

The Malawi Gazette Supplement, dated 7th August, 2020, containing
Regulations, Rules, etc. (No. 21A)

GOVERNMENT NOTICE NO. 35

LIQUOR ACT

(CAP. 50:07)

LIQUOR (MANGOCHI TOWN COUNCIL) (LIQUOR LICENSING) BY-LAWS,
2020

ARRANGEMENT OF BY-LAWS

BY-LAW

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IN EXERCISE of the powers conferred by section 70 of the Liquor Act, the Mangochi
Town Council has made the following By-laws—

PART I—PRELIMINARY

- Citation and application 1. These By-laws may be cited as the Liquor (Mangochi Town Council) (Liquor) By-laws, 2020 and shall apply within the area of jurisdiction of the Mangochi Town Council (hereinafter referred to as the "Council").
- Interpretation 2. In these By-laws, unless the context otherwise requires—
 "financial year" means the Government financial year;
 "intoxicating liquor" means any spirits, 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;
 "liquor" means intoxicating liquor;
 "liquor license" means a license issued under these By-laws; and
 "premises licence" has the same meaning ascribed to it in the Act.

PART II—APPLICATION, FEES, ISSUE AND RENEWAL OF LIQUOR LICENCE

- Application for liquor licence 3.—(1) A person who intends to sell liquor by retail sale shall apply to the Council for a liquor licence.
 (2) An application for a premises licence shall be made at least ninety days before the date upon which the applicant desires the licence to be issued.
 (3) A licence issued under these By-Laws shall expire on 30th of June of the financial year after the issuance thereof.
- Liquor Licensing Board 4. The Council shall, in considering an application for liquor licence, have regard to the recommendations of a Liquor Licensing Board.
- Licence fees 5.—(1) An applicant shall pay an application fees as prescribed in the First Schedule hereto.
 (2) Where any licence, other than a temporary sales licence, is issued for a period of less than twelve months, the licence fee payable shall be the same as the fee payable for an annual licence.
- Premises licence 6.—(1) An owner or licensee of premises who desires to manufacture or sell liquor on the premises shall apply to the licensing officer for a premises licence.
 (2) The licensing officer may, after receipt of the application fee, issue to the applicant a licence in the Form prescribed in Part C of the Second Schedule hereto authorizing the applicant to sell liquor by retail at such place and on such days as shall be specified therein:

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

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

7. A licensee may apply for the renewal of a premise licence at least sixty days before the beginning of the following financial year. Renewal of premises licence

PART III—DISPLAY OF LICENCE AND INSPECTION

8. A licensee shall display the licence in a conspicuous place inside the premises to which it relates where the licence can be easily seen by persons entering the premises therein. Display of liquor licence

9. A licensee shall not transfer his licence to another person and shall not permit any person to sell liquor on his behalf unless such person is the holder of, and has authority to do so under, and in possession of a licence. Licence not transferable, etc

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

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

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

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

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

11. The Council shall immediately close and seal off any premises, where liquor is being sold, whose owner does not have a valid premises licence. Power of Council to seal off premises

PART IV—REGULATION OF SALE OF LIQUOR

12. A licensee shall sell liquor during the times prescribed in the Fourth Schedule hereto. Permitted hours for sale

13.—(1) A licensee shall not sell or supply liquor to any person who is or appears to be under the age of eighteen years. Sale or supply of liquor to or by young person prohibited

(2) The licensee shall not permit a person under the age of eighteen years to sell or supply liquor.

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

(4) A person who contravenes this by-law commits an offence and shall, upon conviction, be liable to a fine of K1,000.00 or to imprisonment for twelve months or to both such fine and imprisonment and K500.00 for every day during which the offence continues.

Sale of liquor on residential premises is prohibited

14.—(1) A person shall not sell liquor on residential premises.

(2) Notwithstanding paragraph (1), the consumption of liquor products shall not be allowed on residential premises.

Weapons prohibited where liquor is being sold

15.—(1) A person who has in his possession any weapon and enters or remains in any place where liquor is sold or supplied commits an offence.

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

(3) This by-law shall not apply to any police officer or to any security personnel who is on duty.

Quality and hygiene

16.—(1) A licensee shall ensure that all liquor sold under the authority of the licence is sound and wholesome and is sold only in sealed containers.

(2) The licensee shall—

(a) maintain the premises concerned and the furniture therein in a clean and sanitary condition and in good repair in accordance with requirements within the Council; and

(b) ensure continued compliance with minimum premises standards set out in the Third Schedule hereto.

(3) A person who contravenes this By-law commits an offence and shall, pay a spot fine of K1,000.00.

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

- (a) condemn and confiscate the unsound or unwholesome liquor; or
- (b) suspend or withdraw the liquor or premises licence.

PART V—MISCELLANEOUS

Supply of liquor

17. A licensee shall supply liquor to a purchaser only in exchange of money actually received before or at the time of supply of the liquor.

Power of council to confiscate and destroy liquor, withdraw licence and close premises

18.—(1) The Council may, where a person contravenes or fails to comply with these By-laws—

- (a) confiscate the liquor and destroy it instantly;
- (b) may be ordered to pay a prescribed fine; or
- (c) withdraw his licence and close the premises instantly.

(2) Expenses reasonably incurred by the Council in confiscating the liquor or closing the premises shall be recovered from the licensee.

Offences and penalties

19.—(1) A person who—

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

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

(c) sells liquor on residential premises;

(d) permits or allows a person in possession of a weapon or any instrument capable of being used to inflict bodily harm to enter or remain in his place or premises where liquor is being sold; or

(e) contravenes or fails to comply with any provision of these By-laws or fails to comply with any notice or conditions imposed by the Council,

commits an offence and shall on conviction be liable to a fine of K1,000.00 or to imprisonment for twelve months or to both such fine and imprisonment.

(2) In addition to the penalty specified in paragraph (1), in the case of a continuing breach of any such by-laws or any such condition, the Council shall—

(a) impose a fine of K500.00 for every day during which the offence continues; or

(b) on the second contravention the premises shall be closed immediately or revoke the licence.

FIRST SCHEDULE

by-law 5(1)

FEE PAYABLE

<i>Class of License</i>	<i>K.</i>	<i>t</i>
Application Fee	5,000.	00
1. Grade "A" Bar	25,000.	00
2. Grade "B" Retail shops	20,000.	00
3. Grade "C" Hotels/Lodges	30,000.	00
4. Grade "D" Restaurants	15,000.	00
5. Grade "E" Club	15,000.	00
6. Grade "F" Cabarets	15,000.	00
7. Grade "G" theatres	20,000.	00
8. Grade "H" Bottle stores	15,000.	00
9. Grade "I" Air Terminals	15,000.	00
10. Grade "J" Railways & Bus Stations	20,000.	00
11. Grade "K" liquor manufacturing	50,000.	00
12. Grade "L" Liquor Wholesale	30,000.	00
13. Grade "M" Liquor Wholesale	20,000.	00
14. Night Club	90,000.	00
15. Opaque Béer (Masese, Chibuku, etc.)		
(a) Small scale	14,000.	00

<i>Class of License</i>	<i>K</i>	<i>t</i>
(b) Large scale		
(i) Production	70,000.00	
(ii) Retail sale	100,000.00	
(iii) Wholesale	100,000.00	

SECOND SCHEDULE

by-law 6 (2)

APPLICATION FOR A LIQUOR LICENCE

To be filled quadruplicate by Health, Town Planning, Police and Secretariat officers.

Issued under the liquor Act, (Cap 50:07) and Mangochi Town Council (Liquor) By-laws, 2020.

PREMISES LICENCE

PART A

PARTICULARS OF APPLICANT

I, of
(Name) (Address)

trading as.....

On plot No.....Street.....Area.....

do hereby apply for Grade.....liquor License (see First Schedule).

If the license is issued to me or renewed, I (name) shall manage the business in accordance with the terms and conditions of the License.

I also declare that I am over 18 years of age and have not been convicted of any offence under the Act and Mangochi Town Council (Liquor) By-laws in the last two years.

Signed:..... Date:.....

PART B

FINDINGS AND RECOMMENDATIONS BY OFFICERS

1. Health officer's Findings and Recommendations

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.....
.....

.....

 Name:..... Date:

2. Town Planning Officer's Findings and Recommendations

.....

 Name:..... Date:

3. Police Officer's Findings and Recommendations

.....

 Name:..... Date:

PART C
 PARTICULARS OF LICENCE

License Grade..... Business Hours.....
 Minute No:..... Date.....
 Fee Paid..... Receipt No:.....
 License No. :..... Expiry Date.....

.....
Licensing Officer

MANGOCHI TOWN COUNCIL
 LIQUOR LICENCE

Liquor License No:..... Grade:.....
 A Grade.....Licence is Hereby Granted to:.....
 (Name of Licencee)

Of.....
 (Address)

Trading As.....

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

This License is valid from To.....

And is subject to the following Endorsements:.....

Minute No : Date.....

Fee paid Receipt No.

Date.....

.....
Licensing Officer

THIRD SCHEDULE

by-law 6(3) and 16(2)

MINIMUM STANDARDS FOR LIQUOR SELLING PREMISES

PART A

PROVISIONS RELATING TO PREMISES WHERE LIQUOR IS SOLD AND CONSUMED

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

- | | |
|-------------------------------------|---|
| Sanitary provision | 1. At least one (1) separate toilet for each sex, and the male sanitary accommodation should have a urinal. |
| Dish washing basin | 2. At least one hand wash basin supplied with a continuous source of hot and cold water together with trapped drainage for used or waste water. |
| Counter | 3. In any sales and dancing room, there shall be provided a counter which will separate the sales staff and the customers. |
| Minimum floor space in dancing room | 4. A sales and dancing room shall be provided with a dancing floor whose area shall be not less than 40 square metres. |
| Height of rooms | 5. All rooms shall have a minimum height of not less than 4 metres. |
| Furnishings | 6. A dancing room shall be provided with such number of comfortable stools, chairs and furniture as to sufficiently accommodate the average number of people who visit such premises. |

7. The floor, walls, doors, windows, ceiling and woodwork shall be constructed of sound-proofing material and other material as would render the place clean, rodent free and prevent any risk of infestation by insects or vermin. Sound-proofing
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. Lighting
9. All 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. Ventilation
10. The place or premises shall contain such number of refuse bins as would be sufficient to contain the quantity of refuse accumulated in two days. Refuse bin
11. A First Aid Box in a place readily accessible to persons engaged in the selling of beer and such box shall contain all necessary appliances and medicine for first aid. First aid box
12. A storeroom of not less 5.6 square metres for the storage of liquor and other materials. Stores

PART B

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

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

1. At least one toilet to be used by staff. Sanitary provision
2. Such other facilities as provided for in paragraph 3, 5, 7, 8, 9, 10, 11 and 12 of Part A. Other facilities

FOURTH SCHEDULE

PERMITTED HOURS FOR SALES LICENCES

1. Wholesale Licence
- (a) Wholesale Licence .. No restriction
- (b) Agent's Licence 7.00 a.m. to 6.30 p.m.
2. Retail Licence
- (a) Grade A (Bar) 8.00 a.m. to 12.00 midnight
- (b) Grade B (off-licence business) 7.30 a.m. to 8.00 p.m.

- | | |
|--|---|
| (c) Grade C (Hotel) Sales to persons not lodging on the premises | 8.00 a.m. to 12.00 midnight, otherwise no restrictions. |
| (d) Grade D (Restaurant). | Sales to persons consuming meals, no restrictions. |
| (e) Grade F (Club) | Sales to members only, no restrictions. |
| (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 H (Limited off –License). | 7:30 a.m. to 9:00 p.m. |
| (j) Grade I (National Parks or Game Reserve) | No restrictions. |
3. Temporary Sales Licence
- | | |
|---|---------------------------|
| (a) Auctioneer's Temporary Licence. | 8.0 a.m. to 8.00 p.m. |
| (b) Occassional Licence. | As stated in the licence. |

Made this..... day of, 2020

COUNCILOR EDNA YUSUFU
Chairperson

Approved by the Minister of Local Government and Rural Development

This.....day of, 2020

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

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

GOVERNMENT NOTICE NO. 36

LOCAL GOVERNMENT ACT
(CAP. 22:01)

LOCAL GOVERNMENT (MANGOCHI TOWN COUNCIL) (REFUSE AND
RUBBLE) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and application
2. Interpretation

PART II—GENERAL PROVISIONS

3. General cleanliness

BY-LAW

4. Covering and position of refuse
5. Refuse to remain that of occupier
6. Fee for collection of refuse
7. Owner to provide refuse receptacle
8. Refuse receptacle to be kept clean
9. Prevention of fire
10. Position of refuse receptacle for collection
11. Refuse not to be deposited in a stream
12. Non-collection of refuse

PART III—DISPOSAL OF RUBBLE

13. Removal of rubble
14. Deposit of rubble prohibited
15. Authority to enter

PART IV—MISCELLANEOUS

16. Power of Council to pass resolutions
17. Offences and penalties
18. Apprehension of suspect

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Mangochi Town Council) (Refuse and Rubble) By-laws, 2020 and shall apply within the area of jurisdiction of the Mangochi Town Council (hereinafter referred to as the "Council").

Citation and application

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

Interpretation

"health officer" means a medical officer; his deputy or a health inspector, or any other officer assigned with such responsibility by the Council;

"premises" include a hotel, rest house, lodge, restaurant, motel, guest house and leisure park;

"commercial site" includes business places such as groceries; wholesales; and places for manufacture or sale of beverages and grocery items;

"receptacle" means the approved refuse receptacle provided for the deposit of refuse and includes the lid of such receptacle and a sanitary plastic refuse bag;

"refuse" means garbage, tins, bottles, ashes and other sweepings, waste paper, and all other forms of non-liquid waste products from dwellings, offices, shops, warehouses or any other premises; but does not

include rubble, liquid refuse, garden or stable refuse, grass, sand, tree toppings or hedges or waste products from factories or workshops; and

“rubble” means all waste bricks, sand, earth, cement, stone, rock, pipes and all such forms of non-liquid waste materials.

PART II—GENERAL PROVISIONS

General
cleanliness

3.—(1) A person, within the Township, shall use receptacle, toilet or public convenience for sanitary purposes.

(2) The person shall not defecate, urinate, spit, expectorate, blow nose, except when using a handkerchief or litter the streets anywhere in the City other than in the sanitary, private or public conveniences mentioned above.

Covering
and position
of refuse
receptacle

4. An occupier of premises or commercial site shall—

(a) cause all receptacles thereon to be continuously covered with close fitting lid except when refuse is being deposited therein or discharged therefrom; and

(b) except when the Council’s refuse collection service is in attendance, or otherwise a service provider approved by the Council, cause any receptacle at his premises to be kept at a position approved by a health officer.

Refuse to
remain that
of occupier

5. Refuse deposited in a receptacle at any premises shall, until it is emptied by the Council’s refuse collection service, remain that of the occupier of the premises.

Fee for
collection
of refuse

6.—(1) An occupier of premises or commercial site shall pay to the Council, a fee, as prescribed from time to time by the Council and charged per receptacle, for the collection of refuse.

(2) An occupier of residential property may be required to pay a fixed sum per month.

(3) An occupier of commercial property may be required to pay the fees based on volume of waste collected.

Owner to
provide refuse
receptacle

7.—(1) An owner or occupier of premises shall provide and maintain for use at his premises, at least one receptacle for depositing refuse.

(2) Where in the opinion of a health officer it is necessary for more than one receptacle to be provided at any premises, he shall serve notice in Form I set out in the Schedule hereto upon the owner or occupier of the premises requiring him to provide such number of the receptacles for reception of refuse as specified in the notice.

(3) The owner or occupier of any premises upon whom a notice has been served under paragraph (2) shall, within fourteen days of the service of the notice, provide at his premises the required number of receptacles.

Refuse
receptacle to
be kept clean

8. Every occupier of premises shall cause all receptacles and lids thereof upon his premises to be clean and to be maintained in a satisfactory condition.

9. A person shall not deposit or cause to be deposited in a receptacle, un-extinguished ashes or other material in a state that may cause fire.

Prevention of fire

10. An occupier of the premises shall ensure that a receptacle is placed at a convenient place or site for the Council's refuse collection services on such dates as are prescribed for collection of refuse in the area.

Position of refuse receptacle for collection

11. A person or organization shall not deposit or cause to be deposited in a stream, river, or any water course or any public place—

Refuse not to be deposited in a stream

(a) any refuse or rubble; or

(b) anything liquid or solid which is likely to be injurious to health.

12. The Council shall not collect any refuse unless it is deposited in an approved receptacle.

Non-collection of refuse

PART III—DISPOSAL OF RUBBLE

13.—(1) A health officer or any duly authorized officer of the Council may by notice in Form II set out in the Schedule hereto require an owner or occupier of a plot, land or premises to remove or cause to be removed any rubble from such plot, land or premises.

Removal of rubble

(2) An owner or occupier of a plot, land or premises on whom a notice has been served under paragraph (1) shall, within seven days of the service of notice, remove the rubble and cause it to be deposited or tipped at a place appointed for that purpose by the Council as specified in the notice and in a manner prescribed by the Council.

14.—(1) A person shall not deposit, tip or cause to be deposited or tipped any rubble in or upon—

Deposit of rubble prohibited

(a) any street, public place, open space or vacant land;

(b) any plot, land or premises except with the written permission of the owner of such plot or land;

(c) any water course or reservoir; or

(d) any other place not appointed for that purpose by the Council.

(2) The Council may by notice in the Form III set out in the Schedule hereto, require a person who deposits or tips or causes to be deposited or tipped rubble on any plot, land or premises to produce to the health officer or any other officer duly appointed by the Council the written permission of the owner of plot, land or premises authorizing him to do so.

(3) The person on whom notice has been served under paragraph (2) shall, within fourteen (14) days of the service of the notice, comply with the requirements of the notice.

(4) An owner's permission given for the purpose of this by-law shall not in any way affect his own liability to comply with the requirement of notice served upon him under by-law 13.

Authority to enter 15. A health officer or any duly authorized officer may enter upon land or premises for purposes of ensuring that these By-laws are being complied with and no action shall lie against the health officer for anything done in the course of rendering his duties.

PART IV—MISCELLANEOUS

Power of Council to pass resolutions 16. Notwithstanding the provisions of these By-Laws, the Council may pass any resolution which the Council deems fit for the proper regulation of refuse, rubble, and such other matters pertaining thereto.

Offences and penalties 17. A person who contravenes or fails to comply with any provision of these By-laws or who fails to comply with any notice or conditions imposed by the Council commits an offence and shall on conviction be liable to a fine of K2,000, and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction or to six months imprisonment or to both such fine and imprisonment.

Apprehension of suspects 18. For the avoidance of doubt, any employee of the Council, or any member of the public who finds any person contravening these By-laws may apprehend the person and take him to a Police officer or health officer who shall take the person to police for prosecution.

SCHEDULE by-law 7(2), 13(1) & 14(2)

FORM I

NOTICE FOR ADDITIONAL REFUSE RECEPTACLES

To.....
of.....
.....

Whereas you are the owner/occupier of plot number.....
situated on.....in the Town of Mangochi.

And whereas in the opinion of the health officer it is expedient for proper regulation and control of refuse from the said premises that more refuse receptacles be provided.

You are hereby required to provide.....additional refuse receptacles within fourteen days of the service of this notice upon you.

.....
Date HEALTH OFFICER

FORM II

NOTICE TO REMOVE RUBBLE

To.....
of.....

Whereas you are the owner/occupier of the premises situated on plot number situated on.....in Mangochi Town Council;

And whereas rubble was found deposited on the aforesaid premises in contravention of by-law 14 (1) of the Mangochi Town Council (Refuse and Rubble) By-Laws;

And whereas in my opinion as health officer, it is expedient for the proper regulation and control of refuse and rubble disposal from the said premises:

You are hereby given seven days' notice from the date of service of this notice upon you, to remove or cause to be removed all rubble from the afore mentioned plot/premises, and to deposit the same at.....

And take further notice that if you fail to remove the said rubble within the period and in the manner aforesaid, the Council shall remove the said rubble and recover all expenses incurred by it in that regard from you.

Date

HEALTH OFFICER

FORM III

NOTICE TO PRODUCE PERMISSION TO DEPOSIT RUBBLE

To..... of.....

Whereas you deposited rubble on plot number.....premises situated at plot number.....in the Mangochi Town Council in contravention of by-laws 14 (2)

And whereas the council has reason to believe that the said premises do not belong to you:

You are hereby required, within fourteen days of the day of service of this notice upon you to produce to the health officer the written permission of the owner of the said plot or premises authorizing you to deposit the said rubble at the said plot or premises.

And further take notice that your failure to comply with this notice may render you liable to prosecution by the Council.

Date

HEALTH OFFICER

Made this..... day of, 2020

COUNCILOR EDNA YUSUFU
Chairperson

Approved by the Minister of Local Government and Rural Development

This.....day of, 2020

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

GOVERNMENT NOTICE NO. 37

LOCAL GOVERNMENT ACT
(CAP. 22:01)

LOCAL GOVERNMENT (MANGOCHI TOWN COUNCIL) (EFFLUENT) BY-
LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and application
2. Interpretation

PART II—REMOVAL OF EFFLUENT

3. Liability for negligence
4. Removal of effluent by the Council
5. Fees for the removal of effluent

PART III—PRIVATE OR COMMERCIAL REMOVAL OF EFFLUENT

6. Permit
7. Fees for permit
8. Validity of permit
9. Removal and disposal
10. Access
11. Liability for non-compliance

PART IV—MISCELLANEOUS

12. Offences and penalties

SCHEDULES

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

PART I—PRELIMINARY

- | | |
|--------------------------|---|
| Citation and application | 1. These By-laws may be cited as the Local Government (Mangochi Town Council) (Effluent) By-laws 2020, and shall apply within the area of jurisdiction of the Mangochi Town Council (hereinafter referred to as the "Council"). |
| Interpretation | 2. In these By-laws unless the context otherwise requires—
"effluent" means the contents of or waste from any septic tank;
"occupier" means any person in actual occupation of land or premises and in the case of premises sub-divided and let to lodgers or various tenants includes the person receiving the rent payable whether on his own account or not; and |

“property” means any lands from which the council removes and disposes off the effluent.

PART II—REMOVAL OF EFFLUENT

3. An owner or occupant of property shall not willfully or negligently cause or permit any septic tank to overflow while such tank is being used in connection with the property. Liability for negligence

4.—(1) Every occupant of property shall allow access thereto for the Council’s employees or agents to empty and remove effluent. Removal of affluent by the Council

(2) The Council shall empty and remove effluent from property between the hours of 6:00 a.m. and 6:00 p.m. only:

Provided that where it is not possible to remove effluent during the specified hours, the Council may remove such effluent at such other hours as may be convenient by giving prior notice to the owner or occupant of the property.

5.—(1) The Council shall charge the occupant of any property in respect of the removal of effluent from the property as hiring charge, the fees specified in Part A of the First Schedule hereto. Fees for the removal of affluent

(2) Where the Council determine that it is necessary, in the interest of public health, to remove effluent from any property, the owner or occupier of the property in connection with which the relevant septic tank is being used, shall pay to the Council the fee prescribed in the First Schedule hereto.

PART III—PRIVATE OR COMMERCIAL REMOVAL OF EFFLUENT

6. A person shall not carry out removal of effluent within the Council area unless the person first obtains from the Council a permit in the form prescribed in the Second Schedule hereto. Permit

7. A person shall not be issued the permit under by-law 6 unless the person pays the fee specified in Part B of the First Schedule hereto. Fees for permit

8. A permit issued under this Part shall be valid for seven (7) days from the date of issue, subject to renewal for a further seven days for periods not exceeding three (3) times: Validity of permit

Provided that for each successive renewal, the applicant shall pay prescribed fee.

9.—(1) A person shall not carry or dispose effluent in any manner or at any place other than as approved by the Council and specified in the permit. Removal and disposal

(2) A person shall, for each trip of effluent disposed at the approved place of disposal, pay the fee prescribed in Part A of the First Schedule hereto.

10. Where any existing premises do not have reasonable and convenient access for easy removal of effluent, the Council may, by written notice, to the owner or occupier requiring him to provide the same within a time to be specified in the said notice. Access

Liability for non-compliance 11. A person who contravenes by-laws 6 and 9 commits an offence and shall, on conviction, be liable to pay for a permit and disposal fee and to imprisonment for a period not exceeding six (6) months.

PART IV—MISCELLANEOUS

Offences and penalties 12. A person who contravenes or fails to comply with any provision of these By-laws or who fails to comply with any notice or conditions imposed by the Council thereof commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction thereof or to six (6) months imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE by-laws 5, 7 & 9

PART A:

SERVICE FEE FOR REMOVAL OF EFFLUENT

Service	K	t
Fee per such trip	15,000.00	

PART B:

FEE FOR PERMIT TO REMOVE EFFLUENT

Service	K	t
	25,000.00	

SECOND SCHEDULE by-law 6

PRIVATE / COMMERCIAL EFFLUENT DISPOSAL PERMIT

PART A

DETAILS OF APPLICANT

Applicant :

Application Date:

Estimated Removal Date:

Contractor:

Address:

.....

.....

Property Owner / Lessee Name:.....

Address:.....

.....

.....

Applicant Declaration: The permit applicant certifies that this effluent removal will be completed in accordance with the directions of the Council within seven (7) days. The permit applicant acknowledges this permit will expire in seven (7) days unless extended in writing by the Chief Executive Officer.

PART B
EFFLUENT DISPOSAL PERMIT
MANGOCHI TOWN COUNCIL

Permit No:.....

This Effluent Disposal Permit is Hereby Granted to: (Name).....

..... of (Address).....

.....

Valid from (Date)..... To.....(Seven Days)

and is subject to the following Conditions:.....

.....

.....

Fee paid Receipt No.

Date.....

.....

Chief Executive Officer

Made thisday of2020

COUNCILOR EDNA YUSUFU
Mayor

Approved by the Minister of Local Government and Rural Development

This.....day of, 2020

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

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

GOVERNMENT NOTICE NO. 38

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (MANGOCHI TOWN COUNCIL) (FOOD)
BYLAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation and application
2. Interpretation

PART II—GENERAL PROVISIONS RELATING TO FOOD LICENCES

3. Application for food licence
4. Refusal, etc. of food licence
5. Food licence conditions and expiry date, etc.

PART III—MEAT, FISH AND SALT

6. Sale and certification of meat
7. Sale and certification of fish
8. Sale of un-iodized salt

PART IV—INSPECTION AND ANALYSIS

9. Power of entry and inspection
10. Analysis of food samples and bacteriological tests
11. Effect of taking food samples for analysis
12. Extension of powers
13. Obstruction of officers and offences
14. Sale or offer of unwholesome food an offence

PART V—FOOD PREMISES

15. Food premises
16. Ventilation and lighting
17. Water, sink and hand wash basin
18. Sanitary accommodation
19. Cupboard, etc. for staff
20. Refuse bin
21. First Aid

PART VI—PERSONS HANDLING FOOD

22. Health of person handling food
23. Medical certification
24. Duty of person handling food

BY-LAW

PART VII—PROVISIONS RELATING TO FOOD HANDLING

25. Wrapped and unwrapped bread, etc.
26. Cleanliness of food equipment
27. Prohibition of an animal in food premises
28. Transportation of meat or fish

PART VIII—MISCELLANEOUS

29. Exemption
30. Lighting of fire and preparation of food in the street or open space
31. Closure of licenced business
32. Offences and Penalties

SCHEDULES

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

PART I—PRELIMINARY

1. These By-laws may be cited as the Local Government (Mangochi Town Council) (Food) By-laws, 2020 and shall apply within the area of jurisdiction of the Mangochi Town Council (hereinafter referred to as the "Council").

Citation and application

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

Interpretation

"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;

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

"equipment" includes apparatus, furnishings and utensils;

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

"food" means anything taken by mouth other than drugs and water but includes ice and any article which ordinarily enters into or is used in the processing or preparation of human food and includes flavouring matters and condiments, and "foodstuffs" has 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 food business is carried on;

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

“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 and includes the cleaning of articles or equipment with which food comes into contact;

“health officer” means medical officer of health and environmental health officer;

“iodized salt” means salt treated with iodine or a compound of iodine;

“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 of health” means medical officer of health as defined under the Public Health Act; and

“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; and

“owner” as regards immovable property includes a person receiving rent or profits of any land or premises from a tenant or occupier thereof.

PART II—GENERAL PROVISIONS RELATING TO FOOD LICENCES

Application
for food
licence

3.—(1) A person shall not establish or carry on a food business unless he has a valid food licence issued by the Council.

(2) An application for the food licence, the renewal or transfer of food licence shall be in the form prescribed in Form I of the First Schedule hereto and shall, specify—

- (a) the name of the applicant;
- (b) address of the applicant; and
- (c) the location of the food premises.

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

(4) A food licence shall not be issued to a foreigner unless he has a valid

Business Resident Permit under the Immigration Act to conduct Business in Malawi. Cap 15:03

(5) Any fee payable to the Council under these Bylaws shall be non-refundable.

4. The Council may refuse to grant a food licence, suspend or cancel a food licence, as the case may be, where it is satisfied that— Refusal, etc. of food licence

(a) 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—

(i) suffering from obvious infectious or contagious diseases is an illegal immigrant under the Immigration Act;

(ii) has had a deportation order made against him under the Immigration Act; or

(iii) does not have a valid permit under the Immigration Act to conduct business in Malawi. Cap 15:03

5. A licence issued under these By-laws shall—

(a) be in a Form II as set out in the First Schedule hereto;

(b) be subject to such conditions as the Council may determine appropriate;

(c) expire on the last day of the financial year after the issue thereof; and

(d) not be transferable. Cap 15:03

Food licence conditions and expiry date, etc.

PART III—MEAT, FISH AND OTHER FOOD

6.—(1) A person shall not sell or expose for sale any animal carcass or meat intended for human consumption, unless such animal carcass or meat has been certified fit by a health officer or other authorized officer: Sale and certification of meat

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) A person shall not 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—

(a) while exposed for sale or in transit, be covered or protected from contamination to the satisfaction of the Council; and

(b) not be transported at the same time in a vehicle in which other materials or passengers are carried.

(3) A person shall not sell or expose for sale, any meat intended for human consumption, unless the animal or bird is slaughtered in an abattoir or

slaughterhouse approved by the Council.

(4) The provisions of paragraph (3) shall not apply where the animal is slaughtered in order to be consumed at a wedding or funeral or any other similar occasion.

(5) An unlicensed person shall not sell or expose for sale, unprocessed milk within the Council area.

Sale and
certification
of fish

7.—(1) A person shall not sell or expose for sale any fish intended for human consumption anywhere other than at a market place or in 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.

(2) The person shall not process fish, except in places authorized by the Council.

Sale of
un-iodized
salt
Cap 52:02

8. Non-iodized salt shall not be sold for consumption of human beings except in accordance with the Iodization of Salt Act.

PART IV—INSPECTION AND ANALYSIS

Power of
entry and
inspection

9.—(1) A health officer or other authorized officer may, at all reasonable times, enter any food premises and examine or inspect food any food, meat or persons involved in food business or food handling or handling of equipment connected with the food business.

(2) Where upon examination or inspection under paragraph (1), the health officer is of the opinion that the food is not fit for human consumption or that the continued presence of a person or existence of a thing is likely to cause injury to health he may—

(a) 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

(b) in the case of a person or equipment, give such directions in writing as he deems fit.

Analysis
of food
samples and
bacteriological
test

10.—(1) A health officer or an authorized officer may, on reasonable suspicion—

(a) enter and take any utensil from food premises for the purposes of carrying out bacteriological tests; and

(b) upon payment of a reasonable price for any food, take samples of the same for the purpose of analysis and bacteriological tests.

(2) Where food sample is for bacteriological test, it shall be taken in accordance with the procedure specified in the Third Schedule hereto but other samples or chemical or other tests shall be taken in the manner or form as the health officer or other authorized officer may consider appropriate.

(3) Whereupon the test or analysis it is found that the food is unfit for human consumption the health officer or other authorized officer shall issue a certificate of unfitness in the Form I as set out in the Fourth Schedule hereto for the same and cause such food to be destroyed.

11. Where a health officer or any other authorized officer takes sample 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.

Effect of taking food sample for analysis

12.—(1) The power of a health officer or other authorized officer under these By-laws shall, with the consent of the food producer or supplier upon the written request of the officer, apply *mutatis mutandis* to those food premises outside the Council from which food prepared or processed there, is found to be contaminated when offered for sale within the Council.

Extension of powers

(2) Where the producer or supplier of food under paragraph (1), after seven days from receipt of request withholds consent without a valid reason, the health officer or other authorized officer shall cause to be issued an order in the Form II as set out in the Fourth Schedule hereto that the food in question should not be offered for sale within the Council.

13. A person who refuses to admit a health officer or any other authorized officer or who obstructs the exercise of any power conferred under these By-laws shall commit an offence.

Obstruction of officer an offence

14.—(1) A 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 or offer of unwholesome food an offence

(2) A person who commits an offence under paragraph (1) or disobeys an order issued by the Council under by-laws 8 (2) and 9, may be liable to prosecution under section 194 of the Penal Code.

Cap. 7:01

PART V—FOOD PREMISES

15.—(1) A person shall not 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.

Food premises

(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 thirty (30) square metres.

(3) The person shall not use or permit other persons to use a food room or food store as a sleeping or living place and the food room or food store shall not have a direct connection with any sleeping or living place.

(4) The floor, wall, door, window, ceiling, woodwork, work surface or surface or other parts of a food store or premises shall be—

(a) made or constructed of such materials as shall be approved by the Council; and

(b) be so maintained as to—

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

(ii) render them rodent free; and

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

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

Ventilation
and lighting

16.—(1) A food room or kitchen shall be exposed to or provided with through or cross ventilation by means of—

(a) a window opening into the external air and equal to not less than one tenth of the floor area of such room or kitchen; or

(b) both such window and extract fan of the type, approved by the Council.

(2) Unless the construction of the food premises is such that this by-law shall not apply in so far as it concerns hood and flue, a cooking stove or oven shall have—

(a) constructed immediately over it, a hood or size and height as to permit easy preparation or service of food; and

(b) a chimney with a flue of not less than twelve inches (30 cm) in diameter and exhausting or discharging smoke or fumes to outer atmosphere at such height and in such position and manner as to prevent pollution, odour nuisance or annoyance to the neighborhood.

(3) The food premises, room or kitchen shall be exposed to sufficient natural light by means of—

(a) a window opening into the external air and equal to not less than one-tenth of the floor area of the apartment room or kitchen to which it relates; or

(b) both such window and electric or other lighting, approved by the Council.

Water, sink
and wash
hand basin

17.—(1) An owner of food premises shall provide an adequate supply of clean potable water at all times.

(2) The owner of food premises shall provide a sink for washing utensils, cooking pans, equipment and food.

(3) The sink shall be connected to a continuous source of supply of hot and cold water together with trapped drainage for the discharge of used or waste water.

(4) The owner of food premises shall provide—

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

(b) adequate towels and flannels for wiping or cleaning purposes; and

(c) fittings for the storage of such towels and flannels.

(5) The owner of food premises shall provide hand wash basin for use by persons engaged in the handling of food.

(6) The hand wash basin shall be—

(a) connected with hot and cold water together with trapped drainage and be supplied with soap, towel; and

(b) fittings in the manner required by paragraphs (3) and (4) of this by-law.

18.—(1) An owner of food premises shall ensure that every sanitary accommodation within the food premises is—

Sanitary accommodation

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

(3) The owner of food premises shall affix in a prominent position nearest to the sanitary accommodation a hand basin for persons using the sanitary accommodation to wash their hands immediately after such use.

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

Cupboard, etc. for staff

(2) A person who does not use or who prevents another person from using the cupboard or locker provided commits an offence.

20.—(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 on such premises.

Refuse bin

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

(3) For the avoidance of doubt, an approved refuse bin shall—

(a) be a cylindrical receptacle of galvanized iron or plastic about 45cm in diameter at the top, 35cm in diameter at the bottom and 75cm in height with an effective capacity of about 118,000 cm³; and

(b) have a tight fitting lid capable of keeping out rain, flies and preventing the escape of offensive odour.

First Aid

21. A 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.

PART VI—PERSONS HANDLING FOOD

Health of
person handling
food
Cap. 34:01

22.—(1) Subject to section 54 of the Public Health Act or any other written law in force, a person shall not be engaged in the handling or preparation of food or meat, 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 contamination of food.

(2) The person shall not employ, or continue to employ for the purpose of food business, any person suffering or convalescing from any of the disease 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 disease in paragraph (1) notify the medical officer of health forthwith describing—

- (a) the nature of the disease;
- (b) the name and address of the person suffering from the same; and
- (c) any other information that may be required by the Council.

Medical
certification

23.—(1) A person shall not be employed in a food business unless such person has been voluntarily examined and certified fit therefore by a medical officer of health.

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

(3) The Council shall not issue a food licence to any person or renew the food licence of a person unless the person has obtained or is in possession of a medical certificate of fitness obtained within the last three months.

Duty of
person
handling
food

24. A person engaged in the handling or preparation of food or meat shall, while so engaged—

- (a) undergo medical examination every six months;
- (b) not place or expose food to the risk of contamination;
- (c) wear clean and washable head and neck covering and washable over clothing;
- (d) keep any open cut, abrasion or wound covered with water proof dressing;
- (e) not smoke or snuff tobacco;
- (f) refrain from spitting; or
- (g) always use gloves when preparing food.

(2) A food handler, vendor or helper shall undergo a basic training in food hygiene prior to licensing.

PART VII—PROVISIONS RELATING TO FOOD HANDLING

25.—(1) A person shall not sell, expose, deliver or distribute for sale bread, sweet, biscuit, cake or chocolate or similar foodstuff, unless such foodstuff is wrapped in transparent greaseproof wrapping material or a transparent bucket that has a lid or other material approved by the Council:

Wrapped and unwrapped bread, etc.

Provided that where any bread, sweet, biscuit, cake or food is unwrapped or in uncovered container, a person shall not deliver, or deposit the foodstuff 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 person shall not sell or expose for sale any unwrapped or uncovered bread, sweet, biscuit, cake or similar foodstuff unless he also provides for the same suitable handling equipment, such as a food clipping spoon, fork or stick and no such equipment shall be used for tasting or eating such bread, sweet biscuit cake or food.

(3) A wrapped bread shall bear distinguishing of white bread or brown bread printed in English or in a local language, in letters each of which shall be of not less than one-quarter of an inch in size, including the ingredients of the bread, the name and address of the manufacturer and expiring date.

26.—(1) A 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 shall be kept clean and in a good state of repair.

Cleanliness of food equipment

(2) A person shall not store together fresh and cooked food or store food at incorrect temperature.

27. A person shall not bring in, keep or allow any person to bring any animal other than a fowl, duck, or other pheasant for immediate slaughter into any food premises.

Prohibition of animal in food premises

28. The Council may, from time to time by notice in a newspaper wide circulation within the Council, prescribe the type, design and content of vehicle which may be used for the transportation of meat or fish within the Council.

Transportation of meat or fish

PART VIII—MISCELLANEOUS

29. The Council may, having regard to the locality, capital outlay, hardship or other circumstances which to it seem reasonable and just exempt any owner, occupier or proprietor of a food business or premises from complying with any of the provisions of these By-laws.

Exemptions

30. A person shall not light fire or prepare food on any street or on any open space or plot, whether public or private.

Lighting of fire and preparation of food in the street or open space

Closure of
unlicensed
business

31. Where in any licensed premises any nuisance occurs or during an outbreak of disease, the medical officer or environmental health officer may order that all or any licensed premises be closed until further notice or for such period as specified in such order.

Offences and
penalties

32.—(1) A person who contravenes or fails to comply with any provision of these By-laws, or who fails to comply with a notice or conditions imposed by the Council thereof commits an offence and on conviction, shall be liable to a fine of K2,000.00 or to six (6) months imprisonment; or to both such fine and imprisonment.

(2) In addition to the penalty specified in paragraph (1), in the case of a continuing breach of any such by-laws or any such condition, the Council shall—

(a) impose a fine of K200.00 for every day during which the offence continues; or

(b) on the second contravention the premises shall be closed immediately.

FIRST SCHEDULE

by-law 2(2) and 3

FORM I

APPLICATION FOR ISSUE / RENEWAL OF FOOD LICENCE

A. DETAILS OF APPLICANT

1. Name of applicant
2. Nationality
3. Date of medical certification of fitness:.....
4. Name of business.....
5. Address.....
.....
Street Area
6. Site/Plot No. of Business Premises.....
7. Details of other food licences held or applied for.....
.....
8. Nature of Business* (*Delete what is not applicable) Restaurant, Cafe, Grocery, Butchery, Bar, Bottle Store, Bakery, Hotel or Lodging House, Wholesale, Dairy, Food Manufacturing or Processing Premises, other (give details).....
.....
10. Number of food handlers including waiters, to be employed:

Male

Female

Date

Signature

B. PAYMENT DETAILS

1. Amount collected.....

Receipt No.....

2. Name of Cashier.....

Signature.....

C. FOR OFFICIAL USE ONLY

1. Date of inspection

2. Number of food handlers without medical certification of fitness:

Male.....

Female.....

3. Comments / Remarks:

.....

.....

.....

4. Name of Official.....

Signature.....

Designation

Date.....

**FORM II
FOOD LICENCE**

This Food Licence is hereby granted to.....
(name of licensee)

of.....
(name of business and address)

situated on Plot No. Street..... Ward.....
(within the jurisdiction of the Town Council of Mangochi).

This licence is valid until 30th June 20..... and is subject to the provisions of the Mangochi Town Council (Food) By-laws, 2020; and to the following conditions (specify conditions if any):

.....

.....

.....

Fee Paid:.....

Receipt No..... Date:.....

.....
Chief Executive Officer

NOTE: This licence must be displayed in a prominent place on the business premises and it is not transferable.

SECOND SCHEDULE

by-law 3 (3)

FEES PAYABLE FOR FOOD LICENCE

ITEM	FEE			K	t
Application Fee				2,000	00
1. (a) Food licence classified under Tourism and Hotels Act (Cap. 50:01)					
Category A	50,000	00
Category B	30,000	00
Category C	20,000	00
Category D	15,000	00
Category E	10,000	00
Category F	5,000	00
Category G	2,000	00
(b) Dairies, bakeries and food manufacturing				50,000	00
2. Restaurants, inns, superettes, wholesalers and supermarkets	50,000	00
3. Fish and chips takeaways		20,000	00
4. Bars, Eating houses and coffee shops				30,000	00
5. Butchery					
Grade A	50,000	00
Grade B	25,000	00
Grade C	15,000	00
6. Minishops hawkers	15,000	00
7. Small confectionery manufacturing				15,000	00
8. Milk permit	20,000	00
9. Groceries	15,000	00
10. Nursery School	10,000	00
11. Boarding School	20,000	00

THIRD SCHEDULE

by-law 10 (2)

BACTERIOLOGICAL TESTS

1. A health officer may, for the purpose of bacteriological tests take samples from any

- knife, fork, spoon, plate, dish, cup, saucer or other implement or utensil on the food premises or from any cloth or water contaminated in a sink or other receptacle which cloth or water has been or is at the time being used in the drying or washing as the case may be, if any such articles as aforesaid, or from any receptacle in which food is stored or kept.
2. The average plate count for every utensil of any surface thereof sampled shall not exceed 100/bacteria CFU (colony forming units), and where the said count is exceeded the owner or the person at the materials time in control of the premises from which the article sampled was taken shall be guilty of an offence.
 3. The procedure for taking samples for bacteriological tests shall be as follows—
 - (a) a health officer shall take from the food premises a sample from any group of four articles of the same kind, and it shall not include a sample from any article such lesser number kind:

Provided that—

- (i) if the number of the articles of one kind sampled is less than four, the sample shall be taken from such lesser number; and
 - (ii) this procedure shall not apply to the taking of samples from water or a cloth used for washing or drying;
- (b) the health officer who takes a sample with a sterile swab, shall immediately place it in a sterilized swab containing 2 ml of sterile saline or a strength or 0.85 percent, and the sample or liquid shall at once be placed in any other form of suitable sterilized container;
 - (c) a container in which a swab or other sample is placed shall bear its own number clearly marked on it or on an adhesive label firmly attached to it;
 - (d) before the health officer removes a sample from the premises he shall invite the owner of the food premises or the person for the time being in control of the premises and the health officer taking the sample shall append his signature to a document in duplicate in a prescribed form and he shall leave one of the two documents with the owner or the person in control of the food premises and take the other;
 - (e) the owner or person for the time being in control of the premises shall sign in duplicate a document in a prescribed form as proof that the sample has been taken from his premises;
 - (f) in the event that the owner or the person in-charge of the food premises refuses to sign the document, it shall, unless the contrary is proved, be presumed that a sample labelled and numbered in accordance with paragraph 3 of this Schedule is the sample to which the said document refers;
 - (g) as soon as possible after taking a sample, the person who has taken it shall hand it for investigation to a person qualified who has a recognized degree or diploma in bacteriology and has competent knowledge, skill and experience; and
 - (h) the person who has carried out the investigation shall submit a report thereon to the medical officer of health in a prescribed form.

FOURTH SCHEDULE

by-laws 10 (3) & 12 (2)

FORM I
FOOD CONDEMNATION FORM

TO:.....

Address:.....

.....

.....

EXAMINATION AND SEIZURE OF FOOD

A. FINDING BY OFFICER

This is to certify that today.....

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

QUANTITY	DESCRIPTION OF ITEM	UNIT PRICE	REASON FOR CONDEMNATION

Name..... Signature.....

Designation..... Date.....

B. COMPLIANCE BY LICENCEE OR AGENT OF LICENCEE

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

Name:..... Signature..... Date.....

FORM II

ORDER TO STOP SELLING FOOD IN MANGOCHI TOWN COUNCIL
MANGOCHI TOWN COUNCIL

TO:.....

Address:.....

.....

ORDER TO STOP SELLING FOOD

Whereas on the date of.....20..... you were served with a written request for our officers to inspect your premises and conduct tests thereat on reasonable suspicion that food you sell in Mangochi Town Council is or was contaminated; and whereas seven (7) days have passed since the request and you have not obliged our request;

You are hereby ORDERED, in the interest of public health, to stop selling food within the area of Mangochi Town Council until such time as you shall produce proof to the Council, by way of certification by reputable health officer that the food is free from contamination and fit for human consumption.

Dated thisDay of.....2020

CHIEF EXECUTIVE OFFICER

COUNCILOR EDNA YUSUFU
Chairperson

Approved by the Minister of Local Government and Rural Development

This.....day of, 2020

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

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

GOVERNMENT NOTICE No. 39

ROAD TRAFFIC ACT
(CAP. 69:01)

ROAD TRAFFIC (MANGOCHI TOWN COUNCIL) (TRAFFIC, ROAD SAFETY
AND PARKING OF MOTOR VEHICLES) BY-LAWS, 2020

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

- 1. Citation and application
- 2. Interpretation

PART II—GENERAL PROVISIONS

- 3. Obligation
- 4. Transport and traffic committee
- 5. Appointment of a traffic warden

BY-LAW

6. Appointment of an agent
7. Provision of parking spaces by office building owners
8. Driving or parking of a truck in residential, commercial or other areas prohibited
9. Travel hours for truck
10. Designation of road by tonnage
11. Driving or parking in authorized places prohibited
12. Structure to be used for intended purposes
13. Parking in open space prohibited
14. Parking places
15. Control and management of parking places
16. Bicycle taxi
17. Parking fees
18. Payment of parking fees
19. Advance payment tickets
20. Powers of the Council
21. Towing and sale
22. Use of bus bay and bus station
23. Special roads for public transport
24. Car repair in residential or commercial areas prohibited
25. Touting
26. Bus station
27. Parking sticker
28. Offences
29. Exemptions
30. Compliance with By-Laws
31. Display and distribution of By-Laws
32. Registration of association
33. Non liability

IN EXERCISE of the powers conferred by section 182 of the Road Traffic Act, the Mangochi Town Council, in consultation with the Director of Road Traffic, has made the following By-laws—

PART I—PRELIMINARY

- | | |
|--------------------------|---|
| Citation and application | 1. These By-laws may be cited as the Road Traffic (Mangochi Town Council) (Traffic, Road Safety and Parking of Motor Vehicles) By-laws, 2020 and shall apply within the area of jurisdiction of Mangochi Town Council (hereinafter referred to as the "Council"). |
| Interpretation | 2. In these By-laws, unless the context otherwise requires—
"agent" means a person duly appointed by the Council under by-law 3; |

“authorised officer” means an officer or other person appointed by the Council to perform duties required under these By-laws, irrespective of the designation given to that officer or person;

“authorised sign” means a road traffic sign prescribed under section 89 of the Act;

“bicycle taxi” means a bicycle used for the conveyance of persons or goods for hire;

“bus bay” means any place designated or any area demarcated for the exclusive parking of buses;

“bus stop” means any place or area designated or demarcated by a road traffic sign as a stopping place for buses for the purposes of loading and offloading passengers;

“Council” means the Mangochi Town Council;

“touter” means a person who engages in soliciting of passengers to board minibuses, buses or taxis;

“chargeable parking place” means a place designated under these By-laws for the parking of a vehicle at a fee;

“Chief Executive Officer” means chief executive officer of the Council;

“commercial area” or “industrial area” means an area designated in the structure or developmental plans of the Council as commercial or industrial area;

“departure fee” means an amount payable by a bus when leaving a bus station or bus bay;

“default parking sticker” means a document issued to the driver or owner of a vehicle, notifying the illegal acts of the driver or owner;

“Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether public or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles;

“horse” means a motor vehicle used for the purpose of drawing a trailer but which is not designed to carry any load;

“industrial area” or “commercial area” means an area designated in the structure or developmental plans of the Council as commercial or industrial area;

“loading” means the physical activity of moving merchandise from or to a property or another vehicle and the physical activity of passengers entering or departing a vehicle;

“motor vehicle” bears the meaning ascribed to that name in the Act;

“no parking” means a place not authorized for parking of vehicles;

“parking” means the keeping of a vehicle whether occupied or not, except when standing temporarily, stationary for a period of time longer than is reasonably necessary for the actual purpose of and while actually engaged in loading or unloading merchandise or passengers but does not include any such keeping of a motor vehicle by reason of a cause beyond the control of the person in charge of such a vehicle;

“parking invoice” means an invoice issued by or on behalf of the Council to any person for the purpose of parking a vehicle in accordance with the provisions of this by-laws;

“parking space” means a space or an area on a road that has been marked or designated specifically for parking;

“parking place for public transport” means an area designated and marked as a parking place for public transport;

“person” includes any person, firm, partnership, association, corporation, company or organization of any kind;

“public transport” includes buses, minibuses or mid buses, bicycle taxis, ox-carts, wheelbarrows, rickshaws, canoes, boats, motor vehicle taxis used for carrying passengers for hire or reward;

“shoulder” means a reserved lane by the verge of a road or motorway;

“special parking space” means a parking space reserved for vehicles or persons requiring special parking arrangements;

“traffic” includes pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for the purposes of travel;

“traffic island” means a small raised area in the middle of a road that provides a safe place for pedestrians to stand and marks a division between two opposing streams of traffic;

“traffic warden” means an individual authorised by the Council to control and regulate traffic within the Jurisdiction of the Council;

“trailer” means any vehicle which has no independent motive power of its own and is drawn or designed to be drawn by vehicle or a bicycle but does not include a side car attached to a motorcycle;

“truck” means any motor vehicle of gross vehicle mass of more than five thousand kilograms (5,000kgs) with or without a trailer; and

“vehicle” bears the meaning ascribed to that name in the Act.

Obligation

3. The Council shall—

(a) provide necessary and adequate street lighting;

(b) build necessary and adequate roads to improve traffic movement;

- (c) maintain the road infrastructure, road markings road signs and road furniture and keep them in good condition at all times;
- (d) provide adequate parking places and ancillary facilities;
- (e) provide adequate traffic signage and road markings;
- (f) provide adequate bus bays for buses;
- (g) clean the drainages along the roads and streets;
- (h) keep the streets and roads in a clean and sanitary condition;
- (i) provide bus stations for buses and ranks for taxis;
- (j) provide shelters for passengers at the bus stations and bus bays;
- (k) provide ablution blocks at bus station and taxi ranks; and
- (l) provide road furniture.

4.—(1) The Council shall establish a transport and Traffic Committee (“Committee”) to enhance cooperation and collaboration in the effective handling of issues relating to transport and traffic in the jurisdiction of the Council.

Transport
and Traffic
Committee

(2) Members of the Committee shall include—

- (a) two representatives of the public transport associations registered with the Council;
- (b) two representatives of the passenger welfare associations registered with the Council;
- (c) the Council’s Director of Planning;
- (d) the Council’s Director of Finance; and
- (e) a representative from the traffic department of the Malawi Police Service.

(3) The Chief Executive Officer shall designate one of the officers of the Council to be the Secretary of the Committee.

(4) The Council shall—

- (a) develop the terms of reference for the Committee; and
- (b) regulate the Committee’s procedure including the number of times the Committee may hold meetings in a year.

(5) The Committee shall, where necessary, consult other relevant stakeholders who are not represented on the Committee when considering matters relating to transport or traffic management relevant to those stakeholders.

5.—(1) The Council shall appoint traffic warden to be responsible for management and control of parking of vehicles.

Appointment
of a traffic
warden

(2) The traffic warden shall—

- (a) issue parking invoice and parking ticket;
- (b) record and report to the Council instances of default by vehicle drivers; and
- (c) issue default parking sticker.

- Appointment of an agent 6. The Council shall, where necessary, appoint an agent to carry out, on its behalf, the functions conferred upon the Council by these By-laws.
- Provision of parking spaces by office building owner 7. The Council may require a person building an office block to make adequate provision for parking space for the intended users of the offices.
- Driving or parking of a truck in residential, commercial or other areas 8.—(1) A person driving a truck shall not cause or permit, as the case may be, the truck to enter, move within or park in a residential area or a commercial area or any other area as the Council may specify.
(2) Notwithstanding paragraph (1), a person driving a truck may, for the purpose only of loading or off-loading goods in a commercial or residential area, drive within a commercial or residential area only between 5:00 am to 7:00 am in the morning.
- Travel hours for a truck 9. The permitted hours for the travelling of truck along Highways shall be from 5:00 am to 10:00 pm in the evening.
- Designation of road by tonnage 10.—(1) The permitted tonnage for vehicles using residential and Commercial areas shall be below 5000kgs.
(2) Where the Council designates some roads in terms of paragraph (1) and a driver or a person in charge of a motor vehicle which is above the prescribed tonnage drives or permits to be driven such motor vehicle on a road for which that motor vehicle is prohibited, the driver or the person in charge, as the case may be, commits an offence.
- Driving or parking in unauthorized place prohibited 11. A person shall not drive or park a vehicle on a pavement, cycle track, footpath or traffic island.
- Structures to be used for intended purposes 12. Pavement, cycle track, bus shelter, layby and bus bay shall be used strictly for their intended purposes only.
- Parking in open space prohibited 13.—(1) A person shall not, without justifiable reason, park a vehicle on a vacant land, street or open space.
(2) The person shall, where the Council or its agent is satisfied that a vehicle is parked on any street, open space or vacant land, without justifiable reason, pay a spot fine of K5,000.00 for wrong parking.
(3) The Council or its agent may, remove the vehicle and store it at a place the Council determines appropriate.
(4) The owner of a vehicle which the Council or its agent has removed and stored in accordance with paragraph (2) shall defray the cost of removing and storing the vehicle before it is restored to him.

(5) For the purposes of this by-law, "parking" means keeping a motor vehicle stationary whether occupied or vacant for more than fifteen minutes.

14.—(1) The designated areas for parking for public transport shall be as prescribed under Part I of the First Schedule hereto. Parking places

(2) The designated areas for parking for private transports shall be as prescribed under Part II of the First Schedule hereto.

15.—(1) A person shall not cycle, or be permit to be cycled, a bicycle taxi within designated areas, unless he obtains a permission from the Council authorising him to do so. Bicycle taxi

(2) For the purposes of this by-law, "designated areas" means the areas as prescribed in the First Schedule hereto.

16. The Council shall be responsible for the control and management of parking places. Control and management of parking places

17.—(1) A person who parks a vehicle in a chargeable parking place on any day, shall pay the parking fee set out in the Second Schedule hereto. Parking fees

(2) The Council shall collect a parking fee from persons who park their vehicles at a chargeable parking place calculated at an hourly rate.

(3) The Council may make arrangements with a person or an organisation who owns a motor vehicle or a fleet of motor vehicles and parks the motor vehicle or motor vehicles in a chargeable parking place to pay the parking fee on a monthly, quarterly, bi-annually or annually basis.

18. The Council shall issue a parking ticket to a person who parks a vehicle in a chargeable parking place and that person shall pay the prescribed parking fee immediately to the Council. Payment of parking fees

19.—(1) The Council may, on such conditions as it may determine, issue parking tickets to the public, in advance. Advance parking tickets

(2) A valid parking sticker displayed on the vehicle shall be *prima facie* evidence of payment of parking fees for the period indicated on the sticker.

20. Where a person fails or refuses to pay the prescribed parking fees on demand, the Council shall be entitled to demand a surcharge, as set out in the Second Schedule hereto and may— Powers of the Council

(a) issue the driver or owner of the vehicle with a default parking sticker;

(b) tow the vehicle to a place designated by the Council for safe custody;

(c) advertise the registration number of the vehicle which is the subject of default in at least one newspaper with wide circulation in Malawi or other media; and

(d) clamp the vehicle which is subject of the default.

Towing and
sale

21.—(1) The Council may tow vehicles that have been clamped due to default under by-law 15 only after 6.00pm, unless in the discretion of the Council the situation otherwise requires.

(2) The Council shall retain possession of a vehicle until the driver or owner has paid the parking fee, surcharge and other costs incurred by the Council as a result of the default.

(3) The costs for towing of a vehicle and other related costs shall be borne by the driver or owner of the vehicle and shall conform to current market rates at the time of disbursement by the Council:

Provided that where the Council incurs costs due to the default by driver or owner, the Council shall be entitled to reimbursement of the costs.

(4) Where the vehicle has been towed to the designated place for safe custody and the driver or owner of the vehicle fails to pay the parking fee, surcharge, towing charge and any other costs incurred by the Council in respect of that vehicle within fourteen days from the date of possession, the Council may sell the vehicle by public auction.

(5) The Council shall, fourteen days before the auction referred to under paragraph (4), publish a notice in the *Gazette* and newspapers circulating within the Council of its intention to sell the vehicle by public auction.

(6) Any cost incurred by the Council in the process of publication under paragraph (5) shall be recovered from the proceeds of the sale.

(7) An owner of the vehicle that has been towed may recover possession of the vehicle by paying in full, costs and expenses incurred by the Council at any time before the auction takes place.

(8) A sale of a motor vehicle under this by-law shall pass a good and sufficient title.

(9) The Council shall retain out of the proceeds of the sale of the vehicle, the current costs and expenses of sale which shall have priority over any other interest in the vehicle and shall be charged as truth to those who may be entitled to the balance, if any, of the proceeds of sale.

Use of bus
bays and bus
station

22.—(1) Bus bays and bus stations shall be used exclusively by buses for loading or offloading passengers and shall not be used as parking places.

(2) The period in which a bus may stop at a bus bay or on a bus station shall be as prescribed under Part III of the First Schedule hereto.

(3) A penalty of the same amount of a parking fee shall be charged in exceed of the prescribed period.

Special roads
for public
transport

23. The Council may, where applicable, designate a road in the town for the exclusive use of public transport.

Car repair in
residential or
commercial
areas prohibited

24. Except in the areas designated by the Council for such purpose, a person shall not run a garage and carry out repairs of motor vehicles—

(a) at his residence;

(b) within residential or commercial areas; or

(c) along public road, road shoulders or in car parks.

25. A person shall not be allowed to operate as a call boy or to tout within the jurisdiction of the Council. Touting

26.—(1) The Council shall charge entry or departure fees on all buses entering or leaving bus bays or bus stations. Bus station

(2) The entry or departure fees shall be as prescribed in Part II of the Second Schedule hereto.

27.—(1) Where a person or organisation pays in advance the parking fee for a vehicle under by-law 17, the Council shall issue to that person or organisation a parking sticker which shall— Parking stickers

(a) show the period of its validity; and

(b) be displayed on the vehicle at all times.

(2) A valid parking sticker displayed on the vehicle shall be prima facie evidence of payment of parking fees for the period indicated on the sticker.

28. A person who— Offences

(a) parks a vehicle in a place which is not designated as a parking place;

(b) parks a vehicle in a place marked 'no parking';

(c) parks a vehicle in a 'no stopping area';

(d) parks a vehicle on a pavement, cycle track or bus bay;

(e) parks a vehicle in any other area in which parking is prohibited under the Act in force or any other law;

(f) parks a vehicle in a parking place in a manner which obstructs, or is inconsiderate to other road users;

(g) without justifiable reason, parks a vehicle on a vacant land, public road, street or open space;

(h) fails or refuses to pay the parking fee upon demand or after seven days after he is issued with a parking invoice;

(i) refuses to pay a surcharge imposed under these regulations;

(j) obstructs an authorized officer of the Council or an agent or any other officer authorised by law in the course of his duty;

(k) being a driver or an operator of a public transport who, without justifiable reason, parks at any place other than the designated area for parking public transport or in a bus station;

(l) being a driver or an operator of a public transport stops at any place other than a bus bay; or

(m) operates as a touter.

commits an offence and on conviction shall be liable to a fine of K10,000 or to 6 months imprisonment or both such fine and imprisonment.

(2) In addition to the penalty specified in paragraph (1), in the case of a continuing breach of any such by-laws or any such condition, the Council shall—

(a) impose a fine of K200.00 for every day during which the offence continues; or

(b) on the second contravention the premises shall be closed immediately.

Exemptions

29 The provisions of these By-laws shall not apply to a vehicle—

(a) which at the time is being used as an ambulance, police vehicle, or fire brigade vehicle in an emergency;

(b) stopped in a traffic emergency, accident or for other unavoidable cause, for as long as shall be reasonably necessary;

(c) parked or stopped or being used in compliance with the directions of a police officer, or traffic sign;

(d) which at the time is being used on urgent official business of the Council;

(e) which at the time is being used by a registered medical practitioner on urgent medical business; and

(f) which at the time is being used by a network utility operator for carrying out urgent public work.

Compliance with By-Laws

30. The Council in collaboration with the police shall ensure that these By-laws are complied with and may appoint inspectors to monitor the compliance.

Display and distribution of By-Laws

31.—(1) The Council shall display and keep displayed at every bus station a copy of these By-laws and a list of fees charged therein.

(2) The notices issued under these By-laws may be in English, Chichewa or any other language mostly used in Mangochi.

(3) The Council shall distribute copies of these By-laws to all stakeholders including the public transport and passenger welfare associations registered with the Council.

Registration of associations

32.—(1) All public transport or passenger welfare associations within the jurisdiction of the Council shall register with the council within ninety (90) after the commencement of these By-laws.

(2) The associations shall pay to the Council the registration fees as prescribed in Part III of the Second Schedule.

Non liability

33. The Council or its agent shall not be liable for loss, injury or damage to any person, motor vehicle or other property caused in the course of the due execution, in good faith, of its or his or her, as the case may be, duties under these By-laws.

FIRST SCHEDULE

by-laws 14, 15(2) & 22(2)

DESIGNATED AREAS

PART I

PARKING PLACES FOR PUBLIC TRANSPORT

Bus

1. Bus Stations
 - (a) Mangochi Bus Depot;
 - (b) Old Bus Depot; and
 - (c) Works (Off Chilipa Road).
2. Temporary Bus Stations
 - (a) Kalonga Mosque (Passengers from the Direction of Liwonde); and
 - (b) Soko (Passengers from the Direction of Monkey-Bay).

Taxis

1. Motor Taxis
 - (a) Central Market Council Shops;
 - (b) Pep Stores;
 - (c) Peoples Trading Centre (PTC); and
 - (d) Soko (in Front of New Metro Shop).
2. Designated Areas for Bicycle Taxis
 - (a) new Engena Filling Station (For all Bicycle taxis from Liwonde Road Direction);
 - (b) turn at Police Station (for All Bicycle Taxis from M'baluku Bridge); and
 - (c) Soko (for all Bicycle Taxis from Monkey-Bay Road Direction).

PART II

PARKING PLACES FOR PRIVATE TRANSPORT

- (a) Arkay Shop;
- (b) Central Market Council Shops;
- (c) Corzy Lodge Sign Post;
- (d) Gallop Shop;
- (e) Mankhwala Shop;
- (f) Opposite Alma Express Shop;
- (g) Pep Stores;
- (h) Peoples Trading Centre;
- (i) Soko (in Front of New Metro Shop); and
- (j) Zimatha.

PART III

DURATION OF PARKING FOR BUSES (MINIBUSES, MEDIUM BUSES AND LARGE BUSES)

Places	Hours
(a) Mungochi Bus Depot ..	2;
(b) Old Bus Depot ..	1 ¹ / ₂ ; and
(c) Works (Off Chilipa Road)	1 ¹ / ₂ .

SECOND SCHEDULE by-law 17, 20, 26(2)& 32(2)

PART I

PARKING FEES FOR PUBLIC TRANSPORT

Buses		
<i>Class of Bus</i>	<i>Amount</i>	
	K	t
Minibuses	500.	00
Medium buses ..	800.	00
Large Buses.. ..	1,000.	00
Surcharge	2,000.	00
Taxis		
Motor Taxi	500.	00
Bicycle taxi (Kabaza)	100.	00
Surcharge	1,000.	00

PARKING FEES FOR PRIVATE TRANSPORT

Period	Amount
	K t
1 hour	50. 00
1 week	2,000. 00
1 month.. .. .	8,000. 00
3 months. . . .	20,000. 00
6 months. . . .	35,000. 00
12 months. . . .	60,000. 00
Surcharge. . . .	2,000. 00

PART II
DEPARTURE FEES

Buses		Amount
Class of Bus		K t
Minibuses		500. 00
Medium buses ..		1, 000.00
Large Buses ..		1, 500.00
Taxis		
Motor Taxi ..		250. 00
Bicycle taxi (Kabaza)		20. 00

PART III
REGISTRATION FEES FOR ASSOCIATIONS

Type of Association	Amount
	K t
Public Transport Associations	10, 000.00
Passenger Welfare Associations	7, 000.00

Made this..... day of, 2020

COUNCILOR EDNA YUSUFU
Chairperson

Approved by the Minister of Local Government and Rural Development

This.....day of, 2020

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

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

GOVERNMENT NOTICE NO. 40

PESTICIDES ACT

(CAP 35:03)

PESTICIDES (CESS) ORDER, 2020

IN EXERCISE of the powers conferred by section 13 of the Pesticides Act, I, LOBIN CLARKE LOWE, Minister of Agriculture, acting on the advice of the Board, and in consultation with the Minister of Finance, make the following Order—

- Citation 1. This Order may be cited as the Pesticides (Cess) Order, 2020.
- Pesticides cess 2.—(1) The Board shall impose a levy to be known as “pesticides cess” on all importation into, or manufacturing in, Malawi of a pesticide.
- (2) The pesticides cess referred to under subparagraph (1) shall be levied at the rate of—
- (a) for imported pesticides, 0.05% of landed costs; and
- (b) for pesticides manufactured in Malawi, 0.05% of production costs of the pesticide.
- (3) All the monies due and payable in respect of the pesticides cess levied under this paragraph shall be payable to the Board, at the time of applying for a permit to manufacture a pesticide or import a pesticide.

Made this 4th day of August, 2020.

(FILE NO: 30/1/1)

L. C. LOWE
Minister of Agriculture

GOVERNMENT NOTICE NO. 41

GREENBELT AUTHORITY ACT

(CAP 35:03)

NOTICE OF COMMENCEMENT

IN EXERCISE of the powers conferred by section 1 of the Greenbelt Authority Act, 2017, I, LOBIN CLARKE LOWE, Minister of Agriculture, appoint the 10th day of August, 2020, as the date on which the Act shall come into operation.

Made this 4th day of August, 2020.

(FILE NO: 36/06/11)

L. C. LOWE
Minister of Agriculture