

L.C.B.L. 60/3/2005

**LOCAL COUNCILS ACT
(CAP. 363)**

Use of Facilities (Swieqi Local Council) Bye-Laws, 2005

IN exercise of the powers conferred by articles 34, 35(8) and 60 of the Local Councils Act, the Swieqi Local Council has made the following Bye-Laws:-

Citation and
commencement.

1.1 The title of these Bye-Laws is Use of Facilities (Swieqi Local Council), Bye-Laws, 2005.

1.2 These Bye-Laws shall come into force one month after their publication in the Gazette.

Interpretation.

2. In these Bye-Laws unless the context otherwise requires:-

“the Act” means the Local Councils Act;

“the Administrator” means the person, club, association or society awarded the tender by the Council to manage any of the facilities in terms of subarticle 8.1 of these Bye-Laws;

“applicant” means the person, whether an individual, club, association or society, who applies to use the facilities in accordance with these Bye-Laws;

“authorised person” means the person, club, association or society who has been granted authorisation by the Council or by the Administrator in terms of these Bye-Laws for the use of any of the facilities;

“club”, “association” or “society” means any group of persons lawfully constituted to form a club, association or society;

“the Council” means the Swieqi Local Council;

“equipment” means anything put or fixed within the facilities, including flower-pots, benches, litter bins, and other structure which may be included by the Council from time to time;

“the facility” means the Tennis Court situated in Triq is-Sejjieh, corner with Triq il-Hemel which is under the responsibility of the Council;

“Government” means the central government;

“the locality” means the Swieqi locality.

3.1 Without prejudice to any other permit required by any other authority or under any law, no person shall use the facilities without the prior authorisation of the Council. Use of facility.

3.2 Equipment shall only be used for the purposes for which they are intended. Use of equipment.

4.1 The Council shall issue an authorisation for the use of any of the facilities after a written application is submitted by an applicant on the form prescribed in Schedule A to these Bye-Laws: Application for the use of the facility.

Provided that the Council shall have the right to refuse to issue an authorisation in those circumstances and for any reason which the Council deems fit; so however that the Council shall, within fifteen days from the date of application, issue the authorisation or a refusal in writing, as the case may be.

4.2 Applications must be submitted by not later than one month and not earlier than two months before the date of the proposed activity. The Council’s decision shall be communicated to applicant as early as possible:

Provided that the Council may give a concession to vary these time-limits.

4.3 Where more than one application is received for an activity to be held in the same place and on the same date, the first application received shall be given priority. If applications are received simultaneously, the applicant who resides in the locality shall be given preference. If all applicants are from the locality, or if none of them resides in the locality, the Council shall draw by lot in the presence of the applicants.

5. No application submitted in terms of subarticle 4.1 of these Bye-Laws shall be accepted if the nature of the activity is not of a sporting, educational, recreational, religious, cultural or philanthropic nature, or if such an activity is not approved by the Council. Nature of activity.

Authorisation.

6.1 (a) The authorisation shall be forwarded to applicant on the form prescribed in Schedule A and subject to the terms and conditions stipulated in Schedule B to the Bye-Laws, including also any comments which the Council may deem necessary. A copy of the authorisation shall be kept by the Council or by the Administrator as the case may be.

(b) This procedure shall also apply in the case of a refusal. In such case, the reason for such a refusal shall be included.

Authorisation not transferable.

6.2 An authorisation issued under these Bye-Laws shall not be transferable without the prior written consent of the Council or the Administrator, as the case may be.

Priority by Council for use of facility.

6.3.1 The Council shall have priority for the use of the facility.

6.3.2 Where an authorisation has already been issued under these Bye-Laws for an activity to be held on the same date and at the same place where the Council intends to hold its activity, the Council may withdraw the authorisation already issued by informing applicant in writing at least fifteen days before the date of the said activity. In such a case, the Council shall refund the fees paid by applicant, and all other expenses incurred in connection with the activity applied for, subject to the production of receipts.

Fees for the use of facilities and equipment.

7. The applicant shall, on submission of the application, pay a fee as stipulated in Schedule C to these Bye-Laws:

Special concession.

Provided that the Council may grant a special concession in the case of activities with a philanthropic purpose without any fee charged.

Tenders.

8.1 The Council may delegate the management of the facility, to third parties after issuing a public call for tenders.

Terms and conditions.

8.2 The person who is awarded the tender shall abide by the terms and conditions established in Schedule B to these Bye-Laws and any other conditions which the Council may wish to impose.

Right of appeal.

8.3 Where an applicant feels aggrieved by a decision taken by the Administrator, he may appeal from such decision to the Council, and the Council's decision shall be final.

Responsibility for damages.

9. The authorised person shall be held responsible for any damages caused to the facilities or to any of its equipment or for any other damages sustained by third parties within the facilities during the duration of the authorisation.

10.1 Without prejudice to the provisions of article 9 to these Bye-Laws, if an authorised person makes improper use of the facilities or breaches any of the terms and conditions stipulated in the authorisation, the Council or the Administrator as the case may be, may withdraw the authorisation and no fees paid shall be reimbursed.

Improper use of facility, breach of the terms and conditions.

10.2 It is in the discretion of the Council or the Administrator whether or not to issue any future authorisation to the authorised person whose authorisation is withdrawn as indicated in subarticle 10.1 above.

11.1 Every person who is in breach of any of the provisions of these Bye-Laws, or who fails to abide by any condition of the authorisation given by virtue of the Bye-Laws, shall, on conviction be liable to a fine (*ammenda*) not exceeding thirty liri (Lm30) for such contravention.

Penalties.

11.2 The Council may, in addition to the penalties stipulated in subarticle 11.1 above, order the person found guilty of a breach to carry out the necessary repairs to the satisfaction of the Council. A fine (*ammenda*) of five liri (Lm5) may also be imposed for any day during which such repairs are not carried out.

11.3 The Council shall have the right to carry out the repairs at the expense of the guilty person.

SCHEDULE A

Application for the Use of the Facility

Application No. _____

Name and Surname of Applicant _____

Identity Card No. / Passport No. _____

Position in Organisation
(e.g. President, Secretary, etc.) _____

Name of Organisation (if applicable) _____

Official address _____

Telephone No. _____ Fax No. _____

Facility applied for _____

Days of Activity from _____ to _____

Duration (Time) from _____ to _____

Approx. expected attendance _____ Entrance fee (if applicable) _____

Measures taken to indemnify the Council
(Attach documents)
(e.g. Insurance, Policy, Bank Guarantee, etc.) _____

Date _____ Applicant's Signature _____

FOR OFFICIAL USE

Fee paid _____ Receipt No. _____

Date and time when application is received _____

Accepted/Refused (delete as applicable) Date _____

Comments by Council (if applicable) _____

Signature

Official Rubber Stamp

Designation

(Article 6.1)

SCHEDULE B

Terms and Conditions for the Authorisation of the Use of the Facility

1. The authorisation is valid for the duration as indicated in the application form prescribed in the First Schedule and subject to any further conditions stipulated by the Council on the authorisation form.

2. The Council has the right to revoke the authorisation at any time for any breach of any of these terms and conditions as laid down by the Council on the authorisation form. The Council also has the right to revoke the authorisation if the activity is deemed contrary to public decency or morals.

3. If the Council revokes the authorisation for any of the reasons mentioned in paragraph 2 above, the authorised person shall not be refunded the fee paid or any part thereof.

4. The authorisation is subject to any permit or licence necessary under any other law. It is the responsibility of the applicant to obtain such permit or licence.

5. The authorised person shall not carry out any activity which is not indicated in the authorisation.

6. The authorised person shall keep the facility clean at all times during the activity, and ensure that such place remains clean until the expiry of the authorisation.

7. The authorised person shall ensure that at the end of the authorisation the facility be restored to its original state.

8. The authorised person shall ensure that no inconvenience or nuisance is caused to the public during the duration of the authorisation.

9. Any noise shall cease by 11.00pm.

10. A copy of the authorisation shall be prominently displayed at all times at the entrance to the facility for the information of the public.

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(Article 7)

SCHEDULE C

Fees for the Use of the Facility

Not more than Lm10 per hour