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(Section 15 of the Business Licences Act 2017)

**BUSINESS LICENCES (REGIONAL PROCESSING CENTRES AND SETTLEMENTS)
REGULATIONS 2017**

SL No. [23] of 2017

Notified: []

TABLE OF CONTENTS

1	CITATION.....	2
2	COMMENCEMENT.....	2
3	DEFINITIONS.....	2
4	MANDATORY REQUIREMENT FOR LICENCE.....	3
5	APPLICATION FOR SPECIAL CATEGORY OF LICENCES.....	3
6	SPECIAL CATEGORY LICENCE CONDITIONS.....	4
7	FOREIGN INCORPORATION OR REGISTRATION CERTIFICATES.....	4
8	DOCUMENTS NECESSARY FOR LICENCE.....	4
9	BUSINESS LICENCE.....	5
	SCHEDULE 1.....	6
	SCHEDULE 2.....	7
	SCHEDULE 3.....	8
	SCHEDULE 4.....	9
	SCHEDULE 5.....	10

G.N. No. 744 / 2017 (Cont'd)

Cabinet makes the following Regulations under section 15 of the Business Licences Act 2017:

1 Citation

These Regulations may be cited as the *Business Licences (Regional Processing Centres and Settlements) Regulations 2017*.

2 Commencement

These Regulations commence on the day notified in the Gazette.

3 Definitions

In these Regulations:

'Act' means the Business Licences Act 2017;

'authorised service provider' includes:

- (a) a person, partnership or corporation that has an authorised contract under the provisions of the Nauru (RPC) Corporation Act to provide services at Regional Processing Centres, Settlements or in relation to protected persons;
- (b) a director, secretary, manager, officer, partner and an employee of the service provider; and
- (c) a subcontractor engaged by a person, partnership or corporation that has an authorised contract under the provisions of the Nauru (RPC) Corporation Act, to provide services at the Regional Processing Centres and Settlements or in relation to protected persons.

'foreign corporation' means:

- (a) a corporation that is incorporated outside the Republic;
- (b) an unincorporated body that is formed or registered outside of the Republic;
- (c) a corporation or unincorporated body that does not have its head office or principal place of business in the Republic; or
- (d) a subsidiary, of a corporation or unincorporated body incorporated or registered in a foreign country, that is incorporated in the Republic for the sole purpose of carrying out business in the Republic.

'local service provider' means a business or corporation owned and operated by Nauruan citizens but does not include the following:

G.N. No. 744 / 2017 (Cont'd)

- (a) a business or corporation having all non-Nauruan citizen shareholders or interests;
- (b) a business or corporation owned in partnership between a Nauruan and non-Nauruan citizen where any capital shares or class of shareholding of the Nauruan part of the shareholding or interest is less than 60%; and
- (c) the nominal shares allotted to the Nauru Agency Corporation.

'Nauru (RPC) Corporation Act' means the Nauru (RPC) Corporation Act 2017;

'services' includes goods and services but excludes land leases as defined under the Nauru (RPC) Corporation Act;

'licence' means a special category of business licence applied for by an authorised service provider under the Nauru (RPC) Corporation Act for the purposes of rendering services to the Regional Processing Centres and Settlements or in relation to protected persons;

(4) Mandatory requirement for licence

- (1) For the purposes of section 24(1)(c) of the Nauru (RPC) Corporation Act an authorised service provider shall obtain a licence under these Regulations prior to carrying out any services to the Regional Processing Centres and Settlements or in relation to protected persons.
- (2) An authorised service provider shall apply for a licence under these Regulations where:
 - (a) at the time of the commencement of the Nauru (RPC) Corporation Act and these Regulations the authorised service provider was rendering services to the Regional Processing Centres and Settlements or in relation to protected persons under a current contract; or
 - (b) it has been granted an authorised contract under section 24 of the Nauru (RPC) Corporation Act.

(5) Application for Special Category of licences

An authorised service provider applying for a licence under these Regulations shall:

- (a) apply using the applicable forms set out in Schedules 1 and 2; and
- (b) pay the applicable fees set out in Schedules 3 and 4.

G.N. No. 744 / 2017 (Cont'd)

(6) Special Category licence conditions

The licence granted to an authorised service provider under these Regulations shall be subject to:

- (a) the specified business activity applied for in the licence;
- (b) the contract authorised by the Cabinet issued for the provision of services at the Regional Processing Centres and Settlements or in relation to protected persons; and
- (c) any other terms and conditions specified by the Registrar.

(7) Foreign incorporation or registration certificates

For the purposes of granting a business licence to an authorised service provider not incorporated under the Corporations Act 1972 or registered under the Business Names Act 1976, the Registrar may grant a business licence to a foreign person or corporation on the provision:

- (a) of a certified copy of a current certificate of incorporation or registration from the country of registration; or
- (b) in the case of a foreign corporation incorporating a subsidiary corporation in the Republic under the Corporations Act 1972, a certified copy of the certificate of incorporation or registration of the principal corporation in the foreign country it is incorporated or registered.

