

[Legal Notice No. 119]

PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

THE RENNELL AND BELLONA PROVINCE BUSINESS
LICENCE ORDINANCE 1995

AN ORDINANCE TO PROVIDE FOR THE REGULATION,
CONTROL LICENSING OF BUSINESS AND OTHER
ACTIVITIES.

Enacted and passed by the Provincial Assembly of Rennell and
Bellona Province this 15th day of September, 1995.

This printed impression has been compared by me with the
Ordinance passed by the Rennell and Bellona Provincial Assembly
and found by me to be true and correct copy of the said Ordinance.

D.M. TOUPONGI

Clerk to the Rennell and Bellona Provincial Assembly

Assented to by the Honourable Minister for Provincial Government
this 30th day of October, 1995.

ALLAN QURUSU

Minister of Provincial Government

ARRANGEMENT OF SECTIONS

1. Short Title and Commencement.
2. Definition.
3. Business to be Licenced.
4. Application for and Issuance of Licence Fees.
5. Fees.
6. Conditions and Limitations of Licences.
7. Transfer of Licence.
8. Powers of Police Officers and Authorised Persons.
9. Penalties.
10. Subsidiary Legislation.

Schedule I, Part I, II and III

Short Title
and commence-
ment.

1. This Ordinance may be cited as the Rennell and Bellona Province Business Licence Ordinance 1995 and shall come into effect subject to the approval of the Minister in accordance with section 32 of the Provincial Government Act 1981 and on publication in the Solomon Islands Gazette.

Definition.

2. In this Ordinance -

“Act” means the Provincial Government Act, No. 7 of 1981 as amended;

“Abattoir” means the business of raising cattle, pigs, chickens and livestock for the purpose of selling them in live form or slaughtering them for the purpose of sale either in wholesale prices or retail prices;

“Air Transport Services” means the business of operating any aircraft but excluding helicopter which at anytime carries any passengers or cargo of any description for payment and shall include the hiring or chartering of such aircraft;

“Assembly” means the Rennell and Bellona Provincial Assembly as established in accordance with Sections 1(3)(a) and 7 of the Act;

“Bakery” means the business of baking or manufacturing bread, biscuits, rolls, tarts, cakes, pies, confectionary, pastry or other bakery products for sale and shall include the selling of any product used in bakery;

“Beach Trading” means to sell goods from a boat of any description;

“Brick Manufacturing” means the business of making or manufacturing any products whatsoever for sale involving the use of cement mixed with gravels, sand, crushed stones, rocks or corals whether such gravels, sand, crushed stones, rocks or corals are in refined forms or not;

“Business” means any trade, profession, vocation service or other venture determined by the Provincial Executive to be undertaken for the purpose of gain or profit within the boundaries of Rennell and Bellona Province and including those activities listed in Schedule 1 to this Ordinance;

“Butchery” means the business of storing, preparing, and/or selling or reselling meat;

“Chainsaw milling” means the business of cutting timber by chainsaws for the purpose of sale to local market or for export, and shall include the purchasing of such timber for sale;

- “Canoe Transport” means the business of using a canoe of any description with engine for the purpose of carrying passengers for payment and shall include the chartering of such transport for payment;
- “Cinema” means the business of exhibiting with or without sound effects, movie films by means of a projector or a cinematographic or other similar apparatus, whether indoors or open air, and including video shows;
- “Cocoa Trading” means the business of buying cocoa beans or dried beans for sale; and shall include the drying of such wet beans for sale locally and/or the carrying out of the business of planting and/or harvesting and/or drying of cocoa beans for export.
- “Coconut Trading” means the business of selling green coconuts;
- “Commodities” means the business in which commodities, defined in Section 2 of the Commodities Export Marketing Authority Act 1984 and as specified in Schedule 1 to that Act, are sold or purchased for resale;
- “Executive” means the Rennell and Bellona Provincial Executive as established in accordance with Sections 1(3)(a), 21 and 22 of the Act;
- “Export Sale” means sale for use or resale outside the Solomon Islands;
- “Farming” means the feeding and/or raising poultry and/or pigs for sale locally or for export;
- “Fibreglass Manufacturing” means the business of manufacturing various products from fibreglass for purpose of sale;
- “Fish Market” means the business of storing or preparing of fish and other sea foods for sale either locally or to overseas markets;
- “Fisheries-Commercial” means the business of fishing for, or catching, or taking, or killing fish by any method for sale and coming within application of the Fisheries Act, 1972 as amended in 1977;
- “Fuel Supply Service” means the business of supplying AVgas Jet A gas and any other forms of fuel or gases for use by any form of air transport either operating within Solomon Islands or coming to Solomon Islands from time to time whether on fixed schedule or not and whether the payment or supplying of such AVgas or other fuel or gases is made within Solomon Islands or overseas;

