

[Legal Notice 121]

**THE PROVINCIAL GOVERNMENT ACT 1997  
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE BUSINESS LICENCE ORDINANCE  
2006**

**AN ORDINANCE to revise the laws relating to the licensing of professions,  
trades and businesses operating within Makira Ulawa Province and to repeal  
the Makira Ulawa Province Business Licence Ordinance 2001**

**ENACTED BY the Provincial Assembly of Makira Ulawa Province.**

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**THE PROVINCIAL GOVERNMENT ACT 1997  
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE BUSINESS LICENCE ORDINANCE 2006**

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

**PART I - PRELIMINARY**

**1. Title and Commencement**

This Ordinance shall be cited as the Makira Ulawa Province Business Licence Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

**2. Interpretation**

In this Ordinance, except where the context otherwise requires, words have the following meanings -

- “Assembly” means Makira Ulawa Provincial Assembly;
- “Executive” means Makira Ulawa Provincial Executive;
- “Foreign investor” has the meaning provided in the Investment Act 2005 or its successors;
- “Great Council of Chiefs” means the Great Council of Chiefs established under the Makira Ulawa Province Councils of Chiefs Ordinance 2006.
- “Infringement offence” means an offence identified as an infringement offence in accordance with the Penalties For Offences Ordinance, and the penalties and procedure provided in that Ordinance shall apply to the offence;
- “Officer of the Province” means the Provincial Secretary and any person for whom the Provincial Secretary is the Responsible Officer, and includes any direct employee, public officer, or volunteer appointed to the Makira Ulawa Provincial Government office or any Provincial Division;
- “Penalties For Offences Ordinance” means the Makira Ulawa Penalties For Offences Ordinance 2006 or its successors;
- “Police” means Royal Solomon Islands Police;
- “Policies of the Province” means those policies approved by the Executive, from time to time governing functions, services and development within Makira Ulawa Province;
- “Province” means Makira Ulawa Province;
- “Provincial Investments Committee” means the Provincial Investments Committee established under **section 4** of this Ordinance;
- “Provincial Minister” for any portfolio or Division means the Provincial Minister appointed to that portfolio or, in his or her absence, the Minister for the time being supervising the office of that Minister;

“Standard fee” means the rate of fee payable for any licence before any discount as provided in this Ordinance is applied;

“Ward” means a Ward in the Province as provided under the Provincial Government Act 1997 or its successors;

“Ward business licence” means a business licence which is limited to a Ward only as provided for under **Part IV** of this Ordinance;

“Ward Council of Chiefs” means a Ward Council of Chiefs established under the Makira Ulawa Province Councils of Chiefs Ordinance 2006.

“Ward Development Authority” means a Ward Development Authority established under the Makira Ulawa Ward Development Authorities Ordinance 2006 or its successors.;

- (2) In this Ordinance “business” includes any activity or service operated or undertaken by any person or entity for payment of any kind, including any person or entity acting as an agent for another or as a Sub-contractor, but does not include:
- (a) Any activity or service undertaken by an employee in the course of his duties;
  - (b) Any activity which is established and conducted wholly for one or more of the following purposes:
    - (i) charitable;
    - (ii) participation in or support of athletics, sports or games or culture activities;
    - (iii) other purposes which are not for private gain or commercially undertaken and in which all proceeds above actual costs are applied for the said purposes;
- (3) In this Ordinance, categories of businesses and their definitions shall be as listed and defined in the Schedule to this Ordinance.

### **3. Purpose**

The purpose of this Ordinance is to revise and improve the laws relating to the licensing of professions, trades and businesses operating within Makira Ulawa Province by providing for:

- (a) The Provincial Investments committee and its role;
- (b) The procedure to be followed for applications for business licenses and applications for renewal of business licences;
- (c) Categories of business licences and a standardised range of fees;
- (d) Ward Business Licences for businesses involved in the harvesting of natural resources or trading in commodities, and options for the community to participate in the licencing process via Ward Councils of Chiefs;
- (e) Incentives for compliance with the Ordinance and any specific licence conditions;
- (f) Infringement offences for contraventions of the Ordinance or specific licence conditions;

- (g) Suspension and cancellation of licences where business entities fail to rectify contravention of the Ordinance or specify licence conditions.

## PART II - AUTHORITY TO MAKE DECISIONS

### 4. Provincial Investments Committee

- (1) There shall be a Provincial Investments Committee which shall consist of:
- (a) The Provincial Minister for Trade and Commerce;
  - (b) Every officer of the Province appointed to:
    - (i) the Commerce or Investments Division;
    - (ii) the collection of Revenue;
    - (iii) Economic development
  - (c) The Provincial Minister for whichever Division the application primarily relates to, and an officer from that Division;
  - (d) Any other person by invitation of committee;
- (2) All decisions to approve any application for a licence and to impose any conditions, or to suspend or cancel any licence, and all decisions related to such licencing activities under this Ordinance, shall be made by the Provincial Investments Committee except in the case of the categories of business listed in **section 5** which must be referred to the Executive.
- (3) When the Provincial Investment Committee refers any application or other matter to the Executive for its decision, the Provincial Investments Committee shall also forward to the Executive a report about the application or other matter along with its recommendations and reasons for those recommendations.
- (4) All decisions and recommendations of the Provincial Investments Committee shall be made by a majority of the Committee.

### 5. Matters that must be referred to the Executive

- (1) Every application for a licence, and every decision regarding the suspension or cancellation of such licence or other matter relevant to such licence or other matter relevant to such licence, for the following categories of licence shall be referred to the Executive for its decision:
- (a) Any Ward Business Licence as provided for under **Part IV** of this Ordinance;
  - (b) Any licence for carrying on a shipping or air transport service;
  - (c) Any licence for any foreign investor;
  - (d) Any licence for a Ward Development Authority;
  - (e) Any licence for any business involved in or proposing to enter into a joint venture with a Ward Development Authority;
  - (f) Any application or other matter where the Provincial Investments Committee considers it appropriate to refer the matter to the Executive for its approval;
  - (g) Any other category of licence and related matters determined by Order of the Executive as being of such significance to the economy or development of the Province as to require the approval of the Executive.

- (2) When the Executive makes its decision in relation to the application or other matter, the decision shall be reported to the Provincial Investments Committee for implementation.

### **PART III - LICENCING OF BUSINESSES**

#### **6. Activities and Businesses to be licensed**

- (1) Any person or other entity who, within the authority of the Assembly, intends to carry on any activity or business listed in the Schedule to this Ordinance must first obtain a valid licence.
- (2) Every party to a joint venture, whether the party is an individual person or another type of entity, must obtain a licence for the type of business activity that is to be undertaken by the joint venture and:
- (a) Each party shall comply with the conditions of the licence issued to that party;
  - (b) Each party shall pay the licence fee applicable to that party.

#### **7. Eligibility for grant of licence**

- (1) No person or entity shall be granted a business licence and no business licence shall be renewed, unless the business complies with:
- (a) All laws and policies of Makira Ulawa Province, including this Ordinance;
  - (b) All laws of Solomon Islands;
  - (c) All conditions attached to any proposed licence
- (2) No licence (whether new or a renewal of existing or previously held licence) shall be issued to carry out shipping or air transport services in the Province unless the Ship(s) or aircraft intended to be used by the business hold a current safety certificate that is not due to expire for at least six (6) months after the date of issue of the licence.

#### **8. Application for licence**

- (1) All applications for any business licence must be made to the Provincial Investments Committee regardless of whether:

- (a) The application is for a licence for the first time or is for the renewal of an existing or previously held licence;
  - (b) The application is for a licence which requires the approval of the Executive;
  - (c) The Executive has or may delegate to Ward Development Authorities or other agents the authority to collect the fees for that category of business licence.
- (2) All applicants must provide the information requested by the Provincial Investments Committee to enable it or, as the case may be, the Executive to determine that the business to be operated complies with:
- (a) This Ordinance;
  - (b) The laws and policies of the Province and the laws of Solomon Islands; and
  - (c) Any conditions proposed by the Provincial Investment Committee or the Executive; and any other information reasonably requested to assist them in deciding whether the business is an appropriate activity to be carried out in the Province and the applicant is a suitable investor.
- (3) The Provincial Investments Committee must screen all applications and, where any such applications comply with this Ordinance, may approve such applications except for all applications for any business licence which must first be referred to the Executive for approval.

#### **9. Issue of licence**

- (1) Once an application has been approved by the Provincial Investments Committee or, as the case may be, by the Executive, and the applicant has paid the appropriate fee the Provincial Investments Committee shall either issue the licence or instruct that the appropriate licence be issued, with or without conditions.
- (2) Half year licences shall be issued during the period commencing the 1st day of October in any year to the 31st day of March the following year, and the fee for any such licence shall be half of the standard fee for the particular licence.
- (3) Every such licence shall:
  - (a) Specify the premises in which the business shall be carried on and the name of the licensee, and if the licence is for shipping or air transport services it shall specify the name or identity of the ship(s) or aircraft to be used by the licensee;
  - (b) Be subject to any conditions endorsed on the licence;
  - (c) Be valid until the 31st day of March following its issue and shall then expire.

