

ROAD TRAFFIC (LILONGWE CITY COUNCIL) (TRAFFIC, ROAD SAFETY AND
PARKING OF MOTOR VEHICLES) BY-LAWS, 2023

ARRANGEMENT OF BY-LAWS

BY-LAWS

1. Citation
2. Interpretation
3. Application

PART II — GENERAL PROVISIONS

4. Articulated motor vehicle in a residential area
5. Maximum tonnage allowed in residential and commercial area
6. Car repair in residential and commercial area
7. Prohibition of taxis
8. Regulation of passenger carrying vehicles
9. Operation of private public service vehicle terminal
10. Management of private public service vehicle terminal
11. Parking in an open space
12. Parking places
13. Control and management of parking places
14. Parking fees
15. Payment for parking place
16. Advance parking ticket
17. Parking sticker
18. Powers of Council
19. Towing and sale
20. Non-liability of Council
21. Appointment of agents
22. Defacing a street pole
23. *Register of public service vehicle*
24. *Colour of public service vehicles*
25. *Prevention of damage to public road*
26. *Roles of Stakeholders*
27. *Breakdown of motor vehicle*

PART III — OFFENCES AND PENALTIES

28. Offences and penalties
29. Repeal
Schedules

GOVERNMENT NOTICE NO.19

ROAD TRAFFIC ACT
(CAP. 69:01)

ROAD TRAFFIC (LILONGWE CITY COUNCIL) (TRAFFIC, ROAD SAFETY AND
PARKING OF MOTOR VEHICLES) BY-LAWS, 2023

IN EXERCISE of the powers conferred by section 182 of the Road Traffic Act, the Lilongwe City Council, in consultation with the Directorate of Road Traffic and Safety Services, make the following By-laws—

PART I—PRELIMINARY

Citation **1.** These By-laws may be cited as the Road Traffic (Lilongwe City Council) (Traffic, Road Safety and Parking of Motor Vehicles) By-laws, 2022.

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

“agent” means a person duly appointed by the Council under by-law 9;

“articulated motor vehicle” means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;

“Council” means the Lilongwe City Council;

“chargeable parking place” means space provided for the parking of a motor vehicle at a fee;

“commercial or industrial area” means an area designated by the Council as commercial or industrial area;

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

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

“motor vehicle” bears the meaning ascribed to the expression in the Road Traffic Act;

“no parking place” means a place where parking of a motor vehicle is prohibited;

“parking” means to keep a motor vehicle stationary whether occupied or vacant;

“parking bay” means a space in a parking place designated and marked for the parking of a motor vehicle;

“parking invoice” means a document claiming payment for parking fees from a driver or owner of a parked motor vehicle;

“parking place” means an area designated and marked as a parking space under these Bylaws;

“parking ticket” means a document acknowledging payment made or to be made as parking fee;

“public service vehicle” means any vehicle carrying passengers for hire or reward and includes- big/mini bus, contract car, hire car, taxi and goods vehicles adapted for the carriage of passengers;

“special parking place” means a parking space reserved for a bus, taxi, motor vehicle requiring special parking arrangements or motor vehicle conveying a person requiring special parking arrangements;

“trailer” shall have a meaning as ascribed under the Act; and

“vehicle” shall have a meaning as ascribed under the Act.

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

PART II — GENERAL PROVISIONS

Articulated motor vehicle in a residential area **4.** A person in charge of a horse or articulated motor vehicle shall not cause or permit the said horse or vehicle to enter, move within or park in a residential or commercial area.

Maximum tonnage allowed in residential and commercial area

5. (1) A person in charge of a vehicle with a net weight of over 15 tonnes shall not cause or permit the vehicle to enter into or drive in a residential or commercial area, except where it is so designated by the Council.

(2) A person in charge of a vehicle with a net weight of over 10 tonnes shall not cause or permit the vehicle to enter the city *or offload* between 5.00am and 7.00pm without permit from the Council.

Car repair in residential, commercial area and road reserves

6. A person shall not repair or permit to be repaired a motor vehicle or any other vehicle *or sale scrap metal* within a residential or commercial area *or road reserves*.

Prohibition of taxis

7.—(1) A person shall not *move* or cycle or permit to be cycled or *moved* on a taxi (also known as “kabhaza”) in *major roads and* the Central Business District.

“taxi” means bicycle, motorcycle, tricycle, hand cart or ox cart used for business

(2) For the purposes of this by-law, *major roads and* Central Business District shall mean the areas prescribed in the First Schedule.

Regulation of passenger carrying vehicles

8.—(1) A driver of a public service vehicle shall not pick or drop a passenger at an undesignated point.

(2) A person shall not board or alight from a public service vehicle at an undesignated point.

(3) A person shall not make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger or, by troublesome or frequent demands or by persistent following, hold out a public service vehicle for hire to the public or attempt to induce any person to become a passenger therein.

