

[Legal Notice No. 41]

ISABEL PROVINCE BUSINESS LICENCE ORDINANCE 2013

1. Title and commencement

- (1) This Ordinance may be cited as the Isabel Province Business Licence Ordinance 2013.
- (2) This Ordinance:
 - (a) is made under section 31 of the Provincial Government Act 1997; and
 - (b) comes into force on the day that it is published in the Solomon Islands *Gazette*.

2. Interpretation

In this Ordinance, unless context otherwise requires:

Act means the Provincial Government Act 1997.

Assembly means the Isabel Provincial Assembly constituted under section 7 of the Act.

Authorised Officer means any officer authorised by the Executive in accordance with section 19 of this Ordinance.

Business means any activity carried out in order to make a profit, including:

- (a) provision of services;
 - (b) manufacturing;
 - (c) retailing;
 - (d) wholesaling;
 - (e) harvesting or collection of natural resources;
 - (f) farming;
 - (g) purchasing goods within the Province for sale outside the Province;
 - (h) working on contract for another business;
- but does not include being an employee or activities on or in a local market, or hawking.

Executive means the Isabel Provincial Executive established under section 19 of the Act.

Person means any person, persons, company, or other group association or co-operative but does not include any government department or the Assembly.

Premises means any structure, building, the land on which it is situated and any adjoining land used in connection with the structure or building.

Province means Isabel Province as defined under section 3 of the Act.

Provincial means relating to Isabel Province.

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

3. **Purpose**

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

4. **Businesses must be licensed**

No person shall operate any business in the Province unless they hold a current business licence.

5. **Exemptions**

(1) This Ordinance does not apply to:

- (a) the Isabel Investment Corporation and Government Departments;
- (b) hawking or trading in a local market or local garden produce, prepared custom foods, custom handicrafts and similar local produce;
- (c) fundraising where the proceeds are used solely for charitable, religious, educational, sporting or other community purposes; or
- (d) selling of religious books and other religious material or paraphernalia.

6. **Form of application**

(1) An application for a first time business licence must be:

- (a) in the form prescribed in Schedule 1;
- (b) sent to the Provincial Secretary; and
- (c) accompanied by the fee prescribed in Schedule 5.

(2) An application for renewal of a business licence must be:

- (a) in the form prescribed in Schedule 2;
- (b) sent to the Provincial Secretary; and
- (c) accompanied by the fee prescribed in Schedule 5.

(3) Subject to section 18, each type of business operating within or on premises must be separately licensed.

- (4) No person may apply for a business licence if:
- (a) they have outstanding business licence fees owing to the province;
 - (b) they have not obtained the required national licenses, permits, or permissions;
 - (c) in the case of foreign investment, they are carrying out business in a reserved or prohibited area; or
 - (d) they are conducting business in contravention of any National or Provincial law or policy.

7. Decisions about applications

- (1) All applications shall be referred to the Provincial Executive who shall:
- (a) approve the application;
 - (b) decline the application; or
 - (c) approve the application subject to any terms and conditions imposed under section 18.
- (2) When considering any application under subsection (1), the Executive may take into account:
- (a) the extent of involvement in the business by the people indigenous to Isabel Province and resident in the locality where the business is intended to be carried out;
 - (b) the contribution to services to the people of Isabel Province;
 - (c) the geographical area served by the business; or
 - (d) any other matter or matters affecting the interests of the people of Isabel and their environment.
- (3) If the Executive is considering declining an application under subsection 1(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.

8. Executive may impose terms and conditions

- (1) The Executive may impose any terms and conditions on a business licence that it considers reasonable in the circumstances.
- (2) If the Executive is considering imposing a term and condition under subsection (1), it must first give the applicant:
- (i) notice of the reasons why the terms and condition might be imposed; and
 - (ii) a reasonable opportunity to make a submission or be heard on the matter.
- (3) The Executive may by written notice remove, amend, revoke, or add to any term and condition imposed under subsection (1).

