

[Legal Notice No. 178]

**THE PROVINCIAL GOVERNMENT ACT  
(No. 7 of 1997)**

**THE MAKIRA ULAWA PROVINCE BUSINESS LICENCE  
ORDINANCE 2001**

**AN ORDINANCE to revise the laws relating to the licensing of professions,**

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trades and businesses operating within Makira Ulawa Province; and to repeal the Makira Province Business Licence Ordinance 1984; and to repeal the Makira Ulawa Province Business Licence (Amendment) Ordinance 1988.

ENACTED by the Provincial Assembly of Makira Ulawa Province.

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Title and Commencement
2. Interpretation
3. Activities and businesses to be licenced
4. Eligibility for grant of licence
5. Application for and issue of licence
6. Store licence not to authorise hawking
7. Application for and issue of licence for mining, prospecting, timber exporting and timber felling
8. Powers of authorised person
9. Transfer of licence
10. Limited effect of licence
11. Other Ordinance not derogated
12. Duplicate licences
13. Fees
14. Regulations
15. Repeal and savings

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ORDINANCE 2001**

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance:-

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1. This Ordinance shall be cited as the Makira Ulawa Province Business Licence Ordinance 2001 and shall come into force on the day assented to by the Minister pursuant to Section 30 of the Provincial Government Act 1997.

Title and  
Commencement

2. In this Ordinance except where the context otherwise requires:-

Interpretation

“air transport service” means the business of providing transportation services by aeroplane whether for passengers or freight;

“Assembly” means the Makira Ulawa Provincial Assembly;

“bakery” means the business of baking or manufacturing bread, biscuits, rolls, tarts, cakes, confection or any other pastry or bakery product for consumption by persons not residing on the premises where such baking or manufacturing takes place.

“banking” means any business which requires a licence under Section 3 of the Banking Act 1976 (Chapter 48);

“broadcasting service” means the business of transmitting by radio any message or other matter, for information, education or entertainment of the public, whether within or outside the Solomon Islands;

“business” means any activity or service operated or undertaken by a person for payment of any kind but does not include:

- (1) any activity or service undertaken by an employee in the course of his duties; or
- (2) any activity which is established and conducted wholly for one or more of the following purposes:

- (a) charitable
- (b) participation in or support of athletics, sports or games or culture activities;
- (c) purposes not described in the foregoing sub-paragraphs and not being for private gain or commercially undertaken and in which all proceeds above actual costs are applied for the said purposes;

"butchery" means the business of storing, preparing and selling meat, not including fish;

"cement factory" means the business of making cement for sale;

"cinema" means the business of showing films and is a business which requires a theatre licence in accordance with Section 4 of the Cinematograph Act (Chapter 137) but does not include the Showing of video tapes

"cocoa buying" means the business of purchasing for resale cocoa beans or pods whether or not processed;

"coconut processing" means the business of making any products from coconuts for local or export sale;

"communication service" means the business involving the provision of communication through telephones, faxes, radios, electronic mail, internet, newspapers etc. on fee charges;

"consultancy service" means the business of providing advice or assistance on any matter other than a legal matter;

"copra buying" means the business of buying copra which requires a licence in accordance with Section 4 of the Commodities Export Marketing Authority Act (Chapter 36);

"copra exporting" means the business of buying and exporting copra;

"copra processing" means the business of making any product from copra for either local or export sale;

"crocodile dealing" means the business of buying and exporting crocodile skins;

"diving service" means the business involving the provision of facilities and/or the hiring out of equipment to persons for scuba diving or snorkeling for recreational purposes;

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“dry coconut buying” means the business of buying for resale, dry coconuts collected by someone other than the purchaser whether or not such coconuts are processed or partly processed at the time of resale;

“electrical service” means the business of installing, repairing, maintaining or removing any electricity plant, fittings or apparatus but does not include services performed by the Solomon Islands Electricity Authority;

“engineering service” means the business of making any machinery or installing, repairing or maintaining any machine, vehicle or out board motor but does not include ship repairing.

“engineering works” means the business of building or repairing structures (other than buildings) and any other kind of construction works including but not limited to, water tanks, walls, roads, bridges, wharves, town water supplies and sewerage works;

“equipment rental” means the business of offering machinery or equipment for hire;

“Executive” means the Makira Ulawa Provincial Executive;

“export sales” means sales for use or resale outside the Solomon Islands;

“filming” means the business of making photographs, video tapes or movies for commercial reproduction;

“fishing commercially” means the business of operating one or more fishing vessel and is a business which requires a licence in accordance with Section 14 of the Fisheries Act 1998 (No.8 of 1998);

“fish exporting” means the business of exporting fish from a base inside Makira Ulawa Province;

“fish farming” means the business of farming fish in any reef within the

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jurisdiction of Makira Ulawa Province and the business of farming freshwater fish such as prawns, eel and telapia for sale;

“fish market” means the business of storing, preparing, selling of fish and other seafoods, including the occasional sale of fish or other seafoods by Solomon Islands citizens in urban centres;

“fish processing” means any business operated on land of preserving or preparing fish or producing any substance or article from fish by any method;

“furniture shop” means the business of making or manufacturing or selling assembled and finished chairs, tables, desks, sofas or couches, shelves or any other furnishings for household or commercial use;

“gas sales” means any business organization which store LP gas products or other types of gases for sale.

“gold dealer” means the business of buying or selling or dealing in gold and is a business which requires a licence in accordance with Section 55 of the Mines and Minerals Act (Chapter 42);

“hardware shop” means the business of buying for resale hardware items and does not include either retail or wholesale shops;

“hawking” means the business of carrying goods, excluding foods or fish, for sale, barter or exchange by any person at a place where he does not usually reside or carry on business, but does not include wholesalers;

“housing construction” means the business of building or repairing buildings, but does not include casual building or repairing of buildings by traditional agreement;

“legal service” means the business of providing any advice or assistance on any law or legal matter;

“liquor sales” means the business of providing liquor for sale and is a

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business which requires a licence in accordance with Section 4 of the Liquor Act (Chapter 144);

“logging contractors” means the business involving contractors other than the licensee in timber felling for export;

“log purchasing” means the business of buying logs to be processed for either local or export sale;

“marine resources sales” means the business in which marine shells (such as trochus, black lip, gold lip, green snails, sea cucumber or shark fin etc.) are sold or purchased for either local or export sale;

“mining” means the business of reconnaissance, prospecting and mining of minerals and mineral substances as defined in Section 3 of the Mines and Minerals Act (Chapter 42) and is a business which requires a licence or permit, in accordance with the following sections of the Mines and Minerals Act (Chapter 42):-

- |       |            |   |                            |
|-------|------------|---|----------------------------|
| (i)   | Section 13 | - | reconnaissance permit      |
| (ii)  | Section 19 | - | prospecting licence        |
| (iii) | Section 26 | - | prospector's rights        |
| (iv)  | Section 30 | - | mining lease               |
| (v)   | Section 50 | - | alluvial miner's permit    |
| (vi)  | Section 64 | - | building materials permit; |

“Minister” means the Minister of Provincial Government;

“money lending” means the business of lending money and also includes banking;

“person” means any person, persons, company or other group, association or co-operative, or statutory authority, but does not include any Government department or the Executive;

“petroleum sales” means any business in which petroleum products such as oil, kerosene, fuel for internal combustion engines (such as outboard motors, automobiles, tractors or trucks etc.) are sold,

excluding propane (LP) or natural gas.