Operation of private terminus

9.—(1) A person shall not operate a private terminus for public service vehicles without a permit from the Council.

(2) An application for a permit to establish a private terminus for public service vehicles under these By-laws shall—

- (a) be in the Form specified in Part I of the Second Schedule;
- (b) be accompanied by appropriate non-refundable fees set out in Part II of the Second Schedule; and
- (c) be supported by a business premises licence.

(3) Where a permit is granted or renewed after its expiry, the Council shall issue a permit in the form specified in Part III of the Second Schedule which shall be conspicuously displayed at a place in a prominent part of the premises to which it relates.

(4) Upon issuance of the permit under this bylaw, the holder of the permit shall pay the fees prescribed in Part II of the Second Schedule.

(5) A permit issued under paragraph (3) shall not be transferable to any other person or premises.

Management
of private
terminus

10. — (1) An operator of a private terminus for public service vehicles shall not—

- (a) without justifiable cause, deny access to any licenced public service vehicle intending to use the terminus;
- (b) give preferential treatment to any public service vehicle or impose any unfair condition that would inhibit competition; and
- (c) make, cause or allow to be made any noise which is so loud and so continuous or repetitive as to cause annoyance to the public.

(2) An operator of a private terminus for public service vehicles shall—

- (a) keep his premises clean at all times; and
- (b) provide, on his premises, adequate sanitary facilities for separate use by males and females in accordance with the provisions of the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws.

G.N 20/2019

Parking in
an open
space

11.—(1) A person shall not park a vehicle on a public road, road shoulder, pavement, street or any other place not designated as a parking place:

Provided that this prohibition shall not apply to an ambulance, fire engine, police and Road Traffic Services vehicles in the course of duty or any other vehicle involved in an emergency rescue operation or any other vehicle exempted under the Act.

(2) Where the Council or its agent is satisfied that a vehicle is parked on a public road, road shoulder, pavement, street or any other place not designated as a parking place, the Council or agent may forthwith remove the vehicle and store it at a place designated by the Council.

(3) A vehicle removed and stored under paragraph (2) shall be dealt with in accordance with provisions of by-law 19 (2), (3), (4), (5) and (6), mutatis mutandis.

(4) A person shall not park a vehicle on a public road for the purpose of washing the vehicle unless the parking space is designated by the Council as a car washing bay.

Parking places

12.—(1) The Council shall designate appropriate sites, roads and streets as parking places.

(2) The Council shall, by notice published in the Gazette, publish names and locations of parking places under paragraph (1).

(3) The Council shall provide appropriate signage and road markings for parking places.

(4) Road signage and markings referred to under paragraph (3) shall include category of the parking place or bay, namely: free, chargeable or special parking place or bay.

Control and management of parking places

13. *The Council shall be responsible for the control and management of parking places.*

Parking fees

14.—(1) A person who parks a motor vehicle or any other vehicle in a chargeable parking place on any day, excluding a Sunday and a public holiday, between 6.00 am and 6.00 pm shall pay the parking fee set out in the Third Schedule.

(2) The Council may enter into an arrangement with a person or organization that 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 parking fees on a monthly, quarterly, bi-annually or annually basis.

(3) A person who parks any one of the following motor vehicles or a motor vehicle belonging to any one of the named organisations in a chargeable parking place in the course of duty shall be exempt from paying parking fees—

- (a) Ambulance;
- (b) Fire engine or any other vehicle involved in an emergency rescue operation;
- (c) Police;
- (d) *Malawi Defence Force*
- (e) *Official Diplomats*
- (f) Department of Road Traffic and Safety Services; and
- (g) any other vehicle exempted under the Act.

(4) The Council may, from time to time, review the parking fees.

(5) The Council may, upon application, exempt a person from application of this by-law on such conditions as the Council may deem fit.

Payment for parking place

15.— (1) The Council shall *scan motor vehicle number plate or* 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 promptly *using mobile money transaction or any other means as the Council shall determine from time to time.*

(2) A person who parks a motor vehicle in more than one chargeable parking bay shall pay the full parking fee for each parking bay occupied by the motor vehicle.

Advance parking ticket

16.— The Council may, on such terms and conditions as it may determine, issue a parking ticket in advance to an owner of a motor vehicle.

Parking sticker

17.— (1) Where a person or organization pays parking fees for a motor vehicle in advance under by-law 14(2), the Council shall issue to that person or organization a parking sticker which shall—

- (a) show the period of its validity; and
- (b) be displayed in a conspicuous place on the motor vehicle at all times.

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

Powers of Council

18.— (1) Where a driver or owner of a motor vehicle fails or refuses to pay the prescribed parking fees on demand, the Council shall impose a surcharge of 100 percent of the fees payable.

(2) Where the driver or owner of the motor vehicle fails or refuses to pay both the parking fees and surcharge imposed under paragraph (1), an agent may—

- (a) issue a default parking sticker to the driver or owner of the motor vehicle;
- (b) clamp the motor vehicle; and
- (c) tow the vehicle to a place designated by the Council for safe custody.

(3) Where the driver or owner of the motor vehicle refuses to receive the default parking sticker or is in any other way not cooperative, the agent shall affix the sticker on a conspicuous place on the motor vehicle.

(4) Where a driver or owner of a motor vehicle parks his motor vehicle at a parking place for a period in excess of 24 hours without a valid parking ticket, the Council shall deal with the motor vehicle in accordance with provisions of paragraph (2) of this by-law.

Towing and sale

19.— (1) The Council may tow a motor vehicle clamped due to default under bylaw 18 only after 6.00 pm unless, in the discretion of the Council, the situation otherwise requires.

(2) The Council shall retain possession of the motor 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 Council shall recover from the driver or owner of the motor vehicle costs for clamping, towing, storage and other related costs and such costs shall, where the Council uses its own resources, conform to prevailing market rates:

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

(4) Where a vehicle has been towed to the designated place for safe custody and the driver or owner of the motor vehicle fails or refuses to pay the parking fee, surcharge, towing charge or any other costs incurred by the Council in respect of that vehicle, the Council may sell the vehicle and apply the proceeds thereof in accordance with provisions of section 120 of the Act.

(5) An owner of a motor vehicle may recover possession of the vehicle, at any time before it is sold, by paying in full costs and expenses incurred by the Council.

(6) Sale of a motor vehicle under this by-law shall pass a good and sufficient title.

Non-liability
of Council

20.—The Council or its agent shall not be liable for loss, injury or damage to a motor vehicle or any person or property in or on the vehicle in the course of executing, in good faith, its duties under these By-laws.

Appointment
of agents

21.— The Council may appoint an agent to carry out, on its behalf, the functions conferred upon the Council by these By-laws.

Defacing
a street
pole or
road sign

22.— (1) A person shall not hit, feel or cause anything to face the street pole *or road sign*.

(2) Where a person has defaced a street pole, the Council shall retain possession of the motor vehicle until the driver or owner has paid the cost of the pole and other costs incurred by the Council as a result of the default.

(3) The Council shall recover from the driver or owner of the motor vehicle costs and such costs shall, where the Council uses its own resources conform the prevailing market rates;

Provided that where the Council incurs any other costs due to default of the driver or owner, the Council shall be entitled to reimbursements such costs.

Register of
public
service
vehicles

23.— (1) *The Council shall keep and maintain register in the form specified in the Fourth Schedule, containing all licenced public services vehicles in the city of Lilongwe and such register shall be open to inspection at all reasonable times at a fee.*

(2) The owner of the public services vehicle shall be issued with a sticker which shall be valid for one year.

(3) The owner of the public services vehicle registered under (1) above shall be required to pay an annual fee as prescribed in the Third Schedule.

Colour of public service vehicles

24.— *The Council may prescribe the colour for a particular public service vehicle as specified in Fifth Schedule.*

Prevention of damage to public road

25.— *(1) A person shall not cut the road without a permit from the Council*

(2) A person shall not cause or permit or suffer to be caused any damage to any public road as a result of failure to comply with any law limiting the type, weight or dimensions of vehicles or the load carried thereon.

(3) A person who contravene the provisions (1) and (2) above shall be ordered to pay a fine and repair the road to the satisfaction of the Council.

(4) The Council shall recover from the person costs and such costs shall, where the Council uses its own resources conform the prevailing market rates;

Provided that where the Council incurs any other costs due to default of the driver or owner, the Council shall be entitled to reimbursements such costs

Roles of stakeholders

26.— *The Council shall work in conjunction with Malawi Police Services and may include stakeholders such as Association and Committees which deals in public service vehicles during special operation or enforcement of these Bylaws.*

Provided that the roles of each stakeholder shall be outlined during the special operation

*Breakdown
of motor
vehicle*

27.— *A person shall not park a motor vehicle on the public road for repairs during breakdown or any cause for more than six (6) hours where it is obstructing other road users.*

PART III — OFFENCES AND PENALTIES

*Offences
and
penalties*

28.— (1) A person who contravenes any provision of these By-laws where no penalty has been provided or obstructs an officer of the Council, an agent or any other officer authorized by law to enforce these By-laws, in the course of his duty, commits an offence and shall be liable to pay a penalty of K7,500.00 on the spot.

(2) Where the contravention referred to in paragraph (1) continues, to a further penalty of K2,000.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment.

(3) Notwithstanding the penalties provided under paragraphs (a) and (b), in case of contravention of by-laws 9 (4) and 10, the Council may suspend, on such conditions as the Council may consider appropriate, or revoke the permit or business premises licence and close the terminus forthwith.

