

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

ARRANGEMENT OF BY- LAWS

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GOVERNMENT NOTICE NO. ...

LOCAL GOVERNMENT ACT  
(CAP. 22:01)

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

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

PART I—PRELIMINARY

Citation 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Business Premises Licensing) By-laws, 2018.

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

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

“business” includes trade, industry and occupation;

“Council” means the Lilongwe City Council;

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

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

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

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

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

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

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

## PART II — GENERAL PROVISIONS

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

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

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

Application for licence **5.**— An application for a licence under these By-laws shall be made to the Licensing Officer in the form prescribed in the Second Schedule and shall be accompanied with the appropriate fee prescribed in the Third Schedule.

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

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

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

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

- (a) that repairs, alterations or additions be carried out on the premises as determined and approved by the Council;
- (b) that the premises be suitably equipped in accordance with the intended use and applicable by-laws and that the equipment shall be adequately maintained; and
- (c) any other condition as the Council may deem it necessary to impose.

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

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

- (a) he agrees with the imposition of such conditions;
- (b) he has abandoned his application; or
- (c) he intends to appeal under by-law 9:

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

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

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

Appeal

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

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

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

Form of licence	<b>10.</b> — A licence issued under these By-laws shall be in the form prescribed in the <u>Fourth Schedule</u> .
Licence to be displayed at a conspicuous place	<b>11.</b> —A licence issued under these By-laws shall be displayed at a conspicuous place in a prominent part of a building on the premises to which it relates, and shall be available for inspection by any authorized person at any reasonable time.
Licence not transferable	<b>12.</b> — A licence issued under these By-laws shall not be transferable.
Inspection of premises	<p><b>13.</b>—(1)A holder of a licence shall ensure that the premises are maintained in a clean and sanitary condition at all times.</p> <p style="padding-left: 40px;">(2) The Council shall be entitled, at all reasonable times, to enter upon and inspect the premises and to examine the same for the purpose of these By-laws.</p>
Revocation of licence	<p><b>14.</b>— (1) Save as is otherwise provided under paragraphs (2) and (3), where—</p> <ul style="list-style-type: none"> <li>(a) it appears to the Council, in respect of any premises licenced under these By-laws, that circumstances exist which would have justified a refusal of the licence;</li> <li>(b) after a licence is issued, the Council discovers that the licensee withheld relevant information or provided false information;</li> <li>(c) a licence issued under these By-laws has been transferred to any other person; or</li> <li>(d) the Council is of the opinion that it is in the public interest that the premises should be closed,</li> </ul> <p style="padding-left: 40px;">the Council shall revoke the licence.</p> <p style="padding-left: 40px;">(2) The Council shall give at least fourteen days’ notice in writing to the licensee of its intention to revoke the licence.</p> <p style="padding-left: 40px;">(3) The notice shall state the grounds on which the Council intends to make the revocation and shall call upon the licensee to show cause, within fourteen days after receipt of the notice, why the revocation should not be made.</p> <p style="padding-left: 40px;">(4) Where the Council after giving the said notice and affording the licensee an opportunity to show cause as aforesaid decides to revoke the</p>

licence or impose any condition, it shall do so and, by notice in writing, inform the licensee of its decision.

### PART III —OFFENCES AND PENALTIES

Offences  
and  
penalties

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

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

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

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

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

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

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

### FIRST SCHEDULE

(by-law4(1))

