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## CHAPTER 47

## LICENCES

*Acts Nos. 5 of 1922, 15 of 1926, 17 of 1927, 10 of 1932, 7 of 1938, 8 of 1939, 5 of 1943, 15 of 1950, 13 of 1967, 17 of 1975, 6 of 1977 G.S. 1/83, G. 361/84, G.S. 1/84 and Act 46 of 1988.*

## AN ACT RELATING TO LICENCES FOR BUSINESSES OR CALLINGS

[18th July, 1922]

- Short title. 1. This Act may be cited as The Licences Act.
- Appropriation of moneys received. 2. All moneys to be received under this Act whether in respect of the issue of licences or the payment of penalties shall be paid into the Treasury for the benefit of the general revenue of the Kingdom.
- Interpretation. 3. For the purposes of this Act the following shall be deemed to be towns:—  
Nuku'alofa (including Kolomotu'a, Kolofo'ou and Ma'ofanga),  
Pangai (including Hihifo) in Ha'apai, and Neiafu (including Neiafutahi, Falaleu and Fungamisi) in Vava'u.
- Businesses for which licences are compulsory. 4. Every person who carries on or exercises any business or calling specified in Schedule A whether jointly with any other business or calling or otherwise shall take out a licence so to do and shall pay therefor the licence fee at the annual rate set forth in such Schedule.
- Issue of licences. 5. (1) All licences that are required to be issued under this Act shall be issued by such persons as the Minister of Finance shall, with the approval of Privy Council, appoint from time to time:  
Provided that no licence shall be issued to any person under the age of 18 years. (*Substituted by Act 13 of 1967.*)  
(2) The Privy Council may by Order-in-Council from time to time authorize any officer empowered under this Act to issue licences to exercise absolute discretion in the issue of any licences save that any person who feels aggrieved at a decision of any such officer in the exercise of his discretion as aforesaid may apply in writing to the Privy Council and the Council may confirm, modify or revoke any such decision.  
(3) The Privy Council may by Order-in-Council from time to time fix the maximum number of licences to be issued under this Act in

respect of any District or Districts or for any particular class or classes of licences for such period as the Council shall deem fit. (*Amended by Act 8 of 1939.*)

6. (1) Every licence to carry on or exercise a business or calling specified in Schedule A shall be issued for a year, quarter year or day on payment of the licence fee (or the proportionate part thereof) prescribed by such Schedule in respect of that particular business or calling. (*Amended by Act 46 of 1988.*)

Fees for and duration of licences.

(2) Every licence other than a daily licence under this Act shall date from the first day of January, April, July or October and shall expire on the last day of March, June, September or December as the case may be. (*Amended by Act 46 of 1988.*)

7. No licence issued under this Act shall be transferable.

Licences not transferable.

8. Any person appointed under section 5(1), any police officer or any district officer who has reason to suppose any person to be liable to take out any licence or licences under this or any other Act may demand from such person the production of such licence or licences and if the person upon whom the demand is made shall not produce such licence or licences within a reasonable time or shall not permit the officer to read and examine the same when produced he shall be guilty of an offence against this Act. (*Amended by Act 13 of 1967.*)

Power to demand production of licences.

9. (1) Any person carrying on or exercising any business or calling specified in Schedule A without a licence shall be guilty of an offence against this Act:

Penalty for carrying on business or calling without licence.

Provided that no person shall be liable to prosecution for carrying on any such business or calling without a licence during the period between the first and tenth days inclusive of the months of January, April, July and October respectively if he shall have become duly licensed before the expiration of the said period of 10 days.

(2) Upon any conviction under subsection (1) of this section the magistrate, in addition to any punishment which he may inflict, shall order the convicted person to pay into the court to the credit of the public revenue such sum (not exceeding the proper licence fee for one year payable in respect of the business or calling on account of which the conviction was obtained) as he may think the public revenue ought to have received from the convicted person in respect of the unpaid licence fee and in default of payment of such sum within such time (if any) as is specified in the order of the magistrate such convicted person shall be liable to imprisonment for any term not exceeding 3 months.

District Officer to render quarterly return.

**10.** Every District Officer shall on the last day of each quarter furnish a person appointed under section 5(1) with a return showing the names, occupations, and places of abode of all persons in his village or district, who have carried on or have been exercising any of the businesses or callings set out in Schedule A at any time during the quarter. (*Amended by Act 13 of 1967.*)

Personal licences.

**11.** (1) If a licence issued under this Act does not specify a place or building in respect of which the licence has been issued, the licensee may exercise the stated business or calling in any part of the Kingdom.

Licences in respect of stated places. Licences to be kept in conspicuous place.

(2) If a licence issued under this Act specifies a place or building in respect of which the licence has been issued—

- (a) the licensee may only exercise the stated business or calling at that place or building; and
- (b) the licensee shall display the licence in a conspicuous place in or upon that place or building.

(3) A licence may be altered at any time, with the approval of the Privy Council.

(*Substituted by Act 46 of 1988.*)

Wholesale and retail store licence.

**12.** A wholesale and retail store licence shall permit the person therein named or his agents to sell in any quantity whatsoever in the premises specified in the licence all articles other than those forming part or the whole of the staple commodity of any business in respect of which a specific licence fee is prescribed by this Act. A wholesale and retail or a retail store licence shall not authorize the hawking of goods.

Distributing store to have wholesale and retail licence.

**13.** Any person, partnership or company carrying on business in any of the districts mentioned in section 5 hereof in a store from which goods are supplied or distributed to another store or stores carried on in the interests of such person, partnership or company shall take out a wholesale and retail store licence for the principal or distributing store. Any person failing to comply with the provisions of this section shall be guilty of an offence against this Act.

Retail store licence.

**14.** A retail store licence shall permit the sale of the same articles as a wholesale and retail store licence but not in unbroken packages nor at any one time in quantities equal to or exceeding an unbroken package. An unbroken package under this section means a package as it is when first imported into the Kingdom:

Provided always that a retail store licence shall permit the sale of the articles enumerated in Schedule B in the quantities specified therein and also of such other articles in such quantities as His

Majesty in Council may from time to time by proclamation declare to have been added to those enumerated in such Schedule.

15. (1) A hawker's licence shall authorize the person therein named to sell the same articles and in the same quantities as are permitted under a retail store licence but shall not authorize the sale of goods in any store or building occupied either permanently or temporarily by the licensee but only from a boat or vehicle or from a pack or basket carried by the licensee.

Hawker's  
licence.

(2) A hawker's licence shall not be necessary for the hawking or sale of fresh fish or turtle or native articles the produce of or manufactured in the Kingdom.

16. An auctioneer's licence shall entitle the person named therein to sell by public auction leasehold interests in any land and any goods or effects whatsoever except wines, spirits and fermented liquors:

Auctioneer's  
licence.

Provided that no licence shall be taken out for—

- (a) the sale of property by tender; or
- (b) any sale of property carried out under the authority of any court possessing jurisdiction within the Kingdom; or
- (c) the sale of any property on behalf of the Government.

17. A baker's licence shall authorize the baking and sale of bread.

Baker's  
licence.

18. A bread seller's licence shall permit the sale of bread but shall not authorize the baking of bread for sale.

Bread seller's  
licence.

19. A commission agent's licence shall entitle the person named therein to dispose on commission only of leasehold interests in land or of goods in bulk except wines, spirits and fermented liquors.

Commission  
agent's  
licence.

20. (1) A public billiard table licence shall entitle the person named therein to keep a billiard table for hire by members of the public. Any person keeping a restaurant or other place of refreshment or amusement which is provided with a billiard table for the use of its patrons shall be deemed to be the keeper of a public billiard table.

Public  
billiard table  
licence.

(2) Any keeper of a public billiard table who shall suffer such table to be made use of on a Sunday or between the hours of 11 o'clock at night and 9 o'clock in the morning on any other day of the week shall be guilty of an offence against this Act.

21. (1) Every person not licensed under the Intoxicating Liquor Act who shall sell for consumption on or off the premises hop beer or other fermented liquor shall take out a hop beer seller's licence.