9. **Person deemed to hold a licence from receipt of application**
An applicant is deemed to hold a licence from the date that their application is received by the Provincial Secretary or Authorised Officer.
10. **Duration of licence**
A licence has effect from the date that it is issued until 31 March following date of issue.
11. **Classification of business**
(1) The Provincial Secretary shall in the first instance determine the classification of business to which the application relates.
(2) If the applicant disputes the determination made by the Provincial Secretary under subsection (1), the applicant may apply to the Executive for reconsidering of the determination and may make written or oral submissions in support of their application.
12. **Form of licence**
(1) Upon approval by the Executive or a person authorised under section 19, the applicant shall be issued a business licence in the form prescribed in Schedule 3.
(2) The production of this document or a certified copy issued under section 16, shall be proof that the licence has been properly granted.
13. **Register of business licences**
(1) The Provincial Treasurer shall keep a register of all:
(a) application 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.
14. **Display of licence**
(1) A business licence must be:
(a) displayed in a prominent position in or on the business premises; and
(b) available for public inspection during normal working hours.

15. Transfer of licence

A business licence is personal to the applicant and not transferable.

16. Lost, stolen or damaged licences

A licence holder whose licence has been lost, stolen or damaged may, on payment of the prescribed fee, obtain a certified copy of the licence from the Provincial Treasurer.

17. Suspension, cancellation, or revocation of licence

(1) The Executive may suspend, cancel or revoke a business licence if it has reason to believe that the business:

- (a) has not complied with a term and condition of their 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 or revoking a licence under subsection (1), it must first give the applicant:

- (a) notice of the reasons why the suspension, cancellation, or revocation is being considered; and
- (b) a reasonable opportunity to make a submission and be heard on the matter.

18. Application for additional premises

(1) Any licence holder may apply to the Provincial Executive for permission to operate their business in additional premises.

(2) Any application under subsection (1) must:

- (a) be addressed to the Provincial Secretary;
- (b) be in the form prescribed in Schedule 4;
- (c) be accompanied by the prescribed fee.

(3) If a fee is not prescribed, the Provincial Executive may fix a fee, being a fee reasonable in the circumstances.

19. Executive may authorise persons

(1) The Executive may authorise a person ("Authorised Officer") to perform functions, duties, and exercise powers under and in accordance with the Ordinance.

(2) The Executive may impose any restrictions, limitation, or requirements on an authorisation issued under subsection (1).

(3) The Executive may suspend, cancel or revoke an authorisation issued under subsection (1) at any time.

(4) Any authorisation issued under subsection (1), or suspension, cancellation or revocation issued under subsection (3), must be:

- (a) in writing; and
- (b) served on the Authorised Officer

20. Enforcement of fees, fines and costs

Every fee imposed under this Ordinance, fines incurred under section 21, or costs incurred in the enforcement of this Ordinance, shall be recoverable in any court of competent jurisdiction as a debt due to the Province.

21. Offences

- (1) Any person who operates a business without a current business licence commits an offence and shall be liable to a fine not exceeding:
 - (a) \$500.00 in the case of a first time offence; or
 - (b) \$2,000 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 shall be guilty of an offence and liable to a fine not exceeding \$200.00.
- (3) Any person who continues to operate a business having been found guilty of an offence under either subsection (1) or (2), commits an offence and shall be liable to a fine not exceeding \$2,000.00.
- (4) Any person who obstructs a Police Officer or Authorised Officer commits an offence and shall be liable to a fine not exceeding \$200.00.

22. Revocation

- (1) This Ordinance revokes the following Ordinances:
 - (a) The Isabel Province Business Licence Ordinance 1984
 - (b) The Isabel Province Business Licence (Amendment) Ordinance 1986
 - (c) The Isabel Provincial Business Licence (Amendment) Ordinance 1988
 - (d) The Isabel Province Business Licence (Amendment) Ordinance 1989
 - (e) The Isabel Province Business Licence (Amendment) Ordinance 1994

Schedule 1*Form of application for 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, Kerosene, Gas sales business, how many 200 litre drums or kg 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 for application for 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.
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 Isabel 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 transferable.

