

TRADING LICENCES—

LICENCES REGULATIONS 1934.⁽¹⁾

Short title
and citation.

1. These Regulations may be cited as the *Licences Regulations* 1934.⁽¹⁾

Commencement.

2. These Regulations shall come into operation on the first day of July, 1934.

Repeal.

3. The *Licences Regulations* are repealed.

Definitions.

4. In these Regulations, unless the contrary intention appears—

“Business area” means any area defined and declared by the Administrator by notice⁽²⁾ published in the *New Guinea Gazette* to be a business area for the purpose of these Regulations.

“Licence” means a licence referred to in section four of the *Licences Ordinance* 1923-1934.⁽³⁾

“Licensing authority” means the person duly authorized by the Administrator to issue licences in any District, Sub-district or part of a District.

(1) The *Licences Regulations* 1934 (made under the *Licences Ordinance* 1923-1937) comprise the original *Licences Regulations* 1934, as amended by the other Regulations referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR IN COUNCIL.

Description and number and year (if any).	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 Regulations</i> 1934	30.5.1934	31.5.1934	1.7.1934 (Reg. 2, <i>Licences Regulations</i> 1934)
<i>Amending Regulations</i>	6.6.1934	15.6.1934	1.7.1934 (<i>N.G. Gaz.</i> of 15.6.1934)
<i>Amending Regulations</i>	11.12.1934	17.12.1934	17.12.1934 (<i>N.G. Gaz.</i> of 17.12.1934)
<i>Amending Regulation</i> (1935, No. 4)	8.5.1935	11.5.1935	11.5.1935 (<i>N.G. Gaz.</i> of 11.5.1935)
<i>Amending Regulations</i> (1935, No. 7)	21.6.1935	29.6.1935	30.9.1935 (<i>N.G. Gaz.</i> of 29.6.1935)
<i>Amending Regulation</i> (1935, No. 16)	17.12.1935	31.12.1935	31.12.1935 (<i>N.G. Gaz.</i> of 31.12.1935)
<i>Amending Regulation</i> (1937, No. 6)	10.2.1937	15.2.1937	15.2.1937 (<i>N.G. Gaz.</i> of 15.2.1937)
<i>Amending Regulations</i> (1937, No. 7)	10.2.1937	15.2.1937	1.5.1937 (<i>N.G. Gaz.</i> of 15.2.1937)
<i>Amending Regulation</i> (1937, No. 15)	24.6.1937	25.6.1937	25.6.1937 (<i>N.G. Gaz.</i> of 25.6.1937)

(2) A Table containing particulars of notices made pursuant to Regulation 4, defining and declaring business areas, is printed on p. 4531, and the notices are printed immediately after the Table.

(3) Now the *Licences Ordinance* 1923-1937.

“Plantation” means any area of fifty or more hectares which is held in fee simple or under lease either granted or approved by the Administrator and which has been planted or is in the course of being planted.

4A. Regulations 5, 6, 7, 8, 9, 10, and 11 of these Regulations shall not apply to the application for or the issue of, a licence with respect to any place within a business area.

Non-application of regulations.
Ad. by Regs gazetted on 17.12.1934, r. 1; sub. by 1935, No. 16, r. 1.

5. A licence shall be issued only after an application has been made, in the case of—

Form of application for licence.

(a) a trader's licence, in accordance with Form 1 in the Schedule hereto; or

(b) a pedler's licence, in accordance with Form 2 in the Schedule hereto.

6.—(1.) The application, referred to in the last preceding regulation, shall be lodged at the office of the licensing authority who is authorized for the District, Sub-district or part of the District in which is situate the place or area in respect of which the trader's licence or the pedler's licence, respectively, is sought.

Application to be lodged with licensing authority.
Sub-reg. (1) am. by 1935, No. 7, r. 1.

(2.) Where the area for which a pedler's licence is sought extends into two or more Districts, Sub-districts or parts of a District, for which a licensing authority is authorized, the application shall be lodged at the office of the licensing authority authorized for the District, Sub-district or part of a District in which the greater or the greatest portion of the area is situate.

7. A person shall not be entitled to apply for a licence unless he is—

Who may apply.

(a) at the time of his application for the licence, resident in the Territory; or

(b) the holder of a licence.

8. Except as otherwise provided by these Regulations, no licence shall be issued until the expiration of one month from the date of the lodging of the application in accordance with the provisions of these Regulations.

Time for issue of licences.
Am. by 1935, No. 4, r. 1, 1935, No. 7, r. 2, and by 1937, No. 7, r. 1.

9. Every application for a licence upon being lodged in accordance with the provisions of these Regulations shall be posted in a conspicuous position at the office of the licensing authority and be kept there posted continuously for a period of fourteen days.

Application to be posted.

TRADING LICENCES—

Objections may
be lodged.

10. Objections, in writing, to the issue of the licence applied for may be lodged at the office during the period mentioned in the last preceding regulation.

Manner of
dealing with
objections.

11.—(1.) Every objection lodged in accordance with the last preceding regulation shall be investigated by the licensing authority promptly upon the expiration of the period referred to in the last preceding regulation.

(2.) Upon the completion of the investigation, the licensing authority may, either personally or by post, serve a notice—

(a) upon the applicant affected, that an objection has been lodged and requiring him, within seven days from the service of the notice, to lodge at his office an answer in writing to the objection; or

(b) upon any objector, that he considers his objection frivolous and requiring him to state in writing, within seven days from the service of the notice, whether he desires the matter to be referred to the Administrator.

(3.) In any case where the licensing authority requires the applicant to answer any objection lodged he shall—

(a) as soon as is practicable after the expiration of the period referred to in paragraph (a) of the last preceding sub-regulation, notify the objectors and the applicant, in writing served either personally or by post, of his decision either to issue or to refuse the licence; and

(b) require, by notice in writing served either personally or by post, any objector or applicant aggrieved by the decision to state in writing within seven days whether he desires the matter to be referred to the Administrator in accordance with the provisions of this regulation.

(4.) Where any person states that he desires a reference to the Administrator the licensing authority shall forthwith so refer the application, together with every objection and answer lodged and his report of the investigation made by him.

(5.) Upon any such reference, the Administrator may order the licensing authority to issue the licence or to inform the applicant that his application has been refused.

Restriction upon
issue of trader's
licence.

R. 12 sub. by
1937, No. 7,
r. 2.

12. A trader's licence shall not be issued in respect of any place, outside a business area, which is, by the nearest road, track, or waterway over which natives can transport their produce, distant less than—

(a) 1,600 metres from the nearest point on the boundary of a plantation; or

Licences Regulations 1934.

- (b) 800 metres from any place, situated on land held by any person in fee simple or under lease from the Administration, in respect of which a trader's licence is held:

Provided that the limit of distance imposed by this regulation shall not constitute a bar to the issue of a trader's licence—

- (c) in respect of any place, outside a plantation, for which a trader's licence is held on the date on which an application for a trader's licence in respect of that place is lodged; or
- (d) to any present or future owner or lessee of a plantation, in respect of any place on the plantation; or
- (e) to a native, in respect of any place distant more than 800 metres from the nearest point on the boundary of a plantation.

13. The holder of a trader's licence issued in respect of any place outside a business area or his agent or employee shall not deposit or cut any coconuts or copra except at the place specified in the licence.

Restriction of depositing and cutting coconuts and copra.

Am. by Regs gazetted on 15.6.1934, r. 1 and 17.12.1934, r. 2; sub. by 1937, No. 7, r. 2.

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R. 14 am. by Regs gazetted on 15.6.1934, r. 2 and rep. by 1937, No. 7, r. 2.

Rr. 15 and 16 rep. by 1937, No. 7, r. 2.

17.—(1.) The licensing authority before issuing any trader's licence or any pedler's licence shall—

Licences to be numbered.

- (a) allot to, and inscribe upon, the licence a distinctive letter and number; and
- (b) enter the particulars of the licence in a register of licences kept by him in accordance with Form 4 in the Schedule hereto.

(2.) Where any trader's licence is about to be issued in respect of a place in succession to a trader's licence which is expiring and which was issued under these Regulations in respect of the same place, it shall receive the same distinctive letter and number as the last mentioned trader's licence received.

