

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)
RANAU DISTRICT COUNCIL (HAWKERS) BY-LAWS 1966
(G.N.L 41 of 1966)

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

1. Title and commencement.

These by-laws may be cited as the Ranau District Council (Hawkers) By-laws 1966 and shall come into operation on the 1st day of May 1966.

2. Interpretation.

In these By-laws-

“goods” include food and drinks;

“hawk” include peddle.

3. Licence for hawking.

No person shall hawk any goods except in accordance with a licence granted by the Council.

4. Application for licence.

An application for licence shall be in writing, shall specify the goods the applicant proposes to hawk and shall be accompanied by two photographs of the applicant.

5. Grant of licence.

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

6. Health certificate.

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

7. Duration of licence.

Every licence shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is issued.

8. Fees.

(1) (a) The monthly fee for a stationary hawker licence is six ringgit for Local licences.

(b) The monthly fee for a mobile hawker licence is six ringgit for local licences.

(c) The monthly fee for a temporary licence is forty-five ringgit for non-local licences.

- (2) If the fee is not paid upon the expiry of the first week of the month in which it is due, the licence shall lapse but may be validated by the Council upon payment of a validation fee of one ringgit:

Provided that if the fee is not paid by the end of the month in which it is due, the licence shall be deemed to be cancelled.

9. Display of licence.

A licence shall be displayed in close proximity to the goods being hawked.

10. Licence not to be transferred.

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

11. Employment of assistants.

- (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.
- (2) If the Council gives approval, the name, address and photograph of the assistant shall be affixed on the licence by an officer or the Council.

12. Hawker not to remain stationary.

Unless permitted in writing by the Council, no person shall, while engaged in the business of hawking, remain stationary except for the purpose of serving a customer or for a reasonable time to rest.

12A. Stalls.

No person shall build or erect stall within the Ranau District Council's rating area without the prior approval from the Council.

13. No hawking in certain places.

No person shall hawk within thirty feet of any street corner.

13A. No hawking during certain hours.

No person shall hawk between 12 o'clock midnight and 6.00 a.m.

14. Refuse.

No person engaged in the business of hawking shall deposit any refuse or litter in any public place except in receptacles provided for the purpose.

16. Penalty.

Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine of one hundred ringgit for the first offence, two hundred ringgit for the second offence and five hundred

ringgit for the third and subsequent offences.

16A. Removal of equipment, tools, etc..

- (i) In respect of offences punishable under by-law 13A, the Council is empowered to remove, shift or confiscate all equipment, tools and any other goods belonging to the offender without being liable for civil suit provided prior written notice had been served upon him not less than twenty-four hours before such action is carried out.
- (ii) The Council shall not be obliged to pay compensation for any damages or losses incurred from removing, shifting or confiscating such items.

16B. Demolition of stalls.

- (i) Any person who contravenes the provision of by-law 12A, the Council is empowered to demolish such stall after giving notice of not less than fourteen days.
- (ii) If the owner fails to demolish them within fourteen days of being notified by the Council to do so, they may be demolished by the Council at the owner's expense.

17. Cancellation of licence.

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 registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

18. Compounding of offences.

- (i) Notwithstanding any provision of the By-laws, any officer of the Council duly authorised in writing by the Council may in his discretion compound any offences under these By-laws or any contravention of the conditions of the licence issued by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.
- (ii) On payment of such sum, no further proceedings shall be taken against the person in respect of such offence.
- (iii) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

Dated at Ranau this 1st day of May 1966.

GANIE GILONG,
Chairman,
Ranau District Council.

I approve the foregoing By-laws.

Dated at Jesselton this 9th day of June 1966.

PANG TET TSHUNG,
Minister of Local Government.