrance
- 26.—(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 Eviction and refusal of admittance

Master or by any public officer duly authorized to take such action by the Council.

(2) A person who has been convicted on more than two occasions of any offence against these By-laws may be barred from entering any public market by the Council.

(3) The Council shall maintain a register of persons who have been convicted of any offence under these By-laws.

(4) A person who, having been lawfully evicted from a public market or having been barred from entering any or all public markets under paragraph (2), shall commit an offence if he enters or attempts to enter any public market for the purpose of selling any goods or produce.

PART III—MARKET COMMITTEES

Establishment
and
Composition
of Market
Committees

27.—(1) There shall be a market committee for each market designated as a public market under these By-laws.

(2) The market committee shall consist of—

(a) a minimum of five and a maximum of seven members who shall be elected members of the committee subject to paragraph (4);

(b) representatives of market sections who shall be members of the Committee by virtue of their position as representatives of market sections.

(3) Members of the market committee, including representatives of market sections, shall be vendors who conduct their business at the market.

(4) The members of the market committee, other than representatives of market sections, shall be elected by vendors of that particular market who conduct their business at the market and from whom the Council collects market fees.

(5) Members of the market committee including representatives of market sections shall hold office for a term of three years unless sooner replaced as provided in the guidelines which the Council may publish under by-law 29 (2).

(6) A member of a Market Committee shall be eligible for re-election for one further term of three years only:

Provided that representatives of market sections shall not hold office for a period beyond maximum number of terms prescribed under this bylaw.

Functions of
market
committees

28. The market committees shall—

(a) represent interests of vendors of a market to the Council;

(b) act as a liaison between the Council and vendors of a market;

(c) assist the Council in resolving disputes between vendors in a market;

(d) assist the Council in ensuring that vendors comply with sanitary and health requirements under these Bylaws and any other Bylaws made by the Council; and

(e) assist the Council in ensuring observance of law and order in a market.

29.—(1) The Council may publish guidelines for election of market committees and their conduct of business. Guidelines for market committees

(2) The guidelines published in paragraph (1) may provide for conduct of members, vacation of office and filling of a vacancy in the committee.

PART III—OFFENCES AND PENALTIES

30.—(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) wilfully 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 insulting 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 or offensive offal, fruit or vegetable substance or matter;

(h) damages, defaces, fouls, misuses or interferes with part of the market or any equipment, fittings or fixtures therein; or

(i) plays any game, gambles or takes any bets,

commits an offence and the Council shall evict him from the market or confiscate his merchandise.

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

(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 forthwith.

(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 repossess the plot and no compensation shall be payable for the development thereof.

(7) A person who contravenes by-laws 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 or 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 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 for each day during which the offence continues or confiscation of his merchandise and eviction from the market.

FIRST SCHEDULE

(By-laws 2 & 4 (2))

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (MARKET AND VENDING) BY-LAWS, 2020

DESIGNATED PUBLIC MARKETS IN THE CITY OF BLANTYRE

Bangwe Market
 BCA (Main) Market
 BCA (Njanji) Market
 Blantyre Flea Market
 Blantyre Produce Market
 Chigodi (Mkwepu) Market
 Chigumula A Market
 Chigumula B Market
 Chilomoni Market
 Chimwankhunda Market
 Chinseu Market
 Chirimba Market
 Gaisi Market
 Likhubula (Mbayani) Market
 Limbe Flea Market
 Limbe Produce Market
 Kachere Market
 Khama Market

Makata Market
 Manase Market
 Manyowe Market
 Misesa Market
 Mpingwe Market
 Mulunguzi Market
 Musa Magasa Market
 Nancholi Market
 Naizi Market
 Nanjiriri Market
 Ndirande Market
 Nkolokoti Market
 Safarao Market
 Soche Market
 South Lunzu Market
 Thawale Market (Zingwangwa Market)
 Zambia Market (Ndirande Market B)

SECOND SCHEDULE
 BLANTYRE CITY COUNCIL

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

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (MARKET AND
 VENDING) BY-LAWS

MARKET, RENT AND VEHICLE ENTRY FEES

	K	t
Market fees (Per square metre per day)	150	00
Vehicle entry fee (per entry)		
- 1 Tonner & Below	3,000	00
- Above 1 - 3 Tonner	6,000	00
- Above 3 - 5 Tonner	9,000	00
- Above 5 Tonner	12,000	00
Toilets fee (per visit)	30	00
Water per pail	80	00
RENTAL CHARGES PER MONTH		
<i>Kiosks.</i>	15,000	00
<i>Limbe Market</i>		
Lock ups (small)	12,000	00
Lock ups (standard)	18,000	00
Barber shops	18,000	00
small shops	18,000	00

