

Illegal to collect premises licence fees

ON May 12, 1983, an amendment was made to Section 102(S) of the Local Government Act (ACT 171) to specify that only businesses, trades and industries which are dangerous to life or injurious to health are required to obtain a premises licence from their local authority.

On Aug 21, 1995, a reply was given in Parliament by the then Local Government Ministry that the purpose of the amendment was to streamline uniformity in issuing premises licences for trade and business activities which are dangerous to life or injurious to health only.

All local authorities were requested to abide by the amendment in the principal Act and amend their licensing by-laws accordingly. If any local authority issued any licence to any trade or business that are not dangerous to life or injurious to health after the amendment, the

action would be considered unlawful from the legal aspect of law enforcement! Furthermore, the local authority would have to refund the licence fees collected after the amendment.

It is believed that only 24 local authorities throughout the country have so far complied with the amendment. In 1995, there were 70 local authorities that had not amended their respective licensing by-laws, according to a reply given in Parliament on April 8, 1997.

In order to uphold the image of the Urban Wellbeing, Housing and Local Government Ministry and the local authorities, it is pertinent to list in the media for public scrutiny those local authorities that have not yet made the amendment since it was passed in 1983 as they would have been unlawfully collecting premises licence fees and

would need to refund them.

It is important to let those trades or businesses, such as banks, tourism and insurance companies, insurance agencies, housing developers, real estate agencies, press or media office, forwarding agency, money changer and others which are not required to have the premises licence from the local authorities know their legal rights and prevent misuse of power.

The ministry concerned needs to investigate the reasons for the non-compliance by the local authorities involved. These incidents of unlawful collection of premises licence fees must be curbed in accordance with the law and to uphold the uniform ruling of the local authorities.

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