

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

TUARAN DISTRICT COUNCIL
(FOOD AND EATING PREMISES) BY-LAWS 1987
(G.N.L 16 of 1987)

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

1. Title and commencement.

These by-laws may be cited as the Tuaran District Council (Food and Eating Premises) By-laws 1987 and shall apply to the whole area under the jurisdiction of the Council and shall be deemed to have come into force on the 1st day of July 1986.

2. Interpretation.

In these By-laws —

"cookshops" means a place or building where food and drinks are being prepared which includes coffee shop, eating-shop, sidestall, foodstall, restaurant, bakery, canteen, tuckshop, tamu stall (preparing food and cakes), mini factory and ice-cream shop which serve food direct to the public;

"Council" means the Tuaran District Council;

"officer of the Council" means a Council staff duly authorised by the Council.

3. Licences.

No person shall carry on the business of cookshop except in accordance with the licence granted by the Council.

4. Application for licence.

An application for a licence shall be in writing or by filling up a prescribed form and the applicant shall specify the type of proposed business together with his/her two most recent passport-sized photographs.

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 or withdraw a licence if the applicant fail to comply with the conditions of the approval.

6. Health certificate.

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.

7. Fee.

The monthly fee for a licence is specified under the First Schedule of these By-laws and payable in advance.

8. Duration of licence.

- (1) Every licence granted under these By-laws shall expire on the 31st day of December of the year it is issued.
- (2) Any person caught operating with the expired licence is deemed to have committed an offence under these By-laws provided that the Council shall have an absolute discretion to validate the licence subject to repayment of arrears of licence and validation fee of five ringgit.

9. Licence not to be transferred.

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

10. Employment of assistants.

- (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 the officer of the Council, and the said assistant must also be medically fit.

11. Penalties.

- (1) Any person who commits a breach or contravenes any provision 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 is continued.
- (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 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 by some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing the breach or failing to execute such work and may be recovered as if such sum were a civil debt.

12. Compounding of offences.

- (1) Any officer 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.

13. Cancellation of licences.

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 this 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 licensee relates; or
 - (iii) has been certified by a Government Medical Officer or a registered medical practitioner that the licensee is suffering from a contagious or infectious disease; or
- (b) if the licensee refuses to cooperate with the Council as far as health and sanitary requirements of the premises is concerned.

14. Power of arrest.

- (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.

15. Revocation.

The Tuaran District Council (Food and Eating Premises) By-laws 1965 in G.N.L 41 of 1965 is hereby revoked.

FIRST SCHEDULE (By-law 7)

	<i>Tuaran/Tamparuli</i>		<i>Kiulu/Tenghilan/Pekan Nabalu/Topokan/Berungis</i>	
	-	RM/per month	-	RM/per month
(1) Coffee shop/restaurant with air condition	-	60.00	-	60.00
(2) Coffee shop/restaurant without air condition	-	20.00	-	15.00
(3) Side stall in Coffee shop/restaurant	-	10.00	-	5.00
(4) Shop for manufacturing ice-cream	-	10.00	-	10.00
(5) Shop for manufacturing ice-block	-	20.00	-	20.00

(6)	Shop for manufacturing goods like bread, biscuits, mee, etc.,	-	30.00	30.00
(7)	General canteen	-	20.00	20.00
(8)	Other food stall owned by the Council	-	2.00	2.00
(9)	School canteen			
(a)	Council rating areas	-	30.00	20.00
(c)	Council scheme areas	-	20.00	15.00
(d)	Council rural areas	-	10.00	5.00

Dated at Tuaran this 6th day of August 1986.

JAHID BIN JAHIM,
Chairman,
Tuaran District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 28th day of January 1987.

DATUK AHMAD BAHAROM BIN
 DATUK HAJI ABU BAKAR TITINGAN,
Minister of Local Government and Housing.

September 2006