

LOCAL GOVERNMENT ACT  
(CAP. 22:01)

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

ARRANGEMENT OF BY-LAWS

BY-LAW

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IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make 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.

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

## PART II—GENERAL PROVISIONS

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. Business premises licence

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

(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 a valid Business Residence Permit issued under the Immigration Act. Cap 15:03

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. Application for licence

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. Effect of false information

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 paragraphs (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.

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|---|--|
| 10. A licence issued under these By-laws shall be in the form prescribed in the <i>Fourth Schedule</i> .  | Form of licence                                |
| 11. 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 to be displayed at a conspicuous place |
| 12. A licence issued under these By-laws shall not be transferable.   | Licence not transferable                       |
| 13.—(1) A holder of a licence shall ensure that the premises are maintained in a clean and sanitary condition at all times.   | Inspection of premises                         |
| (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.  |  |
| 14.—(1) Save as is otherwise provided under paragraphs (2) and (3), where—  | Revocation of licence                          |
| (a) it appears to the Council, in respect of any premises licensed under these By-laws, that circumstances exist which would have justified a refusal of the licence;   |  |
| (b) after a licence is issued, the Council discovers that the licensee withheld relevant information or provided false information;   |  |
| (c) a licence issued under these By-laws has been transferred to any other person; or   |  |
| (d) the Council is of the opinion that it is in the public interest that the premises should be closed,<br>the Council shall revoke the licence.  |  |
| (2) The Council shall give at least fourteen days' notice in writing to the licensee of its intention to revoke the licence.  |  |
| (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.                           |  |
| (4) Where the Council after giving the said notice and affording the licensee an opportunity to show cause as aforesaid decides to revoke the 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

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|---|------------------------|
| 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. | Offences and penalties |
| (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

(para. 4)

##### BUSINESSES REQUIRING BUSINESS PREMISES LICENCE

1. Hotel, Inn, Lodge, Motel and Guest house
2. Private media house
3. Driving school
4. Auctioneer & Estate Agent
5. Travel Agent
6. Clearing Agents
7. Recording studio
8. Advertising Company
9. Bookshop
10. Printing & Publishing
11. Funeral Parlour & Morgue
12. Fumigation & Pest Control service
13. Recruitment & Employment Bureau
14. Casino
15. Timber processing and Selling
16. General wholesalers
17. General Retailer
18. Beauty/ massage parlour
19. Barber shop

20. Welding
21. Watch repair
22. Sawyer
23. Photo studio or Photography
24. Liquor manufacturing and trading
25. Plumbing
26. Painting and decoration
27. Laundry/Dry cleaning
28. Contractor
29. Electrician
30. TV/Radio repair
31. Fridge repair
32. Carpentry and joinery
33. Curio vending
34. Tailoring/knitting
35. Business centre (Photocopying, binding, etc)
36. Video rent
37. Video showroom
38. Fine art
39. Manufacturing industry
40. Bicycle repair
41. Blacksmith
42. Tinsmith
43. Shoe maker
44. Motor vehicle repair
45. 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.
46. 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;
- 47. Private education institution
  - 48. Private medical facility
  - 49. Car Wash
  - 50. Agro-dealer
  - 51. Filling station
  - 52. Tyre fitting
  - 53. Motor vehicle dealer
  - 54. Motor cycle dealer
  - 55. Transport business operator
  - 56. Information and Communication Technology firm
  - 57. Warehouse
  - 58. Landscaping
  - 59. Security firm
  - 60. Decorator
  - 61. Operation of amusement machines
  - 62. Food processing, packaging and vending
  - 63. Car hire
  - 64. Private public service vehicle terminus
  - 65. Any other businesses as the Council may determine

SECOND SCHEDULE  
LILONGWE CITY COUNCIL

(by-law. 5)

BUSINESS PREMISES LICENCE APPLICATION FORM

A. DETAILS OF OWNER OF BUSINESS

- (1) Name: ..... Nationality: .....
- (2) Name of business: .....
- (3) Area: ..... Plo No.: ..... Street: .....
- (4) Address: .....
- Telephone: ..... Cell: ..... Email: .....
- (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 I 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 thereof.*
- 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-law 5 & 7)  
**LICENCE FEES PER ANNUM**

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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, Lodge, Motel and Guest House—		
(a) Central Business District and Low & Medium Density Areas . . . . .	100,000.00	
(b) Local Townships . . . . .	75,000.00	



	K	t
4. Professional Consulting firms—		
(a) Law firm .. .. .	250,000.00	
(b) Accounting & Auditing firm .. .. .	250,000.00	
(c) architectural firm .. .. .	250,000.00	
(d) surveying firm .. .. .	250,000.00	
(e) engineering firm .. .. .	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		
(A) Corporate office .. .. .	3,000,000.00	
(B) Branch .. .. .	2,000,000.00	
(C) 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 .. .. .	1,000,000.00	
(f) Insurance Company—		
(i) Insurer .. .. .	5,000,000.00	
(ii) Broker .. .. .	500,000.00	
(g) Money transfer-E-money—		
(i) Company .. .. .	1,000,000.00	
(ii) Agent .. .. .	40,000.00	
(h) Micro finance—		
(i) Corporate office .. .. .	500,000.00	
(ii) Branch .. .. .	250,000.00	
6. Private Education Institutions—		
(a) Tertiary—		
(i) Class A (Offering up to degree) .. .. .	1,000,000.00	
(ii) Class B (Offering up to diploma) .. .. .	750,000.00	
(iii) Class C (Technical college) .. .. .	200,000.00	
(b) Secondary Schools—		
(i) Class A (International syllabus) .. .. .	750,000.00	
(ii) Class B (local syllabus, in Low & Medium Density Area) .. .. .	500,000.00	
(iii) Class C (local syllabus, in High Density Area) .. .. .	100,000.00	

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(c) Primary Schools—		
(i) Class A (International syllabus) ..	250,000.00	
(ii) Class B (local syllabus, in Low and Medium Density areas) ..	150,000.00	
(iii) Class C (local syllabus, in High Density Areas) .. .. .	50,000.00	
(d) Nursery Schools—		
(i) Class A (International school)	200,000.00	
(ii) Class B (Low and Medium Density areas)	100,000.00	
(iii) Class C (High Density Areas)	40,000.00	
7. Contractors—		
(a) unlimited .. .. .	1,000,000.00	
(b) up to K500,000,000.00 .. .. .	750,000.00	
(c) up to K200,000,000.00 .. .. .	500,000.00	
(d) up to K100,000,000.00 .. .. .	350,000.00	
(e) up to K50,000,000.00 .. .. .	250,000.00	
(f) up to K10,000,000.00 .. .. .	150,000.00	
8. Private Medical Facilities—		
(a) hospital .. .. .	500,000.00	
(b) clinic—		
(i) admission .. .. .	450,000.00	
(ii) OPD .. .. .	300,000.00	
(c) dispensary .. .. .	100,000.00	
(d) pharmacy—		
(i) wholesale .. .. .	150,000.00	
(ii) retail .. .. .	75,000.00	
(e) drug store .. .. .	50,000.00	
(f) laboratory .. .. .	50,000.00	
9. Private Media Houses—		
(a) television .. .. .	300,000.00	
(b) radio .. .. .	200,000.00	
(c) print media .. .. .	250,000.00	
10. Information Communication Technology—		
(a) Telecommunications Companies—		
(i) corporate .. .. .	3,000,000.00	

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(ii) tower	..	..	..	..	..	300,000.00	per tower
(iii) site office	..	..	..	..	..	500,000.00	
(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	..	..	..	..	..	5,000,000.00	
(ii) medium scale	..	..	..	..	..	1,000,000.00	
(iii) companies importing and selling second-hand vehicles	..	..	..	..	..	100,000.00	
(iv) individuals importing and selling second-hand vehicles	..	..	..	..	..	50,000	
(b) spare parts and Accessories			..	..	..	50,000.00	
12. Motorcycle Dealers	..	..	..	..	..	350,000.00	
13. Equipment, Plant & Machinery—							
(1) Industrial—							
-franchise holders of the manufacturing companies							
(a) large scale	..	..	..	..	..	1,000,000.00	
(b) small scale	..	..	..	..	..	250,000.00	
-individuals importing and selling brand new					..	150,000.00	
-individuals importing and selling second-hand					..	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	..	..	..	..	..	350,000.00	
(b) medium scale	..	..	..	..	..	100,000.00	
Individuals providing landscaping services	..	..	..	..	..	40,000.00	
17. Carwash	..	..	..	..	..	40,000.00	
18. Carpentry & Joinery—							
(a) companies	..	..	..	..	..	200,000.00	
(b) individuals	..	..	..	..	..	40,000.00	

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19. Video show room/video rent	..	..	..	..	..	40,000.00	
20. Driving School	..	..	..	..	..	100,000.00	
21. Auctioneer & Estate Agent	..	..	..	..	..	100,000.00	
22. Dry cleaning services—							
(a) companies	..	..	..	..	..	100,000.00	
(b) individuals	..	..	..	..	..	40,000.00	
23. Travel Agent	..	..	..	..	..	150,000.00	
24. Security companies—	..	..	..	..	..	200,000.00	
25. Clearing and Forwarding Agents	..	..	..	..	..	200,000.00	
26. Recording studio	..	..	..	..	..	75,000.00	
27. Photo studio	..	..	..	..	..	100,000.00	
28. Photography (Individual)	..	..	..	..	..	40,000.00	
29. Advertising company	..	..	..	..	..	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—							
(i) organization	..	..	..	..	..	100,000.00	
(b) small scale—							
(i) individual	..	..	..	..	..	40,000.00	
36. Premises for skilled labour services (Welding, Watch Repair, Plumbing, Painting, Sawyer, Fine Art, Bicycle Repair, Blacksmith, Tinsmith, Shoe maker, Decoration and any other business that provide skilled labour services).	..	..	..	..	..	40,000.00	
37. Recruitment /Employment bureau	..	..	..	..	..	40,000.00	
38. Casino	..	..	..	..	..	750,000.00	
39. Beauty parlour/Massage/acupuncture—							
(a) organization	..	..	..	..	..	100,000.00	
(b) individual	..	..	..	..	..	40,000.00	

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40. Barbershop—						
(c) central business district	..	..	..	..	50,000.00	
(d) townships	..	..	..	..	40,000.00	
41. Timber—						
(a) processing	..	..	..	..	200,000.00	
(b) selling	..	..	..	..	50,000.00	
42. General Wholesalers—						
(a) central business district	..	..	..	..	200,000.00	
(b) townships	..	..	..	..	100,000.00	
43. Retailers—						
(a) central business district	..	..	..	..	75,000.00	
(b) townships	..	..	..	..	40,000.00	
44. Tailoring and knitting—						
(a) companies (specialized in tailoring/knitting)					150,000.00	
(b) located in major trading centres	..	..	..	..	40,000.00	per machine
(c) khonde tailors/knitters and those located in townships	..	..	..	..	40,000.00	per machine
45. Manufacturing Factories/Industries—						
(a) heavy	..	..	..	..	2,000,000.00	
(b) light	..	..	..	..	1,000,000.00	
46. Liquor trading—						
1. Grade “A” Bar—						
(a) premier	..	..	..	..	200,000.00	
(b) platinum	..	..	..	..	100,000.00	
(c) gold	..	..	..	..	75,000.00	
(d) silver	..	..	..	..	50,000.00	
2. Grade “B” Retail liquor Shops..	..	..	..	..	125,000.00	
3. Grade “C”—						
(a) hotel/casino	..	..	..	..	75,000.00/day	
(b) lodges and motels	..	..	..	..	50,000.00/ day	
4. Grade “D” Restaurant	..	..	..	..	150,000.00	
5. Grade “E” Club	..	..	..	..	150,000.00	
6. Grade “F” Cabarets	..	..	..	..	50,000.00/day	

