

307

SUPPLEMENT to the Solomon Islands Gazette

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[Legal Notice No. 39]

**WESTERN PROVINCE BUSINESS LICENSE
(AMENDMENT) ORDINANCE 2015**



1 Short title and commencement

This ordinance may be cited as the Western Province Business License ordinance 2012 (“the Ordinance”) and shall come into effect upon the approval by the minister in accordance with section 31 of the Provincial Government Act 1997, and publication in Solomon Islands *Gazette*.

2 Revocation

This ordinance repeals all previous Western Province Business License Ordinances, regulations and orders, and all amendments thereto.

3 Purpose

The purpose of this Ordinance is to establish a regime for the licensing of businesses operating in Western Province to ensure that the businesses operating in Western Province meet such environmental, economic, health and safety, cultural, and labour standards and/or requirements as may be set from time to time under this ordinance, or by any other order of the Western Province Provincial Assembly.

4 Definition

In this Ordinance and in regulations made under it, except where the context otherwise requires:

“*Abattoir*” means the business of slaughtering cattle, pigs, chickens, or other livestock Intended for human consumption by domestic animals.

“*Accounting service*” means the business of providing any service, advice or assistance to any person relating to accounting, accounts, taxation and financial matters of any kind and including persons not residing on the premises on which the baking or making is carried out.

“*Baking*” means the business of banking and is a business which requires a license accordance with section 3 of the Banking Act 1916 or under any Act passed in amendment or substitution therefore.

“*Base in Western Province*” means a business that conducts the primary bulk of Business in Western Province.

“*Beach trading*” means the business of hawking from a canoe, ship or other vessels.

“*Beautification*” means the business of providing beautifying and/or remedial Treatments for the face or body.

“*Beche-de-mer* “ means the business of buying and/or selling the species Holothnrians which include the exporting of beche-de-mer.

“*Bee keeping*” means the business of keeping bees and hives and includes but is not limited to the selling or hiring or hives or bee keeping Equipment or selling honey or any other honey based produce Or any product based upon a bee keeping operation.

“*Brick making*” means the business of making small units of building materials by hardening Clay or cement or combing these materials with any other materials or Using some other similar materials.

“*Broadcasting services*” means the business of transmitting by radion any message or other matter of information, education or entertainment to the public within or outside Solomon Islands.

“*Building construction*” means the business of building or repairing of buildings but does not include Casual building or repairing of building by traditional agreement.

“*Building rentals*” means the business of leasing, renting or administering the leasing or renting of the business of acting as agent for the owner of any property in respect of the Administration of that property.

“*Bus/Tax service*” means the business of providing transporting services by any road vehicle for paying passengers.

“*Business*” means any activity or undertaking, services, trade profession or occupation or other venture determined by the provincial executive to be a business within the intent of this ordinance earned on, undertaken or operated by any person within the boundaries of Western Province for the purpose of gain or profit or for payment of any kind but does not include any activity or service undertaken by an employee duties.

“*Butchery*” means the business of storing, preparing and/or selling or reselling meat.

“*Cannery*” means the business of placing processed or unprocessed products into metal cans or plastic Containers for the purposes of sale on the Solomon Islands domestic market or for export from Solomon Islands as food for human consumption by animals.

“*Catering*” means the business of preparing food and beverages for consumption on specific occasions.

“*Cinema*” means the business of showing films or videos and is a business which requires a theatre Licence in accordance with section 4 of the Cinematograph Act or any Act passed in Amendment or substitution therefore.

“*Clam*” means any of giant clam which includes *Tridaena gigas*, *T drasa*, *T aquamosa*, *T maxima*, *T crocea* And *Hippopus hippopu*.

“*Clam trading*” means the business of buying and/or selling any species of giant clam which includes *Tidaena gigas*, *T Drasa*, *T Aquamosa*, *T Maxima*, *T Crocea* and *Hippopus hippopus* and Does not include the buying or selling of giant clams by or from the international centre for living Aquatic Resources management (ICLARM) where such buying or selling is for Research or trial marketing purposes, but does not include the exporting of clams.

“*Commodity*” means the business of carrying on the exporting of any commodity listed in schedule 1 of The Commodities Export Marketing Authority Act or any Act passed in amendment or Substitution therefore and/or the business of carrying on of any prescribed activity listed in the Notices of Prescribed Activities given under the Commodities Export Marketing Authority Act or any Act passed in amendment or substitution therefore.

“*Consultancy service*” means the business of providing services as an expert adviser to and/or the Business of drawing or preparing designs, drawings, plans, diagrams, maps or Charts for any individual, trade, profession or business.

“*Crayfish trading*” means the business of buying and/or selling crayfish (genus *penalties* and/or lobster but does not include the exporting of crayfish and/or lobster).

“*Diving service*” means the business of providing facilities for scuba diving or snorkeling and/or providing instruction and/or training courses for diving and/or the hiring out of equipment for scuba diving or snorkeling.

“Electricity service” means the business of building installing, repairing, maintaining or removing any Electrical device including but not limited to radios, videos, televisions, computers, Word processors, typewriters, tape cassette recorders or photocopies.

“Engineering works” means the business of building or repairing structure other than buildings and any other kind of constructions work including but not limited to water tanks, walls Roads, bridges, wharves, town water supplies and sewerage works.

“Entertainment” means the business of providing entertainment of any kind other than the business of a cinema as here in defined, including but not muted to video games and all Business coming within the provisions of gaming and lotteries. Actor any amendments thereto.

“Executive” means the Western Province Executive as established under section 22 of the Provincial Government Act 1981 or any other person to whom authority has been properly delegated.

“Exporting” means the business of selling or supplying goods of any description originating from within Solomon Islands for transportation outside of Solomon Islands for the purpose of trade or the transporting of goods originating from within Western Province outside Solomon Islands for the purpose of trade.

“Financial scheme” means the business of receiving monies for the purposes of investment hereof and by the payment of returns thereon.

“Fish” means any cold blooded animal originality caught living in water and breathing through gills with Fins for swimming but excluding marine products as defined in this ordinance.

“Fish commercial” means the business of operating one or more fishing vessels and is a business which requires a licence in accordance with section 6 of the Fisheries Act or an Act passed in amendment or substitution therefore.

“*Fish processing*” means the business operated on land or preserving or preparing fish and/or other Sea foods or marine products and/or producing any substance or article from fish or other sea food by a method.

“*From Outside*” means received from a place outside Western Province.

“*Furniture manufacture*” means the business of making or manufacturing or selling assembled and finished chairs, table, desks, sofas, couches, shelves, bookcases or any other furniture for household or commercial use.

“*Gas agency*” means the business of extracting and/or storing and/or supplying liquid petroleum, Benzene, butane, and kerosene gas for sale.

“*Gold dealer*” means the business of buying or selling or dealing in gold and is a business which requires a license in accordance with section 46 of the mining Act passed in the amendment or substitution therefore.

“*Green snail trading*” means the business of buying and/or selling green snail (*Turbo marmoratus*) but does not include the business of exporting green snail.

“*Hardware store*” means the business in which hardware store materials are stocked and sold or offered for sale to the general public.

“*Hawking*” means the business of carrying goods for sale barter or exchange and includes the sale of food, fish or other goods by any person at a place where that person does not usually reside or carry on business but does not include wholesaling.

“*Hire services*” means the business of hiring goods of any kind and includes but is not limited to the hire of video, electronic, goods, tools, machinery, bicycles, or motor vehicles.

“*Hotel*” means the business of providing sleeping accommodation and restaurant service from the same Premises.

“Ice-cream and ice-block manufacturing” means the business of making ice-cream and/or ice block and selling the ice-cream and/or ice blocks so made to wholesale and/or retailers and/or the retailers and/or the public.

“Internet cafe” means businesses that provide computer/internet/email services are provided for a fee.

“Lambete station” means the area which encompasses Munda station and for the purposes of this Ordinance is to be classified as urban area.

“Legal service” means a business of providing any advice or assistance on any law or legal matter.

“Manufacturing” means the business of making any product for sale.

“Marine product” means the following species or categories of species, Beche-de-mer, clam, crab, crayfish, crocodile, green snail, pearl, oyster shell, prawn, seaweed, trochus and turtle and such other like species or category or species as the Executive by resolution deems to be a marine product and such other like species or category of species as the Executive by resolution deems to be a marine product.

“Marine product exporting” means the exporting of an one or a number of marine products being marine product as defined in this ordinance, but excluding the export of fish as defined in this ordinance, and excluding the export of giant clams by or from the International Center for Living Aquatic Resources Management means the business of providing medical aid/or dental service and/or other health services and/or pharmacy services.

“Milled timber” means timber that is produced by swing a log longitudinally to create pieces of sawn timber each with a square or rectangular cross-section.

“Mining” means the business of reconnaissance, prospecting and/or mining of minerals and minerals Substances as defined in section 2 of the mining AOL OR ANY Act passed in amendment or substitution therefore and is a business which requires a license or permit or lease under any section of that Act or any Act passed in amendment or substitution therefore.

“Motor sales” means the sales of outboards engines used for dingiest canoes, and larger boats.

“*Pawn broking*” means the business of taking of property as security for a debt or loan and the business of selling such property to recover the debt and interest thereon and is a business which requires a license under the Pawn broking Act passed in amendment or institution therefore.

“*Pearl oyster shell trading*” means the business of cultivating or growing lip pearl oyster (*Pteria penguin*) using a floating or static grow out system for commercial purposes, but does not include the export pearls.

