



ZOMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (BUSINESS AND PREMISES LICENSING) BYLAWS, 2018

NOVEMBER, 2018

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (BUSINESS AND PREMISES
LICENSING) BYLAWS, 2018

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GOVERNMENT NOTICE NO. ...

LOCAL GOVERNMENT ACT
(CAP. 22:01)

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (BUSINESS AND PREMISES
LICENSING) BYLAWS, 2018

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Zomba District Council has made the following Bylaws—

PART I—PRELIMINARY

Citation	1. These Bylaws may be cited as the Local Government (Zomba District Council) (Business and Premises Licensing) Bylaws.
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Interpretation	2. In these Bylaws unless the context otherwise requires—
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“Area” means the Local Government Area of the Zomba District Council;

“Business” includes trade, industry and occupation;

“Council” means the Zomba District Council;

“Licence” means any licence issued under these Bylaws;

“Licensing officer” means the District Commissioner or any other officer of the Council duly authorised in that behalf by the Council;

“Business licence” means a licence issued pursuant to Bylaw 3;

“Licensed premises” means any premises licensed as such under these Bylaws;

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

“Health Officer” means environmental health officer, medical or health officer or any person authorised by the Council under these Bylaws; and

“fine art” means sign writing, drawing, logo writing, entertainment, theatre and any other art which the Council may classify as such under these Bylaws but excludes singing groups .

Application

- 3.** - These Bylaws shall apply within the area of jurisdiction of the Zomba District Council.

PART II — GENERAL PROVISIONS

Business and Premises Licence

- 4** - (1) A person shall not, for gain or reward, engage in or pursue, within the area any of the businesses specified in the First Schedule, unless he is a holder of a valid licence issued to him under these Bylaws.

(2) A person shall not, for gain or reward, engage in or pursue on any premises within the area any business specified in the First Schedule, unless he is a holder of a valid premises licence issued to him under these Bylaws authorizing him to do so at those premises.

(3) A person shall not by way of business use any premises within the area for any of the purposes specified in the First Schedule, unless —

- (a) such premises are licensed for such purpose under a valid premises licence issued under these Bylaws; and
- (b) such person is in lawful business.

(4) A person who is not a citizen of Malawi shall not be issued with a licence under these Bylaws, unless he is a holder of valid Business Residence Permit issued under the Immigration Act.

Licence to
Foreigners

5. An application for a licence under these Bylaws shall be made to the Licensing Officer in the form prescribed in the Second Schedule hereto and shall be accompanied with the prescribed fee specified in the Third Schedule hereto, appropriate to the class of licence applied for.

Application of a
licence

Renewal Fees

6. A licence issued under these Bylaws shall be renewable annually by the licensee upon payment of renewal fees prescribed in the Third Schedule.

Transfer of Licence

7. - Any licence issued under these Bylaws shall not be transferable from the licensee to any other person nor shall the right to exercise such licence be attachable by assignment, transfer or otherwise to any premises other than those in respect of which it was issued

Form of licence

8. - A licence issued under these Bylaws shall be in the form prescribed in the Fourth Schedule.

Powers of inspection

9. - (1) A premises licence shall not be issued unless the premises have been inspected by a Health Officer and certified as fit for the purpose.

(2) A holder of a licence shall ensure that the premises where he is carrying out his business

within the area are being maintained in a clean and sanitary condition at all times.

(3) A Health Officer shall be entitled, at all reasonable times, to enter upon and inspect any licenced premises within the area and to examine the same for the purpose of these Bylaws.

PART III-OFFENCES AND PENALTIES

Penalties

10. - (1) A holder of a premises licence who uses, permits or condones any other person to use any part of the licensed premises as a living or sleeping quarters or for any other purpose not authorised by the licence commits an offence.

(2) A person who contravenes or fails to comply with any provision of these Bylaws or fails to comply with any notice or conditions imposed by the Council commits an offence.

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

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

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

FIRST SCHEDULE

BUSINESSES REQUIRING BUSINESS AND PREMISES LICENCE (Bylaw 4)

1. Lodging house
2. Bakeries
3. Hawkers
4. Beauty/ massage parlour
5. Barber
6. Welder
7. Private Latrines/ Sanitary Toilets/latrines
8. Milk sellers
9. Watch repairer
10. Tyre/tube seller/repairer/fitter
11. Sawyer
12. Photo studio
13. Photographer
14. Plumber
15. Painter
16. Laundry/Dry cleaning
17. Contractor
18. Electrician
19. TV/Radio repair
20. Fridge repairs
21. Carpenters
22. Curio vendor
23. Tailor/knitter
24. Photocopier and binding
25. Video rent
26. Video showroom
27. Fine art
28. Manufacturing industry
29. Bicycle repair
30. Blacksmith
31. Tinsmith
32. Shoe maker
33. Motor vehicle repair
34. Consulting professional firms including-
 - (a) Law firms
 - (b) Accounting & Auditing firms
 - (c) Engineers firm
 - (d) Architects firm
 - (e) Advertising firm

