

REPRINT

PROTECTED INDUSTRIES ACT (CAP. 177)

As in force at: 1 October 2009

STATUS: CURRENT

For details see Endnotes

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF CERTAIN INDUSTRIES

PROTECTED INDUSTRIES ACT (CAP. 177)

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PROTECTED INDUSTRIES ACT (Cap. 177)

As in force at: 1 October 2009

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 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 Solomon Islands 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 the provisions of 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 Solomon Islands or in any specified province or area thereof.

5 Review of Order

Every Order made under the provisions of section 3 shall be reviewed by the Minister after a lapse of two years from the date of such Order and thereafter at intervals of not more than two 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 the provisions of this Act is guilty of an offence and shall be liable upon conviction to a fine of two hundred penalty units, and in the case of a continuing offence to a fine of twenty penalty units 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 three 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 Grant of licence

The Minister may, upon application in writing made in that behalf and upon payment of such fee, if any, as may be prescribed, in his complete discretion, 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 one 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 Solomon Islands in such manner as the Minister shall direct.

9 Objections

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

10 Conditions

Every licence issued under the provisions of this Act shall be subject to the following conditions:

- (a) that the licensee shall, in the conduct of a licensed industry, comply with the conditions of the law for the time being in force in Solomon Islands;
- (b) that the licensee shall submit to the Minister such accounts, or information in relation to the accounts, of, or in connection with, the licensed industry as the Minister may from time to time require and in such form and with such certification, if any, as the Minister may specify;
- (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 whether similar to the foregoing or not 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 Solomon Islands, the following additional conditions may be imposed either upon the issue of a licence or subsequently:

- (a) a condition specifying the maximum 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 Solomon Islands may be fixed in a manner to be prescribed by Rules 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 the provisions of this Act 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.

14 Transfer of licence

A licence granted under this Act shall not be transferred without the prior consent of the Minister. 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 granted 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 by the Minister at the time of issue.

16 Licence holder not exempt from other licensing provisions

A licence granted 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 Rules

The Minister may make Rules for prescribing anything that may be prescribed under the provisions of this Act and for the purpose of the better carrying out of the objects of this Act.

ENDNOTES

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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 177 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Protected Industries Act (Cap. 177)

<i>Constituent legislation:</i>	23 of 1954 (Commenced 29 November 1954)
	6 of 1969
	LN 46A of 1978
	6 of 1980

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

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

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LIST OF AMENDMENTS

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