

[Legal Notice No. 114]

PROVINCIAL GOVERNMENT ACT 1997
BUSINESS LICENCE ORDINANCE 2020 OF
CENTRAL ISLANDS PROVINCE

In exercise of powers conferred on me by section 30 (2) of the *Provincial Government Act 1997*, and acting upon the advice of Premier through the Office of the Clerk to Assembly of Central Province, I here by;

- (i) Assent the *Central Province Business Licence Ordinance 2020* be published in the Gazette.

Dated at Honiara this twenty-seventh day of April 2020

HON. ROLLEN SELESO, MP

Minister for Provincial Government & Institutional Strengthening

CENTRAL PROVINCE BUSINESS LICENCE ORDINANCE 2020

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CENTRAL PROVINCE BUSINESS LICENCE ORDINANCE 2020

In exercise of the powers conferred by section 31 of the Provincial Government Act 1997, (Act No. 7 of 1997), the Minister for Provincial Government and Institutional Strengthening makes the following Ordinance:

Part 1 Preliminary matters

1 Citation

This Ordinance may be cited as the Central Province Business Licence Ordinance 2020.

2 Commencement

This Ordinance commences on publication in the Gazette.

3 Definitions

In this Ordinance:

“*Act*” means the Provincial Government Act J 997;

“*Assembly*” means the Central Province Provincial Assembly constituted under section 7 of the Act;

“*authorised officer*” means a person authorised by the Executive under section 20 of this Ordinance;

“*business*” means;

- (a) any activity carried out in order to make a profit; and
- (b) includes:
 - (i) provision of services; and
 - (ii) manufacturing; and
 - (iii) retailing; and
 - (iv) wholesaling; and
 - (v) harvesting or collecting of natural resources; and

- (vi) farming; and
 - (vii) purchasing of goods within the province for the purposes for sale outside the province; and
 - (viii) working on contract for another business; and
- (c) does not include being an employee or activities on or in a local market, or hawking;

“*Executive*” means the Central Province Provincial Executive;

“*premises*” mean any structure, building, the land on which it is situated and any adjoining land used in connection with the structure or building ;

“*Province*” means Central Province as defined under section 3 of the. Act;

“*Provincial*” means relating to Central Province;

“*Religious material*” means items directly related to the carrying out of religious services, such as wine, candles, dictionaries and bibles.

4 Purpose

The purpose of this Ordinance is to regulate and control the operation of businesses in Central Province for the purpose of protecting and promoting the people, culture, and environment of Central Province.

Part 2 Business Licence

5 Businesses must be licensed

A person must not operate a business in the Province unless that person holds a business licence.

6 Exemptions

- (1) This Ordinance does not apply to:
- (a) the Central Province Investment Shares in Public Private Partnership arrangements;
 - (b) hawking or trading in local market marketing;
 - (c) fundraising where the proceeds are used solely for charitable, religious, educations, sporting or other community purposes; or
 - (d) selling of religious books and other religious material or paraphernalia.

7 Form of application

- (1) A person who intends to operate a business must apply for a business licence.

- (2) The application must be made:
 - (a) in the form prescribed in Schedule 1; and
 - (b) sent to the Provincial Secretary; and
 - (c) accompanied by the fee prescribed in Schedule 5.
- (3) A person who holds a business licence may apply to renew the licence.
- (4) The application must be made:
 - (a) in the form prescribed in Schedule 2; and
 - (b) sent to the Provincial Secretary; and
 - (c) accompanied by the fee prescribed in Schedule 5.
- (5) A business may be conducted one or more than one premises, each business must be separately licensed.
- (6) A person may not apply for a business licence under subsection (1) if the person :
 - (a) has not obtained the required national licences, permits or permissions for or relating to the person's business.
 - (b) in the case of foreign investment, intends to carry out business in a reserved or prohibited area; or
 - (c) intends to conduct a business in contravention of a national or provincial law.
- (7) A holder may not apply to renew a business licence under subsection (3) if the holder:
 - (a) has not paid the prescribed fee;
 - (b) has not obtained the required national licences, permits or permissions for a relating to the holder's business;
 - (c) in the case of foreign investment, is or will carry out business in a reserved or prohibited area; or
 - (d) is conducting or will conduct a business that contravenes or will contravene a national or provincial law.

