

ACT NO. 28 OF 2020

I assent.

J. K. KONROTE

President

[31 July 2020]

AN ACT**TO REPEAL THE BUSINESS LICENSING ACT 1976**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.**—(1) This Act may be cited as the Business Licensing (Repeal) Act 2020.
(2) This Act comes into force on 1 August 2020.

Repeal

- 2.** The Business Licensing Act 1976 and any subsidiary legislation made thereunder are repealed.

Transitional provisions

- 3.**—(1) Any money received for or in relation to a pending business licence application before 1 August 2020 must be reimbursed to the applicant.
(2) Any money received for a licence period after 1 August 2020 must be reimbursed on a *pro rata* basis.

(3) A person required to register a business name by virtue of the consequential amendment to the Companies Act 2015, as provided in the Schedule must, on or before a date appointed by the Minister by notice in the Gazette, apply for registration of the business name under section 32 of the Companies Act 2015.

Consequential amendments

4. The laws listed in the Schedule are amended as set out in that schedule.

SCHEDULE
(Section 4)

CONSEQUENTIAL AMENDMENTS

Companies Act 2015

1. The Companies Act 2015 is amended in section 32(b) by deleting “which does not consist of his or her true family name without any addition other than the person’s true first names or the initials of the person’s true first names”.

Land Transfer Act 1971

2. The Land Transfer Act 1971 is amended in section 73(2)(b) by deleting “, by an auctioneer licenced under the provisions of the Business Licensing Act 1976”.

Liquor Act 2006

3. The Liquor Act 2006 is amended by—

(a) in section 11—

- (i) deleting the heading and substituting “Sale of certain goods on licensed premises outside permitted hours”;
- (ii) in subsection (1), deleting “or those of the Business Licensing Act 1976”; and
- (iii) deleting subsection (2); and

(b) in section 84(1), deleting “whether licensed under the Business Licensing Act 1976 or not,”.

Medical and Dental Practitioner Act 2010

4. The Medical and Dental Practitioner Act 2010 is amended in section 83(2) by deleting “and the authority that issued the business licence to the health services provider”.

Methylated Spirits Act 1962

5. The Methylated Spirits Act 1962 is amended in section 2 by deleting the definition of “licensing authority” and substituting the following—

““licensing authority” means, for the area in which a vendor of methylated spirits carries on his or her business—

- (a) in respect of a municipality, the municipal council; and
- (b) in respect of all other areas, the permanent secretary responsible for commerce, industry and trade;”.

National Fire Service Act 1994

6. The National Fire Service Act 1994 is amended in section 12A by deleting “business licence or”.

Pharmacy Profession Act 2011

7. The Pharmacy Profession Act 2011 is amended in section 83(2) by deleting “and the authority that issued the business licence to the health services provider”.

Public Safety Act 1920

8. The Public Safety Act 1920 is amended in section 2(c) by deleting “licensed under the Business Licensing Act 1976”.

Shop (Regulation of Hours) Act 2016

9. The Shop (Regulation of Hours) Act 2016 is repealed.

Tax Administration Act 2009

10. The Tax Administration Act 2009 is amended in section 38(1) by deleting paragraph (c) and substituting the following—

“(c) a person carrying on any business in Fiji;”.

Tobacco Control Act 2010

11. The Tobacco Control Act 2010 is amended in Schedule 5 in section 1 of the application form by deleting “Business Licence:”.

Advertisement Regulations 1962

12. The Advertisement Regulations 1962 is amended in regulation 3 in the definition of “business premises” by deleting “licensed under the provisions of the Business Licensing Act 1976” and substituting “at which a person is carrying on a business”.

Banaban (Copra) Regulations 1958

13. The Banaban (Copra) Regulations 1958 is amended in regulation 2 by deleting the definition of “manager” and substituting the following—

““manager” means the owner of a retail store;”.

Banaban (Copra Cess) Regulations 1958

14. The Banaban (Copra Cess) Regulations 1958 is amended in regulation 2 by deleting the definition of “manager” and substituting the following—

““manager” means the owner of a retail store;”.

Employment Relations (Employment Agencies) Regulations 2008

15. The Employment Relations (Employment Agencies) Regulations 2008 is amended by—

- (a) in regulation 10(1)(i), deleting “, or has failed to secure a business licence for the agency under the relevant local or rural authority”; and
- (b) in Schedule 3 in Part 3(B), deleting paragraph 4.

Environment Management (Waste Disposal and Recycling) Regulations 2007

16. The Environment Management (Waste Disposal and Recycling) Regulations 2007 is amended in Schedule 1 by—

- (a) in Form EMA/WDR 2 in paragraph A1, deleting “Business licence no: [If applicable]”; and