



REPUBLIC OF NAURU

## Licences Act 1922

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**As in force from 13 June 1997**

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This compilation comprises Ordinance No. 10 of 1922 as amended and in force from 13 June 1997 (being, at the time the compilation was prepared on 16 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

**Licences Act 1922**

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**1 Short title**

This Ordinance may be cited for all purposes as the *Licences Act 1922*.

**2 Definitions**

In this Ordinance, unless the context otherwise requires:

**'The Island'** means the Island of Nauru;<sup>1</sup>

**'Administrator'** means the person for the time being administering the government of the Island of Nauru;<sup>2</sup>

**'Trading'** includes the doing of any act with a view to or for the purposes of gain or profit;

**'Vessel'** means ship or boat;

**'Firearm'** means and includes any rifle, fowling piece, pistol, revolver, and every kind of weapon of a similar nature.

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<sup>1</sup> In relation to the expression **'The Island'**, section 3 of the *Interpretation Act 1971* provides:

'Unless the context otherwise requires or the subject or context is inconsistent with such amendment, the words "Territory of Nauru" or "Island of Nauru" shall, where they are used or appear in any written law, instrument or document in force or made at the date of commencement of this Act, be replaced from that date by the words "Republic of Nauru".'

Because the direction made by that section is not unconditional and does not relate expressly to expressions used in this Act, no textual change to give effect to it is incorporated in this compilation.

<sup>2</sup> In relation to the expression **'Administrator'**, clause 86(2) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'

**3 General requirement for licence**

Every person following or exercising any of the professions, trades, or callings, or doing any of the acts specified in the Schedule hereto other than supplying liquor, shall take out a licence and pay a licence fee at the rate set forth in the said Schedule.

**4 Duration of licence**

- (1) A licence issued under this Ordinance shall not, unless herein otherwise expressly provided, be issued for any period less than that specified in respect thereof in the aforesaid Schedule.
- (2) For the purposes of this Ordinance the year shall be deemed to be divided into two half-years — the first half-year being from the first day of January to the thirtieth day of June inclusive, and the second half-year being from the first day of July, to the thirty-first day of December inclusive. A licence issued during any half-year shall date from the first day of each half-year.
- (3) Provided, however, that in cases where the licence-fee is not less than Three dollars per annum, a provisional licence for a lesser period may be issued to cover the period from the first day of the month during which such provisional licence is issued until the last day of the current licensing year or half-year as the case may be. The fee for such provisional licence shall be an amount proportionate according to the period for which the provisional licence is issued, to the full yearly or half-yearly licensing fee.

**5 Licences to state specified details**

Every licence issued under this Ordinance in respect of any profession, trade, calling, or act specified in the Schedule hereto, other than a licence under headings 4 and 5,<sup>3</sup> shall state the premises, building, or vessel in respect of which the said licence has been issued, and shall be valid only for the premises or vessel indicated therein.

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<sup>3</sup> This exception is now redundant, as the relevant headings were repealed together with sections 10-16 by the *Animals Act 1982*; see also \*Note to the Table of Amendments in the Notes section at the end of this compilation.

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**6 Store licence**

A store licence shall entitle the licensee to sell on premises specified in the licence goods in any quantity, but shall not permit the hawking of such goods, nor shall it permit the sale of firearms, ammunition, and explosives.

**7 Explosives**

It shall be illegal to import explosives unless a licence so to do has first been obtained.

**8 General penalty**

A person who:

- (a) follows or conducts any of the businesses, trades or callings or does any of the acts specified in the Schedule to this Ordinance and who does not hold a licence issued to him and still in force under the provisions of this Ordinance; or
- (b) having been issued with a licence, commits a breach of any of the conditions stated in such licence; or
- (c) otherwise commits a breach of any of the provisions of this Ordinance;

shall be guilty of an offence.

Penalty (except as otherwise expressly provided): One hundred dollars or imprisonment for three months.

**9 Firearms**

- (1) Any person having in his possession any firearms shall register the same between the first and thirty-first days of January in each year, and in the case of firearms imported, within two weeks of the importation of such firearms.
- (2) Transfer or other disposal of any firearm is prohibited, unless the approval of the Administrator for such action has first been obtained.
- (3) A fee of Fifty cents shall be paid in respect of each firearm registered.

- (4) A fee of Twenty-five cents shall be paid in respect of each transfer approved, after the registration fee for the year has been paid.
- (5) Penalty for any breach of this section: Fine not exceeding Twenty dollars and confiscation of the firearm or firearms.

10        *[Repealed]*

11        *[Repealed]*

12        *[Repealed]*

13        *[Repealed]*

14        *[Repealed]*

15        *[Repealed]*

16        *[Repealed]*

**17        Prosecution**

In any prosecution under this Ordinance charging any person with following or exercising any profession, trade, or calling, or doing any act without a licence, the charge shall be held to be proved if it is shown to the satisfaction of the Court that the accused did actually follow or exercise the said profession, trade, or calling, or do the said act unless he can produce his licence in Court or can show to the satisfaction of the Court that such licence was duly taken out.

**18        Powers of police officers**

- (1) It shall be lawful for any constable or revenue officer at all reasonable times:
  - (i) to demand the production of any licence or certificate of registration for inspection;
  - (ii) to make any inquiries that he thinks fit to ascertain whether any breach of the provisions of this Ordinance has been committed;

- (iii) on the written authority of the Administrator, Officer in Charge of Native Constabulary, or of any Administration Officer to enter into or upon any premises, building, or vessel where or in connexion with which he has reason to believe that any profession, trade, or calling is being followed or exercised, or any act is being done in respect of which a licence is required to be taken out and to search any such premises, building, or vessel, and to demand the production of and inspect and take copies of or extracts from any books or documents relating thereto.
- (2) If any person obstructs or impedes any constable or officer in the execution of his duty, or refuses to answer any question reasonably put to him by or makes any false statement to any constable or officer, or refuses or fails without lawful excuse to produce any book, document, or licence which he is duly required to produce, he shall on conviction be liable to a penalty not exceeding Twenty dollars.

**19           Assisting or procuring commission of offence**

If any person assists in or procures the commission of any offence against the provisions of this Ordinance, he shall be liable to be dealt with in the same manner as a principal offender.

## SCHEDULE

Sections 3, 4 and 5

1. Trading licence:
  - (a) main store, or store having no branches \$200.00 per annum
  - (b) branch store, that is, the branch of a store for which the full licence fee has been paid \$110.00 per annum
  - (c) liquor trading licence \$1,000.00 per annum
  
2. Licence to import explosives \$100.00 per annum



## Notes for Licences Act 1922

### Table of Constituent Legislation

#### Ordinances

Citation	Number	Made	Gazettal†	Commencement
<i>Licences Ordinance 1922</i>	1922/10	22.09.1922*	—	23.09.1922
<i>Licences Amendment Ordinance 1924</i>	1924/11	09.10.1924	—	01.10.1924
<i>Licences Amendment Ordinance 1925</i>	1925/14	28.11.1925	—	01.01.1925
<i>Licences Ordinance Amendment Ordinance 1927</i>	1927/06	21.07.1927	—	21.07.1927
<i>Licences Amendment Ordinance 1935</i>	1935/01	19.01.1935	—	01.01.1935
<i>Licences Ordinance 1939</i>	1939/06	26.08.1939	—	26.08.1939
<i>Licences Ordinance 1955</i>	1955/02	18.04.1955	—	18.04.1955
<i>Executive Council Ordinance 1966</i>	1966/03	14.02.1966	17.02.1966	17.02.1966
<i>Licences Ordinance 1967</i>	1967/12	29.05.1967	29.05.1967	31.05.1967 (GN 112/1967)‡
<i>Ordinances Revision Ordinance 1967</i>	1967/25	29.12.1967	29.12.1967	29.12.1967 (GN 316/1967)

\* Date of signature deemed by Ord. 1967/25 to be 23.09.1923.

† Gazettal date is of no legal significance for Ordinances made before 30.08.1956 (commencement of the *Interpretation Ordinance 1956*).

‡ Amendments purporting to be made by the *Liquor Ordinance 1967* were reversed, without having taken effect, by the *Liquor Ordinance (No. 2) 1967*, and amendments to the same substantive effect were made by the *Licences Act 1967*, s.2 of which provided for its commencement on the date of commencement of the *Liquor Ordinance 1967*.

#### Acts

Short title	Number	Certification	Commencement
<i>Licences Ordinance (Amendment) Act 1978</i>	1978/12	21.12.1978	01.07.1979 (GN 160/1979)
<i>Animals Act 1982</i>	1982/06	23.08.1982	09.09.1982 (GN 282/1982)
<i>Licences (Amendment) Act 1997</i>	1997/14	13.06.1997	13.06.1997

*Licences Act 1922*

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
Section 1 (formerly s.2)	Renumbered by Ord. 1967/25. Am. by Ord 1967/25.
Section 2 (formerly s.3)	Am. by Ord. 1967/25. Renumbered by Ord 1967/25.
Section 3 (formerly s.4)	Am. by Ord. Ord. 1967/12, Ord.1967/25. Renumbered by Ord 1967/25.
Section 4 (formerly s.5)	Subs. (3) ad. by Ord. 1924/11. Renumbered by Ord 1967/25. Subs. (3) am. by Ord. 1967/25.
Section 5 (formerly s.6)	Renumbered by Ord 1967/25.
Former section 7	Rep. by Ord. 1967/12.
Section 6 (formerly s.8)	Renumbered by Ord 1967/25.
Section 7 (formerly s.9)	Renumbered by Ord 1967/25.
Former section 10	Rep. by Ord. 1967/12.
Section 8 (formerly s.11)	Rs. by Ord. 1955/02. Renumbered by Ord 1967/25. Am. by Ord 1967/25.
Section 9 (formerly s.12)	Rs. by Ord. 1927/06. Renumbered by Ord 1967/25. Subs. (3) am. by Ord 1967/25. Subs. (4) am. by Ord 1967/25. Subs. (5) am. by Ord 1967/25.
Section 10 (formerly s.13)	Renumbered by Ord 1967/25. Rep. by Act 1982/06.*
Section 11 (formerly s.14)	Renumbered by Ord 1967/25. Rep. by Act 1982/06.*
Section 12 (formerly s.15)	Am. by Ord. 1925/14, Ord. 1935/01. Renumbered by Ord. 1967/25. Am. by Ord 1967/25. Rep. by Act 1982/06.*
Section 13 (formerly s.16)	Am. by Ord. 1925/14. Renumbered by Ord 1967/25. Am. by Ord 1967/25. Rep. by Act 1982/06.*
Section 14 (formerly s.17)	Renumbered by Ord 1967/25. Rep. by Act 1982/06.*
Section 15 (formerly s.18)	Am. by Ord. 1925/14. Rep. by Act 1982/06.*

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Provision affected	How affected
Heading before section 16	Ad. by Ord. 1939/06. Rep. by Act 1982/06.*
Section 16 (formerly s.18A)	Ad. by Ord. 1939/06. Rep. by Act 1982/06.*
Section 17 (formerly s.19)	Renumbered by Ord 1967/25.
Section 18 (formerly s.20)	Am. by Ord. 1935/01, Ord. 1955/02, Ord. 1967/12, Ord. 1967/25. Renumbered by Ord 1967/25. Subs. (2) am. by Ord 1967/25.
Section 19 (formerly s.21)	Renumbered by Ord 1967/25.
Schedule	Am. by Ord. 1935/01, Ord. 1955/02, Ord. 1967/12, Ord. 1967/25. Rs. by Act 1978/12. Am. by Act 1982/06.

\*Note: The repeals effected by the *Animals Act 1982* were technically misdescribed, being expressed in terms of the section numbers applicable before the renumbering effected by the *Ordinances Revision Ordinance 1967*, but effect has been given in this compilation to the legislative intention in the interests of utility (under the *Legislation Publication Regulations 2011*).