

# REPRINT

## LICENCE ACT (CAP. 124)

**As in force at: 1 October 2009**

**STATUS: CURRENT**

For details see Endnotes

**AN ACT RELATING TO LICENCES**

## LICENCE ACT (CAP. 124)

### Table of provisions

1	Short title	1
2	Interpretation	1
3	Licence fees to be paid as per Schedules	1
4	Issue of licences	1
5	Duration of licences	2
6	Licences	2
7	Auctioneer's licence	3
8	Insurance companies	3
9	Liability of owner and master of vessel	3
10	How tonnage of vessel to be measured	3
11	Limitation of privileges under licence	4
12	Licences subject to any law for specific regulation of profession, etc.	4
13	Penalties	4
14	How prosecutions to be instituted	5
15	Accused must prove licence	5
16	Powers of police or revenue officer	5
17	Assisting, etc., commission of offence	6
18	Fees, etc., to form part of revenue	6
19	Forfeiture of vessel for non-payment of penalty	6
	<b>SCHEDULE A</b>	<b>6</b>
	<b>SCHEDULE B</b>	<b>6</b>

# LICENCE ACT (Cap. 124)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Licence Act*.

## 2 Interpretation

In this Act unless the context otherwise requires:

“**Chief Accountant**” means the Chief Accountant of Solomon Islands;

“**ton**” and “**tonnage**” means gross ton and gross tonnage respectively;

“**trading**” includes the doing of any act with a view to or for the purposes of gain or profit other than recruiting.

## 3 Licence fees to be paid as per Schedules

Every person following or exercising any of the professions, trades, or callings or doing any of the acts specified in Schedules A and B hereto whether in conjunction with any other profession, trade or calling or act so specified, or otherwise, shall take out a licence and pay a licence fee at the rate set forth in the said Schedules in respect of each profession, trade, calling or act so specified, such fees being cumulative.

## 4 Issue of licences

- (1) The Chief Accountant may, subject to the approval of the Minister, issue any of the licences specified in the Schedules hereto, and may appoint licensing officers and assign provinces to such officers. Every such officer so appointed may, subject to the directions of the Chief Accountant, issue any of the aforesaid licences.
- (2) The Minister shall have power to refuse to grant or renew any licences.

## **5 Duration of licences**

- (1) A licence issued under this Act shall not be issued for any period less than that specified in respect thereof in the Schedules hereto.
- (2) For the purposes of this Act, the year shall be deemed to be divided into two half-years, the first half-year being from the first day of January to the thirtieth day of June inclusive, and the second half-year being from the first day of July to the thirty-first day of December inclusive. A licence issued during any half-year shall date from the first day of such half-year.

## **6 Licences**

- (1) Every licence issued under this Act in respect of any profession, trade, calling or act specified in Schedule A hereto shall enable the person named in such licence to follow or exercise the said profession, trade or calling or do the said act in any part of Solomon Islands.
- (2) Every licence issued under this Act in respect of any profession, trade, calling or act specified in Schedule B hereto shall state the premises, building or vessel in respect of which the said licence has been issued, and shall be valid only for the premises, building or vessel indicated therein, and no such licence shall allow the person or firm named therein to follow, exercise or do in or upon any premises, building or vessel save those or that described as aforesaid the profession, trade, calling or act specified in the licence.
- (3) In the case of a licence issued in respect of a vessel the licence shall specify whether the licence authorises trading in any and every part of Solomon Islands, or whether the right to trade shall be limited to certain places, provinces or areas in Solomon Islands specified in the licence.
- (4) A ship's trading licence may be endorsed by the Chief Accountant, so as to transfer the licence to any other person or vessel:

Provided that in every case of the transfer of a ship's trading licence:

- (a) where the tonnage measurement of a substituted vessel exceeds that of the original vessel, the licence holder applying

for endorsement shall upon application for such endorsement pay the excess rate (if any) for such greater tonnage, calculated at the rate of one-twelfth of the additional annual rate for each month or part of a month of the unexpired term of the licence;

- (b) where the tonnage measurement of a substituted vessel is less than that of the original vessel, no refund shall be made of any portion of the licence fee already paid.

## **7 Auctioneer's licence**

An auctioneer's licence shall entitle the licensee to sell real and personal property by public auction.

## **8 Insurance companies**

Insurance companies shall not mean or include life assurance companies.

## **9 Liability of owner and master of vessel**

In the case of a vessel in respect of which a licence is required to be taken out under this Act, the owner and the master or person in charge of such vessel shall be deemed to be persons, both jointly and severally employing or using such vessel and both or either of them may be prosecuted for any breach of the provisions of this Act.

## **10 How tonnage of vessel to be measured**

The measurement of any registered British vessel and of the vessel of any foreign country which has adopted the rules concerning the measurement of tonnage made under the *Merchant Shipping Act 1894* of the Imperial Parliament and the Acts amending the same shall be deemed to be that specified in the register. In the case of any other vessel, the measurement shall be determined by the Harbour Master of the port of the Capital or by some competent person appointed by the Chief Accountant. The expenses of or connected with the measurement of a vessel in respect of which a licence is applied for shall be borne by the applicant for such licence.

**11            Limitation of privileges under licence**

No licence issued under this Act in respect of any profession, trade, calling or act shall entitle the holder to follow, exercise or do any other profession, trade, calling or act in respect of which the issue of a specific licence is provided for under this Act.