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7. Grade "G" Theatres .. .. .	50,000.00	
8. Grade "H" Bottle stores .. .. .	100,000.00	
9. Grade "I" (Nature Sanctuary and Recreation Parks)	75,000.00	
10. Grade "TA" Air Terminals .. .. .	100,000.00	
11. Grade "J" Railways & Bus Stations—		
(a) international bus station .. .. .	100,000.00	
(b) local bus station .. .. .	50,000.00	
(c) railway station .. .. .	50,000.00	
12. Manufacturing—		
(a) distillers .. .. .	300,000.00	
(b) commercial brewers (Translucent).. .. .	500,000.00	
(c) wine maker . . . . .	100,000.00	
(d) opaque beer brewer .. .. .	300,000.00	
13. Wholesale licences—		
(a) wholesale licence .. .. .	150,000.00	
(b) agents licence. . . . .	100,000.00	
14. auctioneers' temporary licence .. .. .	50,000.00/day	
15. opaque beer licence—		
(a) retailer .. .. .	60,000.00	
(b) wholesaler. . . . .	100,000.00	
47. Operation of amusement machines—		
(a) casino .. .. .	500,000.00	
(b) amusement or entertainment places (outdoor)	250,000.00	
(c) club, bars and bottle store .. .. .	75,000.00	
48. Food processing, packaging and vending—		
(1) Wholesaler .. .. .	100,000.00	
(2) Tuckshop /hawker/ Food Canteen / Fresh food shop .. .. .	45,000.00	
(3) Groceries—		
(a) central Business District and low density areas .. .. .	75,000.00	
(b) local townships .. .. .	50,000.00	
(4.) Butcheries—		
(a) central business district and .. .. .	75,000.00	

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Low & Medium Density Area		
(b) local townships. . . . .	50,000.00	
(5) Bakeries outlet . . . . .	75,000.00	
(6) Take away and coffee shops—		
(a) central business district and		
Low & Medium Density Area	75,000.00	
(b) local township . . . . .	45,000.00	
(7) Restaurant—		
(1) Central Business District and		
Low & Medium Density Areas—		
(a) premier . . . . .	75,000.00	
(b) standard . . . . .	50,000.00	
(2) Local Townships .. . . .	45,000.00	
(10) Hotels—		
(a) 5-star . . . . .	125,000.00	
(b) 4-3 star . . . . .	100,000.00	
(c) 2-1 star . . . . .	75,000.00	
(d) Uncategorized . . . . .	60,000.00	
(11) Lodges, Inns, Motels & Guest houses—		
(a) central business district and		
Low & Medium Density Areas . . . . .	75,000.00	
(b) local township . . . . .	50,000.00	
(12) Clubs . . . . .	75,000.00	
(13) Superette . . . . .	50,000,000.00	
(14) Supermarkets . . . . .	100,000.00	
(15) Food Manufacturing & Processing—		
(a) dairies . . . . .	75,000.00	
(b) bakeries . . . . .	75,000.00	
(c) milling companies . . . . .	40,000.00 per motor	
(d) refiners . . . . .	100,000.00	
(e) breweries/distilleries . . . . .	75,000.00	
(f) bottled water . . . . .	75,000.00	
(g) any other food product . . . . .	40,000.00	
(h) small scale confectionery . . . . .	40,000.00	

	K	t
(16) unprocessed milk .. .. .	40,000.00	
49. Private public Service Vehicle Terminus ..	250,000.00	
50. Motor Vehicle repair .. .. .	100,000.00	
51. Agro – dealer .. .. .	75,000.00	
52. Transport business operator .. .. .	75,000.00	
53. Decoration .. .. .	50,000.00	
54. Car Hire .. .. .	100,000.00	
55. Licence replacement .. .. .	10,000.00	

FOURTH SCHEDULE

(by-law 10)

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 30th June 20.....

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

.....  
*Licensing Officer*

Made this 13th day of July, 2018.

M. M. ZELEZA  
*Chief Executive Officer*

COUNCILLOR D. BIKOKO (PhD)  
*Mayor*

Approved this 10th day of December, 2018.

K. NANKHUMWA  
*Minister of Local Government  
and Rural Development*