

GOVERNMENT NOTICE NO. 45

BUSINESS LICENSING ACT, 2012

(NO. 27 OF 2012)

BUSINESS LICENSING REGULATIONS, 2014

IN EXERCISE of the powers conferred by section 37 of the Act, I, Joseph Mwanamvekha, Minister of Industry and Trade, make the following Regulations—

1. These Regulations may be cited as the Business Licensing Citation Regulations, 2014.
2. In these Regulations unless the context otherwise requires—

Interpretation

“ISIC” means the International Standard Industrial Classification of All Economic Activities Revision 4 in *Official Records of the Economic and Social Council, 2002, Supplement No. 4 (E/2006/24)*

“person carrying on business” means—

 - (a) in the case of a single person or corporate body, such person or corporate body;
 - (b) in the case of a business carried on by a partnership, all partners; and
 - (c) in the case of a business carried on by any other body of persons, the principal officers of such body.
- 3.—(1) An application for a Business Licence or for renewal of a Business Licence by a person, who is a citizen of Malawi, shall be made to a local authority in which the applicant intends to conduct a business.

Application for a Business Licence or renewal of a Business Licence
- (2) An application for a Business Licence or for renewal of a Business Licence by a person, who is not a citizen of Malawi, shall be made to the Chief Business Licensing Officer.
- (3) An application for a Business Licence under sub regulation (2) shall include a certificate issued under the Investment and Export Promotion Act, 2012.

Act No. 11 of 2012
- (4) An application for a Business Licence shall be made in Forms 1 to 3 in the First Schedule hereto.
- (5) An application for renewal of a Business Licence shall be made in Form 4 in the First Schedule hereto, and shall be submitted with an annual return made in Form 5 of the First Schedule hereto.
- 4.—(1) a person, who is a citizen of Malawi, shall upon application for, or on renewal of, a Business Licence, for purposes of identification, produce to the Chief Business Licensing Officer a valid identification document issued under the laws of Malawi or any other document which may be acceptable for the verification of the identity of that person.

Production of identity documents on application for a licence
- (2) A person, who is not a citizen of Malawi, shall, upon application for, or on renewal of, a Business Licence produce, for the purposes of identifica-

tion, to the Chief Business Licensing Officer a valid permit issued under laws relating to immigration, citizenship or asylum.

Issuance of a
Business
Licence

5. Where an application for a Business Licence is approved, the Chief Business Licensing Officer or the Business Licensing Officer shall issue a Business Licence to the applicant in Form 6 in the First Schedule hereto.

Business
premises

6. A business that operates in more than one place of business shall have a licence for each place of business.

Rectification of
registry errors

7. Subject to section 11 of the Act, the Chief Business Licensing Officer or the Business Licensing Officer, may rectify particulars furnished under the Act or in the register where there is a clerical or typographical error, or other error of similar nature, upon receipt of a notice in the Form set out in the Second Schedule hereto.

Compounding
offences

8. Subject to section 34 of the Act, the Chief Business Licensing Officer may compound offences under regulations 9, 13 and 14:

Provided that the Chief Business Licensing Officer shall impose not more than ten per cent of the penalty provided for that offence.

Businesses
owned by
non-Malawians

9.—(1) A person, who is not a citizen of Malawi, who intends to carry out a business whose core activity is retail, in any local authority listed in the First Column of the Third Schedule hereto, shall operate within the areas designated for that purpose in the Second Column of the Third Schedule hereto.

(2) A person may carry on a business outside the areas designated under sub regulation (1) upon approval of the Chief Business Licensing Officer and the Investment Approval Committee.

(3) The Chief Business Licensing Officer may revoke the Business Licence of a person who carries out business in contravention of this regulation.

(4) A person who carries on a business in contravention to this regulation commits an offence and shall be liable upon conviction to a fine of five hundred thousand Kwacha (K500,000.00) and to imprisonment for twelve months.

Fees payable

10. The fees specified in the Fourth Schedule hereto shall be payable to the Business Licensing Officer of a designated area in which the Applicant intends to conduct a business.

Appeals to the
Minister

11.—(1) A person who intends to lodge an appeal under section 26 of the Act to the Minister shall deliver to the Chief Business Licensing Officer a notice of appeal stating the grounds of appeal in the Fourth Schedule hereto.

(2) The Chief Business Licensing Officer shall submit to the Minister a copy of the notice of appeal together with the grounds of appeal.

Record keeping

12.—(1) A holder of a Business Licence shall keep records manually or electronically, in Chichewa or English language so as to enable any person to ascertain the nature of the business and the value of the business at the time of inspection of such records.

(2) The records in sub regulation (1) shall include the Business Licence, annual turnovers, books of accounts and Tax Payer Identification Numbers.

13.—(1) An inspector shall issue an order of cessation of trading in the Form set out in the Fifth Schedule hereto, for a period not exceeding fourteen days where the order is issued under section 32 (1) (d) of the Act. Inspections and orders

(2) An inspector may issue an order of cessation of trading for a period exceeding fourteen days subject to confirmation by the Chief Business Licensing Officer and the order shall be communicated to a holder of a licence within seven days.

(3) A person aggrieved by a cessation of trading order may apply to the High Court for judicial review of the decision.

(4) A person who fails to comply with an order under this regulation commits an offence and shall be liable upon conviction to a fine of two hundred and fifty thousand Kwacha (K250,000.00) and to imprisonment for six months.

(6) Where a Court convicts a person under sub regulation (4), the Court may, in addition to any fines provided for, order the revocation of a Business Licence and impose restrictions on trading for a period not exceeding three years.

14. A person who contravenes any provision of these Regulations for which a penalty is not specifically provided commits an offence and shall be liable upon conviction to a fine of one hundred thousand Kwacha (K100,000.00) and to imprisonment for three months. General penalty

FIRST SCHEDULE

(reg. 3 and 5)

FORMS

FORM I

REPUBLIC OF MALAWI

BUSINESS LICENSING ACT, 2012

(No. 27 OF 2012)

FORM I

APPLICATION FOR A BUSINESS LICENCE BY A SOLE PROPRIETOR LICENCE

- 1. Full name.....
- Previous Names (if any) :
- 2. (a) *Identity card number/Passport number/Driving licence number:.....
- *Delete as applicable
- (b) Gender

- 3. Residential and Postal Address :
-
-
- 4. (a) Name under which business is carried out:.....
- (b) Address of place of business:
- (c) Description and nature of business:
- (d) ISIC Code(s):.....
- (e) Commencement Date:
- (f) Business Registration No:.....
- (g) Details of any criminal convictions:.....
- (h) Details of any insolvency proceedings:.....

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true and that I have no partner(s) in the said business.

Date: Signed:

FOR OFFICIAL USE ONLY.

Approved/Rejected:

If rejected, reason for rejection:

Name of Officer:.....

Signature:.....

FORM 2
 REPUBLIC OF MALAWI
 BUSINESS LICENSING ACT, 2012
 (No. 27 OF 2012)

APPLICATION FOR A BUSINESS LICENCE BY A PARTNERSHIP OR BY OTHER BODY
 UNINCORPORATE

- 1. (a) Name under which business is carried out:
- (b) Address and Place of business:
- (c) Description and nature of business:
- (d) Date business commenced:
- (e) ISIC Code(s):.....
- (f) Business Registration No:.....

- (g) Details of any criminal convictions:.....
- (h) Details of any insolvency proceedings:.....
- 2. *Partners/Principal officers:
- (1) (a) Name:
- (b) Previous Names (if any) :
- (c) *Identity card number/Passport number/Driver's Licence number.....
- (d) Business registration number:
- (e) *Residential address/Registered office address:
- (2) (a) Name:
- (b) Previous Names (if any) :
- (c) *Identity card number/Passport number/Driver's Licence number.....
- (d) Business registration number:
- (e) *Residential address/Registered office address:
- (3) (a) Name:
- (b) Previous Names (if any) :
- (c) *Identity card number/Passport number/Driver's Licence number.....
- (d) Business registration number:
- (e) *Residential address/Registered office address:
-
- (4) (a) Name:
- (b) Previous Names (if any) :
- (c) *Identity card number/Passport number/Driver's Licence number.....
- (d) Business registration number:
- (e) *Residential address/Registered office address:

CERTIFICATE OF APPLICANT

I certify that—

- (a) the particulars set out in this application are true; and
- (b) (where the business is a partnership)I have listed all the partners of the business.

Date:Signed:

Name in block letters :

Designation within the partnership or other body unincorporated:
(i.e. partner (if a partnership)/principal officer)

*Delete as appropriate.

FOR OFFICIAL USE ONLY.

Approved/Rejected:

If rejected, reason for rejection:

Name of Officer:

Signature:

FORM 3

REPUBLIC OF MALAWI
 BUSINESS LICENSING ACT, 2012
 (NO. 27 OF 2012)

APPLICATION FOR A BUSINESS LICENCE BY A BODY CORPORATE

1. If body corporate is incorporated in Malawi:

(a) Name of body corporate:

(b) Postal and Physical Address of registered office:

(c) Date of incorporation:

(d) Registration No:

(e) Business name (if any):

(f) ISIC Code(s):

(g) Details of any criminal convictions:

(h) Details of any insolvency proceedings:

2. In the case of charities or non profit body corporate in Malawi:

(a) Name of body corporate:

(b) Postal and Physical Address of registered office:

(c) Date of incorporation:

(d) Registration No:

(e) Objectives:

.....

.....

.....

.....

.....

(e) ISIC Code(s)

- 3. If body corporate is not incorporated in Malawi and is one to which the foreign/ external companies part of the Companies Act applies:
 - (a) Name of body corporate :
 - (b) Place of incorporation:
 - (c) Names, occupation and addresses of person or persons resident in Malawi whose particulars have been delivered to the Registrar of Companies:
 - (d) Date of registration under the Companies Act :
- 4.
 - (a) Name under which business is carried out :
 - (b) Address of place of business:
 - (c) Description and nature of business:
 - (d) ISIC Code(s) :

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true.

Date:

Signed:

Full name (in block letters):

Designation within the body corporate :.....
(i.e. director, manager or secretary)

FOR OFFICIAL USE ONLY.

Approved/Rejected:

If rejected, reason for rejection:

Name of Officer:.....

Signature:

FORM 4

THE BUSINESS LICENSING ACT, 2012
(NO. 27 OF 2012)

APPLICATION FOR RENEWAL OF A BUSINESS LICENCE

To: The Business Licensing Officer,

- 1. Full name of applicant:
- Previous Names (if any) :
- 2. *Identity card number/Passport number/Driver's Licence number:.....
 *Delete as applicable

- 3. Residential address :
-
- 4. (a) Name under which business is carried out :
- (b) Address of place of business:
- (c) Description and nature of business:.....
- (d) ISIC Code(s) :.....

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true and that I have no partner(s) in the said business.

Date: Signed:

OR

(In case of a partnership or other unincorporated body)

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true

Date: Signed:

Name in block letters :

Designation within the partnership or other body unincorporated :

(i.e. partner (if a partnership)/principal officer)

OR

(In case of a body corporate)

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true.

Date: Signed:

Full name (in block letters):

Designation within the

body corporate :

(i.e. director, manager or secretary)

FOR OFFICIAL USE ONLY.

Approved/Rejected:

If rejected, reason for rejection:

Name of Officer:.....

Signature:.....

FORM 5
 REPUBLIC OF MALAWI
 BUSINESS LICENSING ACT, 2012
 (NO 27 OF 2012)
 ANNUAL RETURN

To: The Business Licensing Officer,

1. Full name of applicant and Business Licence Number:
-
- Previous Names (if any) :
2. (a) Name under which business carried out :
- (b) Address of place of business:
-
- (c) Annual Turnover:.....
- (d) Changes in Ownership:.....
- (e) Outstanding Credit Obligations:.....

FORM 6
 REPUBLIC OF MALAWI
 BUSINESS LICENSING ACT, 2012
 (NO 27 OF 2012)
 BUSINESS LICENCE

Licence No:.....

This is to certify that is the holder of a Business Licence issued under the Business Licensing Act, 2012.

The Licence expires on:.....