shops (78, 79, 80)	..	..	..	..	..	..	35,000.00
shops (81, 82,83)	..	..	..	..	..	..	40,000.00
Butcheries	..	..	..	..	..	..	27,000.00
Restaurant - class a	..	..	..	..	..	..	40,000.00
Restaurant - class b	..	..	..	..	..	..	30,000.00
<i>Blantyre Market</i>							
Shops ..	..	..	..	..	..	..	18,000.00
Barber shops	..	..	..	..	..	..	18,000.00
Butcheries	..	..	..	..	..	..	27,000.00
Restaurants	..	..	..	..	..	..	30,000.00
Toilets	..	..	..	..	..	..	40,000.00
Shower	..	..	..	..	..	..	50,000.00
<i>Ndirande Market</i>							
Shops	..	..	..	..	..	..	15,000.00
Butcheries	..	..	..	..	..	..	18,000.00
<i>Chilomoni</i>							
Shops	..	..	..	..	..	..	5,000.00
Butcheries	..	..	..	..	..	..	8,000.00
<i>Soche Market</i>							
Lock ups	..	..	..	..	..	..	4,000.00
Shops	..	..	..	..	..	..	40,000.00
Bar ..	..	..	..	..	..	..	60,000.00
<i>Manyowe Market</i>							
Shops ..	..	..	..	..	..	..	15,000.00
<i>Food Stores</i>							
Ginnery Corner/Blantyre Netting							18,000.00
Queens	..	..	..	..	..	..	7,500.00

Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

Kondwani Nankhumwa
Minister of Local Government and
Rural Development

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

GOVERNMENT NOTICE. 108

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAWS

PART I—PRELIMINARY

1. Citation
2. Interpretation

PART II—GENERAL PROVISIONS

3. All Non- governmental Organisations to be registered
4. Affiliated non- governmental organisations to register
5. Documents to accompany application
6. Form of certificate of registration
7. Period of validity of certificate
8. Notification of refusal to register
9. Registration fee
10. Notification of revocation
11. Exemption from provisions of By-laws
12. Reporting requirements
13. Offences and penalties

SCHEDULES

PART I—PRELIMINARY

IN EXERCISE of the powers conferred by section 103 of the Local Government Act the Blantyre City Council makes these By-laws—

1. These Bylaws may be cited as the Local Government (Blantyre City Council) (Non-governmental Organisations Registration) Bylaws, 2020.

2. In these Bylaws, unless the context otherwise requires—

Interpreta-
tion

“Act” means the Non-governmental Organisations Act;

“City” means the City of Blantyre;

“community based organization” means a non profitable organization that works at local level to improve life of the local community;

“Council” means the Blantyre City Council;

“foreign organization” means an organization which is registered outside Malawi;

“Malawian organization” means an organization which is registered under the laws of Malawi; and

“non-governmental organization” means a non-profit making organization that functions independently of the government and serves a specific purpose and includes a local, national or international organization.

PART II—GENERAL PROVISIONS

All non-governmental organizations to be registered

3.—(1) Any non-governmental organization which intends to implement programmes in the Council area shall apply for registration to the Council in the manner prescribed in Form A of the First Schedule hereto.

(2) Any application for registration and renewal shall be accompanied by the requisite fees in the Second Schedule hereto.

Affiliated non-governmental organizations to register

4.—(1) A non-governmental organization which is affiliated to another non-governmental organization registered under these By-laws shall unless, otherwise authorized, apply for registration in accordance with Form A in the First Schedule hereto, before commencement of operations.

(2) The Council, may where appropriate, not require the registration of an affiliated non-governmental organization.

Documents to accompany application

5.—(1) An application for registration shall be accompanied by—

(a) a work plan for the consideration and approval of the Council;

(b) a signed board resolution of the organization authorizing registration with the Council;

(c) a certificate of registration issued by both Council for Non-Governmental Organization in Malawi and the Non-Governmental Organization Board; and

(d) the constitution of the organization.

Form of certificate of registration

6. A certificate of registration shall be in Form B as specified in the First Schedule hereto.

Period of validity of certificate

7. A certificate of registration issued by the Council shall be valid for a period of one year.

Notification of refusal to register

8.—(1) The Council shall consult the NGO Board during the consideration of an application and where registration is not approved, inform the NGO Board of the decision with reasons thereof.

(2) Where the Council rejects an application for registration, the Council shall within thirty days, inform of the organization in the manner prescribed in Form C in the First Schedule hereto.

Registration fee

9. An application for registration shall be accompanied by a registration fee as prescribed in the Second Schedule hereto (Please provide fees).

Notification of revocation

10.—(1) The Council may revoke a certificate of registration at any time.

(2) Where the Council has revoked a certificate of registration pursuant to paragraph (1), the Council shall immediately, and in any case, no later than

seven days, notify the non-governmental organization of the revocation in the manner prescribed in Form D in the First Schedule hereto.

(3) The notice shall contain reasons for the revocation and inform the organization of the right to appeal the decision.

11.— (1) The Council may exempt a non-government organization from registration requirements under these By-laws. Exemptions from provisions of By-laws

(2) Where the Council makes an exemption pursuant to paragraph (1), the Council shall issue to the non-governmental organization a certificate of exemption in Form F as specified in the First Schedule hereto.

12. A non-governmental organization shall, on an annual basis, submit to the Council— Reporting requirements

(a) performance returns;

(b) estimates of its income and expenditure for consideration and approval;

(c) report of its activities; and

(d) any such other information that the Council may consider to be relevant.

