



REPUBLIC OF NAURU

BUSINESS LICENCES (AMENDMENT) BILL 2018

No. of 2018

Certified: []

Table of Contents

1	Short Title.....	3
2	Commencement.....	3
3	Amendment to the Business Licences Act 2017	3
4	Amendment of Section 3.....	3
5	Section 4 amended	4
6	Section 5 amended	4
7	Section 6 amended	5
8	Section 7 repealed and replaced	5
9	Insert New Section 7A.....	6
10	Section 8 repealed and replaced	6
11	Section 10 amended.....	7
12	Amendment of Section 17.....	8
13	Section 18 repealed and replaced	8
14	Section 20 repealed and replaced	9
15	Insert A New Section 20A	9
16	Section 21 repealed and replaced	10
17	Section 22 amended	10
18	Insert a New Section 22A.....	10
19	Insert a New Section 22B.....	11
20	Insert a New Section 22C	11
21	Insert a New Section 22D	11

22	Insert a New Section 25A.....	11
23	Part 5 repealed and replaced.....	12

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Business Licences (Amendment) Act 2018*.

2 Commencement

This Act commences on 15 January 2019.

3 Amendment to the Business Licences Act 2017

The Business Licences Act 2017 is amended by the provisions of this Act.

4 Amendment of section 3

Section 3 is amended:

(a) in the definition of **'applicant'** by deleting *'partnership'* and substituting it with *'firm'*;

(b) by repealing the definition of person and replacing it with:

'person' includes an individual, firm, an unincorporated or corporate body, trust or foreign business to which this Act applies and any branch thereof;

(c) inserting the following new definitions in the correct alphabetical order:

'business name' means the name or style under which a business is carried on by:

(a) an individual;

(b) a corporation if trading in a name other than the incorporated name under the Corporations Act 1972;

(c) a firm where a partnership is carrying on a business in its registered name under the Partnership Act or any other name;

(d) a trust carrying on a business other than its name registered under the Trusts Act 2018;

(e) a foreign business in Nauru;

'corporation' includes a corporation incorporated under the Corporation Act 1972 and a foreign corporation;

'firm' means an unincorporated body of two or more individuals or of one or more individuals and one or more corporations, or two or more corporations, who or which have entered in to partnership with one another with a view to carry on business registered under the Partnership Act or under this Act;

'foreign business' for the purposes of this Act means any individual, firm or corporation having a registered business outside the Republic of Nauru whether

by a Nauruan of foreign citizen and also carrying on or intends to carry on a business in Nauru as a foreign registered business;

'individuals' means a natural person and does not include a legal person;

'trust' means a trust registered under the Trusts Act 2018 which registers under this Act to carry on a business.'

5 Section 4 amended

Section 4 is amended by:

(a) in subsection (2) by repealing paragraph (a) to (c) and replacing it with:

'(a) keep and maintain the Register;

(b) perform the functions and duties conferred on him or her under this Act;

(c) do all things as are necessary to be done for the proper administration of this Act; and

(d) keep and maintain the records for applications and other documents required to be lodged or filed by persons seeking registration of or have a licence granted under the Act.';

(b) inserting a new subsection after subsection (5):

'(6) The Deputy Registrar shall have the same powers as the Registrar in exercising the powers under subsection (5).'

6 Section 5 amended

Section 5 is amended by inserting the following new subsections after subsection (2):

'(3) The Registrar shall be responsible for keeping and maintaining a Register of Business Licences as prescribed by regulations.

(4) The particulars registered in the Register and the records kept and maintained by the Registrar under section 4(2)(d) shall be evidence of the record of the business licence kept and maintained by the Registrar.

(5) A copy of or extract from any document contained in the Register certified to be a true copy or extract under the hand and seal of the Registrar is admissible as evidence in any legal proceedings as if it were the original document or a part of the document as extracted.

(6) In any legal proceedings, a licence granted under the hand and seal of the Registrar is prima facie evidence of the fact the requirements of this Act specified in the licence:

(a) had or had not been complied with at a date or within a period specified in the licence;

(b) had been complied with, but at a date later than that specified in the licence.

- (7) The Registrar may refuse to accept any document lodged and request that the document be amended, completed and relodged, or a new document be lodged, if he or she is of the opinion that the document:
- (a) contains matters contrary to law;
 - (b) by reason of any omission or misdescription has not been duly completed;
 - (c) does not comply with the requirements of this Act; or
 - (d) contains any error, alteration or erasure.'

7 Section 6 repealed and replaced

Section 6 is repealed and replaced with:

'6 Prohibition on conducting business without a licence

- (1) No person shall commence or carry on any business without a licence granted under this Act.
- (2) Any person who contravenes subsection (1) commits an offence under section 25.'

8 Section 7 repealed and replaced

Section 7 is repealed and replaced as follows:

'7 Pre-requisite for licences

- (1) An application for a licence shall only be accepted for consideration by the Registrar where the applicant has registered in case of:
 - (a) an individual, a business name under the Business Names Registration Act 2018;
 - (b) a firm or partnership under the Partnership Act 2018;
 - (c) a corporation under the Corporation Act 1972;
 - (d) a trust under the Trusts Act 2018; or
 - (e) a foreign corporation registered to conduct a business under the Corporations Act 1972.
- (2) The applicant shall provide the following documents when making an application under subsection (1):
 - (a) tax identification number issued under the Revenue Administration Act 2014; or
 - (b) in case of foreign corporation under paragraph (e), the: