

LOCAL GOVERNMENT ACT
(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PEDDLERS) BY-LAWS, 2018

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LOCAL GOVERNMENT ACT
(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PEDDLERS) 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 and commencement **1.** —These By-laws may be cited as the Local Government (Lilongwe City Council) (Peddlers) By-laws, 2018, and shall come into operation on 1st July, 2018.

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

“Council” means the Lilongwe City Council;

“food stuffs” means any meat, fish or poultry whether alive or dead, cooked or fresh and includes bakery products, vegetables and fruits;

“goods” include books, flowers, articles of native art, woven mats, household furniture or equipment, carvings or curios but does not include newspaper or periodical news publications or airtime;

“peddle” means the selling or exposing of goods or foodstuffs for sale by a peddler;

“peddler” means a person who goes about from place to place selling or exposing for immediate delivery any goods or foodstuffs carried on motorcycle, tricycle or handcart;

“licence” means a licence issued by the Council permitting the peddling of goods or food stuffs; and

“public place” means any public way or building and includes a street, footpath, sanitary or service lane, open space, market, car park or other place or area to which for the time being the public is entitled or permitted to have access, either without any condition or upon condition of making any payment.

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

PART II-GENERAL

Peddler's licence **4.** — A person shall not carry on the business of a peddler, unless he has obtained a licence issued under these By-laws.

Issue of licence and conditions **5.** — (1) An application for a licence or renewal of a licence shall be in the form prescribed in the First Schedule.

(2) An application for a licence under this by-law shall be accompanied by a fee as prescribed in the Second Schedule.

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

(4) Upon satisfaction of the requirements under this by-law, the Council may issue a licence in the form prescribed in the Third Schedule, which shall be conspicuously displayed by the peddler.

(5) The Council shall not grant a licence to a person who is not a citizen of Malawi.

(6) A licence issued under these By-laws shall expire on the last day of the financial year in which it was issued.

Licence not transferable **6.** — (1) A licence issued under these By-laws shall not be lent out or transferred to another person.

(2) A person who—

(a) lends out or transfers, his licence to another person; or

(b) borrows or receives and makes use of another person's licence, in contravention of this by-law,

commits an offence.

Use of the expression "Licensed peddler" **7.** — A person who does not have a valid licence issued under these By-laws shall not use the words 'licensed peddler' or any words importing or implying that he is authorized to be a peddler.

Restriction on number of licenses and areas of validity **8.** — The Council may, at any time by resolution, restrict the number of licences which may be issued under these By-laws, in respect of any—

(a) particular foodstuff or goods; or

(b) part of the area of jurisdiction of the Council,

for such period as may be specified in such resolution.

Use of stalls
counters, etc
prohibited

9.— (1) A peddler shall not place or deposit any goods or foodstuffs on the ground or any stall, bench, counter or in any kiosk, shelter or other structure for the purpose of sale or display.

(2) A peddler shall move himself together with the motorcycle, tricycle, or handcart used for the conveyance or carriage of the goods or foodstuffs, and shall not remain in one place for more than thirty minutes.

(3) A person who fails to comply with this by-law commits an offence.

Established
markets

10.— These By-laws shall not apply to a person selling goods or foodstuffs in a market established under any other written law.

PART III-OFFENCES AND PENALTIES

Offences
and
penalties

11. — (1) A person who contravenes a provision of these By-laws or fails to comply with any condition imposed by the Council commits an offence and shall be liable to the following penalties—

(a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council;

(b) 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; and

(c) Notwithstanding the penalties provided under paragraphs (a) and (b), the Council may suspend the licence, on such conditions as the Council may consider appropriate, or revoke the licence forthwith and confiscate the food stuffs or goods and dispose of such food stuffs or goods, as the Council may deem fit.

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

(3) The Council may recover from the licensee the cost of enforcing its decision and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law 5(1))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL)
(PEDDLERS) BY-LAWS, 2018

APPLICATION FOR ISSUANCE/RENEWAL OF PEDDLER’S LICENCE

DETAIL OF OWNER OF BUSINESS

- 1) Name of Applicant
- 2) Nationality
- 3) Identification Type.....No.....
- 4) Name of business.....
- 5) AreaPlot No Street.....
- 6) Address
- TelephoneCell.....E-mail.....
- 7) Nature of business.....
- 8) Location of business
- 9) If for renewal, insert old licence no
- 10) Declaration:

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

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

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

3) Amount paid.....Receipt No.....

Name of Cashier.....

Signature.....

SECOND SCHEDULE

(by-law 5(2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PEDDLERS) BY-LAWS,
2018

LICENCE FEES

- | | |
|---------------------------|--|
| 1) Application fee | K 5,000.00 |
| 2) Licence Fee | K40,000.00 per Annum per
motorcycle, tricycle or handcart |
| 3) Replacement of licence | K10,000.00 |

THIRD SCHEDULE

(by-law 5(4))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PEDDLERS) BY-LAWS,
2018

PEDDLER'S LICENCE

..... (Name of Licensee)

of (Address)

is hereby licensed to peddle, hawk or vend the following foodstuffs or articles in the area prescribed here below—

Name of article (s)

Area of activity

Fee paid

Receipt No

Date of issue

Date of expiry

Issued by the Lilongwe City Council this..... day of 20.....

Signed
Licensing Officer

NOTE:

1. A peddler shall periodically move together with his motorcycle, tricycle or handcart and shall not remain in one place for more than thirty minutes.
2. This licence shall be conspicuously displayed at all times.

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)