This Licence is subject to the following conditions:

1.

Dated thisday of20.....

.....
Business Licensing Officer
 (Stamp & Signature)

SECOND SCHEDULE
REPUBLIC OF MALAWI
BUSINESS LICENSING ACT, 2012
(No. 27 OF 2012)

(reg. 7)

NOTICE OF RECTIFICATION OF PARTICULARS

To: The Registrar,

We (I) the undersigned give notice of change of particulars ofduly licenced pursuant to the Business Licensing Act (No 27 of 2012) on theday ofunder Licence Number

A change (or changes) has (or have) occurred (or been made) in respect of the particulars registered as hereinafter mentioned.

We (I) the undersigned hereby give notice that on the date (or dates) hereunder specified the following change (or changes) occurred (or was or were made) in the particulars registered;

.....
.....
.....

CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true

DateSigned:.....

*Full name (in block letters):

*Sign off as applicable for a sole proprietor, partnership or body corporate or personal representative or other capacity

FOR OFFICIAL USE ONLY.

Approved/Rejected:

If rejected, reason for rejection:

Name of Officer:.....

Signature:

THIRD SCHEDULE
REPUBLIC OF MALAWI
BUSINESS LICENSING ACT, 2012
(No. 27 OF 2012)

(reg. 9)

DESIGNATED AREAS FOR NON MALAWIAN BUSINESS

<i>First Column</i>	<i>Second Column</i>
LOCAL AUTHORITY	DESIGNATED AREAS
Blantyre City Council	Central Business District
Zomba City Council	Central Business District
Lilongwe City Council	Central Business District
Mzuzu City Council	Central Business District
Kasungu Municipality Council'	Central Business District
Luchenza Municipality Council	Central Business District

FOURTH SCHEDULE

(reg. 10)

MATTER	FEES
Application for a Business Licence	K 1 000.00
Issuance of a Business Licence for non-Malawians	K 60 000.00
Issuance of a Business Licence for Malawians where the premises are in—	
(a) a City or Municipal Council	K 30 000.00
(b) a Town Council	K 20 000.00
(c) any other area	K 10 000.00
Transfer of a Business Licence	K 5 000.00
Filing an annual return	K 2 500.00
Renewal of a Business Licence	K 5 000.00

FOURTH SCHEDULE

(reg. 11)

REPUBLIC OF MALAWI
BUSINESS LICENSING ACT, 2012
(No 27 OF 2012)

NOTICE OF APPEAL TO THE MINISTER

I,.....HEREBY APPEAL against the decision of the Business Licensing Officer to effect or cancel the following registration:

My grounds of appeal are as follows:.....

Dated thisday of, 20

My address for service is

Signature of Appellant

FIFTH SCHEDULE
REPUBLIC OF MALAWI
BUSINESS LICENSING ACT, 2012
(NO. 27 OF 2012)

(reg. 13)

ORDER OF CESSATION OF TRADING
(Section 32(1) (d))

To:

You are directed to forthwith cease trading on your premises. The reasons for the above order are as follows:

- 1.....
- 2.....
- 3.....

This order is effective fordays. If this order is confirmed by the Chief Business Licensing Officer this order will continue until revoked.(Delete the latter statement if not applicable)

Name of Officer:.....

Designation :.....

Signature:

Made this 27th day of October, 2014.

J. MWANAMVEKHA
Minister of Industry and Trade

(FILE NO BL 100)

GOVERNMENT NOTICE 46

BUSINESS LICENSING ACT
(27 OF 2012)

BUSINESS LICENSING (TRANSITIONAL MATTERS) NOTICE, 2014

IN EXERCISE of the powers conferred by section 40 of the Act, I, JOSEPH MWANAMVEKHA, Minister of Industry and Trade, has appointed the 1st day of May, 2015, as the date on which all licences issued before the commencement of the Act shall lapse.

It is further notified that a holder of a Business Licence issued before the commencement of the Act, may apply for a new Business Licence from the 1st November, 2014 until 31st April, 2015.

Made this 27th day of October, 2014.

J. MWANAMVEKHA
Minister of Industry and Trade

(FILE NO BL 100)