“*Pest control*” means the business of providing services and/or pesticides or any other product or form of method of eradication for the control or destruction of pests and vermin.

“*Petroleum storage*” means the business of storing for sale and processed petrol or oil product including but not limited to petrol, diesel, kerosene, propane, speedy gas and lubricants.

“*Photography*” means the business of operating a photographic service and/or the sale or hire of photographic equipment and including but not limited to a developing service for photographic film or slide film.

“*Plantation means*” the business of the planting, growing, production and sale of copra, cocoa, coffee, and palm oil species or any other commercial crop by any company as defined in the companies Act or any Act passed in amendment or substitution therefore or by any co-operative society registered under the co-operative society Act or any Act passed in amendment or substitution therefore.

“*Plumbing services*” means the business of installing, repairing, maintaining or repairing water pipes, sewers, drains, or any apparatus relating thereto.

“*Port services*” means the business of providing operating improving, maintaining and regulating use of port facilities.

“*Prawn trading*” means the business of buying and/or selling freshwater prawns (*Macrobrachium rosenburgi*) and/or salt water prawns (*panaeus monodon*) or shrimps or related species but does include the exporting of prawns.

“*Premises*” means any structure, building or part thereof together with the land on which the same is situated and any adjoining land used in connection therewith.

“*Prescribed business*” means

- (a) any business for which a category and fee are prescribed under this ordinance;
- (b) any determination made under section 14; or
- (c) any other business, but does not include a business under section 4 (4).

“*Printing*” means the business of producing printed materials/articles purposely for sale.

“*Processing*” means the cleaning, cutting, filleting and seasoning of the fish product so that it is in a state where it can be placed in a container for sale.

“*Provincial officer*” means any person holding a public office and seconded to the Western Provincial Assembly or Executive or a person directly employed by the Western Provincial Assembly or executive.

“*Provincial treasurer*” means the person holding the public office.

“*Recreational fishing*” means the business of taking paying customers for the purposes of the game and/or sport fishing being non-commercial fishing.

“*Religious bookshop*” means the business of operating a bookshop selling religious books and/or other religious and/or other religious items by a church or other religious body.

“*Restaurant*” means the business or preparing and selling meals by table service for consumption at that particular premises.

“*Rest house*” means the business of providing sleeping accommodation at a price.

“*Retail store*” means the business in which merchandise goods or commodities other than those covered by other definitions within this section are stocked and offered for sale other than by hawking.

“*Road transport service*” means the business of providing transportation services by any road vehicle whether for passengers or freight.

“*Round log timber exporting*” means the business of exporting logs or un-milled timber.

“*Round Log Harvesting (Special Permit)*” means the business of extracting logs and clearance for agriculture or other purposes.

“*Rural*” means all land outside the town boundaries of Gizo, Noro, and Lambete station.

“*Saw milling*” means the business of converting unmilled timber into milled timber, including but not limited to sawn timber, wood chip, wood pulp and veneer and is a business which requires a license in accordance with section 7 of forest and timber Act or any Act passed in amendment or substitution therefore or which requires a license under any other relevant legislation.

“*Scrape metal trading*” means the collecting storing and sale of metal extracted from machines and other items containing steel iron, or similar elements.

“*Scrape metal exporting*” means the export of scrap metal which is collected within the Western Province.

“*Sea transport service*” means the business of providing transportation services by one or more boat(s), canoes or other vessels (s) for passengers and/or freight but does not include transportation by private canoes whereby contributions are made on the cost of the travel.

“*Secretarial service*” means the business of providing secretarial services including but not limited to typing services, word processing services, filing services or data recording services.

“*Security services*” means the business of providing security of any kind for property and/or goods and/or persons including but not limited to provide secure transportation of goods, selling and/or installing security locks and equipment and systems of alarm system.

“*Ship building*” means the business of building, repairing or maintaining any ship, boat, vessel or canoe but does not include any wooden canoe.

“*Shipping agency*” means the business or being an agent for a shipping line in and out of the Solomon Islands.

“*Shipping service (occasional)*” means the business of providing transportation services for passengers or cargo by boat or any other vessel but not including a canoe, where such boat, ship or other vessels makes no more than four trips to Western Province in any one licensing year under this ordinance to conduct its business and which spends no more than fourteen consecutive days conducting its business in Western Province during any one trip.

“*Snack bar*” means the business of preparing and selling food and beverages for consumption by persons not residing on the premises are such preparation or sale takes place and including any such freshness conducted from a motor vehicle or vessel or caravan.

“*Stevedore services*” means the business by which persons are provided whether by employment to load or unload the ships.

“*Tailor*” means the business of making clothes for sale.

“*Timber felling*” means the business or cutting trees within Western Province for the purpose of exporting or sawmilling whether the saw milling or export is carried out by a timber-feller or some other persons.

“*Timber harvesting*” means the harvesting of timber which a particular company, or entity has planted and nurtured.

“*Timber sales*” means the business of selling timber un-milled or milled including but not limited to sawn timber wood particles, wood chip, veneer and any other wood products produced by a timber mill, or purchasing the same for resale.

“*Timber Dressing*” means the business of dressing milled timber using electrical Machineries.

“*Tourist business*” means any business offering sight-seeing, recreation or relaxation opportunities to or for tourists but not being a resort or tourist vessel service.

“*Tourist resort*” means the business of provision of tourists of various services and facilities from one premise such as accommodation, restaurant, transportation, retails store (s) under a single administration and permanent staff.

“*Tourist vessel service*” means a business involving the transportation of tourist for the purpose of pleasure of sight-seeing abroad a vessel requiring a safety certificate under the shipping Act or any passed in amendment or substitution therefore.

“*Trade store*” means a traditional Melanesia store involved mainly in the sale of food and drink.

“*Wild life*” means the trading of wild life such as crocodiles or birds within Western Province. People so trading required the appropriate license to be issued by ministry of *conservation*.

“*Wildlife exporting*” means the exporting of wildlife species or products by people who have a valid license to do so provide by ministry of conservation.

“*Urban*” means all land inside the town boundaries of Gizo and Noro.

“*Wholesale store/warehouse*” means the business in which merchandise goods or commodities are stocked and sold or offered for sale to persons, business or other entities other than the general public for the purpose of resale.

4. Prescribed business

- (1) Subject to subsection (4), no person shall operate a prescribed business within the boundaries of Western Province unless they hold a current business licence.
- (2) A business licence may be issued subject to any terms and conditions considered reasonable by the issuing body.
- (3) Any person operating a business outside the scope of the terms and conditions of their licence is deemed not to hold a business licence.
- (4) This section shall not apply to the following:
 - (a) Occasional fundraising events where the proceeds are used solely for charitable, religious, educational, sporting or other community purposes.
 - (b) Canteens or stores run by a school or training institute for the use and benefit only of the pupils, student and teachers of school or training institute but does not include canteens or store run by a school or training institute which sells to parents, relatives, friends of pupils, student or teachers or to the public.
 - (c) Any business activities in the market which for the purposes of this section means any regularly scheduled gathering of individuals in a public place to offer goods, food stuffs or beverages for sale.

5. Compliance

No person shall be granted a business licence unless the business complies with the laws of Western Province.

6. The Provincial Business Licence Committee

- (1) The purpose of the Provincial Business Licence Committee ("Committee") is to
 - (a) receive applications for business licences;
 - (b) make decisions in respect of applications for business licence;
 - (c) receive applications and make determinations under section 14;
 - (d) perform any other duties and functions reasonably within the scope of their powers;

- (2) The committee consists of four members namely;
 - (a) the Provincial Treasury,
 - (b) the Provincial Revenue Collection Officer,
 - (c) the Provincial Legal Officer, and
 - (d) one member appointed to represent the Provincial Executive.
- (3) The committee shall not meet unless they have a quorum of three (3) or more members.
- (4) The committee may convene at any time necessary to consider submitted business licence applications and to ensure that it complies with the time requirements as set out in section 6(9).
- (5) The committee is to provide the Provincial Executive with an updated list of all newly granted business licences at each meeting of the Provincial Executive.
- (6) The committee may appoint an officer, or officers and delegate to them any of the functions, duties and powers set out in this Ordinance, except those powers of decision under section 8, 9, 12, 14 and 15.
- (7) The committee may make recommendations to the Provincial Assembly regarding the performance of this ordinances, including recommendations regarding the definitions and classes of businesses, and the fees prescribe thereof.

7. Application for a business licence for a prescribed business

- (1) All applications for a business licence must;
 - (a) be sent to Provincial Treasurer;
 - (b) be on the form prescribed by schedule 2; and
 - (c) attach the application fee(s) prescribed in schedule 1.
- (2) The applicant must complete the prescribed form in full and give particulars of the business for which the licence is requested.

- (3) The information required to be provided includes but not limited to the following
- (a) the nature of the business operation (s);
 - (b) the address (both physical and postal) of the business;
 - (c) the number of employees employed by the business;
 - (d) information to show that the business is complying with the employment, labour, health, and safety information;
 - (e) information to prove that the business is complying with environmental standards;
 - (f) information to show that the building that the business is operating in complies with the Western Province Building Ordinance; and
 - (g) if any aspect of business is operated on customary or registered land, proof showing that appropriate permission/approval has been obtained for the necessary landowners.

8. Consideration of applications for a business licence

- (1) All applications for a business licence shall be considered by the committee.
- (2) The committee shall consider;
- (a) the extent to which the applicant has complied with section 6;
 - (b) any additional matter (s) reasonably within the scope of their authority and which impact on whether or not the applicant is able and/or entitle to hold a business license;
- (3) The committee may require the applicant to provide further information in support of his/her application.
- (4) information required by the committee under section (3) must be provided before the application is progressed any further.
- (5) in considering an application, the committee may consult with such people or groups as it considers appropriate.

9. Determination on an application

- (1) After consideration of the application under section 7, the committee decides whether to;
 - (a) approve the license
 - (b) decline the license
 - (c) approve the license subject to certain terms or conditions in addition to those set out in section 16.
- (2) Examples of conditions imposed under subsection (1)(c) are;
 - (a) a requirement that the applicant comply with certain identified standards within a specified period of time; or
 - (b) any other conditions which the committee considers appropriate, taking into account the type and nature of the business.
- (3) The Committee has the authority of its own volition or upon application to vary, amend, add to, or delete any terms and conditions imposed under this Ordinance, notwithstanding that the application may have originally been granted free of restrictions.

10. Notification of the decision of the committee

- (1) The applicant will be notified in writing of the decision of the Provincial Business License Committee within 15 working days of lodging the application.
- (2) If the application is approved (either conditional or unconditional) the applicant is asked to forward to the committee the prescribes fee, as set out in schedule 1.
- (3) Upon receipt of payment of the prescribed fee the authorizing officer shall issue to the applicant a business license in the form prescribed in schedule 3.
- (4) No person holds a valid business license until payment of the prescribed fee has been received by the committee or authorizing officer.

11. Time and duration of license

- (1) Any business licence issued under section 9.(3) commences on the date that payment is received, subject to subsection (3).
- (2) All licences expires on the 31 March following the date of issue, and will not be issued for a period of time exceeding one(1) year.
- (3) A licence may come into force on a date in the future, as specified in the licence.

12. Combination licence

- (1) Where a person operates several categories of business from one premise, vehicle, vessel that a person shall take out a combination business licence in respect of each category of business.
- (2) The combination licence must set out the differing specific activities being carried out in the premises or vessel.
- (3) The applicant must pay the prescribed business licence fee for each separate category of business, however, is only required to pay one application fee.
- (4) If an applicant requires a combination licence for more than three separate business categories, then such a person will only be require to pay business licence fee for three categories, subject to subsection (5).
- (5) The committee has the jurisdiction to determine which business category fees are to be paid for a combination licence having more than three business categories.
- (6) Where a person operates a business in separate premises vehicles or vessels that person shall take out separate business licences in respect of each premises and/or vehicle and/or vessel.

13. Application for a business licence from overseas operators

- (1) Before any person (s) and/or operator who reside overseas applies for a business licence they must apply to gain approval from the Western Province Provincial Executive.
- (2) The Western Provincial Business Licence Committee will not consider an application from an overseas business operator until they have obtained formal approval from the Western Provincial Executive to undertake that business activity.
- (3) After obtain approval from Executive, the applicant may apply for a licence in accordance with section 6.

14. Business not prescribed in this Ordinance

- (1) If a person wishes to operate a business that is not prescribed in schedule 1, they must apply to the committee for a determination in accordance with the subsection (2).
- (2) The committee shall, after receipt of an application for determination under (1), determine
 - (a) the category of the business, if any; and
 - (b) the fee to be paid, if any
- (3) This ordinance shall be amended by the Provincial Assembly to include the new category of prescribed business and prescribed fee as soon as practicable after the determination has been made.
- (4) If the committee determines that a particular activity is a business activity which requires a business licence under this Ordinance, then the committee has the full power to require that an application for a licence be submitted to the committee and if the application is approved, the prescribed licence fee be paid.

15. Power to vary, amend, remove, or alter fee

- (1) The committee has the power to vary, amend, alter or remove a fee prescribed in schedule 1 if it considers it reasonable and appropriate in the circumstances, subject to subsection.
- (2) Examples of situation which may be reasonable for the purposes of subsection (1) are;
 - (a) the applicant applies part way through the year;
 - (b) the licence is only required for a short period of time; or
 - (c) the fee would cause financial hardship to an unreasonable degree.
- (3) The committee may not increase a fee.

16. Terms and conditions of a business licence

- (1) No licence holder shall transfer the business licence to any other person or conduct the business on any premises, vehicle or vessel other than that specified in the business licence except in accordance with section 19 of this Ordinance.
- (2) The licence holder shall produce the business licence and receipt for the prescribed fee upon demand from a police officer or any person authorized by the Executive on the production by that person of his written authority.
- (3) Where a business being the holder of a business licence is undertaking commercial activities with another business activity which in accordance with this ordinance would be required to hold a business licence but does not, the business with the prescribed business licence is required, upon the request of an authorized Provincial Officer, to provide the officer with such details of the business that it has a commercial relationship with that the officer may reasonably require.