(8) Documents necessary for licence

- (1) Where a foreign corporation applies for a licence under these Regulations the following documents shall be lodged with the application form:
 - (a) certified copy of current certificate of incorporation or registration of a corporation or partnership from the registration authority of the foreign country;
 - (b) if a subsidiary corporation, registered under the Corporation Act 1972, certified copy of current certificate of incorporation or registration of a corporation or partnership from the registration authority of the foreign country;
 - (c) TIN issued under the Revenue Administration Act 2014; and
 - (d) evidence that the applicant is an authorised service provider under the Nauru (RPC) Corporation Act.
- (2) Where an authorised local service provider applies for a licence under these Regulations the following documents shall be lodged with the application form:

G.N. No. 744 / 2017 (Cont'd)

- (a) certificate of registration of business name under the Business Names Act 1976;
- (b) certificate of incorporation under the Corporation Acts 1972;
- (c) TIN issued under the Revenue Administration Act 2014; and
- (d) evidence that the applicant is an authorised service provider under the Nauru (RPC) Corporation Act.

(9) Business licence

The Registrar shall issue a licence in the form contained in Schedule 5.

G.N. No. 744 / 2017 (Cont'd)



REPUBLIC OF NAURU
(SECTION 15 OF THE ACT AND REGULATION 5(A))

SCHEDULE 2

Application for Special Category of Business Licence
REGIONAL PROCESSING CENTRES AND SETTLEMENTS
(Local Service Provider)

- New Business licence special category
Business Licence Number: _____

- Renewal

<p>Documents to be provided with application:</p> <ul style="list-style-type: none"> • Certificate of registration of business name under the Business Names Act 1976; • Certificate of incorporation under the Corporation Acts 1972; • TIN issued under the Revenue Administration Act 2014; and • Evidence that the applicant is an authorised service provider under the Nauru (RPC) Corporation Act. 	
<p>Location of Business premises <i>Note: If the business operates in more than one premise, list each premises. If the business operates on a mobile basis, specify the head office or permanent premises of the business.</i></p>	
<p>Telephone</p>	
<p>Email Contact</p>	
<p>Nationality</p>	
<p>Type of Business</p>	
<p>Approved by the Secretary for Justice and Border Control</p>	

Tick here if corporation:

Tick here if partnership:

Clearly print names of Partners or Directors

By signing this application I declare under penalty of perjury, that the contents hereof are true and correct.

Printed Name:

Signature:

Date: _____

G.N. No. 744 / 2017 (Cont'd)

SCHEDULE 3

Regulation 5(b)

Fees for Foreign Companies

Nature of application	Section of Act	Fee
Application for business licence (special category)	Section 15	\$50,000
Application for renewal of licence (special category)	Section 16	\$50,000
Late application fee for renewal of licence made in less than 30 days of the expiry of a licence	Section 16(2)(b)	\$10,000
Late application fee for renewal of licence after the expiry of a licence	Section 16(2)(c)(i)	\$20,000
Application fee for variation of particulars of licence	Section 21(1)	\$20,000
Fee for a certified copy of entries in the Register and Certificate	Section 5(2)(b)	\$1000
Fee for inspection of the Register	Section 5(2)(a)	\$1000
Application fee for assignment or transfer of licence	Section 20	\$30,000

G.N. No. 744 / 2017 (Cont'd)

SCHEDULE 4

Regulation 5(b)

Fees for Local Service Providers

Nature of application	Section of Act	Fee
Application for business licence (special category)	Section 15	\$1,000
Application for renewal of licence (special category)	Section 16	\$1000
Late application fee for renewal of licence made in less than 30 days of the expiry of a licence	Section 16(2)(b)	\$500
Late application fee for renewal of licence after the expiry of a licence	Section 16(2)(c)(i)	\$1,000
Application fee for variation of particulars of licence	Section 21(1)	\$300
Fee for a certified copy of entries in the Register and Certificate	Section 5(2)(b)	\$200
Fee for inspection of the Register	Section 5(2)(a)	\$250
Application fee for assignment or transfer of licence	Section 20	\$750

G.N. No. 744 / 2017 (Cont'd)



REPUBLIC OF NAURU

Section 15 of Business Licences Act 2017

Regulation 9 of Business Licences (Regional Processing Centres and Settlements) Regulations 2017

SCHEDULE 5

REGIONAL PROCESSING CENTRES AND SETTLEMENTS

BUSINESS LICENCE

(Name and address of service provider) is/are hereby licensed to operate a *(nature of business)* at the **REGIONAL PROCESSING CENTRES AND SETTLEMENTS**.

This licence is valid for one year from date of issue and is subject to the following conditions:-

- (a) *A copy of this licence must be displayed in a prominent place at the business premises of the licensed business;*
- (b) *The Licence or certified copy of the Licence shall be produced upon demand by an authorised person.*
- (c) *The operator must comply with all laws of Nauru;*
- (d) *This licence is not transferrable;*
- (e) *Failure to renew this on time may result in a \$10,000 fine and may also incur additional fines and penalties.*

The following authorised officers may inspect business licences and such assistance must be afforded to them. Powers of authorised officers are attached to this business licence.

- (a)
- (b)

Registration valid from :

(Not to exceed 12 months)

REGISTRAR

Licence No	:
Licence fee paid	:
Receipt No	:
Date paid	: