

L.N. 96 of 2011

**TRADING LICENCES ACT
(CAP. 441)**

Trading Licences (Amendment) (No. 4) Regulations, 2011

IN exercise of the powers conferred by article 17 of the Trading Licences Act, the Minister of Finance, the Economy and Investment has made the following regulations:-

- 1.** The title of these regulations is the Trading Licences (Amendment) (No. 4) Regulations, 2011, and these regulations shall be read and construed as one with the Trading Licences Regulations, hereinafter in these regulations referred to as "the principal regulations". Citation.
S.L. 441.07.
- 2.** In regulation 2 of the principal regulations, immediately after the definition "the Act" there shall be added the following new definition: Amends
regulation 2 of
the principal
regulations.
- " "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;" Cap. 337.
- 3.** Immediately after sub-regulation (3) of regulation 5 of the principal regulations, there shall be added the following new sub-regulations: Amends
regulation 5 of
the principal
regulations.
- "(4) It shall not be possible to apply for or use, more than one of the following licences, from the same premises:
- (a) a licence for a commercial activity which consists of, or includes, retail sale of food, beverages (including alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery;
- (b) a licence for a commercial activity which consists of or includes retail sale of food, beverages (excluding alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery;
- (c) any other licence for any other commercial

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activity.

(5) All licence holders which, at the date of coming into force of these regulations, are licensed as confectionaries or under type code 52.24 shall have until the 31st May 2011 to choose between type code 52.24(A) and 52.24(B) and to notify in writing the Trading Licences Unit:

Provided that licence holders who do not effect such choice shall be, as from that date, considered to hold a type code 52.24(B) licence:

Provided further that the licence holders referred to above may at any time apply to the Trade Licensing Unit to change from type code 52.24(A) to type code 52.24(B) or from type code 52.24(B) to type code 52.24(A)."

Amends the
First Schedule
to the principal
regulations.

4. The First Schedule to the principal regulations shall be amended as follows:

(a) the figure "52.24" and the corresponding words "Retail sale of food in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery" shall be deleted; and

(b) immediately after the figure "52.23" and the corresponding words under the column "Type of Licence", there shall be added the following:

"52.24 (A) Retail sale of food, beverages (including alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery

52.24 (B) Retail sale of food, beverages (excluding alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery".

Amends the
Second
Schedule to the
principal
regulations.

5. The Second Schedule to the principal regulations shall be amended as follows:

(a) for paragraph 07 thereof there shall be substituted the following:

"07 No alcohol and no tobacco products shall be sold to persons under the age of seventeen years.";

(b) paragraphs 08 to 13 shall be renumbered as paragraphs 09 to 14 respectively;

(c) immediately after paragraph 07 there shall be added the following new paragraph:

"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
S.L. 128.01 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."; and

(d) paragraph 14 as renumbered shall be deleted.

6. Part II of the Third Schedule to the principal regulations shall be amended as follows:

Amends the Third Schedule to the principal regulations.

(a) immediately after paragraph 03, there shall be added the following proviso:

"Provided that the opening times may only be between 4.00a.m. and 9.00p.m., and may not be extended in the circumstances indicated in regulation 38, in the case of catering establishments where the principal activity is the sale of food for consumption off the premises and where alcoholic beverages are also sold from the same establishments.";

(b) immediately after paragraph 09, there shall be added

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the following new paragraph:

"09A. Food, beverages (including alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery.

Notwithstanding the provisions of Part I of this Schedule, commercial premises licensed for the retail sale of food, beverages (including alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery under paragraph 52.24 (A) of the First Schedule may open for business on a Sunday or any other public holiday from 6.00a.m. to 7.00p.m.";

(c) immediately at the end of paragraph 10.1 there shall be added the following proviso:

"Provided that commercial premises selling the above items and any alcoholic beverages may not operate after 9.00 p.m.";

(d) immediately at the end of sub-paragraph (2) of paragraph 10.2 there shall be added the following proviso:

"Provided that commercial premises selling the above items and any alcoholic beverages may not open after 9.00p.m."; and

(e) in sub-paragraph (a) of paragraph 12, under Commercial Activities, for the words "(a) The predominant sale of bread, cakes, flour confectionery and sugar confectionery" there shall be substituted the words "Retail sale of food, beverages (excluding alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery", and under Type Code, for the figure "52.24" there shall be substituted the figure "52.24B".