- (4) The licence holder shall conduct his business in compliance with all relevant Acts of Solomon Islands, Ordinances of Western Province, subsidiary legislation of Solomon Islands and Western Province and all lawful orders of any court, tribunal commission or statutory body of competent jurisdiction in Solomon Islands.
- (5) Where the Executive is satisfied that the licence holder is conducting the business in contravention of any of the provisions of this Ordinance or in contravention if any of the terms conditions or limitations of the business licence or in contravention of any Acts subsidiary legislation or lawful orders then the Executive may be notice in writing cancel or suspend the business licence.
- (6) Where a business licence is suspended or cancelled under this section the licence holder.
 - (a) shall immediately cease the business in question;
 - (b) shall not receive any refund of licence balance of the business licence year;
 - (c) shall not have the licence reinstated or be granted a new business licence until the Executive is satisfied that the grounds on which the business licence was suspended or cancelled have been remedied, the business can operate in full compliance with all Acts subsidiary legislation and lawful orders and all lawful penalties imposed by proper authorities have been satisfied.
- (7) No licence issued under this Ordinance shall convey, or by construed to convey any right, power or authority to enter any private land or reef nor take any action within respect of anything without the authority and permission of the owners of that land or reef or thing.

17. Registrar

- (1) The Executive shall keep a register of all the business licenses granted.
- (2) The registrar of business licenses is to be updated on a monthly basis and is available for inspection by any member of the public during work hours.

18. Fees

- (1) Upon payment of the prescribed fee a business license holder may transfer the business license to another person or the Executive may permit the business to operate from other premises, vehicle or vessel or in another area of operation provided always that the business shall still comply with the term and conditions of the business license and this Ordinance.

20. Duplicate License

- (1) Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed or damaged may on payment of the prescribed fee obtain a duplicate licence from the Executive.

21. Powers of Police Officers and Authorised Persons

- (1) It shall be lawful for any Police Officers of any person authorised by the Executive on production of his written authority at all reasonable time to demand from a person operating a business the production of any business licence for inspection and to make such enquiries as he thinks fits to ascertain whether any breach of this Ordinance or of the licence has been committed.
- (2) If the authorised officers establish that a particular business operation through not having a business licence is operating illegally he/she/they may require the operation to cease immediately.
- (3) To effect the ceasing of a illegal operation, the authorised person may hold that equipment for such time as is considered to be necessary to ensure compliance with the Act.

22. Penalties for non-payment of business licence -

- (1) Any person who operates or conducts a prescribed business within Western Province without a prescribed business licence is in contravention of the Ordinance is required to pay.
- (a) the immediate payment of the full licence fee that is owed for the current financial year and any other financial years which he licence fee is owing for
 - (b) the payment of penalty interest is 10%
- (2) In addition to those amounts set out in subsection (1), a person may also be required to contribute towards the cost incurred by the province in enforcing the outstanding business licence fee.
- (3) If payment is require under subsection (2), it is the responsibility of the Western Province Provincial Government to provide a schedule of the costs incurred during the enforcement process, and evidence to support the information contained in the schedule if so requested by the offending person.
- (4) Any penalty interest charged under subsection(1) (ii) is based on the period of time that the business licence fee has been outstanding and is calculated as follows;
- (a) divided the full business licence fee by 12, being the number of months in the financial year;
 - (b) multiplied by the number of months that the business licence has been outstanding for;
 - (c) the penalty interest of 10% of this amount.

Example: If a business licence fee for a specific business activity is \$120,000.00 for a particular year and the licences fee has been outstanding for six (6) months, the penalty interest would be calculated as follows;

- (i) \$120,000,00 divided by 12=\$10,000
- (ii) \$10,000 multiplied by 6=\$60,000

10% of \$60,000.00 is \$6,000,00

Therefore, the infringing person must pay \$6,000,00 in penalty interest, plus \$120,000,00 for the outstanding licence fee.

23. Enforcement of debt

The stated penalties will be enforced as a civil debt due to the province by the persons/entity in default and is recoverable by the Province in any court of competent jurisdiction.

24. Penalties for obstructive practices

- (1) Any person who;
 - (a) obstructs, hinders or resist a Police Officer or other authorized person acting in the due exercise of his powers under this Ordinance; or
 - (b) make a false statement to any police offers or any authorized person; or
 - (c) refuses to fails without lawful exercise to produce any license; shall be guilt of an offence and liable to a fine up to \$2,000,00 or in default of payment to imprisonment for a period not exceeding four weeks.
- (2) Such penalties and fines are enforceable through a court of competent jurisdiction.

25. Delegation

- (1) The Executive may authorize any Provincial officer or public officer to exercise any powers, or perform any duties of the Executive under this Ordinance subject to the general directions of the Executive and any conditions prescribed in the instrument.
- (2) The Executive may exercise a power or perform a duty notwithstanding that such power or duty has been delegated to an authorize officer.
- (3) Any delegation made under subsection (1) must be in writing.