Provincial Treasurer: _____

Date: _____

Schedule 4

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

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

2. Name of business licence: _____

3. Give detailss 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

Schedule 5

Prescribed annual business licence fees

CATEGORY	FEEES (\$)
Abattoir/butchery	150
Accountancy Firm	600
Air Transport	3,000
Bakery	with machinery & electricity 300
	without machinery & electricity 200
Banking	Per branch 3,000
Beach Trading	Per Ship 2,000
	Canoe 500
Bir Wing Sale	300
Bookshop	500
Botany	100
Boat and canoe hire	300
Broadcasting services	300
Brick or Cement Work	300
Building construction	National/foreigners 1,000
	local 500
Building rental	300
Canteen	300
Catering	Local 100
	Unprocessed 80
Chainsaw/Frame	200
Cinema	150
Cocoa bean purchasing	Processed 200
	Unprocessed 300
Coconut purchasing	100
Commercial bee keeping	200
Computer sales, maintenance	500
IT services	
Consultancy services	500
Contractors	Building/Maintenance 500
Copra crushing mill	1,500
Copra exporting	2,000
Copra purchasing	Buying Agent 300
	Buying Centres 1,000
	Buying Point 500
Diving services	2,000
Doughnut Cooking	80
Electronic and electrical services	500
Engineering services	Road Construction/Maintenance (Local) 1,000
	Road Construction/Maintenance (National) 2,000
Exotic product	Buying and Re-Selling 800
Fibreglass manufacture	1,200
Fibreglass repair	500
Fish market	1,200
Fish Purchase for resale	Commercial 5,000
	Individual (Esky) 500
Fisheries (commercial)	Per foreign registered ship 6,000
	Per local registered ship 1,000
Furniture	500
Hardware	800

Herbal products		500
Hiring services	Plants, Machines, and etc	700
	Bicycle Hires	100
Ice block/Ice-Cream processing		100
Kerosene	1 - 5 x 200 litres drum	250
	6 - 10 x 200 litres drum	500
	11 - 30 x 200 litres drum	1,500
	31 - and above	2,000
Liquor licence	Retail Full	1,200
	Retail Beer	900
	Publican Beer	900
	Publican/Restaurant Beer	1,200
	Occasional Beer - 24 hrs	\$300 (first day)
		\$100 (each additional) day)
	Wholesale/Retail Beer	1,200
Livestock		500
Lockup shops		300
Manufacturer	Per factory	3,000
Log application processing		2,000
Marine resources - local buyer	Trochus & Bech-de-mer	800
Mining	Alluvial prospecting	30,000
	Gold dealers	20,000
	Mining	1,000,00
	Prospecting	150,000
Mining/per Tenement	Reconnaissance	30,000
Mining	Specified mining	20,000
	Rural	700
Motel Licence	Urban	1,500
Money Lending		500
Museum		150
Music production		500
Petroleum	1 - 5 drums	360
	6 - 10 drums	420
	11 - 20 drums	780
	21 - 30 drums	1,320
	31 - 50 drums	2,520
	51 & above	3,120
	113 drums and above	2,000
Fuel Storage Licence		300
Pest control and fumigation		500
Photography		300
Plumbing services		200
Port services		500
Postal Services		500
Professional Services/Legal Services		
Cafeteria	Rural	500
	Urban	100
Research Permits		450
Resort Licence	Local	2,000
	International	2,000
Rest Houses	Rural	5,000
	Urban	200
Retail Stores	Rural	1,500
	Urban	500
		1,500

Road Transport Service	Per truck	300
	Per taxi	300
	Per bus	500
Sea Transport Service		200
Secretarial Services		500
Security services		200
Sewing (including tailoring)		200
Shipping Services	Foreing freighter per boat	2,000
Shipping Services (Own Fleet)	Per boat per year	3,000
Shipping Services (Charter)	Per year	6,000
Snacks Foods Sale		150
Gas Sales	1 - 100kg	350
	101 - 200kg	450
	201 - 300kg	650
	301 - 500kg	850
Souvenir Sales		200
Stevedore Service		1,500
Telecommunication	Two way radio	150
	Internet cafe	500
	Companies	7,000
Telecomm. Ex-change Tower	Per Tower	1,000
Timber Felling - Logging Contractor	Per concession area	100,000
Timber Felling - Subcontractor	Per concession area	100,000
Timber Felling - Local Contractor		75,000
Timber Milling	Foreign/Joint Venture	5,000
Timber Milling	Wakabaot/Local	500
Timber Yards		1,500
Tourist Site Licence	Bird Watching	500
	Fishing (sports)	500
	Surfing	500
	Anchorage	1,000
Tourist Vessel Service Licence		3,000
Tour Guide Licence		100
Used Clothes Sales	Rural	500
	Urban	1,000
Vehicle Hire		200.00
Video Show/Hire		150.00
Village Stay/Home Stay		100.00
Wholesale		2,000.00
Other fees:		
Certified copy of licence (section 16)		100
Additional premises (section 18)		100