#### BUSINESSES REQUIRING BUSINESS PREMISES LICENCE

**LCC: some businesses listed below omitted in the fees schedule e.g. sawyer, etc**

1. Lodging house
2. Beauty/ massage parlour
3. Barber shop
4. Welding

5. Watch repair
6. Sawyer
7. Photo studio or Photography
8. Liquor manufacturing and trading
9. Plumbing
10. Painting and decoration
11. Laundry/Dry cleaning
12. Contractor
13. Electrician;
14. TV/Radio repair;
15. Fridge repair;
16. Carpentry and joinery;
17. Curio vending;
18. Tailoring/knitting;
19. Business centre (Photocopying, binding, etc);
20. Video rent;
21. Video showroom;
22. Fine art;
23. Manufacturing industry;
24. Bicycle repair;
25. Blacksmith;
26. Tinsmith;
27. Shoe maker;
28. Motor vehicle repair;
29. Consulting professional firms including-
  - (a) Law firm;
  - (b) Accounting & Auditing firm;
  - (c) Engineering firm;
  - (d) Architectural firm;
  - (e) Advertising firm;
  - (f) Surveying firm; and
  - (g) Any other professional field.
30. Financial Institutions defined under the Financial Services Act (Cap. 44:05) and includes-
  - (a) Bank;
  - (b) Forex Bureau;
  - (c) Insurance company;
  - (d) Stockbroker;
  - (e) Insurance broker;
  - (f) Discount house;
  - (g) Leasing & financing;
  - (h) Microfinance company;
31. Private education institution;
32. Private medical facility;
33. Car Wash;
34. Agro-dealer;
35. Filling station ;
36. Tyre fitting;
37. Motor vehicle dealer;

- 38. Motor cycle dealer;
- 39. Transport business operator ;
- 40. Information and Communication Technology firm;
- 41. Warehouse;
- 42. Landscaping;
- 43. Security firm;
- 44. Decorator;
- 45. Operation of amusement machines;
- 46. Food processing, packaging and vending and
- 47. Any other businesses as the Council may determine

SECOND SCHEDULE

(by-law5)

LILONGWE CITY COUNCIL

BUSINESS PREMISES LICENCE APPLICATION FORM

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) Declaration  
*I declare that the information above is true to the best of my knowledge and am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation of the licence upon discovery of the anomaly.*
- Signature of owner of business .....
- Date .....
- 8) Amount Paid..... Receipt No.....
- 9) Name of cashier ..... Signature.....



B. FOR OFFICIAL USE ONLY

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

THIRD SCHEDULE

(by-law5 & 6)

LICENCE FEES PER ANNUM

**LCC: CHECK TO ENSURE NO BUSINESS CATEGORY IS OMITTEED**

		<b>K</b>	<b>t</b>
1.	Application and inspection fee	35,000.	00
2.	Hotels: (a) 5 star hotel (b) 3-4 star hotel (c) 2-1 star hotel (d) uncategorized	500,000.00 350,000.00 200,000.00 100,000.00	
3.	Inn, Lodge, Motel and Guest House  a) Central Business District and Low & Medium Density Areas  b) Local Townships	100,000.00  75,000.00	
4.	Professional Consulting firms  a) Law firm b) Accounting & Auditing firm c) Architectural firm d) Surveying firm e) Engineering firm f) Any consulting firm	250,000.00 250,000.00 250,000.00 250,000.00 250,000.00 250,000.00	
5.	Financial institutions a) Banks-		

	<ul style="list-style-type: none"> <li>i. Central Bank</li> <li>ii. Commercial bank <ul style="list-style-type: none"> <li>- Corporate office</li> <li>- Branch</li> <li>- Agency</li> </ul> </li> <li>b) Forex Bureau</li> <li>c) Stockbroker</li> <li>d) Discount house</li> <li>e) Leasing and Finance</li> <li>f) Insurance Company <ul style="list-style-type: none"> <li>i. Insurer</li> <li>ii. Broker</li> </ul> </li> <li>g) Money transfer- E-money <ul style="list-style-type: none"> <li>i. Company</li> <li>ii. Agent</li> </ul> </li> <li>h) Micro finance- <ul style="list-style-type: none"> <li>i. Corporate office</li> <li>ii. Branch</li> </ul> </li> </ul>	<p>10,000,000.00</p> <p>3,000,000.00</p> <p>2,000,000.00</p> <p>1,000,000.00</p> <p>1,000,000.00</p> <p>250,000.00</p> <p>1,000,000.00</p> <p>1,000,000.00</p> <p>5,000,000.00</p> <p>500,000.00</p> <p>1,000,000.00</p> <p>40,000.00</p> <p>500,000.00</p> <p>250,000.00</p>
6.	<p>Private Education Institutions</p> <ul style="list-style-type: none"> <li>a) Tertiary- <ul style="list-style-type: none"> <li>i. Class A (Offering up to degree)</li> <li>ii. Class B (Offering up to diploma)</li> <li>iii. Class C (Technical college)</li> </ul> </li> <li>b) Secondary Schools- <ul style="list-style-type: none"> <li>i. International</li> <li>ii. Low &amp; Medium Density Area</li> <li>iii. High Density Area</li> </ul> </li> <li>c) Primary Schools- <ul style="list-style-type: none"> <li>i. International</li> <li>ii. Low &amp; Medium Density Area</li> <li>iii. High Density Area</li> </ul> </li> </ul>	<p>1,000,000.00</p> <p>750,000.00</p> <p>200,000.00</p> <p>750,000.00</p> <p>500,000.00</p> <p>100,000.00</p> <p>500,000.00</p> <p>300,000.00</p> <p>75,000.00</p>