26. **Subsidiary Legislation**

- (1) The Executive may make such orders and regulations as appear to them to be necessary or expedient for carrying out the objectives and provisions of this Ordinance and in particular (without prejudice to the foregoing) such orders and regulations may.
 - (a) prescribed the forms and contents of any application, certificate, license or authority required by this Ordinance.
 - (b) Prescribed and define new categories of business;
 - (c) Prescribed fees and matters relating to fees
 - (d) Provide for the manner of appointment and the duties and powers of the persons authorized to enforce and carry out the provisions of this Ordinance and its regulations and Orders.
- (2) Without limiting the powers of the Executive, the Executive may make such Orders and Regulations as appear to them necessary or expedient to calculate, regulate or enforce such fees.

WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 2012

SCHEDULE TWO

Application form

APPLICATION FORM FOR RENEWAL OF A WESTERN PROVINCE BUSINESS LICENCE

- 1. Applicant _____
 - 2. Trade/Business name (if different from above) _____
 - 3. Postal Address _____
 - 4. _____
 - 5. _____
 - 6. Telephone Number _____ Facsimile number _____
 - 7. Number of existing business license _____
 - 8. List the categories of business to be operated
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
7. Please give full particulars of any changes to business (if any) from the time of the original.
Application or the renewal (eg. Area of operation, number of employees license held under

SIGNED by _____

Print Name _____

Being _____

Specify position held in company/organization
Being a dully authorized agent of the applicant

Date this _____ day of _____ 2012

To: The Provincial Treasurer
PO Box 36
Gizo
Western Province

Western Province Business Licence Ordinance 2012

Schedule 1

Prescribed Business and Annual Licence Fees

Prescribed Business	Annual Licence Fee
Abattoir	1,000.00
Accounting Service	3,000.00
Air Transport Service	40,000.00
Bakery:	
Urban	1,500.00
Rural	100.00
Banking:	
Per Premises	10,000.00
Agents	400.00
Beach Trading - Commercial	5,500.00
Local	500.00
Beautician	500.00
Beche-de-mer trading - Buyers	5,000.00
Agents	1,000.00
Bee Keeping	100.00
Brick making	500.00
Broadcasting Services	10,000.00
Building Construction - Foreigners	10,000.00
- External	8,000.00
- Local	4,000.00
Building Rentals - Domestic	1,000.00
commercial	3,000.00
Bus Services - 15 seater	1,000.00
25 seater	1,500.00
Urban	1,250.00
Rural	500.00
Cannery	15,000.00
Cinema:	
Cinema Part I	1,000.00
Cinema Part II	500.00
Clam trading (shell)	1,000.00
Clam trading (meat)	100.00

Commodities:	Copra	
	Dry Copra Trading	250.00
	Green Copra Trading	250.00
	Coconut (dry/wet bean trading - Local	2,000.00
	Coconut oil extraction	750.00
	Consultancy service	1,000.00
	Clothing Sale - Urban	1,500.00
	Rural	500.00
	Cray fish trading	2,000.00
	Diving Service	3,000.00
	Electrical Service	1,000.00
	Engineering Works	1,000.00
	Entertainment	1,000.00
	Exporting	7,000.00
	Feed Processing	2,500.00
	Feed Supply	1,000.00
	Filming (commercial)	5,000.00
	Financial Scheme	5,000.00
	Fishing (commercial)	25,000.00
	Fish Export	7,500.00
	Fish marketing (local eskies)	750.00
	Fish Processing	15,000.00
	Furniture manufacture:	
	Urban	1,200.00
	Rural	500.00
	Gas agency	1,000.00
	Gold Dealer	5,000.00
	Green Snail Trading	1,000.00
	Urban	4,000.00
	Rural	500.00
	Hawking	200.00
	Hire service	500.00
	Hotel:	
	10 rooms or less	6,000.00
	More than 10 rooms	10,000.00
	Ice cream and ice block manufacturing	750.00
	Internet Service	2,000.00
	Legal Service	2,000.00
	Manufacturing	
	General	1,200.00
	Alcohol/Beverages	15,000.00

Fibreglass:

Commercial	4,000.00
Domestic	500.00
Maritime product exporting	5,000.00
Medical and/or Dental clinic	1,000.00
Milled Timber Exporting	5,000.00
Mining:	
Prospectors rights	25,000.00
Prospecting Licence	75,000.00
Mining Permit	150,000.00
Money Lending	500.00
Motor Sales	3,500.00
Pawn Broking	1,000.00
Pearls oyster shell trading	1,000.00
Pest Control	1,000.00
Photocopy	1,500.00
Petroleum Storage: Urban/Commercial	
1 litre - 400 litres	500.00
401 Litres - 1000 litres	1,000.00
1001 litres - 2000 litres	3,000.00
2001 litres - 3000 litres	6,000.00
3001 litres - 500 litres	10,000.00
5001 litres - 10,000 litres	15,000.00
More than 10,000 litres	20,000.00
More than 20,000 litres	50,000.00
More than 100,000 litres	150,000.00