(4) See Regulation 7 of the *Amendment of Licences Regulations 1934*, printed on p. 4523.

TRADING LICENCES—

Licensed places to be permanent structures carrying notice boards.

Am. by 1937, No. 7, r. 3, and by 1937, No. 15, r. 1.

18.—(1.) Every place in respect of which a trader's licence is issued shall be a place upon which is erected to the satisfaction of the licensing authority a permanent structure or building, to some conspicuous and external portion of which, unless exempted in writing by the licensing authority, shall be continuously affixed a notice board—

- (a) measuring not less than twenty-four inches in length and twelve inches in width; and
- (b) displaying in legible characters not less than two inches in height—
 - (i) the name by which the place is known;
 - (ii) the tenure under which the place is held;
 - (iii) the name of the licensee; and
 - (iv) the distinctive letter and number of every trader's licence issued in respect of the place.

(2.) The holder of a trader's licence shall ensure the observance of the provisions of this regulation.

Penalty: Ten pounds.

Licences to be produced.
Sub-reg. (1) am. by Regs gazetted on 17.12.1934, r. 3.

19.—(1.) Every trader's licence shall be kept at the place in respect of which it is issued and be produced by the licensee or by any agent or employee of the licensee for the time being in charge of the place whenever required so to do by the licensing authority, or some person by him authorized in writing or any European member of the New Guinea Police Force.

(2.) Every person to whom a pedler's licence is issued shall produce the licence whenever required by any of the persons referred to in the preceding sub-regulation of this regulation.

Penalty: Ten pounds.

Revocation of licences where trading discontinues.

20. Where any place in respect of which a trader's licence has been issued, and being outside the boundaries of a business area or a plantation, has been closed or vacant or is a place where business has not been carried on for a period of, or for periods which in the aggregate amount to, six months, the licensing authority may, by notice in writing, served upon the licensee, either personally or by post, require him to show cause within seven days from the service of the notice why the licence should not be revoked and, in the event of no reasonable cause being shown, the licensing authority may revoke the licence.

Limitations on licensees in a business area.

21. The holder of a trader's licence issued in respect of any place within a business area or his agent or employee shall not—

- (a) trade or carry on business under the licence except at the place specified in the licence; or

Licences Regulations 1934.

(b) collect, cut or dry any coconut or undried kernel of the coconut at any place within the boundaries of a business area.

Para. (b) am. by Regs gazetted on 17.12.1934, r. 4.

22.—(1.) A pedler's licence shall not be valid outside the area of which the limits are specified in the licence:

Limitations affecting pedler's licences.

Provided that no pedler shall be entitled to trade within the limits within which any trader's licence is valid, except with the consent of the holder of the trader's licence.

(2.) A pedler or his agent or employee who trades under a pedler's licence in any part of the Territory in which it is not valid shall be guilty of an offence.

Penalty: Twenty-five pounds.

(3.) The holder of a pedler's licence or his agent or employee shall not cut or dry any coconut or undried kernel of the coconut at any place within a business area.

Sub-reg. (3) ad. by 1937, No. 7, r. 4.

22A. The holder of a trader's licence or of a pedler's licence or his agent or employee shall not buy or receive any coconuts, copra, or other goods or commodities from a native on credit.

Licenseses not to buy copra, &c., from natives on credit. Ad. by 1937, No. 7, r. 5.

23.—(1.) The fee payable to the Administration for any trader's licence shall be Two pounds:

Fees for licences.

Provided that no further fee shall be payable for the trader's licence issued in respect of a second place on the same plantation:

Provided further that the fee shall be One pound for—

- (a) every trader's licence issued for the third or any additional place on the same plantation; or
- (b) any trader's licence issued after the 31st December of any year.

(2.) The fee to be paid for a pedler's licence shall be Ten pounds:

Provided that the fee for any pedler's licence issued after the 31st December of any year shall be Five pounds.

(3.) The fee payable for a licence shall be paid before the issue of the licence.

Sub-reg. (3) ad. by 1935, No. 7, r. 3.

23A. Except within the boundaries of any town,⁽⁵⁾ the holder of a trader's licence or of a pedler's licence or his agent or employee shall not transport coconuts or copra by road between the hours of 7 p.m. and 5.30 a.m.

Prohibition of transport of coconuts or copra by road between 7 p.m. and 5.30 a.m. Ad. by 1937, No. 6, r. 1.

(5) See the *Town Boundaries Ordinance 1924-1927*, and the notices made thereunder.

TRADING LICENCES—

Licences may be revoked for breaches.

24. Upon the conviction of a licensee or his agent or employee for a breach of any of the provisions of these Regulations the licensing authority may revoke the licence to which the breach is referable.

Penalty for offences.

25.—(1.) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence for which he shall be liable, unless some other penalty is expressly provided in the case, to a penalty not exceeding Fifty pounds or in default of payment to be imprisoned for any period not exceeding six months.

(2.) Where any agent or employee of the holder of a licence contravenes, in the course of his employment, any of the provisions of these Regulations the holder of the licence shall be deemed to be guilty of an offence and shall, as well as his agent or employee, be liable to the penalty prescribed for the offence.

THE SCHEDULE.

Am. by 1937, Regulation 5.
No. 7, r. 6.

FORM 1.

TERRITORY OF NEW GUINEA.

Licences Regulations 1934.

APPLICATION FOR A TRADER'S LICENCE (FORM ^(a))

$\frac{I}{We}$ of ^(b) in the Territory of New Guinea do hereby apply for a licence for ^(c) in respect of a place situate at and being upon an area of held or proposed to be held by $\frac{me}{us}$ in fee simple (or under lease from expiring on).

$\frac{I}{We}$ have been in occupation of the above-mentioned place since and the proposed improvements thereon consist of the value of which $\frac{I}{we}$ estimate at £

The distance (by the nearest road, track or water-way over which natives can transport their produce) between the above-mentioned place and the nearest place in respect of which a licence is held by any one is approximately and such nearest place is situate at the licensee of which is

In support of this application $\frac{I}{we}$ make the following statement:—

$\frac{I}{we}$ the above-named applicant (or one of the above-named applicants) do solemnly and sincerely declare that the above statements are true and correct in every particular.

Licences Regulations 1934.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911* in its application to the Territory, conscientiously believing the statements contained herein to be true in every particular.

Declared at
the
19 . . . day of } (Signature.)

Before me,

- (a) Insert Form "A" or "A1", as the case may be.
- (b) State address and description of applicant.
- (c) State whether "a general mercantile business" or "buying and selling coconuts or copra".
- * * * * *

Footnote (d)
rep. by 1937,
No. 7, r. 6.

- (e) Insert the name and address.

Regulation 5.

FORM 2. Am. by 1937,
No. 7, r. 6.

TERRITORY OF NEW GUINEA.

Licences Regulations 1934.

APPLICATION FOR PEDLER'S LICENCE (FORM B).

I
We . . . of (a)
in the Territory of New Guinea do hereby apply for a pedler's licence
for (b)

I am
We are (not) at present the holder of a pedler's licence in the District
of

The last pedler's licence held by me
us was in the District or Sub-district
of . . . and its number was

In support of this application I
we make the following statement:—

I (a) . . . the above-named applicant (or one of the
above-named applicants) do solemnly and sincerely declare that the above
statements are true and correct in every particular.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911* in its application to the Territory, conscientiously believing the statements contained herein to be true in every particular.

Declared at
the
19 . . . day of } (Signature.)

Before me,

- (a) Address and description of applicant.
- (b) State the area for which licence desired.
- * * * * *

Footnote (c)
rep. by 1937,
No. 7, r. 6.

- (d) Insert name and address.

TRADING LICENCES—

Form 3 rep. by
1937, No. 7,
r. 6.

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Regulation 17.

FORM 4.

TERRITORY OF NEW GUINEA.

Licences Regulations 1934.

REGISTER OF LICENCES.

Issued at

Date of Issue.	Name of Licensee.	Place (or area) for which Licence issued.	Distinctive letter and number of Licence.	Licence Book No.	Class of Licence.	Remarks.