



REPUBLIC OF NAURU

BUSINESS LICENCES (NOTICES) REGULATIONS 2020

SL No. 19 of 2020

Notified: 17th July 2020

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Cabinet makes the following Regulations under *Section 36* of the *Business Licences Act 2017*:

1 Citation

These Regulations may be cited as the *Business Licences (Notices) Regulations 2020*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Objective of Regulations

The objective of these Regulations is to ensure implementation of the provisions of the Act and businesses operating in compliance with the written laws.

4 Interpretation

'Act' means the *Business Licences Act 2017*;

'authorised officer' refers to a person appointed by the Minister under *Section 33* of the Act;

'offender' means a person who contravenes the Act or Regulations.

5 Notice for operating business on expired business licence

For the purpose of *Section 17* of the Act, an authorised officer shall issue a notice in Form 1 of the Schedule to a person who operates a business on an expired business licence.

6 Notice of intention to cancel business licence

(1) For the purpose of *Section 18(2)* of the Act, the Registrar shall issue a notice in Form 2 of the Schedule to:

(a) notify the licensee of the intention to suspend or cancel the business licence; and

(b) require the licensee to show cause as to why the licence shall not be suspended or cancelled.

(2) Where a licensee fails to comply with subregulation (1)(b), the licence shall be cancelled and such cancellation notified in the Gazette.

7 Business Licence Fixed Penalty Notice for Licence not Displayed

For the purpose of *Section 22(2)* of the Act, an authorised officer shall issue and serve to an offender a Business Licence Fixed Penalty Notice in Form 3 of the Schedule.

8 Business Licence Fixed Penalty Notice for the Loss or Destruction of Licence

- (1) For the purpose of *Section 22B* of the Act, an authorised officer shall issue and serve to an offender a Business Licence Fixed Penalty Notice for the Loss or Destruction of Licence in Form 4 of the Schedule.
- (2) A person issued with a fixed penalty notice under subregulation (1) shall pay the fixed penalty within 7 days of a notice of the breach issued by the authorised officer.

9 Order for closure of business

For the purpose of *Section 24(1)* of the Act, an order by the Registrar for the closure of a business shall be in Form 5 of the Schedule.

10 Proceedings

- (1) Where a person is served with a Business Licences Fixed Penalty Notice under these Regulations:
 - (a) no proceedings may be taken for the offence before the end of the period in the notice following the date of service of such notice; or
 - (b) where any proceedings has begun, the person may not be convicted of the offence if the person pays the fixed penalty before the end of the period in the notice to pay such penalty.
- (2) An offender who fails to pay a fixed penalty required under a notice issued under these Regulations may be:
 - (a) summoned to attend court; and
 - (b) in addition to the respective fixed penalty, is liable to a fine not exceeding \$10,000.00 or a term of imprisonment not exceeding 6 months or to both.

11 Failure to comply with notice under these Regulations

Where a person fails to comply with the requirements of any notice issued under these Regulations, the Registrar may:

- (a) not renew or vary the business licence; or
- (b) decline to issue any other business licence to such person.

12 Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies *mutatis mutandis* to any proceedings under these Regulations.

13 Authorisation

An authorised officer may sign and issue a notice on behalf of the Registrar.

14 Prosecution

The Director of Public Prosecutions or a legal practitioner appointed by the Director of Public Prosecutions under *Section 48* of the *Criminal Procedure Act 1972* shall conduct any prosecution for the purposes of the Act and these Regulations.

15 Notice of renewal

The Registrar shall issue a notice of renewal of a business licence to the licensee one month before the expiry of the business licence.

SCHEDULE

FORM 1



REPUBLIC OF NAURU

[Business Licences Act 2017]

NOTICE FOR OPERATING BUSINESS ON EXPIRED BUSINESS LICENCE

[Section 17; Regulation 5]

Notice No: EBL... / 20...

Due Date: ... / ... / 20 ...

To:

.....*[Licensee]*
.....*[Business Name]*
.....*[Place of Business]*
..... *[Business licence number]*

TAKE NOTICE that your business operations and licence are suspended forthwith for operating a business on an expired business licence.

You must renew your business licence to continue with the business within 1 month of receipt of this Notice. In renewing your licence, you must pay the statutory penalty as follows: *(tick where applicable)*

- \$1,000 – where your business licence is expired up to 1 month from expiry date
- \$3,000 – where your business licence is expired for more than 1 month but less than 3 months from expiry date
- \$10,000 – where your business licence is expired for 3 months or more from the expiry date

In addition to the above statutory penalty, a late fee of *[\$100 / \$200]* and renewal fee of \$300 must be paid at the time of the renewal of the business licence.

You must provide proof of payment of the penalty and the renewal and late fees to the Registrar of Business Licences. ***[Payment must be made at the Nauru Revenue Office within 7 days from the date of service of this Notice.]***

TAKE NOTICE if within 7 days from the service of this Notice, you fail to renew your licence and pay the required penalty and fee: