

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (SANITARY ARRANGEMENTS) BY-LAWS

under s. 103

G.N. 13/2003

1. Citation

These By-laws may be cited as the Local Government (Blantyre City Council) (Sanitary Arrangements) By-laws.

2. Interpretation

In these By-laws unless the context otherwise requires—

“approved” means approved by the Council;

“Council” means the Blantyre City Council;

“building operation” means any operation of any kind relating to a building whether construction, demolition, reconstruction or erection and includes excavation operations and any work of a civil engineering nature on which workmen are employed;

“dwelling house” means any premises or part thereof used solely for the purpose of residential accommodation;

“occupier” means any person in actual occupation of land or premises and in the case of premises sub-divided and let to lodgers or various tenants includes the person receiving the rent payable whether on his own account or not;

“owner” means any person receiving the rent or profit of any land or premises from any tenant or occupier thereof or who would be entitled to receive such rent or profit if such land or premises were let;

“premises” includes any land, building, room, tent, vehicle, drain, ditch (open, covered or enclosed) whether built on or not and whether public or private;

“recreation ground” means any ground used for the purpose of any sport activities such as athletic, football, cricket or any other game and includes a public swimming pool provided by a club for the use of its members;

“urinal” means a single stall urinal or a 500 mm width of urinal trough.

3. Standards of sanitary accommodation to be provided

(1) The sanitary accommodation in the second, third and fourth columns of the Schedule hereto shall be provided in respect of the types of premises accommodation stated in the first column of the said Schedule.

(2)(a) Subject to paragraph (b) every type of premises referred to in the said Schedule shall be provided with separate sanitary accommodation for males and females and two-thirds of the latrines provided for males shall be urinals:

Provided that this requirement shall not apply to private dwellings or to any offices, shops, workshops, factories, warehouses or other premises in or about which less than six persons regularly work but not reside;

(b) in buildings where the numbers of persons of each sex cannot easily be determined, 40 per cent of the latrines provided shall be for females and 60 per cent for males of which two-thirds shall be urinals.

(3) Every recreation ground shall be provided with properly maintained urinals, pit or water-closets reasonably accessible from any part of the ground, clearly marked for separate use by males and female with a minimum of one for each sex, calculated on the average attendance at such ground as follows—

(a) one water-closet for every 200 persons or part thereof for each sex and one urinal for every 100 or part thereof for males; or

(b) two pit closets for every 100 persons of part thereof for each sex and two urinals for every 100 males or part thereof:

Provided that the Council may, in its absolute discretion, permit the provision, at any recreation ground, or sanitary accommodation less than the above requirements in consideration of a written undertaking by the owner of the recreation ground to provide an adequate amount of sanitary accommodation of a temporary nature for special functions, or on occasions when a number of persons larger than the said average attendance is expected.

(4) For the purpose of this by-law "average" means such number of persons as is agreed between the Council and the owner or the occupier thereof.

(5) All urinals, latrines and water-closets prescribed in terms of these By-laws shall be properly, adequately and effectively lit and ventilated and pit latrines shall be effectively screened against the entry of flies.

(6) The situation of sanitary accommodation prescribed in terms of these By-laws shall be approved by the Council as being convenient for the persons for whose use it is intended.

(7) The owner of and every person who occupies, who lets or allows any other person to occupy premises, which are not provided with sanitary accommodation as prescribed in terms of these By-laws, commits an offence.

(8) Where any existing premises do not have reasonable and convenient access for the employees of the Council rendering sanitary services, the Council may, by written notice, to the owner or occupier require him to provide same within a time to be specified in the said notice.

4. Temporary sanitary accommodation required on building sites

(1) Where workmen are employed in any building operation the contractor in-charge of the work on the site or any other person employing the workmen shall provide, on or near the building site or the place where such building operation is in progress, not less than one water-closet for every 20 persons or part thereof so employed:

Provided that where no connexion to a public sewer is possible, the Council may in its discretion permit the provision of water-closets or pit latrines.

(2) Any contractor or employer who does not provide sanitary accommodation as provided for under paragraph (1) commits an offence.

(3) On the completion of any building operation, any temporary sanitary conveniences which may have been erected in pursuance of this by-law, shall forthwith be demolished and removed.

5. Prohibition of water-closets and pit latrines dwelling, etc.

No water-closet or pit latrine may be provided, construction, fixed or otherwise arranged, or used inside or under any roof affixed to a building used or intended for use as a dwelling or for the storage inside preparation, manufacture or sale of foodstuff for human consumption.

6. Water-closets etc,

Any person who uses a pit latrine, water-closet or urinal for other purposes other than that for which it is intended commits an offence.

7. Siting of pit latrines and powers of the Council prohibit

(1) No person shall construct a pit latrine within—

(a) 450 metres of any building;

(b) 1.5 metres of any plot boundary; or

(c) within 30 metres of any stream, pool, dam, well, borehole, spring or other underground water supply.

(2) The Council may, from time to time, by resolution, prohibit the construction of pit latrines in all or any part of the Council.

8. Offences and penalties

Any person who contravenes or fails to comply with the provisions of these By-laws and any person failing to comply with the items of any notice served upon him by the Council in terms of these By-laws commits an offence and upon conviction shall be liable to a fine of K2,000 and K200 for each day during which the offence continues after conviction thereof and to six months imprisonment or both such fine and imprisonment.

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PLOT ALLOCATION IN TOWNSHIPS AND IMPROVEMENT AREAS) BY-LAWS

under s. 103

G.N. 14/2003

1. Citation and application

These By-laws may be cited as Local Government (Blantyre City Council) (Plot Allocation in Townships and Improvement Areas) By-Laws.

2. Interpretation

In these By-laws unless context otherwise requires—

“Council” means the Blantyre City Council;

“Committee” means the Plot Allocation Committee established under by-law 3;

“Improvement Area” means an area over the whole of which title has been vested in Blantyre City Council.

3. Establishment of the Committee

The Council shall establish a committee to be known as Plot Allocation Committee.

4. Functions of the Committee

(1) The Committee shall perform such functions as may be assigned to it by the Council.

(2) Without prejudice to the generality of paragraph (1) of this by-law, the Committee shall—

- (a) allocate plots in Townships and Improvement Areas;
- (b) enforce allocation covenants in Townships and Improvement Areas; and
- (c) hear and settle plot disputes in Townships and Improvement Areas.

5. Plot allocation criteria

In allocating a plot in a Township or an Improvement Area, the Committee shall take into consideration the following—

- (a) the size of the applicant’s family;
- (b) the income level of the applicant;

- (c) whether or not the applicant holds another plot in the Council;
- (d) the social status of the applicant;
- (e) the age of the applicant;
- (f) whether the applicant is head of the household;
- (g) the applicant's position on the waiting list;
- (h) whether the applicant is a citizen of Malawi;
- (i) the length of time the applicant has resided in the Council; and
- (j) any other factor which, in the opinion of the committee may be relevant.

6. General procedures for allocation of plots

(1) An application for a plot in a Township or an Improvement Area shall be made on such form as the Council may prescribe.

(2) An application for a plot in a Township or an Improvement Area, shall be accompanied by such application fee, as the Council may determine.

(3) Where new plots exist in a Township or an Improvement Area, the Council shall advertise the existence of such plots stating the options available and the closing date for receipt of applications.

(4) All applications for plots in Townships or Improvement Area, shall be made to the Chief Executive of the Council.

(5) On receipt of an application for a plot in Township or an Improvement Area, the Council shall—

- (a) put a date stamp on the application; and
- (b) register the application.

(6) The Council shall, in respect of an applicant who has been allocated a plot in a Township or an Improvement Area, prepare and register lease documents relating to the plot upon request.

7. Plot dispute management

(1) Any plot dispute shall first be reported to the estate office of the relevant Township for resolution thereof and if the dispute is not resolved, it shall be referred to the Director of Town Planning and Establishment.

(2) Where a plot dispute is not resolved by the Director, he shall refer the dispute to the Plot Allocation Committee with recommendations as to how the dispute may be resolved.

8. Transfer of plots

(1) A plot holder in a Township or in an Improvement Area who wishes to transfer the plot to another person, shall inform the Council in writing about the proposed transfer and shall, in addition, provide the Council with particulars of the proposed transferee and consideration, if any.

(2) The Council shall—

- (a) verify the ownership of the plot;
- (b) verify if the plot is developed;
- (c) establish whether ground rent and city rates have been paid; and
- (d) establish the nature of development that has taken place on the plot.

(3) Where the Council approves the transfer, the transferor shall surrender all documents of the plot to the Council and the Council shall thereafter issue new documents to the transferee, subject to such conditions as the Council may impose.

9. Transfer of deceased property

(1) Where a plot holder in a Township or in an Improvement Area—

(a) dies intestate, the Council shall—

(i) if the plot was developed, refer the matter to the Administrator General or District Commissioner, as the case may be;

(ii) if the plot was undeveloped, repossess it;

(b) dies testate, the v shall—

(i) where an executor is named in the will, refer the matter to the Administrator General or District Commissioner, as the case may be.

10. Plot development

(1) The development of plots in Townships and Improvement Areas shall involve the construction of habitable dwelling units, safe community services buildings or structures in compliance with the provisions of the Council's Building By-laws and the Public Health Act and any regulations made thereunder. Cap. 34:01

(2) A holder of a plot in a Township or an Improvement Area shall notify the Council prior to undertaking any plot development so that the Council may ensure that the developer complies with the provisions of paragraph (1).

11. Plot boundaries

(1) The Council shall demarcate the boundaries of a plot allocation to any person in a Township or an Improvement Area.

(2) The Council shall ensure that plot areas in Townships and Improvement Areas are within the range of 224 square metres to 400 square metres and that minimum buildings lines are as follows—

- (a) front 4.5 metres;
- (b) side 2.5 metres to 3 metres; and
- (c) rear 3 metres.

(3) If the plot has been acquired for purpose other than residential, the size can be less or more.

(4) The maximum plot development shall not exceed 33 per cent of the plot area.

12. Temporary designs and plot development

(1) Where the development of a plot in a Township or in an Improvement Area is of a temporary or semi-permanent design, the plot holder shall, within three months from the date of allocation of the plot, present his development proposals to the Council.

(2) A plot holder shall proceed with construction in compliance with the Town and Country Planning Act. Cap. 23:01

(3) The Council may, where requested and upon payment of such fee as the Council may determine, provide technical assistance on plot development.

(4) A plot holder shall be responsible for the maintenance and upkeep of sections of roads and drains on the immediate frontage of his plot.

(5) A plot holder shall take due care of infrastructure services in and around the plot during the construction period and where any damage is caused to such services, the plot holder shall be held responsible.

(6) A plot holder shall have a dustbin where there is a waste collection service, and where there is none he shall provide a composite pit.

(7) There shall be one household per plot.

13. Leasehold and certificate of title

(1) The Council may give an applicant a lease title for a plot in a Township or an Improvement Area.

(2) The Council shall, for purposes of proper record keeping and registration of titles, issue leases to all holders in a Township and Improvement Areas upon request.

14. Layout of Plots

(1) The Council shall produce Township and Improvement Areas layouts based on accurate base maps at 1:2,500 or 1:1,250 Scale in order to facilitate plot demarcation.

(2) After production of the layouts referred to in paragraph (1), engineering designs and infrastructure construction shall be implemented.

(3) The Council shall supply layouts to licensed surveyors for block perimeter cadastral survey for the purpose of title plans for title registration.

(4) The Council shall ensure that throughout the survey, a layout showing survey of plot numbers is produced in order for the Committee to allocate plots.

(5) The Council shall furnish an applicant who has been allocated a plot in a Township or an Improvement Area with all the details of the allocation.

15. Registration with land Registrar

The Council shall register the leasehold title with the Land Registrar.

16. Trees to be planted

(1) Every plot holder shall plant trees around his plot and shall be responsible for the management of the trees.

(2) Where a plot holder does not comply with paragraph (1) the Council may plant the trees and recover from the plot holder the cost of the trees and labour costs.

17. Demolition of buildings

(1) The Council may request a plot holder to demolish any building and part thereof constructed in contravention of these By-laws.

(2) The Council shall give the plot holder thirty (30) days notice to demolish the building or part thereof.

(3) The Council shall demolish the building or part thereof if the plot holder does not demolish the same within the time limit and the expenses incurred during the demolition exercise shall be recovered from the plot holder as a civil debt.

18. Transfer not effective

Any transfer done contrary to by-law 9 shall not be considered effective by the Council.

19. Council may withdraw

The Council may withdraw a plot from a plot holder who contravenes or fails to comply with these By-laws and allocate it to another applicant on the waiting list.

20. Offence and penalties

Any person who contravenes or fails to comply with any provision of these By-laws commits an offence and on conviction shall be liable to a fine of K2,000 and in the case of continuing offence, to a fine of K200 for each day the offence continues after conviction and six months imprisonment or to both fine and imprisonment.

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PEDDLERS) BY-LAWS

G.N. 15/2005

1. Citation

These By-laws may be cited as the Local Government (Blantyre City Council) (Peddlers) By-laws.

2. Application

These By-laws shall apply within the area of Jurisdiction of the Blantyre City Council.

3. Interpretation

In these By-laws unless the context otherwise requires—

“Council” means the Blantyre City Council;

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

“goods” include books, flowers, articles of indigenous art, woven mats, household furniture or equipment, carving or curios but does not include newspapers or periodical news publications;

“licence” means a licence to peddle goods or foodstuffs issued by the Council;

“peddler” means any person who goes from place to place selling or exposing for immediate delivery any goods or foodstuffs which he carries with him or on a tricycle or handcart and the word "peddle" has a corresponding meaning;

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

4. Peddlers to be licensed

(1) No person shall carry on the business as a peddler unless has a peddler’s licence issued by the Council.

(2) Any person granted licence under paragraph (1) shall peddle his goods or foodstuffs in accordance with the conditions set out in the licence.

(3) No person shall carry on the business of peddler within the areas specified in the First Schedule.

5. Duration and form of licence

Every licence shall be valid for the period stated therein and shall be in a form prescribed by the Council and may contain conditions regulating—

- (a) the nature, type or class of goods or foodstuffs to which the licence applies;
- (b) the particular part of the area within the Council in which the goods or foodstuffs may be peddled; and
- (c) such conditions as the Council may direct as being necessary for the maintenance of public health and the prevention of spreading of infectious or contagious diseases.

6. Restriction to the number of licences and areas of validity

The Council may at any time by order made under these By-laws restrict the number of licences which may be issued—

- (a) under these By-laws;
- (b) in respect of any particular foodstuff or goods; or
- (c) in respect of any part of the Council,

for such period as may be specified in the order.

7. Use of stalls counters. etc., prohibited

(1) No peddler shall display or deposit any goods or foodstuffs on the ground, a stall, bench, counter, in a kiosk shelter or other structure for the purpose of sale or display.

(2) Every peddler shall move himself together with any tricycle, bicycle, handcart, tray, box, basket or other receptacle used for the conveyance or carriage of the goods or foodstuffs at least once in every thirty minutes for a distance of at least one hundred yards.

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

8. By-Laws not applicable to sale in authorized markets

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

9. Fee for Licence

A person applying for a peddler's licence shall pay the fee specified in the Second Schedule attached hereto.

10. Licence not transferable, etc.

(1) A person who obtains a licence under these By-laws shall not lend, transfer or assign the licence to another person.

(2) A person who lends, transfers or assigns his licence and a person who uses a licence granted to another person commits an offence.

(3) A peddler shall have his licence with him while carrying on his business as a peddler and shall produce it to an officer of the Council or to a police officer on demand.

(4) Any person who fails to comply with the provisions of paragraph (3) commits an offence.

11. Use of term "licensed peddler" restricted

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.

12. Cancellation withdraw, etc. of licence

(1) The Council may refuse to issue or cancel a licence.

(2) Any person who contravenes these By-laws may have his licence cancelled by the Council and in the event of a second or subsequent conviction for an offence under these By-laws, the Council shall withdraw his licence.

13. Confiscation of foodstuffs

The Council may, where necessary, confiscate the foodstuffs of a peddler who contravenes or fails to comply with these By-laws and dispose them as it deems fit.

14. Offences and penalties

Any person who contravenes any provision of these By-laws or fails to comply with any conditions imposed by the Council commits an offence and on conviction shall be liable to a fine of K2,000 and in the case of a continuing offence a further fine of K200 for each day during which the offence continues after conviction thereof or to six months imprisonment or both such fine and imprisonment.

FIRST SCHEDULE by-law 4 (3)

1. Peddler's licence is not valid for trading within the following areas—

- (a) 100 metres, in all directions, of the boundary of Blantyre Market;
- (b) 300 metres, in all directions, of the boundary of Limbe Market;
- (c) 300 metres, in all directions, of the boundary of Soche Market;
- (d) 300 metres, in all directions, of the boundary of Ndirande Market;

- (e) 300 metres of the Telephone Exchange at Ginnery Corner;
- (f) 300 metres radius of any site where one or more foodstalls have been erected by the Council;
- (g) 300 metres radius of the junction of Chipembere Highway with Kasungu, Crescent;
- (h) 300 metres radius of the Clock Tower situated at the junction of Chipembere Highway and Chileka Road; and
- (i) 300 metres, in all directions of the boundary of the Shire Highlands Hotel, Limbe.

2. The peddling of fruits and vegetables is prohibited in the following areas—

- (a) Victoria Avenue, Blantyre, from Mount Soche Hotel to the Town Hall;
- (b) Independence Drive, Blantyre, from Victoria Avenue to the District Commissioner's Office;
- (c) Churchill Road, Limbe, from the offices of Imperial Tobacco Group (ITG) to Partridge Avenue; and
- (d) within 20 metres of any of the above roads on any land, side road, lane or path.

3. The peddling of the following goods is totally prohibited within the area of the Council—

- (a) fresh meat;
- (b) fresh fish;
- (c) dressed poultry; and
- (d) any cooked or otherwise prepared or processed foodstuffs which has not been cooked, prepared or processed in premises licensed for such purpose by the Council.

SECOND SCHEDULE by-law 9

LICENCE FEES

K t

Peddler's licence 168 75

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (GENERAL CLEANLINESS) (REFUSE AND RUBBLE DISPOSAL) BY-LAWS

G.N. 16/2003

1. Citation and application

These By-laws may be cited as the Local Government (Blantyre City Council) (General Cleanliness) (Refuse and Rubble Disposal) By-laws, and shall apply within the area of jurisdiction of Blantyre City Council (hereinafter referred to as the "Council").

2. Interpretation

In these By-laws unless the context otherwise requires—

“Health Officer” means a person appointed or designated as such under by-law 3;

“receptacle” means the approved refuse receptacle provided for the deposit of refuse and includes the lid of such receptacle and a sanitary plastic refuse bag;

“refuse” means garbage, tins, bottles, ashes and other sweepings, waste paper, and all other forms of non-liquid waste products from dwellings, offices, shops, warehouses or any other premises; but does not include rubble, liquid refuse, garden or stable refuse, grass, sand, tree toppings or hedges or waste products from factories or workshops;

“rubble” means all waste bricks, sand, earth, cement stone rock, pipes, and all such forms of non-liquid waste materials.

3. Health Officer

There shall be such number of Health Officers as the Council considers necessary appointed or designed to a Health Officer under these By-laws.

4. General cleanliness

(1) Any person within the Council shall use receptacles, toilets or public convenience for sanitary purposes.

(2) No person shall defecate, urinate, spit, expectorate, blow nose, except when using a handkerchief or litter the streets anywhere in the Council other than in the sanitary, private or public conveniences mentioned above.

5. Owner to provide refuse receptacle

(1) Every owner or occupier of premises shall provide and maintain for use at his premises at least one receptacle for depositing refuse.

(2) If in the opinion of a Health Officer it is necessary for more than one receptacle to be provided at any premises, he shall serve notice in Form 1 set out in the Schedule upon the

owner or occupier of the premises requiring him to provide such number of the receptacles for reception of refuse as specified in the notice.

(3) Any owner or occupier of any premises upon whom a notice has been served under paragraph (2) shall within fourteen days of the service of the notice provide at his premises the required number of receptacles.

6. Approved type of receptacle

(1) The approved type of receptacle is a cylindrical bin of galvanized iron or hard plastic about 450 mm in a diameter at the top, 350 mm at the bottom and 750 mm in height and which has a capacity of about 0.40 cubic metres and tight fitting lid which is capable of keeping out rain and persistent offensive odour and may include a sanitary plastic bag.

7. Deposition of refuse

(1) Every occupier of premises shall cause all refuse from his premises to be deposited in his refuse receptacle and not elsewhere for collection by the Council's refuse collection service.

(2) No person shall place or cause to be placed in a receptacle any liquid or solid matter likely to cause injury to any person with whom it comes into contact.

(3) No person shall place in any receptacle any rubble, earth, grass, tree toppings and hedge, garden refuse, or stubble or matter or a thing, which is not refuse as defined in these By-laws.

8. Covering to refuse receptacle

Every occupier of premises shall—

(a) cause all receptacles thereon to be continuously covered with close fitting lid except when refuse is being deposited therein or discharged therefrom;

(b) except when the Council's refuse collection service is in attendance, cause any receptacle at his premises to be kept at a position approved by a Health Officer.

9. Refuse to remain that of occupier

Refuse deposited in a receptacle at any premises shall, until it is emptied by the Council's refuse collection service, remain that of the occupier of the premises.

10. Refuse receptacle to be kept clean

Every occupier of premises shall cause all receptacles and lids thereof upon his premises to be clean and to be maintained in satisfactory condition.

11. Prevention of fires

No person shall deposit or cause to be deposited in a receptacle an un-extinguished ashes or other material in a state that may cause fire.

12. Position of refuse receptacle for collection

The occupier of the premises shall ensure that a receptacle is placed at a convenient place or site for the Council's refuse collection services on such dates as are prescribed for collection of refuse in the area.

13. Refuse not to be deposited in a stream etc.

No person or organization shall deposit or cause to be deposited in a stream, river, or any water course or any public place—

- (a) any refuse or rubble; or
- (b) anything liquid or solid which is likely to be injurious to health.

14. Non-collection of refuse

No refuse shall be collected by Council's collection service unless it is deposited in an approved receptacle.

15. Removal of rubble

(1) A Health Officer or any duly authorized officer of the Council may by notice in Form II set out in the Schedule require an owner or occupier of a plot, land or premises to remove or cause to be removed any rubble from such a plot, land or premises.

(2) Any owner or occupier of a plot, land or premises on whom a notice has been served under paragraph (1) shall within seven days of the service of the notice remove such rubble and cause it to be deposited or tipped at a place appointed for that purpose by the Council as specified in the notice and in a manner prescribed by the Council.

16. Deposit of rubble

(1) No person shall deposit, tip or cause to be deposited or tipped any rubble in or upon—

- (a) any street, public place, open space or vacant land;
- (b) any plot, land or premises except with the written permission of the owner of such plot or land;
- (c) any water course or reservoir; or
- (d) any other place not appointed for that purpose by the Council.

(2) An officer of the Council may by notice in the Form set out in the Schedule, require a person who deposits or tips or causes to be deposited or tipped rubble on any plot,

land or premises to produce to the Health Officer or any other officer duly appointed by the Council the written permission of the owner of plot, land or premises authorizing him to do so.

(3) A person on whom notice has been served under paragraph 2 shall within fourteen days of the service of the notice comply with the requirements of the notice.

(4) Any owner's permission given for the purpose of this by-law shall not in any way affect his own liability to comply with the requirement of notice served upon him under by-law 15.

17. Authority to enter

A Health Officer or any duly authorized officer may enter upon land or premises for purposes of ensuring that these By-laws are being complied with and no action shall lie against the Health Officer for anything done in the course of rendering his duties.

18. Offences and penalties

Any person who contravenes or fails to comply with any provision of these By-laws or who fails to comply with any notice or conditions imposed by the Council thereof commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction thereof or to six months imprisonment or to both such fine and imprisonment.

19. Apprehension of suspects

For avoidance of doubt any employee of the Council or any member of the public who finds any person contravening by-law 4 may apprehend the same and bring him to a Police Officer or the Health Officer who shall take the person to police for prosecution.

BLANTYRE CITY COUNCIL

SCHEDULE I

FORM I

NOTICE TO REMOVE RUBBLE by-law 5 (1)

To:

of

WHEREAS you are the owner/occupier of plot number

situated on plot number in the City of Blantyre and
whereas rubble was found deposited on the said plot/premises.

You are hereby required within seven days of the service of this notice upon you to remove or cause to be removed from the said plot/premises and to deposit it at

.....

And further take notice if you fail to comply with this notice —

(a) The Council may remove the same and recover the costs from you thereby incurred by it.

(b) Such failure may render you to prosecution by the Council.

Made this day of 20.....

.....

Chief Executive

BLANTYRE CITY COUNCIL

SCHEDULE II

FORM I

NOTICE TO REMOVE RUBBLE by-law 5 (1)

To:

.....

Whereas you are the occupier of the premises situated on plot number

..... in the Blantyre City Council; and whereas in my opinion as Cleansing Officer, it is expedient for the proper regulation and control of refuse disposal from the said premises that more refuse receptacles be provided and whereas rubble was found deposited on the said plot/premises.

You are hereby required to provide additional refuse receptacles within fourteen days of the service of this notice upon you.

And further take notice that failure to comply with this notice may render you liable to a fine and prosecution by the Council.

Made this day of 20.....

.....

Chief Executive

BLANTYRE CITY COUNCIL

SCHEDULE III

FORM I

NOTICE TO PRODUCE PERMISSION TO DEPOSIT RUBBLE by-law 5 (2)

To:
of
.....

Whereas you deposited rubble on plot number
premises situated at plot number and whereas the
Council has reason to believe that you are not owner of the said plot/premises:

You are hereby required within fourteen days of the service of this notice upon you to
produce to the Health Officer the written permission of the owner of the said plot/ premises
authorizing you to deposit the said rubble at the said plot/premises.

And further take notice that your failure to comply with this notice may render you
liable to prosecution by the Council.

Made this day of 20.....

.....

Chief Executive

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (TRADE AND BUSINESS) BY-LAWS

under s. 103

G.N. 17/2003

1. Citation

These By-laws may be cited as the Local Government (Blantyre City Council) (Trade and Business) By-laws, and shall apply within the area of jurisdiction of the Blantyre City Council (hereinafter referred to as the "Council").

2. Interpretation

In these By-laws unless the context otherwise requires—

“Licensing Officer” means the Chief Executive or any other officer of the Council duly authorized by the Council;

“trade licence” means a licence issued under to by-law 3;

“trade” means a skill for production;

“premises” means any land, with or without buildings thereon, or part of any such land 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 trade specified in the First Schedule, and includes any motor vehicles or other mobile unit being so used by any such person.

3. Trade licence

(1) No person shall, for gain or reward, engage in or pursue, or hold himself out as engaging in or pursuing, within the Area, any of the trades specified in the First Schedule hereto unless he is the holder of a current valid trade licence authorizing him to do so.

(2) Every trade licence shall be in the form set out in the Third Schedule hereto.

4. Application for trade licence

Every application for a trade licence shall be made to a licensing officer, in writing and shall be accompanied with the prescribed fee specified, in relation to the relevant trade in the Second Schedule hereto.

5. Renewals

Every holder of a trade licence shall renew his licence annually upon payment of the prescribed fee in the Second Schedule hereto.

6. Licence not transferable

A licence holder shall not transfer his trade licence to any other person.

7. Showing of trade permit

The owner of the premises shall show his trade licence to the Health Officer or other duly authorized officer of the Council upon request.

8. Sanitation

Any holder of a trade licence shall at all times maintain in a clean and sanitary condition the premises where his licensed trade is being carried out.

9. Council may withdraw items

The Council may withdraw a licence from any holder of a trade licence who contravenes any of the conditions of the licence.

10. Council may confiscate items

The Council may confiscate any items being sold in contravention of these By-laws.

11. Offence

Any person who contravenes or fails to comply with any of the provisions of these By-laws commits an offence.

12. Penalty

Any person who contravenes these By-laws shall on conviction be liable to a fine of K2,000 and to six months imprisonment and in case of a continuing offence to a further fine not exceeding K200 for each day during which the offence continues after conviction.

FIRST SCHEDULE by-law 3 (3)

TRADE REQUIRING TRADE LICENCE

Basket maker Mortal maker

Blacksmith Plumber

Bicycle repairer Photographer

Carpenter Radio repairer

Charcoal sell Shoe cleaner

Curio maker Tailor

Firewood seller Tinsmith

Launderer Tyre puncture repairer

Mat maker Watch repairer

Miller

SECOND SCHEDULE by-law 4

Occupation Fees

per annum

K t

Baskets maker 101 25

Battery charger 506 25

Blacksmith 130 50

Brick layer 832 50

Charcoal seller 168 75

Carpenter 525 00

Filling station, per pump (paraffin) 615 00

Filling station, per pump (petrol and diesel) 353 25

Firewood seller 202 50

Garage (small scale) 877 50

Lamp repairer 168 75

Launderer 832 50

Maize seller 525 00

Mat maker 168 75

Mechanical electrician 353 25

Miller 495 00

Mortal maker 168 75

Mortar maker 877 50

Painter	506 25
Panel Beater and Welder	877 50
Peddlers mouth	165 75
Photographer	495 00
Plumber	877 50
Radio repairer	170 00
Rubber stamp maker	600 00
Shoe cleaner	168 75
Shoe repairer	168 75
Soft drinks/confectionery etc.	168 75
Tailor	168 75
Tinsmith	168 75
Trimmer	52 00
Tyre puncture repairer	168 75
Watch repairer	168 75
Amusement Machines	
Duplication/Replacements	168 75
Due boxes	506 25
Operational licence/renewal per machine	1,029 00
Registration	71 25
Video and cinema shows	1,029 00

THIRD SCHEDULE

APPLICATION FOR A TRADING LICENCE

(To be filled in triplicate. White for Health, Yellow for Town Planning and Blue for Secretariat).

ISSUED UNDER BLANTYRE CITY COUNCIL (TRADE AND BUSINESS) BY-LAWS

PART A

I, (name in full)

.....

..... of (address)

.....

..... Hereby apply for issue/renewal of (state type of business)

.....

..... (refer to schedule overleaf) on Plot No.

..... situated at (state area) on (road, Street, etc.) for the year ending on Signed

..... Date

PART B

Inspection Report

1. Town Planning Officer's findings and recommendations

.....

.....

.....

.....

.....

..... Name Date

.....

2. Health Officer's findings and recommendations

.....

.....

.....

.....

.....

..... Name Date

.....

PART C

Minute No. Dated

Licence No Dated

Fee Paid Dated

Licence expires on

.....

Licensing Officer

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (LIQUOR) BY-LAWS

under s. 103

G.N. 18/2003

1. Citation and application

These By-laws may be cited as the Local Government (Blantyre City Council) (Liquor) By-laws, and shall apply within the area of jurisdiction of Blantyre City Council (hereinafter referred to as the "Council").

2. Procedure on application for licence

(1) Any person who desires to sell liquor by retail sale shall apply to the Licensing Officer for a retail licence.

(2) Subject to section 68 of the Liquor Act, the licensing officer shall, after receipt of the application fee, issue to the applicant a licence in the form prescribed in Part C of the First Schedule authorizing the applicant to sell liquor by retail at such place and on such days as shall be specified therein. Cap. 50:07

3. Premises licence

(1) Any owner or lessee of premises who desires to sell liquor by retail on his premises shall apply to the licensing officer for a premises licence.

(2) Application for a premises licence shall be made at least sixty days before the date upon which the applicant desires the licence to be issued.

(3) Subject to section 65 of the Liquor Act, the licensing officer shall, after receipt of the appropriate fee, issue to the applicant a licence in the form prescribed in Part C of the Third Schedule authorizing the applicant to sell liquor by retail sale on the premises specified therein. Cap. 50:07

(4) Application for the renewal of a premises licence may be made by the holder to a licensing officer sixty days before the beginning of the Council's financial year.

(5) The Council shall immediately close and seal off any premises, where liquor is being sold whose owner does not have a valid premises licence.

4. Fees for licence

The fee payable for the issue of a licence shall be the fee prescribed in the Second Schedule hereto for the licence concerned.

5. Permitted hours

The permitted hours for the sell of liquor shall be as prescribed in the First Schedule.

6. Supply to or sell by young persons prohibited

(1) No person shall supply liquor to any person who is or appears to be under the age of eighteen years.

(2) Any person under the age of eighteen years shall not sell liquor.

7. Supply of liquor

The licensee shall supply liquor to a purchaser only in exchange of money actually received before or at the time of supply of the liquor.

8. Provisions as to quality and hygiene

(1) The licensee shall ensure that all liquor sold under the authority of the licence is sound and wholesome and is sold only in sealed containers.

(2) The holder of a premises shall—

(a) maintain the premises concerned and the furniture therein in a clean and sanitary condition and in good repair in accordance with requirements within the Council; and

(b) provide at least one separate toilet for use of each sex.

9. Licence not transferable etc.

The licensee shall not transfer his licence to another person and shall not permit any person to sell liquor on his behalf unless such person is the holder of, and has authority to do so under, and in possession of a licence.

10. Display of place permit

The licensee shall display the permit in a conspicuous place inside the premises to which it relates where the permit can be easily seen by persons entering the premises therein.

11. Weapons prohibited where liquor is being sold

(1) The licensee shall ensure that no person who is in possession of a weapon or any instrument capable of being used to inflict bodily harm enters or remains in any place or premises where liquor is being sold.

(2) The licensee shall not suffer or permit a person to enter or remain in the place or premises to which the licensee relates while liquor is being sold if such person is in possession of any such weapon or instrument.

(3) This by-law shall not apply to any police officer or to any security personnel who is on duty.

12. Power of licensing officer and authorized person

A licensing officer, and any person duly authorized in writing by the Council, may at any time when liquor is being supplied enter or remain in any place or premises in order to ascertain whether the provision of the Act and of these By-laws are being complied with and, in particular may inspect such place or premises, and any article used in connexion with such supply, and may require the production for examination any relevant permit.

13. Confiscation and destruction of liquor

(1) Where a person contravenes or fails to comply with these By-laws, the Council may confiscate the liquor and destroy it instantly.

(2) If any person continues contravening by-law 8, the Council shall withdraw the licence.

14. Withdraw of licence

Where a person contravenes or fails to comply with these By-laws, the Council may withdraw his licence and close the premises instantly.

15. Offences and penalties

Any person who contravenes or fails to comply with any provision of these By-laws or who fails to comply with any notice or conditions imposed by the Council thereof commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction thereof or to six months imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE

PERMITTED HOURS FOR SALES LICENCES

A. Wholesale Licence

- (1) Wholesale Licence No restriction
- (2) Agent's Licence 7.00 a.m. to 6.30 p.m.

1. Retail Licence

- (a) Grade A (Bar) 8.00 a.m. to 12.00 midnight
- (b) Grade B (off-licence business) 7.30 a.m. to 8.00 p.m.
- (c) Grade C (Hotel) Sales to persons not lodging on the premises 8.00 a.m. to 12.00 midnight, otherwise no restrictions.

- (d) Grade D (Restaurant) Sales to persons consuming meals, no restrictions.
- (e) Grade F (Club) Sales to members only, no restrictions.
- (f) Grade H (Limited off-licence) 7.30 a.m. to 10.00 p.m.
- (g) Grade F (Cabaret) Liquor sold from 5.00 p.m. to 30 minutes after last show.
- (h) Grade G (Cinema and Theatre) Sales permitted up to 30 minutes before and after the show.
- (i) Grade H (Limited off-licence) 7.30 a.m. to 9.00 p.m.
- (j) Grade I (National Parks or Game Reserve) No restrictions.

2. Travel and Transit Licences

- (a) Grade "TA" Airport and Air Terminal: No restrictions.
- (b) Grade "TB" Bus Terminal: 8.30 a.m. to 12.00 midnight.
- (c) Grade "TR" Railway Station or Railway Terminals: 8.00 a.m. to 12.00 midnight.
- (d) Grade TAV" flights—
 - (i) while in flight: No restrictions;
 - (ii) while not in flight: No sales permitted.
- (e) Grade "TRY" (Railway Restaurant Car): No restrictions.

B. Temporary Sales Licence

- (1) Auctioneer's Temporary Licence: 8.00 a.m. to 8.00 p.m.
- (2) Occasional Licence: As stated in the licence.

SECOND SCHEDULE

FEE PAYABLE

Class of Licences Amount

K t

- 1. Grade "A" Bar 2,000 00

2. Grade "B" Retail Shops 1,500 00
3. Grade "C" Hotels 2,500 00
4. Grade "D" Restaurants 1,000 00
5. Grade "E" Club 1,500 00
6. Grade "F" Cabarets 750 00
7. Grade "G" Theatres 500 00
8. Grade "H" Bottle stores 1,000 00
9. Grade "I" Air Terminals 2,500 00
10. Grade "J" Railways and Bus Stations 1,000 00
11. Grade "K" Liquor Manufacturing 3,000 00
12. Grade "L" Liquor-Wholesale 2,000 00
13. Grade "M" Liquor Wholesale 1,300 00

THIRD SCHEDULE

APPLICATION FOR A LIQUOR LICENCE

To be filled quadruplicate, white for Health, yellow for Town Planning, blue for Police and pink for Secretariat.

Issued under the Liquor Act, (Cap. 57:07) and Blantyre City Council By-laws.

PREMISES PERMIT

PART A

I, (names) of (address)

..... Trading as

On plot No Street Area

..... do hereby apply for Grade Liquor Licence

(see schedule overleaf)

PART B

1. Health Officer's Findings and Recommendations

.....

.....

.....

Name: Date:

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (MARKET) BY-LAWS

G.N. 19/2003

1. Citation and application

These By-laws may be cited as the Local Government (Blantyre City Council) (Market) By-laws, and shall apply within the area of jurisdiction of the Blantyre City Council (hereinafter referred to as the "Council").

2. Interpretation

In these By-laws unless the context otherwise requires—

“animal” bears the meaning ascribed to that term by section 2 of the Control and Diseases of Animal Act; Cap. 66:02

“goods” includes any fish, animals, produce, meat, provisions, merchandise and wares;

“infectious disease” means any disease which can be communicated directly or indirectly by any person or animal;

“market master” means the person appointed by the Council to be responsible for the management and control of a public market and for the maintenance of proper sanitary practices therein;

“markets superintendent” means the person appointed by the Council to have general supervision of all public markets;

“private market” means a market other than a public market;

“public market” means a market specified in the First Schedule;

“sell” includes barter, exchange, offer to sell, expose for sale and make any other disposition for money or money’s worth and any cognate expression shall bear a corresponding meaning;

“Chief Executive” means the person for the time being performing the duties of Chief Executive in and for the Blantyre City Council under section 11 of the Act.

3. Establishment of markets

No person shall establish a private market or engage in street vending within the Council unless he has first obtained the written permission from the Council.

4. Market fees payable

(1) No person shall sell any goods of any description in a public market unless he has paid the appropriate fees set out in the Second Schedule.

(2) No person shall, in any public market, engage in or carry on any occupation specified in the Second Schedule unless he has paid the appropriate fees specified in the schedule.

(3) Where a person does not pay the appropriate fees the Council may demand 100 per cent surcharge of the appropriate fees payable.

5. Hours of opening

(1) Public markets shall be opened on such days and during such hours as the Council shall, from time to time, determine.

(2) No person shall sell any goods in a public market other than during such hours of opening as determined by the Council under paragraph (1).

(3) No person shall enter or remain in any public market without the authority of the Markets Superintendent or the Market Master of such market during any time when it is closed:

Provided that Councillors, officers and employees of the Council may do so whilst engaged on Council duty.

(4) The Council may evict any person from a public market found selling goods contrary to paragraphs (2) and (3).

6. Restriction on sales

(1) Except in such public markets, or parts thereof as of the Council shall specifically provide and allocate for the sale of goods by wholesale, all sales of goods in any public market shall be by retail.

(2) No person shall sell the following goods in any market—

(a) any firearms or ammunition as defined in the Firearms Act; Cap. 14:06

(b) any explosives as defined in the Explosives Act; and Cap. 14:09

(c) any petroleum or other inflammable liquids as defined in the Liquid Fuels and Gas (Production and Supply) Act. Cap. 50:03

(3) The Council shall have power by order to prohibit the sale in any public market of any specific type of goods, and in particular, to prohibit the sale of any specific item or items of food or produce in any public market in which reasonably adequate facilities are not available for the protection of such food or produce from contamination or deterioration.

7. Use of stalls

(1) In any public market where stalls and shops have been provided, each stall or shop shall be numbered and the Council may let or hire out such stalls and shops upon such terms and conditions as it deems fit and upon payment of the fees specified in the Second Schedule.

(2) No person shall use any stall or shop for carrying on two or more different classes of business at any time or under the same permit or tenancy:

Provided that the Council may at its sole discretion permit the use of any shops in a public market for the sale of such general produce or goods as shall be specified in writing by the Council at the time of granting of any such permit or tenancy.

(3) A stall holder or shop tenant shall not transfer or sub-let his stall or shop or part with its possession thereof.

(4) The Council may terminate a tenancy agreement with any person who does not comply with the provisions of paragraphs (2) and (3) of this by-law.

8. Control of fires and cooking

(1) No person shall light any open fire in any public market.

(2) No person shall carry out or permit to be carried out on or in any public market any cooking or any preparation of any cooked food for sale except in such places, rooms or areas and subject to such conditions as the Council shall prescribe.

9. Produce to be cleaned or prepared

No person shall wash, clean, or prepare for sale any vegetables, meat, animal, fish, fruit or other produce in a public market otherwise than in specified areas in such basins, sinks or other receptacles as may be provided by the Council for the particular purpose in question.

10. Employment of diseased persons

No person suffering from any infectious disease shall be employed or engaged in or enter any public market:

Provided that it shall be a defence for a person charged with contravening this by-law if he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that he was suffering from an infectious disease.

11. Offences

Any person who in a public market—

- (a) commits any nuisance or expectorates;
- (b) peddles any goods;

(c) sells any goods other than from an authorized stall, selling space, shop, kiosk or other place approved by the Council;

(d) wilfully or negligently prevents, obstructs, hinders or interrupts the free passage of another person into, out of or within any public market;

(e) causes any disturbance by quarrelling with another person within sight or hearing of another person within any public market, or interferes with or molests such other person;

(f) uses an offensive or obscene language or make excessive noise to the annoyance or irritation of another person;

(g) deposits or throws on the floor or ground any refuse, or any waste or offensive offal, fruit or vegetable substance or matter;

(h) damages, defaces, fouls, misuses or interferes with part of a public market or any equipment, fitting or fixtures therein; or

(i) plays any game, gambles or takes any bets in any public market, commits an offence.

12. Sale of unwholesome food

(1) No person shall sell, in any public market any article of food which is diseased, tainted, unwholesome or otherwise unfit for human consumption.

(2) The Markets Superintendent, or any market master shall detain and take possession of any food which is suspected of being diseased, tainted, unwholesome or otherwise unfit for human consumption and which is offered or exposed for sale in a public market and shall hand over such food to the Medical Officer of Health, or a Veterinary Officer, or a Health Officer, or a Police Officer, or above the rank of Sub-Inspector to whom he shall immediately report that he has detained such food.

(3) No compensation shall be payable by the Council in respect of any food which is detained in accordance with paragraph (2) and which has been found by the Medical Officer of Health, or a Veterinary Officer or a Health Inspector to be diseased, unwholesome or otherwise unfit for human consumption.

(4) The Market Superintendent or market master shall destroy any food impounded under paragraph (2) which has been found unwholesome or unfit for human consumption under paragraph (3).

13. Obstruction of pathways prohibited

No person shall—

(a) exhibit goods for sale on the roadways, pathways, stairways, or passages, or over any drain; or

(b) leave a board, box, basket, tin, sack, or other container over or upon such roadway, stairway, passage or drain,

within the precincts of a public market.

14. Erection of stalls and other structures in public markets

(1) Subject to paragraph (2) no person shall erect, place or construct any kiosk, shed, counter, stall or other structure of any kind in, or within the precincts of a public market in which permanent structures are provided.

(2) (a) Where permanent structures are not provided in a public market, the Council may allow a vendor to construct a kiosk or other structure to the specifications of the Council;

(b) the vendor shall pay the appropriate fee specified in the Second Schedule hereto for the use of such kiosk or other structures.

15. Livestock prohibited in public markets

No person shall bring an animal or bird, other than a domestic fowl, into a public market, or part thereof, which has not been set aside of the sale of such animal or bird.

16. Use of stalls weights and measures

Every shopkeeper or stall holder within a public market shall—

(a) keep his stall or shop and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of Market Master; and

(b) dispose of all refuse, sweepings, garbage, offal and waste liquid or solid, from his stall or shop into the receptacles, channels or drains provided for that purpose; and

(c) when selling by weight or measure, use the prescribed standard weights and measures, provide and maintain scales and measures at his own expense.

17. Compliance with directions

All persons within the precincts of any public market shall comply with all reasonable directions given by the Markets Superintendent or a market master.

18. Separate areas for specified foods or goods

The Council may set aside, allocate or provide parts of a public market for the sale therein of such type of goods as specified only and no goods of any other type shall be sold in any such part.

19. Fees and rent for the use of markets stalls, shops etc.

(1) Any person in a public market, using a stall, shop, room or place therein for the purpose of selling any goods shall pay to the Council such charges, rents and fees as set out in the Second Schedule.

(2) Every person shall pay a charge, fee or rent payable under paragraph (1) to the Council in advance and no person shall sell any goods of any description in a public market unless he has paid the appropriate charge, fee or rent.

(3) Where a person fails or refuses to pay the requisite charge, fee or rent, the Markets Superintendent or a market master shall have power to impound such goods, articles or produce in a public market, and which shall be disposed of as if they were unclaimed or abandoned in a public market under the provisions of by-law 21.

20. Display of By-laws, market fees and rent

The Council shall display and keep displayed at every public market a copy of these By-laws in both English and Chichewa languages and a list showing market fees, charges and rents charged therein.

21. Storage of goods

(1) Except with the prior written permission of the Council, no person shall leave any goods in a public market during any period when the market is closed to the public:

Provided that the grant of any such permission shall not render the Council liable for any loss of such goods from any cause whatsoever.

(2) No compensation shall be payable by the Council in respect of any loss of or damage to any goods left in a public market contrary to the provision of paragraph (1).

(3) Where goods are—

(a) impounded, left unclaimed or abandoned in any place in a public market for a period exceeding seven days or, in case of perishable goods, for more than one day; or

(b) left unclaimed or abandoned in a general store room of a public market for a period exceeding twenty-one days or, in case of perishable goods, for more than one day, the Council shall have power to dispose of such goods by auction sale or otherwise as the Council may determine.

22. Use of authorized entrances

A person entering or attempting to enter any public market for the purpose of selling any goods shall enter through such an entrance as specified for that purpose by Council.

23. Behaviour

(1) Any person who is found contravening, or who is reasonably suspected of having contravened any of these By-laws shall be liable to eviction from a public market by the

Markets Superintendent, a market master or by any police officer who are hereby authorized to take such action.

(2) Any person who has been convicted on two or more occasions of any offence under these By-laws shall not be admitted to any public market for the purposes of selling goods or produce by the Chief Executive and Markets Superintendent shall maintain a register of all such persons.

(3) No person who having been lawfully evicted from a public market or having been refused admittance thereto under paragraph (2) shall enter or attempt to enter any public for the purpose of selling any goods or produce.

24. Offences and penalties

Any person who contravenes or fails to comply with any provision of these By-laws commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of a continuing offence to a further fine of K200 for each day during which the offence continues after conviction thereof or to six months imprisonment or both such fine and imprisonment.

FIRST SCHEDULE

PUBLIC MARKETS

Bangwe Market

Blantyre Market

Chigumula Market

Chirimba Market

Likhubula Market

Limbe Market

Kachere Market

Manase Market

Misesa Market

Mpingwe Market

Mulunguzi Market (Chilomoni Market)

Musa Magasa Market

Ndirande Market

Nkolokoti Market
Safarao Market (Ndirande Market)
Soche Market
South Lunzu Market
Thawale Market (Zingwangwa Market)
Zambia Market (Ndirande Market B)

SECOND SCHEDULE

MARKET FEES

PART I

1.	Market fees	Per day	
	K	t	
	Baskets/furniture	10	00
	Cassava, sugarcane	10	00
	Charcoal/wood	10	00
	Clothing	12	00
	Curios	10	00
	Flour	10	00
	Fish, dry	10	00
	Fish, fresh	12	00
	Fruits and vegetables	10	00
	Goat, pig, sheep, per head	12	00
	Groceries	12	00
	Hardware	12	00
	Medicines	10	00
	Miscellaneous	10	00

Newspapers/second hand books	12 00
Poultry (live each)	2 00
Radio repair	10 00
Shoe repair	10 00
Scrap metal products	12 00
Tins	10 00
Tobacco	10 00
Wood	10 00

PART II

Storage fees	K t
Bananas, per head	12 00
Cold room, per carcass, per night	12 00
Goods	12 00
Delivery of goods	Per day
Bananas, fruits, sugarcane, wood—	K t
(i)	1 up to 4 tonnes 100 00
(ii)	5 to 7 tonnes and above 500 00
Fresh fish, per crate	12 00
Poultry	2 00
Tins, baskets, furniture	10 00
Other commodities, per bag	10 00

PART III

RENT

For the use of buildings—

(a)	Butcheries—Blantyre	1,125 00	
	Butcheries—Limbe	1,200 00	
(b)	Shops—Blantyre	570 00	
	Shops—Limbe (26-50)	600 00	
	Shops—Limbe (1-13)	825 00	
	Shops—Limbe (14-25, 55 and 56 (restaurants))	1,800 00	
	Lock up shops—Soche	240 00	
	Shops—Soche	1,255 00	
	Bar—Soche	1,800 00	

Industrial Units

Butcheries, Ndirande Market	733 50	
Curios shops, PTC Blantyre	596 25	
Food stall Ginnery Corner	596 25	
Grain and Milling shop	596 25	
Hairdressers, Blantyre	360 00	
Hairdressers, Limbe	450 00	
Offices/shops, Blantyre	472 50	
Office, Limbe Bus Depot	1,200 50	
Restaurant, Blantyre	1,200 00	
Shops	596 25	
Shops, Chilomoni	360 00	
Shops, Queen Elizabeth Hospital	596 00	
Bangwe Workshop	1,800 00	

Kiosks

Wenela	150 00
Blantyre Bus Stands	150 00
Blantyre Netting	150 00
David Whitehead	150 00
Queens Central Kiosk	150 00

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (PUBLIC AND PRIVATE CEMETERIES) BY-LAWS

G.N. 20/2003

1. Citation and application

These By-laws may be cited as the Local Government (Blantyre City Council) (Public and Private Cemeteries) By-laws, and shall apply within the area of jurisdiction of the Blantyre City Council (hereinafter referred to as the "Council").

2. Interpretation

In these By-laws unless the context otherwise requires—

“body” means a dead body of a human being;

“burial” means a burial in earth, interment or any other form of sepulchre;

“class ‘A’ public cemetery” means a public cemetery in the First Schedule of these By-laws;

“class ‘B’ public cemetery” means a public cemetery in the Second Schedule of these By-laws;

“grave space” means a plot of ground measuring 2.75 metres long and not less than 1.8 metres wide set apart for burial of one body or more bodies;

“private cemetery” means any cemetery established by a religious denomination and which has been declared to be cemetery in terms of section 114 of the Public Health Act; Cap. 34:01

“public cemetery” means any cemetery established and maintained by the Council under section 75 of the Act and which has been declared to be a cemetery in terms of section 114 of the Public Health Act. Cap. 34:01

3. Establishment of private cemeteries

No person shall establish a private cemetery unless he has first obtained a written permission from the Council and the Council has the right to impose any conditions regarding the location and use of the cemetery as it deems fit.

4. Portions of public cemeteries and each to be designated for various religious denominations

In every public cemetery the Council may designate portions for exclusive use by certain religious denominations each portion shall in so far as religious ceremonies connected with the burial of the dead are concerned be under the control of the religious denominations

concerned subject to compliance with these By-laws and with terms of a burial permit, if any, issued under by-law 5 of these By-laws.

5. Burial permit required for class "A" or "B" public cemeteries

(1) No person shall cause any burial to take place in any class "A" or "B" public cemetery without written permission from the Chief Executive or his duty authorized representative, or otherwise than in strict conformity with the terms of such permission which shall prescribe the position of the grave to be used for the burial.

(2) For the purpose of this by-law the Chief Executive or his authorized representative, shall have custody of a plan of every Class "A" and "B" public cemetery on which all grave spaces shall be marked and numbered and the permit shall prescribe the position of the grave by quoting the number of the grave space as shown on the plan.

6. Request for the Council to dig a grave

(1) A person may request the Council to dig a grave in any cemetery whether private or public:

Provided that where the Council is requested to dig a grave, the request to that effect, shall be made to the Council at least twenty-four hours before the intended time for burial.

(2) The person who requests the Council to dig a grave shall pay the fees prescribed in the Fifth Schedule hereto.

7. Reservation of grave spaces

(1) The Council may, at its discretion and upon payment of the fees prescribed in the Fifth Schedule hereto grant any person the right to reservation and use of a grave space as a private grave space in any Class "A" public cemetery.

(2) Any person who wishes to reserve a grave space under paragraph (1) of this by-law shall make an application in writing to the Chief Executive and upon payment of the prescribed fees, such a grave space shall be reserved and held for use by such a person:

Provided that no such grave space may be reserved for a longer period than five years from the date of the payment of the prescribed fee.

(3) No person shall sell, transfer or assign to any other person his right to the use of any private grave space granted under paragraph (1) of this by-law without the prior written consent of the Council.

8. Cancellation of reservation of grave space

A person who reserves a private grave space under by-law 7 hereto may relinquish his right to such a grave space by notifying the Chief Executive in writing of his intention to do so, and upon production of the original receipt of the fee paid for the reservation of the grave

space he may obtain a refund of one-fifth of the fee for each un-expired year of the ordinal grant of five years.

9. Register of grave space in class "A" public cemeteries

(1) The Chief Executive shall keep and maintain a register in the form specified in the Fourth Schedule of these By-laws in respect of every grave in every Class "A" public cemetery.

(2) The Chief Executive shall keep and maintain a record of every grave space.

10. Digging of graves

A person digging a grave shall ensure that the grave is dug only in the regular line of excavation and as near as may be possible in the middle of the grave space.

11. Depth of graves

(1) Any person digging a grave in a private or public cemetery shall ensure that the grave is of a perpendicular depth of not less than 1.8 metres throughout its entire area:

Provided that a grave intended for the burial of a body of a child of 6 years or under shall be of a perpendicular depth of not less than 4 feet 6 inches throughout its entire area.

(2) Where more than one body are intended to be buried in one grave, the person digging such a grave shall ensure that the grave is of a perpendicular depth of not less than 7 feet 6 inches throughout its entire area.

12. Number of bodies in a grave and manner of burial

(1) No person shall cause more than two bodies to be buried in one grave in any public or private cemetery, except with the special permission of the Council.

(2) No person shall cause a body or coffin, as the case may be, to be buried in any grave in such manner as to cause the top of the body or coffin to be at the depth of less than 3 feet 6 inches below normal ground level.

(3) Where two bodies or coffins, as the case may be, are buried in any one grave with permission of the Council, the second body or coffin shall be effectively separated from the other body or coffin in the grave by means of a layer of earth at least 0.3 m.

13. Filling of graves

Any person responsible for a burial shall ensure that immediately after the burial has taken place in any private or public cemetery, the grave is filled with earth to a height of not less than one foot.

14. Fees

(1) The fees payable under these By-laws shall be exclusive of any additional costs or charges which the Council may, in its discretion, fix or levy in respect of other services such as the supply of a coffin or the use of a hearse.

(2) Notwithstanding paragraph (1) of this by-law the Council may, at its discretion, permit the burial of any body free of charge in a grave space in any public cemetery.

15. Hours of opening of public cemetery

Every public cemetery shall be open to the public between the hours of 6.00 a.m. and 6.00 p.m. every day and no person shall enter or remain in any public cemetery except during such hours of opening.

16. Unaccompanied child prohibited in cemeteries

No child of under 12 years of age may enter any private or public cemetery unless under the charge of a responsible person of not less than 18 years of age.

17. Erection of deposition of tombstone

(1) No person shall erect or deposit in any public cemetery any tombstone, curb or other structure of whatever description without prior written permission of the Chief Executive or otherwise than in strict compliance with the terms of such permission.

(2) If any tombstone or other structure is erected in contravention of paragraph (1) of this by-law, or if any tombstone, curb or other structure is displaced, dilapidated, ruined or unsafe, the Council may order that the same be removed, replaced or repaired and any expenses thereby incurred may be recovered from the estate or next of kin of the deceased person.

18. Maintenance of graves, tombstones

The Council shall not be held liable for the care, or custody or maintenance of any grave space or of any tombstones, monument or other structure erected on any grave in any cemetery:

Provided that the Council may, where a grave has, in its opinion, become unsightly by reason of overgrown vegetation, carry out any necessary clearance work and recover the cost thereof from the estate or next of kin of the deceased person.

19. Detention of straying animals

Any animal found straying in any cemetery may be or removed and detained by an authorized officer of the Council and the owner of such animal shall be liable to repay any costs incurred by the Council by reason of such detention and removal.

20. Prohibited Acts in public cemeteries

A person shall not in any public cemetery—

- (a) trespass upon any grave except for the purposes of placing flowers upon or otherwise tending such grave;
- (b) enter or leave the cemetery except by proper entrance gates;
- (c) commit any nuisance;
- (d) bring into, or allow any dog, cat, fowl or any domestic animal or bird in his charge or control to be in or to wander inside the cemetery;
- (e) injure, pluck, uproot or remove any flower, plant, shrub or tree;
- (f) mark, deface or damage any tombstone, monument, railing, chain, decoration, ornament, structure or other improvement;
- (g) create a disturbance or otherwise behave in an unseemly, indecent or irreverent manner;
- (h) erect or place any advertisement or sign board or solicit any business order or exhibit, distribute or leave any tract, pamphlet or business card or sale of any road or path for the conveyance or sale of any goods or materials except such as are intended for use in a such a cemetery;
- (i) hold or take part in any demonstration;
- (j) willfully obstruct or impede any person employed by or on behalf of the Council in the performance of his duties.

21. Offence and penalties

Any person who contravenes or fails to comply with any provisions of these By-laws commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of continuing offence, to a further fine of K200 for each day the offence continues after conviction and to imprisonment for six months or both such fine and imprisonment

FIRST SCHEDULE

CLASS "A" PUBLIC CEMETERIES

Blantyre:

All that area of land comprising 2.522 acres, and known as Plot No. TP. 434/44 situated off Chileka Road to the west of Kapeni College which said plot is bordered on the north-west by the Likhubula Stream, on the north-east by Plot No. TP. 434/46, on the south-east by Plot No. TP 434/45 (which is C.C.A.P. Private Cemetery as described in the Third Schedule) and on the south-west by Plot No. TP. 434.

Limbe:

All that area of land comprising 3.000 acres and known as Plot E. 5D, situated on the Thyolo Road, which said plot is bordered on the east by the Thyolo Road, on the South by Plot No. E. 5C/2 and on the west and north by the Imperial Tobacco Group Forest.

SECOND SCHEDULE

CLASS "B" CEMETERIES

Bangwe:

All that area of land comprising 10.8750 hectares on Plot LE 806 situated on eastern side of Railway line to Nsanje and south of Midima Road.

Blantyre:

All that area of land comprising 2.904 acres and known as Plot No. TP 434/46, which is now closed.

Chilobwe:

All that area of land comprising 2 hectares situated in between east of Stella Maris Secondary Forest and west of Chilobwe Township.

Chitawira:

All that area of land comprising 3.008 acres and known as Plot No. BL 26/597, the said plot is bordered on the north by the Naperi Stream and is situated north of Kenyatta Drive. All that area of land comprising 0.460 of an acre and known as plot No. BL 26/579/1, which is now closed.

Kanjedza:

All that area of land comprising 2.980 acres and known as Plot No. H. 39 which has been recently extended. The said plot is bordered on the west by Kanjedza Camp Road, on the north by Dalton Road, on the east by Plot No. H. 51 and on the south-east by H. 38.

Malabada:

All that area of land comprising 4.4020 hectares situated north-east of Malabada Stream and lying on the south-west corner of Ndirande Mountain.

Namalimwe:

All that area of land comprising 1.0025 hectares situated north-east of Blantyre Secondary School and south of Namalimwe Primary School.

Namatapa:

All that area of land comprising 3.124 hectares situated to the east of Assemblies of God Church (Bangwe) and south of Mpingwe Hill.

Namiwawa:

All that area of land comprising 1.8495 hectares on Plot No. LK 188 situated to the west of Namiwawa Avenue and east of Namiwawa Stream, which is now closed.

Naperi:

All that area of land comprising 3.210 acres and known as Plot No. BL 26/599, the said plot is bordered on the north-east by the Anglican Church, on the south by Marambala Stream, and is situated on the south of Chitawira Road.

Zingwangwa:

All that area of land comprising 2.3 hectares situated to the south-west of Soche Sewege Works and south of Naperi Stream, which is now closed.

THIRD SCHEDULE

PRIVATE CEMETERIES

Catholic Cemetery, Blantyre

Catholic Cemetery, Limbe

Church of Central African Presbyterian Cemetery, Blantyre

Moslem Cemetery, Blantyre

Moslem Cemetery, Limbe

FOURTH SCHEDULE

REGISTER OF GRAVES IN CLASS "A" PUBLIC CEMETERIES

1. Cemetery:
2. Grave No.:
3. Surname:
4. Forename or other names:

5. Occupation:
6. Date of death:
7. Place of burial:
8. Date of burial:
9. Religion:
10. Age:
11. Sex:
12. Nationality:
13. Officiating Clergyman:
14. Next of Kin:
15. Legal Representative:
16. Remarks:

FIFTH SCHEDULE

BURIAL AND OTHER FEES

Item K t

Burial for an adult in a class "A" public cemetery	300 00
Burial for a child of 6 years or under in a class "A" public cemetery	250 00
Digging for a grave in a private or public cemetery for an adult	470 00
Digging for a grave in a private or public cemetery for a child of 6 years or under	470 00
Reservation of a single grave space for an adult or a child in class "A" public cemetery	2,500 00
Renewal of reservation of a grave space per annum	200 00
Burial for an adult/child in a class "B" public cemetery	25 00

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (NURSERY SCHOOLS) BY-LAWS

under s. 103

G.N. 21/2003

1. Citation and application

These By-laws may be cited as Local Government (Blantyre City Council) (Nursery Schools) By-laws, and shall apply within the area of jurisdiction of the Blantyre City Council (hereinafter referred to as the "Council").

2. Interpretation

In these By-laws unless the context otherwise requires—

“authorized person” means a person authorized by the Council to inspect premises, examine persons or do any other act under its statutory powers;

“child” means a person who is under or appears to be eight years of age;

“guardian” means any person who has, by reason of the death, illness, absence or incapacity of a parent or any other cause, the custody of a child;

“nursery school” means any premises where children are received to be looked after for reward for the day or a substantial part thereof or for any longer period for the purpose of some form of education instructions;

“occupier” means any person in actual occupation of premises without regard to the title under which he occupies such premises and, in case of premises sub-divided and let to tenants whether on his own account or as agent for any person entitled thereto or interested therein;

“owner” means any person receiving the rent or profits of any premises from any tenant or occupier thereof, and the term includes any lessee;

“parent” means the father or mother of a child, whether legitimate or not;

“premises” means any building or structure together with land on which it is situated and the adjoining land or other land or building used in connexion therewith;

“proprietor” means any person in whom is vested the ownership, custody or control of the premises at which the nursery school is carried on, and of the buildings, equipment and other things provided for the children attending the nursery school, and where such ownership, custody or control is vested in more than one person, includes both or all of them;

“relative” means any grandparent, brother, sister, uncle or aunt, whether by consanguinity or affinity, or in consequence of adoption; and in respect of an illegitimate child includes any person who would be so related if the child was legitimate.

3. Establishment, registration and licensing of nursery school

(1) No person shall establish a nursery school unless he has first made an application to the Council for registration and shall have obtained a licence from the Council thereof.

(2) An application for registration shall be in the form specified in Part I of the First Schedule to these by-laws and shall state—

- (a) the situation or location of the premises;
- (b) where it is sought to establish the nursery school; and
- (c) the name and address of the proprietor.

(3) An application for registration shall be accompanied by appropriate fees set out in Part II of the First Schedule to these by-laws and where the application is refused the fees shall not be refunded to the applicant.

4. Refusal to register

The Council may refuse to register any premises or proprietor if it is satisfied that the premises concerned are not suitable to be used for the purposes of a nursery school, or that the proprietor, or any other person employed or proposed to be employed by him to have the care the children received or proposed to be received in such nursery school, is not a fit and proper person to have the care and control of children.

5. Power to impose conditions on proprietor

(1) The Council may, subject to paragraphs (2) and (3) of this by-law, determine that the premises shall only be registered subject to any or all the following conditions—

- (a) that no greater number of children shall be received in the premises than specified in the licence;
- (b) that the number of children received under the foregoing paragraph together with any other children resident on the premises shall not at any time exceed such number as may be specified in the licence;
- (c) that the children in any specified age group or age groups shall not be received in the premises or exceed such as specified in that behalf in the licence;
- (d) that a person with such qualifications as specified in the licence shall be in-charge of the premises and the persons employed thereat;
- (e) that the nursery school shall be adequately staffed in terms of the calibre, qualifications or experience of the persons employed thereat;

(f) that any repairs to be carried out on the premises or such alterations thereof or additions thereto shall be made as specified in the licence;

(g) that the premises shall be equipped in accordance with the equipment specified in the Fifth Schedule and that such equipment shall be adequately maintained;

(h) that there shall be adequate arrangements for feeding the children received in the premises and that an adequate and suitable diet shall be provided for them;

(i) that the children received in the premises shall be under medical supervision;

(j) that the persons employed in the premises shall undergo medical examination at the time of granting a new licence or renewing a licence and any other time the Council may deem fit; and

(k) any other condition as the Council deems it necessary to impose.

(2) Before the Council imposes any condition, it shall give notice to the applicant of its intention and shall not proceed with registration until the requirement of paragraph (3) of this by-law is satisfied.

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

(a) agrees to such conditions;

(b) abandons his application; or

(c) intends to appeal under by-law 11 of these By-laws:

Provided that if any applicant who has informed the Council of his intention to appeal does not enter such appeal within the time limited by by-law 11 of these By-laws, 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 on registration or at any subsequent time.

(5) Any condition imposed under this by-law shall be in addition to the minimum standard requirements under by-law 14 of these By-laws.

6. Register of nursery school

The Chief Executive Officer shall keep and maintain a register in the form specified in the Second Schedule to these By-laws in respect of every nursery school in the Council and such register shall be open to the public for inspection at all reasonable time.

7. Licence

(1) Where any premises are registered as a nursery school, or a licence is renewed after expiry under paragraph (5) of this by-law, the Council shall issue a licence in the form

specified in the Third Schedule to these By-laws and such licence shall specify the situation or location of the premises, the name and address of the proprietor and any conditions imposed under the provisions of by-law 5 of these By-laws.

(2) A licence issued under paragraph (1) shall not be transferable to any other person or premises.

(3) A licence issued under paragraph (1) of this by-law shall be displayed in a prominent part of the building on the premises to which it relates and shall be available for inspection by any authorized person at any time when there are children on the premises.

(4) The Council may issue a replacement licence if—

(a) it is satisfied that the licence issued under this by-law is lost, destroyed or mutilated, where such licence would have been valid at the time of the application or re-issue, which ever is later; and

(b) the applicant has paid replacement fees specified in Part II of the First Schedule to these By-laws,

(5) Every licence issued under the provisions of these By-laws shall expire on the last day of the financial year after the issue thereof:

Provided that the Council may—

(a) for reason of any epidemic or the carrying out of repairs, alteration or any work required by the Council to be done on the premises; or

(b) for any reason which in the opinion of the Council, seems fit and appropriate,

by notice to the occupier, owner or proprietor, temporarily suspend a licence either for the unexpired period of such licence or for the period of the epidemic, repairs, alteration or work, as the case may be.

8. Record of children

Where any premises is registered as a nursery school under by-law 7 of these By-laws, the proprietor shall keep records of the children received from day-to-day at such nursery school in the form specified in the Fourth Schedule to these By-laws.

9. Power of entry and inspection

(1) An authorized person may, at all reasonable times, enter any premises which are used as a nursery school and inspect the premises, the children received therein, the arrangements for their welfare and any records relating to the children kept in pursuance of by-law 8 of these By-laws.

(2) An authorized person exercising any power conferred by this by-law shall, if so required, produce a duly authenticated document showing his authority to exercise such power.

(3) If an authorized person has reasonable cause to believe that children are being received in a person's home or in any other premises in contravention of these By-laws, the authorized person shall have powers to enter such home or such other premises and carry out any such inspections as stated in paragraph (1) of this by-law.

(4) Any person who refuses to admit an authorized person or who obstructs the exercise of any power conferred by this by-law shall be guilty of an offence.

10. Cancellation of registration and licence

(1) Subject to paragraphs (2) and (3) of this by-law where—

(a) there has been a contravention of or non-compliance with any condition imposed under these By-laws;

(b) it appears to the Council regarding any premises or person registered under by-law 7 of these By-laws, that circumstances exist which would have justified a refusal under by-law 4 of these By-laws to register the premises;

(c) a licence issued under by-law 7 of these By-laws has been transferred to any other person or premises;

(d) any person has been convicted of an offence against these By-laws; or

(e) the Council is of the opinion that it is in the interest or welfare of the children attending a nursery school that it be closed, the Council may cancel their registration of the nursery school concerned and the cancellation shall take effect forthwith.

(2) Before the Council cancels any registration of a nursery school under this by-law, it shall give 14 days' notice to the proprietor or to the occupier of the premises of its intention to make such cancellation.

(3) The notice shall state the ground on which the Council intends to make the cancellation and shall call upon the proprietor or occupier to show cause within fourteen days after the receipt of the notice why the registration should not be cancelled.

(4) Where the Council, after taking into consideration the presentations of the proprietor or occupier under paragraph (3), decides to cancel the registration, it shall inform the proprietor or occupier of its decision.

(5) Notwithstanding paragraphs (1), (2), (3) and (4) of this by-law, where in the opinion of the Council it is necessary on medical or other emergency grounds, to immediately close a nursery school, the Council shall immediately close such nursery school.

11. Exemption of certain institutions

Nothing in these By-laws shall apply to the reception of children—

(a) in any hospital, nursing home, convalescent home or any other such institution; or

(b) by a relative.

12. Minimum standard requirements

Notwithstanding any condition imposed by the Council under by-law 5 of these By-laws, the minimum standard requirements as to premises, staffing, health, medical care and control of a nursery school shall be as set out in the Fifth Schedule to these By-laws.

13. Existing nursery schools

(1) Any person who, before the commencement of these By-laws, had established a nursery school or had received children into any premises in such circumstances that he would be required to comply with the provisions of these By-laws, shall be guilty of an offence, if after three months of the commencement of these By-laws, he continues to receive children in similar circumstances without first registering such premises and obtaining a licence under by-law 7 of these By-laws.

(2) For the purpose of this by-law, the words "any person" includes the proprietor, occupier and any person connected with the day to day affairs of such nursery school.

14. Penalties

Any person who contravenes any of the provisions of these By-laws or who fails to comply with any of the conditions imposed by the Council thereof commits an offence and on conviction shall be liable to a fine of K2,000, and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction thereof or to six months imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE by-law 3

PART I

APPLICATION FOR REGISTRATION OF A NURSERY SCHOOL

To: The Chief Executive

Blantyre City Council

P.O. Box 67

Blantyre

I/We apply for permission to establish a Nursery School and make application for registration under by-law 3 of the Blantyre City Council (Nursery Schools) By-laws.

A fee of K accompanies this application.

Signed

1. (a) Application/proprietor

(in block letters)

(b) Postal address

(c) Residential telephone number

2. (a) Name of Nursery School (if any)

(b) Plot number Road

(c) Postal address

(d) Telephone number

3. (a) Age of applicant/proprietor

(b) Other occupation of applicant/proprietor
.....
.....

(c) Full names of applicant/proprietor's spouse

(d) Occupation of spouse

(e) Names and ages of applicant's/proprietor's children (if any)
.....
.....
.....

(f) Is the applicant's/proprietor's residence different or the same as premises of the Nursery School?

(g) Other occupants of the premises of the Nursery School

.....
.....

.....
4. (a) Details of any special qualification held by applicant/proprietor

.....

.....

.....

.....

(b) Brief details of applicant's/proprietor's experience in the field of nursery school management (including number of children, place and year)

.....

.....

.....

.....

5. (a) Number of children for which proposed Nursery School is to cater—

(i) babies (0 to 2 years)

(ii) children (2 to 5 years)

(iii) children (5 to 7 years)

6. Normal hours of business

Is Saturday included?

Is Sunday included?

7. (a) Approximate size of rooms to be used by children (each room to be numbered and measured separately)

.....

.....

.....

.....

(b) Rooms to be used for other purposes—

(i) office

(ii) isolation of sick children

.....

(iii) resting, eating, playing (delete as necessary)

.....

.....

(c) Description of outdoor play facilities—

(i) babies (0 to 2 years)

(ii) children (2 to 5 years)

(iii) children (5 to 7 years)

(iv) staff

8. (a) Arrangement for regular examination of children

.....

(b) Name of Medical Practitioner

(c) Address

(d) Telephone number

9. Details of staff to be employed in running the Nursery School—

Name	Address	Age	Qualifications	Experience
------	---------	-----	----------------	------------

10. Any additional information (in particular, whether the applicant/proprietor or staff) has been convicted of any offence involving violence against children or against these By-laws

.....

.....

..... Signed

.....

Applicant/Proprietor

PART II by-law 3

FEES PAYABLE FOR REGISTRATION AND LICENCE

Fee K t

1. Registration of a Nursery School 100 00
2. Issue of a licence to establish a class A Nursery School 1,000 00
3. Issue of a licence to establish a class B Nursery School 500 00
4. Issue of a licence to establish a class C Nursery School 300 00
5. Replacement of lost, destroyed or mutilated licence, class A 1,000 00
6. Replacement of lost, destroyed or mutilated licence, class B 500 00
7. Replacement of lost, destroyed or mutilated licence, class C 300 00

SECOND SCHEDULE by-law 6

REGISTER TO BE KEPT BY THE CHIEF EXECUTIVE

Date of Registration	Name of Nursery Schools	Plot No.	Road	Tel. No.	Name and Address of person to whom licence was issued (if any)	Licence No.	Conditions
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THIRD SCHEDULE by-law 6

REGISTRATION AND LICENCE OF A NURSERY SCHOOL

..... of

..... is/are* hereby registered as Proprietor and
is/are licensed to establish/continue* to run a Nursery School under the name and title of
.....

at Plot Number: at in the City
of Blantyre until the 31st March, 20 This licence is
issued/renewed/replaced* subject to the following conditions:

Fee paid: Kwacha

Previous Licence No. (if any) Year

Signed

Chief Executive

Dated this day of 20

FOURTH SCHEDULE by-law 8

RECORD OF CHILDREN ADMITTED OR TO BE ADMITTED AT A NURSERY SCHOOL

Name:

.....

Address:

.....

Date of Admission:

.....

Parent/Guardian's Name:

.....

Address:

.....

Telephone Number:

.....

Date of Medical Examination:

.....

Name of Medical Practitioner:

.....

Result of Medical Examination:

.....

HISTORY OF IMMUNIZATION

Small Pox Date	Polio Date	Diphtheria Date	Whooping Cough Date
B.C.G. Date	Tetanus Date		

Any special remark

FIFTH SCHEDULE By-law 12

STANDARD REQUIREMENTS

1. Premises

The building shall preferably be single storied, but where space on the site is limited, service rooms, such as resting and feeding rooms, etc., may be provided on an upper floor.

2. Minimum floor space per child

In any room, the minimum floor space per child shall be 1.12 square metres and each room shall be measured separately for the purpose of calculating the number of children to be accommodated in the building.

3. Maximum number of children

The maximum number of children to be received in any nursery school shall be determined by the amount of floor space in the rooms and the number of toilet facilities in the building.

4. Position of rooms

(a) Any room to be used by children shall have access to outdoor playing space or to an open and unobstructed veranda which shall have direct access to outdoor playing space;

(b) rooms shall be arranged in such a way to enable children of the same age group to be accommodated together;

(c) at least one room shall be for infants and, if possible, older children's rooms shall be placed next to one another;

(d) it is an advantage to arrange the rooms so that various age groups can join up on occasion and so that it is possible to receive wider range in any unit if the demand for admission vary; and

(e) rooms can be separated by moveable partitions but no room used by children shall serve as a passage.

5. Height of rooms

Every room shall have a mean height of not less than 3 metres and, where ceiling follow the line of rafters, the minimum height at wall place level shall be not less than 2.6 metres.

6. Lighting and ventilation

Every room shall be exposed to sufficient lighting and natural light and through or cross-ventilation either by openings into the external air or into an open and unobstructed veranda.

7. Windows

The windows in any room shall be equal to not less than one-fifth of the floor area of such room and such windows shall be made to open.

8. Floors

Floors shall be made of permanent material that is safe for children and easy to clean.

9. Office

(1) There shall be an office for use by the proprietor or any person employed by him to have the care of the children received or proposed to be received.

(2) The office shall have a welcoming appearance and be large enough for several mothers and children to be received in it at a time.

(3) The office shall, where reasonably possible have a connecting door to a room which shall be used for the medical examination or isolation of children.

10. Children's cloakrooms and toilets

(1) For each unit of a maximum of 10 children of 0 to 2 years old there shall be—

- (a) 1 bathing sink;
- (b) 1 rack for chambers;
- (c) 1 lower level water-closet;
- (d) 1 fixture for towels and flannels; and
- (e) 1 wash-basin and towel master fitment for staff.

(2) For each unit of a maximum of 20 Children of 2 to 5 years old there shall be—

- (a) 1 bathing sink;
- (b) 2 low level wash-basins;
- (c) 2 low level water-closet;
- (d) 2 fixtures for towels and flannels; and
- (e) 1 wash-basin and towel master fitment for staff.

(3) For each unit of a maximum of 12 children of 5 to 7 years old there shall be—

- (a) 1 water-closet;
- (b) 2 wash-basins of varying heights;

- (c) 1 fixture for towels and flannels; and
- (d) 1 wash-basin and towel master fitment for staff.

(4) The purpose of paragraphs (a), (b) and (c) above, is that children of varying ages shall have different cloakrooms and toilet facilities suitable to their heights and requirements but, where it will not be convenient or advantageous to separate them according to age groups, the Council may, on the recommendation of the Medical Officer of Health approve either of (1), (2) or (3) above or a combination of them.

11. Staff cloakroom and toilets

The staff cloakroom shall contain individual lockers with suitable hanging space and toilet facilities, and it should be large enough to be used for changing. The requirement for up to eight staff is—

- (a) 1 water-closet; and
- (b) wash-basin.

12. Kitchen and

(1) The minimum size of kitchen shall be 25 metres per place of staff, of which 3.75 square metres is for ladder and 3.71 metres (say 3.75 square metres) is for locked provision store.

(2) The kitchen equipped with—

- (a) 1 refrigerator;
- (b) 1 oven/cooker;
- (c) 1,450 mm x 300 mm sink for vegetable preparations;
- (d) 1,600 mm x 300 mm sink for washing utensils and cooking pans;
- (e) 1 table covered with laminated plastic;
- (f) cupboards for crockery and cooking utensils;
- (g) cupboards for stores;
- (h) locked shelves for storage of pre-packed food;
- (i) satisfactory and adequate un-chipped crockery; and
- (j) clean eating and cooking utensils.

13. Furnishing to clean and move

(1) The furniture shall be light, easy to move and easy to clean.

(2) Moveable fitments could be used both for storing toys and smaller playthings, and for dividing the rooms in varied ways.

(3) Soft furnishing including rugs shall be of types that can be easily washed.

14. Playground

(1) The open space for use as playground shall be 18.50 square metres per child, of which 3.75 square metres shall be paved and the remainder grass and shall be partly shaded by trees or other means from the sun.

(2) The playground must be enclosed by a strong fence with gate and high latches.

LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (FOOD) BY-LAWS

under s. 103

G.N. 22/2003

1. Citation

These By-laws may be cited as the Local Government (Blantyre City Council) (Food) By-laws.

PART I

PRELIMINARY

2. Interpretation

(1) In these By-laws unless the context otherwise requires—

“authorized officer” means any person authorized by the Council to inspect premises, examine food, take samples of food, examine any person engaged in the handling of food or do any other act under the statutory powers of the Council;

“contamination” means the infection, pollution or adulteration of food by extraneous matter, whether or not injurious or dangerous to health, and includes contamination of odour, liquid gases or radioactive particles;

“equipment” includes apparatus, furnishings and utensils;

“fish” means any vertebrate fish or aquatic crustacean, mollusc or other shell fish, or any other normal edible cold-blooded aquatic animal, whether alive or dead, and includes the eggs and any edible part thereof, but does not include any reptiles;

“food” means anything taken by mouth other than drugs and water but includes ice and any article which ordinarily enters into or is used in the position or preparation of human food, and includes flavouring matters, condiments, and such as items with a corresponding meaning;

“food business” includes grocery shops, milk shops, hotels, restaurants or eating houses, canteens, bars, refreshment or entertainment rooms, coffee rooms, and includes any food manufacturing, preparation, packing or repacking premises, ice cream bars, fish and chips shops and any food premises used or proposed for use for the purpose of carrying on any food business or trade;

“food premises” means any premises on or from which food business is carried on;

“food room” means any room in which food is handled for the purposes of food business;

“Environmental Health Officer” means Medical Officer of Health and Environmental Officer;

“handling of food” means the carrying out or assisting in carrying out any process or operation of food for the purpose of food business or the transportation, storage, packaging, wrapping or exposure for sale, or for service or delivery of food and includes the cleaning, of articles or equipment with which food comes into contact;

“latrine” includes urinal, earth-closet, pit latrine, chemical closet, water closet or similar appliances;

“meat” means the carcass, or offal or any part thereof or any product of the carcass or offal of any animal or poultry and includes the eggs thereof;

“Medical Officer of Health” means the Secretary for Health or any Medical Officer appointed by the Secretary for Health to act as such;

“occupier” includes any person in actual occupation of land or premises without regard to title under which he occupies and in case of premises subdivided and let to lodgers or various tenants whether on his own account or as an agent for any person entitled thereto or interested therein;

“open food” means food not wrapped in a container or not so closed as to exclude the risk of contamination;

“other qualified person” means any person, other than the Central Government, receiving the rent or profits of any land or premises from any tenants or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than the Government entitled thereto or interested therein.

(2) In determining whether any matter involves a risk of contamination to any food, the following shall be taken into consideration—

- (a) the nature of the food;
- (b) the manner in which the food is packed; or
- (c) any process to which the food is or is to be subjected to before being sold to consumers.

3. Application for food licence

(1) No person shall establish or carry on a food business unless he has a valid food licence issued by the Council.

(2) An application for a food licence, the renewal or transfer of food licence shall be in the forms prescribed in the First Schedule to these By-laws and shall, among other things, specify the name and address of the applicant and the location of the food premises.

(3) An application under paragraph (1) shall be accompanied by the fee set out in the Second Schedule to these By-laws.

4. Refusal, etc. of food licence

The Council may refuse to grant a food licence or may suspend or cancel food licence if it is satisfied that the premises concerned are not fit to be used for the purpose of a food business, or that the owner or proprietor of such food business or any person employed or proposed to be employed by him for the purposes of the food business is suffering from obvious infectious or contagious diseases.

5. Food licence conditions and expiry date

(1) A licence issued under these By-laws shall be in the prescribed Form IV of the First Schedule to these By-laws and may be subject to such conditions as the Council may deem fit to impose.

(2) A licence issued under these By-laws shall expire on the last day of the financial year after the issue thereof.

6. Sale of meat and certification

(1) No person shall sell or expose for sale any animal, carcass or meat intended for human consumption unless such animal, carcass or meat has been certified fit for human consumption by a Health Officer or any other authorized officer:

Provided that where meat is imported from a source outside Malawi and such meat has not been condemned, it shall be deemed to have been inspected and approved as fit for human consumption if it has in relation to it a certificate issued by a competent authority approved by the Council.

(2) No person shall sell or expose for sale meat in any place other than in a market place or other premises authorized in writing by the Council and such meat shall, while exposed for sale or in transit, be covered or protected from contamination to the satisfaction of the Council and shall not be transported at the same time in the same vehicle with other materials.

(3) No person shall sell or expose for sale any fish intended for human consumption anywhere other than in a market place or other premises, authorized in writing by the Council and all such fish shall, while exposed for sale or in transit, be covered or protected from contamination.

7. Power of entry and inspection any

(1) Any Health Officer or other authorized officer may at reasonable times, enter any food premises and examine or inspect food business and if upon such examination or inspection he is of the opinion that the food is not fit for human consumption or that the continued presence of the person or existence of the thing is likely to cause injury to health he

may, in the case of food or meat, issue a certificate of unfitness to the owner, occupier, proprietor, employee or any person at that moment in possession of such food and cause the same to be destroyed, and in the case of a person or a thing, give such directions in writing as he deems fit.

(2) A Health Officer or an authorized officer may, upon payment of a reasonable price for any food, take samples of the same for the purpose of analysis and if upon such analysis the report discloses that such food is unfit for human consumption, issue a certificate of unfitness for the same and cause such food or meat to be destroyed.

(3) Where a Health Officer or any other authorized officer takes samples of food, the owner of the food shall not sell or expose for sale for the purpose of human consumption unless and until the report of such analysis shows the food to be fit for human consumption the Health Officer or other authorized officer otherwise directs. Where such samples are for bacteriological tests they shall be taken in accordance with the procedure specified in the Third Schedule to these By-laws but other samples or chemical or other tests shall be taken in the manner or form as the Health Officer or other authorized officer may consider appropriate.

(4) The power of a Health Officer or other authorized officer under this by-law shall mutatis mutandis apply to those food premises outside the City of Blantyre from which food prepared or processed therein is found to be contaminated when offered for sale within the Council.

(5) A Health Officer may enter and take any utensil from food premises for the purposes of carrying out bacteriological tests.

(6) Any person who refuses to admit any Health Officer or any other authorized officer or who obstructs the exercise of any power conferred by this by-law shall be guilty of an offence.

8. Unwholesome food

Any person who—

(a) sells, offers for sale, or has in his possession for the purpose of sale; or

(b) deposits with or consigns to any person for the purpose of sale; or

(c) manufactures, stores, packs, prepares, processes or otherwise does anything to food for human consumption which is unfit for that purpose,

shall be guilty of an offence.

PART II

FOOD PREMISES

9. Food premises

(1) No person shall establish or carry on a food business in any premises which, for reason of its condition, structure, situation or unsanitary nature, is unfit for such purpose or is likely to expose food to the risk of contamination.

(2) Unless otherwise approved in writing by the Council, every owner of food premises shall include a food store with an internal superficial floor area of not less than 300 square feet (30 square metres).

(3) No person shall use or permit other persons to use a food room or food store as a sleeping or living place and the food room or food store shall not have a direct connexion with any sleeping or living place.

(4) The floor, walls, doors, windows, ceiling, woodwork, work surface or other parts of a food store or premises shall be made or constructed from such materials approved by the Council and shall be manufactured and—

- (a) be in a clean state at all times;
- (b) be rodent free; and
- (c) prevent any risk of infestation by insects or vermin.

(5) Notwithstanding the generality of the foregoing paragraph, the walls immediately adjacent to or adjoining a cooker, sink, wash hand basins or any surface on which food is prepared shall either be tiled to a height of not less than 2 metres from the floor or be treated or coated with a material of non-absorbent material.

10. Ventilation and lighting

(1) Every owner of food premises shall ensure that every food room or kitchen is exposed to or provided with through or cross ventilation either by means of window opening into the external air and equal to not less than one-tenth of the floor area of such room or kitchen, by means of both such window and extract fan of the type approved by the Council.

(2) Unless the construction of a food premises is such that this by-law will not apply in so far as it concerns hoods and flues, every owner of food premises shall construct immediately over every cooking stove or oven a hood of such size and height as to permit easy preparation or service of food and a chimney with a flue of not less than twelve inches in diameter and exhausting or discharging smoke or fume to the outer atmosphere at such height and in such position and manner as to prevent pollution, odour nuisance or annoyance to the neighbourhood.

(3) Every owner of food premises, room or kitchen shall ensure that the food premises, room or kitchen are exposed to sufficient natural light either by means of window opening into the external air and equal to not less than one-tenth of the floor area of that apartment, room or kitchen, by means of both such window and electric or other lighting approved by the Council.

11. Water, sink and wash hand basin

(1) Every owner of food premises shall provide an adequate supply of clean portable water at all times.

(2) Every owner of food premises shall provide a sink for washing utensils, cooking pans, equipment and food, and the sink shall be connected to a continuous source of supply of hot and cold water together with trapped drainage for the discharge of used or waste water.

(3) Every owner of food premises shall provide—

(a) suitable supplies of soap or detergent for the washing of cooking pans, equipment, cloth and other materials connected with preparation of food;

(b) adequate towels and flannels for wiping or cleaning purposes; and

(c) fittings for the storage of such towels and flannels.

(4) Every owner of food premises shall provide wash-hand basins for use by persons engaged in the handling of food and the wash-hand basins shall be connected with hot and cold water together with trapped drainage and be supplied with soap, towels, and fittings in the manner required by paragraphs (2) and (3) of this by-law.

12. Sanitary accommodation

(1) The Blantyre City Council (Sanitary Arrangements) By-laws shall apply to food premises.

(2) An owner of food premises shall, in addition to complying with the provisions of the Blantyre City Council (Sanitary Arrangements) By-laws, ensure that every sanitary accommodation within the food premises is—

(a) kept clean and, in the case of water closet, flushed without overflow of water; and

(b) sited so as to prevent odour from affecting or penetrating any food room.

(3) An owner of food premises shall not use any sanitary accommodation for the storage, preparation, manufacture or sale of food.

(4) An owner of food premises shall affix in a prominent position nearest to the sanitary accommodation a hand basin for persons using the sanitary accommodation to wash their hands immediately after such use.

13. Cupboards etc. for staff

(1) An owner of food premises shall provide cupboards and lockers for the storage of clothes, footwear, handbags and other personal items not being used during working hours by persons engaged in the food business.

