

BILL NO. 29 OF 2020

A BILL

FOR AN ACT TO REPEAL THE BUSINESS LICENSING ACT 1976

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Business Licensing (Repeal) Act 2020.
- (2) This Act comes into force on 1 August 2020.

Repeal

2. The Business Licensing Act 1976 and any subsidiary legislation made thereunder are repealed.

Transitional provisions

- 3.—(1) Any money received for or in relation to a pending business licence application before 1 August 2020 must be reimbursed to the applicant.
- (2) Any money received for a licence period after 1 August 2020 must be reimbursed on a *pro rata* basis.

(3) A person required to register a business name by virtue of the consequential amendment to the Companies Act 2015, as provided in the Schedule must, on or before a date appointed by the Minister by notice in the Gazette, apply for registration of the business name under section 32 of the Companies Act 2015.

Consequential amendments

4. The laws listed in the Schedule are amended as set out in that schedule.

SCHEDULE
(Section 4)

CONSEQUENTIAL AMENDMENTS

Companies Act 2015

1. The Companies Act 2015 is amended in section 32(b) by deleting “which does not consist of his or her true family name without any addition other than the person’s true first names or the initials of the person’s true first names”.

Land Transfer Act 1971

2. The Land Transfer Act 1971 is amended in section 73(2)(b) by deleting “, by an auctioneer licenced under the provisions of the Business Licensing Act 1976”.

Liquor Act 2006

3. The Liquor Act 2006 is amended by—

(a) in section 11—

- (i) deleting the heading and substituting “Sale of certain goods on licensed premises outside permitted hours”;
- (ii) in subsection (1), deleting “or those of the Business Licensing Act 1976”; and
- (iii) deleting subsection (2); and

(b) in section 84(1), deleting “whether licensed under the Business Licensing Act 1976 or not,”.

Medical and Dental Practitioner Act 2010

4. The Medical and Dental Practitioner Act 2010 is amended in section 83(2) by deleting “and the authority that issued the business licence to the health services provider”.

Methylated Spirits Act 1962

5. The Methylated Spirits Act 1962 is amended in section 2 by deleting the definition of “licensing authority” and substituting the following—

““licensing authority” means, for the area in which a vendor of methylated spirits carries on his or her business—

- (a) in respect of a municipality, the municipal council; and
- (b) in respect of all other areas, the permanent secretary responsible for commerce, industry and trade;”.

National Fire Service Act 1994

6. The National Fire Service Act 1994 is amended in section 12A by deleting “business licence or”.

Pharmacy Profession Act 2011

7. The Pharmacy Profession Act 2011 is amended in section 83(2) by deleting “and the authority that issued the business licence to the health services provider”.

Public Safety Act 1920

8. The Public Safety Act 1920 is amended in section 2(c) by deleting “licensed under the Business Licensing Act 1976”.

Shop (Regulation of Hours) Act 2016

9. The Shop (Regulation of Hours) Act 2016 is repealed.

Tax Administration Act 2009

10. The Tax Administration Act 2009 is amended in section 38(1) by deleting paragraph (c) and substituting the following—

“(c) a person carrying on any business in Fiji;”.

Tobacco Control Act 2010

11. The Tobacco Control Act 2010 is amended in Schedule 5 in section 1 of the application form by deleting “Business Licence:”.

Advertisement Regulations 1962

12. The Advertisement Regulations 1962 is amended in regulation 3 in the definition of “business premises” by deleting “licensed under the provisions of the Business Licensing Act 1976” and substituting “at which a person is carrying on a business”.

Banaban (Copra) Regulations 1958

13. The Banaban (Copra) Regulations 1958 is amended in regulation 2 by deleting the definition of “manager” and substituting the following—

““manager” means the owner of a retail store;”.

Banaban (Copra Cess) Regulations 1958

14. The Banaban (Copra Cess) Regulations 1958 is amended in regulation 2 by deleting the definition of “manager” and substituting the following—

““manager” means the owner of a retail store;”.