8 Applications for mining and logging operations

- (1) Applications relating to mining or logging operations must be accompanied by copies of the following:
 - (a) the business's national licence issued by the Director of the Ministry responsible for Mines and Minerals and/or the Commissioner of the Ministry responsible for Forest Resources;
 - (b) approval from the Director of the Environment and Conservation Division to carry out the activities described in the business licence

- application and to which the national licence relates;
 - (c) a copy of the company's Environment Impact Assessment;(d) State of the Forest Report stating the baseline data and size of trees whether it is sustainable to fell trees or not to fell trees;
 - (e) the Province may request an independent assessment with any entity for purposes of protecting the natural environment both on land, sea and rivers; and
 - (f) any other documentation and information that the Provincial Executive may require in order to assess the potential impact of the activities for which a licence is sought.
- (2) The Executive must not issue a business licence for mining or logging operations unless the information specified in subsection (1):
- (a) is provided with the application; and
 - (b) has been considered by the Executive.
- (3) No licence shall be issued for mining or logging operations until or unless the information in subsection (1) is provided .

9 Decisions about application

- (1) The Provincial Secretary must deliver each application received by the Provincial Secretary to the Executive.
- (2) The Executive must:
- (a) approve the application;
 - (b) decline the application; or
 - (c) approve the application subject to any terms and conditions imposed under section I 0;
- (3) When considering any application under subsection (I), the Executive must take into account:
- (a) the extent of involvement in the business by the people indigenous to Central Province and resident in the locality where the business is intended to be carried out; and
 - (b) the contribution the businesses will make to the people of Central Province; and
 - (c) the geographical area served by the business: and
 - (d) any other matter or matters affecting the interests of the people of Central Province and their environment ;
 - (e) if the application relates to mining or logging operations, the documents, information and material specified in subsection 8(1).
- (4) If the Executive is considering declining an application under subsection

2(b), it must first give the applicant:

- (a) notice of the reasons that the application might be declined ; and
- (b) a reasonable opportunity to make a submission or be heard on the matter

10 Terms and Conditions of business licence

- (1) The terms and conditions of a business licence are specified on the business licence.
- (2) It is a term or condition of a business licence that:
 - (a) the holder of a licence must comply with laws in force in the Province; and
 - (b) the holder may only conduct business on the premises specified in the business licence.
- (3) The Executive may by written notice amend or revoke any term or condition imposed under subsection (1).
- (4) In addition, the Executive may impose other terms and conditions on a business licence.

11 Duration of Licence

A business licence has effect from the date that it is issued until 31 March following date of issue.

12 Classification of business

- (1) If the executive approves an application, the provincial secretary must issue the business licence to the applicant; and
- (2) The business licence must be in accordance with Schedule 3.

13 Proof of business licences

The production of the business licence, or a certified true copy of the business licence, is proof that the business licence was properly approved and issued.

14 Register of business licences

- (1) The Provincial treasurer must keep a register of all:
 - (a) applications for a business licence;
 - (b) decisions made in respect of each application; and
 - (c) licences issued under this Ordinance.
- (2) The register must be open for public inspection during normal working hours at the place where it is kept.

15 Display of business licences

A business licence must be:

- (a) displayed in a prominent position in or on the business premises where the business the subject of the licence is conducted; and
- (b) must be available for public inspection during normal working hours.

16 Business licence not transferable

A business licence is not transferable.

17 Lost, Stolen or damaged business licences

The holder of a business licence that has been lost, stolen or damaged may, on payment of the prescribed fee, obtain a copy of the business licence certified by the provincial Secretary to be a true and collect copy of the business licence.

18 Suspension, caoce llatioo, or revocation of business licence

- (1) The Executive may suspend or cancel or revoke a business licence if the executive reasonably believes that the holder of the licence:
 - (a) has not comp lied with a tenn or condition of the business licence; or
 - (b) is carrying out their business in a manner that brings the province into disrepute.
- (2) If the Executive is considering suspending, cancelling a business licence under subsection (1), it must first give the holder:
 - (a) notice of the reasons why the suspension, cancellation is being considered; and
 - (b) a reasonable opportunity to make a submission and be heard on the matter.

19 Application for additional premises

- (1) A holder of a business licence may apply to the executive for approval to operate their business on additional premises.
- (2) The application must be:
 - (a) addressed and in accordance with Schedule 4; and
 - (b) be accompanied by the prescribed fee.

20 Authorised officers

- (1) The Executive may authorise a person (“authorised officer”) in writing to perform functions, duties and exercise powers under and in accordance

with the Ordinance.

- (2) The authorisation may be subject to conditions .
- (3) The Executive may vary or revoke an authorisation.
- (4) Any authorisation or variation or revocation of an authorisation, must be in writing and given to the authorised officer.

Part 3 Miscellaneous matters

21 Payment of prescribed fees

- (1) A prescribed fee must be paid into the provincial fund of the province established under section 37 of the Provincial Government Act 1997 (No 7. of 1997).
- (2) If an applicant does not pay the prescribed fee referred to in section 7, the Provincial secretary must not accept the application.
- (3) If the holder of a business licence does not pay a prescribed fee into the provincial fund the holder commits an offence under section 23 and, on the conviction of the holder of the offence, the business licence ceases to have effect.
- (4) Any fee due under this Ordinance must be paid into the Provincial Fund of Central province, as established under section 34 of the Act.

22 Recovery of fees

A prescribed fee or fine imposed under section 23 is a debt due and payable to the Province and is recoverable by the Attorney General in a court of competent jurisdiction.

23 Offences

- (1) Any person who operates a business without a valid business licence commits an offence is liable to a fine not exceeding:
 - (a) \$500.00 in the case of a first time offence; or
 - (b) 100% of the cost of the business licence that they failed to obtain in the case of a second, or repeat, offence.
- (2) Any person operating a business after receiving notification that their business licence has been suspended, cancelled or revoked is guilty of an offence and liable to a fine not exceeding 5% of the total cost of the relevant business licence for every day that the business operates illegally.
- (3) Any person who continues to operate a business having been found guilty

of an offence under either subsection (I) or (3), commits an offence is liable to a fine not exceeding 200% of the total cost of the business licence the subject of the offence.

- (4) Any person who obstructs a Police Officer or authorised officer commits an offence and is liable to a fine not exceeding \$2000.00.

24 Repeal

On the commencement of this Ordinance, the ordinance of the Province applying to business licences that were in force before this commencement are repealed.

25 Transitional provision

On the commencement of this Ordinance, a business licence issued under the previous business licence ordinance continues to have effect subject to, and as if it were issued under, this Ordinance until the expiry of the term of the licence specified in the licence

Dated this eleventh day of March 2020

HON. ROLLEN SELESO

Minister of Provincial Government and Institutional Strengthening

SCHEDULE 1

Form of application/or a business licence

- 1. Name of business

- 2. Name of person completing this form , including position in the business:

- 3. Description of type of business you wish to obtain a licence for;

4. If you intend to operate a petroleum sales business, how many 200 litre drums do you estimate you will sell per year? *Please circle one.*

1-5 200

6-10 200

11-30 200

31 and above.

5. Where will your business be located? *If on a vessel or vehicle, please give detail of the area where it will operate and a description , including registration information, of the vehicle or vessel.*

6. Will your business be operating in or near a conservation area? *If so, please describe the conservation area.*

7. Contact address for business:

8. Is there any other information that you think might be relevant? For example, have you previously held a business licence?

9. If you do not own the land where your business will operate , have you obtained the permission of the landowner to run the business? **Yes/ No** (*please circle one*)

Signature of applicant:

Date:

Signature of landowner:

Date:

SCHEDULE 2

Form of application for a renewal of a business licence

Explanatory note: Please use this form if you currently hold a business licence. If you do not apply for renewal of your licence before 31 March of the year that your licence expires, you must apply for a new business licence, using the form prescribed in Schedule 1.

It is recommended that you submit your application for renewal at least 28 days before it expires.

- 1. Name and address of business:

- 2. Licence number:

- 3. Name of the person completing this form and their position in the business:

- 4. Have there been any changes to your business since your last licence was granted? *If so, please explain what those changes are.*

Signature of applicant:

Date:

SCHEDULE 3

Form of business licence

Licence No: _____ **Receipt No:** _____

Date Licence Issued: _____ Date Licence Expires: _____

Business Owner:

Address:

Business Name:

Location of Premises:

Description of Vehicles or Vessels to be used by the Business to separate licence for each vehicle or vessels.

LICENCE CONDITIONS

1. This licence must be displayed at all times on the business premises or on the vehicle or vessel. (8)
2. This licence does not give any rights to enter land to operate the licensed business. You must get the landowners permission.
3. The licence holder must comply with the laws of the Solomon Islands and Central Province.
4. The licence holders must produce this licence on the request of any Police Officer, Community Officer or Authorised Officer.
5. If the licence is lost or destroyed, a duplicate licence may be applied for from the Provincial Treasurer and will be provided on payment of the appropriate fee.

- 6. If you wish to use additional premises, vehicles or vessels for your business, you must apply for additional business licence.
- 7. The holder of petroleum business licence shall not store and sell petroleum products within fifty metres from residential area.
- 8. The licence is not transferrable.

Provincial Treasurer

Date:

SCHEDULE 4

Form of application for a licence for additional premise, vehicle or vessel

Form of application for a licence for additional premise, vehicle or vessel

- 1. Full name of the holder of the business licence.

- 2. Number of business licence

- 3. Give details of the additional premises, vehicle or vessel to be licensed (for example, the location of the premises or the type of vehicles or vessels).

- 4. Give details of the type of business for which the additional premises, vehicle or vessel will be used.

- 5. Is there any other information you think is relevant to your application?

Signature of business licence holder

Date:

SCHEDULES 5

BUSINESS TYPE	BUSINESS LICENCE FEE PER ANNUM UNLESS OTHERWISE STATED
BAKERY GENERAL	
URBAN.....	1000
RURAL.....	500
RING CAKES, DOUGHNUTS & OVEN CAKES	
URBAN.....	300
RURAL.....	300
BEACH TRADING	
BY SMALL CRAFT (INCLUDING CANOES).....	1000
BY OTHER MEANS THAN SMALL CRAFT.....	5000
CINEMA	
PERMANENT	
URBAN.....	400
RURAL.....	150
TEMPORARY (ANY NUMBER OF SHOWS WITHIN A WEEK	
URBAN	
RURAL	
CHARITABLE	
AGRICULTURE	
BUTCHERY.....	5000
ABATTOIR.....	3000
CATTLE RANCH (50 OR MORE HERD).....	10000
CATTLE RANCH (10 TO 49 HERD).....	5000
CATTLE RANCH (1 TO 9 HERD).....	2500
COCOA	
REGISTRATION OF COCOA DRYER.....	50
WET OR UNFERMENTED BEAN BUYER.....	500
PROCESSED DRY BEAN BUYER.....	500
COMMERCIAL COCOA GROWER (MORE THAN 50 TONS SOLD PA.....	10000
COMMERCIAL COCOA GROWER (39 TONS TO 49 TONS SOLD PA.....	8000
COMMERCIAL COCOA GROWER (20 TONS TO 38 TONS SOLD PA.....	6000
COMMERCIAL COCOA GROWER (10 TONS TO 19 TONS SOLD PA.....	4000
COMMERCIAL COCOA GROWER (5 TONS TO 9 TONS SOLD PA.....	2000
COMMERCIAL COCOA GROWER (1 TONS TO 4 TONS SOLD PA.....	1000
COCOA EXPORT BUYER.....	15000
ANIMAL FEED PROCESSING.....	1000
COPRA	
COMMERCIAL GROWER (50 TONS OR MORE SOLD)	
LOCAL.....	1500
FOREIGN.....	10000
DRY NUT BUYER FOR COPRA MAKING- LOCAL.....	500
DRY NUT BUYER FOR COPRA MAKING-FOREIGN.....	5000
GREEN COPRA BUYER-LOCAL.....	500
DRIED COPRA BUYER -LOCAL.....	1000
DRIED COPRA BUYER-FOREIGN.....	10000
COPRA BUYING CENTRE-LOCAL.....	3000
COPRA BUYING CENTRE-FOREIGN.....	15000
RURAL TRADING CENTRES - LOCAL.....	0

RURAL TRADING CENTRES FOREIGN OF EXPORT	
LOCAL.....	2000
FOREIGN.....	10000

FISHING

COMMERCIAL ESTABLISHMENT - LOCAL.....	6500
COMMERCIAL ESTABLISHMENT - FOREIGN.....	70000
PURCHASE OF FISH FOR RESALE - FOREIGN.....	5000
PURCHASE OF FISH FOR RESALE - LOCAL.....	500
COMMERCIAL/ EXPORTER - FOREIGN.....	60000
COMMERCIAL/EXPORTER - LOCAL.....	10000
COMMERCIAL ESTABLISHMENT SALE OF FISH LOCALLY - FOREIGN.....	5000
COMMERCIAL ESTABLISHMENT SALE OF FISH LOCALLY - LOCAL.....	1500
FISH OR PARTS OF FISH PROCESSING ESTABLISHMENT - FOREIGN.....	7000
FISH OR PARTS OF FISH PROCESSING ESTABLISHMENT - LOCAL.....	3000
FISH MEAL PROCESSING FOR SALE - LOCAL.....	1000
FISH MEAL PROCESSING FOR SALE - FOREIGN.....	2000