**12            Licences subject to any law for specific regulation of profession, etc.**

The provisions of this Act shall be additional to the provisions of any other law for the specific regulation or control of any profession, trade, calling or act in respect of which any licence is hereunder required to be taken out.

**13            Penalties**

- (1) Any person following or exercising any of the professions, trades or callings or doing any of the acts specified in Schedules A and B hereto without a licence or otherwise committing a breach of the provisions of this Act shall on conviction forfeit a sum not exceeding twice the amount of the proper licence fee for one year, and in default of payment may be imprisoned for three months.
- (2) No conviction for trading without a licence shall be recorded against any person who, having held a licence which expired on the thirtieth day of June or the thirty-first day of December, shall have renewed such licence on or before the last day of the next immediately succeeding month.
- (3) Upon any conviction the Court may, in addition to any penalty or other punishment which it may inflict, order the convicted party to pay into Court such a sum (not exceeding the proper licence fee for one year payable in respect of the profession, trade or calling on account of which the conviction was obtained) as it may think the public revenue should have received from the convicted party in respect of unpaid licence fees, and, in default of payment of such sum within such time (if any) as may be specified in the order, such convicted party shall be liable to be imprisoned for three months.

#### **14 How prosecutions to be instituted**

All prosecutions under this Act shall be instituted in the name of the Chief Accountant and may be instituted and conducted by any police officer not below the rank of Inspector and by any revenue officer authorised generally or specially in that behalf by the Chief Accountant.

#### **15 Accused must prove licence**

In any prosecution under this Act charging any person with following or exercising any profession, trade or calling or doing any act without licence the charge shall be held to be proved if it is shown to the satisfaction of the Court that the accused did actually follow or exercise the said profession, trade, or calling or do the said act unless he shall produce his licence in Court or shall show to the satisfaction of the Court that such licence was duly taken out.

#### **16 Powers of police or revenue officer**

- (1) It shall be lawful for any police officer or revenue officer at all reasonable times:
  - (a) to demand the production of any licence for inspection;
  - (b) to make any inquiries that he thinks fit to ascertain whether any breach of the provisions of this Act has been committed;
  - (c) on the written authority of the Minister, the Commissioner of Police, or of any Provincial Secretary to enter into or upon any premises, building or vessel where, or in connection with which, he has reason to believe that any profession, trade or calling is being followed or exercised or any act is being done in respect of which a licence is required to be taken out, and to search any such premises, building or vessel, and to demand the production of and inspect and take copies of or extracts from any books or documents relating thereto.
- (2) If any person obstructs or impedes any police or other officer in the execution of his duty, or refuses to answer any question reasonably put to him by, or makes any false statement to any police or revenue officer, or refuses or fails without lawful excuse to produce any book,

document or licence which he is duly required to produce he shall on conviction be liable to a penalty of twenty penalty units.

**17 Assisting, etc., commission of offence**

Any person who assists in or procures the commission of any offence against the provisions of this Act shall be liable to be dealt with in the same manner as a principal offender.

**18 Fees, etc., to form part of revenue**

All licence fees, fines and penalties collected or paid under this Act shall form part of the Consolidated Fund.

**19 Forfeiture of vessel for non-payment of penalty**

When any penalty is imposed under this Act by the Court upon the owner or master of any vessel, and such penalty is not paid within such time (if any) as may be specified in the order of the Court, the Court may order that the vessel together with all things found on board thereof be seized and kept at the risk and cost of the owner of the vessel for a period of three months, unless such vessel is before the expiration of such period released by payment of the penalty costs and expenses. If at the expiration of such period the penalty costs and the expenses of seizing and keeping the vessel or any part thereof remain unpaid then the vessel together with all things found on board thereof shall be liable to be forfeited to Her Majesty.

**SCHEDULE A**

(i) Auctioneer	year	\$60.00
(ii) Insurance Company or Agency	year	\$30.00

**SCHEDULE B**

Employing or using vessel for trading to, from, or within Solomon Islands either generally or limited to the place or area	\$
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specified in the licence:

not exceeding 25 tonnage measurement	year	10.00
	half year	6.00
exceeding 25 tonnage measurement for every additional ton	year	1.00
	half year	0.60

Provided that:

(a) the licence fee payable in respect of any one vessel shall not exceed	year	480.00
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	half year	240.00
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and in the case of a quarterly licence		100.00
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(b) when a vessel is employed solely as a common carrier the person employing such vessel shall in lieu of the licence fees in this subhead specified pay the sum of sixty dollars for every entry of any such vessel.

## ENDNOTES

1

### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 124 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

2

### LIST OF LEGISLATION

#### ***Licence Act (Cap. 124)***

<i>Constituent legislation:</i>	6 of 1916 (Commenced 1 August 1916)
	2 of 1918
	8 of 1920
	9 of 1923
	2 of 1930
	5 of 1930
	6 of 1931
	1 of 1934
	4 of 1936
	13 of 1941
	14 of 1941
	9 of 1954
	21 of 1957
	4 of 1960
	6 of 1963
	7 of 1964
	21 of 1964
	LN 93 of 1971
	LN 46A of 1978
	LN 88 of 1978

#### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
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Gazetted 1 October 2009  
Commenced 1 October 2009

**3 LIST OF AMENDMENTS**

s 16 amd by Act No. 14 of 2009