

SUBSIDIARY LEGISLATION 441.07**TRADING LICENCES REGULATIONS**

6th January, 2006

LEGAL NOTICE 1 of 2006, as amended by Legal Notices 244 of 2006, 7, 186, 235, 366 and 426 of 2007, 104 of 2008, and 226, 271 and 303 of 2009; Acts XV and XXIII of 2009; and Legal Notices 52, 55, 87, 96, 134, 208, 228 and 249 of 2011, and 349, 360, 426 and 475 of 2012.

Arrangement of regulations

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PART I

Preliminary

Citation.	<p>1. The title of these regulations is the Trading Licences Regulations.</p>
Interpretation. <i>Amended by:</i> <i>L.N. 55 of 2011;</i> <i>L.N. 96 of 2011;</i> <i>L.N. 349 of 2012;</i> <i>L.N. 475 of 2012.</i> Cap. 441.	<p>2. In these regulations, unless the context otherwise requires:</p> <p>"the Act" means the Trading Licences Act;</p> <p>"ailing parents, spouse or children" means parents, spouse, son or daughter who are ill;</p> <p>"alcoholic beverage" means an alcoholic beverage falling under headings 22.03, 22.04, 22.05, 22.06, 22.07 and 22.08 of the Customs Tariff as set out in the First Schedule to the Import Duties Act;</p>
Cap. 337.	<p>"agricultural marketing centre" means a marketing centre established by the Agricultural Marketing Centres Regulations;</p>
S.L. 117.20	<p>"the busker" means a person who produces on site and sells a work of art;</p> <p>"commencement date of the commercial activity" means, in the case of a manufacturing activity, the first day of production, in the case of a wholesale and, or retail activity the day when the first sale is made and in the case of provision of services the day when the first service for a charge is provided;</p> <p>"date of the ceasing of operations" means, in the case of a manufacturing activity as well as in the case of a wholesale and, or retail activity, the day when the last sale is made while in the case of provision of services it means the day when the last service for a charge is provided;</p> <p>"door-to-door seller" means a person who offers the provision or supply of any type of goods or services in connection with commercial activities licensed by the Trading Licences Unit by means of a doorstep contract, whether the offer is unsolicited by the person to whom it is made, or is solicited by the latter person in response to any advertisement, but does not include vendors of food stuffs and drinks who sell their goods from door-to-door;</p>
S.L. 117.31	<p>"Farmers' Market" means a market established in terms of the Farmers' Market Regulations;</p> <p>"form" means both a paper form and a form in an electronic format;</p> <p>"licence" or "trading licence" means a licence or trading licence pursuant to article 10 of the Act;</p> <p>"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;</p> <p>"Member State" means a member state of the European Economic Area;</p> <p>"the Minister" means the Minister responsible for commerce;</p> <p>"open-air market" means any one of the markets listed under the Fourth Schedule;</p>

- "person" means a natural or legal person;
- "person of the legal profession" means an advocate, a notary public or a legal procurator;
- "street" shall have the same meaning assigned to it in the Activities Requiring Permit by Local Councils Regulations; S.L. 441.04
- "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 Department responsible for trade licensing and includes the public officer responsible for trade within the Department and, to the extent of any authority given, includes any other officer within the Department.
- 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. 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.
- 4.** For the purpose of article 3 of the Act, the Minister has designated the Trade Licensing Unit as the regulatory authority responsible to issue trading licences in respect of commercial activities listed in Schedule I and other activities which as result of the Act or the regulations require a licence from the Trading Licensing Unit. Designation of regulatory authority. Substituted by: L.N. 349 of 2012.

PART IA

General Provisions

Added by:
L.N. 349 of 2012.

- 4A.** A trading licence shall not be required:
- (a) when a person is in possession of a farmer's log book and is selling his own produce from his own field or premises within such field;
- (b) when a person, in any street or public area in a locality on any special or specific day or days, wishes to:
- (i) hold a public show, or other public entertainment or similar activity;
- (ii) place and, or host a vending machine;
- (iii) hold a commercial fair or commercial exhibition;
- (iv) hold an exhibition as defined in the Act:

When a trading licence is not required.
Added by:
L.N. 349 of 2012.

Provided that the participants of a commercial fair or a commercial exhibition shall be licensed persons except in the case

where the activities are exempted from the need of a licence under any law:

Provided further that activities referred to in subparagraphs (i) to (iv) shall not be held without a relevant permit from the Local Council, or any other permit required by any other applicable law.

Permit of
Commissioner of
Police.
Added by:
L.N. 349 of 2012.

4B. A person who, on any special or specific day or days, holds -

- (a) a procession or any other activity not mentioned in regulation 4A(2) held in a public place in the context of a feast, and, or any band march, disco, ball, dance or any other similar activity, irrespective of the name by which it is called; or
- (b) a sporting activity which is organised across more than one locality or on a national basis; or
- (c) any activity organised by a political party,

shall only require a relevant permit from the Commissioner of Police.

When an additional
permit and licence
are not required.
Added by:
L.N. 349 of 2012.

4C. When a person has been granted a relevant permit by the Local Council or by the Commissioner of Police, for the carrying out of an activity falling under regulations 4A(2) and 4B and the relevant permit includes an authorisation for the setting up of temporary stalls or kiosks or the exercise of a commercial activity, that person shall not require an additional permit from the Local Council or a licence from the Trade Licensing Unit for the setting up of stalls or kiosks or the exercise of a commercial activity included in the permit.

Street performers.
Added by:
L.N. 349 of 2012.

4D. (1) A trading licence or any other authorisation from the Trading Licences Unit shall not be required when a person or a group of persons of not more than six persons in a street or in any other public place, play a musical instrument or instruments or perform a song, mime, statue, dancing or other creative routine or performance and collect any voluntary donations from passers-by who stop to watch their performance.

(2) Activities referred to in sub-regulation (1) may not be performed where and when:

- (a) they create an obstruction to the entrance to private or public premises or to any nearby activity; and, or
- (b) the noise level they create is a nuisance to any nearby private or public premises or activity:

Provided that a police officer may, on the basis of non-conformity with sub-regulations (1) and (2) or for reasons of public order, public safety or public morality, direct that such performance be stopped or that it be held at an alternative location:

Provided further that a street performer or performers forming part of an activity referred to under regulation 4B shall be permitted to put up their performance if the street performer or performers have been granted a relevant permit by the

Commissioner of Police.

PART II

Licensing of Commercial Premises

5. (1) Without prejudice to regulations 3, 4A, 4B, 4C and 4D, or any other exemption or arrangement as the Minister may prescribe pursuant to article 10 of the Act, no person shall carry out a commercial activity listed and, or referred to in the First Schedule, without a licence issued or deemed to be issued by the Trade Licensing Unit in terms of the Act and these regulations.

Commercial activities requiring a trading licence.
Amended by:
L.N. 186 of 2007;
L.N. 55 of 2011
L.N. 96 of 2011;
L.N. 208 of 2011;
L.N. 228 of 2011;
L.N. 349 of 2012.

(2) For the purposes of this regulation, a person who holds a valid licence issued by the Commissioner of Police prior to the coming into force of the Act shall be considered to hold a valid licence under this regulation.

(3) The description of the licensed commercial activity may from time to time be changed by the Trading Licences Unit to reflect changes in classification:

Provided that there shall be no changes to the conditions of the licence unless such changes are enabled through these regulations or such regulations as may be prescribed.

(4) An application for a trading licence in order to carry out a commercial activity falling under Part 1 of the First Schedule shall be made to the Trade Licensing Unit on the appropriate form and be accompanied by documents and information as required by these regulations:

Provided that the Trade Licensing Unit may request any additional document and information as reasonably and objectively justified:

Provided further that an applicant for a trading licence to carry out a commercial activity falling under Part 1 of the First Schedule shall not commence the relevant commercial activity before a formal licence is issued by the Trade Licensing Unit.

(5) A person who wishes to carry out or is carrying out a commercial activity listed in Part 2 of the First Schedule shall submit a notification to the Trade Licensing Unit on the appropriate form in respect of the commencement of the relevant commercial activity:

Provided that the Trade Licensing Unit may request any additional document and information as reasonably and objectively justified:

Provided further that failure to submit notification or any of the required or requested documents and information within thirty days from the commencement date of the commercial activity shall be considered an offence against the Act and these regulations.

(6) A person who completes the notification procedure as required by sub-regulation (5) shall, for the purposes of this regulation, be deemed to be licensed to carry out the relevant commercial activity and the receipt issued in respect of the fees paid shall serve as proof of such notification:

Provided that a licence certificate shall be issued by the Trading Licence Unit in due course.

(7) A licence shall be deemed null *ab initio* if it transpires that requirements of the application or notification procedure have not been fulfilled or the information or the documentation submitted was false or incorrect:

Provided that no refund of any fees paid shall be made in such cases.

(8) (a) A retail outlet shall only benefit of one operating licence.

(b) In the case where more than one licence has been issued in respect of a retail outlet, it shall not be possible for that retail outlet to utilise and benefit from more than one licence to carry out a commercial activity during the same period of time, and this notwithstanding that payment of all fees and dues have been effected in full in respect of all licences:

Provided that if a person has more than one licence to carry out commercial activity, the licensee shall indicate to the Trade Licensing Unit under which licence he is operating and any licence so indicated shall be considered as the only valid operating licence whilst being subject to the relevant provisions of the Act and of regulations made thereunder.

(c) In the case where a licence has been issued for a predominant commercial activity to be carried out from a retail outlet, it is not possible to carry out another commercial activity predominantly from that retail outlet.

(9) (a) The Trade Licensing Unit shall have the power to inspect any retail outlet licensed as a confectionery to ascertain which commercial activity is being carried out from the said outlet.

(b) In the event that during such inspection the Trade Licensing Unit becomes aware that the commercial activity being carried out is an activity normally licensed by the Trade Licensing Unit but is not the commercial activity indicated in the valid operating licence as defined in sub-regulation (8), the Trade Licensing Unit shall be entitled to stipulate a time limit within which the licensee shall be obliged:

- (i) to abide by the conditions of the valid licence, or
- (ii) if the situation so warrants, to apply for a change of use in accordance with regulation 14:

Provided that where the commercial activity for which a change of use is applied for requires a permit under the Development Planning Act and, or clearance from the health authorities, the retail outlet shall immediately stop that commercial activity until such permit or

clearance is secured.

(10) If no action is taken by the licensee as indicated in sub-regulation (9)(b) within the stipulated time limit and if the commercial activity actually being carried out is an activity normally licensed by the Trade Licensing Unit, the Trading Licences Unit shall be entitled to change the type of licence in order to reflect the actual commercial activity being carried out in the retail outlet unless such a change requires a permit under the Development Planning Act and, or clearance from the health authorities:

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Provided that where such a change requires a permit under the Development Planning Act and, or a clearance from the health authorities, the Trade Licensing Unit shall oblige the retail outlet to immediately stop that commercial activity until such permit or clearance is secured.

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6. (1) A natural person shall be eligible to carry out a commercial activity listed and, or referred to in the First Schedule, provided that such person is:

Applicant's
eligibility.
Substituted by:
L.N. 349 of 2012.

- (a) of a legal age to carry out such activity; and
- (b) a citizen of Malta or of a Member State.

(2) A legal person shall be eligible to carry out a commercial activity listed and, or referred to in the First Schedule:

Provided that the legal person is registered in Malta, or incorporated under the law of a Member State, or have its statutory domicile, central administration or main place of business in a Member State.

(3) Any other natural person who is not a citizen of Malta or of a Member State shall be eligible to carry out a commercial activity listed and, or referred to in the First Schedule, provided that such person:

- (a) is of a legal age to carry out such activity; and
- (b) is in possession of a valid work permit issued by the Employment Training Corporation or competent authority vested with the remit to issue such permit:

Provided that the permit specifically allows the carrying out of the commercial activity indicated in the relevant application or notification form.

(4) Where the commercial activity is to be carried out from commercial premises, the owner or the person holding title of the said premises shall be in possession of the relevant permits issued by the Malta Environment and Planning Authority allowing the commercial activity for which the application or notification is being made, to be carried out from the said premises.

(5) Where applicable, the person carrying out the commercial activity, and, or his employees, shall possess the required qualifications as it may be prescribed.

Information, documents and fees to be submitted with the application and notification.

Substituted by:
L.N. 349 of 2012.
Amended by:
L.N. 475 of 2012;
L.N. 426 of 2012.

7. (1) An application or notification submitted in terms of regulation 5 shall include:

- (a) the name and address of the applicant who shall be carrying out the commercial activity;
- (b) proof of identification that, in the case of a Maltese citizen, shall be a legally valid identification document, and in the case of a non-Maltese citizen shall be a copy of his valid passport or a legally valid identification document;
- (c) in the case of a legal entity, its name, country of incorporation and registration number;
- (d) the Value Added Tax registration number where the issue of such is not exempted by law;
- (e) the nature of the commercial activity that is intended to be carried out as provided in the First Schedule;
- (f) where the commercial activity is to be carried out from commercial premises:
 - (i) the address of such premises,
 - (ii) the class number and commercial activity allowed from such premises by the national building authority; and
 - (iii) the number of the relevant building permit allowing such an activity to take place from premises in question:

Provided that in the case of an application or a notification for the carrying out of a commercial activity from a site allocated by Malta Enterprise, the submission of such Building Permit Number shall not be required and, in such case, the reference number of the Letter of Intent issued by Malta Enterprise shall be provided with the application or notification.

(2) When a person submits an application or a notification in respect of a commercial activity from a commercial premises which was constructed prior to 2001, the citation of a relevant Building Permit Number shall not be required on the form:

Provided that in such case, the applicant has to prove that a commercial activity which is the same as that indicated in the Application or Notification Form had been licensed to be carried out from the said premises and the relevant trading licence had been paid and renewed up to at least three years prior to the application or notification:

Provided further that where the commercial activity cited on the Application Form or on the Notification Form is different from or more extensive than that which had been licensed, the form needs to be accompanied by a document wherein it is certified by an architect or civil engineer that such a change or extension does not require a permit under the Development Planning Act.

(3) Where the notification or application is submitted in respect of a commercial activity to be carried out by a legal person, the notification or application shall be made by its duly authorised

legal representative or representatives.

(4) A notification or application submitted by a legal person shall also be accompanied by:

- (a) a declaration by the shareholders, and, or the Board of Directors certifying that the person submitting the form is authorised to do so on behalf of the legal person; and
- (b) where applicable, a certificate or attestation that the applicant, or the person carrying out the relevant commercial activity, and, or his employees, possess the required qualifications.

(5) An application and a notification shall be submitted with the applicable licence fee:

Provided that the respective licence fee minus any administration fee shall be refunded where a licence in respect of a commercial activity listed in Part 1 of the First Schedule is refused:

Provided further that in the case where a licence that is deemed to be issued in respect of a commercial activity listed in Part 2 of the First Schedule is annulled, the amount of the fee paid that shall be refunded shall be proportionate to the full quarters of the year not yet passed.

(6) Applications in respect of commercial activities operating from a commercial premises, involving -

- (a) the handling of food products or beverages, or
- (b) hair dressing, beauty treatment, fitness or physical well being activities,

shall also be accompanied by a certificate issued by the relevant authority, stating that the commercial premises comply with all sanitary and food safety requirements and that they are fit to start operating:

Provided that where the activity involves the storage of grain, the application shall also be accompanied by a certificate of compliance with the Plant Quarantine (Harmful Organisms) Regulations, to be issued by the Plant Health Department and with any other relevant regulations which may from time to time be in force.

S.L. 433.03

(7) Any natural person who is not a citizen of Malta or of a Member State shall together with the application or notification form also submit a permit issued by the Employment Training Corporation to carry out the specific commercial activity indicated in the said application or notification form.

(8) In the case where the person making the application or notification is not the owner, or otherwise the title-holder of the premises from where the commercial activity is to be carried out, it shall be the responsibility of the person making the application or notification to obtain, in advance, the written permission from the owner or otherwise the title-holder of the premises in order to carry out the relevant commercial activity and the Trade Licensing Unit shall not verify whether such permission has been obtained or not.

(9) A licence granted or deemed to be granted by the Trade Licensing Unit following an application or notification to carry out the relevant commercial activity shall not be interpreted and construed as:

- (a) a right of ownership or tenure; or
- (b) a permission to conduct such activity from the premises in question if such activity from the said premises is prohibited by the Malta Environment and Planning Authority.

Processing of application.
Amended by:
L.N. 7 of 2007.
Substituted by:
L.N. 186 of 2007;
L.N. 349 of 2012.

8. (1) The Trade Licensing Unit shall, without delay, acknowledge receipt of an application and receipt of the applicable licence fee in writing to the applicant and shall specify:

- (a) the periods mentioned in sub-regulations (2) and (3) within which the Trade Licensing Unit shall determine the application;
- (b) the procedure under which a refusal by the Trade Licensing Unit to grant a licence may be appealed in terms of the Act:

Provided that an application form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required to be submitted together with the application form and, or certification of compliance with all applicable requirements, including those emanating from other laws.

(2) The Trade Licensing Unit shall within ten working days from the date of receipt of an application form:

- (a) inform the applicant of the need to supply any additional information or documentation in the case of an incomplete application form, or incomplete information or documentation, to the Trade Licensing Unit, or
- (b) issue the licence subject to any conditions it may deem fit; or
- (c) refuse the application for a licence giving its reasons for such refusal:

Provided that in the case of an application by a natural person to act as an auctioneer the Trade Licensing Unit shall within ten working days notify the Auctioneers Board of the application and within ten working days from being notified of the Auctioneers Board's decision determine whether or not to issue a licence to the applicant:

Provided further that in the case of an application for a licence by a legal person for commercial activity involving auctioneering, a licence shall be issued subject to the condition that the persons who will be conducting the auction will be licensed to act as auctioneers.

(3) The period mentioned in sub-regulation (2) may, prior to its expiry, be extended by the Trade Licensing Unit for one period of

not more than ten working days. Such extension and the reasons therefor shall be notified to the applicant without delay.

(4) Where the Trade Licensing Unit has not determined whether to issue a license to an applicant, within the periods mentioned in sub-regulation (2), or when extended, within the extended period mentioned in sub-regulation (3), the applicant may appeal before the Licences Appeal Board. The Board may direct the Trading Licences Unit to determine whether or not to issue the licence within a stipulated time.

9. (1) The Trade Licensing Unit shall, as soon as possible, acknowledge receipt of a notification made in terms of regulation 5(4) and the applicable licence fee in writing to the applicant.

Processing of notification.
Amended by:
L.N. 7 of 2007;
L.N. 186 of 2007.
Substituted by:
L.N. 349 of 2012.

(2) In the case of an incomplete notification form, or incomplete information or documentation, the Trade Licensing Unit shall, without delay, inform the person making the notification of the need to supply any additional information or documentation, and the Trade Licensing Unit shall not consider the notification to have been made unless the Trade Licensing Unit receives a complete notification form or the required documentation or information:

Provided that a notification form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required to be submitted together with the notification form and permits or certificates of compliance including those emanating from other laws:

Provided that the Trade Licensing Unit may request further documentation or information at any time during the validity of the licence.

10. (1) The Trade Licensing Unit shall every three months publish a notice in the Gazette listing the licences of commercial premises, street hawkers, market hawkers, commercial fairs, marketing agents, car boot sales, buskers and the licences regulating late night shopping and extension in business hours, issued during that period. The notice shall contain the following information:

Publication of licence issued.
Amended by:
L.N. 186 of 2007;
L.N. 426 of 2012.

- (i) the name of the licence holder;
- (ii) a legally valid identification document 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.

Appeals from decisions of the Trade Licensing Unit.

Amended by:
L.N. 186 of 2007.

11. 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.

Payment of licence fees.

Amended by:
L.N. 349 of 2012.

12. (1) Any licence under the Act for a commercial activity shall, unless otherwise specified in the Act, be subject to the payment of a fee payable on filing of the application or notification, as the case may be, and annually thereafter:

Provided that once a bill for renewal of the licence in respect of a commercial activity has been issued by the Trading Licences Unit, the fee should be paid within forty days:

Provided further that no commercial activity may be carried out unless all licence fees due in respect of that activity for the preceding years have been paid.

(2) The fee due in accordance with subregulation (1) 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) 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 forty 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.

S.L. 128.01

(4) Nothing in the foregoing provisions of these regulations shall be deemed to effect any renewal of any trading licence under the Police Licences 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.

(4) Notwithstanding the foregoing provisions of this regulation, and subject to subregulation (5), 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).

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(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.

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(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).

(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.

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(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), 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.

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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.

Cancellation at the request of the licensee.

*Substituted by:
L.N. 349 of 2012.*

16. (1) A licence may be cancelled by the Trade Licensing Unit at the request of the licensee or the request of a person authorized to so act on his behalf.

(2) In the case of a cancellation at the request of the licensee, such request shall be made on the appropriate form and accompanied by the relevant fee.

(3) The cancellation of a licence issued in respect of a commercial activity by a natural person shall only require the consent of that person.

Payment of arrears.
*Substituted by:
L.N. 349 of 2012.*

17. (1) When processing an application for cancellation, the Trade Licensing Unit shall notify the licensee of any arrears due and the licensee shall have sixty days to pay the arrears in question from the date of such notification:

Provided that if the arrears are not paid within sixty days from the date of notification, the Trade Licensing Unit shall serve the debtor with a judicial act stating that payment is to be effected within the period stated therein:

Provided further that no such judicial action shall be taken if the licensee provides within the same time period reasons which, in the opinion of the Trade Licensing Unit, are satisfactory as to why such arrears should not be paid.

(2) The licence shall be cancelled as from the date of the receipt of the application for cancellation, subject to the submission of the relevant application and fee, irrespective of any arrears owed.

Cancellation in circumstances other than regulation 16.
*Substituted by:
L.N. 349 of 2012.*

18. (1) A licence may be also cancelled by the Trade Licensing Unit in the following circumstances:

- (a) in the case of a licence issued in respect of a natural person, when it becomes aware of proof of the decease of said person; or
- (b) in the case of a licence issued in respect of a natural person, when it becomes aware of proof that the commercial activity has ceased operations; or
- (c) in the case where the license was issued in respect of a legal person when it becomes aware of proof of dissolution of said legal person; or
- (d) in the case where it becomes aware that the premises are no longer used for the same commercial activity for which it was licensed; or
- (e) in the case where the licensee has failed for four consecutive calendar years to settle the licence fee; or

- (f) in cases where it transpires that the formalities required for the issuing of a licence were not complied with as a result of false or incorrect documentation or information being submitted at the application or notification stage:

Provided that no refund of fees will be effected for the period during which the activity was deemed to have been licensed.

- (2) The effective date of cancellation shall be:
- (a) in the case of the decease of a licensed natural person, from the day following the date of decease;
 - (b) in the case of a commercial activity by a licensed natural person that has ceased operations, from the day following the date of the cessation of operations;
 - (c) in the case of dissolution of the legal person, from the day following the date of dissolution of the said legal person;
 - (d) in the case where the licensee has failed for four consecutive calendar years to renew his licence, from the 1st of January of the following year where the reasons are not those stipulated in paragraphs (a), (b) and (c);
 - (e) in the case where the premises are no longer used for the same commercial activity for which it was licensed, from the day where it is proven that such use ceased.

(3) In all cases before taking a decision, the Trading Licences Unit shall first write to the licensee who shall be given thirty working days to reply:

Provided that if after thirty working days no reply is received, the Trading Licences Unit may proceed with its decision:

Provided further the Trading Licence Unit need not write to the licensee if the licensee initiates the process for cancellation.

19. A licence shall not be transferable:

Provided these regulations shall not apply with regard to any application for transfer submitted prior to the coming into force of the amendments made by the Trading Licences (Amendment) Regulations, 2012.

Licence non-transferable.
Substituted by:
L.N. 349 of 2012.
L.N. 349 of 2012.

