

L.N. 475 of 2012

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

Trading Licences (Amendment No. 3) 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:-

Citation.

S.L. 441.07

Amends
regulation 2 of
the principal
regulations.

Amends
regulation 7 of
the principal
regulations.

1. The title of these regulations is the Trading Licences (Amendment) (No. 3) Regulations, 2012 and these regulations shall be read and construed as one with the Trading Licences Regulations, hereinafter referred to as "the principal regulations".

2. In regulation 2 of the principal regulations, immediately after the definition "the Act", there shall be added the following new definition:

" "ailing parents, spouse or children" means parents, spouse, son or daughter who are ill;"

3. Regulation 7 of the principal regulations shall be amended as follows:

(a) the second proviso to sub-regulation (1) thereof shall be deleted;

(b) sub-regulations (2) to (8) thereof shall be renumbered as sub-regulations (3) to (9) respectively; and

(c) immediately after sub-regulation (1) thereof, there shall be added the following new sub-regulation:

"(2) When a person submits an application or a notification in respect of a commercial activity from a commercial premises which was constructed prior to 2001, the citation of a relevant Building Permit Number shall not be required on the form:

Provided that in such case, the applicant has to prove that a commercial activity which is the same as that indicated in the Application or Notification Form had been licensed to be carried out from the said premises and the relevant trading licence had been paid and renewed up to at least three years prior to the application or notification:

Provided further that where the commercial activity cited on the Application Form or on the Notification Form is different from or more extensive than that which had been licensed, the form needs to be accompanied by a document wherein it is certified by an architect or civil engineer that such a change or extension does not require a permit under the Development Planning Act.".

Cap. 356.

4. Regulation 28 of the principal regulations shall be substituted by the following:

Substitutes regulation 28 of the principal regulations.

"Substitute hawkers and employees.

28. (1) A street or market hawker may appoint one other individual as his or her substitute by making an application for a licence to the Trade Licensing Unit, so that the substitute shall carry out such activity which for any reason the street or market hawker cannot carry out himself.

(2) The substitute may act in the absence of the licensee for a period of not more than one month in the aggregate within the licence period of one year provided that he or she has been given a licence by the Trade Licensing Unit to act as a substitute street hawker or a substitute market hawker:

Provided that an appointed substitute may further apply with the Trade Licensing Unit to carry out the licensed activity:

(a) for any period of time during which the licensee is ill;

(b) for any period of time during which the licensee is taking care of ailing parents, spouse or children;

(c) for any period of time during which the licensee is taking care of a parent, spouse, son or daughter who are registered as a disabled person with the National Commission for Persons with Disability (KNPD);

(d) where the licensee is pregnant, during the time of the pregnancy;

(e) where the licensee gives birth or adopts a child, for a period of up to two years from the date of birth or from the date of adoption respectively;

(f) where the licensee is fostering a child, for a period of one year from the date the fostering takes place or until the fostering ceases, whichever is the earlier.

(3) The application for a substitute hawker shall have the following information:

(a) the name and Identity Card number of the licence holder for whom the applicant is to act as a substitute hawker;

(b) the name and Identity Card number of the substitute hawker;

(c) where a motor vehicle is used to carry out the commercial activity, the address of the garage of the vehicle to be used;

(d) the address of the premises where the goods are to be stored;

(e) the nature of the hawking activity.

(4) The application for a substitute hawker as provided for in the proviso to sub-regulation (2) shall be accompanied by:

(a) two passport size photos of the principal licence holder;

(b) two passport size photos of the substitute hawker;

(c) a medical certificate in the case of illness, pregnancy or where the licensee is taking care of ailing parents, spouse or children;

(d) a birth certificate where the licensee has given birth to a child and proof that the licensee has adopted a child in case of adoption;

(e) proof that the parent, spouse, son or daughter, as the case may be, are registered as a disabled person with the National Commission for Persons with Disability (KNPD) in the case where the licensee is taking care of a disabled parent, spouse, son or daughter;

(f) in the case of fostering, documentary evidence that the licensee is fostering a child, after having been certified able to act as foster father or mother by the Adoption and Fostering Panel of the Department for Family Welfare;

(g) where the commercial activity involves the selling of food, an approval by the Environmental Health authorities that the premises indicated as a store may be used for the storing of items:

Provided that where the premises of the licensee is to be used as a store and such premises has already been certified by Environmental Health authorities, the application may instead be accompanied by a declaration indicating such use and certification and signed by both the licensee and the substitute.

(5) A licence for a substitute hawker shall include the following:

(a) the name and Identity Card number of the licence holder for whom the applicant is to act as a substitute hawker;

(b) the name and Identity Card number of the substitute hawker;

(c) where a motor vehicle is used to carry out the commercial activity, the address of the garage of the vehicle to be used;

(d) the address of the premises where the goods are to be stored;

(e) the nature of the hawking activity;

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(f) a passport size photo of the principal licence holder;

(g) a passport size photo of the substitute hawker.

(6) A licensee may employ a person or persons to assist him in his work provided that such licensee or substitute is present where the commercial activity is taking place."

Amends the First Schedule to the principal regulations.

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

(a) in Part I thereof, in type code 55.52, the word "Event" shall be deleted; and

(b) in Part II thereof -

(i) immediately after type code 93.01, there shall be added the following:

"93.021B Hairdressing performed at a location desired by the client

93.022B Activities of beauty treatment performed at a location desired by the client"; and

(ii) immediately after type code 93.03, there shall be added the following:

"93.04B Physical well-being activities performed at a location desired by the client".