“petroleum storage” means the holding or storing of petroleum products such as oil, kerosene or fuel for internal combustion engines (such as outboard motors, automobiles, tractors or trucks etc.) or other petroleum products here such holding or keeping is for purposes of non-commercial use or sale or profit, excluding propane (LP), or natural gas;

“plumbing service” means the business of installing, repairing, maintaining or removing water pipes in any building or on or under any land;

“policies of the Province” means those policies approved by the Executive, from time to time governing functions, services and Development within Makira Ulawa Province;

“postal service” means the business of selling postal service items but does not include postal agencies;

“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;

“radio repair service” means the business of building, repairing, or maintaining any electronic device including but not limited to radios, video or tape cassette recorders;

“research” means the business of acquiring information, samples or knowledge as part of scholarly pursuits;

“restaurant” means the business of preparing and selling meals and beverages, by table service, for consumption by persons not residing on the premises where such preparation or sale takes place;

“resthouse” means the business of providing sleeping accommodation and/or meals to the general public;

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“retail store” means any business in which merchandise, goods, or commodities are stocked and sold, or offered for sale to the general public;

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

“rice purchasing” (dry or unprocessed) means the business of buying rice to be processed for either local or export sale;

“rural” means any business which is not urban;

“sawmill” means any mechanically powered plant, machinery, or equipment for converting unmilled timber into milled timber (includes sawn timber, wood particles, wood pulp and veneer produced in a sawmill);

“sea transport service” means the business of providing transportation services for passengers by boat or canoe and includes offering any boat or canoe for hire;

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

“shipping trade service” means the carrying on of the business of employing a ship to carry, receive, and/or deliver cargo or goods, and/or the sale or purchase of cargo or goods, within the authority of the Assembly;

“snack bar” means the business of preparing and selling fast food and non-alcoholic beverages for consumption by persons not residing on the premises where such preparation or sale takes place;

“spice and vegetable and fruit sales” means the business in which spices (such as tumeric, chilli or ginger etc.) or other vegetables and fruit are sold or purchased for export sale;

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“stationary shop” means the business of buying for resale stationary items and does not include either retail nor wholesale shops;

“stevedore service” means that activity in which persons are provide, by hire or direct employment, to load or unload ships;

“timber exporting” means the business of exporting logs which require a licence in accordance with the Forest Resources and Timber Utilisation Act (Chapter 90);

“tailor” means the business of making clothes for sale;

“tourist resort” means the business involving the provision to tourists of various services and facilities such as accommodation, restaurant, recreations, transportation, retail stores, under a single administration and permanent staff.

“urban” refers to any business whose premises are situated, wholly or in part, within the boundaries of the Provincial Centre, Kirakira, Huro and Kaonasugu Commercial Centres;

“used clothing sales” means the business in which second-hand or used clothes are resale for profit;

“video” means the business of showing video tapes and the business of hiring out video cassette players and video cassette (tapes);

“wholesale store” means any business in which merchandise, goods or commodities are stocked and sold or offered for sale to businesses or entities other than the general public;

“wildlife collection” means the business of purchasing or selling of any non domestic animal, reptile or insect for export;

“wood processing” means the business of making products out of wood, but does not include traditional carvings;

Activities and  
Businesses to be  
Licensed.

3. (1) Any person, company or other entity who, within the authority of the Assembly, carries on any activity or business listed in the schedule to this Ordinance, save under and in accordance with the terms and conditions of a valid licence issued under this Ordinance shall be guilty of an offence and on conviction liable

- (a) in the case of mining, prospecting, timber exporting or timber felling, to a fine not exceeding fifty thousand dollars (\$50,000.00) and in default of payment, to imprisonment for a period not exceeding one year and the amount of the fee recoverable shall be recoverable as a civil debt;
- (b) in all other cases to a fine not exceeding five thousand dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding for weeks and the amount of the fee recoverable shall be recoverable as a civil debt.
- (2) Not proceedings under this Ordinance shall be commenced against any person (except a licence for mining, prospecting, timber exporting or timber felling) who, having held a licence which expired on the 31st day of March, shall have obtained a new licence not later than the 31st day of the next succeeding month.

4. No person shall be granted a business licence and no business licence shall be renewed, unless the business complies with all laws and policies of Makira Ulawa Province.

Eligibility

5. (1) Except for licences for mining, prospecting, timber exporting or timber felling, upon application therefore and payment of the appropriate fee the authorised employee of the Province may issue the appropriate licence, subject, in the case of first applications, to the approval of the Executive.

