



Tonga

**BUSINESS LICENCES (AMENDMENT)  
REGULATIONS 2010**





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# **BUSINESS LICENCES (AMENDMENT) REGULATIONS 2010**

## **BUSINESS LICENCES ACT 2002**

*IN EXERCISE of the powers conferred by section 23 of the Business Licences Act 2002, the Minister of Labour, Commerce and Industries with the consent of Cabinet, makes the following Regulations -*

### **1 Short Title**

- (1) These Regulations may be cited as the Business Licences (Amendment) Regulations 2010.
- (2) The Business Licences Regulations 2007 are referred to in these Regulations, as the Principal Regulations.

### **2 Regulation 2 Amended**

Regulation 2 of the Principal Regulations is amended by inserting the following new definition in the appropriate place -

“ **“sector specific requirement”** means any licence, authorization, permit, certification, approval or consent that the applicant for a business licence shall obtain from the relevant competent authority of the industry;”

### **3 Regulation 3 Amended**

Regulation 3 of the Principal Regulations is amended by inserting the following new sub-regulation (5) -

“(5) An application may be considered incomplete unless the applicant produces to the Business Licence Officer all relevant sector specific requirements from the related competent authority of the industry consulted by the Business Licence Officer under Regulation 3A.”

#### **4 New Regulation 3A**

The Principal Regulations are amended by inserting a new regulation 3A at the end of regulation 3 -

##### **“3A Consultation**

The Business Licence Officer may, in considering an application under section 7 of the Act, consult other government departments and agencies, and any other stakeholders concerned or affected by the application.”

#### **5 Regulation 7 Repealed**

Regulation 7 of the Principal Regulations is repealed and replaced with the following -

##### **“7 Licence Conditions**

- (1) Every business licence holder shall comply with all relevant laws related to his business activities.
- (2) Business licences may be issued according to section 9 of the Act subject to conditions prescribed in Schedule 3 of these Regulations.”

#### **6 Regulation 8 Amended**

Regulation 8(1) of the Principal Regulations is amended -

- (1) in the Tongan version only by deleting the words “fakahoko ‘i he foomu kuo tu’utu’uni ‘i he Foomu 3; pea ‘oatu fakataha pea mo e totongi totonu ‘o e tohi kole fakafou laiseni pisinisi ‘o hange kuo tu’utu’uni ‘i he Tepile 1.”; and
- (2) by inserting new sub-regulations (c) and (d) as follows -
  - “(c) made at least 30 days prior to their expiration; and
  - (d) if the application is made after the expiration of the licence, it shall be accompanied by the prescribed late fee.”.

#### **7 New Regulation 10A**

The Principal Regulations are amended by inserting the following new Regulation 10A at the end of Regulation 10 -

##### **“10A Invalidity**

- (1) Any business licence that has been issued on the basis of any sector specific requirements shall be deemed invalid when the sector specific requirement related to the business activity is suspended, revoked, expires or is deemed invalid.
- (2) Any holder of a business licence invalidated under this regulation may appeal to the Minister under section 12 of the Act.”.

**8 Schedule 1 Repealed**

The Principal Regulations are amended by repealing Schedule 1 and replacing it with the following -

**“SCHEDULE 1  
Fees**

<b>Item</b>	<b>Activity</b>	<b>Fee</b>	<b>Due Date</b>
1.	Application for New Business Licence	\$120.00	Upon application
2.	Application for Renewal of Business Licence	\$100.00	Upon application
3.	Late Application for Renewal of Licence	\$50.00	Upon application
4.	Amendment of Business Licence	\$50.00	Upon application
5.	Inspection of Business Licence Register	\$20.00	Prior to Inspection
6.	Copying of Business Licence Register	\$20.00	Upon application for copy”

**9 Schedule 2 Amended**

Schedule 2 of the Principal Regulations is amended by deleting -

- (a) “Real Estate Services” from the Business Activities list; and
- (b) the words “without operators” after the words “Rental/Leasing Services”.

**10 Schedule 3 Amended**

Schedule 3 of the Principal Regulations is amended by -

- (a) numbering the item “Business Licence for Importing” as “(A)”; and
- (b) inserting the following new items at the end -

“(B) Business Licence for Rental/Leasing Services

Conditions

Activity under this licence shall not involve the business of renting of land.

(C) Business Licence for Retail or Wholesale of food and other grocery goods

Conditions

- (i) The holder of this licence shall be a Tongan subject;
- (ii) Every person who trades under this licence, other than the licence holder, shall be a Tongan subject or a holder of a relevant valid visa;

- (iii) Only the licence holder shall trade under this business licence.
- (iv) Trade under this licence shall be limited to a particular geographical area designated by the Business Licensing Officer.

(D) Business Licence for Distribution of Merchandise

Conditions

- (i) No goods traded under this licence shall be -
  - (a) counterfeit in nature;
  - (b) contain labelling that is false, misleading or deceptive as to the nature of such goods;
  - (c) shops under this licence shall be operated only by licence holder;
  - (d) without a “use by date”, “expiry date” or such other wordings to that effect; and
  - (e) past its “use by date” or “expiry date” or such other wordings to that effect.
- (ii) Trade under this licence shall be limited to a particular geographical area designated by the Business Licensing Officer.”

## 11 Form I Amended

Form I of the Principal Regulations is amended by deleting the words “passport or birth certificate” wherever they appear and replacing them with the words “passport or birth certificate accompanied by one recent passport photo signed by the applicant at the back of the photo, or a National Identity Card”.

Made at Nuku'alofa this 13<sup>th</sup> day of October 2010.

**Minister of Labour, Commerce and Industries**