



REPUBLIC OF NAURU

BUSINESS LICENCES (NOTICES) REGULATIONS 2020

SL No. 19 of 2020

Notified: 17th July 2020

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Cabinet makes the following Regulations under *Section 36* of the *Business Licences Act 2017*:

1 Citation

These Regulations may be cited as the *Business Licences (Notices) Regulations 2020*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Objective of Regulations

The objective of these Regulations is to ensure implementation of the provisions of the Act and businesses operating in compliance with the written laws.

4 Interpretation

'Act' means the *Business Licences Act 2017*;

'authorised officer' refers to a person appointed by the Minister under *Section 33* of the Act;

'offender' means a person who contravenes the Act or Regulations.

5 Notice for operating business on expired business licence

For the purpose of *Section 17* of the Act, an authorised officer shall issue a notice in Form 1 of the Schedule to a person who operates a business on an expired business licence.

6 Notice of intention to cancel business licence

(1) For the purpose of *Section 18(2)* of the Act, the Registrar shall issue a notice in Form 2 of the Schedule to:

(a) notify the licensee of the intention to suspend or cancel the business licence; and

(b) require the licensee to show cause as to why the licence shall not be suspended or cancelled.

(2) Where a licensee fails to comply with subregulation (1)(b), the licence shall be cancelled and such cancellation notified in the Gazette.

7 Business Licence Fixed Penalty Notice for Licence not Displayed

For the purpose of *Section 22(2)* of the Act, an authorised officer shall issue and serve to an offender a Business Licence Fixed Penalty Notice in Form 3 of the Schedule.

8 Business Licence Fixed Penalty Notice for the Loss or Destruction of Licence

- (1) For the purpose of *Section 22B* of the Act, an authorised officer shall issue and serve to an offender a Business Licence Fixed Penalty Notice for the Loss or Destruction of Licence in Form 4 of the Schedule.
- (2) A person issued with a fixed penalty notice under subregulation (1) shall pay the fixed penalty within 7 days of a notice of the breach issued by the authorised officer.

9 Order for closure of business

For the purpose of *Section 24(1)* of the Act, an order by the Registrar for the closure of a business shall be in Form 5 of the Schedule.

10 Proceedings

- (1) Where a person is served with a Business Licences Fixed Penalty Notice under these Regulations:
 - (a) no proceedings may be taken for the offence before the end of the period in the notice following the date of service of such notice; or
 - (b) where any proceedings has begun, the person may not be convicted of the offence if the person pays the fixed penalty before the end of the period in the notice to pay such penalty.
- (2) An offender who fails to pay a fixed penalty required under a notice issued under these Regulations may be:
 - (a) summoned to attend court; and
 - (b) in addition to the respective fixed penalty, is liable to a fine not exceeding \$10,000.00 or a term of imprisonment not exceeding 6 months or to both.

11 Failure to comply with notice under these Regulations

Where a person fails to comply with the requirements of any notice issued under these Regulations, the Registrar may:

- (a) not renew or vary the business licence; or
- (b) decline to issue any other business licence to such person.

12 Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies *mutatis mutandis* to any proceedings under these Regulations.

13 Authorisation

An authorised officer may sign and issue a notice on behalf of the Registrar.

14 Prosecution

The Director of Public Prosecutions or a legal practitioner appointed by the Director of Public Prosecutions under *Section 48* of the *Criminal Procedure Act 1972* shall conduct any prosecution for the purposes of the Act and these Regulations.

15 Notice of renewal

The Registrar shall issue a notice of renewal of a business licence to the licensee one month before the expiry of the business licence.

SCHEDULE

FORM 1



REPUBLIC OF NAURU

[Business Licences Act 2017]

NOTICE FOR OPERATING BUSINESS ON EXPIRED BUSINESS LICENCE

[Section 17; Regulation 5]

Notice No: EBL... / 20...

Due Date: ... / ... / 20 ...

To:

.....*[Licensee]*
.....*[Business Name]*
.....*[Place of Business]*
..... *[Business licence number]*

TAKE NOTICE that your business operations and licence are suspended forthwith for operating a business on an expired business licence.

You must renew your business licence to continue with the business within 1 month of receipt of this Notice. In renewing your licence, you must pay the statutory penalty as follows: *(tick where applicable)*

- \$1,000 – where your business licence is expired up to 1 month from expiry date
- \$3,000 – where your business licence is expired for more than 1 month but less than 3 months from expiry date
- \$10,000 – where your business licence is expired for 3 months or more from the expiry date

In addition to the above statutory penalty, a late fee of *[\$100 / \$200]* and renewal fee of \$300 must be paid at the time of the renewal of the business licence.

You must provide proof of payment of the penalty and the renewal and late fees to the Registrar of Business Licences. ***[Payment must be made at the Nauru Revenue Office within 7 days from the date of service of this Notice.]***

TAKE NOTICE if within 7 days from the service of this Notice, you fail to renew your licence and pay the required penalty and fee:

- (a) prosecutions will be commenced without any further notice; and
- (b) your business name will be cancelled.

Dated this of 20...

.....
Registrar of Business Licences

ACKNOWLEDGEMENT OF SERVICE

Full name of offender	
Signature of offender	

AFFIDAVIT OF SERVICE

I..... (full name), Authorised Officer make oath / solemnly affirm that I did on theday of 20... served the offender (full name of offender) the original copy of this Notice for Operating Business on Expired Business Licence on (date) at (time) AND he / she acknowledged service by affixing his / her signature to this Notice.

Authorised officer: (signature)

Before me:

Commissioner for Oaths

FORM 2



REPUBLIC OF NAURU

[Business Licences Act 2017]

NOTICE OF INTENTION TO CANCEL BUSINESS LICENCE

[Section 18(2); Regulation 6]

Notice No: CBL... / 20...

To:

.....*[Licensee]*
.....*[Business Name]*
.....*[Place of Business]*
..... *[Business licence number]*

TAKE NOTICE that I intend to cancel or suspend your business licence forthwith for one or more of the following: *(tick where applicable)*

- your licence was obtained by fraud, misrepresentation or deliberate or negligent provision of false information;
- in case of an individual*, the Registrar becomes aware that the licensee has died and the personal representative failed to transmit the licence to a beneficiary of the estate of the licensee;
- in case of a firm*, the partnership is dissolved;
- in the case of a corporation*, the corporation is wound up;
- in the case of a trust*, if it is dormant or wound up;
- the registration of any business is struck off under the respective written law;
- the licensee fails to file annual returns for 2 consecutive years;
- the licensee contravenes the *Business Licences Act 2017*;
- ceases to carry on business activity under the licence and the licensee failed to notify the Registrar

of such cessation of business;

- licensee failed to comply with directions given by the Registrar;
- licensee assigned, permitted or transferred his or her licence in contravention of *Sections 20 and 20A* of the *Business Licences Act 2017*.

If you fail to rectify the irregularities identified above or show cause as to why your licence should not be suspended or cancelled within 14 days of service of this Notice, or any such time the Registrar may allow, you must immediately cease all business activities or operations.

If you fail to rectify any irregularity and cease all business activities or operations, your licence will be cancelled without any further Notice.

Dated this of20...

.....
Registrar of Business Licences

ACKNOWLEDGEMENT OF SERVICE

Full name of offender	
Signature of offender	

AFFIDAVIT OF SERVICE

I..... (full name), Authorised Officer make oath / solemnly affirm that I did on theday of 20... served the offender (full name of offender) the original copy of this Notice of Intention to Cancel Business Licence on (date) at (time) AND he / she acknowledged service by affixing his / her signature to this Notice.

Authorised officer: (signature)

Before me:

Commissioner for Oaths

FORM 3



REPUBLIC OF NAURU

[Business Licences Act 2017]

**BUSINESS LICENCE FIXED PENALTY NOTICE
LICENCE NOT DISPLAYED**

[Section 22(2); Regulation 7]

This Business Licence Fixed Penalty Notice Licence not Displayed is issued pursuant to the powers of an authorised officer under the <i>Business Licences (Notices) Regulations 2020</i>	Fixed Penalty Notice No: LND / 20...	
Important Notice: The consequence of not paying the penalty required under this Notice will result in proceedings for commission of offences under the Act against you in court where additional penalties and imprisonment term may be imposed	Date of Issue	
	Due Date	
Payment must be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice		
PART 1 – OFFENDER DETAILS		
Full name		
Name of business		
Location of business		
Business licence number		
PART 2 – OFFENCE DETAILS		
Nature of Offence	Contrary to Section 22(1) of the <i>Business Licences Act 2017</i>	
Date of offence		
Time of inspection when offence detected		
Details of the circumstances of the offence		
PART 3 – PENALTY		
Penalty amount	\$1,000.00	
Time for Payment	7 days from the date of this Notice	
NOTE:		
If you fail to pay the penalty:		
(a) your business licence will be cancelled; and		
(b) you will be prosecuted for contravening the <i>Business Licences Act 2017</i> without any further Notice; and		
(c) your business licence will not be further renewed or restored nor will you be issued with any other business licences.		
PART 4 – DETAILS OF AUTHORISED OFFICER INSPECTING AND SERVING THE NOTICE		
Full name of authorised officer		
Signature of Authorised officer		
PART 5 – ACKNOWLEDGEMENT OF SERVICE		
Full name of offender		
Signature of offender		

PART 7 – SUMMONS TO ATTEND COURT

TAKE NOTICE that if you fail to pay the penalty or you intend to contest or defend this Notice, you must appear at the District Court at Yaren District on day of 20..... at am / pm for the hearing.

AFFIDAVIT OF SERVICE

I..... (full name), Authorised Officer make oath / solemnly affirm that I did on theday of 20... served the offender (full name of offender) the original copy of this Business Licence Fixed Penalty Notice Licence not Displayed on (date) at (time) AND he / she acknowledged service by affixing his / her signature to this Notice.

Authorised officer: (signature)

Before me:

Commissioner for Oaths

FORM 4



REPUBLIC OF NAURU

[Business Licences Act 2017]

**BUSINESS LICENCE FIXED PENALTY NOTICE
LOSS OR DESTRUCTION OF LICENCE**

[Section 22B; Regulation 8]

This Business Licence Fixed Penalty Notice Loss or Destruction of Licence is issued pursuant to the powers of an authorised officer under the <i>Business Licences (Notices) Regulations 2020</i>	Fixed Penalty Notice No: LDL ... / 20...	
Important Notice: The consequence of not paying the penalty required under this Notice will result in proceedings for commission of offences under the Act against you in court where additional penalties and imprisonment term may be imposed	Date of Issue	
	Due Date	
Payment must be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice		
PART 1 – OFFENDER DETAILS		
Full name		
Name of business		
Location of business		
Business licence number		
PART 2 – OFFENCE DETAILS		
Nature of Offence	Contrary to Section 22(B) of the <i>Business Licences Act 2017</i>	
Date of offence		
Time of offence when offence detected		
Details of the circumstances of the offence		
PART 3 – PENALTY		
Penalty amount	\$300.00	
NOTE:		
If you fail to pay the penalty:		
(a) your business licence will be cancelled; and		
(b) you will be prosecuted for contravening the Business Licences Act 2017 without any further Notice; and		
(c) your business licence will not be further renewed or restored nor will you be issued with any other business licences.		
PART 4 – DETAILS OF AUTHORISED OFFICER		
Full name of authorised officer		
Signature of Authorised officer		
PART 5 – ACKNOWLEDGEMENT OF SERVICE		
Full name of offender		
Signature of offender		
PART 6 – TIME FOR PAYMENT OF PENALTY		
1. Take Notice that the penalty must be paid to the Nauru Revenue Office within 7 days of the date of issuance of this Notice.		

2. If you intend to contest or defend this Notice, you are to appear in person or by a legal representative in court on the date and time provided in Part 7.

PART 7 – SUMMONS TO ATTEND COURT

TAKE NOTICE that if you intend to contest or defend this Notice, you must appear at the District Court at Yaren District on day of 20..... at am / pm for the hearing.

AFFIDAVIT OF SERVICE

I..... (full name), Authorised Officer make oath / solemnly affirm that I did on theday of 20... served the offender (full name of offender) the original copy of this Business Licence Fixed Penalty Notice Loss or Destruction of Licence on (date) at (time) AND he / she acknowledged service by affixing his / her signature to this Notice.

Authorised officer: (signature)

Before me:

Commissioner for Oaths

FORM 5



REPUBLIC OF NAURU

BUSINESS LICENCES ACT 2017

[Business Licences (Notices) Regulations 2020]

Order No. [No.] / 20....

[Section 24(1); Regulation 10]

CLOSURE OF BUSINESS

PURSUANT to the powers vested in me under *Section 24(1)* of the *Business Licences Act 2017*, I, **[Full name of Registrar of Business Licences]**, Registrar of Business Licences, do hereby **ORDER** that you *[Name and address of person operating the business]* to cease business activities or operations immediately as you do not have a business licence.

TAKE NOTICE that a person who fails or wilfully refuses to comply with this Order commits an offence and upon conviction is liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or both.

Dated this day of 20.....

[Registrar of Business Licences]
[Full name of Registrar of Business Licences]
REGISTRAR OF BUSINESS LICENCES