- (f) Surveyors firm and any other fields that falls under consulting professional firms.
- 35. Financial Institutions defined under the Financial Services Act [Cap 44:05] and includes;
 - (a) Banks
 - (b) Forex Bureau
 - (c) Insurance companies
 - (d) Stockbrokers
 - (e) Insurance brokers
 - (f) Discount house
 - (g) Leasing & financing
 - (h) Microfinance company
- 36. Private Schools and College
- 37. Private medical facility
- 38. Car Wash
- 39. Agro-dealer
- 40. Filling station- Fuel Lubricants
- 41. Motor vehicle and cycle dealers
- 42. Transport
- 43. Information and Communication Technology
- 44. Warehouse
- 45. Landscapers
- 46. Security firms
- 47. Decorators
- 48. Any other businesses as the Council may determine.

SECOND SCHEDULE

ZOMBA DISTRICT COUNCIL

BUSINESS AND PREMISES LICENCE APPLICATION FORM
(Bylaw 5)

A. DETAILS OF OWNER OF BUSINESS

- 1) Name Nationality
- 2) Name of business.....
- 3) Area Plot No..... Street
- 4) Address.....
Telephone Cell.....E-mail.....
- 5) Nature of business.....
- 6) If for renewal, insert old licence no
- 7) Signature of Owner of Business Date
- 8) Amount Paid..... Receipt No.....
- 9) Name of cashier
Signature.....

B. FOR OFFICIAL USE ONLY

- 1) Date of inspection
- 2) Comments/Remarks
.....
.....
- 3) Name of Official Signature.....
Designation Date.....

THIRD SCHEDULE

PREMISES AND BUSINESS LICENCE FEES PER ANNUM (Bylaw 5 & 6)

		K	₹
1.	Application and inspection fee	35,000.00	
2.	Hotels:		
	(a) 5 star hotel	500,000.00	
	(b) 3-4 star hotel	350,000.00	
	(c) 2-1 star hotel	200,000.00	
	(d) uncategorized	100,000.00	
3.	Inn, Lodges, Motels and Guest Houses		
	a) Central Business District and Low & Medium Density Areas	100,000.00	
	b) Local Townships	75,000.00	
4.	Professional Consulting firms		
	a) Law firms	250,000.00	
	b) Accounting & Auditing	250,000.00	
	c) Architectural	250,000.00	
	d) Surveying	250,000.00	
	e) Engineering	250,000.00	
	f) Any consulting firm	250,000.00	
5.	Financial institutions		
	a) Banks-		
	i. Central Bank	10,000,000.00	
	ii. Commercial bank		
	iii. Corporate office	3,000,000.00	
	iv. Branch	2,000,000.00	
	v. Agency	1,000,000.00	
	b) Forex Bureau	1,000,000.00	
	c) Stockbroker	250,000.00	
	d) Discount house	1,000,000.00	
	e) Leasing and Finance		

	f) Insurance Company <ul style="list-style-type: none"> i. Insurer ii. Broker g) Money transfer- E-money <ul style="list-style-type: none"> i. Companies ii. Agents h) Micro finance- <ul style="list-style-type: none"> i. Corporate office ii. Branch 	1,000,000.00 5,000,000.00 500,000.00 1,000,000.00 40,000.00 500,000.00 250,000.00
6.	Private Education Institutions <ul style="list-style-type: none"> a) Tertiary- <ul style="list-style-type: none"> i. Class A (Offering up to degrees) Class B (Offering up to diplomas) iii. Class C (Technical colleges) b) Secondary Schools- <ul style="list-style-type: none"> i. International ii. Low & Medium Density Areas iii. High Density Areas c) Primary Schools- <ul style="list-style-type: none"> i. International ii. Low & Medium Density Areas iii. High Density Areas d) Nursery Schools- <ul style="list-style-type: none"> i. International ii. Low & Medium Density Areas iii. High Density Areas 	1,000,000.00 750,000.00 200,000.00 750,000.00 500,000.00 100,000.00 500,000.00 300,000.00 75,000.00 300,000.00 150,000.00 50,000.00
7.	Contractors-	

	<ul style="list-style-type: none"> i. Unlimited ii. Up to K500,000,000.00 iii. Up to K200,000,000.00 iv. Up to K100,000,000.00 v. Up to K50,000,000.00 vi. Up to K10,000,000.00 	<ul style="list-style-type: none"> 1,000,000.00 750,000.00 500,000.00 350,000.00 250,000.00 150,000.00
8.	Private Medical Facilities- <ul style="list-style-type: none"> i. Hospital ii. Clinics- <ul style="list-style-type: none"> a. Admission b. OPD iii. Dispensary iv. Pharmacy- <ul style="list-style-type: none"> a. Wholesale b. Retail v. Drug store vi. Laboratory 	<ul style="list-style-type: none"> 500,000.00 450,000.00 300,000.00 100,000.00 150,000.00 75,000.00 50,000.00 50,000.00
9.	Private Media Houses- <ul style="list-style-type: none"> i. Television ii. Radio iii. Print media 	<ul style="list-style-type: none"> 300,000.00 200,000.00 250,000.00
10.	Information Communication Technology- <ul style="list-style-type: none"> i. Telecommunications Companies- <ul style="list-style-type: none"> a. Corporate 	<ul style="list-style-type: none"> 3,000,000.00 300,000.00 per

	b. Tower c. Site offices d. Airtime distributors ii. Internet Service Providers iii. Internet café	tower 500,000.00 100,000.00 750,000.00 40,000.00
11.	Motor vehicle/Motorcycle- i. Selling a. Large - Dealer companies in the CBD - Franchise holders of the manufacturing companies - Companies with more than 100 employees ii. Medium - Companies with 21 – 100 employees - Landscapers in the CBD, low and medium density areas iii. Small A business with 5 – 20 employees - A business in the high-density area - Individual car dealers / second hand car dealers iv. Accessories a. Large b. Small	5,000,000.00 1,000,000.00 100,000.00 600,000.00 150,000.00
12.	Equipment, Plant & Machinery- i. Industrial a. Large b. Small ii. Domestic (repairing of electrical, telecommunication appliances and other general dealing in maintaining or	300,000.00 100,000.00 40,000.00

	repairing of equipment)	
13.	Filling Station	60,000.00 per pump
14.	Landscapers- a. Large b. Small	100,000.00 40,000.00
15.	Carwash- a. Premier b. Standard	100,000.00 50,000.00
16.	Carpentry & Joinery- a. i. Companies ii. Individuals- Large scale b. Small scale	200,000.00 75,000.00 40,000.00
17.	Video show room/video rent	40,000.00
18.	Driving Schools	350,000.00
19.	Auctioneers & Estate Agents	200,000.00
20.	Dry cleaning services- a. Companies b. Individuals	100,000.00 40,000.00
21.	Travel Agents	150,000.00
22.	Security companies- a. Premier (100 guards and above) b. Standard (less than 100 guards)	350,000.00 150,000.00
23.	Clearing and Forwarding Agents	200,000.00
24.	Recording studios- a. Central Business District b. Townships	150,000.00 75,000.00
25.	Photo studios- a. Central Business District b. Townships	100,000.00 50,000.00
26.	Advertising companies	200,000.00
27.	Warehouse for commercial purposes	100,000.00

28.	Bookshop- a. Wholesale b. Retail	150,000.00 80,000.00
29.	Printing & Publishing	200,000.00
30.	Curios	50,000.00
31.	Funeral Parlour & Morgue	100,000.00
32.	Fumigation and Pest control- a. Large b. Small - A large business is the one with more than 100 employees - A small business is the one with 1 – 100 employees	100,000.00 40,000.00
33.	Artisan and skilled labour	40,000.00
34.	Recruitment /Employment bureau	40,000.00
35.	Casino	750,000.00
36.	Beauty parlour/Massage/acupuncture- i. Central Business District- a. Premier b. Standard ii. Townships- ❖ Premier ❖ Standard	100,000.00 75,000.00 60,000.00 40,000.00
37.	Barbershop- iii. Central Business District- c. Premier d. Standard iv. Townships- a. Premier v. Standard	80,000.00 50,000.00 50,000.00 40,000.00
38.	Timber i. processing- a. Large scale b. Small scale ii. Selling- a. Central Business District b. Townships	200,000.00 100,000.00 75,000.00 60,000.00
39.	Wholesalers-	

	a. Central Business District	200,000.00
	b. Townships	100,000.00
40.	Tailor and knitting- i. Companies (specialized in tailoring) ii. Located in major trading centres iii. Khonde tailors and those located in townships iv. Knitters	150,000.00 40,000.00 per machine 40,000.00 per machine 40,000.00 per machine
41.	Retailers- a. Central Business District b. Townships	100,000.00 40,000.00
42.	Renewal fees	35,000.00
43.	Manufacturing Factories/Industries Heavy Light	K2,000,000.00 K1,000,000.00
43.	Replacement fees	10,000.00