
SUBSIDIARY LEGISLATION 441.07
TRADING LICENCES REGULATIONS

1st January, 2017*

LEGAL NOTICE 420 of 2016 177 of 2017 213 of 2018 and 261 of 2020.

Arrangement of regulations

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*see regulation 1(2) of these Regulations, as originally promulgated.

PART I

Preliminary

- Citation. **1.** The title of these regulations is the Trading Licences Regulations.
- Interpretation. **2.** In these regulations, unless the context otherwise requires:
Amended by:
L.N. 213 of 2018.
- Cap. 441 "the Act" means the Trading Licences Act;
- S.L. 117.20 "agricultural marketing centre" means a marketing centre established by the Agricultural Marketing Centres Regulations;
- "ailing parents, partner, or children" means parents, partner, son or daughter who are ill;
- "alcoholic beverage" means an alcoholic beverage falling under headings 22.03, 22.04, 22.05, 22.06, 22.07 and 22.08 of the Customs Tariff as set out in the First Schedule to the Import Duties Act;
- Cap. 337
- Cap. 204. "the Bank" means the Central Bank of Malta established by article 3 of the Central Bank of Malta Act;
- S.L. 373.01. "beneficial owner" shall have the same meaning as assigned to it under the Prevention of Money Laundering and Funding of Terrorism Regulations;
- "branch" means premises of a credit reference agency, other than its head office, from which all or some of the business of a credit reference agency is undertaken;
- "bread" means staple food made from flour or meal mixed with other dry and liquid ingredients, usually combined with a leavening agent, and kneaded, shaped into loaves, and baked;
- "business model" means a step-by-step plan of action on how revenues and profits will be generated by a credit reference agency, as well as the services it plans to offer, including the expenses it will incur;
- "the busker" means a person who produces on site and sells a work of art;
- "CBM Directive No 15" means the Central Bank of Malta Directive No 15 entitled 'Supervision of Credit Reference Agencies';
- Cap. 204. "Central Credit Register" means the Register established under article 24 of the Central Bank of Malta Act;
- Cap. 386. "commercial partnership" shall have the same meaning as assigned to it under the Companies Act and shall include a company formed and registered under the Companies Act;
- Cap. 386. "company" has the same meaning assigned to it by article 2 of the Companies Act;
- "credit information" means a collection of public and non-public information and other related information, including Central Credit Register data, which when assessed, assembled and evaluated indicates the creditworthiness of a legal or natural person;

"credit reference agency" means any undertaking licenced by the Trade Licensing Unit in terms of regulation 47A, the main business of which is to prepare, assemble and evaluate credit information and related credit and risk management services on legal and natural persons for the purpose of issuing credit scores to be furnished to third parties, provided that a credit reference agency is not precluded from carrying out other related tasks;

"credit score" means a measure of creditworthiness derived from credit information and which must under pain of nullity include data derived from the Central Credit Register;

"critical operations" means any operations relating to the credit scoring and credit information granting services that, if interrupted, can put the business of a credit reference agency at risk, including, but not limited to financial loss, damage, interruption or a breach of security;

"date of the ceasing of operations" means, in the case of a manufacturing activity as well as in the case of a wholesale and, or retail activity, the day when the last sale is made while in the case of provision of services it means the day when the last service for a charge is provided;

"dealer in precious metals and stones" means any person who conducts the following operations:

- (a) manufacture of jewellery and related articles where related articles in this case consists of;
 - (i) production of worked pearls;
 - (ii) production of precious and semi-precious stones in the worked state, including the working of industrial quality stones and synthetic or reconstructed precious or semi-precious stones;
 - (iii) working of diamonds;
 - (iv) manufacture of jewellery of precious metal or of base metals clad with precious metals, or precious or semi-precious stones, or of combinations of precious metal and precious or semi-precious stones or of other materials;
 - (v) manufacture of goldsmiths' articles of precious metals or of base metals clad with precious metals including articles for religious use;
 - (vi) manufacture of technical or laboratory articles of precious metal (except instruments and parts thereof): crucibles, spatulas, electroplating anodes etc.
 - (vii) manufacture of precious metal watch bands, wristbands, watch straps and cigarette cases;
- (b) precious metals production;
- (c) retail sale of watches and jewellery, precious stones and precious metals in specialised stores where the main line of activity is the selling of watches, jewellery, precious stones and/or precious metals;

- (d) retail sale of watches and jewellery, precious stones and precious metals in stores where the main line of activity is not the selling of watches and jewellery;
- (e) wholesale of watches and jewellery;
- (f) wholesale of gold and other precious metals;
- (g) wholesale of precious stones.

"door-to-door seller" means a person who offers the provision or supply of any type of goods or services in connection with commercial activities listed in Part 1 of the First Schedule of these regulations by means of a doorstep contract, whether the offer is unsolicited by the person to whom it is made, or is solicited by the latter person in response to any advertisement, but does not include vendors of food stuffs and drinks who sell their goods from door-to-door;

S.L. 117.31 "Farmers' Market" means a market established in terms of the Farmers' Markets Regulations;

Cap. 373 . "Financial Intelligence Analysis Unit" shall have the same meaning as assigned to it in the Prevention of Money Laundering Act;

"form" means both a paper form and a form in an electronic format;

"indemnity policy" means an insurance policy issued according to documented terms and conditions, provided by a reputable insurance company;

"legal entity identifier" means a unique identifier consisting of a 20-character alpha-numeric code, which allows for the identification of legally independent entities in global financial markets;

Cap. 16. "legal organisation" has the same meaning assigned to it by article 1 of the Second Schedule of the Civil Code;

"licence" or "trading licence" means a licence or trading licence pursuant to article 10 of the Act;

"market hawker" means an individual who is licensed under the Act to sell by retail from any allocated site within the precincts of an open-air market;

"Member State" means a Member State of the European Economic Area;

"the Minister" means the Minister responsible for commerce;

"open-air market" means any one of the markets listed under the Third Schedule;

"operational policies" means any framework policies and practices of the credit reference agency;

Cap. 530 "partner" means a person who is or was married to the licensee or who is or was bound by a civil union with the licensee in terms of the Civil Unions Act;

"person" means a natural or legal person;

"person of the legal profession" means an advocate, a notary

public or a legal procurator;

"personal data" has the same meaning assigned to it by article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC;

"police certificate" means a comprehensive police certificate or statement, issued by a national law enforcement authority or other public authority in charge of criminal records, on the status of an applicant's criminal record;

"precincts" means the established physical boundaries of a specific premises;

"street hawker" means an individual who is licensed under the Act to sell by retail from any street by means of a vehicle or render a service as the Minister may specify, other than an open-air market;

"street" shall have the same meaning assigned to it in the Activities Requiring Permit by Local Councils Regulations;

L.S. 441.04

"supervisory authority" means the Bank.

"Trade Licensing Unit" means the unit within the Commerce Department responsible for trade licensing and includes the public officer responsible for trade within the Department and, to the extent of any authority given, includes any other officer within the Department;

"vehicle" means any means of transport whether mechanically or self-propelled.

3. (1) Where a commercial activity consists of the provision of services from any premises, such activity shall be deemed to be a commercial activity for the purposes of the Act, unless such activity constitutes the exercise of a profession by an individual who, under the provisions of any other law, requires a warrant to exercise such profession and provided that the premises are not also used for the exercise of any other commercial activity.

Commercial activity.

(2) Where more than one retail outlet carry out the commercial activity from the same shopping arcade, shopping complex, or any other premises by whatever name called where such outlets are situated, every such outlet shall be deemed to carry out a separate commercial activity.

4. For the purpose of article 3 of the Act, the Minister has designated the Trade Licences Unit as the regulatory authority responsible for the issuing of trading licences or any other permit required by the regulatory authority as result of the Act or regulations made thereunder.

Designation of regulatory authority.

PART II
General Provisions

When a trading licence is not required.

5. (1) The First Schedule lists those commercial activities which prior to the coming into force of these regulations required a trading licence from the Trading Licensing Unit.

(2) The following activities shall not require a trading licence from the Trade Licensing Unit:

(a) the commercial activities listed in Part I of the First Schedule:

Provided that such activities shall still remain subject to the relevant obligations under the Act and regulations made thereunder as well as any obligations, authorisations, approvals and clearances from the Commissioner of Police or other entities as may be prescribed and applicable by other relevant legislation in force at the time;

(b) when a person is in possession of a farmer's log book and is selling his own produce from his own field or premises within such field;

(c) when a person, in any street or public area in a locality on any special or specific day or days, wishes to:

(i) hold a public show, or other public entertainment or similar activity;

(ii) place and, or host a vending machine;

(iii) hold a commercial fair or commercial exhibition;

(iv) hold an exhibition as defined in the Act:

Provided that activities referred to in sub-paragraphs (i) to (iv) shall not be held without a relevant permit from the Local Council, or any other permit required by any other applicable law.

(3) Licences issued prior to the date of coming into force of these regulations in respect of commercial activities listed in Part 1 of the First Schedule are not be renewed:

Provided that all renewal fees not paid up to said date shall remain due:

Provided further that if it is proven to the satisfaction of the Director that before that date of coming into force of these regulations a licensed natural person passed away, or a licensed commercial activity ceased operations, the amounts due shall be calculated as follows:

(a) in the case of the decease of a licensed natural person, up to the date of demise;

(b) in the case of a commercial activity by a licensed natural person that has ceased operations, up to the date of the cessation of operations; and

(c) in the case of dissolution of the legal person, up to the date of dissolution of the said legal person.

6. A person who, on any special or specific day or days, holds;
- (a) a procession or any other activity not mentioned in regulation 5(2)(c) held in a public place in the context of a feast, and, or any band march, disco, ball, dance or any other similar activity, irrespective of the name by which it is called; or
 - (b) a sporting activity which is organised across more than one locality or on a national basis; or
 - (c) any activity organised by a political party,
- shall only require a relevant permit from the Commissioner of Police.

Permit of
Commissioner of
Police.

7. When a person has been granted a relevant permit by the Local Council or by the Commissioner of Police, for the carrying out of an activity falling under regulations 5 (2)(c) and 6 and the relevant permit includes an authorisation for the setting up of temporary stalls or kiosks or the exercise of a commercial activity, that person shall not require an additional permit from the Local Council or a licence from the Trade Licensing Unit for the setting up of stalls or kiosks or the exercise of a commercial activity included in the permit.

When an
additional permit
and licence are not
required.

8. (1) A trading licence or any other authorisation from the Trade Licensing Unit shall not be required when a person or a group of persons of not more than six (6) persons in a street or in any other public place, play a musical instrument or instruments or perform a song, mime, statue, dancing or other creative routine or performance and collect any voluntary donations from passers-by who stop to watch their performance.

Street performers.

(2) Activities referred to in sub-regulation (1) may not be performed where and when:

- (a) they create an obstruction to the entrance to private or public premises or to any nearby activity; and, or
- (b) the noise level they create is a nuisance to any nearby private or public premises or any nearby activity:

Provided that a police officer may, on the basis of nonconformity with sub-regulations (1) and (2) or for reasons of public order, public safety or public morality, direct that such performance be stopped or that it be held at an alternative location:

Provided further that a street performer or performers forming part of an activity referred to under regulation 6 shall be permitted to put up their performance if the street performer or performers have been granted a relevant permit by the Commissioner of Police.

PART III

Commercial Activities requiring a Trading Licence

9. (1) Without prejudice to regulations 3, 5, 6, 7 and 8, or any other exemption or arrangement as the Minister may prescribe

Commercial
activities requiring
a trading licence.

pursuant to article 10 of the Act, no person shall carry out a commercial activity listed and, or referred to in the Part II of the First Schedule, without a licence issued by the Trade Licensing Unit in terms of the Act and these regulations.

(2) For the purposes of this regulation, a person who holds a valid licence issued by the Commissioner of Police in respect of a commercial activity listed or referred to in Part II of the First Schedule prior to the coming into force of these regulations shall be considered to hold a valid licence under this regulation.

(3) The description of the licensed commercial activity may from time to time be changed by the Trade Licensing Unit to reflect changes in classification:

(4) There shall be no changes to the conditions of the licence unless such changes are enabled through these regulations or such regulations as may be prescribed.

(5) An application for a trading licence in order to carry out a commercial activity falling under Part II of the First Schedule shall be made to the Trade Licensing Unit on the appropriate form and be accompanied by documents and information as required by these regulations:

Provided that the Trade Licensing Unit may request any additional document and information as reasonably and objectively justified:

Provided further that an applicant for a trading licence to carry out a commercial activity falling under Part II of the First Schedule shall not commence the relevant commercial activity before a formal licence is issued by the Trade Licensing Unit.

(6) A licence shall be deemed null *ab initio* if it transpires that requirements of the application procedure have not been fulfilled or the information or the documentation submitted was false or incorrect:

Provided that no refund of any fees paid shall be made in such cases.

(7) Sub regulation (6) also applies to commercial activities which were licensed by the Trade Licences Unit prior to the coming into force of this legislation.

Applicant's
eligibility.

10. (1) A natural person shall be eligible to carry out a commercial activity listed and, or referred to in Part II of the First Schedule, provided that such person is:

- (a) of a legal age to carry out such activity; and
- (b) a citizen of Malta or of a Member State.

(2) A legal person shall be eligible to carry out a commercial activity listed and, or referred to in Part II of the First Schedule:

Provided that the legal person is registered in Malta, or incorporated under the law of a Member State, or have its statutory domicile, central administration or main place of business in a Member State.

(3) Any other natural person who is not a citizen of Malta or of a Member State shall be eligible to carry out a commercial activity listed and, or referred to in Part II of the First Schedule, provided that such person:

- (a) is of a legal age to carry out such activity; and
- (b) is in possession of a valid work permit issued by the Employment Training Corporation or competent authority vested with the remit to issue such permit:

Provided that the permit specifically allows the carrying out of the commercial activity indicated in the relevant application or the notice form.

(4) Where applicable, the person carrying out the commercial activity, and, or his employees, shall possess the required qualifications as it may be prescribed.

11. (1) The Trade Licensing Unit shall, without delay, acknowledge receipt of an application and receipt of the applicable licence fee in writing to the applicant and shall specify:

Processing of application.

- (a) the periods mentioned in sub-regulations (2) and (3) within which the Trade Licensing Unit shall determine the application;
- (b) the procedure under which a refusal by the Trade Licensing Unit to grant a licence may be appealed in terms of the Act:

Provided that an application form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required to be submitted together with the application form and, or certification of compliance with all applicable requirements, including those emanating from other laws.

(2) The Trade Licensing Unit shall within five (5) working days from the date of receipt of an application form:

- (a) inform the applicant of the need to supply any additional information or documentation in the case of an incomplete application form, or incomplete information or documentation, to the Trade Licensing Unit, or
- (b) issue the licence subject to any conditions it may deem fit; or
- (c) refuse the application for a licence giving its reasons for such refusal:

Provided that in the case of an application by a natural person to act as an auctioneer, the Trade Licensing Unit shall within five (5) working days notify the Auctioneers Board of the application and within five (5) working days from being notified of the Auctioneers Board's decision determine whether or not to issue a licence to the applicant:

Provided further that such applicant shall pay to the Trade

Licensing Unit the relevant fee in respect of the consideration by the Auctioneers Board.

(3) The period mentioned in sub-regulation (2) may in exceptional circumstances, prior to its expiry, be extended by the Trade Licensing Unit for one period of not more than ten (10) working days. Such extension and the reasons therefore shall be notified to the applicant without delay.

(4) Where the Trade Licensing Unit has not determined whether to issue a licence to an applicant, within the periods mentioned in sub-regulation (2), or when extended, within the extended period mentioned in sub-regulation (3), the applicant may appeal before the Licences Appeal Board. The Board may direct the Trade Licensing Unit to determine whether or not to issue the licence within a stipulated time.

(5) An application form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required. If an applicant fails to produce the requested documentation within twenty (20) working days from the date of notification, then such application shall be deemed to be abandoned:

Provided that if within the said twenty (20) working days the applicant requires an extension for the provision of any said documentation the Trading Licence Unit may, if it feels that there are justifiable reasons, extend the period by a further twenty (20) working days.

Publication of
licence issued.

12. The Trade Licensing Unit shall publish on its website the list of licences and licensees of commercial activities indicated in Part II of the First Schedule. The list shall contain the following information:

- (a) the licence number;
- (b) the name of the licence holder;
- (c) the nature of the commercial activity; and
- (d) the date when the licence was issued.

Appeals from
decisions of the
Trade Licensing
Unit.

13. Where an applicant feels aggrieved by the decision of the Trade Licensing Unit or from any Local Council in respect of a refusal of issuing a licence, he may file an appeal in writing in accordance with the provisions of Part VI.

Payment of
licence fees.
Amended by:
L.N. 177 of 2017.

14. (1) Any licence issued under the Act for a commercial activity shall, unless otherwise specified in the Act, be subject to the payment of a fee payable on filing of the application and as provided in regulation 46 thereafter:

Provided that once a bill for renewal of the licence in respect of a commercial activity has been issued by the Trade Licensing Unit, the fee should be paid within thirty (30) working days:

Provided further that no commercial activity may be carried out unless all licence fees due in respect of that activity for the

preceding years have been paid.

(2) The fee due in accordance with sub-regulation (1) shall, without prejudice to the applicability of the provisions of this or any other law, also be due to the Trade Licensing Unit as a civil debt.

(3) Any licensee who fails to pay a fee due in terms of sub-regulation (1) following the service upon him by judicial act, of a notice stating that:

- (a) payment is to be effected within the period stated in such notice, not being less than thirty (30) working days;
- (b) if the licensee fails to pay the fee as requested in the notice, the Trade Licensing Unit shall take the case to court where the relevant authority shall demand the full settlement of the licence fee. Upon the refusal of payment by the licensee the court may order the licensee to stop operating the commercial activity till the arrears are all paid or shall order the cancellation of the licence with no possibility of reactivation of the same licence within such time as may be established by the court.

(4) Nothing in the foregoing provisions of these regulations shall be deemed to effect any renewal of any trading licence under the Police Licences Regulations, made or due to have been made prior to the coming into force of these regulations.

S.L. 128.01

15. (1) The licence shall be issued in the name of an individual personally and by reference to the applicable type codes and commercial activities.

Particulars of
licences.
Amended by:
L.N. 177 of 2017.

(2) Without prejudice to any other provision of law applicable in relation to a commercial activity, a licence issued under these regulations shall be subject to the applicable conditions contained in the Second Schedule.

(3) Notwithstanding the foregoing provisions of this regulation, and subject to sub-regulation (4), where a licence has been issued under the Police Licences Act prior to the coming into force of these regulations, the licence conditions attached to such licence shall continue to apply in relation to such licence, unless the licensee opts, by an application made on the appropriate form to the Trade Licensing Unit, to have his licence issued by reference to the type codes and commercial activities as is referred to in sub-regulation (1):

Cap. 128

Provided that nothing in these regulations or in any licence shall be interpreted as authorising any person to continue to exercise a commercial activity at a place where such commercial activity may no longer be exercised according to law.

(4) Where the option has not been exercised as aforesaid in relation to a licence, no change, addition or other amendment to the said licence shall be allowed and, subject to the second proviso of regulation 19, the licence may not be transferred to any other person:

Provided that, notwithstanding the provisions of this sub-regulation, a licensee who holds a pedlar's licence may request a change in the nature of the activity permitted by his or her licence, and such a request may be authorised by the Trade Licensing Unit if it is satisfied that such request for change is justified:

Provided further that where such a change requires clearance from the health authorities or any other authority, the Trade Licensing Unit shall not authorise such a change unless the relative clearances are obtained.

Cancellation at the request of the licensee.

16. (1) A licence may be cancelled by the Trade Licensing Unit at the request of the licensee or at the request of a person authorized to so act on his behalf. Such request shall be made on the appropriate form accompanied by the relevant fee due.

(2) The cancellation of a licence issued in respect of a commercial activity by a natural person shall only require the consent of that person.

Payment of arrears.

17. (1) When processing an application for cancellation, the Trade Licensing Unit shall notify the licensee of any arrears due and the licensee shall have sixty (60) working days to pay the arrears in question from the date of such notification:

Provided that if the arrears are not paid within sixty (60) working days from the date of notification, the Trade Licensing Unit shall serve the debtor with a judicial act stating that payment is to be effected within the period stated therein:

Provided further that no such judicial action shall be taken if the licensee provides within the same time period reasons which, in the opinion of the Trade Licensing Unit, are satisfactory, as to why such arrears should not be paid.

(2) The licence shall be cancelled as from the date of the receipt of the application for cancellation, subject to the submission of the relevant application and any fee which may be prescribed, irrespective of any arrears owed.

Cancellation in circumstances other than those contained in regulation 16.

18. (1) A licence may be also cancelled by the Trade Licensing Unit in the following circumstances:

- (a) in the case of a licence issued in respect of a natural person, when it becomes aware of proof of the demise of said person; or
- (b) in the case of a licence issued in respect of a natural person, when it becomes aware of proof that the commercial activity has ceased operations; or
- (c) in the case where the licence was issued in respect of a legal person when it becomes aware of proof of dissolution of said legal person; or
- (d) in the case where the licensee has failed for four (4) consecutive calendar years to settle the licence fee; or
- (e) in cases where it transpires that the formalities required for the issuing of a licence were not complied

with as a result of false or incorrect documentation or information being submitted at the application or notification stage:

Provided that no refund of fees will be effected for the period during which the activity was deemed to have been licensed.

(2) The effective date of cancellation shall be:

- (a) in the case of the decease of a licensed natural person, from the day following the date of demise;
- (b) in the case of a commercial activity by a licensed natural person that has ceased operations, from the day following the date of the cessation of operations;
- (c) in the case of dissolution of the legal person, from the day following the date of dissolution of the said legal person; and
- (d) in the case where the licensee has failed for four (4) consecutive calendar years to renew his licence, from the 1st of January of the following year where the reasons are not those stipulated in paragraphs (a), (b) and (c).

(3) In all cases, except in the case of the death of the licensee, before taking a decision, the Trade Licensing Unit shall first write to the licensee who shall be given thirty (30) working days to reply:

Provided that if after thirty (30) working days no reply is received, the Trade Licensing Unit may proceed with its decision:

Provided further the Trade Licensing Unit need not write to the licensee if the licensee initiates the process for cancellation.

