

THE WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 1993

[Consolidation: This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 October 1995 Errors in spelling or grammar or omissions of words in the Gazetted Ordinance have been corrected in this Consolidation. This is not an authorised version of the Ordinance.

The principal Ordinance came into effect on 16 June 1995 upon Gazettal under LN 60/95

The enactments consolidated are:

WP Business Licence Ordinance 1995.

WP Business Licence (Amendment Ordinance 1998 LN 111/99

WP Business licence (Amendment Ordinance 1999 LN 108/99

WP' Business Licence (Amendment (No 2) Ordinance 1999 - to be Gazetted]

AN ORDINANCE to

AMEND AND CONSOLIDATE WESTERN PROVINCE BUSINESS LICENCE LEGISLATION ARRANGEMENT OF SECTIONS

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1. Short Title and Commencement - This Ordinance may be cited as the Western Province Business Licence Ordinance 1995 and shall come into effect upon the approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

2. Revocation - The Western Province Business Licence Ordinance 1993 and all amendments thereto are hereby revoked and the following is substituted therefore.

3. Definition - In this Ordinance and in regulations made under it except where the context otherwise requires:

"Abattoir" means the business of slaughtering cattle, pigs, chickens or other livestock intended for human consumption or consumption by domestic animals.

"Accounting Service" means the business of providing any service, advice or assistance to any person relating to accounting, accounts, taxation and financial matters of any kind and including audit services.

"Air Transport Services" means the business of providing transportation services by aeroplane whether for passengers or freight

"Assembly" means the Western Provincial Assembly.

"Authorised Officer" means any Provincial Officer authorised by the Executive to carry out a function or duty under this Ordinance.

"Bakery" means the business of baking or making of bread, biscuits, rolls, tarts, cakes, pies, scones, confectionery pasties, doughnuts or other baked goods for consumption by persons not residing on the premises on which the baking or making is carried out

"Banking" means the business of banking and is a business which requires a licence in accordance with Section 3 of the Banking Act 1916 or under any Act passed in amendment or substitution therefore.

"Based within Western Province" means a business which has its office in Western Province.

"Beach Trading" means the business of hawking from a canoe, ship or other vessel.

"Beautician" means the business of providing beautifying and/or remedial treatments for the face or body; (LW 11/98)

"Beche de mer Trading" means the business of buying and/or selling the species of Holothurians which includes beche de mer, trepang, shark fin, sea slugs or sea cucumber but does not include the exporting of beche de mer.

"Bee Keeping" means the business of keeping bees and hives and includes but is not limited to the selling or hiring of bees or hives or bee keeping equipment or selling honey or any other honey based produce or any product based upon a bee

keeping operation

"Brick making" means the business of making small units of building materials by hardening clay or cement or combining these materials with any other materials or using some other similar materials.

"Broadcasting Services" means the business of transmitting by radio any message or other matter for information, education or entertainment to the public within or outside Solomon Islands.

"Building Construction" means the business of building or repairing of buildings but does not include casual building or repairing of buildings by traditional agreement

Building Rentals" means the business of leasing, renting or administering the leasing or renting of or the business of acting as agent for the owner of any property in respect of the administration of that property.

"Bus/Taxi Service" means the business of providing transportation services by any road vehicle or boat for paying passengers;
[LN1 1/987

"Business" means any activity or undertaking, services, trade profession or occupation or other venture determined by the Provincial Executive to be a business within the intent of this Ordinance earned on, undertaken or operated by any person within the boundaries of Western province for the purpose of gain or profit or for payment of any kind but does not include any activity or service undertaken by an employee in the course of that employee's duties.

"Business Application Fee" means fee charged for administration

"Butchery" means the business of storing, preparing and/or selling or reselling meat

'Calendar month means one of the months of January, February, March, April. May, June, July, August, September. October, November or December in any year

"Cannery" means the business of placing processed or unprocessed products into metal cans or plastic containers for the purpose of sale on the Solomon Islands domestic market or for export from Solomon Islands as food for human consumption or for consumption by animals.

"Cinema" means the business of showing films or videos and is a business which requires a theatre licence in accordance with section 4 of the Cinematograph Act or any Act passed in amendment or substitution therefore.

"Clam" means any species of giant clam which includes Tridaena gigas, T drasa, T aquamosa, T maxima, T crocea and Hippopus hippopu

"Clam Trading" means the business of buying and/or selling any species of giant clam which includes Ttidaena gigas, T Drasa, t Aqnamosa, t Maxima, T Crocea and Hippopus hippopus but does not include the buying or selling of giant clams by or from the International Centre for Living Aquatic Resources Management (ICLARM) where such buying or -selling is for research or trial marketing purposes, but does not include the exporting of dams.

"Commodity" means the business of carrying on the exporting of any commodity listed in Schedule I of the Commodities Export Marketing Authority Act or any Act passed in amendment or substitution therefore and/or the business of carrying on of any prescribed activity listed in the Notices of Prescribed Activities given under the Commodities Export Marketing Authority Act (LN 13/89) or any notice given in amendment or substitution therefore in any commodity listed in Schedule I of the Commodities Export Marketing Authority Act or any Act passed in amendment or substitution therefore.

Consultancy Service' means the business of providing services as an expert adviser to and/or the business of drawing or preparing designs, drawings, plans, diagrams, maps or charts for any individual, trade, profession or business; (LN111991)

"Crab Trading means the business of buying and/or selling any species of crab including but not limited to coconut crabs (birgus latro) or mud crabs (scylla santa) but does not include the exporting of crabs

"Crayfish Trading means the business of buying and/or selling crayfish (genus Panulitis) and/or lobster but does not include the exporting of crayfish and/or lobster.

"Crocodile Dealing" means the business of crocodile farming and/or buying and/or selling crocodiles and/or the business of buying and/or selling and/or drying, treating or tanning crocodile skins.

"Diving Service' means the business of providing facilities for scuba diving or snorkelling and/or providing instruction and/or training courses for scuba diving and/or the hiring out of equipment for scuba diving or snorkelling.

(drafting deleted LN11/99)

"Dry Coconut" means the business of buying dry coconuts for resale whether or not such coconuts are processed or partly processed at the time of sale.

"Electrical Service" means the business of building installing, repairing, maintaining or removing any electrical device including but not limited to radios, videos, televisions, computers, word processors, typewriters, tape cassette recorders or photocopiers.

"Engineering Service" means the business of making any machinery or installing, maintaining or repairing any machine, vehicle or outboard motor but does not include ship repairing: [LN 11/99]

"Engineering Works" means the business of building or repairing structures other than buildings and any other kind of constructions works including but not limited to water tanks, walls, roads, bridges, wharves, town water supplies and sewerage works.

"Entertainment" means the business of providing entertainment of any kind other than the business of a cinema as herein defined, including but not limited to video games and all business coming within the provisions of the Gaming and Lotteries Act or any amendments thereto.

"Executive" means the Western Province Executive as established under Section 22 of the Provincial Government Act 1981 or any other person to whom authority has been properly delegated

"Exporting" means the business of selling or supplying goods of any description originating from within Solomon Islands for transportation outside of Solomon Islands for the purposes of trade or the transporting of goods originating from within Western Province outside Solomon Islands for the purpose of trade.

"Financial Schemes" means the business of receiving monies for the purposes of investment thereof and by the payment of returns thereon: [LN 11/99]

"Fish" means any cold blooded animal ordinarily caught living in water and breathing through gills with fins for swimming but excluding marine products as defined in this Ordinance.

"Fish Exporting" means the exporting of fish, but excluding the export of marine products.

"Fishing Commercial" means the business of operating one or more fishing vessels and is a business which requires a licence in accordance with Section 6 of the Fisheries Act or an Act passed in amendment or substitution therefore.

"Fish Farming and/or Ranching of Fish" means the catching or fish and breeding them in an enclosed area for commercial purposes: (LN108/99)

"Fish Marketing" means the business of buying and/or selling fish but does not

include the exporting of fish.

"Fish Processing" means the business operated on land of preserving or preparing fish and/or other sea foods or marine products and/or producing any substance or article from fish or other sea food by any method.

"From outside" means received from a place outside Western Province.

"Furniture Manufacture" means the business of making or manufacturing or selling assembled and finished chairs tables, desks, sofas, couches, shelves, bookcases or any other furniture for household or commercial use.

"Gold Dealer" means the business of buying or selling or dealing in gold and is a business which requires a licence in accordance with Section 46 of the Mining Act or any Act passed in amendment or substitution therefore.

"Green Snail Trading" means the business of buying and/or selling green snail (*Turbo marmoratus*) but does not include the business of exporting green snail.

[Hardware" – deleted LN11/99]

Hawking means the business of carrying goods for sale barter or exchange and includes the sale of foods, fish or other goods by any person at a place where that person does not usually reside or carry on business but does not include wholesaling.

"Hiring Services" means the business of hiring goods of any kind and includes but is not limited to the hire of videos, electronic goods, tools, machinery, bicycles, or motor vehicles.

"Hotel" means the business of providing sleeping accommodation and restaurant service from the same premises.

"Ice-cream Manufacturing" means the business of making ice-cream and selling the ice-cream so made to wholesalers, and/or retailers and/or the public.

"Legal Service" means the business of providing any advice or assistance on any law or legal matter.

"Liquor Sales - deleted EN 108/99]

"Manufacturing" means the business of making any product for sale.

"Marine Product" means the following species or categories of species. Beech de mer, clam, crab, crayfish, crocodile, green snail, pearl, oyster shell, prawn, seaweed, trochus, and turtle and such other like species or category of species as

the Executive by resolution deems to be a marine product and such other like species or Category of species as the Executive by resolution deems to be a marine product.

"Marine Product Exporting means the exporting of an one or an; number of marine products being marine products as defined in this Ordinance, but excluding the export of fish as defined in this Ordinance and excluding the export of giant clams by or from the International Centre for Living Aquatic Resources Management means the business of providing medical and/or dental service and/or other health services and/or pharmacy services.

"Milled Timber Exporting' means the business of exporting milled timber including but not limited to sawn timber, wood particles, wood chips, wood pulp and veneer.

"Mining" means the business of reconnaissance, prospecting and/or mining of minerals and mineral substances as defined in Section 2 of the Mining Act or any Act passed in amendment or substitution thereof and is a business which requires a licence or permit or lease under any section of that Act or any Act passed in amendment or substitution thereof.

(Money Lending' deleted LW 108199/

"Pawnbroking" means the business of taking of property as security for a debt or loan and the business of selling such property to recover the debt and interest thereon and is a business which requires a licence under the Pawnbroking Acts of 1872 and 1960 and any Act passed in amendment or substitution thereof.

"Pearl Oyster Farming" means the business, of cultivating or growing lip pearl oyster (*Pinetada maxima*) and/or black oyster (*Pinetada margaritifera*) and/or brown lipped oyster (*Pinctada penguin*) using a floating or static grow out system. for commercial purposes, but does not include the export of pearls: [WPBL (A)UTh2)Ord.99]

"Pearl Oyster Shell Trading" means the business of buying and/or selling gold lip pearl oyster shell (*Pinetada maxima*) and/or black lip pearl oyster (*Pinetada margaritifera*) and/or brown lipped oyster (*Pinctada penguin*) but does not include the exporting of pearl oyster shell

"Person: means any person or persons, company or other group, association co-operative or statutory authority but does not include any government department or the Western Province Executive.

"Pest Control" means the business of providing Services and/or pesticides or any; other products or form of method of eradication for the control or destruction of pests and vermin.

"Petroleum Storage" means the business of storing for sale and processed petrol or oil product including but not limited to petrol, diesel, kerosene, propane, Speedy Gas, and lubricants.

"Photography" means the business of operating a photographic studio or store or providing a photographic service and/or the sale or hire of photographic equipment and including but not limited to a developing service for photographic film or slide film.

"Plantation" means the business of the planting, growing, production and sale of timber, copra, cocoa, coffee, palm oil, spices or any other commercial crop by any company as defined in the Companies Act or any Act passed in amendment or substitution thereof or by any co-operative society registered under the Co-operative Societies Act or any Act passed in amendment or substitution thereof.

"Plumbing Service" means the business of installing, repairing, maintaining or repairing water pipes, sewers, drains or any apparatus relating thereto.

"Policies of Western Province" means those policies and plans and strategies relating to businesses, functions, services development and planning within Western Province approved by the Provincial Executive and in force at the time of the application for a business licence or any renewal thereof under this Ordinance and published and available to any person upon demand upon payment of the prescribed fee.

"Port Services" means the business of providing, operating, improving, maintaining and regulating the use of port facilities.

"Prawn Trading" means the business of buying and/or selling freshwater prawns (*Macrobrachium rosenburgi*) and/or salt water prawns (*Penaeus monodon*) or shrimps or related species but does not include the exporting of prawns.

"Premises" means any structure, building or part thereof together with the land on which the same is situated and any adjoining land used in connection therewith.

"Prescribed Business" means:

(a) any business for which a category and fee are provided in Regulations made under this Ordinance or

(b) any other business, but does not include any business to which Section 4 of this Ordinance applies

"Provincial Officer" means any person holding a public office and seconded to the Western Provincial Assembly or Executive or a person directly employed by the

western Provincial Assembly or Executive.

"Provincial Treasure" means the person holding that public office;

'Recreational Fishing' means the business of taking paying customers for the purposes of game and/or sport fishing being non-commercial fishing:

'Religious Bookshop' means the business of operating a bookshop selling religious books and/or other religious items by a church or other religious body.

"Restaurant" means the business of preparing and selling meals by table service for consumption by person not residing on the premises where such preparation or sale takes place,

"Resthouse" means the business of providing sleeping accommodation

"Retail Store" means the business in which merchandise goods or commodities other than those covered by other definitions within this Section are stocked and offered for sale other than by hawking.

"Road Transport Service" means the business of providing transportation services by any road vehicle whether for passengers or freight

Round Log Tinter Exporting" means the business of exporting logs or unmilled timber.

Rural" means all land outside the town boundaries of Cito and Nora

"Saw Milling" powered by 25hp or more" means the business of converting unmilled timber into milled timber, using a machine of 25hp or more including but not limited to sawn timber, wood particles, wood chip, wood pulp, and veneer and is a business which requires a licence in accordance with Section 7 of the Forest and Timber Act or any Act passed in amendment or substitution therefore or which requires a licence under any other relevant legislation

"Saw Milling powered by less than 25hp" means the business of converting unmilled timber into milled timber, using a machine of less than 28hp, including but not limited to sawn timber, wood particles, wood chip, wood pulp, and veneer and is a business which requires a licence in accordance with section 7 of the Forest and Timber Act or any Act passed in amendment or substitution therefore or which requires a licence under any other relevant legislation.

"Sea Transport Service" means the business of providing transportation services by one or more boat(s), ship(s), canoe(s) or other vessel(s) for passengers and/or freight but does not include transportation by private canoes whereby contributions are made o the cost of the travel

"Seaweed Trading" means the business of buying and/or selling seaweed (Euchumia) but does not include the exporting of sea weed

"Secretarial Service" means the business of providing secretarial services including but not limited to typing services, word processing services, computer services, photocopying services, filing services or data recording services.

"Security Services" means the business of providing security of any kind for property and/or goods and/or persons including but not limited to providing secure transportation of goods, selling and/or installing security locks and equipment and systems of alarm systems;

"Ship Building" means the business of building, repairing or maintaining any ship, boat, vessel or canoe but does not include any wooden canoe.

