



Tuvalu

PROTECTED INDUSTRIES ACT

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PROTECTED INDUSTRIES ACT

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Tuvalu

PROTECTED INDUSTRIES ACT

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF CERTAIN INDUSTRIES¹

Commencement [15th December 1970]

1 Short title

This Act may be cited as the Protected Industries Act.

2 Interpretation

In this Act, unless the context otherwise requires —

"**industry**" includes any activity of trade or commerce and includes also any operation or process connected with or forming part of an industry.

3 Minister may declare protected industries

Where the Minister is satisfied that the development of any industry or proposed industry in Tuvalu is in the public interest and that such industry cannot be developed or undertaken unless offered protection from competition, he may by order declare such industry to be a protected industry for the purposes of this Act.

4 Extent of order

An order made under section 3 may apply to an industry generally or to such operations and processes connected with or forming part of an industry as may be specified or defined in the order, and may have application throughout Tuvalu or in any specified district or area thereof.

5 Review of order

Every order made under section 3 shall be reviewed by the Minister after a lapse of 5 years from the date of such order and thereafter at intervals of not more than 2 years, and if, upon such review, the Minister is satisfied that it is not in the public interest that the industry should continue to be protected the order shall be revoked and notwithstanding any other provisions of this Act all licences issued in pursuance of such order shall cease to have effect.

6 Offence to carry on protected industry without a licence

Any person who carries on a protected industry except under the authority of a licence issued under this Act is liable to a fine of \$200, and in the case of a continuing offence to a fine of \$20 for each day during which the offence continues:

Provided that nothing in this section contained shall apply to the carrying on of any protected industry during the period of 3 months commencing on the date of its declaration as a protected industry, by a person who has applied for a licence under this Act to carry on that industry.

7 Issue of licence

The Minister may upon application in writing and upon payment of such fee, if any, as may be prescribed, issue to any person a licence to carry on a protected industry.

8 Notification of application for licences to be advertised

For not less than 1 month before an application for a licence is considered by the Minister a notification that such application will be so considered shall be kept publicly advertised within Tuvalu in such manner as the Minister shall direct.

9 Objections

Objections to the issue of a licence may be made in writing to the Minister to reach him at least 3 days before the date advertised under section 8 and such objections shall be duly considered by the Minister before a decision is reached upon application.

10 Conditions

Every licence issued under this Act shall be subject to the following conditions —

- (a) that the licensee shall submit to the Minister such accounts in connection with the licensed industry, at such intervals and in such form as the Minister may require;

- (b) that the accounts shall be subjected to periodic audit by an auditor approved by the Minister;
- (c) that the licensee shall begin the operations covered by the licence within a specified time and shall diligently carry on the same during the period of the licence;
- (d) such other conditions as the Minister may deem fit to impose.

11 Additional conditions may be attached to certain licences

Where a licence includes the purchase of raw materials in Tuvalu, the following additional conditions may be imposed either upon the issue of a licence or subsequently —

- (a) a condition specifying the maximum or minimum prices to be paid by the licensee for the purchase or collection of such raw materials and providing for a periodical review of such prices at not less frequent intervals than once annually;
- (b) a condition that the licensee will accept all such raw materials offered to him which conform to a specified standard and such other conditions relating to the purchase of such materials as may be fair and reasonable.

12 Maximum prices for sale of products

The maximum price at which the products of a licensed industry may be sold in Tuvalu may be fixed in a manner to be prescribed by regulations and if so fixed the sale of such products at not more than the maximum price shall be deemed to be a condition of the licence.

13 Revocation of licence

The Minister may at any time revoke a licence issued under this Act —

- (a) if he is satisfied after due inquiry and after giving the licensee an opportunity of making representations against the revocation, that the licensee has failed to observe or has contravened any of the conditions of the licence; or
- (b) if the licensee has been found guilty of any breach of law relating to the conduct of the licensed industry.

14 Transfer of licence

A licence issued under this Act shall not be transferred without the prior consent of the Minister; and any such licence which a licensee may transfer or purport to transfer without such consent as aforesaid shall forthwith become void and of no effect.

15 Period of validity of licence

A licence issued under this Act shall, subject to the other provisions thereof, be valid for so long as the order protecting the industry remains in force or for such lesser period as may be specified in the licence.

16 Licence holder not exempt from other licensing provisions

A licence issued under this Act shall not exempt the licensee from the licensing provisions of any other law for the time being in force relating to licences or otherwise.

17 Regulations

The Minister may make regulations for all or any of the following purposes —

- (a) prescribing anything that may be prescribed under this Act; and
- (b) generally, for the carrying into effect of the purposes of this Act.

ENDNOTES

¹ 1990 Revised Edition, Cap. 67 – Act 8 of 1970