

L.N. 349 of 2012

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

Trading Licences (Amendment) Regulations, 2012

IN exercise of the powers conferred by article 17 of the Trading Licences Act, the Minister for Fair Competition, Small Business and Consumers, has made the following regulations:-

1. (1) The title of these regulations is the Trading Licences (Amendment) Regulations, 2012 and these regulations shall be read and construed as one with the Trading Licences Regulations, hereinafter referred to as "the principal regulations".

Citation and
commencement.
S.L. 441.07

(2) These regulations shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different purposes and for different provisions of these regulations.

2. The Arrangement of regulations shall be amended as follows:

Amends the
Arrangement of
regulations.

(a) immediately after the words and figures "Part I Preliminary 1-4" there shall be added the words and figures "Part IA General Provisions 4A-4E";

(b) the words "Part IIIA Registration of Persons carrying out a Commercial Activity 35A-35G" shall be deleted; and

(c) the words "Part III B" shall be substituted by the words "Part III A" and the figure "35H" shall be substituted by the figure "35A".

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

Amends
regulation 2 of
the principal
regulations.

(a) immediately after the definition "the busker" there shall be added the following new definition:

" "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;";

(b) immediately after the definition "commencement date of the commercial activity" there shall be added the following new definition:

" "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;";

(c) immediately after the definition "date of the ceasing of operations" there shall be added the following new definition:

" "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;";

(d) immediately after the definition "Farmers' Market" there shall be added the following new definition:

" "form" means both a paper form and a form in an electronic format;";

(e) immediately after the definition "form" there shall be added the following new definition:

" "licence" or "trading licence" means a licence or trading licence pursuant to article 10 of the Act;";

(f) immediately after the definition "market hawker" there shall be added the following new definition:

" "Member State" means a member state of the European Economic Area;";

(g) immediately after the definition "open-air market" there shall be added the following new definition:

" "person" means a natural or legal person;";

(h) immediately after the definition "person of the legal profession" there shall be added the following new definition:

S.L. 441.04 " "street" shall have the same meaning assigned to it in the Activities Requiring Permit by Local Councils Regulations;"; and

(i) the definition "Trade Licensing Unit" shall be substituted by the following new definition:

" "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.".

4. Regulation 4 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 4 of the principal regulations.

"Designation of regulatory authority.

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.".

5. Immediately after Part I of the principal regulations, there shall be added the following new Part and new regulations:

Adds new Part and new regulations to the principal regulations.

"Part IA

General Provisions

When a trading licence is not required.

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;

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(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:

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 sub-paragraphs (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.

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.

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.

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:

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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."

Amends
regulation 5 of
the principal
regulations.

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

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Commercial activities requiring a trading licence.";

(b) sub-regulations (4), (5) and (5A) thereof shall be renumbered as sub-regulations (8), (9) and (10) respectively;

(c) in paragraph (b) of sub-regulation (9) thereof, as renumbered, for the words "in sub-regulation (4)" there shall be substituted the words "in sub-regulation (8)";

(d) in sub-regulation (10) thereof, as renumbered, for the words "in sub-regulation (5)(b)" there shall be substituted the words "in sub-regulation (9)(b)";

(e) sub-regulations (6) and (7) thereof shall be deleted; and

(f) sub-regulations (1) to (3) thereof shall be substituted by the following new sub-regulations:

"(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.

(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:

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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."

Substitutes regulations 6 to 9 of the principal regulations.

7. Regulations 6 to 9 of the principal regulations shall be substituted by the following new regulations:

"Applicant's eligibility.

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:

(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.

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 the identity card number. and in the case of a non-Maltese citizen shall be a copy of his valid passport or identity card;

(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,

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(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:

Provided further that if the commercial premises was constructed prior to 2001, the submission of such Building Permit Number shall also not be required and, in such case, the applicant has to prove that a similar commercial activity to that referred to in the notification or application had been licensed to operate before 2001 and had remained in operation until at least up to three years prior to the application.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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.