'Shipping agency" means the business of being an agent for a shipping line in and out of the Solomon Islands

'Shipping Service (Occasional)" means the business of providing transportation services for passengers or cargo by boat, ship or any other vessel but not including a canoe .where such boat, ship or other vessel makes no more than four trips to Western province in any one licensing year under this Ordinance to conduct its business and which spends no more than fourteen consecutive days conducting its business in Western Province during any one trip.

"Snack Bar" means the business of preparing and selling food and beverages for consumption by persons not residing on the premises ~ere such preparation or sale takes place and including any such freshness conducted from a motor vehicle or vessel or caravan.

"Stevedore Service" means the business by which persons are provided whether by hire or by employment to load or unload ships

"Tailor" means the business of making clothes for salt

"Timber Felling' means the business of cutting trees within Western Province for the purpose of export or sawmilling whether the sawmilling or export is carried out by a timber feller or some other person

"Timber Sales" means the business of selling timber unmilled or milled including but not limited to sawn timber wood particles, wood chip, veneer and any other wood products produced by a timber mill, or purchasing the same for resale.

""Tourist Business" means any business offering sight-seeing, recreation or relaxation opportunities to or for tourists but not being a tourist resort or tourist

vessel service;

"Tourist Resort" means the business of provision to tourists of various services and facilities from one premises such as accommodation, restaurant, recreation transportation, retail store(s) under a single administration and permanent staff.

"Tourist Vessel Service" means a business involving the transportation of tourists for the purpose of pleasure or sight-seeing aboard a vessel requiring a safety certificate under the Shipping Act or any Act passed in amendment or substitution thereof.

"Trochus Trading" means the business of buying and/or selling trochus shell (*Trochus nilithas*) but does not include the exporting of trochus,

"Turtle Trading" means the business of buying and/or selling Green turtle (*Chelonia mydas*) and/or hawksbill turtle (*Eretmochelys imbricata*) but does not include the exporting of turtle.

"Urban" means all land inside the town boundaries of Gizo and Noro.

"Wholesale Store or Warehouse" means the business in which merchandise goods or commodities are stocked and sold or offered for sale to persons, businesses or other entities other than the general public for the purposes of resale.

4. Prescribed Business - (I) No person shall within the boundaries of Western Province operate a prescribed business except under and in accordance with the terms, conditions and limitations of a valid business licence issued by the Executive in accordance with Section 6 of this Ordinance.

(2) This Section shall not apply to the following:

(i) Occasional fundraising events where the proceeds are used solely for charitable, religious, educational, sporting or other community purposes.

(ii) Canteens or stores run by a school or training institute for the use and benefit only of the pupils, students and teachers of the school or training institute but does not include canteens or stores run by a school or training institute which sells to parents, relatives or friends of pupils, students or teachers or to the public,

(iii) A business run by an organisation group or association or its members or owners and whose profits are used for charitable, religious, educational, sporting or other community purposes.

(iv) Any business activities in the market which for the purposes of this section means any regularly scheduled gathering of individuals in a public place to offer goods, foodstuffs or beverages for sale.

5. Compliance - No person shall be granted a business licence unless the business complies with all laws and policies of Western Province.

6. Application For and issues of - (1) An application for a business licence shall be made to the Provincial Treasurer on a form prescribed by Regulations made under this Ordinance.

(2) The applicant must complete the prescribed form and give full particulars of the business for which the licence is required and the applicant shall supply the Provincial Treasurer with such additional information as he may require.

(3) In the event that the business for which a licence is sought and or the business licence fee is not prescribed by Regulations made under this Ordinance then the Executive shall determine the category and appropriate fee which shall then be applied to all similar applications, and the category of business and prescribed fee shall by amendment be included in Regulations made under this Ordinance as soon as practical.

(4) The Executive may in its sole discretion refer any application to the Area Council(s) or to the Chiefs or any other body or person representing the local people in the vicinity in which the business is to operate for consideration

(5) Subject to Section 7 hereof, the Executive may grant a business licence subject to such other terms and conditions and limitations as it thinks fit including but not limited to a condition restricting the area of operation of the business.

(6) The applicant shall be notified in writing of the decisions of the Executive and upon approval of an application the applicant shall be requested to pay the prescribed fee and upon payment of the prescribed fee the Provincial Treasurer or other authorised officer shall issue to the applicant a business licence in the prescribed form

(7) Every licence shall be valid from the date of issue until the 31st day of March next following the date of issue and shall thereupon expire.

(8) Any decision or determination of the Provincial Executive regarding whether an activity constitutes a business which must be licensed under this Ordinance and the category of licence to be issued and the prescribed fee shall be final.

(9) No licence issued under this Ordinance shall convey or be construed to convey any right, power or authority to enter any private land or reef nor take any action with respect of anything without the authority and permission of the owner(s) of that land or reef or thing.

7. Combination Licence - (1) Where a person operates several categories of businesses from one premises, vehicle or vessel that person shall take out a combination business licence in respect of each category of business

(2) Where a person operates a business in separate premises vehicles or vessels that person shall take out separate business licences in respect of each premises, vehicle and vessel.

8. Conditions and limitations of licences - (1) No licence holder shall transfer the business licence to any other person or conduct the business on any premises, vehicle or vessel other than that specified in the business licence except in accordance with Section II of this Ordinance.

