

SUPPLEMENT to the Solomon Islands GazetteWednesday 4th March, 2015

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**RENNELL AND BELLONA PROVINCE BUSINESS LICENCE
ORDINANCE 2014****1. Title and commencement**

- (1) This Ordinance may be cited as the Rennell and Bellona Province Business Licence Ordinance 2014.
- (2) This Ordinance:
 - (a) in enacted by the Rennell and Bellona Provincial Assembly under section 31 of the Provincial Government Act 1997; and
 - (b) comes into force on the day that it is published in the Solomon Islands *Gazette*.

2. Interpretation

In this Ordinance, unless context otherwise requires:

Act means the Provincial Government Act 1997.

Assembly means the Rennell and Bellona Provincial Assembly constituted under section 7 of the Act.

Authorised Officer means any officer authorised by the Executive in accordance with section 19 of this Ordinance.

Business means any activity carried out in order to make a profit, including:

- (a) provision of services;
- (b) manufacturing;
- (c) retailing;
- (d) wholesaling;
- (e) harvesting or collection of natural resources;
- (f) farming;
- (g) purchasing goods within the Province for sale outside the Province;
- (h) working on contract for another business;

but does not include being an employee or activities on or in a local market, or hawking.

Executive means the Rennell and Bellona Provincial Executive established under section 19 of the Act.

Person means any person, persons, company, or other group, association or co-operative but does not include any government department or the Assembly.

Premises means any structure, building, the land on which it is situated and any adjoining land used in connection with the structure or building.

Province means Rennell and Bellona Province as defined under section 3 of the Act.

Provincial means relating to Rennell and Bellona Province.

Religious material means items directly related to the carrying out of religious services, such as wine, candles, dictionaries, and bibles.

3. Purpose

The purpose of this Ordinance is to regulate and control the operation of businesses in Rennell and Bellona province for the purpose of protecting and promoting the people, culture, and environment of Rennell and Bellona Province.

4. Business must be licensed

No person may operate any business in the Province unless they hold a current business licence.

5. Exemptions

- (1) This Ordinance does not apply to:
- (a) the Rennell and Bellona Development Authority;
 - (b) hawking or trading in a local market or local garden produce, prepared custom foods, custom handicrafts and similar local produce;
 - (c) fundraising where the proceeds are used solely for charitable, religious, educational, sporting or other community purposes; or
 - (d) selling of religious books and other religious material or paraphernalia.

6. Form of application

- (1) Subject to section 7, an application for a first time business licence must be:
- (a) in the form prescribed in Schedule 1;
 - (b) sent to the Provincial Secretary; and
 - (c) accompanied by the fee prescribed in Schedule 5.
- (2) An application for renewal of a business licence must be:
- (a) in the form prescribed in Schedule 2;
 - (b) sent to the Provincial Secretary; and
 - (c) accompanied by the fee prescribed in Schedule 5.

- (3) Subject to section 18 each type of business operating within or on premises must be separately licensed.
- (4) No person may apply for a business licence if:
 - (a) they have outstanding business licence fees owing to the province;
 - (b) they have not obtained the required national licences, permits, or permissions;
 - (c) in the case of foreign investment, they are carrying out business in a reserved or prohibited area; or
 - (d) they are conducting business in contravention of any National or Provincial law or policy.

7. Applications for mining and logging operations

- (1) Applications relating to mining and logging operations must be accompanied by copies of the following:
 - (a) the business's national licence issued by the Director of Mines and/or the Commissioner of Forest Resources;
 - (b) Approval from the Director of the Environment and Conservation Division to carry out the activities described in the business licence application and to which the national licence relate;
 - (c) a copy of the company's Environmental Impact Assessment; and
 - (d) any other documentation and information that the Provincial Executive may require in order to assess the potential impact of the activities for which a licence is sought.
- (2) No licence shall be issued for mining and logging operations until and unless the information in subsection(1) is provided.

8. Decisions about applications

- (1) All applications shall be referred to the Provincial Executive who shall:
 - (a) approve the application;
 - (b) decline the application; or
 - (c) approve the application subject to any terms and conditions imposed under section 19.
- (2) When considering any application under subsection (1), the Executive may take into account:
 - (a) the extent of involvement in the business by the people indigenous to Rennell and Bellona Province and resident in the locality where the business is intended to be carried out;
 - (b) the contribution to services to the people of Rennell and Bellona Province;
 - (c) the geographical area served by the business; or
 - (d) any other matter or matters affecting the interests of the people of Rennell and Bellona and their environment.

- (3) If the Executive is considering declining an application under subsection 1(b), it must first give the applicant:
 - (a) notice of the reasons that the application might be declined; and
 - (b) a reasonable opportunity to make a submission or be heard on the matter.

9. Executive may impose terms and conditions

- (1) The Executive may impose any terms and conditions on a business licence that it considers reasonable in the circumstances.
- (2) If the Executive is considering imposing a term and condition under subsection (1), it must first give the applicant:
 - (i) notice of the reasons why the terms and condition might be imposed; and
 - (ii) a reasonable opportunity to make a submission or be heard on the matter.
- (3) The Executive may by written notice remove, amend, revoke, or add to any term and condition imposed under subsection (1).

10. Person deemed to hold a licence from receipt of application

An applicant is deemed to hold a licence from the date that their application is received by the Provincial Secretary or Authorised Officer.

11. Duration of licence

A licence has effect from the date that it is issued until 31 March following date of issue.

12. Classification of business

- (1) The Provincial Secretary shall in the first instance determine the classification of business to which the application relates.
- (2) If the applicant disputes the determination made by the Provincial Secretary under subsection (1), the applicant may apply to the Executive for reconsideration of the determination and may make written or oral submissions in support of their application.

13. Form of licence

- (1) Upon approval by the Executive or a person authorised under section 20, the applicant shall be issued a business licence in the form prescribed in Schedule 3.
- (2) The production of this document or a certified copy issued under section 17, shall be proof that the licence has been properly granted.

14. Register of business licences

- (1) The Provincial Treasurer shall keep a register of all:
 - (a) applications for a business licence;
 - (b) decisions made in respect of each application; and
 - (c) licences issued under this Ordinance.
- (2) The register must be open for public inspection during normal working hours at the place where it is kept.

15. Display of licence

- (1) A business licence must be:
 - (a) displayed in a prominent position in or on the business premises; and
 - (b) available for public inspection during normal working hours.

16. Transfer of licence

A business licence is personal to the applicant and not transferable.

17. Lost, stolen or damaged licences

A licence holder whose licence has been lost, stolen or damaged may, on payment of the prescribed fee, obtain a certified copy of the licence from the Provincial Treasurer.

18. Suspension, cancellation, or revocation of licence

- (1) The Executive may suspend, cancel or revoke a business licence if it has reason to believe that the business:
 - (a) has not complied with a term and condition of their licence; or
 - (b) is carrying out their business in a manner that brings the province into disrepute.
- (2) If the Executive is considering suspending, cancelling or revoking a licence under subsection (1), it must first give the applicant:
 - (a) notice of the reasons why the suspension, cancellation, or revocation is being considered; and
 - (b) a reasonable opportunity to make a submission and be heard on the matter.

19. Application for additional premises

- (1) Any licence holder may apply to the Provincial Executive for permission to operate their business in additional premises.

- (2) Any application under subsection (1) must:
 - (a) be addressed to the Provincial Secretary;
 - (b) be in the form prescribed in Schedule 4;
 - (c) be accompanied by the prescribed fee.
- (3) If a fee is not prescribed, the Provincial Executive may fix a fee, being a fee reasonable in the circumstances.

20. Executive may authorise persons

- (1) The Executive may authorise a person ("Authorised Officer") to perform functions, duties, and exercise powers under and in accordance with the Ordinance.
- (2) The Executive may impose any restrictions, limitations, or requirements on an authorisation issued under subsection (1).
- (3) The Executive may suspend, cancel or revoke an authorisation issued under subsection (1) at any time.
- (4) Any authorisation issued under subsection (1), or suspension, cancellation or revocation issued under subsection (3), must be:
 - (a) in writing; and
 - (b) served on the Authorised Officer

21. Business licence fee must be paid into Provincial Fund

- (1) Any fee due under this Ordinance must be paid into the Provincial Fund of Rennell and Bellona Province, as established under section 34 of the Act.
- (2) Any business that does not deposit their licence fee into the Provincial Fund is liable for a fine of two times the amount of the fee due under subsection (1).

22. All mining licensee to pay a bond of \$1,500,000 into a trust account as security to provincial government.

23. All logging licensee to pay a bond of \$500,000. Into a trust account as security to provincial government treasury Division.

24. Enforcement of fees, fines and costs

Every fee imposed under this Ordinance, fines incurred under sections 21(2) and 23, or costs incurred in the enforcement of this Ordinance, shall be recoverable in any court of competent jurisdiction as a debt due to the Province.

25. Offences

- (1) Any person who operates a business without a current business licence commits an offence and shall be liable to a fine not exceeding:
- (a) \$500.00 in the case of a first time offence; or
 - (b) \$2,000 in the case of a second, or repeat, offence.
- For Foreigners:
- i. mining
 - a. licensee- not more than \$50,000. And not less than \$20,000
 - b. contractor- not more than \$50,000. And not less than \$20,000
 - ii. logging
 - a. licensee- not more than \$50,000. And not less than \$20,000
 - b. contractor- not more than \$50,000. And not less than \$20,000
 - iii. fisheries- not more than \$50,000. And not less than \$20,000
 - iv. shipping- not more than \$50,000. And not less than \$20,000
- (2) Any person operating a business after receiving notification that their business licence has been suspended, cancelled or revoked shall be guilty of an offence and liable to a fine not exceeding \$200.00.
- (3) Any person who continues to operate a business having been found guilty of an offence under either subsection (1) or (3), commits an offence and shall be liable to a fine not exceeding \$2,000.00.
- (4) Any person who obstructs a Police Officer or Authorised Officer, commits an offence and shall be liable to a fine not exceeding \$200.00.

26. Transitional provisions

Any business licence issued under a previous shall have continuing effect up to but not exceeding the first day of April immediately following the introduction of this Ordinance.

27. Revocation

This Ordinance revokes all previous Ordinances relating to licensing of business

28. Review

This ordinance subject to a review after one year.

SCHEDULE
PART I
PART 1 BUSINESS CLASSIFICATION AND FEES

CATEGORY	FEES
Abattoire (rural)	
• Chicken	\$300.00
• Piggery	
• Others	\$600.00
Abattoire (Urban)	\$2,200.00
Air transport services	\$18,000.00
Agency Services	\$5,000.00
Accounting Services	\$1,000.00
Bakery	
- rural	\$40.00
- urban	\$150.00
Banks	
- Branch	\$5,000.00
- Agency	\$1,000.00
Beach trading	\$5,000.00
Beche-de-mer	
• Local	\$1,500.00
• Foreigner	\$7,000.00
• Agent	\$5,000.00
Beekeeping	\$300.00
Brick Manufacturing	\$500.00
Building Construction	\$3,000.00
Building Rentals	\$500.00
Business Application Fees	
• Within Renbell Province	\$50.00
• Outside Renbell Province	\$100.00
Butchery	\$200.00

Catering Services	\$150.00
Clam Trading	\$500.00
Commodity Export	\$5,000.00
Consultancy Services	\$1,000.00
Crab Trading	\$500.00
Crayfish Trading	\$500.00
Cinema	
• Occasional	\$100
• Full Time	\$250
Cocoa Trading	\$220.00
Coconut Trading	\$220.00
Coconut Buying	\$3,000.00
Diving Services	\$2,500.00
Engineering Services	\$1,000.00
Exporting Licences	\$10,000.00
Farming Licences	\$10,000.00
Farming	\$550.00
Fish Sales	\$250.00
Fish Exporting	
• Local	\$5,000.00
• foreigner	\$10,000.00

Fishing Commercial	
• Local	\$15,000.00
• Foreigners	\$27,500.00
Fish Processing	\$5,000.00
Fishing Marketing	\$500.00
Fibreglass Manufacturing	\$3,300.00
Fuel Supply Services	\$1,000.00
Furniture Manufacturing	\$300.00
Hardware	\$2,500.00
Hiring Services	\$300.00
Helicopter Services	\$1,000.00
Hotel (flat rate)	\$10,000.00
Legal Services	\$1,000.00
Logging	
- Round Log Export (Local licensee)	\$250,000
- Log Contractors	\$350,000
- Log Export Levy (Per Cubic)	\$ 4.00
- Road Access Fee (Per Cubic)	\$ 2.00
- Logging Camp	\$75,000
- Logging Pond	\$100,000
- Steamer Anchorage fee	\$120,000
Loyacane sales (raw)	\$110.00
Marine resources buyer (other than fish)	
- commercial exporter	\$3,300.00
- foreign exporter	\$5,200.00
- local exporter	\$1,100.00
- local buyer for resale	\$550.00
Mining	
- prospecting licence	\$250,000
- gold dealers licence	\$100,000
- reconnaissance permit	\$75,000
- Mining Licensee	\$550,000
- Mining contractor	\$700,000
- Steamer anchorage	\$240,000
- Mining Camp	\$75,000
- Mining Pond	\$100,000

Motor Brooking	\$500.00
Pest Control	\$1,500.00
Petroleum sales	
- urban	
• 0 to 1,000 litres	\$500.00
• 1,001 litres and above	\$1,000.00
- rural	
• 0 to 1,000 litres	\$250.00
• 1,001 litres and above	\$500.00
Petroleum storage	
- 0 to 200 litres	\$55.00
- 201 to 1,000 litres	\$110.00
- 1,001 to 20,000 litres	\$220.00
- 20,000 litres and above	\$110.00
- liquid petroleum gas (bottle) sales	\$5,500.00
- liquid petroleum gas bulk	
Photograph	\$1,500
Plantation	\$1,000.00
Plumbing Services	\$500.00
Quarrying (business of extraction of rocks etc, including the crushing of such rocks or coral etc)	\$2,200.00
Religious Bookshop	\$150.00
Restaurant	
- urban	\$500.00
- rural	\$150.00
Rest House	
Urban	\$1,000.00
• 1-5 rooms	\$2,500.00
• 5 or more rooms	\$2,500.00
Rural	
- 1-4 rooms	\$250.00
• 5 or more rooms	\$500.00

Retail business	
- Urban	\$2,000.00
- Rural	\$500.00
- Lock-up shops	\$110.00
- bookshops	\$110.00
- whole sale trade store	\$1,500.00
Road transport service	
- pick up trucks without seats 1 to 2 tons	\$800.00
- pick up trucks without seats 2 ¹ / ₂ to 5 tons	\$1,000.00
- buses carrying 3 to 10 passengers	\$800.00
- buses carrying more than 10 passengers	\$1,000.00
Sawmills	
- regular	\$550.00
- walkabout	\$330.00
- portable chainsaw	\$220.00
Sea transport	
- ship (per ship)	\$1,500.00
- canoe (per canoe)	\$100.00
Secretarial Services	\$500.00
Security service	\$300.00
Shipping Services (Occasional)	\$2,000.00
Shipping services (local cargo and passenger vessels)	
- ships with capacity up to 50 tons	\$25,000.00
- ships with capacity 51 to 200 tons	\$75,000.00
- ships with capacity 201 tons and above	\$100,000.00
Ship Anchorage	
- ships with capacity up to 50 tons	\$25,000.00
- ships with capacity 51 to 200 tons	\$50,000.00
- ships with capacity 201 tons and above	\$75,000.00
OBM service	
1. Lake Tegano	\$500.00
2. Sea transport	\$500.00

Snack bar service	\$350
Stevedoring	\$6,000.00
Tailoring	
- Urban	\$100.00
- rural	\$50.00
Tree Felling	\$500.00
Timber milling	
- milling for direct export overseas	\$10,000.00
- milling for sale in Solomon Islands	\$1,500.00
- purchase of milled timber (resale or for export)	\$1,515.00
- purchase of milled timber and resale (not for export)	\$660.00
Timber Sales	\$300.00
Tourist resorts	
- up to 20 beds	
• foreign operators	\$4,400.00
• local operators	\$1,100.00
- 21 beds and above	
• foreign operators	\$11,000.00
• local operators	\$5,500.00
Tourist vessels	
- ships up to 50 passengers	\$550.00
• less than 24 hours per day	
• up to 30 days	
* local	\$1,100.00
* foreign	\$4,000.00
- ships of 51 passengers and more	
• local	\$2,200.00
• foreign	\$6,000.00

Tourist Business	
- local operators	\$2,200.00
- foreign operators	\$4,400.00
- tour packages (1 day to 30 days)	\$1,100.00
- vessels providing only scuba diving facilities	\$550.00
Trochus Trading	
• local	\$500.00
• foreign	\$1500.00
• local agent	\$1000.00
Turtle Trading	\$500.00
Tyre Repair	\$300.00
Used clothing sales (second hand clothes)	
- urban area	\$200.00
- rural area	\$100.0
War relics (removal)	\$11,000.00
Wild Life Export	\$15,000.00
Wholesale & Warehouse	
Local -	\$5,000.00
Foreign -	\$10,000.00
Other industries	
building permits	
• commercial/industrial	\$1500
• residential	\$550
• charitable	\$100.00

SCHEDULE**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.
 - (a) 1st quarter April, May, June Full year fee
 - (b) 2nd quarter July, August, September $\frac{3}{4}$ year fee
 - (c) 3rd quarter October, November, December Half year fee
 - (d) 4th quarter January, February, March Quarter year fee

- NB. All applications must be submitted with a non-refundable fee of \$20.00

2. Any licence holder whose licence expires of 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 I

PART III

ANCILLARY FEES

Issue of Duplicate Licence	\$100.00
Endorsement of transfer of licence	\$100.00