20. (1) The licence shall be issued for a term of one year and shall be automatically renewable subject to the continued compliance with the requirements of the Act and of these regulations including the payment of the relevant fee applicable thereto as shown in the Sixth Schedule:

Fee for the issue or renewal of a licence.
Substituted by:
L.N. 366 of 2007.
Amended by:
L.N. 349 of 2012.

Provided that in case of licences for a commercial activity to be carried out in Gozo, the relevant fee applicable shall be subject to a further reduction of twenty five per cent (25%).

S.L. 128.01 (2) Where the fee applicable under the Sixth Schedule is higher than the fee which was applicable to the commercial premises under Part II of the Police Licences Regulations prior to the commencement of these regulations, the fee applicable for the renewal of the licence shall continue to be that payable under the said Regulations.

L.N. 349 of 2012. (3) The fees applicable to licensed commercial premises used for manufacturing purposes shall continue to apply in those cases where they were lower than those contained in Schedule 7 immediately prior to the coming into force of the amendments made by the Trading Licences (Amendment) Regulations, 2012.

(4) For ascertaining the fee applicable in relation to any commercial premises, the Trade Licensing Unit shall have the authority to verify any information provided in relation to the said premises.

Non-payment of licences.

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.

Display of licence.

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.

Right for information and inspection.

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.

(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.

Replacement of licences.

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.

(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.
Amended by:
L.N. 426 of 2012.

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) a legally valid identification document 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, any individual as aforesaid requiring to carry out the commercial

Market hawkers.
Amended by:
L.N. 426 of 2012.

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:

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) a legally valid identification document 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.

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

Licence non-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,
- (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 hawkers and employees.
Amended by:
L.N. 186 of 2007.
Substituted by:
L.N. 475 of 2012.
Amended by:
L.N. 426 of 2012.

(2) The substitute may 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:

Provided that an appointed substitute may further apply with the Trade Licensing Unit to carry out the licensed activity:

- (a) for any period of time during which the licensee is ill;
- (b) for any period of time during which the licensee is taking care of ailing parents, spouse or children;
- (c) for any period of time during which the licensee is taking care of a parent, spouse, son or daughter who are registered as a disabled person with the National Commission for Persons with Disability (KNPD);
- (d) where the licensee is pregnant, during the time of the pregnancy;
- (e) where the licensee gives birth or adopts a child, for a period of up to two years from the date of birth or from the date of adoption respectively;
- (f) where the licensee is fostering a child, for a period of one year from the date the fostering takes place or until the fostering ceases, whichever is the earlier.

(3) The application for a substitute hawker shall have the following information:

- (a) the name and number of a legally valid identification document of the licence holder for whom the applicant is to act as a substitute hawker;
- (b) the name and number of a legally valid identification document of the substitute hawker;

- (c) where a motor vehicle is used to carry out the commercial activity, the address of the garage of the vehicle to be used;
 - (d) the address of the premises where the goods are to be stored;
 - (e) the nature of the hawking activity.
- (4) The application for a substitute hawker as provided for in the proviso to sub-regulation (2) shall be accompanied by:
- (a) two passport size photos of the principal licence holder;
 - (b) two passport size photos of the substitute hawker;
 - (c) a medical certificate in the case of illness, pregnancy or where the licensee is taking care of ailing parents, spouse or children;
 - (d) a birth certificate where the licensee has given birth to a child and proof that the licensee has adopted a child in case of adoption;
 - (e) proof that the parent, spouse, son or daughter, as the case may be, are registered as a disabled person with the National Commission for Persons with Disability (KNPD) in the case where the licensee is taking care of a disabled parent, spouse, son or daughter;
 - (f) in the case of fostering, documentary evidence that the licensee is fostering a child, after having been certified able to act as foster father or mother by the Adoption and Fostering Panel of the Department for Family Welfare;
 - (g) where the commercial activity involves the selling of food, an approval by the Environmental Health authorities that the premises indicated as a store may be used for the storing of items:

Provided that where the premises of the licensee is to be used as a store and such premises has already been certified by Environmental Health authorities, the application may instead be accompanied by a declaration indicating such use and certification and signed by both the licensee and the substitute.
- (5) A licence for a substitute hawker shall include the following:
- (a) the name and Identity Card number of the licence holder for whom the applicant is to act as a substitute hawker;
 - (b) the name and Identity Card number of the substitute hawker;
 - (c) where a motor vehicle is used to carry out the commercial activity, the address of the garage of the vehicle to be used;
 - (d) the address of the premises where the goods are to be

stored;

- (e) the nature of the hawking activity;
- (f) a passport size photo of the principal licence holder;
- (g) a passport size photo of the substitute hawker.

(6) A licensee may employ a person or persons to assist him in his work provided that such licensee or substitute is present where the commercial activity is taking place.

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.

Definition of street hawker.

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

Conditions for street hawking.
Amended by:
L.N. 55 of 2011.

- (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 fifty 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 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;
- (f) that no commercial activity by street hawkers offering for sale agricultural produce shall be permitted within five hundred metres of an agricultural marketing centre or a Farmers' Market.

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

- (ii) fifty 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 fifty 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 fifty 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 fifty 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) the use and the provision of public utilities to a street hawker selling from a fixed place according to this regulation, in a public place or public land, 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 fifty 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), the Police on reasonable grounds may order any street hawkerto 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.

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.

Licensing of commercial vehicles used for the sale of goods as part of licensed commercial activity.
Amended by:
L.N. 426 of 2012.

(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 thirty 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 number of a legally valid identification document 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, selling second hand items, shall be carried out in any public or private place without a licence issued by the Trade Licensing Unit:

Car boot sales.
Amended by:
L.N. 349 of 2012.

Provided that if it is carried out in any street it shall also

require the consent of the Local Council and the Police.

(2) 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.

(3) 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
 - (iii) 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.
Amended by:
L.N. 134 of 2011;
L.N. 349 of 2012.