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(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.

Processing of notification.

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.

(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."

Amends regulation 12 of the principal regulations.

8. Sub-regulation (1) of regulation 12 of the principal regulations shall be substituted by the following new sub-regulation:

"(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."

9. Regulations 16 to 19 of the principal regulations shall be substituted by the following new regulations:

Substitutes regulations 16 to 19 of the principal regulations.

"Cancellation at the request of the licensee.

16. (1) A license 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.

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.

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Cancellation in
circumstances
other than
regulation 16.

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.

Licence non-transferable.

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."

10. Regulation 20 of the principal regulations shall be amended as follows:

Amends regulation 20 of the principal regulations.

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(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:

Provided that in case of licences for a commercial activity to be carried out in Gozo, the relevant fee

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applicable shall be subject to a further reduction of twenty five per cent (25%)."; and

(b) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(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."

Amends
regulation 33 of
the principal
regulations.

11. Regulation 33 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(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:

Provided that if it is carried out in any street it shall also require the consent of the Local Council and the Police.";

(b) sub-regulation (2) thereof shall be deleted; and

(c) sub-regulations (3) and (4) shall be renumbered as sub-regulations (2) and (3) respectively.

Amends
regulation 34 of
the principal
regulations.

12. Regulation 34 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(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.";

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(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."; and

(c) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(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."

13. Part IIIA and regulations 35A to 35G of the principal regulations shall be deleted.

Deletes Part IIIA and regulations 35A to 35G of the principal regulations.

14. Immediately after regulation 35 of the principal regulations, for the words "Part III B" there shall be substituted the words "Part III A" and regulation 35H shall be renumbered as regulation 35A.

Renumbers Part III B and regulation 35H of the principal regulations.

15. Regulation 36 of the principal regulations shall be amended as follows:

Amends regulation 36 of the principal regulations.

(a) sub-regulations (3) and (4) thereof shall be renumbered as sub-regulations (4) and (5); and

(b) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

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"(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."

Amends regulation 50 of the principal regulations.

16. In paragraph (k) of regulation 50 of the principal regulations, for the words "shall be €232.94." there shall be substituted the words "shall be €230;" and immediately thereafter there shall be inserted the following new paragraph:

"(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:

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."

Deletes regulation 51 of the principal regulations.

17. Regulation 51 of the principal regulations shall be deleted.

Substitutes the First Schedule to the principal regulations.

18. The First Schedule to the principal regulations shall be substituted by the new schedule set out in the Schedule to these regulations.

Amends the Third Schedule to the principal regulations.

19. The last paragraph of Section 02 of Part1 of the Third Schedule of the principal regulations shall be deleted.

Deletes the Sixth Schedule to the principal regulations.

20. The Sixth Schedule to the principal regulations shall be deleted.

21. The Seventh Schedule to the principal regulations shall be renumbered as the Sixth Schedule thereof, and it shall be amended as follows:

Amends the Seventh Schedule to the principal regulations.

(a) the words "Commercial premises used for manufacturing purposes shall pay a fee equivalent to 5% of rental value subject to minimum fee of €46.59." and "Other commercial premises shall pay the following fees:" shall be deleted;

(b) the figures "€69.88", "€139.76" and "€419.29" shall be substituted by the figures "€70", "€140" and "€420" respectively; and

(c) for the words "5% of rental value subject to a minimum fee of not less than €1,164.69" there shall be substituted the figure "€1,000".

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SCHEDULE

(Regulation 18)

"FIRST SCHEDULE

[Regulations 2, 8(2), 9(2), 35C(4) and 35D(4)]

PART I

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	Event 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

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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,

B 3178

	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

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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
93.03	Funeral and related activities
93.05	Other social and personal service activities not elsewhere classified (excluding any gambling or betting activities)".

VERŻJONI ELETTRONIKA