Rural

1 litre - 400 litres	300.00
401 litres - 1000 litres	750.00
1001 litres - 2000 litres	2,000.00
2001 litres - 3000 litres	4,000.00
3001 litres - 5000 litres	7,000.00
5001 litres - 10,000 litres	11,000.00
10,001 litres - 20,000 litres	15,000.00
More than 20,000 litres	20,000.00

335

Plumbing services	500.00
Ports Services	20,000.00
Prawn trading	1,000.00
Printing:	
Commercial	2,000.00
Domestic	500.00
Recreation fishing	1,000.00
Research	1,000.00
Restaurant:	
Serving breakfast, Lunch and dinner	4,000.00
Serving Lunch and dinner	3,000.00
Serving breakfast or Lunch or Dinner only	1,500.00
Rest house - urban	
7 beds or more	5,000.00
Less than 7 beds	3,500.00
Government stations (Seghe/Ringi):	
7 beds or more	1,500.00
Less than 7 beds	1,000.00
Rural	750.00
Resort:	
5 rooms or more	6,000.00
Less than 5 rooms	4,000.00
Road transport service	1,000.00
Round Log export	75,000.00
Round Log felling	2,500.00
Round Log operators (Contractors)	150,000.00
Round Log sustainable harvesting licence (foreign joint Venture)	55,000.00
Round Log sustainable harvesting licence (Customary Landowner)	30,000.00
Round log harvesting (special permit)	150,000.00
Retail Store:	
Urban/commercial (Gizo, Lambete, Munda, Noro):	
License fee is \$1500.00 per category of item sold up to three categories and fixed extra charges of \$1000.00 for each additional	

Category thereafter:

Category i	1,500.00
Category ii	3,000.00
Category iii	4,500.00
Additional category (maximum)	5,500.00
Retail Trade Store (urban/residential)	1,000.00
Retail Trade Store (rural)	
Category i	350.00
Category ii	700.00
Category iii maximum	1,050.00
Retail Store (official government station)	
Category i	600.00
Category ii	1,200.00
Category iii maximum	1,800.00
Scrap metal collection/trading	2,500.00
Scrap metal exporting	5,000.00
Sawmill:	
50hp or more	7,500.00
25 - 49 hp	5,000.00
Less than 25 hp	2,500.00
Sea transport service - less than 100 hp	250.00
100 hp or more	500.00
Seaweed trading	100.00
Secretarial service	1,500.00
Security service	2,000.00
Ship building	1,500.00
Shipping agent	15,000.00
Ship entry permit (per ship)	5,000.00
Ship Docking Fees:	
Gizo	500.00
Lambete/Seghe/Ringi	350.00
Snack Bar	500.00
Stevedore service	1,000.00
Tailor: Urban	1,500.00
Rural	500.00
Taxi service	500.00

337

Timber Dressing	5,000.00
Timber Felling	7,000.00
Timbers Sales	2,000.00
Tourist business	1,000.00
Trochus Trading	250.00
Wholesale (Store or Warehouse)	
Urban	7,500.00
Rural	2,500.00
Wildlife	2,500.00
Wildlife Exporting	5,000.00
Other Fees	
Application fee non refundable):	
Local (with in Western Province)	100.00
Outside of Western Province	200.00
Fee for transfer Licence under section 19	50.00
Fee for issue of Duplication Licence under section 20	50.00

**WESTERN PROVINCE BUSINESS LICENCE
ORDINANCE 2012**

**WESTERN PROVINCE BUSINESS LICENSE
(AMENDMENT) ORDINANCE 2015**

The Western Province Business License (amendment) Ordinance 2015 was passed by the Western Provincial Assembly on Friday 20th March, 2015.

I have carefully read the version of the ordinance which is being presented to the Ministry of the Provincial Government and the Institutional Strengthening against the document which was passed by the Western Province Provincial Assembly and are found by me to be an accurate and correct copy of the Said ordinance which was adopted by the Western Provincial Assembly.

.....
GIDEON TUKE

Clerk to Western Provincial Assembly

Assented to by the Honourable Minister for Provincial Government and Institutional Strengthening this 30th day of March 2015.

.....
HON. DUDLEY KOPU

Minister of the Provincial Government and Institutional Strengthening

Made under the Common Seal of the Western Provincial Assembly this day of 2015.

.....
HON. LESTER HUCKLE SAOMASI

Minister of Finance
Western Province

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