34. (1) No person shall organise or allow to be organised from a premises a commercial fair, or the commercial exhibition, of goods or services, which could be sold to the public at the location of the commercial fair or commercial exhibition or from another location, unless a licence has been issued specifically for such an activity from the Trade Licensing Unit, and referred to as a commercial fair licence or as a commercial exhibition licence, as the case may be:

Provided that an exemption from the payment of the respective licence fee may be sought from the Trade Licensing Unit if it can be

proven that the event in question is being organised entirely for a charitable cause.

(2) Any commercial fair or a commercial exhibition licensed in accordance with sub-regulation (1) may only be held from a licensed retail premises or any premises licensed to host fairs or exhibitions.

(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 or commercial exhibition issued by the Trading Licences Unit shall be valid for seven consecutive days including Sundays and Public Holidays except Good Friday:

Provided that any commercial fair or commercial exhibition organised for more than seven consecutive days shall require a separate licence:

Provide further that licences issued consecutively for the same commercial fair and commercial exhibition from the same location shall not exceed thirty 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:

- (a) that an application by any busker who, in any street, produces on site and sells a work of art on site, is filed on the appropriate form with the Trade Licensing Unit;
- (b) that the place where the busker stops to sell his goods shall be at least five 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;

- (c) 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;
- (d) 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

Buskers.
Amended by:
L.N. 186 of 2007.

and in the City Gate area of Valletta including Freedom Square the arches included, the bridge and the Bus Terminus including Saint James Ditch;

- (e) that no objects are placed on the pavement;
- (f) that no nuisance or inconvenience is caused to the neighbours or passers by in the street, by the use of a generator or whatsoever;
- (g) that for buskers the use and provision of public utilities shall be prohibited.

Added by:
L.N. 235 of 2007.
Re-numbered by:
L.N. 349 of 2012.

PART III A

Temporary Arrangements in case of Disputes

Competing claims to the same site.

Added by:
L.N. 235 of 2007.
Re-numbered by:
L.N. 349 of 2012.

35A. Where -

- (a) there exists a dispute wherein one or more street hawkers and, or market hawkers are claiming a right to sell from the same fixed place or area, and
- (b) as a result of the said dispute a court issues a precautionary warrant or makes a provisional order as a result of which one or more street hawkers or market hawkers are, directly or indirectly, prohibited from selling from a fixed place from where they hold a licence to sell,

the Minister may, notwithstanding any other provision of these regulations, sanction temporary arrangements for allowing any street hawker or market hawker involved in or effected by the said dispute to sell from another fixed place as the Minister may consider appropriate in the circumstances and under such conditions as the Minister may deem fit for such time during which any such precautionary warrant or provisional order is in force.

PART IV

Business Hours

Business hours.
Amended by:
L.N. 104 of 2008;
L.N. 226 of 2009;
L.N. 349 of 2012.

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:

Provided that the Minister may in certain special circumstances, by notice in the Gazette and, if he so deems fit, in any other publication of his choice:

- (a) grant an exemption to the minimum limit of business hours during which commercial premises may remain open to carry out commercial activities for the customers; and

- (b) approve the opening of commercial premises on Sundays and public holidays.

(3) On the occasion of an event of a cultural, social or commercial nature held in any locality, there shall be an exemption from business hours if the event has been approved by the Commissioner of Police and the Local Council where the event is proposed to be held:

Provided that the Minister may direct that an event shall not be held on the grounds of public safety or public policy reasons.

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

Cap. 31.

(5) 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:

Provided that commercial premises selling predominantly grocery items and licensed under Category 1 type code 52.27 and situated in Gozo may, irrespective of floor space, open for business on any day of the week including Sundays and Public Holidays as follows:

- (a) from the 8th of January to the 31st October, both days included, except on Good Friday between 4.00a.m. and 7.00p.m. of the same day;
- (b) from the 1st of November to the 7th of January of the following year both days inclusive 4.00a.m. and 10.00p.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.
Amended by:
L.N. 186 of 2007.
Cap. 409.

(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. and between 1.00 p.m and 4.00 p.m.;
- (b) amplified music may only be played after 11.00 p.m. and between 1.00 p.m and 4.00 p.m. in commercial premises that are covered by a licence for the playing therein of amplified music;
- (c) subject to paragraph (b), 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. and between 1.00 p.m and 4.00 p.m. in all areas and midnight in the localities of Bugibba, Qawra and St. Paul's Bay, 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 paragraphs (a) to (d), 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 person 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 fifteen 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 thirty 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-regulation (2)(a) to (d) 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), 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.

Cap. 409.

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.

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, 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 regulation 11(1) or the date when any other person has been notified in terms of regulation 11(2).

(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.

Cap. 12.

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 and 43.

(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 thirty days.

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 one hundred and sixteen euro and forty-seven cents (€116.47) for each time he fails to appear. If the appellant fails to appear, together with the fine (*multa*) of one hundred and sixteen euro and forty-seven cents (€116.47), 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.

Default of appearance.
Amended by:
L.N. 426 of 2007.

- 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.
Amended by:
L.N. 426 of 2007. **48.** (1) Any person making an appeal to the Board shall, on the filing of such appeal, pay a fee of fifty-eight euro and twenty-three cents (€58.23).
- (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 fifty-eight euro and twenty-three cents (€58.23) pay to the Board an additional fee of forty-six euro and fifty-nine cents (€46.59) 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

- Fees in relation to hawkers, etc.
Amended by:
L.N. 7 of 2007;
L.N. 426 of 2007;
L.N. 349 of 2012. **50.** The following fees shall be payable to the Trade Licensing Unit for any person to exercise any of the following commercial activities:
- (a) to act as a street hawker using a motor vehicle or any other means of transport €93.17 per annum;
 - (b) to act as a street hawker selling bread using any means of transport, €23.29 per annum;
 - (c) to act as a street hawker selling fruit or vegetables or fish using any means of transport €46.59 per annum;
 - (d) to act as a street hawker selling traditional Maltese nougat (*qubbajt*) €69.88 per annum;
 - (e) to act as a market hawker, €69.88 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, €116.47 per annum;

- (g) for every car boot sale organization €58.23 per event;
- (h) to act as a marketing agents licence €69.88 per annum per every vehicle licenced;
- (i) to act as a busker €93.17 per annum irrespective of duration;
- (j) the fee payable in relation to a commercial fair shall be the highest of:
 - (i) either €698.81 for seven consecutive days; or
 - (ii) €2.33 for every participant per day;
- (k) the fee payable in relation to a licence for the storage of grains shall be €230;
- (l) the fee payable in relation to a licence in respect of commercial activity which consists of a service performed at a location demanded by the customer shall be €50 and payable with the submission of the application or notification as the case may be and annually thereafter. This shall apply also to registrations of commercial activities which had taken place prior to the coming into force of the amendments made by the Trading Licences (Amendment) Regulations, 2012:

L.N. 349 of 2012.

