



REPUBLIC OF NAURU

# BUSINESS LICENCES BILL 2017

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No. of 2017

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A Bill for an Act to repeal the *Business Licences Act 2011* and to provide for the granting of, administration and regulation of business licences

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

## PART 1- PRELIMINARY

### 1 Short title

This Act may be cited as the *Business Licences Act 2017*.

### 2 Commencement

This Act commences upon certification by the Speaker.

### 3 Definitions

In this Act:

**'applicant'** means any individual, partnership, association, business or corporation applying for a licence under this Act or any person appearing as owner, partner, officer, director, trustee or other official of a partnership, association, business or corporation on such application for licence under this Act;

**'authorised officer'** means an officer authorised by the Minister under section 26;

**'business'** means any form of economic activity, trade, profession, commerce, craftsmanship, calling or other activity carried on for the purpose of generating revenue for gain;

**'business person'** means a person carrying out any form of business;

**'licence'** means business licence granted to a person under section 10;

**'licensee'** means the holder of a business licence granted under sections 10, 14 and 15;

**'Minister'** means the Minister for Justice and Border Control;

**'occasional licence'** means a short term licence granted for a specific period and nature of business activity;

**'person'** includes a partnership and an unincorporated or corporate body and any branch thereof;

**'Registrar'** means the Registrar of Business Licences;

**'Register'** means the Business Licences Register;

**'Secretary'** means the Secretary for Justice and Border Control.

## **PART 2- REGISTRAR AND REGISTER OF BUSINESS LICENCES**

### **4 Registrar of Business Licences**

- (1) The Secretary shall be the Registrar of Business Licences.
- (2) The Registrar shall:
  - (a) maintain the Register;
  - (b) perform other duties under this Act; and
  - (c) do all things as are necessary to be done for the proper administration of this Act.
- (3) The Registrar has the powers expressly conferred by this Act or any other written law to be able to perform his or her functions and exercise powers under this Act.
- (4) The Minister may, on the recommendation of the Secretary appoint a Deputy Registrar.
- (5) The Deputy Registrar may perform such functions and exercise such powers as the Registrar may in writing from time to time direct or authorise him or her to do.

### **5 Business Licence Register**

- (1) The Registrar shall be responsible for establishing and maintaining a Register of Business Licences under this Act.
- (2) Upon the payment of prescribed fees:
  - (a) the Register shall be made available for inspection by the applicant during business hours; and
  - (b) certified copies of the entries in the Register shall be provided.

## **PART 3 - BUSINESS LICENCES**

### **6 Prohibition on conducting business without a licence**

No person shall commence or carry on any business without a licence granted under this Act.

### **7 Pre-requisite for licences**

An application for a licence shall only be accepted for consideration by the Registrar if the applicant has already registered a:

- (a) business name under the Business Names Act 1976;

- (b) firm or partnership under the Partnership Act 1976;
- (c) corporation under the Corporations Act 1972; or
- (d) tax identification number issued under the Revenue Administration Act 2014.

## **8 Application for a business licence**

- (1) A person who applies for a licence shall do so in the prescribed form.
- (2) The applicant shall pay the prescribed fee prior to the granting of the licence.

## **9 Licence not to be granted to minors**

A licence shall not be granted to a person under the age of 18 years.

## **10 Consideration of application**

- (1) The Registrar shall consider each application lodged and inform the applicant of the decision within 7 days of the date of the lodgement of the application.
- (2) Where the Registrar is satisfied that the application complies with the requirements of this Act, he or she shall grant the licence to the applicant.

## **11 Licence conditions**

A licence granted under this Act shall be:

- (a) for the specified business activity in the licence; and
- (b) subject to special or general conditions.

## **12 Non-acceptance of licence conditions**

- (1) A person may, no later than 7 days after the licence was granted, return the licence to the Registrar and apply for the reimbursement of the licence fee if:
  - (a) a licence is granted subject to the conditions specified under section 11; and
  - (b) the person to whom the licence is granted does not wish to operate the business on the conditions specified.
- (2) The Registrar shall cancel the licence and arrange for the reimbursement of the licence fee.