

Trading Licences (Amendment) Regulations, 2006

Arrangement of Regulations

PART I - PRELIMINARY

1. Citation and commencement.
2. Interpretation.
3. Commercial activity.
4. Designation of regulatory authority.

PART II - LICENSING OF COMMERCIAL PREMISES

5. Application in relation to commercial premises.
6. Licensee of commercial premises.
7. Request for further documentation or information.
8. Consideration of applications.
9. Issue of licence.
10. Publication of licence issued.
11. Appeals from Decisions of the Trade Licensing Unit.
12. Payment of licence fees.
13. Particulars of licences.
14. Change in the nature of the commercial activity.
15. Definition of change.
16. Cessation of commercial activity.
17. Reactivation of a cancelled licence.
18. Transfer of licence.
19. Transfer by inheritance.
20. Renewal of Licence.
21. Non-payment of licences.
22. Display of licence.
23. Right for information and inspection.
24. Replacement of licences.

PART III - HAWKERS AND OTHER RETAILING ACTIVITIES

25. Licensing of street hawkers.
26. Market hawkers.
27. Licence non-transferable.
28. Substitute hawker.
29. Definition of street hawker.
30. Conditions for street hawking.
31. Applicability of other provisions.
32. Licensing of commercial vehicles used for the sale of goods as part of licensed commercial activity.
33. Car boot sales.

34. Commercial fair including sale by retail
35. Buskers

PART IV - BUSINESS HOURS

36. Business hours.
37. Commercial activities from airports, hotels, sea ports, etc...
38. Extension of time for catering establishments.
39. Open-air markets.

PART V - APPEAL PROCEDURES

40. Eligibility to file an appeal to Licensing Appeals Board.
41. Notification of appeal.
42. Submission of evidence.
43. Evidence of witnesses.
44. Hearing of appeal.
45. Default of appearance.
46. Notification.
47. Public hearing.
48. Appeal fees.
49. Powers of the Appeals Board.

PART VI - LICENCE FEES

50. Fees in relation to hawkers, etc.
51. When fee is due.
52. Personal transfer.

PART VII - OFFENCES AND PENALTIES

53. Offences and penalties.
54. Special proceedings.

SCHEDULES

FIRST SCHEDULE

Licence categories and types

SECOND SCHEDULE

Conditions for Carrying Out a Commercial Activity

THIRD SCHEDULE

Business hours

FOURTH SCHEDULE

Open-air markets

FIFTH SCHEDULE

Designated areas in Bugibba, Qawra and Paceville where no music can be heard outdoors after 1.00 a.m.

SIXTH SCHEDULE

Licensing Authorities

L.N. 1 of 2006

**TRADING LICENCES ACT, 2001
(Cap. 441)**

Trading Licences (Amendment) Regulations, 2006

IN exercise of the powers conferred by article 28 of the Trading Licences Act, 2001, the Minister for Competitiveness and Communication in concurrence with the Prime Minister and Minister of Finance, has made the following regulations:-

PART I

Preliminary

1. The title of these regulations is the Trading Licences Regulations, 2006. Citation and commencement.

2. In these regulations, unless the context otherwise requires:- Interpretation.

“the Act” means the Trading Licences Act, 2001;

“the Busker” means a person who produces on site and sells a work of art;

“market hawker” means an individual who is licensed under the Act to sell by retail from any allocated site within the precincts of an open-air market;

“the Minister” means the Minister responsible for commerce;

“open-air market” means any one of the markets listed under the Fourth Schedule to these regulations;

“person of the legal profession” means an Advocate, a Notary Public or a Legal Procurator;

“street hawker” means any individual who is licensed under the Act to sell by retail from any street or render a service as the Minister may specify, other than an open-air market, irrespective of the means by which such activity is carried out;

“Trade Licensing Unit” means the unit within the Commerce Division responsible for trade licensing and includes the public officer responsible for trade within the Division and, to the extent of any authority given, includes any other officer within the Division.

Commercial activity.

3. (1) Where a commercial activity consists of the provision of services from any premises, such activity shall be deemed to be a commercial activity for the purposes of the Act, unless such activity constitutes the exercise of a profession by an individual who, under the provisions of any other law, requires a warrant to exercise such profession and provided that the premises are not also used for the exercise of any other commercial activity.

(2) Where more than one retail outlet carry out the commercial activity from the same shopping arcade, shopping complex, or any other premises by whatever name called where such outlets are situated, every such outlet shall be deemed to carry out a separate commercial activity.

Designation of regulatory authority.

4. For the purposes of subarticles (1) and (2) of article 3 of the Act the Minister has designated the authorities designated under column 1 of the Sixth Schedule to these regulations to be the regulatory authorities in relation to the commercial activities listed under column 2 of the said Schedule.

PART II

Licensing of Commercial Premises

Application in relation to commercial premises.

5. (1) Subject to the provisions of regulations 3 and 26 of these regulations, any person who, on the coming into force of these regulations is qualified to carry out acts of trade, requests to carry out a commercial activity from any commercial premises, shall make an application therefore on the appropriate form to the Trade Licensing Unit.

(2) Where the opening of the commercial premises requires a permit under the Development Planning Act, such application can be filed with the relevant authority concurrently with the application for such permit.

Provided that the licence of the commercial premises shall not be issued prior to the issue of the development permit.

(3) Where the permit to open the commercial premises under the Development Planning Act has already been obtained, the application

for the licence shall be filed with the Trade Licensing Unit together with the aforesaid permit and a floor plan of the commercial premises duly signed by an architect or civil engineer and certifying the floor area which will be used in the carrying out of the commercial activity:

Provided that in the case of an application for the carrying out of an economic activity in an industrial area, the production of such development permit shall not be required provided that a certificate is given of an architect or civil engineer to certify that such commercial activity is carried out in an industrial area. In the case of an enforcement notice or action by the Malta Environment and Planning Authority this licence shall not be interpreted as being in breach, in compliance or in contravention of any other permits which may be required by law.

6. (1) An application for a licence in relation to commercial premises may be made either in the name of an individual or in the name of an individual on behalf of a commercial partnership or company. Licensee of commercial premises.

(2) Where the application is made on behalf of such partnership or company, the application shall be signed by the person duly authorised in that behalf to legally represent the same.

(3) The application shall also designate the individual who will be effectively responsible for managing the commercial premises in the following cases:-

(a) where the effective management is to be carried out by an individual other than the licensee;

(b) in the case of a commercial partnership or company.

7. Where an application is made under the provisions of this Part and further documentation or information is required in relation to such an application, the Trade Licensing Unit may, within ten working days from the filing of such application, require in writing the production of such further documentation or information and it may in its request grant the applicant such time as it may deem necessary to provide such documentation or information but not exceeding a maximum period of two months from the date of notification: Request for further documentation or information.

Provided that if the applicant fails to produce the requested documentation within two months from the date of notification then such application for the issue of a licence shall be declared as withdrawn.

Consideration of applications.

8. (1) The Trade Licensing Unit shall, within eight weeks from the filing of the application, notify the applicant of its decision. The above-mentioned notice shall stipulate:-

(a) that the Trade Licensing Unit finds no objection to the issue of the licence as applied for; or

(b) that the licence will not be granted; in such a case the Trade Licensing Unit shall give detailed reasons for such refusal.

(2) Such notice shall also indicate the licence fee payable for the issue of the licence.

(3) If any additional documentation or information is requested in terms of regulation 7 of these regulations, and the applicant does not provide the documentation or information within one week from request, the period of eight weeks stipulated in subregulation (1) above shall be extended by the time over one week lapsed between the request and the submission of such document or information.

(4) Where the filing of an application, and the application also requires a permit under the Development Planning Act, such time limit shall commence from the fourth day following the date on which a permit is issued by the Malta Environment and Planning Authority.

Issue of licence.

9. (1) Where the Trade Licensing Unit finds no objection to the grant of the licence as applied for the said Unit shall issue a notice, that there are no objections to the issue of such licence.

(2) The applicant shall, within two months from the issue of the aforesaid notice, either effect payment of the fee applicable for such licence and the Unit shall thereupon issue the licence, or state in writing its intention to carry out the commercial activity from the commercial premises at a future date which is not yet established. The licence is to be issued within one month from a written notification by the applicant that he intends to commence the commercial activity. Such notification shall indicate the date when the commercial activity is to be commenced:

Provided that where the applicant fails to pay the licence within a period of three months from notification, the application for the issue of a licence shall no longer have any effect and should be considered as withdrawn:

Provided further that where the application refers to a licence for processing, manufacturing or sale of food products or beverages, listed under licence Category I under the First Schedule to these regulations, the applicant shall also submit together with the licence fee, a declaration issued by the health authority, stating that the commercial premises comply with all sanitary and food safety requirements, and the Unit shall not issue the licence unless such declaration has been submitted.

(3) All notification by any relevant authority or local council for the issuing of a licence or the refusal of an application shall always be given to the applicant in writing.

10. (1) The Trade Licensing Unit shall every three months publish a Government Notice in the Gazette listing all licences issued during that period. The notice shall contain the following information:- Publication of licence issued.

- (i) the name of the licence holder;
- (ii) the Identity Card Number of the licence holder;
- (iii) the address of the commercial premises;
- (iv) the nature of the commercial activity; and
- (v) the date when the licence was issued.

(2) The notice shall be divided under different headings in accordance with the locality:

- (a) in the case of commercial premises in accordance with the locality in which they are situated, and
- (b) in the case of licences relating to street hawkers, market hawkers, or substitute licences, in accordance with the locality of the residence of the licensee.

(3) The Trade Licensing Unit shall make available to the public a list of all licences issued under these regulations by locality.

11. (1) Where an applicant feels aggrieved by the decision of the Trade Licensing Unit or from any local council in respect of a refusal of issuing a licence, he may file an appeal in writing in accordance with the provisions of Part V of these regulations. Appeals from decisions of the Trade Licensing Unit.

(2) Where any person has made an objection or representation in writing under the provisions of regulation 9 of these

regulations, the Trade Licensing Unit shall, concurrently with the issue of the notice to the applicant referred to in regulation 10 of these regulations, notify its decision to the person making such objection or representation.

(3) Any person making any such objection or representation may file an appeal from the decision of the Trade Licensing Unit in accordance with the provisions of Part V of these regulations.

Payment of Licence Fees.

12. (1) Any licence issued under this Part shall, unless specified in such licence, be subject to the payment of a fee payable upon the issue of the licence and on the 1st day of January of each year following the year in which the licence was issued.

(2) The fee due in accordance with subregulation (1) above shall, without prejudice to the applicability of the provisions of this or any other law, also be due to the Trade Licensing Unit as a civil debt.

(3) Any licensee who fails to pay a fee due in terms of subregulation (1) above following the service upon him by judicial act, of a notice stating that:-

(a) payment is to be effected within the period stated in such notice, not being less than 40 days;

(b) if the licensee fails to pay the fee as requested in the notice, the Trade Licensing Unit shall take the case to court where the Authority shall demand the full settlement of the licence fee. Upon the refusal of payment by the licensee the court may order the licensee to stop operating the commercial activity till the arrears are all paid or shall order the cancellation of the licence with no possibility of reactivation of the same licence within such time as may be established by the court.

(4) Nothing in the foregoing provisions of these regulations shall be deemed to effect any renewal of any trading licence under the Police Licensing Regulations, made or due to have been made prior to the coming into force of these regulations.

Particulars of licences.

13. (1) A licence shall be issued in the name of an individual personally or on behalf of a commercial partnership or company and the address shall be the address of the commercial premises.

(2) The licence shall be issued by reference to the applicable categories and types of the commercial activities according to the Development permit issued by the relevant authority.

(3) Without prejudice to any other provision of law applicable in relation to a commercial activity, a licence issued under these regulations shall be subject to the applicable conditions contained in the Second Schedule to these regulations.

(4) Notwithstanding the foregoing provisions of this regulation, and subject to subregulation (5) hereof, where a licence has been issued under the Police Licences Act prior to the coming into force of these regulations, the licence conditions attached to such licence shall continue to apply in relation to such licence, unless the licensee opts, by an application made on the appropriate form to the Trade Licensing Unit, to have his licence issued by reference to the categories and types as is referred to in subregulation (2) of this regulation. Cap. 128.

(5) Where the option has not been exercised as aforesaid in relation to a licence, no change, addition or other amendment to the said licence shall be allowed and the licence may not be transferred to any other person.

14. (1) Where a licence has been issued in relation to commercial premises, and the licensee requires to change the nature of the commercial activity carried out from such premises, or requires to add on any commercial activity which is not covered by the licence, the following provisions of this regulation shall apply. Change in the nature of the commercial activity.

(2) Where the change in, or addition to, the commercial activity requires a permit under the Development Planning Act, the licensee shall make an application thereof on the appropriate form to the Trade Licensing Unit and shall file such application either with the Planning Authority concurrently with the application for the permit by such authority or with the Trade Licensing Unit after obtaining such permit.

(3) The provisions of this Part, relating to new applications, shall apply *mutatis mutandis* to any application for any change in, or addition to a licence as is referred to in subregulation (2) above.

(4) Where the change in, or addition to the commercial activity does not require a permit under the Development Planning Act and is so certified by an architect or civil engineer, the application to the Trade Licensing Unit shall not be required. However, the licensee shall be required to inform the Trade Licensing Unit on the appropriate form of any such change or addition within seven days of the change or addition.

(5) Notwithstanding the foregoing provisions of this regulation, where the commercial premises are leased from a third party, or are operated by the licensee under any other agreement with a third party, the licensee shall also provide, together with the application form under subregulation (2) or, together with the form submitted under subregulation (4), of these regulations, as the case may be, a declaration by the landlord of the commercial premises that he finds no objection to any change in the nature of the commercial activity:

Provided that where the contract of lease or other agreement under which the licensee is operating the premises contains a clause specifically authorising the licensee to change or to use the premises for any commercial purpose as he may require, such clause shall be deemed to constitute the declaration required by this subregulation.

Definition of change.

15. For the purposes of these regulations, a change in the nature of the commercial activity or any addition thereto, is deemed to occur when a permit under the Development Planning Act is required in relation to such change or addition.

Cessation of commercial activity.

16. (1) Where a licensee decides to cease carrying out the commercial activity from the licensed commercial premises he shall immediately apply the Trade Licensing Unit on the appropriate form for the cancellation of the relevant licence, attaching thereto a signed declaration by the landlord stating that:

- (a) he either requires a licence to be cancelled, or
- (b) that the licence is to be transferred either to his own name or
- (c) that the licence is to be transferred in the name of any other person as indicated by the landlord:

Provided that where the landlord fails for any reason to submit his declaration, and give his approval for the request of cancellation of the trade licence, the licensee who is applying for the cancellation of the licence, shall:-

- (a) notify the trade licensing unit in writing on the disapproval of the landlord, and
- (b) request the Trade Licensing Unit to notify the landlord to state if as a landlord he requires the licence to be

canceled or to be transferred in his own name or in the name of any other person:

Provided that if the landlord within 30 working days from notification made by the Trade Licening Unit,

(a) is not traced, or

(b) does not respond, or

(c) does not request to transfer the licence on his own name or in the name of any person, then the licence shall be deemed as cancelled.

(2) The Licence shall be cancelled when the licensee receives notification from the Trade Licensing Unit stating that his application of the cessation of the licence has been approved. Until such notification from the Trade Licensing Unit the licence shall be deemed to be still in operation. On application for the cancellation of the licence the Trade Licensing Unit shall request immediately any arrears due up to date of application by the applicant. On failure of payment of arrears due by the applicant, on application for cancellation, the TLU shall:

(a) consider the request made for the payment of arrears as a final notice, and

(b) take the necessary legal action for the payment of arrears, and

(c) continue processing the application for the cancellation of the licence. The Trade Licensing Unit upon the request from the licensee may enter into an agreement in writing with the licensee or on any other person on his behalf for the payment of such fees. Notwithstanding approval for the cancellation of the licence, the licensee shall still be liable for the payment of any licence fees due prior to such application for cancellation.

(3) Where a licensee has seized to carry out a commercial activity and has failed to notify the Trade Licensing Unit and the landlord in accordance with sub-regulation 1, the licensee shall still be liable for the payment of all licence fees that may be due up till the date of application made by the landlord to the Trade Licensing Unit where the landlord proves that the licensee has seized to carry out the commercial activity. Provided that the Trade Licensing Unit may enter into an

agreement in writing with the licensee or on any other person on his behalf for the payment of such fees.

(4) Where the landlord declares that :-

(a) he had no knowledge that the license fees were not being paid; or

(b) he does not desire to carry out the commercial activity himself; or

(c) he wishes to retain the title to the licence until he finds another person to carry out the commercial activity, the landlord may to this effect apply to the Trade Licensing Unit for the retention of the title on an appropriate form or for the cancellation of the licence accordingly.

(5) The landlord shall be liable for the payment of the licence fees due during this period where the licence is on his behalf after the relevant application made to the Trade Licensing Unit.

(6) Where the landlord finds another person to carry out the commercial activity, he may effect the transfer to such other person in the same manner as if he were the original licensee.

(7) Where a landlord desires to carry on the commercial activity himself as provided in paragraph (c) of sub-regulation (4) he shall make an application to the Trade Licensing Unit on the appropriate form and the Unit shall on such application effect the transfer of the license in favour of the landlord. From date of such transfer onwards the Landlord shall be considered as the licensee with immediate effect.

Reactivation of a cancelled licence.

17. A person may apply for a reactivation of a licence that has been cancelled for the past ten years by applying on an appropriate form to the Trade Licensing Unit whereby the applicant has to provide:

(a) a signed declaration by the landlord for the approval of such application,

(b) a copy of a licence requested to be reactivated,

(c) a certified plan of the commercial premises stating the area of commercial premises used. The Trade Licensing Unit shall accept the request for application upon the payment of all licence fees due from date of Cancellation till the date of application for reactivation and shall reactivate the licence in the name of the

person applying for reactivation. From the date of reactivation the Trade Licensing Unit shall adjust the Trade Licensing Fees according to the fees applicable at the time of reactivation. If the relevant licence concerns the selling of food items the Trade Licensing Unit shall get the approval of the Health Division prior to reactivation. The Minister may upon his discretion and upon sufficient cause being shown approve the reactivation of a licence which has been cancelled for a period of more than 10 years.

18. (1) Where a licensee requires to transfer the licence in relation to commercial premises to another person, such licensee and the other person shall submit to the Trade Licensing Unit an application on the appropriate form duly signed by both parties: Transfer of licence.

Provided that where such commercial premises are leased from a third party or are operated by the licensee under any other agreement with a third party, the form shall also contain a declaration by the landlord that he does not object to such transfer:

Provided further that where the contract of lease or other agreement under which the licensee is operating the premises, contains a clause specifically authorising the licensee to transfer the licence, such clause shall be deemed to constitute the declaration required by this subregulation.

(2) Such transfer shall only have effect if all licence fees including arrears in respect thereof have been paid or an agreement in writing for the payment of such fees have been made with the Trade Licensing Unit.

(3) Subject to the provisions of subregulation (2) above the Trade Licensing Unit shall issue a new licence to the transferee within ten working days of receipt of the application referred to in subregulation (1) of this regulation, subject that all documentation is submitted to the Trade Licensing Unit.

19. (1) If a licensee dies, the licence shall be transferable to his legitimate successor by universal or singular title subject to the following provisions of this regulation. Transfer by inheritance.

(2) Within a year from the demise of the licensee, the legitimate successor shall make an application to the Trade Licensing Unit on the appropriate form, requesting the transfer of the licence in his favour.

(3) The application shall be accompanied by a declaration made by a person of the legal profession attesting that the applicant is the legitimate successor of the licensee and is entitled and is in a position to continue in the licensed commercial activity.

(4) Subject to the payment of any licence fees due in relation to the commercial premises, the Trade Licensing Unit shall transfer the licence in the name of the legitimate successor within ten days from the receipt of the application.

(5) If the legitimate successor of the licensee decides that he is not interested in the transfer of the licence he shall notify the Trade Licensing Unit accordingly within one year from the demise of the licensee:

Provided that in the case of civil litigation as to the legitimacy of succession in title of the licence the Trade Licensing Unit may suspend the licence in abeyance up to a period of five years after which the licence shall be cancelled. If the legitimate successor of the licensee does not wish that the licence be cancelled he may make an application to Trade Licensing Unit to this effect. In such a case the provisions of subregulation (2) of regulation 20 shall apply *mutatis mutandis*:

Provided that in the case of civil litigation as to the legitimacy of succession in title of the licence the Trade Licensing Unit may subject to the payment of the relevant licence fee allow the continued operation of the commercial premises by the person having effective control of the said commercial premises:

Provided that on good cause being shown, which cause shall be certified by a person of the legal profession, the period of one year aforesaid may be extended for such further period or periods as may be required to conclude the legal proceedings.

Renewal of Licence.

20. (1) The issue or renewal of a licence under this Part shall be subject to the payment of the relevant fees applicable thereto under the Police Licences Regulations prior to the coming into force of these regulations.

(2) For the purpose of establishing the rental value applicable under Part II of the Police Licence Regulations, the applicant shall:

(a) where the owner of the commercial premises is the applicant himself, produce a signed valuation by a certified architect

and civil engineer (perit) declaring the annual rental value of the commercial premises;

(b) where the applicant leases the commercial premises, or operates under any agreement with a third party, produce a copy of the last rent receipt issued, indicating the annual rental value, together with a declaration by the landlord that he does not object to the application:

Provided that where the Trade Licensing Unit is not satisfied that any rental value shown in any document produced in terms of sub-paragraph (a) or (b) above shows the true rental value of the commercial premises, it shall appoint a certified architect and civil engineer (perit) to establish the same and the conclusions of the said certified architect and civil engineer (perit) shall be final.

21. No licensee shall carry on any trading activity from any premises or otherwise unless the licence fee payable annually or for any period as specified has been paid. Any licensee who contravenes the provisions of this regulation shall be guilty of an offence.

Non-payment of licences.

22. There shall be displayed in a conspicuous place at any commercial premises, the licence issued in relation to such premises and also the last receipt of the paid trade licence.

Display of licence.

23. (1) A licensee shall provide the Trade Licensing Unit and any other person authorised in that behalf, all information as may be appropriately required in relation to the commercial activity or the commercial premises licensed under the Act.

Right for information and inspection.

(2) The Trade Licensing Unit and any other person as aforesaid shall have the right to enter and inspect any commercial premises licensed under the Act and any other premises which, by the nature of the commercial activity being carried out therefrom, require such licence.

24. (1) Where a licence issued under these regulations has been lost or stolen, or the licensee is otherwise no longer in possession of such licence, the licensee shall notify the Trade Licensing Unit within seven days from the date on which he became aware of such event.

Replacement of licences.

(2) The Trade Licensing Unit shall, within ten days from the receipt of such notification, issue a copy of the licence in replacement of the original.

PART III

Hawkers and other Retailing Activities

Licensing of street hawkers.

25. (1) An individual who carries out any commercial activity from any street as is referred to in article 14 of the Act, which activity is not exercised from an open-air market, shall make an application to act as a street hawker on the appropriate form to the Trade Licensing Unit. A licence issued for a street hawker is a personal licence and does not permit anybody else to act instead of the street hawker.

The licence issued by the Trade Licensing Unit shall indicate the street hawker as a non-food licence hawker or as a food related items licence hawker. In the case that the activity concerns the selling of food items prior approval by the health authorities must be obtained.

If a licensee is in possession of more than one category of licence at one particular point in time for different categories of food and other non-food items, that licensee shall only make use of one licence and shall restrict his commercial activity to one specific category as he may decide:

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the Health Authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order.

Provided further that without prejudice to what is prescribed in the licence as items to be sold, a street hawker that sells fruits and vegetables shall not also sell ice-cream, pre-cooked items, alcohol and all other beverages except the selling of water.

(2) In the case of an application made as aforesaid after the coming into force of these regulations, a street hawker using a motor vehicle to carry on the commercial activity shall have premises available where to garage the motor vehicle. The registration number of the vehicle used for hawking and the address of the premises used for the purpose of garaging the vehicle used by the hawker must be clearly indicated on the application and the Trading Licence. Any change in the vehicle or garage must be notified to the Trade Licensing Unit within ten working days after the change occurs. No application shall be accepted and processed by the Trade Licensing Unit if the address of the garage or any other address for the store where goods are stored are

not given. The Trade Licensing Unit shall have the right to inspect such premises and to demand any documentation that proves the ownership of the premises when the application indicates the use of such premises by more than one applicant. Every such licence issued has to include the following information:

- (i) the name of the licence holder;
- (ii) the Identity Card number of the licence holder;
- (iii) a passport size photo of the license holder;
- (iv) the address of the garage of the licence holder;
- (v) the nature of the hawking activity; and
- (vi) the date when the licence was issued.

26. (1) Notwithstanding the provisions of regulation 25 of these regulations, any individual as aforesaid requiring to carry out the commercial activity from an open-air market shall make an application to act as a market hawker on the appropriate form to the Trade Licensing Unit: Market hawkers.

Provided that such licence shall not entitle the market hawker to carry out such activity unless, in relation to a specific open-air market, he has been given the authorization by the Local Council of the locality where the market is situated and so allocated one post in the aforesaid market.

Provided further that a market hawker shall not be in possession of more than one authorization for a post in a market that operates in the same day and time.

(2) A market hawker using a motor vehicle to carry on his commercial activity shall have premises available where to garage the motor vehicle and store his goods. The address of the premises used for this purpose shall be clearly indicated on the application for the issuing of a licence to the Trade Licensing Unit. Any change in the vehicle or garage shall be notified to the Trade Licensing Unit within ten working days after the change occurs. No application shall be accepted and processed by the Trade Licensing Unit if the address of the garage or any other address for the store where goods are to be stored are not given. The Trade Licensing Unit shall have the right to inspect such premises and to demand any documentation that proves the ownership of the premises when the application indicates the use of

such premises by more than one licensee. The Trade Licensing Unit can refuse to issue the licence if it decides that such premises are not used as a store or garage by the applicant. The licence issued by the Trade Licensing Unit shall indicate the market hawker as a non-food licence hawker or as a food related items licence hawker. In the case that this activity concerns the selling of food items prior approval by the health authorities must be obtained:

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the Health Authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit on its own behalf or following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order:

Provided also that for market hawkers the use and provision of public utilities shall be prohibited. On issuing the licence the Trade Licensing Unit shall include the following details in the licence:-

- (i) the name of the licence holder;
- (ii) the Identity Card number of the licence holder;
- (iii) a passport size photo of the license holder;
- (iv) the address of the garage of the licence holder;
- (v) the nature of the hawking activity; and
- (vi) the date when the licence was issued:

Provided that for Market Hawkers the conditions laid down in Part 6 of the Organisation of the Open Market Regulations, 2005 shall apply.

Licence non-transferable.

27. (1) Subject to the provisions of subregulation (2) of this regulation a licence issued under this Part shall be in the name of an individual and shall not be transferable.

(2) A licence in relation to a market hawker operating at the open-air market in Merchants Street, Valletta; Marsaxlokk (daily open-air market except Sunday), it-Tokk Victoria, Gozo and in relation to a kiosk may be transferred subject:

(a) to a payment of the relevant fee as established under regulation 52 of these regulations,

(b) that no change is made in the category and condition of licence issued to the previous licensee, and

(c) that the transferee makes a declaration to the relevant authority that he is not in possession of another post or stall in the same market or in any other market.

28. (1) A street or market hawker may appoint one other individual as his or her substitute by making an application for a licence to the Trade Licensing Unit, so that the substitute shall carry out such activity which for any reason the street or market hawker cannot carry out himself. Substitute hawker.

(2) Only the following persons may be nominated as substitutes for the purpose of these regulations:-

(a) the wife or husband; or

(b) the son or daughter; or

(c) in the case of a single person, the mother, father, brother or sister;

of the street or market hawker.

The applicant for such licence shall produce to the Trade Licensing Unit the relevant certificates to prove the above relation to the principal market hawker.

(3) The substitute can act in the absence of the licensee for a period of not more than one month in the aggregate within the licence period of one year provided that he or she has been given a licence by the Trade Licensing Unit to act as a substitute street hawker or a substitute market hawker. The licence for a substitute hawker shall have the following information:

(i) the name and Identity Card number of the licence holder for whom the applicant is to act as a substitute hawker;

(ii) a passport size photo of the substitute hawker;

(iii) a passport size photo of the principal licence holder;

(iv) the address of the garage of the licence holder who is to act as a substitute hawker;

(v) the nature of the hawking activity;

(vi) the date when the licence of the person who is to act as a substitute hawker was issued, and

(vii) the relation to the principal market hawker.

(4) Any licensee may make an application to the Trade Licensing Unit on the appropriate form, to change the substitute nominated under sub-regulation (1).

Definition of street hawker.

29. A street hawker may carry out his commercial activity from any place, in any street, by hawking that is by parking his vehicle according to the traffic regulations in any street where he stops to sell till he serves his customers and then after serving his customers moves to another place.

Conditions for street hawking.

30. (1) Street Hawking is subject to the following conditions:

(a) that while the street hawker stops to sell to his customers, no nuisance or inconvenience is caused to the inhabitants or passers by in the street;

(b) that the vehicle is parked within a permitted parking space and no inconvenience is caused to the flow of traffic;

(c) that when a street hawker stops his vehicle to sell to his clients, the vehicle must not be parked within 50 metres of walking distance from the next open air market;

(d) that in Valletta, only street hawking of Vegetables, bread, milk, flowers, kerosene and gas cylinders shall be permitted

e) that no commercial activities by street hawkers shall be carried out in Valletta in CastilleSquare, in St. George's Square or in St. John's Square and in the City Gate area of Valletta including Freedom Square the arches included, the bridge and the Bus Terminus including Saint James Ditch.

(2) A street hawker may also carry out his commercial activity from a fixed place by parking his vehicle, to sell to his customers subject to the following conditions:-

(a) that no nuisance or inconvenience is caused to the inhabitants or passers by in the street, by the use of a generator or whatsoever;

(b) that he will park his vehicle, within a permitted parking space as permitted by Traffic Regulations;

(c) that the place where he parks his vehicle is not within:

(i) 50 metres of walking distance from the next open air market;

(ii) 50 metres of walking distance of from the entrance of any commercial premises:

Provided that for such purpose, a fixed kiosk shall be deemed to be a commercial premises;

(d) that no objects are placed on the pavement

e) that street hawkers shall park their vehicles to sell at least 50 metres away from each other. Provided that if the police or warden are called to settle a dispute between hawkers who are closer to each other than 50 metres of walking distance, the police or warden shall order the hawker who came last to move his vehicle to an alternative parking space at least 50 metres of walking distance away from the nearest hawker. Such distance between two hawkers may only be reduced in accordance with regulations made by the Local Council with the approval of the Minister:

Provided that this provision shall not apply to street hawkers selling flowers and the like in the vicinity of a cemetery.

f) selling from a fixed place in Valletta shall only be permitted for the selling of Vegetables, bread, milk, flowers, kerosene and gas cylinders.

(g) A street hawker selling from a fixed place according to this regulation, in a public place or public land, the use and the provision of public utilities shall be prohibited.

(3) No commercial activity from fixed places by hawking or selling from fixed places or by any other means shall be carried out:

- (a) in the precincts of the Malta International Airport in Gudja;
- (b) in the precincts of Sea Passenger Terminal in the Grand Harbour;
- (c) in the precincts of a hotel subject to a written permission being granted by the hotel management,
- (d) in the vicinity of not less than 50 metres of walking distance away from any archaeological site, and
- (e) in the precincts of any school.

(4) Notwithstanding the provisions of subregulation (1) and (2) hereof, the Police on reasonable grounds may order any street hawker to move from any place in any street.

Applicability of other provisions.

31. The provisions of regulations 7, 8, 9(1), 11, 12, 14(4), 16, 20, 21, 22, 23 and 24, insofar as they are applicable, shall *mutatis mutandis* apply to licences issued under this Part.

Licensing of commercial vehicles used for the sale of goods as part of licensed commercial activity.

32. (1) A licensee of a principal commercial activity shall make an application on an appropriate form to the Trade Licensing Unit for a licence referred to as a marketing agents licence.

(2) The purpose of such a licence is to permit the use of the commercial vehicle for the sale of goods by retail by an employee or agent on behalf of the licensee of the principal commercial activity, from any street or other place, other than commercial premises or a kiosk, and such licence shall be required for each and every vehicle used for the exercising of such retail sale:

Provided that such licence shall not entitle any person to act as a market hawker.

(3) The licence will be issued within 30 working days from the date of application made by the applicant and such licence shall be issued in the name of an individual personally or on behalf of a commercial partnership or company and the address shown on the licence shall be the address of the principal commercial premises.

(4) The licence issued by the Trade Licensing Unit shall indicate whether the vehicle is licenced to sell food or non-food items. In the case that this activity concerns the selling of food items prior approval by the health authorities must be obtained.

(5) If a licensee is in possession of more than one category of licence at one particular point in time for different categories of food and other non-food items, that licensee shall make use of only one licence and restrict his commercial activity from every vehicle to one specific category as he may decide.

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the Health Authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order.

(6) The licence for use as a commercial motor vehicle as described above shall have the following information:

(i) the name and identity card number of the principal licence holder;

(ii) the address of the premises of the principal licenced commercial activity;

(iii) the registration number of the vehicle, and (iv) the address of the garage of the motor vehicle. The provisions of regulation 30 relating to selling by hawking shall apply *mutatis mutandis* to licences issued to vehicles licenced to sell by retail in accordance with this regulation.

33. (1) No activity commonly known as a car boot sale shall be carried out in any street other than from a private place. Car boot sales.

(2) Any person requiring to organize a Car boot sale for the sale of second hand items from any private premises shall make an application thereof to the Trade Licensing Unit.

(3) An application for a licence under this regulation shall contain the following information:-

(a) the name of the applicant;

(b) the place where the car boot sale will be held;

(c) the date or dates when the car boot sale will be held.

(4) A licence issued for the organization of a car boot sale shall be subject to the following conditions:-

(a) no licence shall be issued unless the applicant is a non-profit making organization;

Provided that the applicant submits proof and describes the scope for such fund raising activity in the application for the licence,

(b) the applicant has to submit the following information on each seller to the Trade Licensing Unit by not later than forty-eight hours after the organisation of the car boot sale or as may be required by the regulating authority:

(i) the identity document number; or

(ii) any other means of identification; or

(ii) the registration number of the vehicle used to sell from; and general description of goods sold;

(c) the organiser shall allocate equal sites to each seller and each site must not be larger than the space taken by a passenger car;

(d) street and market hawkers and their substitutes shall not be allowed to participate in car boot sales. Therefore no vehicles licenced as street or market hawkers can be allowed to be parked in the area where the car boot sale is being organised;

(e) persons licenced to sell from any commercial premises shall not be allowed to sell the type of products listed in their licence in car boot sales;

(f) sellers shall issue a receipt to buyers;

(g) sites shall only be allocated to passenger cars and no sale shall be permitted from vans or any other commercial vehicles.

Commercial fair including sale by retail.

34. (1) No person shall organise or allow to be organised a commercial fair which includes the sale by retail of goods or services, or the exhibition of goods, to the public unless a licence has been issued specifically for such an activity from the Trade Licensing Unit referred to as a Commercial Fair Licence:

Provided that voluntary organizations may seek exemption from the Minister responsible for Commerce from having to obtain such licence.

(2) The premises where any commercial fair can be organized should be a licenced retail premises or any premises licenced to host commercial fairs.

(3) An application for a licence under this regulation shall be made by the person organising such commercial fair to the Trade Licensing Unit and shall contain the following information:-

(a) the name, address and ID document number, or any other means of identification, of the person organising the fair;

(b) the name and the address of where the commercial fair will be held;

(c) the name of each person participating in the fair and type of products to be sold;

(d) The VAT number and the trading licence number of each person participating in the commercial fair;

(e) date or dates when fair is going to be held.

(4) The licence for a commercial fair shall be valid for seven consecutive days, including Sundays and Public Holidays. Any commercial fair organized for more than seven consecutive days shall require a separate licence:

Provided that licenses issued consecutively for the same commercial fair in the same premises shall not exceed 30 days.

(5) The respective licence number for any commercial fair shall be shown on any advert and any promotional material advertising the activity.

35. Selling by busking is permitted and subject to the following conditions: Buskers.

(a) that the place where the busker stops to sell his goods shall be at least 5 metres of walking distance away from the entrance of any commercial premises. Provided that for such purpose, a fixed kiosk shall be deemed to be a commercial premises;

(b) that no selling by busking can be performed in the precincts of any hotel or any shopping complex if not by written permission from the management;

(c) that no selling by buskers that sell artifacts or render a service shall be carried out in Valletta in Castille Square, in St. George's Square or in St. John's Square and in the City Gate area of Valletta including Freedom Square the arches included, the bridge and the Bus Terminus including Saint James Ditch;

(d) that no objects are placed on the pavement;

e) that no nuisance or inconvenience is caused to the neighbours or passers by in the street, by the use of a generator or whatsoever;

f) that for buskers the use and provision of public utilities shall be prohibited.

PART IV

Business Hours

Business hours.

36. (1) For the purposes of article 4 of the Act it is being provided that the provisions of this Part shall be applicable to all commercial premises and to all commercial activities, irrespective of whether such premises or activities are regulated by the Act or under any other law.

(2) The maximum limit of business hours during which commercial premises may remain open and commercial activities may be carried out for the serving of customers shall be those shown in relation to such commercial premises or such commercial activity in the Third Schedule to these regulations.

Cap. 31.

(3) The provisions of subregulations (1) and (2) of this regulation shall be without prejudice to any special provision made in relation to dispensaries under the Medical and Kindred Professions Ordinance.

(4) Commercial premises selling predominately grocery items and licenced under category 1 type code 52.27 and situated in any of the tourist localities listed in Section 10 of the Third Schedule, which do not cover more than 350 square metres of shop floor space may remain open for business on a Sunday or other public holiday, between 6.00 a.m. and 5.00 p.m. of the same day.

37. The provisions of this Part shall not be applicable to any commercial activity which is carried out in an airport, a sea passenger terminal, a hospital, a clinic, a residential home or from any part of a hotel.

Commercial activities from airports, hotels, sea ports, etc.

38. (1) Notwithstanding the provisions of the Third Schedule to these regulations, the Minister may, subject to such conditions as he may in every particular case decide to impose, extend the business hours of any commercial premises licensed as a catering establishment under the Malta Travel and Tourism Services Act or licensed as a night-club, discotheque or other premises where dancing is held and an entrance fee is normally charged, beyond the time established as business hours for such premises under the said Schedule.

Extension of time for catering establishments.

(2) The owner or manager of any commercial premises as mentioned above shall apply in writing to the Trade Licensing Unit for the purpose of seeking authorisation to extend the business hours of such commercial premises. The Trade Licensing Unit within seven working days after receiving such application shall consult with the Malta Tourism Authority in order to ascertain whether all relevant licence fees in respect of such commercial premises have been paid and shall also request the approval of the Commissioner of Police for the extension of the business hours of the commercial premises.. Within sixty days after receiving such notification from the Trade Licensing Unit the Malta Tourism Authority and the Commissioner of Police shall send a written reply.

In the event that, within the abovementioned period of sixty days the Malta Tourism Authority indicates that the licence fees in respect of the commercial premises have not been paid or in the event that that the Commissioner of Police, within the said period objects to the extension of business hours, such extension shall not be granted.

If after the said period of sixty days the Trade Licensing Unit receives no reply from the Malta Tourism Authority or from the Commissioner of Police it shall be deemed that the Malta Tourism Authority or the Commissioner of Police, as the case may be, is in agreement with the granting of the authorisation for the extension of business hours:

Provided that:-

(a) the playing of music by whatever means inside commercial premises when they are not licensed to play amplified music shall stop by 11.00 p.m.;

(b) amplified music may only be played after 11.00 p.m. in commercial premises that are covered by a licence for the playing therein of amplified music;

(c) Subject to paragraph (b) above, the playing of music by whatever means, in commercial premises licenced to play amplified music, in such a manner that the music can be heard outdoors is prohibited after 11.00 p.m. in all areas, with the exception of the designated areas in Bugibba, Qawra and Paceville, as per Schedule 5, where no music can be heard outdoors after 1.00 a.m. ;

(d) The operation of commercial premises licensed to open for business from 1.00 a.m. to 4.00 a.m. shall not during those hours cause annoyance or inconvenience to neighbours by any sound capable of being heard from outside the premises or by anything done inside or outside the premises.

(e) In the event of failure to comply with the provisions of sub-paragraphs (a) to (d) above, any member of the Police force not below the rank of Sergeant shall have the power to order the immediate remedy of any such breach to his satisfaction and any member of the Police force not below the rank of Inspector may order the immediate closure of the premises for a period of twelve hours as he shall deem appropriate in the circumstances. In the case where the persons having effective control of the commercial premises fails to comply with any order given to him in terms of this paragraph, the Commissioner of Police, shall, have the power to issue an order in writing for the immediate closure of the premises and cessation of commercial activity from the said premises for a period of not more than 15 days. Subject that to the concurrence of the Minister responsible for Commerce the said commercial premises may be closed for a subsequent period not exceeding 30 days independently of any other punishment to which the offender may become or may have become liable according to law.

(3) In the case of persistent breaches the Commissioner of Police shall inform the Trade Licensing Unit of the provisions of sub-paragraphs (a) to (d) of paragraph (2) above have been encountered in any licenced commercial premises the Trade Licensing Unit may, after granting the licensee of the said premises an opportunity to make submissions, revoke the licence for the extension of business hours from 1.00 a.m. to 4.00 a.m. in respect of such commercial premises.

(4) (a) No amplified music, by live bands or by whatever means shall be played in the course of or as part of a commercial activity between 4.00 a.m. and 9.00 a.m.;

(b) Subject to the provisions of paragraph (c) below, any commercial activity held in the open-air, in the precincts of any commercial premises, shall come to an end by no later than 1.00 a.m.;

(c) if the premises where an open-air commercial activity is held are part of any premises licensed as a catering establishment under the Malta Travel and Tourism Services Act, or licensed as a night-club, discotheque or other premises where dancing is held and an entrance fee is charged, and the premises are situated at a distance of more than 500 metres from any inhabited area, the licensee may apply to the Minister for an extension of the time limit laid down in this regulation subject to such conditions as the Minister may deem appropriate and provided that such limit shall in no case be extended beyond 4.00 a.m.

39. (1) Commercial activities in open-air markets may be carried out by market hawkers on the day or days and during the business hours established for such markets under the Fourth Schedule to these regulations. Open-air markets.

(2) Subject to the following provisions of this regulation, unless otherwise provided, market hawkers shall not put up their stall in an open-air market before 6.30 a.m. or remain in the said market after 1.00 p.m. of the same day.

(3) In the case of the open-air market at Marsaxlokk market hawkers shall not put up their stall before 6.30 a.m. and shall not remain in the market after 5.00 p.m. of the same day from Monday to Sundays.

(4) In the case of the open-air market at Ta' Qali on a Sunday, market hawkers shall not put up their stall before 8.00 a.m. or remain in the market after 5.00 p.m. of the same day.

(5) In the case of the open-air market at Victoria, Gozo, market hawkers shall not put up their stall before 6.30 a.m. or remain in the market after 2.00 p.m. of the same day.

(6) In the case of the open-air market in Merchants Street, Valletta, the following conditions shall apply:-

(a) the stalls shall not be put up before 7.00 a.m. or after 8.00 a.m.;

(b) the stalls shall not be dismantled before 1.15 p.m. or after 2.00 p.m., by which time the market hawkers shall leave the market;

(c) without prejudice to the following provisions of this regulation, during the period between the 13 and the 24 December, both dates included, market hawkers shall not dismantle their stalls before 8.00 p.m. of the same day:

Provided that on any Sunday or other public holiday falling between such period market hawkers shall not dismantle their stalls before 1.15 p.m. or after 2.00 p.m.

(7) Notwithstanding the foregoing provisions of this regulation it shall be lawful for the Police to stop the activities of market hawkers in special events and occasions.

PART V

Appeal Procedures

Eligibility to file an appeal to Licensing Appeals Board.

40. (1) Any applicant for a licence under the Act, and any other person who has made any objection or representation to the Trade Licensing Unit in terms of regulation 9 of these regulations, who feels aggrieved by the decision of the said Unit in relation to a licence or if a person feels aggrieved by a decision taken by a local council in relation to the issuing of a licence or by an order or lack of consent given by the Commissioner of Police to the Trade Licensing Unit, may file an appeal to the Licensing Appeals Board (hereinafter referred to as the "Board") in accordance with the provisions of this Part.

(2) The application for an appeal against the unit or a local council shall be filed with the Secretary of the Board within fifteen days from the date when the applicant has been notified by the Trade Licensing Unit in terms of subregulation (1) of regulation 11 or the date when any other person has been notified in terms of subregulation (2) of regulation 11 of these regulations.

(3) The application shall clearly state the grounds for the appeal and the request of the appellant.

Notification of appeal.

41. Where an appeal has been filed with the Board, the Secretary shall, within one working day of such filing notify the Trade Licensing Unit and the following persons:-

(a) if the appeal has been filed by the applicant in relation to a licence, and a person had made any objection or representation as aforesaid, to any such person;

(b) if the appeal has been filed by any person as aforesaid, to the applicant.

42. (1) Where the appellant is not the applicant in relation to a licence, or the person who made an objection or representation as aforesaid, the applicant or such person, as the case may be, shall have the right to make his representation before the Board. Submission of evidence.

(2) The appellant, on the filing of the appeal, and the Trade Licensing Unit and the applicant in relation to the licence or any person who had made any objection or representation other than the appellant as the case may be, shall, at least one week prior to the date set for the hearing of the appeal, submit to the Board all evidence, statements and documents relating to the case.

43. The evidence of witnesses in the appeal hearing shall be produced either *viva voce* or by affidavit. The provisions of the Code of Organisation and Civil Procedure referring to the production of evidence before a Court of civil jurisdiction, shall *mutatis mutandis* apply to the production of evidence *viva voce* or by affidavit before the Board. Evidence of witnesses.

44. (1) The hearing of the appeal shall be held within a period of not less than three working days and not later than ten working days from the filing of such appeal: Hearing of appeal.

Provided that if the Chairman of the Appeals Board decides in favour of the urgency of the matter, the Appeal Board may hear the appeal before the three working days:

Provided that if the Chairman of the Appeals Board decides on the need of further documentation and evidence the Chairman may decide upon the hearing of the Appeal later than ten working days.

(2) The Board shall proceed to hear and decide on the appeal on the evidence, statements and documents submitted by both parties in terms of regulations 41, 42, 43 and 44 of these regulations.

(3) The Board shall, as far as practicable, decide the appeal after one sitting. If the Board decides to grant adjournments the Board shall give the parties concerned two dates as the only two appointments

for the Board to hear the appeal. These two dates shall be within a maximum period of 30 days.

Default of appearance.

45. Where any of the parties fail to appear on the adjournment that party shall be guilty of an offence against these regulations and shall be liable on conviction to a fine (*multa*) of fifty (Lm50) liri for each time he fails to appear. If the appellant fails to appear the Board will suspend the appeal and the appeal shall be deemed deserted. If the relevant authority fails to appear for both dates of adjournment the board of appeal shall give its judgement on the basis of the proof then available to it.

Notification.

46. Any notice sent by the Board shall be deemed to have been delivered and duly notified if it is physically delivered or sent by registered post to the addressee at his place of business, habitual residence or mailing address.

Public hearing.

47. All hearings of the Board shall be held in public and all decisions of the Board shall be given in public.

Appeal fees.

48. (1) Any person making an appeal to the Board shall, on the filing of such appeal, pay a fee of Lm25.

(2) If the Board is unable to decide the appeal after its first hearing, and subsequent hearings are made, the appellant shall, besides the above-mentioned fee of Lm25 pay to the Board an additional fee of Lm20 for every subsequent hearing.

(3) If the Board finds for the appellant, the Board shall, in its decision, order the Trade Licensing Unit or the relevant Authority to refund all fees paid by the appellant to the Board in relation to the appeal.

Powers of the Appeals Board.

49. The Board may also apportion the costs between the parties, in which case the Trade Licensing Unit or the relevant authority shall be ordered to refund that part of the fees so apportioned. The Board may also:

(a) revoke a decision taken by the relevant authority against the appellant or

(b) make the relevant authority issue the necessary permit ,
or

(c) take the necessary action, including the issue of a licence, which has been applied for by the appellant, or

(d) review a decision that has been taken against the appellant.

PART VI

Licence Fees

50. The following fees shall be payable to the Trade Licensing Unit for any person to exercise any of the following commercial activities:- Fees in relation to hawkers, etc.

(a) to act as a street hawker using a motor vehicle or any other means of transport Lm40 per annum;

(b) to act as a street hawker selling bread using any means of transport, Lm10 per annum;

(c) to act as a street hawker selling fruit or vegetables or fish using any means of transport Lm20 per annum;

(d) to act as a street hawker selling traditional Maltese nougat (qubbajt) Lm30 per annum;

(e) to act as a market hawker, Lm30 per annum;

(f) to act as a market hawker from a fixed site in the open air market in Valletta or it-Tokk Victoria, Gozo Lm50 per annum;

(g) for every car boot sale organization Lm25 per event;

(h) to act as a marketing agents licence Lm30 per annum per every vehicle licenced;

(i) to act as a busker Lm40 per annum irrespective of duration;

(j) the fee payable in relation to a commercial fair shall be the highest of:

(a) either Lm300 for seven consecutive days ; or

(b) Lm1 for every participant per day.

51. The annual fees payable under these regulations shall be payable at the commencement of the commercial activity and thereafter When fee is due.

shall be paid annually for the renewal of the licence on the 1st day of January in every year.

Personal Transfer.

52. A licence as a market hawker from the open-air market in Merchants Street Valletta, Marsaxlokk or from the open-air market at it-Tokk Victoria Gozo and a licence in relation to any kiosk, may be transferred to any other person on the payment of a fee of Lm1000 to the relevant authority:

Provided that such fee shall not be due when the transfer is made in favour of a husband or wife, or any person in the direct descending line, including adopted children, through an inter vivos or causa mortis transmission, on proof of the family relationship to the existing licence holder.

PART VII

Offences and Penalties

Offences and penalties.

53. Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and shall, on conviction be liable to the same penalties established under article 29 of the Act.

Special proceedings.

54. For the purposes of article 30 of the Act, the penalty that the Trade Licensing Unit may demand in relation to any offence against the provisions of the Act and of these regulations shall be Lm50.

FIRST SCHEDULE

(Regulation 13)

LICENCE CATEGORIES AND TYPES

Licence Category I - Processing, Manufacturing and Sale of Food Products and Beverages

Type Code	Type of Licence
15	Manufacture of food products and beverages
51.3	Wholesale of food and beverages
52.11	Retail sale in non-specialised stores with food, beverages and tobacco predominating
52.21	Retail sale of food in specialised stores selling predominantly fruit and vegetables
52.22	Retail sale of food in specialised stores selling predominantly meat and meat products
52.23	Retail sale of food in specialised stores selling predominantly fish, crustaceans and molluscs
52.24	Retail sale of food in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery
52.25	Retail sale of food and beverages in specialised stores selling predominantly alcoholic and other beverages
52.27	Retail sale of food and beverages in specialised stores selling predominantly other food products not elsewhere classified
55.52	Catering; supply of prepared food

Licence Category II - Manufacturing Activities

Type Code	Type of Licence
16	Manufacture of tobacco products
17	Manufacture of textile and textile products
18	Manufacture of wearing apparel, dressing and dyeing of fur
19	Tanning and dressing of leather, manufacture of luggage, handbags, saddlery, harness and footwear
20	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
21	Manufacture of pulp, paper and paper products
22	Publishing, printing and reproduction of recorded media
24	Manufacture of chemicals and chemical products excluding the

	manufacture of pharmaceuticals
25	Manufacture of rubber and plastic products
26	Manufacture of other non-metallic mineral products
27	Manufacture of base metal
28	Manufacture of fabricated metal products, except machinery and equipment
29	Manufacture of machinery and equipment excluding the manufacture of weapons, arms and ammunition
30	Manufacture of office machinery and computers
31	Manufacture of electrical machinery and apparatus not elsewhere classified
32	Manufacture of radio, television and communications equipment and apparatus
33	Manufacture of medical precision and optical instruments, watches and clocks
34	Manufacture of motor vehicles, trailers and semi-trailers
35	Manufacture of other transport equipment
36.1	Manufacture of furniture
36.2	Manufacture of jewellery and related articles
36.3	Manufacture of musical instruments
36.4	Manufacture of sports goods
36.5	Manufacture of games and toys
36.6	Miscellaneous manufacturing activities not elsewhere classified
37	Recycling including scrap yards

Licence category III - Wholesale and Retail Trade

Type Code	Type of Licence
50.1	Sale of motor vehicles and motorcycles
50.2	Maintenance and repair of motor vehicles
50.3	Sale of motor vehicles parts and accessories
50.4	Sale, maintenance and repair of motorcycles and related parts and accessories
51.4	Wholesale of household goods excluding pharmaceutical products
51.5	Wholesale of non-agricultural intermediate products, waste and scrap
51.8	Wholesale of machinery, equipment and supplies
51.9	Other wholesale
52.12	Retail sale in non-specialised stores in which food products should not be predominant
52.26	Retail sale in specialised store selling predominately tobacco products
52.32	Retail sale in specialised store selling predominately medical and orthopaedic goods
52.33	Retail sale in specialised store selling predominately cosmetics and toiletries
52.41	Retail sale in specialised store selling predominately textiles

52.42	Retail sale in specialised store selling predominately clothing
52.43	Retail sale in specialised store selling predominately footwear and leather goods
52.44	Retail sale in specialised store selling predominately furniture, lighting equipment and other household articles
52.45	Retail sale in specialised store selling predominately electrical household appliances and radio and television goods
52.46	Retail sale in specialised store selling predominately hardware, paints and glass
52.47	Retail sale in specialised store selling predominately books, newspapers and stationery
52.48.1	Other retail sale in specialised stores selling predominantly office equipment, computers and non-customised software
52.48.2	Other retail sale in specialised stores selling predominantly photographic, optical and precision equipment
52.48.3	Other retail sale in specialised stores selling predominantly telecommunications equipment
52.48.4	Activities of opticians
52.48.5	Other retail sale in specialised stores selling predominantly wallpaper and floor coverings
52.48.6	Other retail sale in specialised stores selling predominantly carpets and rugs
52.48.7	Other retail sale in specialised stores selling predominantly watches, clocks and jewellery
52.48.8	Other retail sale and maintenance in specialised stores selling predominantly sports goods, fishing gear, camping goods, boats and bicycles
52.48.9	Other retail sale in specialised stores selling predominantly games and toys
52.48.10	Other retail sale in specialised stores selling predominantly flowers, plants, seeds, fertilisers, pet animals and pet food
52.48.11	Other retail sale in specialised stores selling predominantly souvenirs, craftwork and religious articles
52.48.12	Other retail sale in specialised stores selling predominantly stamps and coins
52.48.13	Other retail sale in specialised stores selling predominantly non-food products not elsewhere classified
52.5	Retail sale of second hand goods in stores
52.6	Retail sale not in stores: retail sale via mail order houses or through the internet
52.7	Repair of personal and household goods

Licence category IV - Construction Services

Type Code	Type of Licence
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- 45 The offering of construction services or the renting of equipment, plant and machinery related with such services.