- “Furniture Shop” means the business of making or manufacturing, tables, desks, chairs, sofas, shelves or any other products from wood for the purpose of sale;
- “Goods” means goods, wares, merchandises and articles of every kind whatsoever;
- “Hawker” means to carry goods for sale, barter or exchange, and includes the act of selling or exposing goods for or by any person at a place in which he does not usually reside or carry on business, but does not include the seeking of orders for subsequent delivery from persons who are dealers and who buy to sell again;
- “Helicopter Service” means the business of letting out operating, or allowing helicopter to be chartered;
- “Hotel” means the business of providing sleeping accommodation and restaurant service from the same premises;
- “Local Sale” means sale for use or resale inside Solomon Islands;
- “Logging” means the business of selling timber unmilled or milled (milled including sawn timber, wood particles, wood pulp and veneer produced in a sawmill) or the purchasing of the same for resale, and which is a business requiring a licence under the Forest Resources and Timber Utilities Act;
- “Marine Products” means the business in which shells and other products of the sea other than seafoods are sold and/or purchased for export sale;
- “Mining” means the business of reconnaissance, prospecting, and/or mining of minerals and mineral substances as defined in the Mining Act or any Act or any Act passed to amendment or substitution therefore and is a business which requires a licence or permit or lease under any provision of that Act or any Act passed in amendment or substitution therefore;
- “Palm Oil Milling” means the business of crushing palm kernels into oil either in a refined form or not for the purpose of sale either locally or to overseas markets;
- “Person” means any person, company or other group, association or co-operation;
- “Petroleum Sales” means the business of selling petroleum, oil, kerosene diesel and other fuels but excluding fuel used for air transport, propane gas and natural gas;
- “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;

“Prescribed Business” means

- (i) any business for which a category and fees are provided in provisions under this Ordinance or;
- (ii) any other business, but does not include any business to which section 4 of this Ordinance applies;

“Provincial Treasurer” means the Provincial Treasurer as appointed under section 13 of the Rennell and Bellona Province Financial Management Ordinance 1995;

“Quarrying” means the business of extraction of rocks, corals, gravel, sand or ground and shall include the crushing of such rocks or corals into such gravel or sand for the purpose of selling them as raw products or for brick manufacturing;

“Restaurant” means the business of preparing and selling means and beverages by table service to the public;

“Resthouse” means the business of offering sleeping accommodations to the public which requires payment;

“Retail Store” means any business in which merchandise goods are stocked and sold or offered for sale other than by Hawking;

“Road Transport Service” means the business of operating a truck, pickup, bus, taxi, tractor or other vehicle which at any time carries any passengers or cargo of any description for payment and includes vehicles operated by social or religious bodies which at any time carries passengers or cargo for payment, but does not include vehicles used solely for personal and domestic use or used exclusively for the purposes of the owners trade or occupation and which never engages upon;

“Sawmill” means the business of converting unmilled timber into milled timber (includes sawn timber, wood pulp and veneer) by means of any mechanically powered plant, machinery or equipment;

“Sale in Mobile Utility” means the sale of products accommodated in a vehicle so as to serve various places through the operation of such mobility;

“Sea Transport Service” means the business of using a ship to carry, receive and/or deliver cargo or goods, and/or for the sale of or purchase of cargo or goods, within any part of Rennell and Bellona Province; and shall include the using of such ship to carry passengers for payment;

“Snack Bar” means the business of preparing and selling food and beverages for consumption by persons not residing

on the premises where such preparation or sale takes place and including any such business conducted from a motor vehicle or vessel or caravan;

“Spice and Vegetable Retail Sales” means the business in which spices (tumeric, chillie ginger, vanilla, cardomon) and/or vegetables are purchased and sold locally at retail;

“Stevedor Service” means the business in which persons are provided to load or unload ships either on casual basis or under a written agreement;

“Tailoring” means the business of the making of clothing and apparel for sale, or the alteration of clothing or apparel for sale;

“Tourist Business” means any business offering sight seeing, recreation or relaxation opportunities to/or for tourists for payment but not being a tourist Resort or Tourist Vessel Service;

“Tourist Vessel Service” means any 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;

“Used Clothing Sales” means the business in which second hand or used clothes are resold for profit;

“Wild Life Sales” means the collecting of non domestic animals, reptiles, birds or insects (including Butterflies) or any related species or product for display or sale other than those protected by any Rennell and Bellona Province Environment Protection Regulations;

“Wholesale Store” means any business in which merchandise goods are stocked and sold or offered for sale to businesses or entities at wholesale prices other than to the general public for resale or commercial use;

Business
to be
Licensed.

3. (1) No person shall within the boundaries of Rennell and Bellona Province operate any prescribed business except under and in accordance with terms, conditions and limitations of a valid unexpired Business Licence issued by the Executive in accordance with section 4 of this Ordinance.

(2) This section shall not apply to sales of handicrafts or food-stuffs, and activities such as dances, sporting or athletic events undertaken for charitable or community benefit or purposes, or for any purpose which is not a purpose of private gain or commercial undertaking.

4. (1) Applications for a business Licence shall be made to the Provincial Treasurer on a form prescribed by the Provincial Treasurer, and shall be accompanied by an initial non-refundable application fee of \$20.00 (not applicable to renewals) which fee shall be deducted from the licence fee calculated upon issuance of the licence. The application shall specify -

- (a) the name of the applicant;
- (b) the location of the premises at which the business shall be undertaken; or a description of the vessel or vehicle from which the business shall be conducted as the case may be;
- (c) the type of business to be undertaken, and
- (d) such other information as the Provincial Treasurer shall require.

(2) The Provincial Treasurer shall classify the application as being for any one of the categories of businesses, or as being an application for a hawkers licence, as set out in Schedule 1 of this Ordinance.

(3) Upon classification of the application, the application shall be submitted to the Executive for approval. The Executive may impose conditions on the business licence.

(4) Upon approval by the Executive, the applicant shall be notified to pay the appropriate fee less the pre-paid application fee, as set out and calculated in accordance with Schedule I to this Ordinance.

(5) Upon application, classification, approval and payment of the required fee, the Provincial Treasurer shall issue the appropriate licence which shall specify as follows -

- (a) the name of the licence holder;
- (b) the location of the premises in which the business shall be undertaken except beach traders or a description of the vessel or vehicle from which the business shall be conducted, as the case may be;
- (c) the classification of the licence;
- (d) any conditions imposed by the Executive.

(6) Every licence shall be valid from the date of issue until the 31st of March next following the date of issue, and shall thereupon expire.

(7) The Provincial Assembly by resolution (or the Executive) may delegate to any Area Council the authority to collect any licence fee for any business operating within the council area and to use the fees collected for authorized council purposes. The amount of fee shall be that established by this Ordinance, as amended, and

the council administrators shall perform those functions assigned to by the Provincial Executive.

Fees.

5. (1) Each person approved for a business licence must pay the fee as set out in Schedule 1, before the licence is transmitted to the applicant.

(2) In the event that the category of business being licensed does not fall within any of the Schedule 1 categories the executive shall determine the category and appropriate fee which shall be applied to all similar applications until amendment of Schedule 1 by the next meeting of the Assembly.

Conditions
and
Limitations
of Licences.

6. (1) No licence issued under this Ordinance, in respect of any business, shall authorise the carrying on of any other type of

(2) No licence holder shall transfer the licence to another person, or conduct business on any other premises except in accordance with section 7 of this Ordinance.

(3) The licence holder shall conduct his business in compliance with any conditions imposed on the licence by the Executive, all relevant Acts of Solomon Islands, Ordinances of Rennell and Bellona Province, including subsidiary legislation made in accordance therewith, and all lawful order of any court of competent jurisdiction in the Solomon Islands. Business activities conducted in contravention of Executive conditions, relevant Acts, Ordinances, subsidiary legislation and court orders shall be grounds for revocation of the licence.

(4) If a licence is revoked under this action the licence holder may no longer conduct his business and may not receive any refund for the balance of the licence year. The licence holder may not re-apply for a new licence until he has brought his business operations within compliance of the applicable laws, including, the satisfaction of any lawful penalties imposed by proper authorities.

Transfer of
Licence.

7. (1) Upon payment of the fee prescribed in Schedule 1 a licence holder may transfer the business licence to designate -

(a) any other person to be licence holder, or

(b) any other premises to be the premises upon which business operations are authorised to take place.

The transfer of designatin for licence holder or business premises shall be endorsed by the Provincial Treasurer.

(2) Any holder of a licence issued under whose licence has been lost or destroyed, may on payment the fee prescribed.

8. A Police Officer, or other person authorised by the Assembly may upon production of his authority, reasonably require any person carrying on a business (as defined in this Ordinance) to display or produce his business licence. Any person who, without reasonable excuse, fails to comply with this section shall be subject to the penalties prescribed in section 9.

Powers of
Police Officers
and
Authorised
Persons.

9. (1) Any person who operates or conducts a prescribed business within Rennell and Bellona Province in contravention of this Ordinance shall be guilty of an offence and liable to -

Penalties.

(i) a fine of up to \$1,500.00 or a fine not exceeding twice the amount of the prescribed licence fee for one year for that category of business whichever shall be the greater; and

(ii) a further fine not exceeding \$10.00 for each day on which the offence is continued after written notification of the offence has been given to the offender;

in default of payment of the said fines the offender may be imprisoned for a period not exceeding three months.

10. The Provincial Executive, consistent with the Governing Rules may make Regulations for the better carrying out of this Ordinance, including procedures for the revocation of licenses.

Subsidiary
Legislation.

SCHEDULE 1 PART 1

PART 1 BUSINESS CLASSIFICATION AND FEES

CATEGORY	FEES \$
Abattoir	2,000.00
Bakery - Rural	25.00
- Urban	100.00
Banks - Branch	1,000.00
- Agency	500.00
Beach Trading - (a) By small craft (including canoes)	100.00
(b) By other than small craft	150.00
Brick Manufacturing	200.00
Butchery - Rural	50.00
- Urban	100.00
Cinema - Permanent:	
Urban	200.00
Rural	100.00
Temporary:	
Urban	50.00
Rural	30.00
Charitable	Free
Cocoa Trading: Cocoa beans and products, buying, selling, manufacturing and fermenting	200.00
Coconut Trading: Coconut & Coconut products	200.00
Construction (Building) Fulltime	500.00
- Part-time	300.00
Co-operative Societies: Urban	500.00
Rural	100.00
Farming: Local Sales	500.00
Fibreglass manufacturing	3,000.00
Fishing:	
Commercial Establishment - Local	5,000.00
- Foreign	25,000.00
- Exporting	10,000.00
Purchase of Fish for Re-Sale:	
- Commercial/Exporter (Foreign)	1,000.00
- Commercial/Exporter (Local)	500.00
Local Sales	100.00
Fish or Parts of Fish Processing Establishment	3,000.00
Fish meal processing for sale	100.00
Fishing for sale locally	200.00
Furniture making (both wood and loyacane)	250.00
Hawker	30.00
Hotel - Flat Rate	500.00

Liquor Sales:	
Retail Full (Spirit and Beer)	800.00
Retail Beer	750.00
Wholesale	1,500.00
Packet	360.00
Temporary Packet (up to 90 days)	100.00
Publican	800.00
Publican Beer	750.00
Residential & Restaurant	1,500.00
Occasional - Full (per day)	100.00
Occasional Beer (per day)	80.00
Club Full	800.00
Club Beer	750.00
(Extension of Hours - Publican & Restaurant	30 per hour
Logging	50,000.00
Loyacane Sales (Raw)	100.00
Marine Resources Buyer (other than fish):	
Commercial Exporter	3,000.00
Foreign Exporter	2,500.00
Local Exporter	1,000.00
Local Buyer for Resale	500.00
Mining:	
Prospecting Licence	50,000.00
Gold Dealers Licence	10,000.00
Reconnaissance Permit	5,000.00
5,000.00	
Petroleum Sales:	
Urban	
0 to 1000 litres	200.00
1001 and above litres	400.00
Rural	
0 to 1000 litres	100.00
1001 and above litres	200.00
Petroleum Storage:	
0 to 200 litres	30.00
201 to 1000 litres	50.00
1001 to 20,000 litres	100.00
20,001 litres and above	200.00
Liquid Petroleum Gas (Bottle) sales	100.00
Liquid Petroleum Gas Bulk	500.00
Quarrying	2,000.00
Research:	
Commercial (per month or part thereof)	500.00
Hobby/Education (per month or part thereof)	200.00
Filming (excluding photography)	1,000.00
Rest House:	
Urban	100.00
Rural	50.00
Provincial Rest House Charges	\$20 per head

Restaurant:		
Urban		300.00
Rural		150.00
Retail Business:		
Urban		300.00
Urban Home store		80.00
Rural		70.00
Lock-up shops		100.00
Bookshops		100.00
Wholesale Trade Store		400.00
Hardware		400.00
Road Transport Service		
Pickup trucks without seats 1 to 2 tons		100.00
Pickup trucks without seats 2½ to 5 tons		150.00
Buses carrying 3 - 10 passengers		250.00
Buses carrying more than 10 passengers		500.00
Sawmills:		
Regular		500.00
Walkabout		300.00
Portable Chainsaw		200.00
Sea Transport:		
Ship	200.00 per ship	
Canoe	25.00 per canoe	
Security service		200.00
Snack Bar Service		150.00
Stevedoring Service		100.00
Shipping Services: (Local Cargo & Passenger Vessels)		
Ships with capacity up to 50 tons		200.00
Ships with capacity up to 200 tons		450.00
Ships with capacity 201 tons and above		800.00
Tailoring:		
Urban		50.00
Rural		30.00
Timber Milling:		
Milling for Direct Export Overseas		8,000.00
Milling for sale in Solomon Islands		1,000.00
Purchase of milled timber (Resale for export)		1,500.00
Purchase of milled timber and resale not for export		600.00
Tourist Resorts:		
Up to 20 beds -		
Foreign Operators		4,000.00
Local Operators		1,000.00
21 beds and above -		
Foreign Operators		10,000.00
Local Operators		5,000.00
Tourist Vessels:		
Ships up to 50 passengers (less than 24 hours		
per day up to 30 days) - Local		500.00
Ships of 51 passengers and more - Local		1,000.00
- Foreign		2,000.00

Full Operations		
Local Operators		2,000.00
Foreign Operators		4,000.00
Tour packages (1 day to 30 days)		1,000.00
Vessels providing only scuba diving facilities		500.00
Used Clothing Sales (2nd Hand Clothes):		
Urban Area		150.00
Rural Area		30.00
War Relics (Removal)		10,000.00
Workshop Services:		
Electrical Appliances		200.00
Mechanical Appliances		200.00
Heavy Plant		200.00
OBMs/Chainsaws/Light Motor Vehicles		100.00
Other Industries:		
Building Permits- Commercial/Industrial		70.00
- Residential		35.00
- Charitable		20.00

SCHEDULE 1 PART II

CALCULATION OF FEES

1. In the case of the first licence issuance, the Licence Holder shall pay the fee for his business classification as calculated for the balance of that licence year by the Provincial Treasurer. The Provincial Treasurer shall calculate the fee by determining which quarter the date of licence issuance falls within, then charging for that quarter and the remaining quarters as follows -

- | | |
|--|------------------|
| (a) 1st quarter April, May June | Full Year Fee |
| (b) 2nd quarter July, August, September | 3/4th Year Fee |
| (c) 3rd quarter October, November,
December | Half Year Fee |
| (d) 4th quarter January, February,
March | Quarter Year Fee |

The application fee of \$20.00 shall be deducted from the Licence Fee calculated.

2. Any Licence holder whose licence expires on December 31 may renew their licence by application to the Provincial Treasurer and payment of the appropriate fee for the 4th quarter January through to March. The Licence Holder may also renew for the full licence year commencing April, each year by payment of the full year licence fee for their business classification on or before April 30.

SCHEDULE 1 PART III

ANCILLARY FEES

Issue of Duplicate Licence	\$50.00
Endorsement of Transfer of Licence	\$50.00