

TRADING LICENCES—

AGENTS FOR NATIVES REGULATIONS. ⁽¹⁾

Short title. 1. These Regulations may be cited as the *Agents for Natives Regulations*.⁽¹⁾

Definitions. 2. In these Regulations, unless the contrary intention appears—
 “agent for natives” means any person other than a native (whether or not such person carries on any other business) who for reward acts as an agent for the sale or disposition of any coconuts, copra, or other agricultural products on behalf of any native;
 “Director” means the Director of District Services and Native Affairs;
 “licence” means a licence granted under these Regulations;
 “licensee” means the holder of a licence.

Regulations not to apply to Administration officers &c. 3. These Regulations shall not apply to any officer or employee of the Public Service of the Territory in the exercise of his functions as such officer or employee.

Persons not to act as agents for natives without licence. 4. A person other than a native shall not act as an agent for natives unless he is the holder of a licence.

Penalty: Fifty pounds.

Application for licence. 5. Every person who desires to obtain a licence shall lodge with the Administrator—

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in <i>N.G. Gaz.</i>	Date on which took effect.
<i>Licences Ordinance 1923-1937</i>	27.10.1934	31.10.1934	“Forthwith” ^(a) (<i>N.G. Gaz.</i> of 31.10.1934)

(a) The *Agents for Natives Regulations* stated in their introductory part that they were “to come into operation forthwith.” At the relevant dates in 1934, Section 7(2) of the *Licences Ordinance 1923-1937* (under which these Regulations were made) provided that “All regulations made under the Ordinance shall be published in the *New Guinea Gazette*, and shall take effect from the date of such publication, or from a later date specified therein.” At the relevant dates in 1934 Section 19 of the *Ordinances Interpretation Ordinance 1934-1941* provided that “Any regulations made under any Ordinance, unless the contrary intention appears in the Ordinance—(a) shall be published in the *New Guinea Gazette* and (b) shall, unless the contrary intention appears in the regulations, take effect and come into operation on the date of publication.” At the relevant dates in 1934 there was no other Ordinance or regulation of general application providing for the meaning of “forthwith”.

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- (a) an application in writing; and
- (b) a fidelity bond for One hundred pounds in accordance with the form in the Schedule to these Regulations from some insurance company or other surety approved for the purpose by the Administrator.

6. Every licence shall expire on the thirtieth day of June next after the date of issue of the licence. Duration of licence.

7. The fee for a licence shall be Three pounds: Fee.

Provided that the fee for a licence issued during the first six months in any year shall be Two pounds.

8.—(1.) Subject to the provisions of these Regulations, the Administrator may grant or refuse any application for the grant of a licence. Grant of licence.

(2.) A licence shall specify the limits within which it shall be valid.

9.—(1.) The Administrator may cancel any licence.

Cancellation of licence.

(2.) Compensation shall not be payable by the Administration to any person on account of the cancellation of a licence.

10. Every licence granted under the provisions of these Regulations shall be granted subject to the following conditions:— Conditions of licence.

(a) That the licensee shall not, as an agent for natives, act—

(i) for any native residing within a radius of two miles from any place in respect of which a trader's licence has been issued and is in force; or

(ii) outside the limits specified in the licence.

(b) That the licensee shall record in a book to be kept by him for the purpose particulars of all transactions entered into by him as an agent for any native.

(c) That the licensee shall keep his accounts in such a manner as to show the true position of the moneys to which they relate and to enable the accounts to be conveniently and properly audited.

(d) That the licensee shall, at all reasonable times, permit the Director, a District Officer, or any person authorized by the Director in writing, to inspect all books, accounts, documents, or papers relating to transactions entered into by him as an agent for natives and to audit his accounts.

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Penalty for failure to comply with conditions.

11. Any licensee who fails to comply with any condition subject to which his licence was granted shall be guilty of an offence.

Penalty: Fifty pounds.

THE SCHEDULE.

TERRITORY OF NEW GUINEA.

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BOND.

Know all men by these presents that [in case of a person or persons insert "I" or "we"]; [if made by a corporation, its name and registered office; when made by an individual or individuals, insert full name or names, address, and additions of approved surety]; ["am" or "are jointly and severally" or in case of a corporation insert "is"] bound to the Administration in the sum of One hundred pounds to be paid to the Administration for the due payment whereof ["I" or "we" or "the company"] hereby bind(s) ["myself my heirs executors and administrators" or "ourselves and each and any two of us, our respective heirs executors and administrators" or "itself"] by these presents.

Whereas one [name of applicant for a licence with address]

is an applicant for the grant of a licence under the Agents for Natives Regulations, under the terms of which Regulations each applicant is required to lodge with his application a fidelity bond for One hundred pounds from some insurance company or other surety approved for the purpose by the Administrator: And whereas the above bounden [name of surety followed by word "has" or "have"] agreed to enter into the above-written bond for the fidelity of the said [name of person whose fidelity is answered for] as an agent for natives in all matters and things connected with, arising out of, or incidental to his behaviour, conduct, or dealings in relation to such business during the year ending the thirtieth day of June, 19

Now the condition of this obligation is such that if the said [name of person whose fidelity is answered for] is granted a licence under the Agents for Natives Regulations, and thereafter while the holder of such licence he shall in all things in relation to the conduct of the business of an agent for natives behave himself in an honest and lawful manner and observe and comply with the requirements of the law for the time being in force governing the case of agents for natives, then this bond shall be void and of no effect or else to remain in full force and virtue.

Dated this _____ day of _____, 19 _____

THE COMMON SEAL of _____ was hereto affixed }
in the presence of _____ }

or

SIGNED, SEALED, AND DELIVERED }
by the said _____ }
in the presence of _____ }