Licence category V - Professional and Business Services

Type Code	Type of Licence
63.11	Cargo handling
63.4	Activities of other transport agencies
64.1	Post and courier activities
70	Real estate activities
71	Renting of machinery and equipment without operator and of personal and household goods excluding the renting of automobiles and other land, air or sea transport equipment
72	Computer services and related activities
73	Research and development
74.12	Book-keeping
74.13	Market research and opinion polling
74.14	Business and management consultancy activities excluding public relations and communications
74.141	Public Relations and Communications
74.15	Management activities of holding companies
74.3	Technical testing and analysis
74.4	Advertising
74.5	Labour recruitment and provision of personnel
74.7	Industrial cleaning
74.81	Photographic activities
74.82	Packaging activities
74.83	Secretarial and translation services
74.84	Call centre activities
74.871	Activities of fair, exhibition and congress organisers
74.87	Other professional and business activities not elsewhere classified

Licence Category VI - Social and Personal Services (excluding any gambling or betting activities)

Type Code	Type of Licence
70.2	Letting of property and halls for weddings and other receptions
80.42	Activities of instructors of music, crafts, sports and other leisure activities
92.1	Motion picture and video activities
92.2	Radio and television activities
92.3	Other entertainment activities

92.4	News agency activities
92.5	Library, archives, museums and other cultural activities
92.6	Sporting activities excluding water sports and hunting and betting
92.7	Other recreational activities excluding gambling and betting activities
93.01	Washing and dry cleaning of textile and fur products
93.021	Hairdressing
93.022	Activities of beauty treatment
93.03	Funeral and related activities
93.04	Physical well being activities
93.05	Other social and personal service activities not elsewhere classified

SECOND SCHEDULE

(Regulation 13)

CONDITIONS FOR CARRYING OUT A COMMERCIAL ACTIVITY

The following conditions shall apply to all commercial premises whether unlicensed or licensed by any authority and regulated by any legislation.

01. The commercial premises are at all times to be kept in a clean and wholesome manner both within the premises and in the immediate vicinity outside the premises. Any person carrying out a commercial activity should be responsible for the cleaning of the pavement, the space beneath the pavement and of the street space in front of the commercial premises. After the opening hours the licensee is forbidden from leaving any waste or any objects on the pavement, the space beneath the pavement and the street space in front of his commercial premises.
02. The commercial activity carried out in the premises or things stored within the premises shall not:-
 - 02.1 cause annoyance to neighbours;
 - 02.2 be likely to occasion any fire or explosion;
 - 02.3 emit exhalation, fumes, vapours, gases, dust or emit noxious or offensive odours into the atmosphere that may cause damage or are injurious to health;
 - 02.4 cause annoyance by way of noise.
03. When a commercial activity expose for sale any article or any other thing placed outside the premises the person responsible for the commercial activity shall see that these do not cause an obstacle to the pedestrians and that should never exceed 50 cm of the same pavement.
04. Any commercial activity which carried out from any premises or outside a premises is regulated under these regulations.
05. Where the commercial activity comprises the sale or repair of vehicles, no vehicles shall be displayed for sale, repaired or else be washed in any part of the street. No vehicles whatever kind, commercial or otherwise, brand new or second hand can be parked in any public place for the intention of exhibiting for sale the vehicle, marked by the words "for sale" or any other words that indicate the aforesaid intention.
06. Magazines, or any other items or materials which by their nature are objectionable for use or consumption by minors, or any items which by their nature are objectionable by general use shall not be sold to minors or displayed in any manner

within the commercial premises where they will be accessible to or within the reach of such minors or general public.

07. No alcohol or tobacco products in any form may be sold to persons under 16 years of age.
08. No noise shall be generated from any Commercial Premises and be heard from outside the premises that causes annoyance and disturbance to neighbours by hammering or by the use of machinery between 1.00 p.m. and 4.p.m. of the same day and between 7.00.p.m. and 7.00.a.m. of the next following day.
09. No Commercial Activity located in an urban area can generate noise that can be heard from outside the premises that causes annoyance and disturbance to neighbours by playing of music by live bands or amplified music or other means between the hours of 11.00 p.m. and 9.00 a.m. of the following day.
10. Where any commercial activity is carried out from any premises licensed under Category II, Manufacturing Activities, retail activities of products manufactured therein may also be carried out from such premises.
11. No gambling services could be sold to persons under 16 years of age from any Commercial Activity.
12. The sale from street hawkers or the sale from any vehicle or in the vicinity of a school is prohibited except the sale of ice-cream or catering units.

THIRD SCHEDULE

(Regulation 36)

Business Hours

PART I - Commercial Premises

Unless otherwise provided under Part II of this Schedule the following shall be the business hours during which any commercial activity may be carried out and in relation to any commercial premises, such premises shall be kept closed outside the said business hours except the premises that are licensed to organise a commercial fair:-

01. Normal business hours

Between 8 January and 31 October both dates included

Mondays to Fridays	4.00a.m. to 7.00p.m.
Saturdays	4.00a.m. to 8.00p.m.

*Between 1 November and 7 January of the following year, both days included
(Christmas period)*

Mondays to Sundays	4.00a.m. to 10.00p.m.
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02. Late night shopping

Notwithstanding the business hours established under paragraph 01 above the business hours of any commercial activity can be extended up to 10.00pm on any other day of the week being either Thursday, Friday or Saturday:-

Provided that late night shopping on any such day shall only be allowed after the licensee has applied in writing for such purpose to the Trade Licensing Unit and the permit issued by the said Unit is conspicuously displayed in the licensed premises.

PART II - Specific Commercial Activities

01. Petrol Stations

The business hours for the manual retail sale of automotive fuel shall be as follows:

Mondays to Fridays	6.00a.m. to 6.00p.m.
Saturdays	6.00a.m. to 3.00p.m.

The business hours for the retail sale of automotive fuel from automated mode pumps are unrestricted.

For the purpose of these regulations 'automated mode pumps' means any pumps from

which a consumer can purchase the fuel without the necessity of being attended by the owner of the petrol station, or by any of his employees, or by any other person on his behalf, being present on the station.

02. Lotto Receivers

Notwithstanding the provisions of Part I of this Schedule, Establishments which fall under NACE Code 0/9271 may operate on a 24 hour daily basis, subject to the relevant permit issued by the Gaming Authority unless stated otherwise in the same permit.

03. Catering Establishments

Catering establishments as defined in the Malta Travel and Tourism Services Act, 1999, night-clubs, discotheques and other premises where dancing is held and an entrance fee is normally charged, may be kept open on any day up to 1.00a.m.

04. Sale of Essential Items on Sundays and Public Holidays

Notwithstanding the provisions of Part I of this Schedule commercial premises predominantly selling the following items may open for business on Sundays and Public Holidays from 6.00a.m. to 1.00p.m. of the same day:-

- (a) Beverages, sweets and tobacco products; or
- (b) Fish, crustaceans and molluscs; or
- (c) Books, newspapers, stationery and office supplies; or
- (d) Photographic, optical and related precision equipment; or
- (e) Flowers.

05. Valletta Commercial Premises where Cruise Liners call at Harbour

Notwithstanding the provision of Part I of this Schedule, all commercial premises located in Valletta may open for business up to 10.00p.m. on any day from Monday to Saturday and up to 6.00p.m. on Sunday or any other Public Holiday whenever a passenger liner is in the Grand Harbour.

06. Establishments Hiring Carnival Costumes

Notwithstanding the provisions of Part I of this Schedule commercial activities that specialise in the hiring of carnival costumes can also open to serve customers from Thursday before Carnival to Carnival Tuesday up to 10.00p.m.

07. Commercial Fair Activities

In relation to any premises in respect of which a licence from the Trade Licensing Unit

has been issued for the organisation of commercial fairs or in relation to a commercial fair requiring a permit under subarticle (2) of article 20 of the Act, in both cases selling by retail or exhibit of goods, the fair may be open for business between 9.00a.m. to 11.00p.m. on any day.

08. Car Boot Sales

Commercial activities in car boot sales may only be carried out on a Sunday or any other public holiday from 6.00 a.m. to 1.00 p.m.

09. Flowers, plants, seeds and fertilisers

Notwithstanding the provisions of Part I of this Schedule, commercial premises predominantly selling flowers, plants, seeds and fertilisers may open for business on a Sunday or any other public holiday from 6.00a.m. to 7.00p.m.