Provided that once a bill for renewal of the licence in respect of a commercial activity has been issued from the Trading Licences Unit the fee should be paid within forty days:

Provided further that no commercial activity may be carried out unless all licence fees due in respect of that activity for the preceding years have been paid.

51. (*Deleted by Legal Notice 349 of 2012*).

When fee is due.

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 €2,329.37 to the relevant authority:

Personal transfer.
Amended by:
L.N. 426 of 2007.

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

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 18 and article 20 of the Act.

Offences and penalties.
Amended by:
XXIII. 2009.122;
L.N. 228 of 2011.

Special
proceedings.
Amended by:
L.N. 426 of 2007;
XXIII. 2009.123.

54. For the purposes of article 19 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 €116.47.

FIRST SCHEDULE
[Regulations 2, 8(2), 9(2), 35C(4) and 35D(4)]
PART I

Amended by:
L.N. 7 of 2007;
L.N. 96 of 2011;
L.N. 228 of 2011.
Substituted by:
L.N. 349 of 2012.
Amended by:
L.N. 475 of 2012.

Activities requiring Application

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
52.12	Retail sale in non-specialised stores in which food products should not be predominant
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, beverages and tobacco 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
52.27A	Retail sale in specialised stores of beverages and food not to be consumed on site where the food consists of take away products which are pastry based i.e. having pastry (flour dough and water) as the base or the major component of the product such as <i>pastizzi</i> , pies, timpanas, sausage rolls and pizza as well as complementary food items such as rice balls and baked macaroni
52.48.10	Other retail sale in specialised stores selling predominantly flowers, plants, seeds, fertilisers, and pet food
52.62A.1.	Street hawker of food (excluding prepared food), beverages (excluding alcoholic beverages) and tobacco products
52.62A.2.	Street hawker of food (including prepared food), beverages (excluding alcoholic beverages) and tobacco products
52.62A.3	Street hawker of bread only
52.62A.4	Street hawker of fruits and vegetables only
52.62A.5	Street hawker of traditional Maltese nougat (<i>qubbajt</i>)
52.62B	Street hawker of non-food and non-beverage items

52.62C.1	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products (Marsaxlokk (daily open-air market except Sunday) or Valletta or it-Tokk Victoria, Gozo)
52.62C.2	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products (all localities where a market is established except those mentioned in 52.62C.1)
52.62D.1	Market hawker of non-food and beverage products (Marsaxlokk (daily open-air market except Sunday) or Valletta or it-Tokk Victoria, Gozo)
52.62D.2	Market hawker of non-food and beverage products (all localities where a market is established except those mentioned in 52.62C.1)
55.52	Catering: supply of prepared food
52.6E	Retail sale by door-to-door sales persons of goods and services (except sale of food and beverages) connected to commercial activities licensed by the Trading Licences Unit
63.12 A	Storage and Warehousing of food and beverages as a commercial service
74.871	Activities of commercial fair, exhibition and congress organisers
74.872	Auctioneers
93.021	Hairdressing
93.022	Activities of beauty treatment
93.04	Physical well being activities

PART II

Activities requiring Notification

Type Code	Type of Licence
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.	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
45	The offering of construction services or the renting of equipment, plant and machinery related with such services
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 (excluding food and beverages)
52.26	Retail sale in specialised store selling predominantly tobacco products
52.32	Retail sale in specialised store selling predominantly medical and orthopaedic goods
52.33	Retail sale in specialised store selling predominantly cosmetics and toiletries
52.41	Retail sale in specialised store selling predominantly textiles
52.42	Retail sale in specialised store selling predominantly clothing
52.43	Retail sale in specialised store selling predominantly footwear and leather goods
52.44	Retail sale in specialised store selling predominantly furniture, lighting equipment and other household articles
52.45	Retail sale in specialised store selling predominantly electrical

	household appliances and radio and television goods
52.46	Retail sale in specialised store selling predominantly hardware, paints and glass
52.47	Retail sale in specialised store selling predominantly 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
52.48.11	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
63.11	Cargo handling
63.12B	Storage and Warehousing as a commercial service (excluding food and beverages)
63.4	Activities of other transport agencies
64.1	Post and courier activities
70	Real estate activities
70.2	Letting of property and halls for weddings and other receptions
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
74.87	Other professional and business activities not elsewhere classified
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 (excluding any gambling or betting 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
93.021B	Hairdressing performed at a location desired by the client
93.022B	Activities of beauty treatment performed at a location desired by the client
93.03	Funeral and related activities
93.04B	Physical well-being activities performed at a location desired by the client
93.05	Other social and personal service activities not elsewhere classified (excluding any gambling or betting activities).

Amended by:
L.N. 186 of 2007;
L.N. 271 of 2009;
L.N. 303 of 2009;
L.N. 87 of 2011;
L.N. 96 of 2011;
L.N. 228 of 2011;
L.N. 249 of 2011.

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 and no tobacco products shall be sold to persons under the age of seventeen years.