19. (1) A licence shall not be transferable:

Transfer of
licence.

Provided that this shall not apply with regard to licences issued in respect of:

- (a) market hawkers operating from the open-air market in Valletta, Marsaxlokk (daily open-air market except Sunday), Victoria, Gozo as indicated in regulation 27(2);
- (b) kiosks whose licences are still renewed at the Trading Licences Unit;
- (c) commercial activities listed in Part II of the First Schedule submitted prior to the 1st November, 2012 being the date of the coming into force of the Trading Licences (Amendment) Regulations, 2012 published by Legal Notice 349 of 2012;
- (d) pedlars licence or itinerant wholesalers when the transfer is to be made to any member of the licensee's family being the partner, mother, father, son, daughter, brother or sister of the licensee.

(2) A pedlar or an itinerant wholesaler who wishes to transfer his licence shall submit to the Trade Licensing Unit an application requesting the transfer of the licence accompanied by the relevant

application fee:

Provided that the transfer shall not be effected unless all arrears in respect of the licence have been paid:

Provided further that a transfer *causa mortis* may only be made onto the legitimate successor if the legitimate successor is the partner, mother, father, son, daughter, brother or sister of the deceased.

(3) (a) In the case where the person licensed as a pedlar or a person licensed as an itinerant wholesaler dies, the licence shall be transferable to his legitimate successor by universal or singular title.

(b) The licence shall be deemed to be cancelled if within a year from the demise of the licensee, the legitimate successor does not submit to the Trade Licensing Unit an application requesting the transfer of the licence in his or her favour accompanied by the application fees:

Provided that the transfer shall not be effected unless all arrears in respect of the licence have been paid.

(c) In the case of civil litigation as to the legitimacy of succession in title of the licence, the licence shall be deemed in abeyance up to the time when the litigation is settled and no fees will be due for the period it is held in abeyance:

Provided that the licence shall be deemed to be cancelled if, within a year from the date when the case in litigation is decided in a definitive manner, the legitimate successor does not submit an application for a transfer to the Trade Licensing Unit on the appropriate form together with the application fees:

Provided further that the transfer shall not be effected unless all arrears in respect of the licence have been paid.

(4) An application for transfer or an application for transfer by inheritance shall be accompanied by a declaration made by a person of the legal profession attesting that the applicant is the legitimate successor of the licensee and is entitled to continue the licensed commercial activity.

(5) The fee for an application to transfer a pedlar's licence or a person licensed as an itinerant wholesaler and the renewal fee of the transferred licence shall be equivalent to that of a street hawker using a motor vehicle.

Fee for the issue or renewal of a licence.

20. The licence shall be issued for a term of one (1) year and shall be automatically renewable subject to the continued compliance with the requirements of the Act and of these regulations including the payment of the relevant fee applicable thereto as shown in the regulation 46.

Non-payment of licences.

21. No licensee shall carry on any trading activity from any place or elsewhere unless the licence fee payable annually or for

any period as specified has been paid. Any licensee who contravenes the provisions of this regulation shall be guilty of an offence.

22. In the case of street hawkers, market hawkers, marketing agents and buskers, the licence issued and the last receipt of the paid licence shall be displayed in a conspicuous place by the licence holder when conducting his or her commercial activity.

Display of licence.

23. (1) A licensee shall provide the Trade Licensing Unit and any other person authorised in that behalf, all information as may be appropriately required in relation to the commercial activity licensed under the Act.

Right for information and inspection.

(2) The Trade Licensing Unit and any other person as aforesaid shall have the right to enter and inspect any premises related to a commercial activity, which requires a licence under these regulations.

24. (1) Where a licence issued under these regulations has been lost or stolen, or the licensee is otherwise no longer in possession of such licence, the licensee shall notify the Trade Licensing Unit within seven (7) working days from the date on which he became aware of such event.

Replacement of licences.

(2) The Trade Licensing Unit shall, within five (5) working days from the receipt of such notification, issue a copy of the licence in replacement of the original.

PART IV

Hawkers and other Retailing Activities

25. (1) An individual who carries out any commercial activity from any street, which activity is not exercised from an open-air market, shall make an application to act as a street hawker on the appropriate form to the Trade Licensing Unit. A licence issued for a street hawker is a personal licence and does not permit anybody else to act instead of the street hawker.

Licensing of street hawkers.

The licence issued by the Trade Licensing Unit shall indicate the street hawker as a non-food licence hawker or as a food related items licence hawker. In the case that the activity concerns the selling of food items prior approval by the health authorities must be obtained.

If a licensee is in possession of more than one category of licence at one particular point in time for different categories of food and other non-food items, that licensee shall only make use of one licence and shall restrict his commercial activity to one specific category as he may decide:

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the health authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement

of public order:

Provided further that without prejudice to what is prescribed in the licence as items to be sold, a street hawker that sells fruits and vegetables shall not also sell ice-cream, pre-cooked items, alcohol and all other beverages except the selling of water.

(2) In the case of a street hawker using a motor vehicle to carry on the commercial activity shall have premises available where to garage the motor vehicle. The registration number of the vehicle used for hawking and the address of the premises used for the purpose of garaging the vehicle used by the hawker must be clearly indicated on the application and the trading licence. Any change in the vehicle or garage must be notified to the Trade Licensing Unit within ten (10) working days after the change occurs. No application shall be accepted and processed by the Trade Licensing Unit if the address of the garage or any other address for the store where goods are stored are not given. The Trade Licensing Unit shall have the right to inspect such premises and to demand any documentation that proves the ownership of the premises when the application indicates the use of such premises by more than one applicant.

(3) Every such licence issued has to include the following information:

- (i) the name of the licence holder;
- (ii) a legally valid identification document of the licence holder;
- (iii) a passport size photo of the licence holder;
- (iv) the address of the garage of the licence holder;
- (v) the nature of the hawking activity; and
- (vi) the date when the licence was issued.

Market hawkers.

26. (1) The Third Schedule to these regulations shall indicate the locality of open air markets established by the Minister.

(2) The Third Schedule shall also indicate the streets from where such markets may operate:

Provided that the Minister may by notice in the Gazette change the streets from where the markets may operate for a specific period of time as a result of circumstances which may from time to time warrant that market hawkers do not operate from the streets indicated in the Third Schedule:

Provided further that the market hawkers are to operate again from the streets indicated in the Third Schedule once the period in question expires unless the period is extended or new streets are designated by a notice in the Gazette.

(3) Notwithstanding the provisions of regulation 25, any individual as aforesaid requiring to carry out the commercial activity from an open-air market shall make an application to act as a market hawker on the appropriate form to the Trade Licensing Unit:

Provided that:

- (a) such licence shall not entitle the market hawker to carry out such activity unless, in relation to a specific open-air market, he has been given the authorisation by the Local Council of the locality where the market is situated and so allocated a stall space in the aforesaid market;
- (b) a market hawker shall not be in possession of more than one authorisation for a stall space post in a market that operates in the same day and time;
- (c) any change of the category of goods being sold from food to non-food and vice-versa shall be subject to approval and conditions of the Trade Licensing Unit; and
- (d) when the change is from non-food to food and vice-versa this shall also be subject to approval and conditions by the health authorities.

(4) A market hawker using a motor vehicle to carry on his commercial activity shall have premises available where to garage the motor vehicle and store his goods. The address of the premises used for this purpose shall be clearly indicated on the application for the issuing of a licence to the Trade Licensing Unit. Any change in the vehicle or garage shall be notified to the Trade Licensing Unit within ten (10) working days after the change occurs. No application shall be accepted and processed by the Trade Licensing Unit if the address of the garage or any other address for the store where goods are to be stored are not given. The Trade Licensing Unit shall have the right to inspect such premises and to demand any documentation that proves the ownership of the premises when the application indicates the use of such premises by more than one licensee. The Trade Licensing Unit can refuse to issue the licence if it decides that such premises are not used as a store or garage by the applicant. The licence issued by the Trade Licensing Unit shall indicate the market hawker as a non-food licence hawker or as a food related items licence hawker. In the case that this activity concerns the selling of food items prior approval by the health authorities must be obtained:

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the health authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit on its own behalf or following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order:

Provided also that for market hawkers the use and provision of public utilities shall be prohibited. On issuing the licence the Trade Licensing Unit shall include the following details in the licence:

- (i) the name of the licence holder;

- (ii) the number of a legally valid identification document of the licence holder;
- (iii) a passport size photo of the license holder;
- (iv) the address of the garage of the licence holder;
- (v) the nature of the hawking activity; and
- (vi) the date when the licence was issued.

Licence non-transferable.

27. (1) Subject to the provisions of sub-regulation (2), a licence issued under this Part shall be in the name of an individual and shall not be transferable.

(2) A licence in relation to a market hawker operating at the open-air market in Valletta, Marsaxlokk (daily open-air market except Sunday), Victoria, Gozo and in relation to a kiosk, may be transferred subject:

- (a) to a payment of the relevant fee as established under regulation 47;
- (b) that the transferee makes a declaration to the relevant authority that he is not in possession of another post or stall in the same market; and
- (c) that any change of the category of goods being sold from food to non-food and vice-versa shall be subject to approval and conditions of the Trade Licensing Unit:

Provided that when the change is from non-food to food this shall also be subject to approval and conditions by the health authorities.

Substitute hawkers and employees.

28. (1) A street or market hawker may appoint one (1) other individual as his or her substitute by making an application for a licence to the Trade Licensing Unit, so that the substitute shall carry out such activity which for any reason the street or market hawker cannot carry out himself.

(2) The substitute may act in the absence of the licensee for a period of not more than one (1) month in the aggregate within the licence period of one year provided that he or she has been given a licence by the Trade Licensing Unit to act as a substitute street hawker or a substitute market hawker:

Provided that an appointed substitute may further apply with the Trade Licensing Unit to carry out the licensed activity:

- (a) for any period of time during which the licensee is ill;
- (b) for any period of time during which the licensee is taking care of ailing parents, partner, or children;
- (c) for any period of time during which the licensee is taking care of a parent, partner, son or daughter who are registered as a disabled person with the National Commission for Persons with Disability (NCPD);
- (d) where the licensee is pregnant, during the time of the pregnancy;

- (e) where the licensee gives birth or adopts a child, for a period of up to two (2) years from the date of birth or from the date of adoption respectively;
 - (f) where the licensee is fostering a child, for a period of one (1) year from the date the fostering takes place or until the fostering ceases, whichever is the earlier.
- (3) The application for a substitute hawker shall have the following information:
- (a) the name and number of a legally valid identification document of the licence holder for whom the applicant is to act as a substitute hawker;
 - (b) the name and number of a legally valid identification document of the substitute hawker;
 - (c) where a motor vehicle is used to carry out the commercial activity, the address of the garage of the vehicle to be used;
 - (d) the address of the premises where the goods are to be stored;
 - (e) the nature of the hawking activity.
- (4) The application for a substitute hawker as provided for in the proviso to sub-regulation (2) shall be accompanied by:
- (a) two passport size photos of the principal licence holder;
 - (b) two passport size photos of the substitute hawker;
 - (c) a medical certificate in the case of illness, pregnancy or where the licensee is taking care of ailing parents, partner, or children;
 - (d) a birth certificate where the licensee has given birth to a child and proof that the licensee has adopted a child in case of adoption;
 - (e) proof that the parent, partner, son or daughter, as the case may be, are registered as a disabled person with the National Commission for Persons with Disability (KNPD) in the case where the licensee is taking care of a disabled parent, partner, son or daughter;
 - (f) in the case of fostering, documentary evidence that the licensee is fostering a child, after having been certified able to act as foster father or mother by the Adoption and Fostering Panel of the Department for Family Welfare;
 - (g) where the commercial activity involves the selling of food, an approval by the environmental health authorities that the premises indicated as a store may be used for the storing of items:

Provided that where the premises of the licensee is to be used as a store and such premises has already been certified by environmental health authorities, the application may instead be accompanied by a

declaration indicating such use and certification and signed by both the licensee and the substitute.

(5) A licence for a substitute hawker shall include the following:

- (a) the name and Identity Card number of the licence holder for whom the applicant is to act as a substitute hawker;
- (b) the name and Identity Card number of the substitute hawker;
- (c) where a motor vehicle is used to carry out the commercial activity, the type and make of the vehicle, the registration number and the address of the garage of the vehicle to be used;
- (d) the address of the premises where the goods are to be stored;
- (e) the nature of the hawking activity;
- (f) a passport size photo of the principal licence holder;
- (g) a passport size photo of the substitute hawker.

(6) A licensee may employ a person or persons to assist him in his work provided that such licensee or substitute is present where the commercial activity is taking place.

Definition of street hawker.

29. (1) A street hawker may carry out his commercial activity from any place, in any street, by hawking that is by parking his vehicle, according to the traffic regulations, in any street where he stops to sell till he serves his customers and then after serving his customers moves to another place, subject to the following conditions:

- (a) that while the street hawker stops to sell to his customers, no nuisance or inconvenience is caused to the inhabitants or passers by in the street;
- (b) that the vehicle is parked within a permitted parking space and no inconvenience is caused to the flow of traffic;
- (c) that when a street hawker stops his vehicle to sell to his clients, the vehicle must not be parked within fifty (50) metres of walking distance from the next open air market;
- (d) that in Valletta, only street hawking of vegetables, bread, milk, flowers, kerosene and gas cylinders shall be permitted;
- (e) that no commercial activities by street hawkers shall be carried out in Valletta in Castille Square, in St. George' s Square or in St. John' s Square and in the City Gate area of Valletta including Freedom Square the arches included, the bridge and the Bus Terminus including Saint James Ditch;
- (f) that no commercial activity by street hawkers offering for sale agricultural produce shall be permitted within

five hundred (500) metres of an agricultural marketing centre or a Farmers' Market.

(2) A street hawker may also carry out his commercial activity from a fixed place by parking his vehicle, to sell to his customers subject to the following conditions:

- (a) that no nuisance or inconvenience is caused to the inhabitants or passers by in the street, by the use of a generator or whatsoever;
- (b) that he will park his vehicle, within a permitted parking space as permitted by traffic regulations;
- (c) that the place where he parks his vehicle is not within:
 - (i) fifty (50) metres of walking distance from the next open air market;
 - (ii) fifty (50) metres of walking distance from the entrance of any commercial premises:

Provided that for such purpose, a fixed kiosk shall be deemed to be a commercial premises;

- (d) that no objects are placed on the pavement;
- (e) that street hawkers shall park their vehicles to sell at least fifty (50) metres away from each other:

Provided that if the police or community officer are called to settle a dispute between hawkers who are closer to each other than fifty (50) metres of walking distance, the police or community officer shall order the hawker who came last to move his vehicle to an alternative parking space at least fifty (50) metres of walking distance away from the nearest hawker. Such distance between two hawkers may only be reduced in accordance with regulations made by the local council with the approval of the Minister:

Provided that this provision shall not apply to street hawkers selling flowers and the like in the vicinity of a cemetery;

- (f) selling from a fixed place in Valletta shall only be permitted for the selling of vegetables, bread, milk, flowers, kerosene and gas cylinders;
- (g) the use and the provision of public utilities to a street hawker selling from a fixed place according to this regulation, in a public place or public land, shall be prohibited.

(3) No commercial activity from fixed places by hawking or selling from fixed places or by any other means shall be carried out:

- (a) in the precincts of the Malta International Airport in Gudja;
- (b) in the precincts of Sea Passenger Terminal in the Grand Harbour;
- (c) in the precincts of a hotel subject to a written

permission being granted by the hotel management;

(d) in the vicinity of not less than fifty (50) metres of walking distance away from any archaeological site; and

(e) in the precincts of any school.

(4) Notwithstanding the provisions of sub-regulation (1) and (2), the Police may, on reasonable grounds, order any street hawker to move from any place in any street.

Applicability of other provisions.

30. The provisions of regulations 9 to 24, insofar as they are applicable, shall *mutatis mutandis* apply to licences issued under this Part.

Licensing of commercial vehicles used for the sale of goods as part of a licensed commercial activity.

31. (1) A licensee of a principal commercial activity shall make an application on an appropriate form to the Trade Licensing Unit for a licence referred to as a marketing agents licence that place items on the market.

(2) The purpose of such a licence is to permit the use of the commercial vehicle for the sale of goods by retail by an employee or agent on behalf of the licensee of the principal commercial activity, from any street or other place, other than commercial premises or a kiosk, and such licence shall be required for each and every vehicle used for the exercising of such retail sale:

Provided that such licence shall not entitle any person to act as a market hawker.

(3) The licence will be issued within ten (10) working days from the date of application made by the applicant and such licence shall be issued in the name of an individual personally or on behalf of a commercial partnership or company and the address shown on the licence shall be the address of the principal commercial premises.

(4) The licence issued by the Trade Licensing Unit shall indicate whether the vehicle is licensed to sell food or non-food items. In the case that this activity concerns the selling of food items prior approval by the health authorities must be obtained.

(5) If a licensee is in possession of more than one category of licence at one particular point in time for different categories of food and other non-food items, that licensee shall make use of only one licence and restrict his commercial activity from every vehicle to one specific category as he may decide:

Provided that with reference to food related items the Trade Licensing Unit, following a recommendation by the health authorities, may order the licensee to sell or not to sell specific items as ordered by the health authorities. Likewise with reference to non-food related items the Trade Licensing Unit following a recommendation by the Police, may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order.

(6) The licence for use as a commercial motor vehicle as described above shall have the following information:

- (a) the name and number of a legally valid identification document of the principal licence holder;
- (b) the address of the premises of the principal licensed commercial activity;
- (c) the type and make of the vehicle and the registration number; and
- (d) the address of the garage of the motor vehicle.

The provisions of regulation 30 relating to street hawking shall apply *mutatis mutandis* to licences issued to vehicles licensed to sell by retail in accordance with this regulation.

32. (1) No activity commonly known as a car boot sale, selling second hand items, shall be carried out in any public or private place without a licence issued by the Trade Licensing Unit: Car boot sales.

Provided that if it is carried out in any street it shall also require the consent of the Local Council and the Police.

(2) An application for a licence under this regulation shall contain the following information:

- (a) the name of the applicant;
- (b) the place where the car boot sale will be held;
- (c) the date or dates when the car boot sale will be held.

(3) A licence issued for the organization of a car boot sale shall be subject to the following conditions:

- (a) no licence shall be issued unless the applicant is a non-profit making organization:

Provided that the applicant submits proof and describes the scope for such fund raising activity in the application for the licence;

- (b) the applicant has to submit the following information on each seller to the Trade Licensing Unit by not later than forty-eight (48) hours after the organisation of the car boot sale or as may be required by the regulating authority:
 - (i) the identity document number, or any other means of identification;
 - (ii) the registration number of the vehicle used to sell from; and
 - (iii) general description of goods sold;
- (c) the organiser shall allocate equal sites to each seller and each site must not be larger than the space taken by a passenger car;
- (d) street and market hawkers and their substitutes shall not be allowed to participate in car boot sales. Therefore no vehicles licensed as street or market hawkers can be allowed to be parked in the area where the car boot sale is being organised;
- (e) persons who sell products from any commercial

premises shall not be allowed to sell the same type of products in car boot sales;

- (f) sellers shall issue a receipt to buyers;
- (g) sites shall only be allocated to passenger cars and no sale shall be permitted from vans or any other commercial vehicles.

Commercial fair including sale by retail.
Substituted by:
L.N. 177 of 2017.

33. (1) No person shall organise or allow to be organised from a premises, a commercial fair or a commercial exhibition, of goods or services, which could be sold to the public at the location of the commercial fair or commercial exhibition or from another location, unless:

- (a) a commercial fair authorisation or as a commercial exhibition authorisation as the case may be, has been issued specifically for such an activity from the Trade Licensing Unit; and
- (b) the premises where the commercial fair or commercial exhibition is to be organised has a permit, from the authority responsible for planning, building and development, which allows the sale by retail or the hosting of fairs or exhibitions.

(2) In order to secure a commercial fair or commercial exhibition authorisation a person must submit at least ten days prior to the proposed event a notification on the appropriate form which must include the following information:

- (a) the name, address and ID document number, or any other means of identification, of the person organising the fair or exhibition;
- (b) the name and the address of where the fair or exhibition will be held;
- (c) the name of each person participating in the fair or exhibition and type of products to be sold;
- (d) the VAT number of each person participating in the fair or exhibition; and
- (e) date or dates when fair or exhibition is going to be held.

Provided that the notification must be accompanied by the permit referred to in sub-regulation (1)(b) or an official document indicating that the authority responsible for planning, building and development has no objection to the fair in question:

Provided further that the Trade Licensing Unit may request any additional document and information as reasonably and objectively justified.

(3) A person who completes the notification procedure as required shall, for the purposes of this regulation, be deemed to be authorised to organise the relevant commercial fair or commercial exhibition as applied for unless the Trading Licence Unit does not within five days:

- (a) send a request to the applicant to supply any additional information or documentation;
- (b) issue an authorisation subject to any conditions it may deem fit; or
- (c) refuse the authorisation giving its reasons for such refusal:

Provided that if the Trading Licence Unit sends a request for additional information or documentation, the issue or refusal of the authorisation shall be made within five days from the provision of the additional information or documents.

(4) The period of five days mentioned in sub-regulation (3) may in exceptional circumstances, prior to its expiry, be extended by the Trade Licensing Unit for one period of not more than ten (10) working days. Such extension and the reasons therefore shall be notified to the applicant without delay.

(5) A notification form shall not be deemed to be complete unless the Trading Licences Unit is in receipt of all the information or documentation required. If an applicant fails to produce the requested information and or documentation within twenty (20) working days from the date of the request by the Trading Licences Unit, then such notification shall be deemed to be null:

Provided that if within these twenty (20) working days the organiser of the commercial fair or commercial exhibition requires an extension for the provision of any said documentation the Trading Licence Unit may, if it considers that there are justifiable reasons, extend the period by a further twenty (20) working days.

(6) The Trading licence Unit may refuse to issue an authorisation for reasons of public policy, public safety, public security, public health, the protection of the environment, safeguarding national heritage, town and country planning and safeguarding national or local projects.

(7) The acknowledgment of the receipt by the Trading Licences Unit of the notification shall serve as proof of such notification.

(8) An authorisation for a commercial fair or commercial exhibition issued by the Trade Licensing Unit shall be valid for seven (7) consecutive days including Sundays and Public Holidays except Good Friday.

(9) Authorisations may be issued consecutively for the same commercial fair or commercial exhibition from the same location, however, such extension shall not result in the fair or exhibition exceeding thirty (30) days:

Provided that there should not be more than four commercial fairs or commercial exhibitions of the same product in one calendar year.

34. Selling by busking is permitted and subject to the following conditions: Buskers.

- (a) that an application by any busker who, in any street,

produces on site and sells a work of art on site, is filed on the appropriate form with the Trade Licensing Unit;

- (b) that the place where the busker stops to sell his goods shall be at least five (5) metres of walking distance away from the entrance of any commercial premises:

Provided that for such purpose, a fixed kiosk shall be deemed to be a commercial premises;

- (c) that no selling by busking can be carried out in the precincts of any hotel or any shopping complex if not by written permission from the management;
- (d) that no selling by busking shall be carried out in Valletta in Castille Square, in St. George's Square or in St. John's Square and in the City Gate area of Valletta including Freedom Square the arches included, the bridge and the Bus Terminus including Saint James Ditch;
- (e) that no objects are placed on the pavement;
- (f) that no nuisance or inconvenience is caused to the inhabitants or passers by in the street, by the use of a generator or whatsoever;
- (g) that for buskers the use and provision of public utilities shall be prohibited:

Provided that the Minister may, if he deems necessary in the public interest, suspend the issuing of new buskers' licences by notice in the Gazette and this suspension shall continue until the Minister deems fit.

PART V

Temporary Arrangements in case of Disputes

Competing claims to the same site.

35. Where -

- (a) there exists a dispute wherein one or more street hawkers and, or market hawkers are claiming a right to sell from the same fixed place or area; and
- (b) as a result of the said dispute a court issues a precautionary warrant or makes a provisional order as a result of which one or more street hawkers or market hawkers are, directly or indirectly, prohibited from selling from a fixed place from where they hold a licence to sell,

the Minister may, notwithstanding any other provision of these regulations, sanction temporary arrangements for allowing any street hawker or market hawker involved in or effected by the said dispute to sell from another fixed place as the Minister may consider appropriate in the circumstances and under such conditions as the Minister may deem fit for such time during which any such precautionary warrant or provisional order is in force.

PART VI

Appeal Procedures

36. (1) Any applicant for a licence under the Act, and any other person who has made any objection or representation to the Trade Licensing Unit in terms of these regulations, who feels aggrieved by the decision of the said Unit in relation to a licence or if a person feels aggrieved by a decision taken by a local council in relation to the issuing of a licence or by an order or lack of consent given by the Commissioner of Police to the Trade Licensing Unit, may file an appeal to the Licensing Appeals Board (hereinafter referred to as the "Board") in accordance with the provisions of this Part.

Eligibility to file an appeal to the Licensing Appeals Board.

(2) The application for an appeal against the Trade Licensing Unit or a local council shall be filed with the Secretary of the Board within ten (10) working days from the date when the applicant or any other person has been notified by the Trade Licensing Unit in terms of regulation 13.

(3) The application shall clearly state the grounds for the appeal and the request of the appellants.

37. Where an appeal has been filed with the Board, the Secretary shall, within one (1) working day of such filing notify the Trade Licensing Unit and the following persons:

Notification of appeal.

- (a) if the appeal has been filed by the applicant in relation to a licence, and a person had made any objection or representation as aforesaid, to any such person;
- (b) if the appeal has been filed by any person as aforesaid, to the applicant.

38. (1) Where the appellant is not the applicant in relation to a licence, or the person who made an objection or representation as aforesaid, the applicant or such person, as the case may be, shall have the right to make his representation before the Board.

Submission of evidence.

(2) The appellant, on the filing of the appeal, and the Trade Licensing Unit and the applicant in relation to the licence or any person who had made any objection or representation other than the appellant as the case may be, shall, at least one week prior to the date set for the hearing of the appeal, submit to the Board all evidence, statements and documents relating to the case.

39. The evidence of witnesses in the appeal hearing shall be produced either *viva voce* or by affidavit. The provisions of the Code of Organization and Civil Procedure referring to the production of evidence before a court of civil jurisdiction shall *mutatis mutandis* apply to the production of evidence *viva voce* or by affidavit before the Board.

Evidence of witnesses.
Cap. 12

40. (1) The hearing of the appeal shall be held within a period of not less than three (3) working days and not later than ten (10) working days from the filing of such appeal:

Hearing of appeal.

Provided that if the Chairman of the Appeals Board decides in favour of the urgency of the matter, the Appeal Board may hear the appeal before the three (3) working days:

Provided that if the Chairman of the Appeals Board decides

on the need of further documentation and evidence the Chairman may decide upon the hearing of the Appeal later than ten (10) working days.

(2) The Board shall proceed to hear and decide on the appeal on the evidence, statements and documents submitted by both parties in terms of regulations 37, 38 and 39.

(3) The Board shall, as far as practicable, decide the appeal after one sitting. If the Board decides to grant adjournments, the Board shall give the parties concerned two dates as the only two appointments for the Board to hear the appeal. These two dates shall be within a maximum period of thirty (30) working days.

Default of appearance.

41. Where any of the parties fail to appear on the adjournment that party shall be guilty of an offence against these regulations and shall be liable on conviction to a fine (*multa*) of one hundred and sixteen euro (€116) for each time he fails to appear. If the appellant fails to appear, together with the fine (*multa*) of one hundred and sixteen euro (€116), the Board will suspend the appeal and the appeal shall be deemed deserted. If the relevant authority fails to appear for both dates of adjournment the board of appeal shall give its judgement on the basis of the proof then available to it.

Notification.

42. Any notice sent by the Board shall be deemed to have been delivered and duly notified if it is physically delivered or sent by registered post to the addressee at his place of business, habitual residence or mailing address.

Public hearing.

43. All hearings of the Board shall be held in public and all decisions of the Board shall be given in public.

Appeal fees.

44. (1) Any person making an appeal to the Board shall, on filing of such appeal, pay a fee of fifty-eight euro (€58).

(2) If the Board is unable to decide the appeal after its first hearing, and subsequent hearings are made, the appellant shall, besides the above-mentioned fee of fifty-eight euro (€58) pay to the Board an additional fee of forty-six euro (€46) for every subsequent hearing.

(3) If the Board finds for the appellant, the Board shall, in its decision, order the Trade Licensing Unit or the relevant authority to refund all fees paid by the appellant to the Board in relation to the appeal.

Powers of the Appeals Board.

45. The Board may also apportion the costs between the parties, in which case the Trade Licensing Unit or the relevant authority shall be ordered to refund that part of the fees so apportioned. The Board may also:

- (a) revoke a decision taken by the relevant authority against the appellant; or
- (b) make the relevant authority issue the necessary permit, or
- (c) take the necessary action, including the issue of a licence, which has been applied for by the appellant,

or

- (d) review a decision that has been taken against the appellant.

PART VII Licence Fees

46. (1) The following fees shall be payable to the Trade Licensing Unit, with the application and shall be paid every three years thereafter, for any person to exercise any of the following commercial activities:

Fees in relation to hawkers, etc.
Substituted by:
L.N. 177 of 2017.

- (a) to act as a street hawker using a motor vehicle or any other means of transport: forty euro (€40);
- (b) to act as a street hawker selling bread using any means of transport: twenty euro (€20);
- (c) to act as a street hawker selling fruit and, or vegetables or fish using any means of transport: thirty euro (€30);
- (d) to act as a street hawker selling traditional Maltese nougat (*qubbajt*): forty euro (€40);
- (e) to act as a market hawker forty euro (€40);
- (f) to act as a market hawker from a fixed site in the open air market in Valletta or Marsaxlokk (daily open-air market except Sunday) or Victoria, Gozo: sixty euro (€60);
- (g) to act as a marketing agent forty euro (€40) per every vehicle licensed:

Provided that these fees shall not apply in those cases where the fees being paid are lower:

Provided further that these fees shall nonetheless apply in those cases where the licence is transferred to another owner.

(2) The following fees shall be payable to the Trade Licensing Unit, for any person to exercise any of the following commercial activities:

- (a) to act as a busker: ninety euro (€90) per annum irrespective of duration;
- (b) to act as an auctioneer: fee of two hundred euro (€200) per annum in respect of the consideration by the Auctioneers Board on submitting the application and forty euro (€40) per annum thereafter if a licence is granted; and
- (c) for the organisation of every car boot sale: forty euro (€40) per event.

47. A licence as a market hawker from the open-air market in Valletta, Marsaxlokk (daily open-air market except Sunday), the open-air market in Victoria Gozo and a licence in relation to any fixed kiosk, may be transferred to any other person on the payment of a fee of one thousand euro (€1000) to the relevant authority:

Personal transfer.
Substituted by:
L.N. 177 of 2017.

Provided that such fee shall not be due when the transfer is made in favour of a partner, or any person in the direct descending line, including adopted children, through an *inter vivos* or *causa mortis* transmission, on proof of the family relationship to the existing licence holder.

Added by:
L.N. 213 of 2018.

PART VIIA
Credit Reference Agencies

Licensing of credit
reference agency.
Added by:
L.N. 213 of 2018.

47A. (1) Without prejudice to regulation 9 and to any other license or authorization needed under any other law, an application for a trading license in order to carry out the business of a credit reference agency shall be made in duplicate to the Trade Licensing Unit on the appropriate form which shall *inter alia* include the following information:

(a) the applicant's legal status;

(b) the address of the applicant's head office and the principal place of business if applicable;

(c) the names of the persons who effectively direct the business and the operations of the credit reference agency.

(2) The application shall be accompanied by a non-refundable fee of five hundred euro (€500) and the following documents submitted in duplicate:

(a) a declaration of business activities disclosing the programme of operations, setting out in particular the type of activities undertaken by the applicant;

(b) a copy of the Memorandum and Articles of Association in case the applicant is a company or a copy of the Statute in case the applicant is a legal organisation, clearly specifying the operation of a credit reference agency as one of the main objectives;

(c) a description of the structure of the organisation, governance arrangements, and the operational policies covering the critical operations including, where applicable, a description of the intended use of branches;

(d) a document disclosing that the credit reference agency has an active legal entity identifier;

(e) a document describing the technological infrastructure and capacity in place including the type of scoring methodology used for the issuance of credit scoring;

(f) a statement in writing confirming that central credit register data will be used for the issuance of credit scores;

(g) a document disclosing the statutory auditors or audit firms responsible to carry out the audit of the credit reference agency;

(h) if the credit reference agency is a company, a copy of the business model and a copy of the audit financial statements or consolidated financial statements of the last three (3) years, if applicable;

(i) if the credit reference agency is a legal organisation, a copy of the business model and a copy of the management accounts; and

(j) a copy of the financial statements showing that the credit reference agency has capital and reserves of not less than one hundred thousand euro (€100,000).

(3) The Trade Licensing Unit shall within five (5) working days from the date of receipt of two (2) copies of the application form and the accompanying documents in duplicate submit a copy of each to the Bank for assessment and opinion.

(4) Without prejudice to sub-regulation (1) of regulation 47A the Trade Licensing Unit of its own accord or at the recommendation of the Bank may require the applicant to submit further documentation and information for the issuance of a license.

(5) The Trade Licensing Unit in consultation with the Bank shall assess and determine the application.

(6) In the case of an application made in terms of this regulation an application can only be submitted by a company or a legal organization:

Provided that as from 1st January 2020, an application for a trading licence in order to carry out the business of a credit reference agency can only be submitted by a company.

47B. (1) The Trade Licensing Unit shall, without delay, acknowledge receipt of an application and receipt of the applicable licence fee in writing to the applicant and shall specify the procedure under which a refusal by the Trade Licensing Unit to grant a licence may be appealed in terms of the Act and Part VI of these regulations:

Processing of
credit reference
agency
application.
*Added by:
L.N. 213 of 2018.*

Provided that an application form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required to be submitted together with the application form.

(2) The Bank shall within ten (10) working days of being informed by the Trade Licensing Unit about the receipt of an application:

(a) report to the Trade Licensing Unit whether the Bank is satisfied that the information and documentation submitted is complete; or

(b) in the case of incomplete information and, or documentation, indicate to the Trade Licensing Unit the additional information and, or documentation needed, in accordance with sub-regulation 3 of regulation 47A.

(3) The Bank shall give its recommendation for the issuance of a licence or otherwise, to the Trade Licensing Unit within three (3) months from the date of receipt of a complete application:

Provided, that during the three (3) month period, the Bank may require further clarifications, additional information and documentation:

Provided further, that the three (3) month period may at the discretion of the Bank be extended for one period of not more than three (3) months. Such extension and the reasons therefore shall be notified to the Trade Licensing Unit who shall inform the applicant of the extension.

(4) An application for a licence is deemed to be determined by the Trade Licensing Unit in consultation with the Bank when:

(a) the Trade Licensing Unit in consultation with the Bank has decided to issue a licence without condition; or

(b) the Trade Licensing Unit in consultation with the Bank has decided to issue a licence subject to conditions it may deem appropriate:

Provided that, all such conditions shall be specified in writing.

(5) If a licence is issued, it is to be issued in the name of the credit reference agency, and by reference to the applicable code issued by the Trade Licensing Unit:

Provided that the licence so issued is non transferable:

Provided further the conditions contained in the Second Schedule shall not apply in the case of credit reference agencies.

47C. (1) The Trade Licensing Unit shall refuse the application on the recommendation of the Bank if it is not satisfied that:

(a) all qualifying shareholders and all persons who will effectively direct the operation of the credit reference agency are suitable persons to ensure prudent management;

Refusing of an application of a licence to a credit reference agency.
Added by:
L.N. 213 of 2018.

(b) the credit reference agency has a sound and prudent management, and has a robust governance arrangement, including a clear organisational structure;

(c) there is in place an effective procedure to identify, handle and manage operational or security incidents to which the credit reference agency might be exposed to;

(d) there is in place an effective complaints procedure to investigate complaints from consumers arising out, or in connection with, any alleged infringement by the credit reference agency;

(e) there is in place a disposal procedure for the deletion of credit score, Central Credit Register data and credit information established to be inaccurate or ineligible;

(f) there is in place a indemnity insurance against any liability which the credit reference agency may incur for compensation in respect of any loss or damage which any person may suffer as a result of any negligent act, error or omission committed by the applicant in the carrying out of its business in a policy year in which that person is covered; or

(g) other requirements considered necessary in the particular circumstances, were not met.

(2) Without prejudice to sub-regulation (1) and regulation 47A, the Trade Licensing Unit, on the recommendation of the Bank, may refuse to issue the license if it deems fit.

(3) A decision to refuse the issuance of a license shall be accompanied with the reasons for such refusal.

(4) Any applicant who feels aggrieved by a decision of the Trade Licensing Unit may file an appeal to the Licensing Appeals Board in accordance with the Act and Part VI.

47D. Without prejudice to sub-regulation (6) of regulation 9, a license to carry out the business of a credit reference agency shall be deemed null *ab initio* if the pre-requisites of regulations 47A and 47C were not met by the applicant.

Nullification of
license.
Added by:
L.N. 213 of 2018.

47E. (1) A license may be cancelled by the Trade Licensing Unit:

Cancellation of
license.
Added by:
L.N. 213 of 2018.

(a) where it becomes aware of proof of dissolution of said credit reference agency; or

(b) at the request of the credit reference agency or at the request of a person authorised to so act on its behalf. Such request shall be made on the appropriate form.

(2) The effective date of cancellation in the case of dissolution shall be the day following the date of dissolution of the credit reference agency.

(3) Without prejudice to sub-regulation (1) a licence to carry out the business as a credit reference agency can be suspended or cancelled by the Trade Licensing Unit on the recommendation of the Bank:

(a) when the credit reference agency does not commence the operation pursuant to the licence within twelve (12) months of its issue, or has ceased its operations for more than six (6) months; or

(b) when the credit reference agency no longer fulfils the conditions for the granting of a licence; or

(c) if it is considered that, by reason of the manner in which the credit reference agency is conducting its affairs, would constitute a breach of personal data pertaining to data subjects or a breach in operations as stipulated in the CBM Directive No 15; or

(d) if it is considered that, the credit reference agency has failed to satisfy any of its obligations or any of the provisions arising under these regulations, the CBM Directive No 15 or under the provisions of any other law; or

(e) if the board of directors, any of the ultimate shareholders, or any of the administrators have been found guilty of negligence, irregularity or misconduct; or

(f) when the credit reference agency does not abide with the requirements and obligations issued by the Bank, as the supervisory authority, from time to time; or

(g) if the capital and reserves is less than hundred thousand euro (€100,000); or

(h) if the credit reference agency conducts any other business which could give rise to a conflict of interest with the task of the issuance of a credit score;

(i) if the Central Credit Register data is being used for any purpose other than for the issuance of a credit score;

Provided that in the case of suspension or cancellation of the license, no refund of fees will be affected by Trade Licensing Unit.

(5) The Trade Licensing Unit, on the recommendation of the Bank, may:

(a) require the removal of any director, manager, administrator, trustee or principal officer;

(b) impose other restrictions as the Bank, as the supervisory authority, may stipulate from time to time.

(6) A company or legal organisation which has its licence suspended or cancelled shall cease to act as a licensed credit reference agency from the date on which the suspension or cancellation takes effect:

Provided that the suspension shall cease to take effect when the Bank informs the Trading Licensing Unit that the credit reference agency has abided with the requirements issued by the Bank.

(7) The Trade Licensing Unit and the Bank shall publish a notice of suspension or cancellation of a licence on its website.

47F. A licence to carry out the business of a credit reference agency shall be renewable every five (5) years upon a submission by the credit reference agency for a renewal. A charge for renewal of the licence will be issued by the Trade Licensing Unit, following the recommendation of the Bank:

Validity of licence.
Added by:
L.N. 213 of 2018.

Provided that, the fee of five hundred euro (€500) shall be paid within thirty (30) working days of the charge being issued.

47G. (1) A license holder shall provide the Trade Licensing Unit, and the Bank and any other person authorised in that behalf, all information and documentation as may be appropriately required in relation to the commercial activity licensed under these regulations.

Right for
information and
inspection.
Added by:
L.N. 213 of 2018.

(2) The Trade Licensing Unit, and any other person so authorised as aforesaid shall have the right to enter, with the assistance of the Police, and inspect any premises related to a commercial activity, and require additional documentation:

Provided that, the Bank, as a supervisory authority, has the right to enter the premises and inspect any information or documentation as may be necessary related to the commercial activity of a credit reference agency, without the assistance of the Police.

47H. A company or a legal organisation operating as a credit reference agency shall ensure conformity with the requirements within six (6) months from the day of the coming into force of these regulations. If a company or a legal organisation does not comply with the requirements of these regulations, it shall be prohibited from carrying out the business of a credit reference agency

Compliance date.
Added by:
L.N. 213 of 2018.

Added by:
L.N. 261 of 2020.

PART VIII

Dealers in Precious Metals and Stones

Obligation
licensing of
dealers.

48. Without prejudice to regulation 9 and to any other licence or authorization needed under any other law, no person shall carry on the business of a dealer in precious metals and stones after 1st January 2021 unless he is the holder of a licence issued under these regulations:

Provided that any person who was registered with the VAT department up to and including 1st January, 2021 as performing any of the operations listed under the definition of dealer in precious metals and stones under these regulations:

- (a) may continue to do so until said date without the need of a trading licence;
- (b) shall be deemed to have been issued a licence as from 1st January 2021 unless that person had informed the Trade Licensing Unit that he is not willing to be so deemed and that he will not be continuing operating as a dealer;
- (c) shall be deemed to have given consent to have a licence number, the name of the licence holder and the nature of the commercial activity published as per regulation 12;
- (d) shall be bound by the conditions of these regulations as from 1st January 2021.

Licensing
application.

49. (1) An application for a trading licence in order to carry out the business of a dealer in precious metals and stones shall be made to the Trade Licensing Unit on the appropriate form which shall *inter alia* include the following information:

- (a) an indication whether the applicant is a sole trader or a commercial partnership;
- (b) the address of the applicant's head office and the principal place of business if applicable;
- (c) the names of the persons who effectively direct the business and operations and in the case of sole traders also the names of the owners;
- (d) the business activity in respect of which the application is being applied for.

(2) Where the business is a commercial partnership the form shall also include:

- (a) the official full name and registration number of the commercial partnership;
- (b) the date of incorporation or registration of the commercial partnership;
- (c) the registered address or principal place of business of the commercial partnership;
- (d) the names and identity reference numbers of all directors, partners, the company secretary and

beneficial owners of the commercial partnership.

(3) The application shall be accompanied by the following documents:

- (a) a police certificate, issued not more than one (1) month before the date of filing of the application, of the persons who effectively direct the business, of the owner or owners of the business and as applicable of all directors, partners, the company secretary and beneficial owners; and
- (b) a document issued by the statutory auditors or audit firms responsible to carry out the audit of the operation in question indicating such responsibility.

(4) Without prejudice to the above sub-regulations, the Trade Licensing Unit may require the applicant to submit further documentation and information.

(5) An application form shall not be deemed to be complete unless the Trade Licensing Unit is in receipt of all the documentation required to be submitted together with the application form.

50. For a person to be eligible for a licence under this Part, that person must:

Eligibility
criteria.

- (a) be over eighteen (18) years old;
- (b) not have been convicted by any competent court or tribunal in or outside Malta, of any offence punishable by deprivation of liberty or a detention order for a maximum of more than one (1) year or, in the case of jurisdictions that have a minimum threshold for offences in their legal systems, any offence punishable by deprivation of liberty or a detention order for a minimum of more than six (6) months, other than involuntary homicide or other crime against the person excusable in terms of the Criminal Code; and
- (c) is, in the opinion of the Trade Licensing Unit, a fit and proper person to carry on the business of a dealer in precious metals and stone, after the Trade Licensing Unit considered the person's conduct and repute, and the interests of the public:

Cap. 9.

Provided that for a commercial partnership to be eligible for a licence under these regulations, the directors, partners, secretary and beneficial owners must satisfy the eligibility criteria under paragraphs (b) and (c).

51. (1) The Trade Licensing Unit shall, without delay, acknowledge receipt of an application and receipt of the applicable licence fee in writing to the applicant and shall specify the procedure under which a refusal by the Trade Licensing Unit to grant a licence may be appealed in terms of the Act and regulations.

Processing of
application.

(2) The Trade Licensing Unit shall within three (3) working days from the date of receipt of the application form with all the obligatory information and the accompanying documents, forward

relevant details which may include copy of application forms and accompanying documents to any entity it deems fit, for assessment and opinion.

(3) Without prejudice to regulation 49, the Trade Licensing Unit, may at any time before it takes a decision on the issuance of a licence, require the applicant to submit further documentation and information.

(4) An entity contacted by the Trade Licensing Unit for opinion and assessment shall, provide all information requested to the Trade Licensing Unit within twenty (20) working days from the date of receipt of a complete application:

Provided that during the twenty (20) working day period, the said entity may require further clarifications, additional information and documentation in which case the twenty (20) working days shall run from when said information and documentation is provided to said entity:

Provided further that the twenty (20) working day period may at upon request of the entity be extended for one period of not more than twenty (20) working days. Such extension shall be notified to the Trade Licensing Unit before the expiry of the first twenty (20) day period.

(5) If the entity contacted by the Trade Licensing Unit for opinion and assessment does not reply within the periods a stipulated above, it will be deemed to have no relevant information or advice in relation to the application of a dealer.

(6) The Trade Licensing Unit may:

- (a) issue the licence subject to any conditions it may deem fit; or
- (b) refuse the application for a licence:

Provided that when any licences are issued subject to conditions, all such conditions shall be specified in writing and shall form an integral part of the licence.

(7) The Trade Licensing Unit may from time to time, vary or revoke any conditions so imposed or may impose new conditions:

Provided that the Trade Licensing Unit before varying or revoking any conditions or adding new ones shall notify the licence holder of its intention and request him to make any submissions within twenty (20) working days:

Provided further that after said period of twenty (20) days, the Trade Licensing Unit shall decide whether or not to proceed with its intended action taking into consideration any submissions it may have received from the licence holder.

(8) The provisions in sub-regulation (6) shall apply in case of renewals of a licence.

(9) If a licence is issued, it is to be issued by reference to the applicable code issued by the Trade Licensing Unit:

- (a) in the name of the owner or owners of the business

listed in the application form where the business is not owned by company;

- (b) in the name of the commercial partnership where the business is to be carried out by a commercial partnership:

Provided that a licence once so issued is non-transferable.

52. (1) The Trade Licensing Unit shall refuse the application or a renewal of licence if it is not satisfied that the person on whom the trading licence or renewal thereof is to be issued and, where that person is a commercial partnership, the directors, partners, company secretary and beneficial owners thereof fulfil the eligibility criteria envisaged under regulation 50.

Refusing of an application for a licence.

(2) The Trade Licensing Unit may also refuse the application on the basis of other matters or non compliance with other requirements which may be considered necessary in the particular circumstances.

(3) A decision to refuse the issue of a licence shall be accompanied with the reasons for such refusal:

Provided that for reasons of public safety and public security, the Trade Licensing Unit may not give any reasons for refusal.

(4) Any applicant who feels aggrieved by a decision of the Trade Licensing Unit may file an appeal to the Licensing Appeals Board in accordance with the Act and relevant provisions of the regulations.

(1) An application shall be deemed to be invalid:

- (a) when it does not contain the name and contact details of the applicant;
- (b) when it does not include, or is not accompanied by the information and documentation envisaged under sub-regulations (1) to (3) of regulation 49;
- (c) when the applicant does not within sixty (60) working days provide any requested information or documents to the Trade Licensing Unit:

When application is deemed invalid.

Provided that before the expiry of the sixty (60) working days, an applicant may request an extension for another sixty (60) days.

(2) When an extension is requested by the applicant, the application shall be deemed invalid after the expiry of the extended period of sixty (60) days.

54. Without prejudice to sub-regulation (6) of regulation 9, a licence to carry out the business of dealer under this Part shall be deemed null *ab initio* if the pre-requisites of regulations 49, 50 and 52 were not met by the applicant.

Nullification of licence.

55. (1) A licence may be cancelled under this Part by the Trade Licensing Unit:

Cancellation of licence.

- (a) where it becomes aware of proof of dissolution of the

business operation in respect of which the licence was issued; or

- (b) at the request of the person on whom the licence was issued or at the request of a person authorised to so act on its behalf. Such request shall be made on the appropriate form.

(2) The effective date of cancellation in the case of dissolution shall be the day following the date of dissolution of the business operation in question.

(3) Without prejudice to sub-regulation (1), a licence to carry out the business of a dealer in precious metals and stones may be suspended or cancelled by the Trade Licensing Unit:

- (a) when the commercial activity does not commence the operation pursuant to the licence within twelve (12) months of its issue, or has ceased its operations for more than six (6) months; or
- (b) when the commercial activity no longer fulfils the conditions for the granting of a licence including the eligibility criteria envisaged under regulation 50; or
- (c) if in the opinion of the Trade Licensing Unit, the manner in which the commercial activity is conducted, is in breach of any legal obligations; or
- (d) where the Trade Licensing Unit is informed by the Financial Intelligence Analysis Unit that a licensed dealer in precious metals or stones has seriously, repeatedly or systematically failed to satisfy its obligations under the Prevention of Money Laundering Act or the Prevention of Money Laundering and Funding of Terrorism Regulations; or
- (e) if any director, partner, company secretary, or beneficial owner of a licensed dealer in precious metals and stones has been found guilty of irregularity or misconduct.

(4) In the event that a licence is suspended or cancelled, no refund of fees will be affected by Trade Licensing Unit.

(5) The Trade Licensing Unit, may lift a suspension subject to the:

- (a) the removal of any director, manager, or partner; or
- (b) provision of proof of compliance with any obligation or restriction imposed.

(6) A dealer in precious metals or stones which has his licence suspended or cancelled shall cease to act in that capacity from the date on which the suspension or cancellation takes effect:

Provided that the suspension shall cease to have effect from the date when the Trade Licensing Unit notifies the dealer in writing that it is satisfied that the dealer has abided with the obligations or restrictions imposed.

(7) The Trade Licensing Unit shall publish a notice of suspension or cancellation of a licence and a notice of the lifting of a suspension of

a licence on its website.

56. (1) A licence to carry out the business of a dealer in precious metals and stones shall be renewable every three (3) years upon a submission by said dealer for renewal:

Validity of licence.

Provided that in the case of those Dealers in Precious Metals and Stones who are deemed to have been licensed as from 1st January 2021, in terms of regulation 48, may at any time after January 2021 be required by the Trade Licensing Unit to provide it with all the details and documentation which must be provided when applying for a new licence:

Provided further that if the Trade Licensing Unit considers that the dealer is not in compliance with the eligibility criteria envisaged under regulation 50, the Trade Licensing Unit shall cancel or suspend the licence as it deems appropriate.

(2) An application for the renewal of a licence may be made to the Trade Licensing Unit not earlier than three (3) months preceding the date of the expiry of the licence.

(3) A dealer may not continue operating as a dealer unless he submits an application for renewal and the licence is renewed.

57. In the case of a commercial partnership the dealer shall when there is any change in to the composition of directors, partners or beneficial owners, inform the Trade Licensing Unit within thirty (30) working days of such change.

Changes.

PART IX Offences and Penalties

*Amended by:
L.N. 261 of 2020.*

58. Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and shall, on conviction be liable to the same penalties established under article 18 and article 20 of the Act.

Offences and penalties.
*Renumbered by:
L.N. 261 of 2020.*

59. For the purposes of article 19 of the Act, the penalty that the Trade Licensing Unit may demand in relation to any offence against the provisions of the Act and of these regulations shall be one hundred and sixteen euro (€116).

Special proceedings.
*Renumbered by:
L.N. 261 of 2020.*

60. Trading licences issued, under the Trading Licences Regulations, 2006*, prior to the coming into force of these regulations shall continue to be valid subject to the provisions of these regulations.

Saving.
*Renumbered by:
L.N. 261 of 2020.*

*revoked by these regulations.

Amended by:
L.N. 261 of 2020.

FIRST SCHEDULE
Type Codes and Type of Commercial Activity

FIRST SCHEDULE
Type Codes and Type of Commercial Activity

PART I

Type Code	Commercial Activity
15	Manufacture of food products and beverages
17	Manufacture of textile and textile products
18	Manufacture of wearing apparel, dressing and dyeing of fur
19	Tanning and dressing of leather, manufacture of luggage, handbags, saddlery, harness and footwear
20	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
21	Manufacture of pulp, paper and paper products
22	Publishing, printing and reproduction of recorded media
24	Manufacture of chemicals and chemical products excluding the manufacture of pharmaceuticals
25	Manufacture of rubber and plastic products
26	Manufacture of other non-metallic mineral products
27	Manufacture of base metal
28	Manufacture of fabricated metal products, except machinery and equipment
29	Manufacture of machinery and equipment excluding the manufacture of weapons, arms and ammunition
30	Manufacture of office machinery and computers
31	Manufacture of electrical machinery and apparatus not elsewhere classified
32	Manufacture of radio, television and communications equipment and apparatus
33	Manufacture of medical precision and optical instruments, watches and clocks
34	Manufacture of motor vehicles, trailers and semi-trailers
35	Manufacture of other transport equipment
36	Manufacture of musical instruments
36.1	Manufacture of furniture
36.2	<i>Deleted by Legal Notice 261 of 2020.</i>
36.4	Manufacture of sports goods
36.5	Manufacture of games and toys

36.6	Miscellaneous manufacturing activities not elsewhere classified
37	Recycling including scrap yards
45	The offering of construction services or the renting of equipment, plant and machinery related with such services
50.1	Sale of motor vehicles and motorcycles
50.2	Maintenance and repair of motor vehicles
50.3	Sale of motor vehicles parts and accessories
50.4	Sale, maintenance and repair of motorcycles and related parts and accessories
51.3	Wholesale of food and beverages
51.4	Wholesale of household goods excluding pharmaceutical products
51.5	Wholesale of non-agricultural intermediate products, waste and scrap
51.8	Wholesale of machinery, equipment and supplies
51.9	Other wholesale (excluding food and beverages)
52.5	Retail sale of second hand goods in stores
52.6	Retail sale not in stores: retail sale via mail order houses or through the internet
52.7	Repair of personal and household goods
52.11	Retail sale in non-specialised stores with food, beverages and tobacco predominating
52.12	Retail sale in non-specialised stores in which food products should not be predominant
52.21	Retail sale of food in specialised stores selling predominantly fruit and vegetables
52.22	Retail sale of food in specialised stores selling predominantly meat and meat products
52.23	Retail sale of food in specialised stores selling predominantly fish, crustaceans and molluscs
52.24	Retail sale of food, beverages and tobacco in specialised stores selling predominantly bread, cakes, flour confectionery and sugar confectionery
52.25	Retail sale of food and beverages in specialised stores selling predominantly alcoholic and other beverages
52.26	Retail sale in specialised stores selling predominantly tobacco products
52.27	Retail sale of food and beverages in specialised stores selling predominantly other food products not elsewhere classified
52.27A	Retail sale in specialised stores of beverages and food not to be consumed on site where the food consists of take-away products which are pastry based i.e. having pastry (flour dough and water) as the base or the major component of the product such as <i>pastizzi</i> , pies, timpanas, sausage rolls and pizza as well as complementary