Application for  
issue of licence

(2) Every such licence shall specify the premises in which the business shall be carried on the name of the licence.

(3) Every such licence shall be valid until the 31st day of March following its issue and shall thereupon expire.

(4) Half year licences shall be issued during the period commencing the 1st day of October in any year to the 31st December of that same year and shall expire on the 31st day of March the following year, the period being the last six months of the financial year.

(5) Licences issued during the period from the 1st day of January in any year for the period to the 31st March of that same year shall be calculated on a pro-rate basis.

Store Licence  
to authorise  
hawking

6. A store licence shall not authorise the carrying on of the business of a store on any premises other than the one specified in the Licence nor shall it authorise the hawking of goods.

Application for and  
issue of licence for  
mining, prospecting,  
timber exporting and  
timber Felling

7. (1) Any application for permission to operate the business of mining, prospecting, timber exporting, timber felling and any business specified by subsidiary legislation shall be made to the Executive by submitting a copy of the prescribed form.

- (2) The person submitting such application shall;
- (a) include on the prescribed form all particulars required to be supplied thereby; and
  - (b) supply such further particulars as may be required by the Executive to enable it to determine that the business to be operated complies with the law and policies of Makira Ulawa Province.

(3) The Executive upon being satisfied that the business applied for complies with the laws and policies of Makira Ulawa Province may grant approval for a business licence to be issued.

(4) Any applicant shall be advised in writing of the decision of the Executive and upon payment of the prescribed fee the Provincial Principal Accountant or any authorised employee shall issue to the applicant a business licence in accordance with the prescribed form.

Powers of  
authorised  
person

8. (1) A police officer, or any authorised person in uniform on proper delegation of his authority, may reasonably require any person carrying out or assisting in any activity or business subject to this Ordinance to produce a business licence.

(2) Any person referred to above in sub-paragraph (1) who, without reasonable excuse, fails to produce a licence upon request by an authorised person pursuant to sub-paragraph (1) of this section, may be guilty of an offence and liable to a fine not exceeding twenty five dollars (\$25.00), or in default of

payment, imprisonment for a period not exceeding two weeks.

(3) Where an authorised person has reasonable grounds for believing that an offence against the provisions of this Ordinance has been committed, in relation to licences for mining, prospecting, timber exporting or timber felling, he may arrest any person whom he believes has committed such an offence, and if the authorised officer making such arrest is not a police officer, he shall without unnecessary delay hand over such person to a police officer or in the absence of a police officer, shall take the person to the nearest police station;

(4) In this section "authorised person" means a person authorised by the Executive in writing to enforce this Ordinance.

9. A licence (except for licence for mining, prospecting, timber exporting or timber felling) may, upon payment of the appropriate fee be endorsed by an authorised employee of the Province, so as to transfer the licence to any other person or to permit the heretofore licensed business to operate upon different premises other than those premises recited in the original application.

Transfer  
of licence

10. No licence issued under this Ordinance, in respect of any business, shall authorise the carrying on of any other business.

Limited effect  
of licence

11. The provisions of this Ordinance shall be in addition to and not in derogation of any other Ordinances.

Other  
Ordinance

12. Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed may, on payment of the prescribed Fee, obtain a duplicate licence.

Duplicate  
licences

13. The fees for any business licence, duplicate licence, or transfer of licence shall be determined by the Executive.

Fees

14. The Executive may make such Orders and Regulations as appear to them necessary expedient for carrying the objects and provisions of this Ordinance into effect.

Regulations

15. (1) The Makira Province Business Licence Ordinance 1984 and the

Repeal and  
Savings

Makira Ulawa Province Business Licence (Amendment) Ordinance 1988 and the regulations and schedules made under them (hereinafter referred to as the "repealed Ordinance") are hereby repealed.

(2) Notwithstanding such repeal, from and after the date of coming into operation of this Ordinances any license granted under the repealed Ordinances shall continue to be valid for the period stipulated therein.

ENACTED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY this  
twentieth Day of December 2001

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Clerk to the Makira Ulawa Provincial Assembly