



REPUBLIC OF NAURU

**Business Licences Bill 2011**

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Serial No. 9 of 2011

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**Business Licences Bill 2011**

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**Serial No. 9 of 2011**

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A Bill for:

An Act to provide for the licensing of businesses and for related purposes

*Certified on ...*

Enacted by the Parliament of Nauru as follows:

**PART 1 – PRELIMINARY MATTERS**

**1 Short title**

This Act may be cited as the *Business Licences Act 2011*.

**2 Commencement**

This Act commences on 1 August 2011.

**3 Purposes**

The purposes of this Act are to:

- (a) repeal the *Licences Act 1922*; and
- (b) establish a new system of business licensing.

**4 Definitions**

In this Act:

**'authorised officer'** means a police officer or an officer authorised by the Minister under section 14;

**'business licence'** means a licence issued to a person operating a prescribed business under section 7;

**'prescribed business'** means a business of a class prescribed by regulations made under section 14 as requiring a business licence.

## **PART 2 – BUSINESS LICENCES**

### **5 Requirement for business licence**

A person operating a prescribed business must hold a business licence.

Penalty: \$10,000.

### **6 Application for business licence**

- (1) A person may apply to the Secretary for a business licence.
- (2) The application must be:
  - (a) accompanied by evidence of payment of the prescribed licence fee; and
  - (b) in the prescribed form.

### **7 Issue of business licence**

The Secretary must issue a business licence to a person who:

- (a) has submitted an application in accordance with section 6; and
- (b) satisfies any prescribed preconditions for the issue of the licence.

### **8 Rejection of application**

If the Secretary rejects an application for a business licence, the Secretary must:

- (a) provide the applicant with a notice explaining the reasons for rejection of the application; and

- (b) if the applicant applies for reimbursement of the prescribed licence fee, arrange for the reimbursement of the fee to the applicant.

**9 Licence conditions**

The conditions of a business licence are:

- (a) any prescribed conditions; and
- (b) any other reasonable conditions specified in the licence.

**10 Non-acceptance of licence conditions**

(1) Where:

- (a) a business licence is issued subject to conditions specified under section 9(b); and
- (b) the person to whom the licence is issued does not wish to operate the business on the conditions specified;

the person may, no later than 14 days after the licence was issued, return the licence to the Secretary and apply for the reimbursement of the licence fee.

(2) The Secretary must cancel the licence and arrange for the reimbursement of the licence fee.

**11 Failure to comply with licence conditions**

A person operating a prescribed business must ensure the business is operated in compliance with all conditions of the business licence.

Penalty: \$10,000.

**12 Inspection of business**

- (1) An authorised officer may inspect a business at any reasonable time for the purpose of ensuring that the person operating the business is complying with this Act.
  - (2) Without limiting subsection (1), an authorised officer may require the person operating the business to produce their business licence for inspection.
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- (3) A person must not obstruct an authorised officer in the performance of his or her functions under this Act.

Penalty: \$1,000 or 1 month imprisonment.

**13 Closure of business**

- (1) Where the Secretary receives a report from an authorised officer that a prescribed business is operating without a business licence, the Secretary may order in writing, directed to the person operating the prescribed business, that the business must cease to operate until the person has obtained a business licence in respect of the business.

- (2) A person who receives an order from the Secretary under subsection (1) must comply with the order.

Penalty: \$1,000 for each day on which the person fails to comply with the order.

**PART 3 – MISCELLANEOUS MATTERS**

**14 Minister may authorise officers**

The Minister may, by notice in the Gazette, authorise an officer of the department to be an authorised officer for this Act.

**15 Regulations**

- (1) Cabinet may make regulations under this Act.
- (2) Without limiting subsection (1), the regulations may provide for the following:
- (a) classes of business that require a business licence;
  - (b) preconditions for the issue of a business licence;
  - (c) licence periods;
  - (d) licence fees;
  - (e) licence conditions;
  - (f) forms.

**16 Repeal**

The Acts listed in the Schedule are repealed.

**PART 4 –TRANSITIONAL MATTERS**

**17 Definitions for Part 4**

In this Part:

**'commencement date'** means the date of commencement of this Act;

**'repealed Act'** means the *Licences Act 1922*.

**18 Existing licences**

- (1) Until Cabinet makes regulations under section 14(2)(a), a business that required a licence under the repealed Act is taken to be a prescribed business under this Act.
- (2) A person who, on the commencement date, holds a valid licence under the repealed Act, is taken to hold a business licence under this Act until the end of the period in respect of which the licence was issued.

**19 Transitional regulations**

- (1) The regulations may make provision (a **'transitional regulation'**) about a matter for which:
    - (a) it is necessary to make provision for the transition to the operation of this Act; and
    - (b) this Act does not make provision or sufficient provision.
  - (2) A transitional regulation may have retrospective operation to a date not earlier than the commencement date.
  - (3) However, to the extent a transitional regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Republic) by adversely affecting the person's rights or imposing liabilities on the person.
  - (4) This section expires 12 months after the commencement date.
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## SCHEDULE

section 16

### **Repealed Acts:**

*Licences Act 1922*, which comprises the following constituent Acts:

*Licences Ordinance 1922*

*Licences Amendment Ordinance 1924*

*Licences Amendment Ordinance 1925*

*Licences Ordinance Amendment Ordinance 1927*

*Licences Amendment Ordinance 1935*

*Licences Ordinance 1939*

*Licences Ordinance 1955*

*Licences Ordinance 1967*

*Licences Ordinance (Amendment) Act 1978*

*Licences (Amendment) Act 1997*

### *Note for Schedule*

*The Licences Act 1922 also contained amendments effected by two Acts that have already been repealed (the Executive Council Ordinance 1966 and the Ordinances Revision Ordinance 1967, both repealed by the Statute Law Revision Act 2011) and the Animals Act 1982. Those provisions of the Animals Act 1982 that relate to amendments to the Licences Act were executed on the commencement of the Animals Act 1982, and the amendments effected by those provisions are repealed by virtue of the repeal of the Licences Act 1922 as amended.*