PART III—OFFENCES AND PENALTIES

13.— (1) A non-governmental organization or its agent that 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 or to imprisonment for six months or to both such fine and imprisonment. Offences and penalties

(2) In the event of a continuing offence, a further fine of K200 for each day during which the offence continues.

(3) Notwithstanding the penalties provided under paragraph (1), the Council may—

(a) suspend the registration certificate, on such conditions as the Council may consider appropriate; and

(b) revoke the registration certificate and order the concerned non-governmental organization to cease its activities forthwith.

(4) No part of the fees paid for a registration certificate shall be refunded on the suspension or revocation of the registration certificate.

(5) The Council shall recover from the non-governmental organization the cost of enforcing its decision or rectifying any damage caused by the contravention, and such costs shall, conform to prevailing market rates.

FIRST SCHEDULE (By-laws 4, 5, 7, 9, and 11)

FORM A

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Application for Registration.

- 1. Name of the non-governmental organization
- 2. Local/Foreign
- 3. Name of each non-governmental organization or group established outside or in Malawi, if any, with which the organization is affiliated or connected
- 4. Objects of the non-governmental organization
- 5. Names of the trustees of the non-governmental organization
- 6. Names and titles of key personnel of the non-governmental organization
- 7. Sponsors or sources of finding
- 8. Property (if any) owned by the non-government organization and the manner in which that property is held, acquired or vested

- 9. Bankers of the organization
- 10. Any privileges, immunities and exemptions granted to the non-governmental organization by Government
- 11. Any exemptions requested by the non-governmental organization from the Council

Declaration

We declare that the information above is true to the best of our knowledge and we are aware that failure to disclose relevant information or provision of false information shall result in refusal of the registration or, if registered, immediate revocation of the certificate upon discovery of the misinformation or misrepresentation.

Signature(s) of Applicant(s):

Head of the Institution
Chairman

FOR OFFICIAL USE ONLY

Recommended/Not Recommended

Director of Health and Social Services Signature Date

Approved/Not Approved:
(Chief Executive Officer)..... Signature.....Date.....

FORM B

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Certificate of Registration.

I/We certify that.....
has this day of....., 20..... been duly registered under the Blantyre

City Council (Non-governmental Organisations Registration) Bylaws (2018). This certificate is subject to the following conditions/directions—

Purpose

Field(s) of operations

Location(s)

Validity of certificate

Issued at Blantyre, this day of, 20.....

Director of Health Services Signature

Approved/Not approved:
(Chief Executive Officer) Signature

FORM C

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Notification of Refusal to Register a Non-governmental Organization.

To:

I,, give you notice that, in accordance with the Blantyre City Council (Non-governmental Organisations Registration) Bylaws (2018), the Council has rejected your application for registration under the Bylaws on the following grounds—

Issued at Blantyre, this day of, 20.....

(Chief Executive Officer) Signature

THIRD SCHEDULE

*(By-laws 5 (5),
8 (1) & 10 (1))*

FEES

	K	t
1. Application for a permit	5,000	00
2. Fee payable on issue of a permit-		
(a) 1-10 animals	15,000	00
(b) 11-50 animals	20,000	00
(c) 51 animals and above	30,000	00
3. Storage fee per animal per day	2,000	00

Made this 11th day of September 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved this 11th day of September 2019.

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE NO. 105

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (FOOD)
BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application

BY-LAW

PART II—GENERAL PROVISIONS

4. Application for a food business licence
5. Refusal of application
6. Food business licence conditions and duration
7. Sale of meat and certificate
8. Powers of entry and inspection by an authorized officer
9. Unwholesome food
10. Sale and service of food during outbreaks
11. Food premises
12. Ventilation and lighting
13. Water, sink and wash hand basin
14. Sanitary accommodation
15. Storage facilities for staff
16. Waste management
17. First aid
18. Personal hygiene of staff at a food business premises
19. Training requirement
20. Food packaging
21. Cleanliness and protection of food
22. Prohibition of animals at food premises
23. Transportation of meat
24. Mobile restaurants
25. Offences and penalties

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

PART I—PRELIMINARY

Citation 1. These By-laws may be cited as the Local Government (Blantyre City Council) (Food) By-laws, 2020.

Interpretation 2.—(1) In these By-laws unless the context otherwise requires—

“authorized officer” means any person authorized by the Council to inspect premises, examine food, take samples of food, examine any person engaged in the handling of food or do any other act under the statutory powers of the Council;

“bottled water” means processed drinking water packed in a Polyethylene Terephthalate (PET) bottle or glass bottle;

“contamination” means the infection, pollution or adulteration of food by extraneous matter, whether or not injurious or dangerous to health, and includes contamination of odour, liquid gases or radioactive particles;

FORM D

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Notification of Revocation of Registration Certificate

To:

I,, give you notice that, in accordance with the Blantyre City Council (Non-governmental Organisations Registration) Bylaws (2018), the Council has revoked your registration certificate under the Bylaws on the following grounds

.....

.....

.....

Issued at Blantyre, this day of, 20.....

(Chief Executive Officer) Signature

FORM E

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Certificate of Exemption from Provision of By-laws:

In exercise of the powers conferred on my office by the (Blantyre City Council) (Non-governmental Organisations Registration) By-laws (2018), the

is exempted from the following provision(s) of the By-laws

Issued at Blantyre, this day of, 20.....

(Chief Executive Officer) Signature

SECOND SCHEDULE

(by-law 9)

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NGO) BY-LAWS
REGISTRATION FEES

Item	Description	Rate
		K t
1	Application for registration of NGO/CBO/FBO	2,000 00
2	Registration certificate for International NGO	100,000 00
3	Registration certificate for National NGO	20,000 00
4	Registration certificate for Local NGO	10,000 00

Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE. 109

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(PUBLIC PARKS) BY-LAW, 2020

BY-LAWS

ARRANGEMENT OF BY-LAWS

1. Citation and commencement
2. Interpretation
3. Prohibited activities
4. Decorative lights
5. Restricted areas
6. Personal conduct
7. Firearms and offensive weapons
8. Injury and damage
9. Encroachment
10. Disposal of substances
11. Possession and consumption of alcohol
12. Prohibition against smoking and use of prohibited substance in a park
13. Access to a Park
14. Lighting of fire in a Park
15. Organized sparring or gaming activities
16. Parking vehicles
17. Park entry fees
18. Dogs not allowed in a park
19. Dangerous animals

FORM D

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Notification of Revocation of Registration Certificate

To:

I,, give you notice that, in accordance with the Blantyre City Council (Non-governmental Organisations Registration) Bylaws (2018), the Council has revoked your registration certificate under the Bylaws on the following grounds

.....

Issued at Blantyre, this day of, 20.....

(Chief Executive Officer) Signature

FORM E

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NON-GOVERNMENTAL ORGANISATIONS REGISTRATION) BY-LAWS, 2020

Certificate of Exemption from Provision of By-laws:

In exercise of the powers conferred on my office by the (Blantyre City Council) (Non-governmental Organisations Registration) By-laws (2018), the

is exempted from the following provision(s) of the By-laws

Issued at Blantyre, this day of, 20.....

(Chief Executive Officer) Signature

SECOND SCHEDULE

(by-law 9)

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NGO) BY-LAWS
REGISTRATION FEES

Item	Description	Rate	
		K	t
1	Application for registration of NGO/CBO/FBO	2,000	00
2	Registration certificate for International NGO	100,000	00
3	Registration certificate for National NGO	20,000	00
4	Registration certificate for Local NGO	10,000	00

Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE. 109

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(PUBLIC PARKS) BY-LAW, 2020

BY-LAWS

ARRANGEMENT OF BY-LAWS

1. Citation and commencement
2. Interpretation
3. Prohibited activities
4. Decorative lights
5. Restricted areas
6. Personal conduct
7. Firearms and offensive weapons
8. Injury and damage
9. Encroachment
10. Disposal of substances
11. Possession and consumption of alcohol
12. Prohibition against smoking and use of prohibited substance in a park
13. Access to a Park
14. Lighting of fire in a Park
15. Organized sparring or gaming activities
16. Parking vehicles
17. Park entry fees
18. Dogs not allowed in a park
19. Dangerous animals

BY-LAWS

20. Protection of wildlife
21. Fishing and removal of trees
22. Protection of trees
23. Injury and removal of trees
24. Boating canoeing and rafting
25. Sale of merchandise, trade or business
26. Council notice, signage etc
27. Powers of park rangers
28. Encroachment in a park
29. Compliance with a council notice
30. Removal of vehicles
31. Offences and penalties

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Blantyre City Council) (Public Parks and Forestry) By-law, 2020. Citation

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

“park” means a specific piece of land within the City designated by the Council for recreation purposes;

“park ranger” means a person who has been designated by the Council as a park ranger under these By-laws and includes a police officer as defined under the General Interpretation Act; Cap. 1:01

“camp ground” means an area within a park where dogs or any other domesticated animals are prohibited from entering;

“sign” means any advertising device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind placed or erected in or upon a park;

“smoke or smoking” includes the carrying of a lighted cigar or cigarette, pipe or any other lighted smoking material;

“special event” includes a picnic, walkathon, fundraiser, any event that requires staff support, specific permissions or the provision of materials or equipment such as, but not limited to, the use of sound amplification, acceptance of donations, installation of tents, vehicle access, electrical access or requests to borrow equipment, beyond that is typically provided at the subject location;

“sports field” means any area, whether or not delineated by lines, that is designated and used as a sports field or playing surface, under a program run by the Council or by any other person or group pursuant to a permit;

- Cap. 69:01
- “vehicle” means a motor vehicle as defined under the Road Traffic Act, and includes a bicycle, scooter, carriage, wagon or other vehicle or conveyance of every description, whatever the mode of power, but excludes a baby carriage or cart, child's wagon, child's stroller, wheelchair or similar device (powered or otherwise) used by an individual due to a disability, or other similar conveyance;
- “watercraft” means any device for conveyance in or on water; and
- “wildlife” means any wild or animal of the species native Malawi and include animals which migrate through Malawi, and biotic communities composed of those species.
- Prohibited activities
- 3.— (1) No person shall, without prior written approval of the Council—
- (a) remove, cut down, destroy or injure a tree or part of a tree located in a park;
- (b) mark, cut, break, peel, deface or bury the roots of a tree or any part of a tree located in a park;
- (c) undertake or cause to undertake any activities that are contrary to the standards or conditions imposed or set out by the Council for the protection of a tree located in a park; and
- (d) attach in any manner any object or thing to a tree or part of a tree located in a park.
- (2) A person who intends to cut a tree in a park shall apply for a permit in form prescribed in the Second Schedule.
- Decorative lights
4. No person shall attach decorative lights to a tree located in a park except with the prior written approval of the Council and upon production of satisfactory evidence that all other requisite approvals have been obtained.
- Restricted areas
5. No person shall enter into areas which have been designated as prohibited or restricted areas to the public, in a park.
- Personal Conduct
- 6.— (1) While in a park, no person shall—
- (a) indulge in riotous, boisterous, violent, threatening acts and any other activity that may disturb or disrupt public peace in the park, or use of offensive and insulting language;
- (b) cast, throw or in any way propel any object in a manner that may or does endanger or cause injury or damage to a person or property;
- (c) create a nuisance by loitering, stalking, accosting, frightening, annoying or otherwise disturbing other persons;
- (d) create a nuisance or in any way interfere with the use and enjoyment of the park by other persons;
- (e) have sex or engage in any form of sexual behaviour; and
- (f) be nude or be clad in underwear or inappropriate dress unless required for a specific purpose approved to the Council.
- (2) No person shall plant, tie, bury, insert or in any manner place an object that may endanger or cause injury to person or property while in a park.

(3) No person shall remove, disturb, relocate, damage or destroy protective fencing, lifesaving equipment, barriers and warning signage put in place for protection of the public.

(4) No person shall release any balloons filled with lighter-than-air gases in a park.

7.— (1) While in a park, no person shall be in possession of or use a firearm, air gun, crossbow, bow and arrow, axe, paint guns or offensive weapon of any kind unless authorized by permit. Firearms and offensive weapons

(2) While in a park, no person shall ignite, discharge or set off firecrackers, rockets or other fireworks except as a fireworks display authorized by a permit issued by the Council.

8. No person shall while in a park— Injury and damage

(a) climb a building, structure or equipment, unless it is equipment designed for climbing;

(b) break, injure, destroy, move or remove the whole or any part of wildlife found within a park;

(c) deface, break, destroy, or remove part of a building, structure, equipment or other property of the Council;

(d) unless authorized by permit, move or remove the whole or any part of a tree, rock, boulder, rock face, soil, sand or wood;

(e) in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect; or

(f) drive, park or walk in an area which has been designated as prohibited or restricted to the public.

9. Unless authorized by permit, no person shall encroach upon or take possession of a park by any means whatsoever, including the construction, installation or maintenance of a fence or structure, the dumping or storage of materials or plantings, or planting, cultivating, grooming or landscaping. Encroachment

10.— (1) No person shall cause or permit the discharge of water or wastewater from a sewerage, roof drainage system, hot tub, swimming pool or pond into or onto a park. Disposal of substances

(2) A person shall not litter or dispose of any solid waste of whatever description into the park.

11.— (1) A person shall not possess, sell or consume any alcoholic beverage except in a designated area within the park and in accordance with the terms and conditions which the Council may from time to time prescribe and— Possession and consumption of alcohol

(a) the Council may where it considers appropriate prohibit the possession or consumption of any alcoholic beverage in any park within its jurisdiction; and

(b) where a person or a group of persons are organizing a special event where there shall be consumption of alcoholic beverages the person or group of persons shall obtain prior approval from the Council for that purpose through an application made in Form 1 in the Schedule hereto.

(2) An application made under paragraph (3) shall be accompanied by an application fee prescribed by the Council.

(3) Subject to paragraph (3), the Council may grant approval and impose terms and conditions which the Council may consider necessary for maintenance of peace and order within the park.

Prohibition
against
smoking and
use of
prohibited
substance in a
park

12.—(1) A person shall not smoke in a park except in an area designated as a smoking area within the park and in accordance with the terms and conditions which the Council may from time to time prescribe.

(2) A person shall not possess, sell or use a drug or substance prohibited under any written law in Malawi.

Access to a
park

13.—(1) Unless authorized by a parks access agreement, no person shall access or occupy a park for non-recreational uses, or use the park to access an adjacent property.

(2) No person shall use, enter or gather in a park between the hours of 6:00 p.m. and 9:00 a.m. without prior permission of the Council.

Lighting of
fire in a Park

14.—(1) A person shall not light, build, use or stoke fire for whatever purpose or in whatever form unless in an area designated for that purpose.

(2) A person shall not use any portable barbecue equipment unless in a designated area and with prior approval from the Council.

(3) A person shall not leave a barbecue equipment, campfire, and bake oven without extinguishing the fire and ensuring that the embers are cold.

Organized
sporting or
gaming
activities

15.—(1) A person shall not arrange or engage in an organized sport or any sporting activity except in a designated area within the park and in accordance with the terms and conditions which the Council may from time to time prescribe.

(2) The Council may where it considers appropriate prohibit any sport or any sporting, gaming or activity in any park within its jurisdiction.

(3) Where a person or a group of persons are organizing a major sporting or gaming activity or tournament, the person or group of persons shall obtain prior approval from the Council for that purpose through an application made in Form 1 in the First Schedule hereto.

(4) An application made under paragraph (3) shall be accompanied by an application fee prescribed by the Council from time to time.

(5) Subject to paragraph (3) the Council may grant approval and impose terms and conditions which the Council may consider necessary for maintenance of peace and order within the park.

16.— (1) A person shall not—

Parking of vehicles

(a) park a vehicle in any other area except in a designated parking space and in accordance with conditions prescribed by the Council which shall be posted at the park;

(b) stop or park a vehicle in a parking space designated as accessible parking for persons with a disability, unless an accessible parking permit issued in accordance with the provisions of the Road Traffic, (Traffic, Safety and Parking of Motor Vehicles) By-laws is properly displayed on or in the vehicle park; and

(c) use a parking space allocated to the park except while using the park; and

(d) park a vehicle beyond 6:00 p.m.

(2) A person shall not make use of a roadway or parking lot in a park for—

(a) washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle;

(b) instructing, teaching or coaching any person in the driving or operation of a motor vehicle or similar machinery.

(3) A person shall not—

(a) ride or operate or be in possession of a bicycle in an area where the use or operation of a bicycle is prohibited;

(b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;

(c) construct or assemble any ramps, jumps, pathways or obstacle courses; and

(d) ride or operate a bicycle in a manner which results in damage to trails, pathways or wildlife.

(4) A person shall not ride, drive, park or be in possession or control of a motorized recreational vehicle in a park except in a designated area.

(5) The maximum rate of speed for vehicles, motorized recreational vehicles, bicycles and personally powered devices in a park or in an area designated for parking shall be 20 kilometres per hour, unless otherwise specified.

17. The Council shall collect user fees from the public upon entry into a Park.

Park entry fees

18.—(1) A person, shall not, as owner or person having control of a dog—

Dogs not allowed in a park

(a) allow the dog to run at large, except in a posted designated off-leash area;

(b) install or construct any type of dog control fence or barrier; and

(c) use a stun gun or similar electronic or battery-operated device to harm or control the dog.

(2) allow a dog to enter a designated off-leash area except in accordance with the posted conditions of use.

Dangerous animals

19. The Council shall not allow a person as owner or person having the control of an animal, to bring into or permit the animal to enter a park if it may or does constitute a danger to other persons or wildlife, or is reasonably likely to frighten other persons.

Protection of wildlife

20. A person shall not—

(a) kill, attempt to kill, maim, injure, trap or disturb wildlife .

(b) touch, injure or remove a nest or egg without a permit;

(c) feed or attempt to feed or deposit food for consumption by wildlife; or

(d) release into a park pets, animals or domesticated species.

Fishing not allowed in a park

21. A person shall not fish or leave any lures, baits, hooks, lines, poles or other equipment in the park or in any water body in a park in a location or manner that may injure other persons or wildlife.

Protection of trees

22. Every person doing any work in a park or accessing a property through a park shall carry out such work or access in accordance with the standards or conditions set out by the Council for protection of trees located within a park and specifications for construction according to Town Planning approvals.

Injury and removal of trees

23. Any person who injures, destroys or removes a tree without the prior written approval of the Council may be subject to providing payment to the Council in an amount sufficient to cover the appraised value of the tree, as well as removal and replacement costs and the costs of any specific arboricultural procedures to be undertaken to remedy the tree as the Council may determine from time to time.

Boating, canoeing and rafting

24. A person shall not place, operate, drive or ride watercraft on a water body located within a park.

Sale of merchandise, trade or business

25.— (1) A person shall not sell or offer or display for sale—

(a) any food, drink or refreshment; and

(b) any goods, wares, merchandise or articles, souvenirs and novelties,

except in a designated area within the park and in accordance with the terms and conditions which the Council may from time to time prescribe.

(2) The Council may where it determines appropriate prohibit sale, offer or display for sale in any park within its jurisdiction items listed in paragraph (1) (a) and (b).

(3) A person who intends to sell or offer or display for sale items listed in paragraph (1) (a) and (b) shall obtain prior approval from the Council for that purpose.

(4) An application made under paragraph (3) shall be accompanied by an application fee prescribed by the Council.

(5) Subject to paragraph (3) the Council may grant approval and impose terms and conditions which the Council may consider appropriate.

26. The Council may post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in a park in accordance with the provisions of these By-laws. Council notice, signage etc

27.—(1) The Council may designate some of its officers as park rangers who shall be authorized to inform a person of the provisions of these By-laws and order compliance. Powers of park rangers

(2) The designated park ranger shall be authorized to order a person who the park ranger believes to be contravening or has contravened any provision of these By-laws to—

- (a) stop the activity constituting or contributing to the contravention;
- (b) remove from the premises of the park any animal owned by or under the control of the person;
- (c) remove from the premises of the park any property owned by or under the control of the person; and
- (d) leave the park.

28. Where a person encroaches upon a park and fails to comply with a notice given under this by-law, the Council or a person acting under the instructions of the Council may remove the encroachment, install appropriate fencing and recover all expenses associated with the removal, including, but not limited to, soil testing, disposal fees, park restoration and fence installation. Encroachment in a park

29. Where the Council issues a notice to comply to any person, the person shall comply with the notice within the time period specified in the notice but not later than 72 hours after the notice has been given. Compliance with a Council notice

30.—(1) A park ranger, upon discovery of a vehicle parked or standing in contravention to this By-law, may cause it to be moved or taken to and placed or stored in a suitable place in accordance with the Traffic Management By-law, 2018. Removal of vehicles

(2) Any person who contravenes the provision of this By-law, resulting from the operation of a motor vehicle, commits an offence under the Road Traffic Act. Cap. 69:01

31. Where a person contravenes any of the provisions of these by-laws, or fails to comply with any order referred to in these bylaws, the Council may revoke the permission and licence of the person to remain in that park.

FIRST SCHEDULE

(By-Law 25 (3))

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC PARKS)
BY-LAWS, 2020

APPLICATION FOR USE OF A PARK FOR SPECIAL EVENTS

PART A: To be completed by applicant

Name of applicant: Tel. No.

ID type ID No.

Postal address:

Place of residence:

Type/Name of event (wedding ceremony, party, games or selling of items, etc.):
.....

Date of event: No of days:

Specific time:

Alcohol use: (YES/NO)

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 permit or, if issued, immediate revocation of the permit upon discovery of the misinformation or misrepresentation.

I also declare that if permitted to use the facilities of the Council as in this application I will abide by the rules and regulations set.

Signature of applicant: Date:

PART B: For Official Use Only

Recommendation(s) by Director of Leisure, Culture and Environmental Services:
.....
.....

Signature Date

Approved/Not approved: Date:

The Chief Executive Officer

SECOND SCHEDULE

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC PARKS)|
BY-LAWS, 2020

APPLICATION FOR TREE CUTTING/PRUNING

PART A: To be completed by applicant

Name of applicant: Tel. No.

ID Type ID No.

Postal address:

Place of residence:

Location of tree(s):

Number and types of tree(s):

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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 permit or, if issued, immediate revocation of the permit upon discovery of the misinformation or misrepresentation.

I also declare that if permitted to use the facilities of the Council as in this application I will abide by the rules and regulations set.

Signature of applicant: DATE:

PART B: For Official Use Only

i. Assessment by Forestry Supervisor/Foreman:

Location of tree(s):

Number and type of tree(s):

.....

.....

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.....

Permit fees (MK):

Work/Service Costs (MK):

Signature DATE

(i) Recommendation(s) by Forestry Officer:

.....

(ii) Recommendation(s) by Director of Leisure, Culture and Environmental Services:

.....

Signature DATE

Approved/Not approved: DATE:

Chief Executive Officer

THIRD SCHEDULE

(By-laws 11, 15, 17, 25)

BLANTYRE CITY COUNCIL

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC PARKS) BY-LAWS, 2020

SERVICE/PRODUCT CHARGES, FEES AND PRICES

DETAILS OF SERVICE/PRODUCT	RATE PER SERVICE/ITEM (MK)
Application Forms	2,000.00
Permit for non-alcoholic events	10,000.00
Permit for alcoholic events	12,000.00
Permit for Sports function	10,000.00
Permit for selling items in a park	5,000.00
Hire of Park per day	70,000.00
Deposit (in case of damage)	50,000.00

Tree pruning Service (Based on Size - minimum)	55,000.00
Hire of Garden for photography	30,000.00
Hire of Garden for function(s)	72,000.00
Sale of Fuel Wood (per metre cubed)	15,000.00
Sale of Mbawa Tree	
• 0-30cm	50,000.00
• 31-60cm	55,000.00
• >60cm	60,000.00
Sale of Other trees (minimum)	40,000.00
Sale of Blue-gum Tree (minimum)	45,000.00
Sale of Tree cutting/felling (minimum)	60,000.00
Sale of Bamboo tree yellow	1,000.00
Sale of Bamboo tree green	700.00
Tree Felling Permits:	7,000.00
Tree vandalism charges (minimum)	40,000.00

Made this 11th day of September 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

This 11th day of September, 2019.

