

Subsidiary Legislation 441.08

Business Hours Regulations

Conditions for the playing of Amplified Music –(page 3)

6 (4) the playing of music by whatever means inside commercial premises when they are not licensed to play amplified music shall stop by 11.00 p.m. and between 1.00 p.m and 4.00 p.m.;

(b) Amplified music may only be played after 11.00 p.m. and between 1.00 p.m and 4.00 p.m. in commercial premises that are covered by a licence for the playing therein of amplified music;

(c) Subject to the provisions of paragraph (b), the playing of music by whatever means, in commercial premises licensed to play amplified music, in such a manner that the music can be heard outdoors, is prohibited after 11.00 p.m. and between 1.00 p.m and 4.00 p.m. in all areas and after midnight in the localities of Bugibba, Qawra and St. Paul's Bay, with the exception of the designated areas in Bugibba, Qawra and Paceville, where no music can be heard outdoors after 1.00 a.m.;

(d) The operation of commercial premises licensed to open for business from 1.00 a.m. to 4.00 a.m. shall not, during those hours, cause annoyance or inconvenience to neighbours by any sound capable of being heard from outside the premises or by anything done inside or outside the premises

Remedial Action by the Police

(5) In the event of failure to comply with the provisions of the proviso to sub-regulation (4), any member of the Police force not below the rank of Sergeant shall have the power to order the immediate remedy of any such breach to his satisfaction and any member of the Police force not below the rank of Inspector may order the immediate closure of the premises for a period of twelve hours as he shall deem appropriate in the circumstances. In the case where the person having effective control of the commercial premises fails to comply with any order given to him in terms of this paragraph, the Commissioner of Police, shall have the power to issue an order in writing for the immediate closure of the premises and the cessation of any commercial activity from the said premises for a period of not more than fifteen days. Subject to the concurrence of the Minister responsible for Commerce, the said commercial premises may be closed for a subsequent period not exceeding thirty days independently of any other punishment to which the offender may become or may have become liable according to law.

(6) In the case of persistent breaches the Commissioner of Police shall inform the Trade Licensing Unit of the provisions of the proviso to sub-regulation (4) which have been encountered in any licensed commercial premises; the Trade Licensing Unit may, after granting the licensee of the said premises an opportunity to make submissions, revoke the licence for the extension of business hours from 1.00 a.m. to 4.00 a.m. in respect of such commercial premises.

Conditions for the playing of Amplified Music –(page 4)

(7) (a) No amplified music, by live bands or by whatever means, shall be played in the course of or as part of a commercial activity between 4.00 a.m. and 9.00 a.m.

(b) Subject to the provisions of paragraph (c), any commercial activity held in the open-air, in the precincts of any commercial premises, shall come to an end by no later than 1.00 a.m.

(c) if the premises where an open-air commercial activity is held are part of any premises licensed as a catering establishment under the Malta Travel and Tourism Services Act, or licensed as a night-club, discotheque or other premises where dancing is held and an entrance fee is charged, and the premises are situated at a distance of more than 500 metres from any inhabited area, the licensee may apply to the Minister for an extension of the time limit laid down in this regulation subject to such conditions as the Minister may deem appropriate and provided that such limit shall in no case be extended beyond 4.00 a.m.

(d) The operation of commercial premises licensed to open for business from 1.00 a.m. to 4.00 a.m. shall not during those hours **cause annoyance or inconvenience to neighbours by any sound capable of being heard from outside** the premises or by anything done inside or outside the premises.