	food items such as rice balls and baked macaroni
52.32	Retail sale in specialised store selling predominantly medical and orthopaedic goods
52.33	Retail sale in specialised store selling predominantly cosmetics and toiletries
52.41	Retail sale in specialised store selling predominantly textiles
52.42	Retail sale in specialised store selling predominantly clothing
52.43	Retail sale in specialised store selling predominantly footwear and leather goods
52.44	Retail sale in specialised store selling predominantly furniture, lighting equipment and other household articles
52.45	Retail sale in specialised store selling predominantly electrical household appliances and radio and television goods
52.46	Retail sale in specialised store selling predominantly hardware, paints and glass
52.47	Retail sale in specialised store selling predominantly books, newspapers and stationery
52.48.1	Other retail sale in specialised stores selling predominantly office equipment, computers and non-customised software
52.48.2	Other retail sale in specialised stores selling predominantly photographic, optical and precision equipment
52.48.3	Other retail sale in specialised stores selling predominantly telecommunications equipment
52.48.4	Activities of opticians
52.48.5	Other retail sale in specialised stores selling predominantly wallpaper and floor coverings
52.48.6	Other retail sale in specialised stores selling predominantly carpets and rugs
52.48.7	Other retail sale in specialised stores selling predominantly watches, clocks and jewellery
52.48.8	Other retail sale and maintenance in specialised stores selling predominantly sports goods, fishing gear, camping goods, boats and bicycles
52.48.9	Other retail sale in specialised stores selling predominantly games and toys
52.48.10	Other retail sale in specialised stores selling predominantly flowers, plants, seeds, fertilisers, and pet food
52.48.11	Other retail sale in specialised stores selling predominantly souvenirs, craftwork and religious articles
52.48.12	Other retail sale in specialised stores selling predominantly stamps and coins
52.48.13	Other retail sale in specialised stores selling predominantly non-food products not elsewhere classified
55.52	<i>Catering</i> : supply of prepared food

63.11	Cargo handling
63.12A	Storage and Warehousing of food and beverages as a commercial service
63.12B	Storage and Warehousing as a commercial service (excluding food and beverages)
63.4	Activities of other transport agencies
64.1	Post and courier activities
70	Real estate activities
70.2	Letting of property and halls for weddings and other receptions
71	Renting of machinery and equipment without operator and of personal and household goods excluding the renting of automobiles and other land, air or sea transport equipment
72	Computer services and related activities
73	Research and development
74.12	Book-keeping
74.13	Market research and opinion polling
74.14	Business and management consultancy activities excluding public relations and communications
74.141	Public Relations and Communications
74.15	Management activities of holding companies
74.3	Technical testing and analysis
74.4	Advertising
74.5	Labour recruitment and provision of personnel
74.7	Industrial cleaning
74.81	Photographic activities
74.82	Packaging activities
74.83	Secretarial and translation services
74.84	Call centre activities
74.87	Other professional and business activities not elsewhere classified
74.871	Activities of commercial fair, exhibition and congress organisers
80.42	Activities of instructors of music, crafts, sports and other leisure activities
92.1	Motion picture and video activities
92.2	Radio and television activities
92.3	Other entertainment activities (excluding any gambling or betting activities)
92.4	News agency activities
92.5	Library, archives, museums and other cultural activities
92.6	Sporting activities excluding water sports and hunting and betting
92.7	Other recreational activities excluding gambling and betting

	activities
93.01	Washing and dry cleaning of textile and fur products
93.021	Hairdressing
93.022	Activities of beauty treatment
93.03	Funeral and related activities
93.04	Physical well being activities
93.05	Other social and personal service activities not elsewhere classified (excluding any gambling or betting activities).

PART II

Type Code	Commercial Activity
52.6E	Retail sale by door-to-door sales persons of goods and services (except sale of food and beverages) connected to commercial activities listed in Part I of the First Schedule
52.62A.1	Street hawker of food, beverages (excluding alcoholic beverages) and tobacco products
52.62A.3	Street hawker of bread only
52.62A.4	Street hawker of fruits and vegetables only or fish only
52.62A.5	Street hawker of traditional Maltese nougat (qubbajt)
52.62B	Street hawker of non-food and non-beverage items
52.62C.1 (g)	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products at Victoria, Gozo
52.62C.1 (M)	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products at Marsaxlokk (daily open-air market except Sunday)
52.62C.1 (V)	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products at Valletta
52.62C.2	Market hawker of food, beverages (excluding alcoholic beverages) and tobacco products (all localities where a market is established except at Valletta, Marsaxlokk (daily open-air market except Sunday) and Victoria, Gozo)
52.62D.1 (G)	Market hawker of non-food and non-beverage products at Victoria, Gozo
52.62D.1 (M)	Market hawker of non-food and non-beverage products at Marsaxlokk (daily open-air market except Sunday)
52.62D.1 (V)	Market hawker of non-food and non-beverage products at Valletta
52.62D.2	Market hawker of non-food and non-beverage products (all localities where a market is established except at Valletta, Marsaxlokk (daily open-air market except Sunday) and Victoria, Gozo)
52.62E.1	Marketing Agent of food and beverage products
52.62E.2	Marketing Agent of non-food and non-beverage products
52.62F	Busker

74.872	Auctioneer
24.41	Precious metals production
36.12	Manufacture of jewellery and related articles
46.48	Wholesale of watches and jewellery
46.72	Wholesale of gold and other precious metals
46.76	Wholesale of precious stones
47.19	Retail sale of watches, jewellery, precious stones and metals in non-specialised stores where the main line of activity is not the selling of watches and jewellery example departmental stores
47.77	Retail sale of watches, jewellery, precious stones and/or precious metals in specialised stores where the main line of activity is the selling of watches, jewellery, precious stones and/or precious metals
82.91	Commercial activity of a Credit Reference Agency

SECOND SCHEDULE
CONDITIONS FOR CARRYING OUT A COMMERCIAL ACTIVITY

The following conditions shall apply to all commercial activities as applicable whether unlicensed or licensed by any authority and regulated by any legislation.

1. The commercial premises are at all times to be kept in a clean and wholesome manner both within the premises and in the immediate vicinity outside the premises. Any person carrying out a commercial activity should be responsible for the cleaning of the pavement, the space beneath the pavement and of the street space in front of the commercial premises. After the opening hours the licensee is forbidden from leaving any waste or any objects on the pavement, the space beneath the pavement and the street space in front of his commercial premises.
2. The commercial activity carried out in the premises or things stored within the premises shall not:
 - 2.1 cause annoyance to neighbours;
 - 2.2 be likely to occasion any fire or explosion;
 - 2.3 emit exhalation, fumes, vapours, gases, dust or emit noxious or offensive odours into the atmosphere that may cause damage or are injurious to health;
 - 2.4 cause annoyance by way of noise.
3. When a commercial activity expose for sale any article or any other thing placed outside the premises, the person responsible for the commercial activity shall see that these do not cause an obstacle to the pedestrians and that these should never exceed 50 cm of the same pavement.
4. Where the commercial activity comprises the sale or repair of vehicles, no vehicles shall be displayed for sale, repaired or else be washed in any part of

- the street. No vehicles whatever kind, commercial or otherwise, brand new or second hand, can be parked in any public place for the intention of exhibiting for sale the vehicle, marked by the words "For Sale" or any other words that indicate the aforesaid intention, including the display of any telephone and/or mobile numbers.
5. Magazines, or any other items or materials which by their nature are objectionable for use or consumption by minors, or any items which by their nature are objectionable by general use, shall not be sold to minors or displayed in any manner within the commercial premises where they will be accessible to or within the reach of such minors or general public.
 6. No alcohol and no tobacco products shall be sold to persons under the age of seventeen (17) years.
 7. (1) Between 9.00p.m. and 4.00a.m. of the following day, alcoholic beverages shall only be sold or served for consumption on the premises where they are sold as follows:
 - (a) by premises licensed as clubs under the Police Licences Regulations (S.L. 128.01);
 - (b) at wedding halls;
 - (c) by commercial premises licensed by the Malta Tourism Authority as catering establishments where the primary purpose is the sale of food and alcoholic beverages to be consumed on the premises.
 - (2) The sale or serving of alcoholic beverages by street hawkers and by market hawkers is prohibited at all times.
 - (3) The storing of alcoholic beverages is prohibited at commercial premises which by their nature shall not sell such products.
 - (4) The provisions of this paragraph shall not apply to temporary licences issued under regulations 9, 10 and 11 of the Activities requiring Permit by Local Councils Regulations (S.L. 441.04) and for the selling of wines, beers and spirituous liquors requiring a temporary licence from the Commissioner of Police in terms of the Shops for the Sale of Wine, Beer or Spirituous Liquors (Licence, Good Order and Public Decorum) Regulations (S.L. 10.09).
 8. No noise shall be generated from any commercial premises and be heard from outside the premises that causes annoyance and disturbance to neighbours by hammering or by the use of machinery between 1.00 p.m. and 4.p.m. of the same day and between 7.00.p.m. and 7.00.a.m. of the next following day.
 9. No commercial activity located in an urban area can generate noise that can be heard from outside the premises that causes annoyance and disturbance to neighbours by playing of music by live bands or amplified music or other means between the hours of 11.00 p.m. and 9.00 a.m. of the following day and between 1.00 p.m. and 4.00 p.m.
 10. Where the commercial activity in any premises involves manufacturing activities, the retail sale of products manufactured therein may also be carried out from such premises.
 11. The sale from street hawkers or the sale from any vehicle or in the vicinity of a school is prohibited except the sale of ice-cream or catering units.

THIRD SCHEDULE
OPEN-AIR MARKETS

Locality	Streets
Birzebbugia	Triq Zarenu Dalli
Birkirkara	Triq Tumas Fenech, Triq il-Herba, Triq is-Santwarju, Triq Mike Pulis, Triq Nazju Falzon
Bormla/Birgu	Triq il-Ġubilew tal-Fidda, Triq Kottonera, Triq Verdala
Floriana	Park and Ride, Flagstone Wharf, Hornworks Ditch
Luqa	Triq Wilġa, Misraħ iż-Żgħażaġħ
Marsaxlokk	Xatt is-Sajjieda
Mosta	Triq Nicolo Isuard, Triq il-Lunzjata (x Triq Wied is-Sir), Pjazza 10 ta' Settembru
Naxxar	Triq l-Għenieq, Triq Ħal-Dgħejf
Paola	Triq l-Arkata
Qormi	Pjazza tal-Granmastru, Misraħ Narbona, Parti from Vjal De La Cruz to Triq Mons. P.P. Psaila
Rabat	Triq Santa Rita
Sigġiewi	Pjazza Santa Margerita
Sliema	Pjazza tal-Lunzjata
Attard	Parking Area (Park Nazzjonali Ta' Qali)
Valletta	Triq l-Ordinanza
Żabbar	Misraħ San Ġakbu
Żebbuġ	Triq Antonio Sciortino, Triq Loret Vela
Żejtun	Pjazza Suq, Misraħ Indipendenza
Żurrieq	Vjal Blue Grotto, Triq Stefan Zerafa, Triq Carmelo Caruana
Gozo	Victoria - Pjazza Santa Sabina