Employment Relations (Employment Agencies) Regulations 2008

15. The Employment Relations (Employment Agencies) Regulations 2008 is amended by—

(a) in regulation 10(1)(i), deleting “, or has failed to secure a business licence for the agency under the relevant local or rural authority”; and

(b) in Schedule 3 in Part 3(B), deleting paragraph 4.

Environment Management (Waste Disposal and Recycling) Regulations 2007

16. The Environment Management (Waste Disposal and Recycling) Regulations 2007 is amended in Schedule 1 by—

(a) in Form EMA/WDR 2 in paragraph A1, deleting “Business licence no: [If applicable]”; and

- (b) in Form EMA/WDR 6 in paragraph A1, deleting “Business licence no: [If applicable]”.

Financial Transactions Reporting Regulations 2007

17. The Financial Transactions Reporting Regulations 2007 is amended by—

- (a) in regulation 8(2)(e), deleting “municipal business licence certificate or”; and
- (b) in regulation 10(1), deleting paragraph (e).

Labasa Town (Noise Prevention and Abatement) By-laws 2002

18. The Labasa Town (Noise Prevention and Abatement) By-laws 2002 is amended in Schedule 1 in Form 1 by deleting the following—

“Business Licence No of Applicant _____”.

Lami (Commercial Vehicles Stand) By-laws 1979

19. The Lami (Commercial Vehicles Stand) By-laws 1979 is amended in Schedule 3 by—

- (a) in paragraph (i), deleting the following wherever it appears—
“Business licence (yearly) 25.87”;
- (b) in paragraph (ii), deleting subparagraph 2; and
- (c) in paragraph (iii), deleting subparagraph 2.

Lautoka (Advertisement) Regulations 1964

20. The Lautoka (Advertisement) Regulations 1964 is amended in regulation 3 in the definition of “business premises” by deleting “licensed under the provisions of the Business Licensing Act 1976” and substituting “at which a person is carrying on a business”.

Lautoka (Handicraft Market) By-laws 1985

21. The Lautoka (Handicraft Market) By-laws 1985 is amended in by-law 4 by deleting “duly licensed under the Business Licensing Act 1976” and substituting “authorised for such purpose by the Council”.

Lautoka City (Noise Prevention and Abatement) By-laws 1995

22. The Lautoka City (Noise Prevention and Abatement) By-laws 1995 is amended in Schedule 1 by deleting the following—

“Business Licence No of applicant: _____”.

Land Transport (Vehicles Registration and Construction) Regulations 2000

23. The Land Transport (Vehicles Registration and Construction) Regulations 2000 is amended by—

- (a) in regulation 21(1A), deleting “from which the business licence was obtained” and substituting “of the transport zone for which the taxi permit is granted”; and
- (b) deleting regulations 28(1) and 108(1).

Land Transport (Driver) Regulations 2000

24. The Land Transport (Driver) Regulations 2000 is amended by deleting regulation 33(2).

Market Regulations 1947

25. The Market Regulations 1947 is amended in regulation 6 by deleting “holding a butcher’s licence issued under the provisions of the Business Licensing Act 1976” and substituting “carrying on a butcher’s business”.

Nadi Town (Noise Prevention and Abatement) By-laws 1997

26. The Nadi Town (Noise Prevention and Abatement) By-laws 1997 is amended in Schedule 1 by deleting the following—

“Business Licence No of applicant: _____”.

Nasinu Town Council (Hawkers) By-laws 2001

27. The Nasinu Town Council (Hawkers) By-laws 2001 is amended in by-law 7 by deleting “as prescribed in the Nasinu (Business Licence Fees) By-laws 2000” and substituting “prescribed by the Council”.

Nasinu Town Council By-laws 2001

28. The Nasinu Town Council By-laws 2001 is amended by—

- (a) in by-law 29(1), deleting “under the Nasinu Town Council (Business Licence Fees) By-laws 2000” and substituting “prescribed by the Council”; and
- (b) in by-law 54(1), deleting “and licensed under the Business Licensing Act 1976”.