10. Tourist Localities

Notwithstanding the provisions of Part I of this Schedule, the following provisions shall also apply to commercial premises situated in any of the tourist localities listed hereunder, between 1 March and 31 October, both days included:-

Tourist Localities

Malta

Birzebbuga

Cospicua

Gzira

Marsascala

Marsaxlokk

Mdina

Mellieha

Msida

Rabat

Senglea

Sliema

St Julian's

St Paul's Bay

Swieqi

Ta' Qali Crafts Village in the locality of Attard

Ta' Xbiex

Valletta

Vittoriosa

Wied iz-Zurrieq in the locality of Qrendi

Gozo

Marsalforn and Qbajjar in the locality of Zebbug
 Mgarr
 Ta' Dbiegi Crafts Village in the locality of Gharb
 Victoria
 Xlendi

Commercial premises predominantly selling any of the following items may open for business on any day of the week including Sundays and other public holidays between 6.00a.m. and 11.00p.m. of the same day:-

- (a) Beverages, sweets and tobacco products; or
- (b) Fish, crustaceans and molluscs; or
- (c) Watches, clocks and jewellery; or
- (d) Souvenirs, and craft-work items; or
- (e) Books, newspapers, stationery and office items; or
- (f) Perfumery items; or
- (g) Swimming and diving equipment; or
- (h) Photographic, optical and related precision items.

11. Street Hawkers

The provisions of Part I, and sections 4 and 10 of Part II shall also apply to street hawkers:

Provided that street hawkers can also sell ice cream, fruit, vegetables and fish on a Sunday and any other public holiday in any locality from 6.00 a.m. to 11.00 p.m.

12. Commercial Activities with Unrestricted Business Hours

The commercial activities listed below can be carried out without any restriction on the business hours:

Commercial activities:	Category	Type Code
(a) The predominant sale of bread, cakes, flour confectionery and sugar confectionery	I	52.24
(b) Manufacturing activities located in industrial zones	I II	15 16 to 37
(c) Predominant Construction Services	IV	45
(d) Predominant Professional & Business Services	V	63.11 to 74.87 excluding 71 and 74.871 insofar as it refers to fairs
(e) Predominant Social & Personal Services	VI	70.2 to 93.05
(d) Casinos, betting and gambling; provided they remain closed on		

Good Friday

- (e) Predominant Renting of automobiles and other means of road transport
- (f) Predominant Renting of water sports equipment
- (g) Predominant Renting of air transport equipment
- (h) Predominant Renting of pleasure boats
- (i) Predominant Operators of guest houses, holiday premises, hostels and hotels
- (j) Predominant Sale from vending and other automatic machines

This paragraph shall not apply to the sale of goods by retail from any manufacturing premises.

FOURTH SCHEDULE

(Regulation 39)

OPEN-AIR MARKETS

Locality	Days of Trading	Business Hours	
Birzebbugia	Triq Zarenu Dalli	Thursday	6.30a.m. to 1.00p.m.
Birkirkara	Triq Tumas Fenech, Triq il-Herba, Triq is-Santwarju, Triq Mike Pulis, Triq Nazzju Falzon	Wednesday and Friday	6.30a.m. to 1.00p.m.
Bormla/Birgu	Triq il-Gubilew tal-Fidda, Triq Kottonera, Triq Verdala	Tuesday	6.30a.m. to 1.00p.m.
Floriana	Foss ta' San Gakbu	Sunday	6.30a.m. to 1.00p.m.
Luqa	Triq Wilga, Misrah iz-Zghazagh	Monday	6.30a.m. to 1.00p.m.
Marsaxlokk	Xatt is-Sajjieda	Sunday	6.30a.m. to 6.00p.m.
Marsaxlokk	Xatt is-Sajjieda	Monday to Saturday	6.30a.m. to 5.00p.m.
Mosta	Triq Nicolo Isuard, Triq il-Lunzjata (x Triq Wied is-Sir), Pjazza 10 ta' Settembru	Monday	6.30a.m. to 1.00p.m.
Naxxar	Triq l-Ghenieq, Triq Hal-Dghejf	Thursday	6.30a.m. to 1.00p.m.
Paola	Triq l-Arkata	Wednesday, Thursday, Friday and Saturday	6.30a.m. to 1.00p.m.
Qormi	Pjazza tal-Granmastru, Misrah Narbona, Partim Minn Vjal De La Cruz sa Triq Mons. P.P. Psaila	Saturday	6.30a.m. to 1.00p.m.
Rabat	Triq Santa Rita	Sunday	6.30a.m. to 1.00p.m.
Siggiewi	Pjazza Santa Margerita	Friday	6.30a.m. to 1.00p.m.
Sliema	Pjazza tal-Lunzjata	Wednesday and Friday	6.30a.m. to 1.00p.m.
Attard	Parking Area (Park Nazzjonali Ta' Qali)	Sunday	12 noon to 6.00p.m.
Valletta	Triq il-Merkanti	Monday to Saturday	7.00a.m. to 2.00p.m.
Zabbar	Misrah San Gakbu	Saturday	6.30a.m. to 1.00p.m.
Zebbug	Triq Antonio Sciortino, Triq Loret Vela	Tuesday, Wednesday, Thursday and Saturday	6.30a.m. to 1.00p.m.
Zejtun	Pjazza Suq, Misrah Indipendenza	Wednesday	6.30a.m. to 1.00p.m.
Zurrieq	Vjal Blue Grotto, Triq Stefan Zerafa, Triq Carmelo Caruana	Thursday	6.30a.m. to 1.00p.m.
Gozo	Victoria - It-Tokk and Pjazza Santa Sabina	Monday to Sunday	6.30a.m. to 2.00p.m.

FIFTH SCHEDULE

(Regulation 38)

**DESIGNATED AREAS IN BUGIBBA, QAWRA AND PACEVILLE WHERE NO
MUSIC CAN BE HEARD OURDOORS AFTER 1.00 A.M.**

Bugibba and Qawra

Dawret il-Gzejjer

Iż-Żona Pedonali – Triq il-Bajja,
Parti minn Triq San Antnin,
Parti minn Triq il-Pijunieri sa Triq il-Hallel

Parti minn Triq il-Hallel sa Triq ic-Ċerna

Triq it-Trunciera

Parti minn Triq il-Qawra minn Triq l-Istamar sa Triq it-Trunciera

Paceville

Trejjet Dragunara
Triq il-Ġdida fi Triq Santu Wistin

SIXTH SCHEDULE

LICENSING AUTHORITIES

Authority	Commercial Activity
Malta Tourism Authority	<ul style="list-style-type: none"> • Hotels and other tourist accommodation • Host families accommodation • Long let licences • Bars, nightclubs and discotheques • Restaurants and snack bars • Travel agencies and destination management companies • Organised excursion operators • Tourist guides • Diving schools
<p>Note: In the case of a catering commercial activity a licence from the Public Health Department is also required.</p>	
Malta Transport Authority	<ul style="list-style-type: none"> • Taxi Operators and other means of passenger transport • Car Rentals • Scheduled passenger land transport • Garages for Public Service • Horse Driven Carriages • Driving Schools • Car park attendants
Malta Maritime Authority	<ul style="list-style-type: none"> • Passenger Boats • Water Sports and schools (excluding diving schools) • Boat Hiring, jet-skis, paddle boats and other types f water transport
Malta Resources Authority	<ul style="list-style-type: none"> • Petrol Stations • Distribution of Kerosene products • Distribution of liquid petroleum gas • Kerosene retailers • Quarries • Electricity, Gas and Hot Water provision • Collection, purification and distribution of water • Batching plants
Customs Department	<ul style="list-style-type: none"> • Manufacture establishments for the production of alcohol and alcoholic beverages • Manufacture establishments for the production of beer

- Manufacture establishments for the production of tobacco and tobacco products
- Malta Communications Authority**
 - Public communications network
 - Publicly available telephone service
 - Television and radio distribution services
 - Other publicly available communications services
 - Non-public electronic communications services
 - Private electronic communications networks
 - Private electronic communications services
- Ministry of Education**
 - Independent private schools
 - Church and independent schools including pre-primary, primary, secondary and post-secondary
 - English language schools
 - Tuition Centers
- Public Health Department**
 - Manufacture of pharmaceuticals
 - Wholesale dealer in pharmaceuticals
 - Pharmacies and pharmacists
 - Dental clinics
 - Acupuncture clinics
 - Chiropody clinics
 - Medical diagnostic laboratories
 - Physiotherapy clinics
 - X-ray department
 - Tattooists
- Civil Aviation Department**
 - Air Transport Service
- Vetenary Services Department**
 - Bird Breeding
 - Pig Breeding
 - Vetenary Clinics
- Consumer and Competition Division**
 - Door-to-door retailers
- Public Broadcasting Authority**
 - Sound and television broadcasting services
- Lotteries and Gaming Authority**
 - Lotteries
 - Non-profit gaming
 - Bingo games organised by non-profit making entities
 - Bingo in commercial halls
 - Casinos

- Remote gaming
- Video Lottery Terminals

Police Department

- Manufacture of arms and fire arms
- Security Services
- Organisation of Religious, Political and Social Activities
- One time events

Trade Licensing Unit

- Manufacturing, retail, wholesale and any service not regulated any other Authority

