SUBSIDIARY LEGISLATION 441.08

BUSINESS HOURS REGULATIONS

10th January, 2017

LEGAL NOTICE 6 of 2017 and 176 of 2017, as amended by Legal Notice 176 of 2019.

Citation.

1. The title of these regulations is the Business Hours Regulations.

Interpretation.

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

"the Act" means the Trading Licences Act; Cap. 441.

"premises" means any shop where goods are sold or services offered to the public.

Business hours between the 8th January and 31st October during the first year. *Substituted by: L.N. 176 of 2017.*

3. Unless otherwise provided under the First Schedule to these regulations, throughout the period from 8 January to 31 October, the normal business hours shall be as follows:

(a) for any commercial activity carried out from a premises from Monday to Friday (including public holidays with the exclusion of Good Friday) - from 4.00 a.m. to 7.00 p.m.;

(b) for any commercial activity carried out from a premises on Saturday (including public holidays) - from 4.00 a.m. to 8.00 p.m.;

(c) for a commercial activity listed in the Second Schedule and carried out from a premises on Sunday - from 4.00 a.m. to 7.00 p.m.

Business hours between the 1st November and the 7th January. *Substituted by: L.N. 176 of 2017.*

4. Unless otherwise provided under the First Schedule to these regulations, throughout the period from 1st November to 7th January of the following year, both days included, the business hours for any commercial activity carried out from a premises shall be Mondays to Sundays from 4.00 a.m. to 10.00 p.m.

Exemptions.

5. (1) The Minister may, in certain special circumstances, by notice in the Gazette:

(*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.

(2) In 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 for public policy reasons.

(3) The provisions of sub-regulations (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.

(4) The provisions of sub-regulations (1) and (2) 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.

Extension of business hours for catering establishments. *Amended by: L.N. 176 of 2019.*

6. (1) Notwithstanding the provisions of the First Schedule, 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.

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 shall, within seven working days after receiving such application, 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.

(3) In the event that, within the above-mentioned 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 the Commissioner of Police, within the said period, objects to the extension of business hours, such extension shall not be granted.

(4) 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 the provisions of paragraph (*b*), the playing

of music by whatever means, in commercial premises licensed 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 after 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 provided in the Third Schedule. 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.

(5) In the event of failure to comply with the provisions of the proviso to sub-regulation (4), 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 the cessation of any commercial activity from the said premises for a period of not more than fifteen days. Subject 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.

(6) In the case of persistent breaches the Commissioner of Police shall inform the Trade Licensing Unit of the provisions of the proviso to sub-regulation (4) which have been encountered in any licensed 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.

(7) (*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 precints 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

Cap. 409.

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.

FIRST SCHEDULE
(Regulation 3)

Amended by:
L.N.176 of 2017.

Notwithstanding the business hours established in regulation 3 the following exceptions shall apply:

1. Late night shopping

The business hours of any commercial activity can be extended up to 10.00 p.m. on Thursday, Friday and Saturday.

2. Petrol Stations

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

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

3. Lotto Receivers

Lotto receivers may operate as designated by the Authority responsible to regulate Lotteries and Gaming.

4. 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 1.00 a.m.:

Provided that such establishments may remain open for business until 4.00 a.m. of the morrow on Carnival days, Easter Saturday, Christmas Eve and New Year's Eve:

Provided further these shall be subject to any restrictions or extension as may be issued by the Minister responsible for Tourism, the Malta Tourism Authority and the Commissioner of Police.

5. Business hours when Cruise Liners call at Harbour

All commercial premises located in Valletta may open for business up to 10.00 p.m. on any day from Monday to Saturday whenever a passenger liner is berthed on the Valletta side of the Grand Harbour:

Provided that the same business hours apply to commercial premises located in Bormla, Birgu, Isla and Kalkara when a cruise liner is berthed on the Cottenera side of the Grand Harbour.

6. Establishments Hiring Carnival Costumes

Commercial activities that specialise in the hiring of carnival costumes may also open to serve customers from Thursday before Carnival to Carnival Tuesday up to 10.00 p.m.

7. 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 a commercial fair or commercial exhibition or in relation to a commercial fair or commercial exhibition requiring a permit, in both cases selling by retail or exhibit of goods, the fair or exhibition may open for business between 9.00 a.m. and 11.00 p.m. on any day, except on Good Friday.

8. Car Boot Sales

Commercial activities consisting 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.

9. Special opening hours in Malta and Gozo

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 6.00 a.m. and 11.00 p.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:

Provided that this shall apply only in the Tourist Localities listed hereunder and Gozo:

Birżebbuġa
Cospicua
Gżira
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

10. Street Hawkers

The provisions of regulation 3 and the relevant exemptions in this Schedule 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.

11. Commercial Activities with Unrestricted Business Hours

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

Commercial activities:

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.

Manufacturing activities located in industrial zones

Predominant Construction Services

Predominant Professional & Business Services

Predominant Social & Personal Services

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 Authority responsible to regulate Lotteries and Gaming

Predominant Renting of automobiles and other means of road transport

Predominant Renting of water sports equipment

Predominant Renting of air transport equipment

Predominant Renting of pleasure boats

Predominant Operators of guest houses, holiday premises, hostels and hotels

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.

12. Business Hours for Open-Air Markets

12.1 Commercial activities in open-air markets may be carried out by market hawkers on the day or days and during the business hours as follows:

*Repealed by Act XVI of 2018.

OPEN-AIR MARKETS

Locality		Days of Trading	Business Hours
Birżebbuġa	Triq Żarenu Dalli	Thursday	6.30a.m. to 1.00p.m.
Birkirkara	Triq Tumas Fenech, Triq il-Ħerba, 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, Misraħ iż-Żgħażagħ	Monday	6.30a.m. to 1.00p.m.
Marsaxlokk	Xatt is-Sajjieda and Triq it-Torri Vendome	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-Għenieq, Triq Ħal-Dgħejf	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, Misraħ 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.
Siġġiewi	Pjazza Santa Margerita	Friday	6.30a.m. to 1.00p.m.
Sliema	Pjazza tal-Lunzjata	Wednesday and Friday	6.30a.m. to 1.00p.m.
Attard	*Parking Area* (Park Nazzjonali Ta' Qali)	Sunday	8.00a.m. to 6.00p.m.
Valletta	Triq l-Ordinanza	Monday to Sunday	7.00a.m. to 2.00p.m.

Żabbar	Misraħ 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, Misraħ 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.
Għawdex	Victoria - Pjazza Santa Sabina	Monday to Sunday	6.30a.m. to 5.30p.m.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

12.6 In the case of the open-air market in Ordnance 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.

12.7 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.

Second Schedule *Added by: L.N.176 of 2017.*

(Regulation 3 (1) (c))

Commercial activities which may be carried out from a premises on Sundays between - 4.00 a.m. to 7.00 p.m during the period from 8th January to 31st October

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
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 predominantly tobacco products
52.32	Retail sale in specialised store selling predominately 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
52.48.1	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
52.52	Catering; supply of prepared food

Third Schedule
(Regulation 6)

Added by: L.N.176 of 2019.

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

Buġibba and Qawra

Dawret il-Gżejjer
Iż-Żona Pedonali - Triq il-Bajja,
Parti minn Triq San Antnin,
Parti minn Triq il-Pijunieri sa Triq il-Ħallel
Parti minn Triq il-Ħallel 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