	<p>d) Nursery Schools-</p> <p>i. International 300,000.00</p> <p>ii. Low &amp; Medium Density Area 150,000.00</p> <p>iii. High Density Area 50,000.00</p>	
7.	<p>Contractors-</p> <p>(a) Unlimited 1,000,000.00</p> <p>(b) Up to K500,000,000.00 750,000.00</p> <p>(c) Up to K200,000,000.00 500,000.00</p> <p>(d) Up to K100,000,000.00 350,000.00</p> <p>(e) Up to K50,000,000.00 250,000.00</p> <p>(f) Up to K10,000,000.00 150,000.00</p>	
8.	<p>Private Medical Facilities-</p> <p>(a) Hospital 500,000.00</p> <p>(b) Clinic-</p> <p>i. Admission 450,000.00</p> <p>ii. OPD 300,000.00</p> <p>(c) Dispensary 100,000.00</p> <p>(d) Pharmacy-</p> <p>i. Wholesale 150,000.00</p> <p>ii. Retail 75,000.00</p> <p>(e) Drug store 50,000.00</p> <p>(f) Laboratory 50,000.00</p>	
9.	<p>Private Media Houses-</p> <p>(a) Television 300,000.00</p> <p>(b) Radio 200,000.00</p> <p>(c) Print media 250,000.00</p>	
10.	<p>Information Communication Technology-</p> <p>(a) Telecommunications Companies-</p> <p>i. Corporate 3,000,000.00</p> <p>ii. Tower 300,000.00 per tower</p> <p>iii. Site office 500,000.00</p>	

	iv. Airtime distributor	100,000.00
	(b) Internet Service Provider	750,000.00
	(c) Internet café	40,000.00
11.	Motor vehicle-  (a) Selling - Franchise holders of the manufacturing companies i. Large scale  ii. Medium scale  - Companies importing and selling second-hand vehicles  iii. Small scale  - Individuals importing and selling second-hand vehicles  (b) Spare parts and Accessories	   5,000,000.00  1,000,000.00    100,000.00  50,000.00  50,000.00
12.	Motorcycle Dealers	350,000.00
13.	Equipment, Plant & Machinery- (1) Industrial - Franchise holders of the manufacturing companies  (a) Large scale  (b) Small scale  - Individuals importing and selling brand new - Individuals importing and selling second-hand	   1,000,000.00  250,000.00  150,000.00 50,000.00
14.	Repairing of electrical, electronic, telecommunication and domestic appliances.	40,000.00
15.	Filling Station	60,000.00 per pump
16.	Landscapers- Companies providing landscaping services  (a) Large scale  (b) Medium scale  Individuals providing landscaping services	   350,000.00  100,000.00  40,000.00
17.	Carwash-	40,000.00

18.	Carpentry & Joinery-  (a) Companies (b) Individuals-	200,000.00 40,000.00
19.	Video show room/video rent	40,000.00
20.	Driving Schools	100,000.00
21.	Auctioneers & Estate Agents	100,000.00
22.	Dry cleaning services-  (a) Companies (b) Individuals	100,000.00 40,000.00
23.	Travel Agents	150,000.00
24.	Security companies- (a) Premier (with alarm system, dogs, 100 guards and above) (b) Standard (less than 100 guards) <b>LCC decision</b>	350,000.00 150,000.00
25.	Clearing and Forwarding Agents	200,000.00
26.	Recording studios-	75,000.00
27.	Photo studios-	100,000.00
28.	Photography (Individual) -	40,000.00
29.	Advertising companies	200,000.00
30.	Warehouse for commercial purposes	100,000.00
31.	Bookshop-	50,000.00
32.	Printing & Publishing	200,000.00
33.	Curios	40,000.00
34.	Funeral Parlour & Morgue	100,000.00
35.	Fumigation and Pest control-  (a) Large scale - Organisation  (b) Small scale - Individual	100,000.00  40,000.00
36.	Premises for skilled labour services	40,000.00
37.	Recruitment /Employment bureau	40,000.00
38.	Casino	750,000.00
39.	Beauty parlour/Massage/acupuncture-  (a) Organisation (b) Individual	100,000.00 40,000.00

40.	Barbershop- (c) Central Business District- (d) Townships-	50,000.00 40,000.00
41.	Timber (a) processing- (b) Selling-	200,000.00 50,000.00
42.	General Wholesalers-  (a) Central Business District (b) Townships	200,000.00 100,000.00
43.	Retailers-  (a) Central Business District (b) Townships	75,000.00 40,000.00
44.	Tailing and knitting- (a) Companies (specialized in tailoring/knitting) (b) Located in major trading centres  (c) Khonde tailors/Knitters and those located in townships	150,000.00 40,000.00 per machine 40,000.00 per machine
45.	Manufacturing Factories/Industries  (a) Heavy (b) Light	K2,000,000.00 K1,000,000.00
46.	<b>Liquor LCC decision</b>  1. Grade "A" Bar  (a) Premier  (b) Platinum  (c) Gold  (d) Silver  2. Grade "B" Retail liquor Shops  3. Grade "C"  (a) Hotel/Casino	MK350,000.00  MK200,000.00  MK100,000.00  MK 75,000.00  MK150,000.00  <b>MK200,000.00</b>

	(b) Lodges and Motels	MK100,000.00
4.	Grade "D" Restaurant	MK 50,000.00
5.	Grade "E" Club	liquor/premises? MK200,000.00
6.	Grade "F" Cabarets	MK 75,000.00 per day
7.	Grade "G" Theatres	MK 50,000.00
8.	Grade "H" Bottle stores	MK150,000.00
9.	Grade "I" (Nature Sanctuary and Recreation Parks)	MK100,000.00
10.	Grade "TA" Air Terminals	MK150,000.00
11.	Grade "J" Railways & Bus Stations-	MK150,000.00
	(a) International Bus Station	MK 75,000.00
	(b) Local Bus Station	MK 75,000.00
	(c) Railway Station	liquor/premises?
12.	Manufacturing licences-	MK450,000.00
	(a) Distillers licence	MK750,000.00
	(b) Commercial brewers licence (Translucent)	MK150,000.00
	(c) Wine maker licence	MK500,000.00
	(d) Opaque beer brewer licence	
13.	Wholesale licenses-	MK200,000.00
	(a) Wholesale manufacturer licence	MK150,000.00
	(b) Agents licence	
14.	Temporary licence Auctioneers temporary licence	MK50,000.00 liquor/premises?

	15. Opaque beer licence- (a) Retailers licence  (b) Wholesalers licence	MK 60,000.00  MK100,000.00
47.	Operation of amusement machines-  (a) Casino (b) Amusement or entertainment places (outdoor) (c) Clubs, Bars and Bottle store	K500,000.00 K250,000.00 K 75,000.00
48.	Food LCC decision	
49.	Licence replacement	10,000.00

FOURTH SCHEDULE

(by-law8)

FORM OF LICENCE

LILONGWE CITY COUNCIL

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

BUSINESS PREMISES LICENCE

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

and pursue a ..... business at plot No.

..... within Lilongwe City for a period of one year.

Date of issue .....

This licence expires on 30<sup>th</sup> June 20.....

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



.....  
Licensing Officer  
Made this..... day of ..... 2018

.....  
MAXON MOZA ZELEZA  
Chief Executive Officer

.....  
COUNCILLOR DESMOND BIKOKO (PhD)  
Mayor

Approved by the Minister of Local Government and Rural Development

This.....day of ..... 2018

.....  
KONDWANI NANKHUMWA  
Minister of Local Government  
and Rural Development

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