

**LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)**

**LAHAD DATU DISTRICT COUNCIL
(FOOD AND EATING PREMISES) BY-LAWS 1972
(G.N. 256 of 1973)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Lahad Datu District Council has made the following by-laws:

Title and commencement.

1. These by-laws may be cited as the Lahad Datu District Council (Food and Eating Premises) By-laws 1972, and shall come into operation on the 1st day of January 1973.

Licences.

2. No person shall carry on the business of a cookshop, eating-shop, coffee shop, food stall, restaurant or bakery except in accordance with a licence granted by the Council.

Application for licence.

3. An application for a licence shall be in writing and shall be accompanied by two photographs of the applicant.

Grant of licence.

4. The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

Health certificate.

5. If the Council so requires, an applicant, for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or registered medical practitioner.

Duration of licence.

6. Every licence granted under these By-laws shall expire on the 31st day of December of the year in which it is granted.

Fee.

7. The monthly fee for a licence in respect of the following in Lahad Datu shall be as follows —

(i)	Restaurant and Canteen	<i>RM per month</i>
(a)	Urban Area	
	Whole shop area	70.00
	Half shop area	40.00
	Quarter shop area	30.00
(ii)	Coffee Shop/Bar	<i>RM per month</i>
(a)	Urban Area	
	Whole shop area	70.00
	Half shop area	40.00
	Quarter shop area	30.00
(b)	Rural Area	
	The fee for a licence in rural area in respect of any business shall be	20.00
(iii)	Side cooked food stalls	20.00

(iv) Bakery

50.00

Licence not to be transferred.

8. No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.

Employment of assistants.

9. (1) No licensee shall engage any assistant, whether paid or not, except with the approval of the Council.

(2) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed to the licence by an officer of the Council.

Penalty.

10. (1) Any person who commits a breach or contravenes any of the provisions of these By-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence continues.

(2) In addition to or in substitution for the penalty provided in paragraph (1) of this by-law any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in the execution of any work directed by these By-laws to be executed by any person and not executed by such person, whether performed by the Council or some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing such breach or failing to execute such work and may be recovered as if such sum were a civil debt.

Cancellation of licence.

11. The Council may cancel or suspend a licence —

(a) if the licensee or any assistant of the licensee —

- (i) is convicted of any offence under these By-laws; or
 - (ii) is convicted of any offence under any written law relating to public health or the use of false weights or measures in respect of goods to which the licence relates; or
- (b) if, on the certificate of a Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

Compounding of offences.

12. (1) Any officer of the Council duly authorised in writing by the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

(2) On payment of such sum of money, no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

Power of arrest.

13. (1) Any officer of the Council duly authorised by the Council or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws —

- (a) if the name or address of the person is unknown to him and the person declines to give his name and address; or
- (b) if there is reason to doubt the accuracy of his name or address.

(2) A person arrested under this section shall be detained and shall be brought before a Magistrate's Court within twenty-four hours unless his name and address are sooner ascertained

Dated at Lahad Datu this 16th day of January 1973.

HAJI RAFAEL ANCHETA,
Chairman,
Lahad Datu District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 19th day of March 1973.

SALLEH HAJI SULONG,
Minister for Local Government.

Sabah LawNet