Nasinu Traffic Regulations 2010

29. The Nasinu Traffic Regulations 2010 is amended by deleting regulations 11(d) and 24(d).

National Fire Service (Fees and Charges) Regulations 2003

30. The National Fire Service (Fees and Charges) Regulations 2003 is amended in the Schedule in paragraph (m) by deleting “licence”.

Navua Rural Local Authority (Garbage Removal and Disposal) By-laws 2012

31. The Navua Rural Local Authority (Garbage Removal and Disposal) By-laws 2012 is amended in by-law 5(1) by deleting “Mobile Business Licence Holders” and substituting “mobile businesses”.

Rakiraki (Market) By-laws 2011

32. The Rakiraki (Market) By-laws 2011 is amended in by-law 28 by—

- (a) deleting “and licensed under the Business Licensing Act 1976”; and
- (b) in paragraph (2), deleting “and his or her licence will be cancelled.

Sigatoka (Market and Merchandising) By-laws 1985

33. The Sigatoka (Market and Merchandising) By-laws 1985 is amended in by-law 32 by deleting “and licensed under the Business Licensing Act 1976”.

Suva (Market) By-laws 1991

34. The Suva (Market) By-laws 1991 is amended in by-law 22 by—

- (a) deleting “and licensed under the Business Licensing Act 1976”; and
- (b) in paragraph (2), deleting “and his or her licence will be cancelled”.

Tavua Town By-laws 1993

35. The Tavua Town By-laws 1993 is amended in by-law 54 by—

- (a) deleting “and licensed under the Business Licensing Act 1976”; and
- (b) in paragraph (2), deleting “and his or her licence will be cancelled”.

Tobacco Control Regulations 2012

36. The Tobacco Control Regulations 2012 is amended by—

- (a) in regulation 5(2)—
 - (i) in paragraph (b), deleting “stipulated under the business licence”;
 - (ii) in paragraph (c), deleting “Tax” and substituting “Taxpayer”; and
 - (iii) deleting paragraph (d); and
- (b) deleting regulations 16(1)(c) and 17(1)(c).

Wages (Garment Industry) Regulations 2015

37. The Wages (Garment Industry) Regulations 2015 is amended in regulation 2 by deleting “in respect of which a licence under the Business Licensing Act 1976” and substituting “where the employer is registered under section 38(1) of the Tax Administration Act 2009 with a Taxpayer Identification Number or where a licence”.

Wages (Manufacturing Industry) Regulations 2015

38. The Wages (Manufacturing Industry) Regulations 2015 is amended in regulation 2 by deleting “in respect of which a licence under the Business Licensing Act 1976” and substituting “where the employer is registered under section 38(1) of the Tax Administration Act 2009 with a Taxpayer Identification Number or where a licence”.

Wages (Printing Trades) Regulations 2015

39. The Wages (Printing Trades) Regulations 2015 is amended in regulation 2 by deleting “in respect of which a licence under the Business Licensing Act 1976” and substituting “where the employer is registered under section 38(1) of the Tax Administration Act 2009 with a Taxpayer Identification Number or where a licence”.

Wages (Security Services) Regulations 2015

40. The Wages (Security Services) Regulations 2015 is amended in regulation 2 by deleting “in respect of which a licence under the Business Licensing Act 1976” and substituting “where the employer is registered under section 38(1) of the Tax Administration Act 2009 with a Taxpayer Identification Number or where a licence”.

BUSINESS LICENSING (REPEAL) BILL 2020

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Business Licensing Act 1976 (**‘Act’**) was promulgated in 1976 to institute a system of licensing of businesses.
- 1.2 The Business Licensing (Repeal) Bill 2020 (**‘Bill’**) seeks to repeal the Act to abolish the system of licensing of businesses.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on 1 August 2020.
- 2.2 Clause 2 of the Bill repeals the Act.
- 2.3 Clause 3 of the Bill provides for the saving of provisions necessary to facilitate the transition out of the application of the Act.
- 2.4 Clause 4 of the Bill provides for consequential amendments to laws as listed in the Schedule to the Bill.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for local government.

A. SAYED-KHAIYUM
Attorney-General