08. (1) Between 9.00p.m. and 4.00a.m. of the following day, alcoholic beverages shall only be sold or served for consumption on the premises where they are sold as follows:

- (a) by premises licensed as clubs under the Police Licences Regulations;

- (b) at wedding halls;
 - (c) by commercial premises licensed by the Malta Tourism Authority as catering establishments where the primary purpose is the sale of food and alcoholic beverages to be consumed on the premises.
- (2) The sale or serving of alcoholic beverages by street hawkers and by market hawkers is prohibited at all times.
- (3) The storing of alcoholic beverages at commercial premises having a licence which does not permit the selling of alcoholic beverages is prohibited.
- (4) The provisions of this paragraph shall not apply to temporary licences issued under regulations 9, 10 and 11 of the Activities requiring Permit by Local Councils Regulations (S.L. 441.04).
09. 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.
10. 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 and between 1.00 p.m and 4.00 p.m.
11. 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.
12. *(deleted by Legal Notice 87 of 2011).*
13. 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.
14. *(deleted by Legal Notice 96 of 2011).*
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Amended by:
L.N. 244 of 2006;
L.N. 186 of 2008;
L.N. 226 of 2009.
L.N. 87 of 2011;
L.N. 96 of 2011;
L.N. 134 of 2011;
L.N. 228 of 2011;
L.N. 349 of 2012.

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

01.1 Between 8 January and 31 October both dates included

Mondays to Fridays (excluding public holidays) 4.00a.m. to 7.00p.m.

Saturdays (excluding public holidays) 4.00a.m. to 8.00p.m.

01.2 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.

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 Lotteries and Gaming Authority unless stated

otherwise in the same permit.

03. Catering Establishments

Catering establishments as defined in the Malta Travel and Tourism Services Act, 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, in both cases selling by retail or exhibit of goods, the fair may open for business between 9.00a.m. and 11.00p.m. on any day except Good Friday.

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. Special opening hours in Malta and Gozo

10.1 Malta

Notwithstanding the provisions of Part I of this Schedule, the following provisions shall also apply to commercial premises of the kind indicated here below situated in any of the tourist localities listed hereunder:

Birżebbuġa

Cospicua

Gzira
 Marsascala
 Marsaxlokk
 Mdina
 Mellieħa
 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 iż-Żurrieq in the locality of Qrendi

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 mollusks; or
- (c) Watches, clocks and jewellery; or
- (d) Souvenirs, craft-work and religious articles; 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.

10.2 Gozo

(1) Commercial premises engaging in following activities in Gozo may open for business on any day of the week including Sundays and Public Holidays as follows:

- i. from the 8th of January to the 31st October, both days included, except on Good Friday between 4.00a.m. and 7.00p.m. of the same day;
- ii. from the 1st of November to the 7th of January of the following year both days inclusive:

Type Code	Type of Licence
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

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| 52.22 | Retail sale of food in specialised stores selling predominantly meat and meat products |
| 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 |
| 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 |
| 52.48.1 | Other retail sale in specialised stores selling predominantly office equipment, computers and non-customised software |
| 52.48.3 | Other retail sale in specialised stores selling predominantly telecommunications equipment |
| 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 |
| 52.48.8 | 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 |
| 52.48.12 | 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 |
| 55.52 | Catering; supply of prepared food |
- (2) Commercial premises in Gozo 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 mollusks; or
- (c) Watches, clocks and jewellery; or
- (d) Souvenirs, craft-work and religious articles; 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) Retail sale of food, beverages and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery: Provided that the above commercial activity shall not include the sale of alcohol between 9 p.m. and 4 a.m.	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
(f) Casino, betting and gambling, provided that such activities shall be fully restricted on Good Friday and provided further that the business hours during which such activities may be carried out on any other day may be restricted by laws or regulations regulating such activities or by directives, policies or license conditions imposed from time to time by the Lotteries and Gaming Authority		
(g) Predominant Renting of automobiles and other means of road transport		

- (h) Predominant Renting of water sports equipment
- (i) Predominant Renting of air transport equipment
- (j) Predominant Renting of pleasure boats
- (k) Predominant Operators of guest houses, holiday premises, hostels and hotels
- (l) Predominant sale from vending and other automatic machines excluding any amusement machine or gaming device as defined under the Lotteries and Other Games Act

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

FOURTH SCHEDULE
(Regulation 39)

*Amended by:
L.N. 186 of 2008;
L.N. 52 of 2011;
L.N. 360 of 2012.*

OPEN-AIR MARKETS

Locality	Days of Trading	Business Hours
Birzebbugia	Triq Żarenu Dalli	Thursday 6.30a.m. to 1.00p.m.
Birkirkara	Triq Tumas Fenech, Triq il-Herba, Triq is-Santwarju, Triq Mike Pulis, Triq Nazju Falzon	Wednesday and Friday 6.30a.m. to 1.00p.m.
Bormla/Birgu	Triq il-Ġubilew tal-Fidda, Triq Kottonera, Triq Verdala	Tuesday 6.30a.m. to 1.00p.m.
Floriana	Park and Ride, Flagstone Wharf, Hornworks Ditch	Sunday 6.30a.m. to 1.00p.m.
Luqa	Triq Wilġa, Misrah iż-Żgħazagh	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, Parti 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	<i>Parking Area</i> (Park Nazzjonali Ta' Qali)	Sunday	8.00a.m. to 6.00p.m.
Valletta	Triq il-Merkanti and Triq it-Teatru Antik	Monday to Sunday	7.00a.m. to 2.00p.m.
Żabbar	Misrah San Ġakbu	Saturday	6.30a.m. to 1.00p.m.
Żebbuġ	Triq Antonio Sciortino, Triq Loret Vela	Tuesday, Wednesday, Thursday Friday and Saturday	6.30a.m. to 1.00p.m.
Żejtun	Pjazza Suq, Misrah Indipendenza	Wednesday	6.30a.m. to 1.00p.m.
Żurrieq	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 5.30p.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 iċ-Ċerna

Triq it-Trunċiera

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

Paceville

Trejqet Dragunara

Triq il-Ġdida fi Triq Santu Wistin

SIXTH SCHEDULE
(Regulation 20)

Fees for the Issue or Annual Renewal of a Licence

*Added by:
L.N. 366 of 2007.
Re-numbered and
amended by:
L.N. 349 of 2012.*

Commercial premises -

- having a total footprint of less than 200m² - €70;
- having a total footprint of between 200m² and 400m² - €140;
- having a total footprint of between 400m² and 800m² - €420; and
- having a total footprint exceeding 800m² - €1,000.

For the purposes of these regulations "total footprint" means the total footprint approved in relation to the commercial premises according to the Malta Environment and Planning Authority site plan.
