

**SUPPLEMENT** to the Solomon Islands GazetteTuesday 6<sup>th</sup> August, 2013

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[Legal Notice No. 61]

**PROVINCIAL GOVERNMENT ACT 1997  
(NO. 7 of 1997)****WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 2012**

The Western Province Business Licence Ordinance 2012 was passed by the Western Provincial Assembly on Tuesday 1st May 2012.

I have carefully read the version of the Ordinance which is being presented to the Ministry of Provincial Government and 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.

Eric Kikolo  
Clerk to Western Provincial Assembly

Assented to by the Honourable Minister for Provincial Government and Institutional Strengthening this fourth day of May 2012.

HON. SILAS KERRY VAQARA TAUSINGA  
Minister of Provincial Government and Institutional Strengthening

Made under the Common Seal of the Western Provincial Assembly this .....  
day of May 2012.

HON. GEORGE SOLINGI LILO  
Premier of Western Province

## WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 2012

### 1. Short Title and Commencement

This Ordinance may be cited as the Western Province Business Licence 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 Licence 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 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 or 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.

- Banking* means the business of banking and is a business which requires a licence in accordance with Section 3 of the Banking Act 1916 or under any Act passed in amendment or substitution therefore.
- Based in Western Province* means a business that conducts the primary bulk of its business in Western Province.
- Beach trading* means the business of hawking from a canoe, ship or other vessel.
- Beautician* means the business of providing beautifying and/or remedial treatments for the face or body.
- Beche-de-mer trading* means the business of buying and/or selling the species of Holothurians 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 of bees 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 combining these materials with any other materials or using some other similar materials.
- Broadcasting services* means the business of transmitting by radio 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 buildings by traditional agreement.
- Building rentals* means the business of leasing, renting or administering the leasing or renting of or 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 transportation services by any road vehicle or boat 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 in the course of that employee's 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 purpose of sale on the Solomon Islands domestic market or for export from Solomon Islands as food for human consumption or for 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 *Penulitis* 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 scuba 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 photocopiers.
- Engineering works* means the business of building or repairing structure other than buildings and any other kind of constructions works including but not limited to water tanks, walls, roads, bridges, wharves, town water supplies and sewerag works.
- Entertainment* means the business of providing entertainment of any kind other than the business of a cinema as herein defined, including but not muted to video games and all business coming within the provisions of the 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 ordinarily caught living in water and breathing through gills with fins for swimming but excluding marine products as defined in this Ordinance.
- Fishing 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 any method.
- From Outside* means received from a place outside Western Province.
- Furniture manufacture* means the business of making or manufacturing of selling assembled and finished chairs, tables, 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 licence in accordance with Section 46 of the Mining Act or any Act passed in 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 foods, 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 wholesalers, and/or retailers and/or the public.
- Internet cafe* means a business that provides 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 a 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 an; number of marine products being marine products 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 Centre 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 mineral 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 licence 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 dingies, 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 licence under the Pawnbroking Act of 872 and 1960 and any Act passed in amendment or substitution 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 of pearls.
- Pest control* means the business of providing services and/or pesticides or any other products 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 plamoil 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 lie Co-operative Societies Actor any Act passed in amendment or substitution therefore.
- Plumbing service* 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.



<i>Prawn trading</i>	means the business of buying and/or selling freshwater prawns ( <i>Macrobrachium rosenburgu</i> ) and/or salt water prawns ( <i>Panaeus monodon</i> ) or shrimps or related species but does not include the exporting of prawns.
<i>Premises</i>	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.
<i>Prescribed businesss</i>	means: <ul style="list-style-type: none"> <li>(a) any business for which a category and fee are prescribed under this Ordinance;</li> <li>(b) any determination made under section 14; or</li> <li>(c) any other business, but does not include a business under section 4(4).</li> </ul>
<i>Printing</i>	means the business of producing printed materials/articles purposely for sale.
<i>processing</i>	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.
<i>Provincial officer</i>	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.
<i>Provincial treasurer</i>	means the person holding the public office.
<i>Recreational fishing</i>	means the business of taking paying customers for the purposes of game and/or sport fishing being non-commercial fishing.
<i>Religious bookshop</i>	means the business of operating a bookshop selling religious books and/or other religious items by a church or other religious body.
<i>Restaurant</i>	means the business or preparing and selling meals by table service for consumption at that particular premises;
<i>Rest house</i>	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 unmilled timber.
- 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 particles, wood chip, wood pulp, and veneer and is a business which requires a licence in accordance with Section 7 of the Forest and Timber Act or any Act passed in amendment or substitution therefore or which requires a licence under any other relevant legislation.
- Scrap metal trading* means the collecting, storing and sale of metal extracted from machines and other items containing steel, iron or similar elements.
- Scrap 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), ship(s), canoes or other vessel(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, computer services, photocopying services, filling 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 providing secure transportation of goods, selling and/or installing security locks and equipment and systems of alarm systems;

<i>Ship building</i>	means the business of building, repairing or maintaining any ship, boat, vessel or canoe but does not include any wooden canoe.
<i>Shipping agency</i>	means the business or being an agent for a shipping line in and out of the Solomon Islands.
<i>Shipping service (occasional)</i>	means the business of providing transportation services for passengers or cargo by boat, ship or any other vessel but not including a canoe, where such boat, ship or other vessel 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.
<i>Snack bar</i>	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.
<i>Stevedore services</i>	means the business by which persons are provided whether by hire or by employment to load or unload ships.
<i>Tailor</i>	means the business of making clothes for sale;
<i>Timber felling</i>	means the business or cutting trees within Western Province for the purpose of export or sawmilling whether the sawmilling or export is carried out by a timber-feller or some other person.
<i>Timber harvesting</i>	means the harvesting of timber which a particular company, or entity has planted and nurtured.
<i>Timber sales</i>	means the business of selling timber unmilled 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.
<i>Tourist business</i>	means any business offering sight-seeing, recreation or relaxation opportunities to or for tourists but not being a tourist resort or tourist vessel service.

- Resort* means the business of provision to tourists of various services and facilities from one premises such as accommodation, restaurant, recreation transportation, retail store(s) under a single administration and permanent staff.
- Tourist vessel service* means a business involving the transportation of tourists for the purpose of pleasure or sight-seeing aboard a vessel requiring a safety certificate under the Shipping Act or any Act passed in amendment or substitution therefore.
- Trade store* means a traditional Melanesian Store involved mainly in the sale of food and drink.
- Wildlife* means the trading of wild life such as crocodiles or birds within the Western Province. People so trading require the appropriate licence to be issued by the Ministry of Conservation.
- Wildlife exporting* means the exporting of wild life species or products by people who have a valid licence to do so provided by the 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, businesses or other entities other than the general public for the purposes 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 term 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, students and teachers of the school or training institute but does not include canteens or stores run by a school or training institute which sells to parents, relatives or friends of pupils, students 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 ("the Committee") is to:
  - (a) receive applications for business licences;
  - (b) make decisions in respect of applications for business licences;
  - (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 Treasurer;
  - (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 prescribed thereof.

7. Application for a business licence for a prescribed business

- (1) All applications for a business licence must:
  - (a) be sent to the 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 is 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 the 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 entitled to hold a business licence.
  - (3) The Committee may require the applicant to provide further information in support of his/her application.
  - (4) Information required by the Committee under subsection (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 licence
    - (b) decline the licence
    - (c) approve the licence 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 condition(s) 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 condition 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 Licence 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 prescribed fee, as set out in Schedule 1.
  - (3) Upon receipt of payment of the prescribed fee the authorising officer shall issue to the applicant a business licence in the form prescribed in Schedule 3.
  - (4) No person holds a valid business licence until payment of the prescribed fee has been received by the Committee or authorising officer.
11. Time and duration of licence
- (1) Any business licence issued under section 9(3) commences on the date that payment is received, subject to subsection (3).
  - (2) All licences expire on 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 licences

- (1) Where a person operates several categories of business from one premise, vehicle or vessel that 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 required to pay business licence fees 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 vehicleless or vessels that person shall take out separate business licences in respect of each premise and/or vehicle and/or vessel.

13. Applications 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, and 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 the Executive, the applicant may apply for a licence in accordance with section 6.

14. Businesses 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 subsection (2).
- (2) The Committee shall, after receipt of an application for a determination under (1), determine:
- (i) the category of the business, if any; and
  - (ii) 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 (3).
- (2) Examples of situation which may be reasonable and appropriate 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 authorised 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 authorised 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 of 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 by 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 the licence fee for the 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 be construed to convey any right, power or authority to enter any private land or reef nor take any action with respect of anything without the authority and permission of the owner(s) of that land or reef or thing.
17. Registrar
- (1) The Executive shall keep a register of all business licences granted.
  - (2) The Registrar of business licences 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) The fees to be in respect of licences issued under this Ordinance are prescribed in Schedule 1, subject to sections 14 and 15.
  - (2) The fees for any business licence may be reviewed annually.
19. Transfer
- (1) Upon payment of the prescribed fee a business licence holder may transfer the business licence 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 condition of the business licence and this Ordinance.
20. Duplicate Licence
- (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 Officer or 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 fit 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 the licence fee is owing for;
  - (b) the payment of penalty interest at 10%;
- (2) In addition to those amounts set out in subsection (1), a person may also be required to contribute towards the costs incurred by the province in enforcing the outstanding business licence fee.
- (3) If payment is required 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) divide 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 percent of this amount.

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

- i) \$120,000 divided by 12 = \$10,000
- ii) \$10,000 multiplied by 6 = \$60,000.
- iii) 10% of \$60,000.00 is \$6,000.00.

Therefore, the infringing person must pay \$6,000 in penalty interest, plus \$120,000 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 person/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 authorised person acting in the due exercise of his powers under this Ordinance; or
- (b) makes a false statement to any police officers or any authorised person; or
- (c) refuses to fails without lawful exercise to produce any licence;

shall be guilty of an offence and liable to a fine up to \$2,000.00 or in default of payment to imprisonment for a period not s exceeding four weeks.

(2) Such penalties and fines are enforceable through a court of competent jurisdiction.

## 25. Delegation

- (1) The Executive may authorise 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 authorised 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) prescribe the forms and contents of any application, certificate, licence or authority required by this Ordinance.
  - (b) prescribe and define new categories of business;
  - (c) prescribe fees and matters relating to fees;
  - (d) provide for the manner of appointment and the duties and powers of persons authorised 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 ONE**

**ANNUAL LICENCE FEES FOR PRESCRIBED BUSINESSES\***

PRESCRIBED BUSINESS	ANNUAL LICENCE FEE
Abattoir	\$1,000
Accounting service	\$3,000
Air transport service	\$20,000
Bakery:	
Urban	\$1,250
Rural	\$100
Banking:	
Per premises	\$10,000
Agents	\$350.00
Beach trading	\$500
Beautician	\$500
Beche-de-mer trading	\$700
Bee keeping	\$100
Brick making	\$500
Broadcasting services	\$10,000
Building construction	\$3,000
Building rentals	\$1,000
Bus services	\$500
Butchery:	
Urban	\$1250
Rural	\$500
Cannery	\$12,000
Cinema:	
Cinema Part I	\$1,000
Cinema Part II	\$500

Clam trading	\$100
Commodities: Copra	
Dry copra trading	\$250
Green copra trading	\$250
Cocoa (dry/wet bean trading – local)	\$500
Consultancy service	\$1,000
Crayfish trading	\$2,000
Diving service	\$3,000
Electrical service	\$1,000
Engineering works	\$1,000
Entertainment	\$500
Exporting	\$7,000
Financial scheme	\$5,000
Fishing (commercial)	\$20,000
Fish exporting	\$7,500
Fish marketing	\$750
Fish processing	\$12,000
Furniture manufacture:	
Urban	\$1,200
Rural	\$500
Gas agency	\$1,000
Gold dealer	\$5,000
Green snail trading	\$1,000
Hardware store:	
Urban	\$4,000
Rural	\$1,500
Hawking	\$200
Hire services	\$500
Hotel:	
10 rooms or less	\$5,000
More than 10 rooms	\$8,500
Ice cream and ice block manufacturing	\$750
Internet servicess	\$2,000
Legal services	\$2,000

Manufacturing	
General	\$1,200
Alcohol/beverages	\$15,000
Fibreglass:	
Commercial	\$4,000
Domestic	\$500
Marine product exporting	\$5,000
Medical and/or dental clinic	\$1,000
Milled timber exporting	\$5,000
Mining:	
Prospectors rights	\$5,000
Prospecting licence	\$30,000
Special prospecting licence	\$15,000
Mining permit	\$75,000
Money lending	\$500.00
Motor sales	\$3,500
Pawn broking	\$1,000
Pearl oyster shell trading	\$1,000
Pest control	\$1,000
Photocopy	\$1,500
Petroleum storage:	
1 litres – 1,000 litres	\$750
1,001 litres – 5,000 litres	\$2,000
5,001 litres – 10,000 litres	\$5,000
10,001 litres – 20,000 litres	\$10,000
More than 20,001 litres	\$20,000
Plumbing services	\$500
Ports service	\$20,000
Prawn trading	\$1,000
Printing:	
Commercial	\$2,000
Domestic	\$500
Recreational fishing	\$1,000
Restaurant:	

Serving breakfast, lunch, and dinner	\$4,000
Serving lunch and dinner	\$3,000
Serving breakfast or lunch or dinner only	\$1,500
Rest house – urban:	
7 beds or more	\$4,000
Less than 7 beds	\$2,500
Government stations (Seghe/Ringii):	
7 beds or more	\$1,250
Less than 7 bedss	\$900
Rural	\$750
Resort:	
5 rooms or more	\$5,000
Less than 5 rooms	\$3,000
Road transport service	\$1,000
Round log exporting	\$150,000
Round log felling	\$2,500
Round log operators (contractors)	\$75,000
Round log sustainable harvesting licence (foreign joint venture)	\$55,000
Round log sustainable harvesting licence (customary landowners)	\$30,000
Rental store:	
Urban/commercial (Gizo, Lambete, Munda, Noro):	
Licence fee is \$1,250 per category of items sold up to thee categories and fixed extra charges of \$1,000 for each additional category thereafter	
Category I	\$1,250
Category II	\$2,500
Category III	\$3,750
Additional category (maximum)	\$4,750
Retail Trade Store (urban/residential)	\$1,000
Retail trade store (rural):	
Category I	\$350
Category II	\$700
Category III (maximum)	\$1,050
Retail trade store (official government station):	



Category I	\$600
Category II	\$1,200
Category III (maximum)	\$1,800
Scrap metal collection/trading	\$2,500
Scrap metal exporting	\$5,000
Sawmill:	
50hp or more	\$7,500
25 - 49hp	\$5,000
Less than 25hp	\$2,500
Sea transport services:	
Less than 100hp	\$250
100hp or more	\$500
Seaweed trading	\$100
Secretarial services	\$1,500
Security service	\$2,000
Ship building	\$1,500
Shipping agent	\$10,000
Shipping service (occasional)	\$2,000
Ship entry permit (per ship)	\$2,500
Ship docking fees:	
Gizo	\$500
Lambete/Seghe/Ringii	\$350
Snack bar	\$500
Stevedore service	\$1,000
Tailor:	
Urban	\$1,500
Rural	\$500
Taxi service	\$500
Timber felling	\$7,000
Timber sales	\$2,000
Tourist business	\$1,000
Trochus trading	\$250
Wholesale (store or warehouse):	
Urban	\$5,000
Rural	\$2,500
Wildlife	\$2,500
Wildlife exporting	\$5,000
<b>OTHER FEES</b>	
Application fee (non-refundable):	
Local (within Western Province)	\$100
Outside of Western Province	\$200
Fee for transfer of licence under section 19	\$50.00
Fee for issue of duplicate licence under section 20	\$50.00

\*All fees are payable in Solomon Islands dollars unless otherwise stated.

**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. Telephone Number \_\_\_\_\_ Facsimile Number \_\_\_\_\_
- 5. Number of existing business licence \_\_\_\_\_
- 6. List the categories of Businesses to be operated
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
- 7. Please give full particulars of any changes to the business (if any) from the time of the original application or the renewal (eg. Area of operation, number of employees license held under other legislation etc) (Continue on separate sheet if necessary)

SIGNED by \_\_\_\_\_

Print Name \_\_\_\_\_

being \_\_\_\_\_  
Specify position held in company/organization

Being a dully authorized agent of the applicant

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012

To: The Provincial Treasurer  
P.O. Box 36  
Gizo  
WESTERN PROVINCE

**WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 2012**

**SCHEDULE THREE**

**Business Licence Form**

WESTERN PROVINCIAL GOVERNMENT

Financial Year

BUSINESS LICENCE ISSUED UNDER THE WESTERN PROVINCIAL  
BUSINESS LICENCE ORDINANCE

LICENCE NO: \_\_\_\_\_

Address of Company of which the License is being issued to

IS AUTHORIZED TO UNDERTAKE THE FOLLOWING BUSINESS  
ACTIVITIES FOR THE FINANCIAL YEAR \_\_\_\_\_

1. Nature of Business the Licence is held against.

SUCH ACTIVITIES ARE SUBJECT TO CERTAIN CONDITIONS WHICH ARE  
SET OUT IN THE DOCUMENT ACCOMPANING THE BUSINESS LICENCE.

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FOR PROVINCIAL SECRETARY  
WESTERN PROVINCIAL GOVERNMENT

Amount Received: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Date: \_\_\_\_\_

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