

**SUPPLEMENT** to the Solomon Islands GazetteThursday 1<sup>st</sup> April, 2010

S.I. No.19

[Legal Notice No. 24]

**PROVINCIAL GOVERNMENT ACT 1997****WESTERN PROVINCE BUSINESS LICENCE ORDINANCE 1995****WESTERN PROVINCE BUSINESS LICENCE (AMENDMENT)  
REGULATIONS 2010**

Made by the Provincial Executive on the 21st day of January 2010 and approved by the Western Provincial Assembly on 5th March 2010.

HON. GEORGE SOLINGI LILO

Premier

In exercise of the powers conferred by section 16 of the Western Business Licence ordinance 1995, the Western Provincial Assembly makes the following amendments to Schedules 'A' 'B' and 'C' of the Western Province Business Licence Regulations 1995.

Title and  
Commencement

1. These regulations shall be cited as the Western Provincial Business Licence Amendment Regulations 2010 and shall come into force on Friday 5th March 2010 on the day of Approval by the Western Provincial Assembly.

Amendment

2. Schedules 'A', 'B' and 'C' are amended by repealing the current Schedules 'A', 'B' and 'C' of the Regulations and replacing them with the rewritten Schedules which have been approved by the Provincial Executive and which are contained in this copy of the Regulations.

**THE WESTERN PROVINCE BUSINESS LICENCE  
REGULATION 1999**

[Consolidation: This is a consolidation of the principal Regulations and amendments or intended amendments as at 1st December 2009. Errors in spelling or grammar or omissions of words in the Gazetted Regulations have been corrected in this Consolidation.

The principal Regulations came into effect on 16 June 1995 upon Gazetted under LN 56195.

The enactments consolidated are:

WP Business Licence Regulations 1995:

WP Business Licence (Amendment) (No.5) Regulations 1998 LN13/99

WP Business Licence (Amendment) Regulations 1999 LN107/99

WP Business Licence (Amendment) (No.2) Regulations 1999

WP Business Licence (Amendment) Regulations 2010

In exercise of the powers conferred by Section 16 of the Western Province Business Licence Ordinance 1995 the Western Provincial Executive makes the following Regulations

1. These Regulations may be cited as the Western Province Business Licence Regulations 1995 and shall come into force on the day of approval by the Western Provincial Executive.
2. In these Regulations unless the context otherwise requires "Ordinance" means the Western Province Business Licence Ordinance 1995.
3. Application for a business licence must be made in the form set out in Schedule A.
4. The prescribed fees and required explanations about the fees are contained in Schedule B.
5. The Business Licence which is to be issued by the Western Province upon the successful application for a Business Licence with the associated terms and conditions of the Business Licence is contained in Schedule 'C'.
6. Application for renewal of a business licence must be in the form set out in Schedule D.

7. Application for a transfer of a business licence must be made in the form set out in Schedule E.
8. Application for a duplicate of business licence must be made in the form set out in Schedule F.
9. A duplicate business licence issued under the Ordinance shall be a copy of the copy held in the Western Province Register of Business Licences and shall be stamped or marked in pen with the word "DUPLICATE".
10. **Transfer of Licence** - Upon the transfer of a business licence to a new licence holder the original licence and the duplicate copy held in the Western Province Register of Business Licences shall be stamped or endorsed in the form set out in Schedule P.
11. Upon the transfer of a business licence to permit a licence holder to operate the business from new premises or in a different area the original licence and the duplicate copy held in the Western Province Register of Business licences shall be stamped or endorsed in the form set out in Schedule C.
12. Where a combination of categories of prescribed businesses are operated upon one premise, the fees payable are the prescribed fees set out in Schedule B.
13. **Petroleum Storage** - An applicant for a petroleum storage business licence or for renewal of such a licence shall specify in the application the maximum quantity of petrol or other products referred to in the definition of 'Petroleum Storage' in the Ordinance which is to be stored at any time during the licence year by the licence holder and no application for such a licence or renewal shall be considered until such time as that information is provided.
14. **Sea Transport Services** - An applicant for a sea transport service licence or for renewal of such a licence shall set out;
  - the name of the vessel;
  - the length of the vessel;
  - the tonnage of the vessel;
  - the purpose for which the vessel is used

15. **Exporting** - Where the Ordinance and these Regulations provide a definition and specify a prescribed business for the export of a particular product, category, or categories of products, the holder of such a licence shall not be required to also hold an 'Exporting' business licence.
16. **Repeals** - The following Regulations are hereby repealed
- (a) The Western Province Business Licence Regulations 1989
  - (b) The Western Province Business Licence (Amendment) (No.1) Regulations 1990
  - (c) The Western Province Business Licence (Amendment) (No.2) Regulations 1991.
  - (d) The Western Province Business Licence (Amendment) Regulations 1992
  - (e) The Western Province Business Licence Regulations 1993

SCHEDULE A  
APPLICATION FORM FOR A WESTERN PROVINCE  
BUSINESS LICENCE

Information required	Applicant to complete	Official Use - Provincial Government to complete
Name of business		
Postal address		
Phone number		
Fax number		
Email		
Contact person		
Direct phone number		
Direct email address		
<p>Type of business carried out Note that if:</p> <p>1. retail, identify the different categories that the business is involved in on the attached page.</p> <p>2. more than one businessman activity is being undertaken on the same premises identify the different business activities.</p>		<p>Provincial government to state the charge for each business activity</p>
Number of employees		
<p>Payment rates for employees Please state the different rates paid to different groups of employees.</p>		
<p>Note, the current prescribed minimum pay conditions are attached to this application form.</p> <p>Please state the hours of a standard shift for the different groups of employees and state what rest/recreational breaks are provided during the shift</p>		

Describe the type of toilet facilities (describe-how many and whether they are they linked to main sewerage)		
Describe the water facilities available to employees		
Describe the type of ventilation e.g. ceiling fan, air-conditioning		
State the number of years that the business has been in operation		

**Official Use Only**

Business category	
if retail, state number of categories	
Combination Licence required? State the total cost of combination licence	
Any sanitation or maintenances issues that need to be addressed	
Any employment/labour issues that need to be addressed	

	<b>RETAIL</b>
Categories	
Food/Drink	
Clothing	
Footwear	
Kitchen/White ware	
Hardware/electrical (Including stereos, video watcher)	
Pharmaceutical	
Stationary	
Toys/Children items	

Other - please specify	
Total number of Categories	
Total cost of License	

Licence accepted

Conditions of licence, if applicable

.....

.....

.....

.....

.....

Licence rejected (reasons stated in the attached form)

Signed .....  
for Western Provincial Business Licence Committee

Reasons for rejection of business licence.

## SCHEDULE B

Schedule B Prescribed Businesses and Annual Business Licence Fees.

The Prescribed Business Licence Fees are set out under the following categories.

1. Tourism/Accommodation/Entertainment/Food Preparation and Service Business Activity		
	Prescribed Fee	
Bakery (Urban, Lambete)	\$1,250.00 <sup>1</sup>	
Cinema	\$1,000.00	
Hotels (10 rooms or more)	\$8,500.00	
(less than 10 rooms)	\$5,000.00	
Ice Cream and Ice block manufacturing	\$500.00	
Rest Houses (7 beds or more)	\$4,000.00	
(Urban) (less than 7 beds)	\$2,500.00	
(Rural)	\$ 750.00	
Resorts		
(5 rooms or more)	\$6,000.00	
(less than 5 rooms)	\$4,000.00	
Restaurants - those regularly serving		
Breakfast, lunch and dinner	\$4,000.00	
those regularly serving lunch and dinner;	\$3,000.00	
Those serving only lunch	\$1,500.00	
Snack Bar	\$1,000.00 <sup>2</sup>	
Tourist Vessel Service	\$3,000.00 <sup>3</sup>	
Tourism Business	\$1,000.00 <sup>4</sup>	
Diving	\$2,500.00 <sup>5</sup>	

<sup>1</sup>This represents a modest increase of \$250.00

<sup>2</sup> This applies to any businesses selling prepared food which do not come within the criteria of a bakery or a restaurant. Such businesses may or may not provide sitting down facilities.

<sup>3</sup> To be granted a licence under this category it will be necessary for the operators to comply with the following regulations which are also set out in the Western Provincial Coastal and Lagoon Licence. The requirements are;

- An agreement between the Province and the operator as to the maximum number of people that a particular vessel can carry;
- The requirement to have the same number of life jackets as the maximum number of people that a particular vessel is allow to carry;
- if the vessel is operating at night the requirement to have appropriate lighting



4. This applies to any tourist activities which are;
- not provided for by any other business licence;
  - are not provided by a hotel or resort
5. To gain a Business Licence for diving registration applicants will be required to be accredited diver Training agency that is registered under the World Recreational Scuba Training Council. These include;
- Professional Association Diving Instructors (PADI)
  - National Association Underwater Instructors (NAUI)
  - Professional Diving Instructor Corporation (PDIC)

### **Wholesale/Retail**

- |    |   |  |
|----|---|--|
| 1. | Wholesale   | \$5,000.00   |
| 2. | Retail  |  |
|    | - Urban Commercial  |  |
|    | Gizo  |  |
|    | Lambete (Munda)   |  |
|    | Noro  |  |
|    | Retail fee will be charged on the basis of categories of items which are being sold by the retailer. The categories are as follows; | The licence fee will be \$1,250.00 per category for up to three categories. For any business selling more than three categories there will an flat extra charge of \$1,000.00 <sup>6</sup> |
|    | - food/drink  |  |
|    | - clothing  |  |
|    | - footwear  |  |
|    | - kitchenware/white ware  |  |
|    | - Hardware/electrical (including stereos, videos watches)   |  |
|    | - Pharmaceutical  |  |
|    | - Stationary  |  |
|    | - toys/children's item  |  |
|    | Urban Residential   |  |
|    | Stores trading as Trade stores  | \$1,000.00   |
|    | Rural   |  |
|    | Stores trading as trade stores  | \$ 350.00  |
|    | Stores trading in official Government Stations  | \$ 600.00 per category if operating as a retailer.   |

3.	Motor Sales	\$3,500 <sup>7</sup>
4.	Tailor	\$1,500.00

#### Construction and Manufacturing

Building Construction	\$3,000.00
Brick making	\$1,000.00

#### Scuba Schools International (SSI)

#### British Sub Aqua Club (BSAC)

6. The charging of rates for specific categories sold but only an extra \$1,000 being charged for an businesses selling over three categories achieves two things;
- i) does provide some differential fees for businesses of different sizes;
  - ii) ensures that there is a reasonable limit to the amount charged that the increase is not excessive.

7. This essentially applies to Ela Motors with the selling of boat engines.

Engineering Service	\$1,000.00
Engineering Works	\$1,000.00
Manufacturing	\$1,200.00
Plumbing Service	\$1,500.00
Scrap Metal collection and Trading	\$2,500.00
Scrap Metal Exporting	\$7,000.00 <sup>8</sup>

#### Forestry and Logging Operations

Round Log Exporting	\$150,000.00 <sup>9</sup>
Round Log Operators (Contractors)	\$ 75,000.00 <sup>10</sup>
Sustainable Harvesting Licence	\$ 55,000.00 <sup>11</sup>

It has been recommended that 5% of the Funds gained from licence fees for logging be placed into a special reforestation fund which could hopefully be supplemented by some donor funding. Note. To be eligible for this special licence sustainable harvesting must be applied in all of the companies logging and the company must either have certification with the Forestry Sustainability Council or must be in the process of attaining certification from the Council.<sup>12</sup>

Customary Landowners undertaking sustainable harvesting	\$30,000.00 <sup>13</sup>
Milled Timber Exporting	\$5,000
Timber Felling	\$7,000 <sup>14</sup>

<sup>8</sup>Any applicant undertaking both scrap metal trading and scrap metal exporting is liable to pay both fees. This Requirement is provided for under the Combination Licence which is set out in section 7 of the Western provincial Business Licence Ordinance.

<sup>9</sup>This amount is based on a logging operation occurring over a 12 month period. The Provincial Business Licence Committee is given the discretion to take account of the number of months in a particular financial year that the logging has been undertaken for. Account can also be taken of times logging does not occur owing to court injunctions and various disputes.

<sup>10</sup>Account can also be taken of the number of months in a year that the felling is taking place and the contractor's licence fee can be adjusted to reflect the number of months that the logging operation is being undertaken for.

<sup>11</sup>This licence which is to acknowledge the contribution of sustainable logging is significantly lower than that charged for companies involved in selective logging. For this reason companies that are eligible for the sustainable harvesting fee are still required to pay the Export Licence fee of \$7,000.00. As noted in the main body of the regulations

<sup>12</sup>The process of certification can be found on website; [www.fsc.org](http://www.fsc.org).

<sup>13</sup>This fee is determined on the basis that;

- i) the Government should be encouraging local landowning groups to engage in sustainable harvesting;
- ii) that to encourage such activity a licence fee should be charged which is substantially lower than the other export logging fees.

<sup>14</sup>The \$7,000.00 charge for milled timber exporting is set to ensure consistency in the exporting licence for different categories.

Timber Sales	\$1,000.00
Sawmilling -25 hp or more	\$5,000.00
- Less the 25 hp	\$2,500.00

Note 5% of all logging licence fees is to be placed into a special account promoting reforestation.

*Mining.*

Prospectors Rights	\$3,000.00
Prospecting Licence	\$15,000.00
Special Prospecting Licence	\$10,000.00
Alluvial Miners Permit	\$20,000.00
Reconnaissance Permit	\$10,000.00
Mining Permit	\$50,000.00

#### Sales of Local Products

Beach Trading	\$ 500.00
Beche-de-mer Trading	\$ 500.00
Claim trading (per trader)	\$ 100.00 <sup>15</sup>
Crayfish Trading	\$2,000.00
Crocodile Dealing	\$5,000.00 <sup>16</sup>
Green Snail Trading	\$ 1,000.00
Marine Product Exporting	\$5,000.00
Hawking	\$100.00
Prawn Trading	\$1,000.00
Pearl Oyster Shell Trading	\$1,000.00
Seaweed Trading	\$ 100.00
Trochus Trading	\$ 200.00
Wildlife Trading	\$2,500.00
Wildlife Exporting	\$5,000.00 <sup>17</sup>

#### Fishing

Fishing Commercial	\$20,000.00 <sup>18</sup>
Fish Processing	\$12,000.00 <sup>19</sup>

<sup>15</sup>This amount reflects the low profit margins in this area of trading.

<sup>16</sup>While there is a definition for this in the interpretation section, there is been no licence fee for this to date.

Given the price that crocodile skins can achieve on the local market a licence fee needs to be imposed, hence the imposition of the stated fee.

<sup>17</sup>In order to obtain a Business Licence under this head, it is necessary for an application to show that he/she has the required licence that is issued by the Ministry of Conservation.

<sup>18</sup>This represents an increase of \$10,000.00 but given the increased amount of fishing in the Western Provincial waters such an increase, it is submitted is justified.

<sup>19</sup>The distinction between processing and cannery needs to be carefully noted and acknowledged. Processing refers to the cutting, preservation and flavoring of the raw fish product Cannery refers to the placing of the processed fish into cans for the purpose of the sale as food for human consumption. It is important to

Cannery	\$12,000.00 <sup>20</sup>
Fish Exporting	\$7,500.00 <sup>21</sup>
Fish Marketing	\$ 750.00 <sup>22</sup>

## Shipping Activities

## Sea transport services (Entry Permit to Western Waters and Lagoons)

\$1,500.00 per Year for each ship using the Western waters. For any company which has more than three ships such a company only ne required to pay a maximum of K4,500.00.<sup>23</sup>

Harbour Docking/Birthing fees. Gizo Harbour (2 days) \$ 500.00  
(Each day over two days \$300.00)

Any ship that is docked for two hours or less will only be charged \$200.00.

Lambete)

Seghe ) Harbours  
Ringi ) (2 days \$350.00  
Bili ) (Each day over two days

Again any ship docked for two hours Or less will only have to pay \$200.00

NB. Any ship anchoring at more than one harbour on a particular trip will only be required to pay one docking fee.

emphasise that processing and caning are separate processes and therefor justify the payment of separate Business licences. There have been issues with Soltai over this.

<sup>20</sup>Refer to footnote 18.

<sup>21</sup>This represents a modest increase of \$2,500.00

<sup>22</sup>This refers to domestic sales of fish apart from that sold in local markets. At the moment no one is paying this licence fee and this is a fee which needs to be enforced.

<sup>23</sup>Under the Coastal and Lagoon Ordinance ships are required to pay an entry fee of \$15,000.00 for a year if they are using the Western waters. Such a fee has never been enforced. Further such a fee is very high especially if ships are also having to pay docking fees. The \$1,500 fee per ship with a maximum of \$4,500.00 for a entity with more than three ships reflects a realistic and fairer price.

The fee required will be highest that it would have to pay for docking any one particular harbor that it docks in during that trip.

OBM Canoe	
Less than 100 hp	\$250.00
More than 100 hp	\$500.00
Ship Building	\$1,500.00
Shipping Agent	\$10,000.00
Stevedore Service	\$5,000.00 <sup>25</sup>

Petroleum Storage;	
1 Litre 1,000 litres	\$ 750.00
1,00 1 litres 5,000 litres	\$2,000.00 <sup>26</sup>
5,00 1 litres 10,000 litres	\$5,000.00
10,000 1 litres - 20,000 litres	\$10,000.00
More than 20000 litres	\$20,000.00

#### Gas

Gas Agency	\$1,000.00
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#### *Business Services*

Consultancy Service	\$3,000.00 <sup>28</sup>
Accountancy Service	\$3,000.00
Legal Services	\$3,000.00 <sup>29</sup>
Secretarial Services	\$1,500.00
Internet Cafe	\$2,500.00

<sup>24</sup>The requirement to pay a docking fee will be administered by the harbour master whose position is Established under Western harbour Ordinance. The purpose of the imposition of Harbour fees is two fold;

- to secure a method of obtaining regular business licence fees;
- to establish a means of administrating and controlling the use of the main harbours in the Western Province. Provisions are included in the changes to the Western Provincial Harbour Ordinance that require all shipping vessels to give notice to the Provincial Harbour master of their travel arrangements when coming to the Western Province and their intended travel time schedule. This will hopefully mean that shipping activities in the Western Province are more regulated.

The charges to the Harbour Ordinance will also provide the Harbour Master or his/her approved delegates to refuse birthing rights to companies responsible for shipping vessels to refuse docking rights where companies are over three months behind in the payment of their licence fees.

<sup>25</sup>Stevedoring refers to the management and administration of ships

<sup>26</sup>Most petrol traders would come within this category.

<sup>27</sup>These prices have been adjusted to try and make the differences in the prices more equitable.

<sup>28</sup>This applies to all people within the Province who offer provincial services in their own capacity and not as an employee of some company or agency.

<sup>29</sup>This applies to all private practitioners who having a practising certificate issued under the Legal Practitioners Act, provide legal services at a charge.

Security Service	\$2,000.00 <sup>30</sup>
Photography	\$1,500.00
Banking Services	\$20,000.00
Security Services	\$ 2,000.00

<i>Road Services;</i>	
Taxi Services	\$ 500.00
Road Transport Services	\$1,000.00

#### Exporting

Exporting	\$ 7,000.00 <sup>31</sup>
<i>Services provided by National Government</i>	

1. Solomon Island Electricity Authority (Electricity Supply)	\$15,000.00
2. Air Transport Service	\$20,000.00
3. Telecom	\$20,000.00
4. Banking Service (BSP)	\$20,000.00
5. Solomon Islands Ports Authority <sup>32</sup>	\$20,000.00

#### Administration Fee

1. Local	\$ 50.00
2. Application from outside of Province.	\$100.00 <sup>33</sup>

**SCHEDULE C**

**WESTERN PROVINCIAL GOVERNMENT**

**BUSINESS LICENCE ISSUED UNDER THE  
WESTERN PROVINCIAL BUSINESS  
LICENCE ORDINANCE**

**..... IS AUTHORISED TO  
(NAME OF BUSINESS/ENTITY)  
(ADDRESS OR BUSINESS/ENTITY)  
UNDERTAKE THE FOLLOWING BUSINESS  
ACTIVITIES FOR THE FINANCIAL YEAR  
1ST APRIL 2010 – 31ST MARCH 2011.**

- 1.**
  - 2.**
  - 3.**
-



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<sup>30</sup>This applies to both businesses and individuals who are providing security services.

<sup>31</sup>This covers all exporting activities which are not included in logging or fishing exporting.

<sup>32</sup>This is for the operation of the wharf at Noro.

<sup>33</sup>This represents a 100% increase in the administration costs. It is considered necessary to do this to cover the costs of faxing and the like.

**SUCH ACTIVITIES ARE SUBJECT TO  
CERTAIN CONDITIONS WHICH ARE SET  
OUT IN THE DOCUMENT ACCOMPANYING  
THE BUSINESS LICENCE**

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**FOR PROVINCIAL SECRETARY  
WESTERN PROVINCIAL GOVERNMENT**

**TERMS AND CONDITIONS OF LICENCE**

The Business shall be operated only from the premises at

or on the  
vehicle/vessel

or within the following area:

2. The businesses) must at all times be operated in compliance with all relevant Acts and subsidiary legislation of Solomon Islands. Ordinances and subsidiary legislation and policies of Western Province and all lawful orders of any Court, tribunal commission or statutory body of competent jurisdiction in Solomon Islands.
3. The business(es) must at all times be operated with the consent and authority of the landowners/reef owners, if applicable. This licence does not convey any right, power or authority to the licence holder to enter any private or customary land or reef nor take any action relating there to.
4. This licence is only transferable (as to both the holder and place of operation of business) in accordance with section 9 of the Ordinance.
5. The licence must be produced on request by any police officer or other authorised officer.
6. The licence holder must immediately inform the Provincial Treasurer in writing of any change of the licence holder's postal address, telephone number or facsimile number or registered office of the company, cooperative etc.
7. **SPECIAL TERMS, CONDITIONS, and LIMITATIONS** of this Licence imposed by the Executive pursuant to section 6(7) of the Ordinance:

**SCHEDULE D  
APPLICATION FORM FOR RENEWAL OF  
A WESTERN PROVINCE BUSINESS LICENCE**

Full name of Applicant:

2. Trade/Business Name (if different from above):
3. Postal Address
4. Telephone Number:                      Facsimile Number
5. Number of existing business licence
6. List the categories of business to be operated:
  - (a)
  - (b)
  - (c)
  - (d)
  - (e)
7. Please give full particulars of any changes to the business (if any) from the time of the original application or the last renewal (eg. area of operation, number of employees, licences held under other legislation etc.)

(continue on separate sheet if necessary)

SIGNED by

(Print name)

being

(Specify position held in company/organisation)

being a duly authorised agent of the applicant:

DATED this                      day of                      19

TO:    The Provincial Treasurer  
      PO Box 36  
      Gizo  
      WESTERN PROVINCE

**SCHEDULE**

**APPLICATION FORM FOR TRANSFER OF A WESTERN**

**PROVINCE BUSINESS LICENCE**

**PART A**

(To be completed by the Licence Holder)

(Print Name)

the licence holder of Licence No

or

I .....

the duly authorised agent of the licence holder namely:

of Licence No      REQUEST (delete whichever is not applicable)

(a)    the transfer of Business Licence No

to

as from the              day of              19

(b)    the transfer of the location of the business premises/area of operation of the business(es) from

to

as from the              day of              19

The reasons for the proposed change of premises/area of operation are:

Do you have the permission/authority of the land owners/reef owners to operate the business(es) at the new premises/in We new area?

YES/NO/NOT APPLICABLE

If yes, please give particulars of that permission/authority

If no, are negotiations proceeding and with whom?

SIGNED:

DATED:

PART B

(To be completed by the Proposed Transferee)

- 1. Name of proposed transferee:  
(Note: state whether individual, partnership, co-operative, limited company or some other type of business entity.
- 2. Quote number in the case of a limited company. If a partnership, the full name of each partner must be shown).
- 3. Trade/Business name (if different from above)
- 4. Postal address
- 5. Registered Office (in the case of a company):
- 6. Telephone Number      Facsimile Number:  
Do you have the permission/authority of the land owners/reef owners to operate the business(es) following transfer of the licence?

YES/NO/NOT APPLICABLE

If yes, please give particulars of that permission/authority:

If no, are negotiations proceeding, and with whom

- 8. Have you applied for obtained a transfer of existing licences or the issue of new licences in the name of the proposed transferee to ensure that the business(es) continue to operate in accordance with Solomon Islands law?

YES/NO/NOT APPLICABLE

Please give full details of all existing licences and the dates of application for the transfer or for the issue of new licence:

- 9. Please provide any other information relevant to your application:

SIGNED by

(Print name)

being

(Specify position held in company/organisation)

being a duly authorised agent of the applicant:

DATED this                      day of                      .....

To: The Provincial Treasurer  
PO Box 36  
Gizo  
Western Province

**SCHEDULE F**

**REQUEST FOR ISSUE OF DUPLICATE LICENCE**

the licence holder of

Licence No

OR I the  
duly authorised agent of the licence holder, namely of Licence No.

REQUEST Western Province to issue to the licence holder a duplicate copy of

Business Licence No  
Business Licence No has been

LOST/DESTROYED/DAMAGED (Delete whichever is not applicable)

(If the licence has been damaged/defaced please annex it to this application).

SIGNED by

(Print name)

being

(position held in company/organisation)

BusReg 15-Ed2-159

being a duly authorised agent of the applicant

DATED this ..... day of 19

To: The Provincial Treasurer  
PO Box 36  
Gizo  
Western Province

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C&LSh02 - Ed1-174

FIRST SCHEDULE

Application for Lagoon Entry Permit

SECOND SCHEDULE

Lagoon Entry Permit

THIRD SCHEDULE

Fee on Lagoon Entry Permit

Title and  
Commencement

1. This Ordinance is called the Western Provincial Coastal and Lagoon Shipping Ordinance 1991 and shall come into force upon approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

Interpretation

2. In this Ordinance, except where the context requires otherwise:

“Authorised Officer” means any Police Officer, any Officer as defined in the Customs and Excise Act, any Fisheries Officer, any Administrative Officer and any other person appointed by the Western Provincial Executive to be an authorised officer for the purposes of this Ordinance.

“coastal waters” means the area seaward over which Western Province has jurisdiction as described in Section 3 of the Provincial Government Act 1981;

“lagoon” includes but is not limited to the Marovo Lagoon, the Roviana Lagoon, the Vonavona Lagoon, the navigable channels and approaches to the ports of Gizo and Noro and the ports of Gizo and Noro:



“marine pollution” means the introduction by persons directly of substances or energy into, the marine environment which includes estuaries which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

“Master of a ship” means the person having the command or charge of a ship for the time being but does not include a pilot;

“Owner of a ship” includes a charterer, a salvor and any agent of the owner, charterer or salvor;

“person” - means any person; persons, company, public body as herein defined, association, co-operative community and any other body of persons;

“public body” includes the Provincial Government, an Area Council, a Town Council, division or department of the Solomon Islands Government and any statutory body;

“ship” and “shipping” means any ship, tug, lighter, barge or vessel of any kind whatsoever- whether propelled by engine or not but does not include a canoe.

3. (1) The maximum speed permitted for all shipping proceeding in a lagoon is six (6) knots PROVIDED HOWEVER that this speed may be exceeded:

Speed limits in lagoons

- (a) in the case of an emergency;
- (b) if the owner of a ship obtains the prior written approval from the Western Provincial Secretary. The Western Provincial Secretary may refer the request for approval to the Western Provincial Executive for directions.

- (2) Subject always to the provisions of subsection 3(1), shipping in a lagoon must at all times:
- (a) proceed at a safe speed taking all the conditions and circumstances into account;
  - (b) proceed at a speed which will not cause undue or unnecessary damage to the coastal environment and coastal property;
  - (c) proceed at a speed which will not endanger another ship or a canoe or any person on board that ship or canoe.
- (3) The Master of any ship which contravenes the provisions of subsection 3(1) or 3(2) is guilty of an offence and is liable to a fine not exceeding five hundred dollars (\$500.00) or in default of payment to imprisonment not exceeding three (3) months.

Restriction on  
size of ships in  
lagoons

- 3A. (1) Subject to subsection 3A(5) no ship having a registered tonnage greater than 750 tons shall enter a lagoon, excluding the navigable channels and approaches to the ports of Gizo and Noro and the ports of Gizo and Noro, without a current lagoon entry permit issued pursuant to section 3C of this Ordinance.
- (2) No ship having a registered tonnage greater than 750 tons shall remain in a lagoon after delivery of written notice to the Master of that ship by any Authorised Officer requiring the ship to be removed from the lagoon within the time specified in the notice.
- (3) The Master of any ship which breaches the provisions of subsection 3A(1) commits an offence and is liable on conviction to a fine not exceeding \$5000.00 or to imprisonment for 3 months or to both such fine and imprisonment.

- (4) The Master of any ship which breaches the provisions of subsection 3A(2) commits an offence and in addition to any other penalty which may be imposed shall be liable on conviction to a fine not exceeding \$5000.00 for each complete day that the breach continues.
- (5) It shall be a defence to a charge brought under subsection 3M1) that the ship entered the lagoon under emergency conditions of weather or hazard to the life or health of a crew member.
- 3B No person shall be granted a lagoon entry permit unless the purpose for which the permit and entry is sought complies with all laws and policies of Western Province. Compliance
- 3C (1) An application for a lagoon entry permit in the name of a specified ship shall be made to the Provincial Treasurer on the form prescribed in the First Schedule of this Ordinance. Entry Permits
- (2) Forthwith upon receipt of an application for entry the Provincial Secretary shall consult with the President of the Area Council of the area within which the lagoon is located and shall (following payment by the applicant) remit one fifth of the application fee to that Area Council.
- (3) Following consultation with the President of the Area Council the Provincial Secretary may:
- (a) refuse the application; or
  - (b) grant the entry permit subject to such conditions as he deems necessary to protect the environment and ecology of the lagoon.
- (4) The applicant shall be notified in writing of the decision of the Provincial Secretary and upon approval of an application the applicant shall be requested to pay the prescribed fee and following payment the Provincial Secretary or other authorised officer shall issue a lagoon entry permit in the form prescribed in the Second Schedule.

- (5) Every lagoon entry permit shall be valid for twelve months from the date of issue.
- (6) No lagoon entry permit shall convey or be construed to convey any right, power or authority to enter any private land or reef or take any action with respect of anything without the authority and permission of the owner or owners of that land or reef or thing.
- (7) The holder of a lagoon entry permit shall ensure that every entry of the specified ship into a lagoon is advised to the Provincial Secretary as soon as practicable and shall ensure that every entry is conducted in compliance with all relevant enactments of the Solomon Islands and the Western Province.
- (8) The Master of a ship having a permit to enter a lagoon shall have the permit or a copy of it available for inspection at any time on board the ship by any Authorised Officer.

Offence

- 3D The Master of a ship which breaches the terms of a permit to enter a lagoon, or having received a permit fails to produce it or a copy for inspection by an Authorised Officer, commits an offence and, in addition to any other penalties to which he may be liable under this Ordinance, is liable on conviction to a fine not exceeding S1000.00.

Suspension of Permit

- 3E Where the Provincial Secretary is satisfied that the permit holder is in breach of any of the terms, conditions or limitations of the permit or of any enactment then the Provincial Secretary may be notice in writing cancel or suspend the permit from a date specified in the notice.
- (2) Where a permit is suspended or cancelled under this section the holder
- (a) shall not permit the specified ship to enter any lagoon in the Western Province.
  - (b) shall not receive any refund of the permit fee for the balance of the term of the permit;
  - (c) shall not have the permit reinstated or be granted a new permit until the Executive is satisfied that the grounds on which the permit was suspended or cancelled have been remedied and that all lawful penalties imposed by proper authorities have been satisfied.

III

3F The Executive shall keep a register of all lagoon entry permits granted. Register

3G (1) The fees for a lagoon entry permit are as set in the Third Schedule of this Ordinance. The Schedule may be amended from time to time by Order of the Executive published in the Solomon Islands Gazette. Fees

[Note: Sections 3A to 3G (inclusive) inserted as from 16 June 1995 by the Western Province Coastal and Lagoon Shipping (Amendment) Ordinance 1995].

4. (1) Any vessel which is involved in the carriage of passengers for tourist and other purposes in the territory of the Western Provincial waters must before being granted a business licence to undertake such activity in the Province agree to comply with the conditions negotiated for a business licence carry this activity which include but are not limited to: Vessel Safety Requirements

- the maximum number of passengers that can be transported on the vessel upon any particular trip;
- the number of life jackets aboard the craft at any time must be equal to the maximum number of passengers that it is agreed that the vessel is able to transport on any one voyage;
- if the transporting of passengers occurs between the hours of 6.00pm - 6.00am ensure that there are sufficient lighting facilities on the vessel to safety guide the vessel in times of darkness

(2) Any person who undertakes a voyage in breach of the conditions imposed in 4(1) is guilty of an offence and liable to a fine of \$15,000.00 and/or imprisonment of three months.

Marine  
Pollution

5. (1) No ship and no person on board a ship or canoe is permitted to drop, throw overboard or discharge in coastal waters any litter, rubbish, refuse, garbage or any useless or unwanted materials or equipment or oil or any other hazardous products or chemicals including but not limited to petrol and bilge water or any other matter or thing causing or likely to cause marine pollution.
- (2) Subsection 5(1) does not apply to the dumping or discharge of biodegradable food or substances of human waste (sewage).
- (3) The Master or owner of any ship which contravenes the provision of subsection 5(1) and/or any person on board a ship or canoe who contravenes the provision of subsection 4(1) is guilty of an offence and is liable to a fine not exceeding one thousand dollars (\$1000.00) and in default of payment to imprisonment not exceeding six (6) months.
- (4) The court may order that any person found guilty of an offence under subsection 5(1) must:
  - (a) take such action as the Ministry of Natural Resources deems necessary and practicable to remedy or abate the marine pollution and/or:
  - (b) meet the costs incurred by the Provincial or Solomon Islands Government or the costs of an independent contractor employed by the Provincial or Solomon Islands Government in the remedying or abatement of the marine pollution.

Notice

6. (1) Notwithstanding that the holder of a Western Province Business Licence has not been charged or found guilty of an offence under this Ordinance, should the Western Provincial Secretary have reasonable grounds to suspect that a business licence holder is causing marine pollution, he or she may serve a notice of, the business licence holder requiring the business licence holder to answer or explain the circumstances giving rise to the suspicion and should the Western Provincial Secretary not be satisfied with the answer or explanation given and be satisfied that the business licence holder is taking appropriate action to ensure that no marine pollution occurs in the future he or she may refer the matter to the Western Provincial Executive who may:

- (a) impose new terms and conditions to that person's Western Province Business Licence; or
- (b) suspend the business licence; or
- (c) cancel the business licence

7. (1) It is lawful for any Authorised Officer to:

Authorised  
Officer

- (a) stop and board any ship which the Authorised Officer reasonably suspects of contravening the provisions of this ordinance and to direct the Master of the ship to proceed direct to a stated wharf, anchorage or port;
  - (b) make such enquiries and take such action as appears to the Authorised Officer to be necessary to ascertain whether any offence under this Ordinance is being or has been committed or may have been committed;
  - (c) do all such other lawful acts to enforce the provisions of this Ordinance.
- (2) Any person who obstructs or impedes an Authorised Officer in the exercise of any of that Authorised Officer's powers under this Ordinance is guilty of an offence and is liable to a fine not exceeding two hundred dollars (\$200.00) or in default of payment to imprisonment not exceeding one (1) month.

8. The Western Provincial Secretary may delegate his or her powers and duties under this Ordinance to any Provincial Government or public office.

Delegation of  
powers

FIRST SCHEDULE

Section 3C(1)

Application for a Lagoon Entry Permit

Name of Applicant:

Address

(must be an address in the Solomon Islands)

Status of Applicant:

Ship Owner/Master/Shipping Agent/Other(Specify) Name of Ship;

Registered tonnage:

Principal cargo carded:

Port of Registry:

Registered Owner/s:

Master's name and address:

(must be an address in Solomon Islands)

Ports proposed to be used:

Lagoons proposed to be visited:

Purpose of entry:

Signed

(Applicant)

Short Title and  
Commencement

1. This Ordinance may be cited as the Western Province Business Licence Ordinance 1995 and shall come into effect upon the approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

Revocation:

2. The Western Province Business Licence Ordinance 1993 and all amendments thereto are hereby revoked and the following is substituted therefore.

Definition

3. In this Ordinance and in regulations made under it except where the context otherwise requires;

“Abattoir” means the business of slaughtering cattle, pigs, chickens or other livestock intended for human consumption or consumption by domestic animals.

“Accounting Service” means the business of providing any service, advice or assistance to any person relating to accounting, accounts, taxation and financial matters of any kind and including audit services.

“Air Transport Services” means the business of providing transporting services by aeroplane whether for passengers or freight

“Assembly” means the Western Provincial Assembly

“Authorised Officer” means any Provincial Officer authorised by the Executive to carry out a function or duty under this Ordinance.

“Bakery” means the business of baking or making of bread or making of bread, biscuits, rolls, tarts, cakes, pies, scones, confectionery pasties, doughnuts or other baked goods for consumption by persons not residing on the premises on which the baking or making is carried out.



[Legal Notice No. 25]

**WESTERN PROVINCE COASTAL AND LAGOON  
SHIPPING ORDINANCE 1991**

[Consolidation: This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 October 1995. Bites in spelling or grammer or omissions of words in the Gazette Ordinance have been corrected in this Consolidation.

The principal Ordinance came into effect on 28 June 1991 upon Gazettal under LN 77/91

The enactments consolidated are:

WP Coastal and Lagoon Shipping Ordinance 1986

WP Coastal and Lagoon Shipping (Amendment)

Ordinance 1995 LN 57/95]

WP Coastal and Lagoon Shipping (Amendment) Ordinance 2010

AN ORDINANCE to provide for the control of coastal and lagoon shipping to better protect the safety of the people of the Western Province and to protect the coastal and marine environment of Western Province.

**ARRANGEMENT OF SECTIONS**

1. Title and Commencement
2. Interpretation
3. Speed limits in lagoons
- 3A. Restriction on size of ships in lagoons
- 3B. Compliance
- 3C. Entry Permits
- 3D. Offences
- 3E. Suspension of Permit
- 3F. Register
- 3G. Fees
4. Vessel Safety Requirements
5. Marine pollution
6. Notice
7. Powers of authorised officers
8. Delegation of powers

“Banking” means the business of banking and is a business which requires a licence in accordance with Section 3 of the Banking Act 1916 or under any Act passed in amendment or substitution therefore.

“Based within Western Province” means a business which has its office in Western Province.

“Beach Trading” means the business of hawking from a canoe, ship or other vessel.

“Beautician” means the business of providing beautifying and/or remedial treatments for the face or body; LW 11/98).

“Beche-de-mer Trading” means the business of buying and/or selling the species of Holothurians which includes beche-de-mer, trepang, shark fin, sea slugs or sea cucumber but does not include the exporting of beche-de-mer.

“Bee Keeping” means the business of keeping bees and includes but is not limited to the selling or hiring of bees or hives or bee keeping equipment or selling honey or any other honey based produce or any product based upon a bee keeping operation.

“Brick making” means the business of making small units of building materials by hardening clay or cement or combining these materials with any other materials or using some other similar materials.

“Broadcasting Services” means the business of transmitting by radio any message or other matter for information, education or entertainment to the public within or outside Solomon Islands.

“Building Construction” means the business of building or repairing of buildings but does not include casual building or repairing of buildings by traditional agreement.

“Building Rentals” means the business of leasing, renting or administering the leasing or renting of or the business of acting as agent for the owner of any property in respect of the administration of that property.

“Bus/Tax Service” means the business of providing transportation services by any road vehicle or boat for paying passengers; [LN1/1987.

“Business” means any activity or undertaking, services, trade profession or occupation or other venture determined by the Provincial Executive to be a business within the intent of this Ordinance earned on, undertaken or operated by any person within the boundaries of Western Province for the purpose of gain or profit or for payment of any kind but does not include any activity or service undertaken by an employee in the course of that employee’s duties.

“Business Application Fee” means fee charged for administration.

“Butchery” means the business of storing, preparing and/or selling or reselling meat/

“Calendar month” means one of the months of January, February, March, April, May, June, July, August, September, October, November or December in any year.

“Cannery” means the business of placing processed or unprocessed products into metal cans or plastic containers for the purpose of sale on the Solomon Islands domestic market or for export from Solomon Islands as food for human consumption or for consumption by animals.

“Cinema” means the business of showing films or videos and is a business which requires a theatre licence in accordance with section 4 of the Cinematograph Act or any Act passed in amendment or substitution therefore.

“Clam” means any species of giant clam which includes *Tridaena gigas*, *T drasa*, *T aquamosa*, *T maxima*, *T crocea* and *Hippopus hippopus*.

“Clam Trading” means the business of buying and/or selling any species of giant clam which includes *Ttidaena gigas*, *T Drasa*, *T Aqnamosa*, *T Maxima*, *T Crocea* and *Hippopus hippopus* but does not include the buying or selling of giant clams by or from the International Centre for Living Aquatic Resources Management (ICLARM) where such buying or-selling is for research or trial marketing purposes, but does not include the exporting of dams.

“Commodity” means the business of carrying on the exporting of any commodity listed in Schedule 1 of the Commodities Export Marketing Authority Act or any Act passed in amendment or substitution therefore and/or the business of carrying on of any prescribed activity listed in the Notices of Prescribed Activities given under the Commodities Export Marketing Authority Act (LN 13/89) or any notice given in amendment or substitution therefore in any commodity listed in Schedule 1 of the Commodities Export Marketing Authority Act or any Act passed in amendment or substitution therefore.

“Consultancy Service” means the business of providing services as an expert adviser to and/or the business of drawing or preparing designs, drawing, plans diagrams, maps or charts for any individual, trade, profession or business; (LN111991).

“Crab Trading means the business of buying and/or selling any species of crab including but not limited to coconut crabs (*Birgus latro*) or mud crabs (*Scylla* sp.) but does not include the exporting of crabs.

“Crayfish Trading means the business of buying and/or selling crayfish (genus *Panulitis*) and/or lobster but does not include the exporting of crayfish and/or lobster.

“Crocodile Dealing” means the business of crocodile farming and/or buying and/or selling crocodiles and/or the business of buying and/or selling and/or drying, treating or tanning crocodile skins.

“Diving Service” means the business of providing facilities for scuba diving or snorkelling and/or providing instruction and/or training courses for scuba diving and/or the hiring out of equipment for scuba diving or snorkelling.

“Dry Coconut” means the business of buying dry coconuts for resale whether or not such coconuts are processed or partly processed at the time of sale.

“Electrical Service” means the business of building installing, repairing, maintaining or removing any electrical device including but not limited to radios, videos, televisions, computers, word processors, typewriters, tape cassette recorders or photocopiers.

“Engineering Service” means the business of making any machinery or installing maintaining or repairing any machine, vehicle or outboard motor but does not include ship repairing: [LN 11/99].

“Engineering Works” means the business of building or repairing structures other than buildings and any other kind of constructions works including but not limited to water tanks, walls, roads, bridges, wharves, town water supplies and sewerage works.

“Entertainment” means the business of providing entertainment of any kind other than the business of a cinema as herein defined, including but not limited to video games and all business coming within the provisions of the Gaming and Lotteries Act or any amendments thereto.

“Executive” means the Western Province as established under Section 22 of the Provincial Government Act 1981 or any other person to whom authority has been properly delegated.

“Exporting” means the business of selling or supplying goods of any description originating from within Solomon Islands for transporting outside of Solomon Islands for the purposes of trade or the transporting of goods originating from within Western Province outside Solomon Islands for the purpose of trade.

“Financial Schemes” means the business of receiving monies for the purposes of investment thereof and by the payment of returns thereon: [LN 11/99]

“Fish” means any cold blooded animal originally caught living in water and breathing through gills with fins for swimming but excluding marine products as defined in this Ordinance.

“Fish Exporting” means the exporting of fish, but excluding the export of marine products.

“Fishing Commercial” means the business of operating one or more fishing vessels and is a business which requires a licence in accordance with Section 6 of the Fisheries Act or an Act passed in amendment or substitution therefore.

“Fish Farming and/or Ranching of Fish” means the catching or fish and breeding them in an enclosed area for commercial purposes: (LN108/99).

“Fish Marketing” means the business of buying and/or selling fish but does not include the exporting of fish.

“Fish Processing” means the business operated on land of preserving or preparing fish and/or other sea foods or marine products and/or producing any substance or article from fish or other sea food by any method.

“From outside” means received from a place outside Western Province.

“Furniture Manufacture” means the business of making or manufacturing or selling assembled and finished chairs tables, desks, sofas, couches, shelves, bookcases or any other furniture for household or commercial use.

“Gold Dealer” means the business of buying or selling or dealing in gold and is a business which requires a licence in accordance with Section 46 of the Mining Act or any Act passed in amendment or substitution thereof.

“Green Snail Trading” means the business of buying and/or selling green snail (*Turbo marmoratus*) but does not include the business of exporting green snail.

“Hawking” means the business of carrying goods for sale barter or exchange and includes the sale of foods, fish or other goods by any person at a place where that person does not usually reside or carry on business but does not include wholesaling.

“Hiring Services” means the business of hiring goods of any kind and includes but is not limited to the hire of videos, electronic goods, tools, machinery, bicycles, or motor vehicles.

“Hotel” means the business of providing sleeping accommodation and restaurant service from the same premises.

“Ice-cream Manufacturing” means the business of making ice-cream and selling the ice-cream so made to wholesalers, and/or retailers and/or the public.

“Internet Cafe” means a business where access to computer/internet/email services are provided for a fee.

Lambete Station means the area which encompasses Munda station and for the purposes of this Ordinance is to be classified as a Urban area;

“Legal Service” means the business of providing any advice or assistance on any law or legal matter.

“Manufacturing” means lit business of making any product for sale.

“Marine Product” means the following species or categories of species. Bech-de-mer, clam crab, crayfish, crocodile, green snail, pearl, oyster shell, prawn, seaweed, trochus, and turtle and such other like species or category of species as the Executive by resolution deems to be a marine product and such other like species or Category of species as the Executive by resolution deems to be a marine product.

“Marine Product Exporting means the exporting of an one or an; number of marine products being marine products as defined in this Ordinance, but excluding the export of fish as defined in this Ordinance and excluding the export of giant clams by or from the International Centre for Living Aquatic Resources Management means the business of providing medical arid/or and/or dental service and/or other health services and/or pharmacy services.

“Milled Timber Exporting” means the business of exporting milled timber including but not limited to sawn tinter, wood particles, wood chips, wood pulp and veneer.



“Mining” means the business of reconnaissance, prospecting and/or mining of minerals and mineral substances as defined in Section 2 of the Mining Act or any Act passed in amendment or substitution therefore and is a business which requires a licence or permit or lease under any section of that Act or any Act passed in amendment or substitution therefore.

“Motor Sales” means the sales of out boards engines used for dingies, canoes and larger Boats;

“Pawnbroking” means the business of taking of property as security for a debt or loan and the business of selling such property to recover the debt and interest thereon and is a business which requires a licence under the Pawnbroking Acts of 1872 and 1960 and any Act passed in amendment or substitution therefore.

“Pearl Oyster Farming” means the business, of cultivating or growing lip pearl oyster (*Pinetada maxima*) and/or black oyster (*Pinetada margaritifera*) and/or brown lipped oyster (*Pteria penguin*) using a floating or static grow out system, for commercial purposes, but does not include the export of pearls: [WPBL (A)ATh2)Ord.99].

“Pearl Oyster Shell Trading” means the business of buying and/or selling gold lip pearl oyster shell (*Pinetada maxima*) and/or black lip pearl oyster (*Pinetada margaritifera*) and/or brown lipped oyster (*Pteria penguin*) but does not include the exporting of pearl oyster shell.

“Person” means any person or persons, company or other group, association co-operative or statutory authority but does not include any government department or the Western Province Executive.

“Pest Control” means the business of providing Services and/or pesticides or any; other products or form of method of eradication for the control or destruction of pests and vermin.

"Petroleum Storage" means the business of storing for sale and processed petrol or oil product including but not limited to petrol, diesel, kerosene, propane, Speedy Gas, and lubricants.

"Photography" means the business of operating a photographic service and/or the sale or hire of photographic equipment and including but not limited to a developing service for photographic film or slide film.

"Plantation" means the business of the planting, growing, production and sale of copra cocoa coffee palm oil spices or any other commercial crop by any company as defined in the Companies Act or any Act passed in amendment or substitution thereof or by any co-operative society registered under the Co-operative Societies Act or any Act passed in amendment or substitution thereof.

"Plumbing Service" means the business of installing, repairing, maintaining or repairing water pipes, sewers, drains or any apparatus relating thereto.

"Policies of Western Province" means those policies and plans and strategies relating to business, functions, services development and planning within Western Province approved by the Executive and in force at the time of the application for a business licence or any renewal thereof under this Ordinance and published and available to any person upon demand upon payment of the prescribed fee.

"Port Services" means the business of providing, operating, improving, maintaining and regulating the use of port facilities.

"Prawn Trading" means the business of buying and/or selling freshwater prawns (*Macrobrachium rosenburgi*) salt water prawns (*Panaeus monodon*) or shrimps or related species but does not include the exporting of prawns.

“Premises” means any structure, building or part thereof together with the land on which the same is situated and any adjoining land used in connection therewith.

“Prescribed Business” means:

- (a) any business for which a category and fee are provided in Regulations made under this Ordinance or
- (b) any other business, but does not include any business to which Section 4 of this Ordinance applies.

“Prescribed Business Licence Fee” means the Business Licence fees for particular businesses as set out in the Western Province Business Licence Ordinance Regulations. ‘Provincial Business Committee’ means the committee responsible for determining all Business Licence applications made under the Western Province Business Licence Ordinance. This committee has the jurisdiction to grant, reject or to grant Business Licences on the terms and conditions that it considers to be appropriate. Processing means the cleaning, cutting, filleting and seasoning of the fish product so that it is in a state where it can be placed in a container for sale.

“Provincial Officer” means any person holding a public office and seconded to the Western Provincial Assembly or Executive or a person directly employed by the Western Provincial Assembly or Executive.

“Provincial Treasurer” means the person holding that public office;

‘Recreational Fishing’ means the business of taking paying customers for the purposes of game and/or sport fishing being non-commercial fishing;

‘Religious Bookshop’ means the business of operating a bookshop selling religious books and/or other religious items by a church or other religious body.

“Restaurant” means the business of preparing and selling meals by table service for consumption at *that particular premises*;

“Rest house” means the business of providing sleeping accommodation at a price;

“Retail Store” means the business in which merchandise goods or commodities other than those covered by other definitions within this Section are stocked and offered for sale other than by hawking.

“Road Transport Service” means the business of providing transportation services by any road vehicle whether for passengers or freight.

“Round Log Timber Exporting” means the business of exporting logs or unmilled timber.

“Rural” means all land outside the town boundaries of Gizo, Nora and the Lambete Station;

“Saw Milling” powered by 25hp or more” means the business of converting unmilled timber into milled timber, using a machine of 25hp or more including but not limited to sawn timber, wood particles, wood chip, wood pulp, and veneer and is a business which requires a licence in accordance with Section 7 of the Forest and Timber Act or any Act passed in amendment or substitution therefore or which requires a licence under any other relevant legislation.

“Sawmilling powered by less than 25hp” means the business of converting unmilled timber into milled timber, using a machine of less than 28hp, including but not limited to sawn timber, wood particles, wood chip, wood pulp, and veneer and is a business which requires a licence in accordance with section 7 of the Forest and Timber Act or any Act passed in amendment or substitution therefore or which requires a licence under any other relevant legislation.

“Scrap metal Trading means the collecting, storing and sale of metal extracted from machines and other items containing steel, iron or similar elements;

“Scrap metal Exporting means the export of scrap metal which is collected within the Western Province.

“Sea Transport Service” means the business of providing transportation services by one or more boat(s), ship(s), canoe(s) or other vessel(s) for passengers and/or freight but does not include transportation by private canoes whereby contributions are made or the cost of the travel.

“Seaweed Trading” means the business of buying and/or selling seaweed (Euchumia) but does not include the exporting of seaweed.

“Secretarial Service” means the business of providing secretarial services including but not limited to typing services, word processing services, computer services, photocopying services, filing services or data recording services.

“Security Services” means the business of providing security of any kind of property and/or goods and/or persons including but not limited to providing secure transportation of goods, selling and/or installing security locks and equipment and systems of alarm systems;

“Ship Building” means the business of building, repairing or maintaining any ship, boat, vessel or canoe but does not include any wooden canoe.

“Shipping agency” means the business of being an agent for a shipping line in and out of the Solomon Islands.

“Shipping Service (Occasional)” means the business of providing transportation services for passengers or cargo by boat, ship or any other vessel but not including a canoe where such boat, ship or other vessel makes no more than four trips to Western Province in any one licensing year under this Ordinance to conduct its business and which spends no more than fourteen consecutive days conducting its business in Western Province during any one trip.

“Snack Bar” means the business of preparing and selling food and beverages for consumption by persons not residing on the premises ere such preparation or sale takes place and including any such freshness conducted from a motor vehicle or vessel or caravan.

“Stevedore Service” means the business by which persons are provided whether by hire or by employment to load or unload ships.

“Tailor” means the business of making clothes for sale

“Timber Felling” means the business of cutting trees within Western Province for the purpose of export or sawmilling whether the sawmilling or export is carried out by a timber feller or some other person.

“Timber Harvesting” means the harvesting of timber which a particular company or entity has planted and nurtured.

“Timber Sales” means the business of selling timber unmilled or milled including but not limited to sawn timber wood particles, wood chip, veneer and any other wood products produced by a timber mill, or purchasing the same for resale.

“Tourist Business” means any business offering sight-seeing, recreation or relaxation opportunities to or for tourists but not being a tourist resort or tourist vessel service;

“Tourist Resort” means the business of provision to tourist of various services and facilities from one premises such as accommodation, restaurant, recreation transportation, retail store(s) under a single administration and permanent staff.

“Tourist Vessel Service” means a business involving the transportation of tourists for the purpose of pleasure or sight-seeing aboard a vessel requiring a safety certificate under the Shipping Act or any Act passed in amendment or substitution therefore.

“Trade Store” means a traditional Melanesian Store involved mainly in the sale of food and Drink.

“Trade in Wildlife. This refers to the trading of wildlife such as crocodiles of birds within the Western Province. People so trading require the appropriate licence to be issued by the Ministry of Conservation.

“Wild-Life Exporting” This refers to the exporting of wildlife species or products by people who have a valid licence to do so provided by the Ministry of Conservation.

“Trochus Trading” means the business of buying and/or selling trochus shell (*Trochus nilothas*) but does not include the exporting of trochus.

“Turtle Trading” means the business of buying and/or selling Green turtle (*Chelonia mydas*) and/or hawks bill turtle (*Eretmochelys imbricata*) but does not include the exporting of turtle.

“Urban” means all land inside the town boundaries of Gizo and Noro.

“Wholesale Store or Warehouse” means the business in which merchandise goods or commodities are stocked and sold or offered for sale to persons, businesses or other entities other than the general public for the purposes of resale.

#### 4. Prescribed Business --

- (1) No person shall within the boundaries of Western Province operate a prescribed business except under and in accordance with the terms, conditions and limitations of a valid business licence issued by the Executive in accordance with Section 6 of this Ordinance.
- (2) This Section shall not apply to the following:
  - (i) Occasional fundraising events where the proceeds are used solely for charitable, religious, educational, sporting or other community purposes.

- (ii) Canteens or stores run by a school or training institute for the use and benefit only of the pupils, students and teachers of the school or training institute but does not include canteens or stores run by a school or training institute which sells to parents, relatives or friends of pupils, students or teachers or to the public,
  - (iii) Any business activities in the market which for the purposes of this section means any regularly scheduled gathering of individuals in a public place to offer goods, foodstuffs or beverages for sale.
5. Compliance - No person shall be granted a business licence unless the business complies with all laws and policies of Western Province.
6. Application for and issue of -
- (1) An application for a business licence shall be made to the Provincial Treasurer on a form prescribed by Regulations made under this Ordinance.
  - (2) Any overseas Business operator wishing to undertake business activity in the Western Province must firstly gain general approval from the Western Provincial Executive. The Western Provincial Business Licence Committee will only consider an Application from an overseas business operator who has gained approval from the Western Provincial Executive to undertake business activity within the Western Province.



- (3) The applicant must complete the prescribed form and give full particulars of the business for which the licence is requested and the applicant shall supply the Provincial Treasurer with the information required to be provided on the form. Such information will include but is not limited to the following;
- i) the nature of the business operation(s)
  - ii) the address (both physical and postal) of the business;
  - iii) the number of employees employed by the business;
  - iv) necessary information to show that the business is complying with the Employment Labour, health and Safety information;
  - v) necessary information to prove that the business is complying with environmental standards;
  - vi) necessary information to show that the building that the business is operating in complies with the Western Province Building Ordinance;
  - vii) if any aspect of the business is operated on customary or registered land, proof showing that appropriate permission/approval has been obtained for the necessary landowners;
- (4) In the event that the business for which a licence is sought and or the business licence fee is not prescribed by Regulations made under this Ordinance then the Provincial Business Licence Committee shall determine the category and appropriate fee which shall then be applied to all similar applications, and the category of business and prescribed fee shall by amendment be included in Regulations made under this Ordinance as soon as practical.

- (5) Every business licence application will be considered by the 'Provincial Business Licence Committee'. This committee shall be comprised of;
- The Provincial Treasurer
  - The Provincial Revenue Collection Officer
  - The Provincial Legal Officer
  - The Provincial Secretary or his/her appointed representative
  - An appointed representative from the Provincial Executive
- (6) In considering the Business Licence application the Provincial Business Licence Committee is to carefully consider whether the Business with all of the requirements set out in the Business Licence Application. The Committee may require the applicant to furnish the committee with further information if considered to be necessary to determine compliance with Business Licence Ordinance.
- (7) The Provincial Business Licence Committee when considering an application and whether it complies with the legal requirements as set out in the legislation and regulations may in its absolute discretion;
- Approve the licence
  - Decline the licence
  - Approve the licence subject to certain conditions. Such conditions may include;
    - i) Time requirement to comply with certain conditions. Such conditions may include
    - i) Other conditions which the Committee may consider it appropriate to impose the nature of the business.

- (8) In considering a particular licence application the Provincial Business Licence Committee may consult with such people or groups as it considers appropriate.
- (9) While the Business Licence Ordinance Regulations set out the prescribed fee which each business category is to pay, the Provincial Business Licence Committee is to be given the discretion under this Ordinance to vary the fee to an amount lower than the prescribed fee taking into account the period of the financial year that the business has been operating and other factors which the committee considers to be relevant.
- (10) The applicant shall be notified in writing of the decisions of the Provincial Business Licence Committee no later than 14 days after lodging the application. Upon approval (either conditional or unconditional) of an application the applicant shall be requested to pay the prescribed fee and upon payment of the prescribed fee the Provincial Business Licence Committee through its authorised officer shall issue to the applicant a business licence in the prescribed form.
- (11) The Provincial Business Licence Committee is to convene at any time that it is necessary to consider submitted business licence applications and to ensure that it complies with the time requirements as set out in section 6(9).
- (12) The Provincial Business Licence Committee is to provide the Provincial Executive with an updated list of all newly granted Business Licences at each meeting of the Provincial Executive.