#### **10. Conditions of licence**

- (1) It shall be a condition of every licence issued that the business continues to comply with all the laws, policies, and conditions referred to in **section 7(1)**.

- (2) In particular, all businesses must comply with all laws relating to the safety of customers or the public including:
- (a) It shall be a condition of every licence for carrying out shipping or air transport services in the Province that the ship or aircraft at all times holds a current safety certificate as issued by the relevant department of Solomon Islands Government and meets all safety requirements set by the law of Solomon Islands in relation to the activity;
  - (b) It shall be a condition of every licence for dealing in petroleum or petroleum products that the business at all times complies with all the requirements of the Petroleum Act [CAP 81] or its successors in relation to the storage of petroleum or any other relevant safety requirements specified by law;
  - (c) It shall be a condition of every licence for in any way preparing food for public consumption, whether it involves cooked or processed foods or raw fish, meat, or poultry, that the business at all times complies with all laws applying to preparation of food for public consumption including relevant environmental health laws.
- (3) The Provincial Investments Committee or, as the case may be, the Executive, may impose any other conditions which in their opinion are reasonably required in the interests of the Province.

**11. Limited effect of licence**

- (1) No licence issued under this Ordinance shall convey or be construed to convey any right which the Assembly does not have, and in particular no such licence shall convey nor be construed to convey any right or authority to:
- a) Enter any private land, or enter any area of the sea or foreshore to which there are customary rights recognised by the law of Solomon Islands; or
  - b) Take any action with respect to anything without the authority of the owner of that land or thing or of the person holding the customary rights.
- (2) No licence issued under this Ordinance, in respect of any business, shall authorise the carrying on of any other business and in particular a store licence shall not authorise the carrying on of the business of a store on any premises other than the one specified in the licence nor shall it authorise the hawking of goods.

**12. Transfer of Licence**

- (1) No Ward Business Licence to which **Part IV** of this Ordinance applies may be transferred to another person or entity or be approved or endorsed for a transfer of premises.
- (2) No licence issued to a Ward Development Authority may be transferred to another person or entity.



- (3) Except for those licences prohibited by **subsections (1) and (2)** of this section, any person may apply to the Provincial Investments Committee for approval to transfer the licence to any other person or to carry out the business activity upon different premises than those identified in the licence and:
- (a) Where the application is to transfer the licence to another person, the intended transferee must provide all such information as would be required for a new application for a business licence;
  - (b) Where the application is to transfer of premises, the applicant must provide the Provincial Investments Committee which such information as may be required by the Committee to enable it to determine that the business and the transfer of location complies with this Ordinance.
- (4) The Provincial Investments Committee must screen all such applications and:
- (a) Where any such application relates to any business in the category of which applications for licences must be referred to the Executive for approval in accordance with **section 5**, shall forward the application for transfer to the Executive along with a report and recommendations about the application;
  - (b) In all other cases, if the application complies with this Ordinance the Provincial Investments Committee may approve the application.
- (5) Once an application has been approved by the Provincial Investments Committee or, as the case may be, the Executive, and the applicant has paid the appropriate fee the Provincial Investments Committee shall either itself endorse the transfer on the licence or instruct such endorsement, and such transfer:
- (a) Shall be subject to all the conditions of the original licence;
  - (b) May also be subject to any further conditions considered appropriate by the Provincial Investments Committee or the Executive as the case may be.

**13. Duplicate licences**

Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed may, on payment of the prescribed fee, obtain a duplicate licence.

**14. Fees**

The standard fees for any business licence, duplicate licence, or transfer of licence shall be as determined from time to time by Order of the Executive.

**15. Discount of fees for compliance etc**

- (1) Every business that applies for the renewal of a business licence, and pays the licence fee, before the expiry of their current business licence (being 31st of March in any year) shall be entitled to a discount of ten per cent (10%) of the standard fee set for that category of business.
- (2) Every business that applies for the renewal of business licence shall be entitled to a discount of ten per cent (10%) of the standard fee set for that category of business if the Provincial Investment Committee or, as the case may be, the Executive is satisfied that:
  - (a) The business has complied with all the conditions of the business licence issued in the previous year; and
  - (b) Both the business and any operators or employees of the business have during the previous year complied with all the laws of Solomon Islands and all the laws and policies of the Province, including any laws or policies designed for the protection of the environment.
- (3) Every Ward Development Authority that has been granted a business licence under this Ordinance and in compliance with the Ward Development Authorities Ordinance shall be entitled to a ten per cent (10%) discount on the standard licence fee for any business they undertake.
- (4) For the avoidance of doubt it is declared that:
  - (a) The discounts are cumulative and therefore any business may qualify for a discount of up to twenty per cent (20%) and any Ward Development Authority may qualify for a discount of up to thirty per cent (30%);
  - (b) Any business that qualifies for one or more discount and has paid more than the discounted fee shall, unless the business has any outstanding debt to the Province for any other reason, be refunded the excess.

**PART IV - WARD BUSINESS LICENCES****16. Application of this Part**

This Part of this Ordinance applies to every application for a business licence coming within the following categories:

- (a) Any application made for any kind of business undertaking that in any way deals in the harvesting of natural resources;
- (b) Any application that in any way deals with the harvesting or purchasing of commodities as defined under the Commodities Export Marketing Authority Act [CAP 36] or its successors.

**17. Business licence for individual Wards**

- (1) Any application made under this Ordinance for a business licence in relation to any of the matters provided in **section 16** will be considered and granted in relation to a specified Ward only.

- (2) If an applicant wishes to carry on business activities in more than one Ward, a separate application must be made in relation to each Ward and the licencing procedure provided in this Part of this Ordinance must be followed in relation to each application.

**18. Licence for Specified Area of a Ward**

- (1) A Ward Business Licence may be granted for an entire Ward or it may be limited to a specified area or areas within the Ward.
- (2) If the holder of a Ward Business Licence which is limited to specified areas wishes to extend the area of business activity into other areas within the Ward;
- (a) An application for Extension of Specified Ward Area must be made; and
- (b) The licencing procedure provided in this Part of this Ordinance must be followed in relation to the application for extension.
- (3) No fee will be charged for an Extension of Specified Ward Area.

**19. Ward licencing procedure**

- (1) When any application is made under this Ordinance for a business licence in relation to any of the matters provided in **section 16** or an extension of business area as provided in **section 18** the application must be screened by the Provincial Investments Committee, as provided in **section 8**, and if the Committee accepts the application the procedure set out in this section applies.
- (2) The Provincial Investments Committee must:
- (a) Conduct an appropriate orientation program for the applicant is familiar with:
- (i) Provincial laws and policies;
- (ii) The appropriate authorities and persons to consult with in relation to any activities in the Ward, including Ward Council of Chiefs and landowners;
- (b) Forward a copy of the application, along with any comments and recommendations of the Committee (which should include information about any other current or proposed activities of the applicant in any other Ward), to the Ward Council of Chiefs for the affected Ward;
- (c) Conduct an appropriate awareness program for the Ward Council of Chiefs and interested community members, to assist the community to understand the impacts of such development.
- (3) The Ward Council of Chiefs:
- (a) May consult with or obtain advice from any person or organisation about the application and the likely impacts of such development;
- (b) Must consult with their communities about the application;
- (c) May report back to the Provincial Investments Committee with its recommendations which may include:

- (i) The views of the Ward about whether or not it would be appropriate to grant a Ward Licence to the applicant, and the reasons why;
  - (ii) Suggestions for suitable conditions of a Ward Licence for the applicant, and the reasons why those conditions are considered appropriate.
- (4) If necessary or appropriate the Provincial Investments Committee may consult with the Ward Council of Chiefs about its recommendations, and the Ward Council of Chiefs may make further recommendations as a result of those consultations;
- (5) In making recommendations to the Executive under **section 4**, the Provincial Investments Committee must include:
- (a) A report about the orientation program conducted;
  - (b) A report about the awareness program conducted;
  - (c) A copy of the recommendations of the Ward Council of Chiefs, or an explanation of why none are available,
  - (d) The recommendations of the Provincial Investments Committee;
  - (e) An explanation of any reasons for declining to endorse any of the recommendations of the Ward Council of Chiefs:
- (6) In considering the application for renewal of licence the Executive must be guided by the recommendations of the Ward Council of Chiefs unless there are good reasons to decline to follow any such recommendation;
- (7) The Executive must provide to the affected Ward Council of Chiefs and the Great Council of Chiefs:
- (a) A Copy of its decision about the application,
  - (b) A Copy of any licence granted, along with any terms and conditions imposed;
  - (c) The reasons for declining to follow any recommendation of the Ward Council of Chiefs.
- (8) As a courtesy to any Member of the Provincial Assembly who is not a Member of the Executive, the Executive shall also provide to such Member of the Assembly for the affected Ward a copy of the documents provided to the Councils of Chiefs under **subsection (7)** of this section.

**20. Special conditions applying to Ward business licences**

It shall be a condition of every Ward business licence that the licence holder shall comply with all terms and conditions of any written agreement between the licence holder and the resource owner

**21. Monitoring by Ward Council of Chiefs**

The Ward Council of Chiefs may monitor the business activities of any business licenced under this Part of the Ordinance, and report to the Provincial Investments Committee any suspected contraventions of the conditions of the licence, this Ordinance or other laws, or any other concerns the Ward Council of Chiefs have about the activities of the licensee (or its employees, agents, or other associates) in the Ward.

**22. Applications for renewal of Ward business licence**

- (1) When any application is made for renewal of a business licence to which this Part of this Ordinance applies the Provincial Investments Committee must:
  - (a) Request a report from the affected Ward Council of Chiefs about the applicant's conduct of business in the Ward including compliance with the terms and conditions of the licence, general impacts on the community, and recommendations in relation to the application for renewal of the licence;
  - (b) Consult with the Police about whether there have been any substantiated complaints about the conduct of the applicant (including its employees, agents, or any associates) in the Ward or elsewhere in the Province;
  - (c) Consult with the Provincial Secretary about whether there have been any substantiated complaints about the conduct of the applicant (including its employees, agents, or any associates) in the Ward or elsewhere in the Province;
  - (d) If there are any reported concerns, consult with the Ward Council of Chiefs, the persons reporting the concerns, and with the applicant to determine whether the matters can be resolved or rectified;
  - (e) Report to the Executive with recommendations about whether to grant the licence and any appropriate conditions; and the report must include:
    - (i) A copy of the report of the Ward Council of Chiefs, or an explanation of why none is available;
    - (ii) A copy of the report from the Police or Provincial Secretary where they have raised any concerns;
    - (iii) A report about any consultations undertaken under this section;
    - (iv) The recommendations of the Provincial Investments Committee;
    - (v) An explanation of any reasons for declining to endorse any of the recommendations of the Ward Council of Chiefs.

- (2) In considering the application for renewal of licence the Executive must be guided by the recommendations of the Ward Council of Chiefs unless there are good reasons to decline to follow any such recommendation;
- (3) The Executive must provide to the affected Ward Council of Chiefs and the Great Council of Chiefs;
  - (i) A copy of its decision about the application for renewal,
  - (ii) A copy of any renewal licence granted, along with any terms and conditions imposed;
  - (iii) The reasons for declining to follow any recommendation of the Ward Council of Chiefs.
- (4) As a courtesy to any Member of the Provincial Assembly who is not a Member of the Executive, the Executive shall also provide to such Member of the Assembly for the affected Ward a copy of the documents provided to the Councils of Chiefs under **subsection(3)** of this section.

#### **PART V - ENFORCEMENT AND OFFENCES**

##### **23. Operating a business without valid licence an offence**

Every person or other entity who operates a business in the Province without holding a valid licence for that business commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty-two in the case of a business to which Ward business licences apply;
- (b) Of category twenty in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category fourteen in the case of any other business.

##### **24. Contravention of conditions of licence an offence**

Every person or other entity who has been issued a licence for a business and who contravenes any of the requirements of this Ordinance or any of the specific conditions of the licence commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty in the case of a business to which Ward business licences apply;
- (b) Of category sixteen in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category nine in the case of any other business.

##### **25. Continuing offences**

Operating a business without a valid business licence, and operating a business in contravention of this Ordinance or the conditions of a business licence, are both "continuing offences" for the purposes of the Penalties For Offences Ordinance and a fresh offence is committed for every day that the offence continues or occurs.

**26. Offence to provide false or misleading information in relation to any application.**

Any person who provides any false or misleading information in relation to any application for any licence commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty in the case of a business to which Ward business licences apply;
- (b) Of category sixteen in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category nine in the case of any other business.

**27. Power of Officers and Offences to obstruct Officers**

- (1) Any police officer, or officer of the Province authorised by the Executive in writing to enforce this Ordinance, may at any reasonable time:

- (a) Require any person carrying out or assisting in any activity or business subject to this Ordinance to produce a business licence for inspection;
- (b) Make enquiries to ascertain whether any contravention of this Ordinance is being or has been committed.

- (2) Any person who:

- (a) Obstructs or impedes any person authorised under this section, acting in due exercise of his powers;
- (b) Refuses to produce a licence upon reasonable request;
- (c) Produces a licence (or duplicate licence), knowing the licence to have been cancelled or suspended and intending to mislead the person authorised under this section;

is guilty of a category fourteen infringement offence as provide for in the Penalties For Offences Ordinance.

- (3) Although the Executive may authorise Ward Development Authorities or other agents of collect the fees for business licences which have been

approved under this Ordinance, for the avoidance of doubt it is declared that no person who is not a police officer or an officer of the Province shall be authorised to enforce this Ordinance.

**28. Suspension or cancellation of licence**

- (1) When after appropriate enquiry and warning to a business of the risk of suspension of its licence the Provincial Investments Committee or, as the case may be, the Executive is satisfied that the business has contravened this Ordinance or any condition of any licence issued to the business it may suspend the licence until such time as it is satisfied that the business:

- (a) Complies with this Ordinance and licence conditions; and
  - (b) Intends to continue to comply with this Ordinance and conditions of the licence.
- (2) When a licence is suspended the Provincial Investments Committee or, as the case may be, the Executive may impose conditions which must be complied with before the suspension is lifted and upon lifting the suspension further conditions may be endorsed on the licence.
- (3) When a licence is suspended the Provincial Investments Committee must notify the business in writing:
- (a) Of the suspension, the reason for the suspension, and any conditions imposed;
  - (b) That the suspension shall not be lifted until the Provincial Investments Committee or, as the case may be, the Executive is satisfied that the business complies with this Ordinance and any conditions of the licence (imposed either on issue of the licence or on suspension) and intends to continue to so comply;
  - (c) That if within 30 days of the date of the notice the business does not comply as required in **paragraph (b)** of this subsection and does not show good cause as to why the licence should not be cancelled the Provincial Investments Committee or, as the case may be, the Executive may cancel the licence and if the licence is cancelled then all fees for that licence shall be forfeited.
- (4) If after the expiry of 30 days from the issue of the notice required under **subsection (3)** of this section the Provincial Investments Committee or, as the case may be the Executive is not satisfied that the business has complied as required under **subsection (3)(b)** of this section or that there is good cause as to why the licence should not be cancelled, the Provincial Investments Committee or, as the case may be, the Executive may cancel the licence and all fees for that licence shall then be forfeited.
- (5) Any such suspension or cancellation shall be in addition to any penalty for any infringement offence.
- (6) Before cancelling a Ward business licence the Provincial Investments Committee shall consult with the Ward Council of Chiefs for the Ward for which the licence was issued and provide the Executive with a report similar to that required in relation to an application for renewal of a Ward Business Licence, and in making its decision the Executive shall be bound by the provisions of **section 22(2) - 22(4)** of this Ordinance in the same manner as if it was considering an application for renewal of Ward Business Licence.



- (7) Any person or other entity who is aggrieved by the suspension or cancellation of its licence may within 30 days of the date on which the notice of suspension or cancellation was issued appeal in writing to the Executive whose decision shall be final.

#### PART VI - MISCELLANEOUS

**29. Executive may make Orders**

The Executive may make Orders for all or any of the following matters:

- (a) Determining the level of standard fees to be paid for any business licence or category of business licence, in accordance with **section 4**;
- (b) Any category of business licence for which decision making must be referred to the Executive, in accordance with **section 5**.

**30. Repeal and savings**

- (1) The Makira Ulawa Business Licence Ordinance 2001 and any Subsidiary legislation or Schedules made under it are hereby repealed.
- (2) Notwithstanding such repeal, from and after the date of coming into operation of this Ordinance:
  - (a) Every act done under and in compliance with the repealed Ordinance shall remain valid as if the Ordinance had not been repealed; and
  - (b) Any licence granted under the authority of the repealed Ordinance shall continue to be valid for the financial year in which it was issued and the provisions of this Ordinance shall apply to such licence as if it was issued under this Ordinance.

**PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY**

**THIS 23RD DAY OF MAY 2006**

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be a true and correct copy of the said Ordinance,

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**George Kuata**  
Clerk to the Makira Ulawa Provincial Assembly

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERN-  
MENT**

**THIS TWELFTH DAY OF DECEMBER 2006**

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**Hon. Japhet Waipora (MP)**  
Minister for Provincial Government & Constituency Development