(2) The licence holder shall produce the business licence and receipt for the prescribed fee upon demand from a police officer or any person authorised by the Executive on the production by that person of his written authority.

(3) The licence holder shall conduct his business in compliance with all relevant Acts of Solomon Islands, Ordinances of Western Province, subsidiary legislation of Solomon Islands and Western Province and all lawful orders of any court, tribunal commission or statutory body of competent jurisdiction in Solomon Islands.

(4) Where the Executive is satisfied that the licence holder is conducting the business in contravention of any of the provisions of this Ordinance or in contravention of any of the terms conditions or limitations of the business licence or in contravention of any Acts, subsidiary legislation or lawful orders then the Executive may by notice in writing cancel or suspend the business licence.

(5) Where a business licence is suspended or cancelled under this Section the licence holder:

(a) shall immediately cease the business in question;

(b) shall not receive any refund of the licence fee for the balance of the business licence year;

(c) shall not have the licence reinstated or be granted a new business licence until the Executive is satisfied that the grounds on which the business licence was suspended or cancelled have been remedied, the business can operate in full compliance with all Acts subsidiary legislation and lawful orders and all lawful penalties imposed by proper authorities have been satisfied

9. Register - The Executive shall keep a register of all licences granted

10. Fees - (I) The fees for any business licence shall be determined by the Executive by way of subsidiary legislation PROVIDED HOWEVER that where, an application for a business licence is made for a category of business not specified in this Ordinance Regulations made under it or any amendments then the Executive shall determine an interim fee for that business to be paid by the applicant to enable the licence to issue,

such fee to remain in force and to be included by amendment to Regulations made under this Ordinance as soon as possible.

(2) The fees for any business licence may be reviewed annually.

11. Transfer - Upon payment of the prescribed fee a business licence holder may transfer the business licence to another person or the Executive may permit the business to operate from other premises, vehicle or vessel or in another area of operation provided always that the business shall still comply with the term and conditions of the business licence and this Ordinance.

12. Duplicate Licence – Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed or damaged may on payment of the prescribed fee obtain a duplicate licence from the Executive.

13. Powers of Police Officers and Authorised Persons - (1) It shall be lawful for any police officer or any person authorised by the Executive on production of his written authority at all reasonable time to demand from a person operating a business the production of any business licence for inspection and to make such enquiries as he thinks fit to ascertain whether any breach of this Ordinance or of the licence has been committed

14. Penalties - (I) Any person who operates or conducts a prescribed business within Western Province in contravention of this Ordinance shall be guilty of an offence and liable to:

(a) a fine of up to \$2,000.00 or a fine not exceeding twice the amount of the prescribed licence fee for one year for that category of business, whichever shall be the greater; and

(b) a further fine not exceeding \$20.00 for each day on which the offence is continued after written notification of the offence has been given to the offender in default of payment of the said fines the offender may be imprisoned for a period not exceeding three months; and/or

(c) imprisonment for up to six months; and

(d) the amount of the prescribed licence fee from the offender had the person been granted a licence which fee shall be recoverable as a civil debt.

(2) Any person who obstructs, hinders or resists a police officer or other authorised person acting in the due exercise of his powers under this Ordinance or makes a false statement to any police officer or any authorised person or refuses or fails without lawful excuse to produce any licence shall be guilty of an offence and liable to a fine up to \$200.00 or in default of payment to imprisonment for a period not exceeding four weeks.

(3) No proceedings shall be commenced pursuant to Section 14(1) hereof where a person

has held a Western Province Business licence which expired on the 31st day of March and that person has prior to the following 30th day of April applied for a renewal of that licence until such time as the application for renewal has been processed if

13. Delegation - (1) The Executive may by an instrument in writing authorise any provincial officer or public officer to exercise any powers or perform, any duties of the Executive under this Ordinance subject to the general directions of the Executive and any conditions prescribed in the instrument.

(2) The Executive may exercise a power or perform a duty notwithstanding that such power or duty has been delegated to an authorised officer,

16. Subsidiary Legislation - (I) Subject only to Section 10 hereof the Executive may make such Orders and Regulations as appear to them to be necessary or expedient for carrying out the objectives and provisions of this Ordinance and in particular (without prejudice to the foregoing) such orders and Regulations may:

- (a) prescribe the forms and contents of any application, certificate, licence or authority required by this Ordinance;
- (b) prescribe and define new categories of business;
- (c) prescribe fees and matters relating to fees;
- (d) provide for the manner of appointment and the duties and powers of persons authorised to enforce and carry out the provisions of this Ordinance and its Regulations and Orders.

(2) Without limiting the powers of the Executive the Executive may make such Orders and Regulations as appear to them necessary or expedient to calculate, regulate or enforce such fees.

