



REPUBLIC OF NAURU

(Section 15 of the Business Licences Act 2017)

**BUSINESS LICENCES (REGIONAL
PROCESSING CENTRES AND SETTLEMENTS)
REGULATIONS 2017**

SL No. 23 of 2017

Notified: 31st October 2017

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Cabinet makes the following Regulations under section 15 of the Business Licences Act 2017:

1 Citation

These Regulations may be cited as the *Business Licences (Regional Processing Centres and Settlements) Regulations 2017*.

2 Commencement

These Regulations commence on the day notified in the Gazette.

3 Definitions

In these Regulations:

‘Act’ means the Business Licences Act 2017;

‘authorised service provider’ includes:

- (a) a person, partnership or corporation that has an authorised contract under the provisions of the Nauru (RPC) Corporation Act to provide services at Regional Processing Centres, Settlements or in relation to protected persons;
- (b) a director, secretary, manager, officer, partner and an employee of the service provider; and
- (c) a subcontractor engaged by a person, partnership or corporation that has an authorised contract under the provisions of the Nauru (RPC) Corporation Act, to provide services at the Regional Processing Centres and Settlements or in relation to protected persons.

‘foreign corporation’ means:

- (a) a corporation that is incorporated outside the Republic;
- (b) an unincorporated body that is formed or registered outside of the Republic;
- (c) a corporation or unincorporated body that does not have its head office or principal place of business in the Republic; or
- (d) a subsidiary, of a corporation or unincorporated body incorporated or registered in a foreign country, that is incorporated in the Republic for the sole purpose of carrying out business in the Republic.

‘local service provider’ means a business or corporation owned and operated by Nauruan citizens but does not include the following:

- (a) a business or corporation having all non-Nauruan citizen shareholders or interests;
- (b) a business or corporation owned in partnership between a Nauruan and non-Nauruan citizen where any capital shares or class of shareholding of the Nauruan part of the shareholding or interest is less than 60%; and
- (c) the nominal shares allotted to the Nauru Agency Corporation.

‘Nauru (RPC) Corporation Act’ means the Nauru (RPC) Corporation Act 2017;

‘services’ includes goods and services but excludes land leases as defined under the Nauru (RPC) Corporation Act;

‘licence’ means a special category of business licence applied for by an authorised service provider under the Nauru (RPC) Corporation Act for the purposes of rendering services to the Regional Processing Centres and Settlements or in relation to protected persons;

4 Mandatory requirement for licence

- (1) For the purposes of section 24(1)(c) of the Nauru (RPC) Corporation Act an authorised service provider shall obtain a licence under these Regulations prior to carrying out any services to the Regional Processing Centres and Settlements or in relation to protected persons.
- (2) An authorised service provider shall apply for a licence under these Regulations where:
 - (a) at the time of the commencement of the Nauru (RPC) Corporation Act and these Regulations the authorised service provider was rendering services to the Regional Processing Centres and Settlements or in relation to protected persons under a current contract; or
 - (b) it has been granted an authorised contract under section 24 of the Nauru (RPC) Corporation Act.

5 Application for Special Category of licences

An authorised service provider applying for a licence under these Regulations shall:

- (a) apply using the applicable forms set out in Schedules 1 and 2; and
- (b) pay the applicable fees set out in Schedules 3 and 4.

6 Special Category licence conditions

The licence granted to an authorised service provider under these Regulations shall be subject to:

- (a) the specified business activity applied for in the licence;
- (b) the contract authorised by the Cabinet issued for the provision of services at the Regional Processing Centres and Settlements or in relation to protected persons; and
- (c) any other terms and conditions specified by the Registrar.

7 Foreign incorporation or registration certificates

For the purposes of granting a business licence to an authorised service provider not incorporated under the Corporations Act 1972 or registered under the Business Names Act 1976, the Registrar may grant a business licence to a foreign person or corporation on the provision:

- (a) of a certified copy of a current certificate of incorporation or registration from the country of registration; or
- (b) in the case of a foreign corporation incorporating a subsidiary corporation in the Republic under the Corporations Act 1972, a certified copy of the certificate of incorporation or registration of the principal corporation in the foreign country it is incorporated or registered.

8 Documents necessary for licence

- (1) Where a foreign corporation applies for a licence under these Regulations the following documents shall be lodged with the application form:
 - (a) certified copy of current certificate of incorporation or registration of a corporation or partnership from the registration authority of the foreign country;
 - (b) if a subsidiary corporation, registered under the Corporation Act 1972, certified copy of current certificate of incorporation or registration of a corporation or partnership from the registration authority of the foreign country;
 - (c) TIN issued under the Revenue Administration Act 2014; and
 - (d) evidence that the applicant is an authorised service provider under the Nauru (RPC) Corporation Act.
- (2) Where an authorised local service provider applies for a licence under these Regulations the following documents shall be lodged with the application form:

- (a) certificate of registration of business name under the Business Names Act 1976;
- (b) certificate of incorporation under the Corporation Acts 1972;
- (c) TIN issued under the Revenue Administration Act 2014; and
- (d) evidence that the applicant is an authorised service provider under the Nauru (RPC) Corporation Act.

9 Business licence

The Registrar shall issue a licence in the form contained in Schedule 5.