

**L.N. 228 of 2011**

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

**Trading Licences (Amendment) (No. 7) 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. 7) Regulations, 2011, and these regulations shall be read and construed as one with the Trading Licences Regulations, 2006 hereinafter referred to as “the principal regulations”.

Citation.

L.N. 1 of 2006.

**2.** Regulation 5 of the principal regulations shall be amended as follows:

Amends regulation 5 of the principal regulations.

(a) for sub-regulation (4) thereof, there shall be substituted the following:

“(4) (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.”;

(b) for sub-regulation (5) thereof, there shall be substituted the following:

“(5) (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 (4), 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.”; and

(c) immediately after the new sub-regulation (5) thereof, there shall be added the following new sub-regulation:

“(6) If no action is taken by the licensee as indicated in sub-regulation (5)( 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 Licenses 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:

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. Cap. 356.

**3.** In regulation 53 of the principal regulations, immediately after the words “under article 18” there shall be added the words “and article 20”. Amends regulation 53 of the principal regulations.

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

(a) the figure “52.24(A)” and the corresponding words “Retail sale of food, beverages (including alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery” shall be deleted;

(b) the figure “52.24 (B)” and the corresponding words “Retail sale of food, beverages (excluding alcoholic beverages) and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery” shall be deleted; and

(c) immediately after the figure “52.23” and the corresponding words under the column “Type of licence”, there shall be inserted the following:

“52.24 Retail sale of food, beverages and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery”.

**5.** In the Second Schedule to the principal regulations, immediately after item (c) of sub-paragraph (1) of paragraph 08, there shall be inserted the following: Amends the Second Schedule to the principal regulations.

“(d) by the holder of a temporary licence granted by the Commissioner of Police under the powers vested in

G.N. 392 of 1929.

him by regulation 8 of the Shops for the Sale of Wine, Beer or Spirituous Liquors (Licences, Good Order and Public Decorum) Regulations, 1929.”.

Amends the Second  
Schedule to the  
principal regulations.

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

(a) the proviso to paragraph 03 thereof shall be deleted;

(b) paragraph 09A thereof shall be deleted;

(c) in indent (h) of paragraph 10.1 thereof, for the words “precision items:” there shall be substituted the words “precision items.”;

(d) the proviso to paragraph 10.1 thereof shall be deleted;

(e) in indent (h) of sub-paragraph (2) of paragraph 10.2 thereof for the words “precision items:” there shall be substituted the words “precision items.”;

(f) the proviso to sub-paragraph (2) of paragraph 10.2 thereof shall be deleted;

(g) in the column “Commercial activities” in paragraph 12 thereof for sub-paragraph (a) there shall be substituted the following:

“(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.”; and

(h) in the column “Type Code” in paragraph 12 thereof the figure “52.24(B)” shall be substituted with the figure “52.24”.