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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

GOVERNMENT NOTICE. 110

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL)
(TRADE AND BUSINESS) BY-LAWS, 2020

BY-LAWS

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. Application
4. Trade licence

BY-LAWS

5. Application for trade licence
6. Renewal
7. Licence transferable
8. Showing of trade permit
9. Sanitation
10. Council may withdraw licence
11. Council may confiscate items
12. Offences and penalties

Citation	1. These By-laws may be cited as the Local Government (Blantyre City Council) (Trade and Business) By-laws, 2020.
Interpretation	2. In these By-laws unless the context otherwise requires— <p>“licensing officer” means the Chief Executive or any other officer of the Council duly authorized by the Council;</p> <p>“trade licence” means a licence issued under to by-law 3;</p> <p>“trade” means a skill for production; and</p> <p>“premises” means any land, with or without buildings thereon, or part of any such land 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 trade specified in the First Schedule, and includes any motor vehicles or other mobile unit being so used by any such person.</p>
Application	3. These By-laws shall apply within the area of jurisdiction of the Blantyre City Council (hereinafter referred to as the “Council”).
Trade licence	4. No person shall, for gain or reward, engage in or pursue, or hold himself out as engaging in or pursuing, within the area, any of the trades specified in the First Schedule hereto unless he is the holder of a current valid trade licence issued under the Business Licencing Act.
Cap. 46:01	
Application for trade licence	5. Every application for a business premises licence shall be made to the licensing officer, in writing and shall be accompanied by the prescribed fee specified, in relation to the relevant trade in the Third Schedule hereto.
Renewals	6. Every holder of a trade licence shall renew his licence annually upon payment of the prescribed fee in the Second Schedule hereto.
Licence not transferable	7. A licence holder shall not transfer his trade licence to any other person.
Showing of trade permit	8. The owner of the premises shall show his trade licence to the health officer or other duly authorized officer of the Council upon request.
Sanitation	9. Any holder of a trade licence shall at all times maintain in a clean and sanitary condition, the premises where his licensed trade is being carried out.
Council may withdraw licence	10. The Council may withdraw a licence from any holder of a trade licence who contravenes any of the conditions of the licence.

11. The Council may confiscate any items sold in contravention of these By-laws and a licence issued pursuant to these By-laws.

12.— (1) Any person who contravenes or fails to comply with any of the provisions of these By-laws commits an offence and shall on conviction, be liable to a fine of K2,000 and to imprisonment for six months.

(2) In case of a continuing offence, to a further fine not exceeding K200 for each day during which the offence continues after conviction.

FIRST SCHEDULE

(By-law 3 (3))

TRADE REQUIRING TRADE LICENCE

1. Basket making
2. Mortar making
3. Blacksmith
4. Plumbing
5. Bicycle repair
6. Photography
7. Carpentry
8. Radio repair
9. Charcoal sale
10. Shoe cleaning
11. Curio making
12. Tailor
13. Firewood sale
14. Tinsmith
15. Laundry
16. Tyre fitting
17. Mat making
18. Watch repair
19. Milling

SECOND SCHEDULE

(By-law 6)

*Occupation**Fees per annum*

	K	t
Basket maker	101	25
Battery charger	506	25
Blacksmith	130	50
Brick layer	832	50
Charcoal seller	168	75
Carpenter	525	00
Filling station, per pump (paraffin)	615	00
Filling station, per pump (petrol and diesel)	353	25
Firewood seller	202	50

Garage (small scale)	877 50
Lamp repairer	168 75
Launderer	832 50
Maize seller	525 00
Mat maker	168 75
Mechanical electrician	353 25
Miller	495 00
Mortal maker	168 75
Mortar maker	877 50
Painter	506 25
Panel Beater and Welder	877 50
Peddlers mouth	165 75
Photographer	495 00
Plumber	877 50
Radio repairer	170 00
Rubber stamp maker	600 00
Shoe cleaner	168 75
Shoe repairer	168 75
Soft drinks/confectionery etc.	168 75
Tailor	168 75
Tinsmith	168 75
Trimmer	52 00
Tyre puncture repairer	168 75
Watch repairer	168 75
Amusement Machines	
Duplication/Replacements	168 75
Due boxes	506 25
Operational licence/renewal per machine	1,029 00
Registration	71 25
Video and cinema shows	1,029 00

THIRD SCHEDULE

(By-law 5)

APPLICATION FOR A TRADING LICENCE

(To be filled in triplicate. White for Health, Yellow for Town Planning and Blue for Secretariat).

ISSUED UNDER BLANTYRE CITY COUNCIL (TRADE AND BUSINESS)
BY-LAWS

PART A

I, (name in full)

of (address)

Hereby apply for issue/renewal of (state type of business)

(refer to schedule overleaf) on Plot No. situated at (state area)

..... on (road, Street, etc.) for the year
ending on Signed Date

PART B

Inspection Report

1. Town Planning Officer's findings and recommendations
.....
.....
.....
.....
Name Date

2. Health Officer's findings and recommendations
.....
.....
.....
.....
Name Date

PART C

Minute No. Dated

Licence No Dated

Fee Paid Dated

Licence expires on

Licensing Officer

Made this 11th day of September, 2019.

ALFRED WITNESS DZANJA CHANZA (PHD)
Chief Executive Officer

COUNCILLOR WILD NDIPO
Mayor

Approved by the Minister of Local Government and Rural Development

This 11th day of September, 2019

KONDWANI NANKHUMWA
*Minister of Local Government
and Rural Development*

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