(2) Any person who does not use or who prevents another person from using the cupboards or lockers provided shall be guilty of an offence.

14. Refuse bins

(1) An owner of food premises shall provide such number of approved refuse bins as are sufficient to contain the quantity of refuse accumulated each day in such premises.

(2) The spilling over of a refuse from such bins is evidence that the number of refuse bins provided is insufficient.

(3) For the avoidance of doubt an approved type refuse bin is a cylindrical receptacle of galvanized iron or hard plastic, about 450 mm in diameter at the top, 350 mm in diameter at the bottom and 750 mm in height and has an effective capacity of about 0.4 cubic metres with a tight fitting lid which is capable of keeping out rain and preventing the escape of offensive odour.

15. First aid

An owner of food premises shall provide a first aid box in a place readily accessible to persons engaged in the food business and the box shall contain all necessary appliances and medicines for first aid.

PART IV

PERSONS HANDLING FOOD

16. Personal cleanliness

(1) No person engaged in the handling or preparation of food or meat shall, while knowing that he is suffering from typhoid fever, paratyphoid fever, dysentery, venereal disease or any other disease which is contagious or likely to result in food poisoning, handle or prepare food or meat.

(2) No person shall employ, or continue to employ for the purpose of food business, any person suffering or convalescing from any of the disease referred to in paragraph (1).

(3) The owner, occupier or proprietor of a food business shall, upon knowledge that any person is suffering from any of the diseases in paragraph (1) notify the Medical Officer forthwith describing the nature of the disease and the name and address of the person

suffering from the same and any other information that may be required by the Medical Officer or Health.

(4)—(a) No person shall be employed in a food business unless such person has been examined and certified fit therefore by a Medical Officer.

(b) The Medical Officer shall issue a medical certificate after specimen such as urine and stool or such person has been examined.

(c) The Council shall not issue a food licence to any person unless the person has obtained or is in possession of a medical certificate of fitness obtained at least every three months.

(5) Every person engaged in the handling or preparation of food or meat shall, while so engaged—

- (a) not place or expose food to the risk of contamination;
- (b) wear clean washable head and neck covering and washable clothing;
- (c) keep any open cut, abrasion or wound covered with water proof dressing;
- (d) not smoke or snuff tobacco; or
- (e) refrain from spitting.

PART V

FOOD HANDLING

17. Wrapped and unwrapped bread, etc.

(1) Subject to provision to this by-law, no person shall sell, expose, delivers or distribute for sale the following food; bread, sweet, biscuit, cake or chocolate unless such food is wrapped in transparent greaseproof bread wrapping material or other material approved by the Council:

Provided that where any such food is unwrapped, no person shall layout or display the food on a road, path, lane or pavement or expose the food for sale except in a sealed container of which at least one side shall be constructed with transparent material.

(2) The seller of any bread shall ensure that the wrapper bears distinguishing marks of "white bread" or "brown bread" printed in English and Chichewa in letters each of which shall be of not less than one-quarter of 25.4 mm.

18. Cleanliness and protection of food

Every container, counter, shelf, tray, display cabinet, refrigerator and other equipment with which food or meat comes into contact during sale or display for sale of the same shall be kept clean and in a good state of repair.

19. Prohibition of animals

No person shall bring in, keep or allow any person to bring any animal, other than a fowl, duck, or other pheasant meat for immediate slaughter into any food premises.

20. Transportation of meat

The Council may, from time to time by notice in a newspaper circulating within the Council, prescribe the type, design and content of vehicle which may be, used for the transportation of meat within the Council.

PART VI

MISCELLANEOUS

21. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of these By-laws and any person failing to comply with the terms of any notice served upon him by the Council in terms of these By-laws commits an offence and upon conviction shall be liable to a fine of K2,000 and in the case of a continuing offence, to a further fine of K200 for each day during which the offence continues after conviction thereof and to imprisonment for six months or to both such fine and imprisonment.

FIRST SCHEDULE

FORM I

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS

APPLICATION FOR ISSUE OF FOOD LICENCE by-law 3 (2)

1. Name of applicant

.....

2. Address

.....

Street Area

.....

3. Plot No. of Business Premises

.....

4. Details of other food licences held or applied for

.....
.....
.....

5. Nature of Business* Restaurant, Cafe, Grocery, Butchery, Bar, Bottle Store, Bakery, Hotel or Lodging House, Wholesaler, Dairy, Food Manufacturing or Processing Premises, other (give details)

.....
.....
.....

6. Number of food handlers including waiters, to be employed:

Male

Female

Date Signature

.....

Date of Inspection

Requirements

.....
.....
.....
.....
.....

Letter sent on Clerk

Approved on Health Officer

Licence issued on Clerk

FORM II

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS

APPLICATION FOR ISSUE OF FOOD LICENCE by-law 3 (2)

I/we, the undersigned, being respectively the present holders(s) of the licence for the premises to which this application refers, hereby apply for the transfer of the licence from the present holder(s) to the transferee(s) stated therein

1. Name
Business

2. Address

3. Plot No Street

4. Name of present licence holder(s)
.....

Address

..... Licence No. Issued on

5. Name of Transferee(s)
.....

Address

I/we, certify that the particulars of the premises are the same as those set out in the last application for a licence to be issued or renewed in respect of these premises.

Signature of present holder(s) of licence

.....
.....

Signature of transferee(s)

.....
.....

.....
.....

Date of Inspection:

Requirements:

.....
.....
.....
.....

Letter sent on: Clerk

Approved on: Health Officer

Licence issued on: Clerk

FORM III

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS

APPLICATION FOR ISSUE OF FOOD LICENCE by-law 3 (2)

1. Name of applicant:

2. Address:

Street: Area

3. Plot No. of Business Premises:

.....

4. Details of other food licences held or applied for

.....

5. Nature of Business* Restaurant, Cafe, Grocery, Butchery, Bar, Bottle Store, Bakery, Hotel or Lodging House, Wholesaler, Dairy, Food Manufacturing or Processing Premises, other (give details)

.....

.....

6. Number of food handlers including waiters, to be employed:

Male

Female

Date

Signature

Date of Inspection:

Requirements:

.....

.....

Letter sent on: Clerk

Approved on: Health Officer

Licence issued on: Clerk

SECOND SCHEDULE

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS

FEE PAYABLE FOR LICENCE by-law 3

	Fee	
Item	K	t
1.	(a)	Food licence classified under Hotels and Tourism Act (Cap. 50:01)
	2,000	00
	(b)	Dairies, bakeries and food manufacturing
	1500	00
2.		Restaurants, inns. bars, superettes, wholesalers and supermarkets
	1,000	00
3.		Fish and chips takeaways
	650	00
4.		Eating houses and coffee shops
	500	00
5.		Bottlestore Butchery
	350	00
6.		Minishops hawkers
	250	00

7. Small confectionery manufacturing 200 00
8. Milk permit . 200 00
9. Groceries—
 - (a) City Centre 500 00
 - (b) Townships 350 00
- 10.(a) Nursery school 1000 00
 - (i) class A . 1,000 00
 - (ii) class B 5.00 00
 - (iii) class C 3.00 00
- (b) Registration of nursery school 300 00
11. Opaque beer—
 - (a) manufacturing 3,000 00
 - (b) taverns 1,000 00
 - (c) retailers per month 40 00

THIRD SCHEDULE

BLANTYRE CITY COUNCIL (FOOD) BY-LAWS

BACTERIOLOGICAL TESTS by-law 3

1. Any Health Officer may, for the purpose of bacteriological tests take samples from any knife, fork, spoon, place, dish, cup, saucer or other implement or utensil on the food premises or from any cloth or water contaminated in a sink or other receptacle which cloth or water has been or is at the time being used in the drying or washing as the case may be, if any such articles as aforesaid, or from any receptacle in which food is stored or kept.
2. The average plate count for every utensil of any surface thereof sampled shall not exceed 100/bacteria CFU (colony forming units), and where the said count is exceeded the owner or the person at the materials time in control of the premises from which the article sampled was taken shall be guilty of an offence.
3. The procedure for taking samples for bacteriological tests is as follows—

(1) A Health Officer shall take from the food premises a sample from any group of four articles of the same kind, and it shall not include a sample from any article such lesser number kind:

Provided that—

(a) if the number of the articles of one kind sampled is less than four, the sample shall be taken from such lesser number; and

(b) this procedure shall not apply to the taking of samples from water or a cloth used for washing or drying.

(2) A Health Officer who takes a sample with a sterile swab, shall immediately place it in a sterilized swab containing 2 ml of sterile saline or a strength or 0.85 per cent, and the sample or liquid shall at once be placed in any other form of suitable sterilized container.

(3) A container in which a swab or other sample is placed shall bear its own number clearly marked on it or on an adhesive label firmly attached to it.

(4) Before a Health Officer removes a sample from the premises he shall invite the owner of the food premises or the person for the time being in control of the premises and the Health Officer taking the sample shall append his signature to a document in duplicate in the form set out in Part I of this Schedule and he shall leave one of the two documents with the owner or the person in control of the food premises and take the other.

(5) The owner or person for the time being in control of the premises shall sign in duplicate a document in the form set out in Part II of this Schedule as proof that the sample has been taken from his premises.

(6) In the event that the owner or the person in-charge of the food premises refuses to sign the document, it shall, unless the contrary is proved, be presumed that a sample labelled and numbered in accordance with paragraph 3 of this Schedule is the sample to which the said document refers.

(7) As soon as possible after taking a sample, the person who has taken it shall hand it for investigation to a person qualified who has a recognized degree or diploma in bacteriology and has competent knowledge, skill and experience.

(8) The person who has carried out the investigation shall submit a report thereon to the Medical Officer of Health in the form set out in Part III to the Third Schedule, therein.

PART I

**FORM TO BE COMPLETED AND SIGNED IN PURSUANCE OF
PARAGRAPH 4 OF THE THIRD SCHEDULE**

BLANTYRE CITY COUNCIL

SAMPLE NO.

This sample was taken from

(state articles(s) on (date) at

(time) at the premises known as
.....

in the presence of

stated that he was the (owner/person for the time in control) of the said premises
by.....

.....(name) in his capacity as
.....

Signature

Health Officer

The sample referred to above was taken and given the above-mentioned number in
my presence.

Signature

Capacity

(State whether owner or person for the time being in-charge of the premises)

PART II

FORM TO BE COMPLETED BY THE PERSON TAKING A SAMPLE WHERE THE OWNER OR PERSON FOR THE TIME BEING IN CONTROL OF PREMISES REFUSES TO SIGN THE DOCUMENT IN PART I TO THE THIRD SCHEDULE

SAMPLE NO.

This sample was taken from

in the capacity as from
..... at

..... (time) at the premises known as
.....

..... (state name and capacity of witness).

I certify that the form set out in Part I of the Third Schedule to these By-laws was presented for signature by the person named therein.

Signature

Health Officer

PART III

BACTERIOLOGIST’S REPORT SUBMITTED IN TERMS OF PARAGRAPH B OF THE THIRD SCHEDULE TO THESE BY-LAWS

On I, the undersigned examined the under-mentioned samples submitted to me by My examination of the said samples yielded the place count specified opposite to each of them respectively.

Sample No.	Plate
Count	

.....

Signature and qualifications of examiners

The method of taking samples for bacteriological tests is as follows—

- (1) In the case of cups, glasses and other drinking utensils, the samples shall be taken from the exterior surface to a depth of at least 1 cm from the top of the rim and shall be labelled as appropriate.

(2) In the case of spoons and ice-cream scoops, the sample shall be taken from the entire inner and outer surface of their bowls; in the case of plates, saucers, bowls and the like over an area of (as nearly as possible) four square inches of surface which come into contact with food: and in the case of all other articles and eating utensils except forks from all parts of the surface likely to come into contact with food.

(3) For the purpose of taking samples of articles mentioned in paragraphs, (1) and (2) above, use shall be made of moist, sterile swabs kept in millilitres of sterile saline solution of a strength of 0.85 per cent.

(4) Forks shall be in groups of four be so placed in a container holding 50 ml of sterile saline as aforesaid that their prongs are completely immersed and shall be left therein for one hour with the opening of the vessel so covered as to avoid contamination, after which they shall be withdrawn and the container be immediately resealed.

(5) For the purpose of calculating the number of bacteria present on any utensil of a type required by this Schedule to be sampled in groups of four, the total number of CFU bacteria determined by the plate count present in 50 ml, solution as above prescribed shall be divided by four.

(6) Immediately after each article of a group as mentioned in this Schedule has been swabbed, the swab shall be replaced in its container and be rotated in 3 ml of sterile water, and the excess of such water shall be pressed out of the swab against the side of the container before the swab is used to swab the next article of the group.

(7) Immediately after the swabbing of any utensil or group of utensils or the taking in any other manner of any sample as prescribed in this Schedule, the swab shall be placed in its container, and the container or other sample shall be delivered to a bacteriologist for examination within four hours of the taking of the sample:

Provided that there is reason to suppose that it will not be possible to deliver the sample to a bacteriologist within the said four hours the container containing the sample shall be replaced in ice immediately after it has been taken.