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

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

Repeal

29.— *The Road Traffic (Lilongwe City Council) (Traffic, Road Safety and Parking of Motor Vehicles) By-laws, 2019 is repealed.*

FIRST SCHEDULE

(by-law 7(2))

LILONGWE CITY COUNCIL

CENTRAL BUSINESS DISTRICT

- (a) City Centre (Areas: 6, 10, 11, 12, 13, 14, 15, 16, 19, 20, 31, 32, 34, 40, 41, 42, 43, and 44)
- (b) Old Town (Areas: 1, 2, 3, 4, 5, 9, and 37)

MAJOR ROADS

Kamuzu Procession road (M1), Presidential Way, Chayamba road, Ufulu road, Mzimba Street, Paul Kagame road, Queens drive (Mchinji road), Kaunda road, Samora Machel road (Salima road), Chendawaka road, Western Bypass, Likuni road, Chidzanja road, Kawale road and all other roads in Central Business District.

SECOND SCHEDULE

(by-law 9)

LILONGWE CITY COUNCIL

ROAD TRAFFIC (LILONGWE CITY COUNCIL) (TRAFFIC, ROAD SAFETY AND PARKING OF MOTOR VEHICLES) BY-LAWS, 2023

PART I

APPLICATION FOR ESTABLISHMENT OF A PRIVATE TERMINUS

A. DETAILS OF APPLICANT

- 1) Name
- 2) Area Plot No..... Street
- 3) Address.....
Telephone Cell.....E-mail.....
- 4) Proposed locationPlot No.....
- 5) Landlord for the area
- 6) Premises licence no.....(attach copy)
- 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 permit or, if issued, immediate revocation of the permit upon discovery of the misinformation or misrepresentation.

Signature of applicant Date

B. FOR OFFICIAL USE ONLY

- 1) Date of inspection
- 2) Comments/Remarks
-
-

- 3) Amount Paid..... Receipt No.....
- 4) Name of cashier Signature.....
- 5) Name of Official Signature.....
- Designation Date.....

PART II

PERMIT FEES

- | | | |
|----|------------------------------------|-------------|
| 1. | Application Fee | K 5,000.00 |
| 2. | Fees payable on issuance of Permit | K 50,000.00 |
| 3. | Licence Replacement fee | K 10,000.00 |
| 4. | Permit to enter the city | K100,000.00 |

PART III

PRIVATE TERMINUS PERMIT

Permission is hereby granted toof
 to establish a private terminus, as detailed below, in accordance
 with the Road Traffic (Lilongwe City Council) (Traffic, Road Safety and Parking of Motor
 Vehicles) By-laws, 2023.

Permit No.	Plot number	Location	Landlord

Date of issue: *Date of expiry:*

GIVEN under my hand at LILONGWE thisday ofTwo
 Thousand.....

.....
Chief Executive Officer

THIRD SCHEDULE

(by-law 14)

LILONGWE CITY COUNCIL

PARKING FEES

<i>Category</i>	<i>Amount</i>
1. Charges for dry ports—	
> 30 tonnes	K30,000 per day
> 20 < 30 tonnes	K20,000 per day
> 15 < 20 tonnes	K10,000 per day
2. Special load permit for articulated vehicles	K50,000.00 per day
3. International Bus	K10,000 per day
4. Luxury Coaches (Local)	K 5,000.00 per day
5. Local Buses (not exceeding 66 passengers)	K 2,500.00 per day
6. Buses (not exceeding 32 passengers)	K 1,500.00 per day
7. Truck <15 tones	K 1,000.00 per day
8. Mini buses (not exceeding 18 passengers)	K 500.00 per day
9. Commercial Lorry, Pick up and Taxi	K 500.00 per day
10. Tricycle	K 300.00 per day
11. Small car	K 150.00 per hour
12. <i>Registration fee (public service vehicles)</i>	<i>K 10,000.00</i>
6. <i>Annual fee for registered vehicles</i>	<i>K5,000.00</i>

FOURTH SCHEDULE

(by-law 23)

LILONGWE CITY COUNCIL

REGISTER

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR AND ADDRESS	TYPE OF SERVICE	REGISTRATION NUMBER	SIGNATURE OF THE REGISTRAR

FIFTH SCHEDULE

(by-law 24)

LILONGWE CITY COUNCIL

COLOUR FOR PUBLIC SERVICE VEHICLES

1. Minibus
2. Taxi
3. Motorcycle

Made this..... day of 2023

.....
MACLOUD KADAM'MANJA PhD
Chief Executive Officer

.....
COUNCILLOR RICHARD BANDA
Mayor

Approved by the Minister of Local Government, Unity and Culture

This.....day of 2023

.....
RICHARD CHIMWENDO BANDA
Minister of Local Government, Unity and Culture