

LOCAL GOVERNMENT ORDINANCE 1961

(No. 11 of 1961)

TENOM DISTRICT COUNCIL (HAWKERS) BY-LAWS 1971

(G.N.L 62 of 1971)

ARRANGEMENT OF BY-LAWS

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

Title.

1. These by-laws may be cited as the Tenom District Council (Hawkers) By-laws 1971.

Interpretation.

2. In these By-laws —

"goods" include food and drinks;

"hawk" include peddle.

Licence for hawking.

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

Application for licence.

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

Grant of licence.

5. 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.

6. If the Council so requires, the applicant for a licence or for a renewal thereof shall forward a certificate of health from the Health Officer.

Duration of licence.

7. Every licence granted under these By-laws shall be quarterly and shall expire on the 31st day of March, 30th day of June, 30th day of September or the 31st day of December as the case may be, of each year.

Fee.

8. (1) The quarterly fee for a licence is eighteen ringgit which shall be payable in advance:

Provided that if any licence is surrendered before the expiry of the quarter, six ringgit for every month of the unexpired period may be refunded.

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

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.

Free licences.

9. Free licences may be issued at the discretion of the Council to applicants wishing to hawk goods produced by their own labour.

Display of licences.

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

Licence not to be transferred.

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

Employment of assistants.

12. (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 a photograph of the assistant shall be affixed on the licence by an officer of the Council.

Hawker not to remain stationary.

13. 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 customers or for a reasonable time to rest.

No hawking in certain places.

14. No person shall hawk within thirty feet of a street corner.

No hawking during certain hours.

15. No person shall hawk between 12.00 o'clock midnight and 6.00 a.m.

Refuse.

16. 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.

Penalty.

17. 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 five hundred ringgit.

Cancellation.

18. 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 the Health Officer, the licensee is suffering from a contagious or infectious disease.