LIQUOR

RETAIL FULL (SPIRIT AND BEER).....	2500
RETAIL BEER (BEER ONLY).....	2000
WHOLESALE FULL (SPIRIT AND BEER).....	5000
WHOLESALE BEER (BEER ONLY).....	2500
RESIDENTIAL RESTAURANT.....	3000
PUBLICAN FULL (SPIRIT AND BEER).....	2500
PUBLICAN BEER (BEER ONLY).....	2000
OCCASIONAL FULL (SPIRIT AND BEER) - 24 HRS.....	250
OCCASIONAL BEER (BEER ONLY) - 24 HRS.....	200
CLUB FULL (SPIRIT AND BEER).....	5000
CLUB BEER (BEER ONLY).....	2000
TEMPORARY PACKET (UP TO 90 DAYS) EXTENSION OF HOURS OF SALE (PUBLICAN/RESTAURANT.....)	100

PETROL/DIESEL ORAGE /SALES

URBAN.....	2000
RURAL.....	1000
STORAGE-PETROL/DIESEL/KEROSENE.....	1000
URBAN.....	1000
RURAL.....	500

GAS BOTTLE (LIQUID GAS)

URBAN.....	1000
RURAL.....	150

RESEARCH

COMMERCIAL (PER MONTH OR PART THERE-OFF.....)	20000
FUNDED EDUCATIONAL RESEARCH - LOCAL.....	1000
FUNDED EDUCATIONAL RESEARCH - FOREIGN.....	3000
PRIVATE RESEARCH - INDIVIDUAL.....	3000
PROSPECT FOR MINERALS.....	100000
GEOHERMAL PROSPECTING.....	50000
GEOHERMAL PLANT.....	100000
UNDERSEA MINERAL PROSPECTING.....	50000
UNDERSEA CABLING AND PIPING.....	100000
BIOPROSPECTING PRIVATE COMPANY PHARMACEUTICAL (LAND/FOREST OR SEA).....	60000
UNDERSEA MINERAL MINING.....	200000
GENERAL UNDERSEA SURVEY.....	50000

RETAIL STORE

URBAN.....	2500
RURAL.....	1000

BOOKSHOP/STATIONARIES	5000
WHOLESALE STORE.....	5000
HARDWARE STORE.....	5000
CANTEEN	800
CO-OPERATIVE	
URBAN.....	5000
RURAL	2000
TELECOMMUNICATION	
GENERAL SERVICE PROVIDER.....	20000
TELECOMMUNICATION NETWORKING FACILITIES(TOWERS)	20000
CONSTRUCTION	
FULL TIME CONTRACTOR	2000
PART TIME CONTRACTOR.....	2000
ROAD CONSTRUCTION 1% OF THE CONTRACT SUM	
BRIDGE CONSTRUCTION 1% OF THE CONTRACT SUM	
WHARF CONSTRUCTION 1% OF THE CONTRACT SUM	
AIRPORT CONSTRUCTION 1% OF THE CONTRACT SUM	
HELIPAD CONSTRUCTION 1% OF THE CONTRACT SUM	
BUILDING CONSTRUCTION FEE (PER BUILDING) 1% OF THE CONTRACT SUM	
RESTAURANT	
URBAN LOCAL OPERATORS.....	2000
URBAN FOREIGN OPERATORS.....	10000
RURAL LOCAL OPERATORS	1000
RURAL FOREIGN OPERATORS	5000
SNACK/KAI BAR - FOREIGN OPERATOR.....	2500
SNACK/KAI BAR - LOCAL OPERATOR.....	1000
REST HOUSE	
URBAN FOREIGN OPERATOR.....	2500
URBAN LOCAL OPERATOR.....	2000
RURAL FOREIGN OPERATOR	2000
RURAL LOCAL OPERATOR.....	1000
HOME STAY	
URBAN.....	500
RURAL	300
MOTEL	
URBAN FOREIGN OPERATOR.....	6000
RURAL LOCAL OPERATOR.....	3000
HOTEL	