

[Legal Notice No. 41]

**THE CHOISEUL PROVINCE
BUSINESS LICENCE REGULATIONS (COMMENCEMENT)
ORDINANCE 2010**

AN ORDINANCE TO VALIDATE AND CONFIRM ALL ACTS DONE IN GOOD FAITH BETWEEN THIS 22ND OF JANUARY 2009, AND THE COMMENCEMENT OF THIS ORDINANCE IN THE PURPORTED EXERCISE OF THE JURISDICTION CONFERRED ON CERTAIN PERSONS UNDER THE CHOISEUL PROVINCE BUSINESS LICENCE REGULATIONS 2008.

Enacted by the Choiseul Provincial Assembly

WHEREAS:

- A. The Choiseul Province Business Licence Regulations 2008 were approved by the Choiseul Provincial Assembly on the 22nd of January 2009;
- B. The Choiseul Provincial Government enforced the said Regulations on the understanding that they were in force;
- C. The said Regulations were to have come into force on the date of their being published in the *Gazette*, however they have not been published in the *Gazette*;
- D. The Province believes that no-one has been prejudiced by the failure to *Gazette* the Regulations; and
- E. It is desirable to validate and confirm all acts done in good faith by the Choiseul Provincial Government in the purported exercise of certain functions and powers conferred upon it by the said Regulations.

THEREFORE:

ARRANGEMENT OF SECTIONS

SECTIONS

- 1. Short Title and Commencement
- 2. Interpretation
- 3. Validation and Confirmation
- 4. Right to Seek Waiver of Fee
- 5. No Criminal Proceedings

1. This Ordinance may be cited as the Choiseul Province Business Licence Regulations (Commencement) Ordinance 2010 and shall come into effect on the date it is assented to by the Minister in accordance with section 30 of the Provincial Government Act 1997. Short Title
2. In this Ordinance, except where the context otherwise requires: Interpretation
- “Executive” means the Choiseul Provincial Executive
- “Regulations” means the Choiseul Province Business Licence Regulations 2008
3. Notwithstanding section 1 of the Choiseul Province Business Licence Regulations 2008, the Regulations are hereby deemed to have come into force and effect as of the 22nd of January 2009, therefore: Validation and Indemnity
- (1) All acts done in good faith between the 22nd of January 2009 and the commencement of this Ordinance, by any persons in the purported exercise of the jurisdiction and powers conferred upon, and vested in them, under the Regulations, are hereby declared to have been validly, properly and lawfully done and are hereby confirmed;
- (2) All fees purportedly imposed under the Regulations between the 22nd of January 2009 and the commencement of this Ordinance are hereby deemed to have been validly imposed;
- (3) The Regulations will continue in force from the commencement of this Ordinance.
4. (1) Any person who claims to have been prejudiced by the failure to publish the Regulations in the Gazette between the 22nd of January 2009 and the commencement of this Ordinance may apply to the Executive for a refund or waiver of all or part of the different between the licence fees payable under the Regulations and those payable under the previous regulations for that period. Right to Seek Waiver of Fee
- (2) The Executive shall, if it determines that there has been prejudice, grant such waiver or refund in an amount set by the Executive based on the nature and extent of the prejudice.

No Criminal
Proceedings

5. No Criminal Proceedings shall be issued for a failure to pay the licence fees set out in the Regulations during the period between the 22nd of January 2009 and the commencement of this Ordinance, however if any business has operated in Choiseul without a licence or without paying the full licence fee due each year under the Regulations during that period, the amount that would have been due as a business licence fee under the Regulations for that period, or such portion of it as remains unpaid, together with interest in accordance with section 9A of the Choiseul Province Business Licence Ordinance, shall be due and owing to the Choiseul Provincial Government as a civil debt.

Passed by the Choiseul Provincial Assembly this twenty-fifth day of May, 2010.

This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.

CHRISTOPHER MAKONI
Clerk to the Choiseul Provincial Assembly

Assented to by the Honourable Minister for Provincial Government this thirty-first day of May, 2010.

MANASSEH MAELANGA
Minister for Provincial Government and Institutional Strengthening

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Printed by Solomon Islands Printers Limited.