- (13) Every licence shall be valid from the date of issue until the 31st day of March next following the date of issue and shall thereupon expire.
- (14) If the Provincial Business Licence Committee determines that a particular activity is a business activity which requires a business licence under this Ordinance, then the committee has the full power to require that an application for a licence be submitted to the committee and if the application is approved, the prescribed licence fee be paid.
- (15) No licence issued under this Ordinance shall convey or be construed to convey any right, power or authority to enter any private land or reef nor take any action with respect of anything without the authority and permission of the owner(s) of that land or reef or thing.

7. Combination Licence --

- (1) Where a person operates several categories of businesses from one premise, vehicle or vessel that person shall take out a combination business licence in respect of each category of business. The Combination Licence must set out the different specific activities being carried out in the premises or vessel. The application for a Business Licence must pay the prescribed business licence fee for each separate category of business. Should a particular combination licence have over three separate business categories, then such a person will only be required to pay business licence fees for three categories. The Provincial Business Licence Committee will have the jurisdiction to determine which business category fees are to be paid for a combination licence having more than three business categories.

- (2) Where a person operates a business in separate premises vehicles or vessels that person shall take out separate business licences in respect of each premises, vehicle and vessel.

8. Conditions and Limitations of Licences –

- (1) No licence holder shall transfer the business licence to any other person or conduct the business on any premises, vehicle or vessel other than that specified in the business licence except in accordance with Section 11 of this Ordinance.
- (2) The licence holder shall produce the business licence and receipt for the prescribed fee upon demand from a police officer or any person authorised by the Executive on the production by that person of his written authority.
- (3) Where a business being the holder of a business licence is undertaking commercial activities with another business activity which in accordance with this Ordinance would be required to hold a business licence but does not, the business with the prescribed Business Licence is required, upon the request of an authorised Provincial Officer, to provide the officer with such details of the business that it has a commercial relationship with that the officer may reasonably require.
- (4) The licence holder shall conduct his business in compliance with all relevant Acts of Solomon Islands, Ordinances of Western Province, subsidiary legislation of Solomon Islands and Western Province and all lawful orders of any court, tribunal commission or statutory body of competent jurisdiction in Solomon Islands.

- (5) Where the Executive is satisfied that the licence holder is conducting the business in contravention of any of the provisions of this Ordinance or in contravention of any of the terms conditions or limitations of the business licence or in contravention of any Acts, subsidiary legislation or lawful orders then the Executive may be notice in writing cancel or suspend the business licence.
- (6) Where a business licence is suspended or cancelled under this Section the licence holder:
- (a) shall immediately cease the business in question
  - (b) shall not receive any refund of the licence fee for the balance of the business licence year
  - (c) shall not have the licence reinstated or be granted a new business licence until the Executive is satisfied that the rounds on which the business licence was suspended or cancelled have been remedied, the business can operate in full compliance with all Acts subsidiary legislation and lawful orders and all lawful penalties imposed by proper authorities have been satisfied.
9. Register - The Executive shall keep a register of all licences granted. Such a Register is to be updated on a monthly basis.
10. Fees -
- (1) The fees for any business licence shall be determined by the Executive by way of subsidiary legislation passed by the Provincial Assembly PROVIDED HOWEVER that when, an application for a business licence is made for a category of business not specified in this Ordinance Regulations made under it or any amendments then the Provincial Business Licence Committee shall determine an interim fee for that business to be paid by the applicant to enable the licence to issue, such fee to remain in force and to be included by amendment to Regulations made under this Ordinance as soon as possible.

(2) The fees for any business licence may be reviewed annually.

11. Transfer - Upon payment of the prescribed fee a business licence holder may transfer the business licence to another person or the Executive may permit the business to operate from other premises, vehicle or vessel or in another area of operation provided always that the business shall still comply with the term and conditions of the business licence and this Ordinance.

12. Duplicate Licence – Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed or damaged may on payment of the prescribed fee obtain a duplicate licence from the Executive.

13. Powers of Police Officers and Authorised Persons –

(1) It shall be lawful for any police officer or any person authorised by the Executive on production of his written authority at all reasonable time to demand from a person operating a business the production of any business licence for inspection and to make such enquiries as he thinks fit to ascertain whether any breach of this Ordinance or of the licence has been committed.

(2) If the Authorised Officers establish that a particular business operation through not having a business licence is operating illegally he/she/they may require the operation to cease immediately. To effect the ceasing of a illegal operation, the authorised officers and/or the police may seize any equipment which is vital to the operation of the business and hold that equipment for such time as is considered to be necessary to ensure compliance with the Act.

**14. PENALTIES FOR NONPAYMENT OF BUSINESS LICENCE**

(1) Any person who operates or conducts a prescribed business within Western Province without a prescribed business licence is in contravention of the Ordinance and shall be liable to the following penalties;

- i) The immediate payment of the full licence fee that is owed for the current financial year and any other financial years which the licence fee is owing for; and
- ii) the payment of penalty interest at 10%. The interest is to be based on the the period of time that the Business Licence fee has been outstanding. The calculation of such interest is to be made by dividing the full business licence fee by 12 being the number of months in the financial year. Thus monthly amount is then multiplied by the number of months that the business licence has been outstanding for. The penalty interest of 10 percent is to be calculated on this amount.

To avoid doubt if a business licence fee for a specific business activity is \$120,000 for a particular year and the licence fee has been outstanding for six months, the penalty interest would be calculated in the following way;

- i) \$120,000 divided by 12 and then multiplied by 6. This comes to \$60,000.
- ii) The amount of \$60,000.00 is then divided by 10. The result is that the penalty interest charged is \$6,000.00; and
- iii) Reasonable payment to compensate for the costs involved in enforcing the outstanding business licence fee. It is the responsibility of the Western Provincial Government to itemise and justify the costs incurred during the enforcement process.

The stated penalties will be enforced as a civil debt due to the Province by the person/entity in default and is recoverable by the Province in any court of competent jurisdiction.



**15. PENALTIES FOR OBSTRUCTIVE PRACTICES**

(1) Any person who obstructs, hinders or resists a police officer or other authorized person acting in the due exercise of his powers under this Ordinance or makes a false statement to any police officer or any authorized person or refuses or fails without lawful exercise to produce any licence, shall be guilty of an offence and liable to a fine up to \$2,000.00 or in default of payment to imprisonment for a period not exceeding four weeks. Such penalties and fines are enforceable through a court of competent jurisdiction.

16. **Delegation** - (1) The Executive may be an instrument in writing authorise any provincial officer or public officer to exercise any powers or perform, any duties of the Executive under this Ordinance subject to the general directions of the Executive and any conditions prescribed in the instrument.

(2) The Executive may exercise a power or perform a duty notwithstanding that such power or duty has been delegated to an authorised officer.

17. **Subsidiary Legislation** - (1) Subject only to Section 10 hereof the Executive may make such Orders and Regulations as appear to them to be necessary or expedient for carrying out the objectives and provisions of this Ordinance and in particular (without prejudice to the foregoing) such orders and Regulations may:

- (a) prescribe the forms and contents of any application, certificate, licence or authority required by this Ordinance;
- (b) prescribe and define new categories of business;
- (c) prescribe fees and matters relating to fees;
- (d) provide for the manner of appointment and the duties and powers of persons authorised to enforce and carry out the provisions of this Ordinance and its Regulations and Orders.

(2) Without limiting the powers of the Executive may make such Orders and Regulations as appear to them necessary or expedient to calculate, regulate or enforce such fees.

18. **Repeals** - The following enactments are hereby repealed:

- (a) The Western Council (Licensing of Businesses) Bye-Law 1972,
- (b) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1970;
- (c) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1980;
- (d) The Western Council (Licensing of Businesses) (Amendment) Bye-Laws 1982;
- (e) The Western Council (Hawkers) By-Laws 1972;
- (f) The Western Province Business Licence (Amendment) Ordinance 1989;
- (g) The Western Province Business Licence (Amendment) (No. 1) Ordinance 1990;
- (h) The Western Province Business Licence (Amendment) (No. 2) Ordinance 1991;
- (i) The Western Province Business Licence (Amendment) Ordinance 1992;
- (j) The Western Province Business Licence Ordinance 1993.