17. Repeals - The following enactments are hereby repealed:

- (a) The Western Council (Licensing of Businesses) Bye-Law 1972,
- (b) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1970;
- (c) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1980;
- (d) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1982;
- (e) The Western Council (Hawkers) By-Laws 1972;

- (f) The Western Province Business Licence (Amendment) Ordinance 1989;
 - (g) The Western Province Business Licence (Amendment) (No. 1) Ordinance 1990;
 - (h) The Western Province Business Licence (Amendment) (No. 2) Ordinance 1991;
 - (i) The Western Province Business Licence (Amendment) Ordinance 1992;
 - (j) The Western Province Business Licence Ordinance 1993.
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THE WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 1995

THE WESTERN PROVINCE BUSINESS LICENCE REGULATIONS 1995

[Consolidation: This is a consolidation of the principal Regulations and amendments or intended amendments as at 1 October 1995. Errors in spelling or grammar or omissions of words in the Gazetted Regulations have been corrected in this Consolidation. This' is not an authorised version of the Regulations.

The principal Regulations came into effect on 16 June 1995 upon Gazetted under LN 56195.

The enactments consolidated are:

WP Business Licence Regulations 1995:
WP Business Licence (Amendment) (No 5) Regulations 1998 LN13/99
WP Business Licence (Amendment) Regulations 1999 LN 107/99
WP Business Licence (Amendment) (No 2) Regulations 1999 (to be Gazetted)]

In exercise of the powers conferred by Section 16 of the Western Province Business Licence Ordinance 1995 the Western Provincial Executive makes the following Regulations.

1. These Regulations may be cited as the Western Province Business Licence Regulations 1995 and shall come into force on the day of approval by the Western Provincial Executive.
2. In these Regulations unless the context otherwise requires 'Ordinance' means the Western Province Business Licence Ordinance 1995.
3. Application for a business licence must be made in the form set out in Schedule A.

4. Application for renewal of a business licence must be in the form set out in Schedule B.

5. Application for a transfer of a business licence must be made in the form set out in Schedule C.

6. Application for a duplicate of 1½ business licence must be made in the form set out in Schedule I).

7. A business licence issued under the Ordinance may be in the form set out in Schedule E or in such other form or with such amendments as the Executive shall decide.

8. A duplicate business licence issued under the Ordinance shall be a copy of the copy held in the Western Province Register of Business Licences and shall be stamped or marked in pen with the word "DUPLICATE".

9. Transfer of Licence - Upon the transfer of a business licence to a new licence holder the original licence and the duplicate copy held in the Western Province Register of Business Licences shall be stamped or endorsed in the form set out in Schedule P.

10. Upon the transfer of a business licence to permit a licence holder to operate the business from new premises or in a different area the original licence and the duplicate copy held in the Western Province Register of Business Licences shall be stamped or endorsed in the form set out in Schedule C.

11. Schedule H - The categories of prescribed businesses, together with the amount of the fee for each category are set out in Schedule H of these Regulations.

12. Where a combination of categories of prescribed businesses are operated upon one premise, the fees payable are the prescribed fees set out in Schedule H.

13. Petroleum Storage – An applicant for a petroleum storage business licence or for renewal of such a licence shall specify in the application the maximum quantity of petrol or other products referred to in the definition of 'Petroleum Storage' in the Ordinance which is to be stored at any time during the licence year by the licence holder and no application for such a licence or renewal shall be considered until such time as that information is provided

14. Sea Transport Services - An applicant for a sea transport service licence or for renewal of such a licence shall specify in the application the tonnage of the vessel or vessels to be operated by the licence holder and no application for such a licence or renewal shall be considered until such time as that information is provided.

15. Exporting - Where the Ordinance and these Regulations provide a definition and specify a prescribed business for the export of a particular product, category, or

categories of products, the holder of such a licence shall not be required to also hold an Exporting' business licence.

16. Repeals - The following Regulations are hereby repealed

- (a) The Western Province Business Licence Regulations 1989.
- (b) The Western Province Business Licence (Amendment) (No. 1) Regulations 1990.
- (c) The Western Province Business Licence (Amendment) (No. 2) Regulations 1991.
- (d) The Western Province Business Licence (Amendment) Regulations 1992.
- (e) The Western Province Business Licence Regulations 1993.

SCHEDULE A
APPLICATION FORM FOR A WESTERN PROVINCE BUSINESS LICENCE

1. Licence required:

Business licence

Combination Business licence

(Delete whichever is not applicable)

2. Name of applicant:

(Note state whether individual, partnership, co-operative, limited company **or** some other type of business entity. Quote number in the case of a limited company. If a partnership, the full name of each partner must be shown)

3. Trade / Business name (if different from above):

4. Postal address

5. Registered Office (in the case of a company):

6. Telephone Number: Facsimile Number:

7. List the categories of businesses lobe operated:

- (a)
- (b)
- (c)
- (d)
- (e)

8. The address or location of tile business premises:

9. Area of operation (if applicable):

10. Full particulars of the business operation

11. Do you have the permission/authority of the landowners/reef owners to operate the business(es) specified (if applicable)

YES/NO/NOT APPLICABLE

12. If yes, please give particulars of that permission authority:

If no, are negotiations proceeding and with whom?

13. List the necessary licences by name number and expiry date you have obtained to enable you to operate the business(es) in accordance with Solomon Islands laws (if applicable) (including but not limited to, licences, permits or certificates pursuant to the Forest Resources and Timber Utilisation Act, Mining Act, Fisheries Act, Liquor Act, Town and Country Planning Act, Banking Act, Solomon Islands Tourist Authority Act, Foreign Investment Act, Shipping Act, Cinematograph Act, Customs Act etc.) (If a licence has been applied for but not yet granted please supply date of application):

14 How many Solomon Islanders do you or will you employ in the business(es) during this licence year?

15 Commencement date of business(es):

16. Period for which licence required: (Licence year 1st April to 31st March) (Maximum licence - 2 years.)

17. Please provide any other information relevant to your application on:

SIGNED

(Print name)

being

(Specify position held in company/organisation)

being a duly authorised agent of the applicant:

DATED this day of

To: The Provincial Treasurer
PO Box 36
Gizo
WESTERN PROVINCE

SCHEDULE B

APPLICATION FORM FOR RENEWAL OF A WESTERN PROVINCE BUSINESS LICENCE

Full name of Applicant:

2. Trade/Business Name (If different from above):

3. Postal Address.

4 Telephone Number: Facsimile Number

5. Number of existing business licence

6 List the categories of businesses to be operated:

- (a)
- (b)
- (c)
- (d)
- (e)

7. Please give full particulars of any changes to the business (if any) from the time of the original application or the last renewal (eg. area of operation, number of employees, licences held under other legislation etc.)

(continue on separate sheet if necessary)

SIGNED by

(Print name)

being

(Specify position held in company/organisation)

being a duly authorised agent of the applicant:

DATED this day of 19

TO: The Provincial Treasurer
 PO Box 36
 Gizo
 WESTERN PROVINCE

SCHEDULE C

APPLICATION FORM FOR TRANSFER OF A WESTERN PROVINCE BUSINESS LICENCE

PART A

(To be completed by the Licence Holder)

I
(print Name)

I

the licence holder of Licence No

OR

I
the duly authorised agent of the licence holder namely:

of Licence No REQUEST (delete whichever is not applicable)

(a) the transfer of Business Licence No

to

as from the day of 19

(b) the transfer of the location of the business premises/area of operation of the
business(es) from

to

as from the ... day of 19

The reasons for the proposed change of premises/area of operation are:

Do you have the permission/authority of the land owners/reef owners to operate the business(es) at the new premises/in We new area?

YES/NO/NOT APPLICABLE

If yes, please give particulars of that permission/authority

If no, are negotiations proceeding and with whom?

SIGNED

DATED:

PART B

(To be completed by the Proposed Transferee)

1. Name of proposed transferee:

(Note: state whether individual, partnership, co-operative, limited company or some other type of business entity.

2. Quote number in the case of a limited company. If a partnership, the full name of each partner must be shown.)

3. Trade/Business name (if different from above).

4. Postal address

5. Registered Office (in the case of a company):

6. Telephone Number

Facsimile Number:

Do you have the permission/authority of the land owners/reef owners to operate the business(es) following transfer of the licence?

YES/NO/NOT APPLICABLE

If yes, please give particulars of that permission/authority:

If no, are negotiations proceeding, and with whom

8. Have you applied for obtained a transfer of existing licences or the issue of new

licences in the name of the proposed transferee to ensure that the business(es) continue to operate in accordance with Solomon Islands law?

YES/NO/NOT APPLICABLE

Please give full details of all existing licences and the dates of application for the transfer or for the issue of new licence:

9. Please provide any other information relevant to your application:

SIGNED by

(Print name)

being

(Specify position held in company/organisation)

being a duly authorised agent of the applicant:

DATED this day of, 19

To: The Provincial Treasurer
 PO Box 36
 Gizo
 WESTERN PROVINCE

SCHEDULE D

REQUEST FOR ISSUE OF DUPLICATE LICENCE

the licence holder of

Licence No..

OR, I, .. the
duly authorised agent of the licence holder, namely of Licence No.

REQUEST Western Province to issue to the licence holder a duplicate copy of

Business Licence No

Business Licence No . . has been

LOST / DESTROYED / DAMAGED (Delete whichever is not applicable)

(If the licence has been damaged/defaced please annex it to this application).

SIGNED by

(Prnt name)

being

(position held in company/organisation)

being a duly authorised agent of the applicant.

DATED this day of 19

To: The Provincial Treasurer
PC Box 36
Gizo
WESTERN PROVINCE

SCHEDULE E

WESTERN PROVINCE BUSINESS LICENCE

No

Pursuant to the provisions of the Western Province Business Licence Ordinance I 995 and the prescribed fee having been paid, LICENCE IS HEREBY GRANTED

TO

trading as.

to operate the businesses of

in accordance with the Ordinance and any amendments thereto on the terms and conditions set out below.

this licence shall expire on the 31st day of March 1 9 unless earlier cancelled

DATED this day of 19

SIGNED BY

for and on behalf of the Provincial Executive

TERMS AND CONDITIONS OF LICENCE

The business shall be operated only from the premises at

or on the
vehicle/vessel

or within the following area:

2. The businesses) must at all times be operated in compliance with all relevant Acts and subsidiary legislation of Solomon Islands. Ordinances and subsidiary legislation and policies of Western Province and all lawful orders of any Court, tribunal commission or statutory body of competent jurisdiction in Solomon Islands.

3. The business(es) must at all times be operated with the consent and authority of the landowners/reef owners, if applicable. This licence does not convey any right, power or authority to the licence holder to enter any private or customary land or reef nor take any action relating there to.

4. This licence is only transferable (as to both the holder and place of operation of business) in accordance with section 9 of the Ordinance.

5. The licence must be produced on request by any police officer or other authorised officer.

6. The licence holder must immediately inform the Provincial Treasurer in writing of any change of the licence holder's postal address, telephone number or facsimile number or registered office of the company, co-operative etc.

7. SPECIAL TERMS, CONDITIONS, and LIMITATIONS of this Licence imposed by the Executive pursuant to section 6(5) of the Ordinance:

SCHEDULE F

FORM OF TRANSFER to be endorsed on Business Licence The within licence has been transferred from

to

as from the day of 19

but without prejudice to the rights, powers and remedies of Western Province against the Transferor with respect to any antecedent breach of the within licence or the Western Province Business Licence Ordinance 1995.

SIGNED for and on behalf of the

WESTERN PROVINCE:

Dated this day of 19

SCHEDULE C

FORM OF TRANSFER to be endorsed on Business Licence

The location of the business premises/area of operation of the business(es) stated in the within

licence has been transferred from

to

as from the day 199

SIGNED for and on behalf of the
WESTERN PROVINCE:

Dated this day of 199

SCHEDULE H

PRESCRIBED BUSINESSES AND ANNUAL BUSINESS LICENCE FEES

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$
Abattoir	600.10
Accounting Service	500.00
Air Transport Service	2500.00
Bakery	
Urban	500.00
Rural	60.00
Occasional	15.00
Banking	2,500.00
Beach Trading	100.00
Beautician	250.10

Beche-de-mer Trading	500.00
Bee Keeping	60.00
Brick Making	150.00
Broadcasting Services	1000.00
Building Constriction	1500.00
Building Rentals	500.00
Business Application: within the Province	5.00
from outside	30.00

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$
Bus/Taxi Service	350.00
Butchery	
Urban	500.00
Rural	200.00
Cannery	5,000.00
Cinema	
Part I Theatre Licence	500.00
Part II Theatre Licence	250.00
Clam Trading	200.00
Commodities:	
Buying and/or selling and/or Manufacturing; processing or fermenting	120.00
Exporting	2,500.00
Consultancy Service	500.00
Crayfish Trading	500.00
Diving Service	1,500.00
Electrical Service	500.00
Electrical Supply Service	600.00
Engineering Service	500.00
Engineering Works	600.00
Entertainment	500.00
Exporting	2 500.00
Financial Schemes	2,000.00
Fishing Commercial	5000.00

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$

Fish Exporting	3,00000
Fish Farming and / or Ranching of Fish	150.00
Fish Marketing	
Urban	25000
Rural	12000
Fish Processing	5.000,00
Furniture Manufacture	
Urban	500.00
Rural	120.00
Gold Dealer	2,500.00
Green Snail Trading	800.00
Hawking	60.00
Hire Services	250.00
Hotel	
10 rooms or less	1,000.00
More than 10 rooms	2,500,00
Ice-Cream and Ice Block Manufacture	250.00
Legal Services	500.00
Manufacturing	1200.00
Marine Product Exporting	2,500.00
Medical and/or Dental Clinic	50&00
Milled Timber Exporting	1,500.00
Mining:	
Prospectors Rights	1,000.00
Prospecting Licence	5,000.00
Special Prospecting Licence	5.00000
Alluvial Miners Permit	15,000.00

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$
Reconnaissance Permit	5,000.00
Mining Permit	10000.00
Pawnbroking	200.00
Pearl Oyster Farming	150.00
Pearl Oyster Shell Trading	800.00
Pest Control	500.00
Petroleum Storage:	
1 litre - 1,000 litres	150.00
1,001 litres - 5000 litres	500.00
5.001 litres - 10,000 litres	2,000.00
10,001 litres – 20,000 litres	5,000.00

More than 20,001 litres	10000.00
Photography	250.00
Plantation	2,500.00
Plumbing Service	500.00
Prawn Trading	800.00
Recreational Fishing	1,000.00
Restaurant:	50.00
Urban	200.00
Rural	
Resthouse	
Urban	500.00
Rural	120.00

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$
Retail:	
Urban	750.00
Rural	120.00
Road Transport Service	500.00
Round Log Exporting	35,000.00
Sawn milling:	
powered by 25hp or more	5,000.00
powered by less than 25hp	500.00
Sea Transport Services:	
OBM Canoe	50.00
Less than 20 tons in total	200.00
20 - 50 tons	500.00
50 - 100 tons	2,000.00
Over 100 tons	5000.00
Seaweed Trading	100.00
Secretarial Service	250.00
Security Service	250.00
Ship Building	600.00
Shipping Agent	5,000.00
Shipping Service (Occasional)	600.00
Snack Bar	300.00
Stevedore Service:	200.00

Tailor	
Urban	250.00
Rural	120.00
Timber Felling	300.00
Timber Sales	300.00
Tourist Business	250.00

PRESCRIBED BUSINESS	ANNUAL BUSINESS LICENCE FEE
	\$
Tourist Resort	
10 rooms or less	600.00
More than 10 rooms	1,500.00
Tourist Vessel	2,000.00
Trochus Trading	150.00
Wholesale Store or Warehouse:	
Urban	3,000.00
Rural	500.00

ANCILLARY FEES

Transfer Licence Application \$30.00

Duplicate Licence Application \$5000