Hop beer  
seller's  
licence.  
Cap. 84

- Hours for sale. (2) A hop beer seller's licence shall entitle the person named therein to sell hop beer or other fermented liquor at the place specified therein at such hours as shall be permitted by the Minister of Police.
- Prohibited or restricted persons. (3) A hop beer seller's licence shall not entitle the holder to sell intoxicating liquor within the meaning of the Intoxicating Liquor Act to any person to whom the sale of intoxicating liquor is under that Act prohibited or restricted. (*Added by Act 10 of 1932.*)
- Private investigator's licence. **22.** (1) A private investigator's licence shall entitle the person named therein to carry on the business of private investigation into any matter referred to him in a private capacity.  
(2) A private investigator's licence shall not confer on the holder any powers of interview, entry, search or arrest.  
(3) Any applicant for a private investigator's licence must satisfy the Minister of Police that he is of good character, has not displayed moral turpitude, is not of unsound mind and has not been convicted of an indictable or other serious offence.  
(4) Any licence holder who may subsequently be involved in any moral turpitude, or become of unsound mind or be convicted of an indictable or other serious offence shall automatically forfeit his licence.  
(*Inserted by Act 6 of 1977.*)
- Offences and penalties. **23.** Any person who shall be guilty of an offence against this Act shall be liable to a penalty not exceeding \$40 and in default of payment to imprisonment for any period not exceeding 3 months.
- Legal proceedings. **24.** All offences against this Act may be prosecuted before a magistrate in the district where the offence occurs. (*Substituted by Act 13 of 1967.*)
- Onus of proof. **25.** In any prosecution under this Act charging any person with exercising any business or calling without a licence, the charge shall be deemed proved if it is shown to the satisfaction of the magistrate that the accused person did actually exercise the business or calling, unless the accused person can produce his licence in court or can show to the satisfaction of the magistrate that such licence was duly taken out.
- Power to amend schedule. **26.** His Majesty may by Order in Council alter from time to time and conditionally or otherwise the fees for licences specified in Schedule A, either by way of increasing, decreasing, or annulling the same or any of them and may likewise alter the said Schedule by adding thereto any business or calling and prescribing the fee payable for a licence in respect of such business or calling.

## THE SCHEDULES

## SCHEDULE A

(Section 4)

(Schedule A amended by Acts Nos. 10 of 1932, 7 of 1938, 5 of 1943, 15 of 1950 and 6 of 1977 and Orders-in-Council published at G. 82/30, 37/35, 87/53, 202/53, 27/58, G.S. 5/72, G.S. 4/77, G.S. 9/82, G. 47/83, G.S. 1/83, G. 361/84, G.S. 1/84

|                                                            | Rate<br>per<br>day<br>\$ | Rate<br>per<br>Quarter<br>\$ | Rate<br>per<br>Annum<br>\$ |
|------------------------------------------------------------|--------------------------|------------------------------|----------------------------|
| <b>A: ENTERTAINMENT</b>                                    |                          |                              |                            |
| 1. Amusement machine (each machine)                        |                          | 7.50                         | 30.00                      |
| 2. Bands for Hire:—                                        |                          |                              |                            |
| (a) Brass Band                                             | 1.00                     | 7.50                         | 30.00                      |
| (b) Electric String Band                                   | 1.00                     | 7.50                         | 30.00                      |
| (c) Manual String Band                                     | 1.00                     | 6.25                         | 25.00                      |
| 3. Billiard Table Operator (for each table)                |                          | 15.00                        | 60.00                      |
| 4. Cinematograph Exhibitors                                | 5.00                     | 50.00                        | 200.00                     |
| 5. Entertainers from Outside the Kingdom                   | 10.00                    | 25.00                        | 100.00                     |
| 6. Magician or Conjuror                                    |                          | 10.00                        | 40.00                      |
| 7. Merry-go-round operator                                 | 5.00                     | 25.00                        | 100.00                     |
| 8. Other Entertainment Enterprise                          | 2.00                     | 10.00                        | 40.00                      |
| <b>B: HIRE FACILITIES</b>                                  |                          |                              |                            |
| 1. Bicycle Hire Operator (less than 5 bicycles)            |                          | no licence required          |                            |
| 2. Bicycles Hire Operator (5 or more bicycles)             | 2.00                     | 5.00                         | 20.00                      |
| 3. Horse Hire Operator (less than 5 horses)                |                          | no licence required          |                            |
| 4. Horse Hire Operator (5 or more horses)                  | 2.00                     | 5.00                         | 20.00                      |
| 5. Launch or Boat Hire Operator (one boat)                 |                          | no licence required          |                            |
| 6. Launch or Boat Hire Operator (2 or more boats)          |                          | 10.00                        | 40.00                      |
| 7. Machinery Hire Operator (including farm machinery hire) |                          | 10.00                        | 40.00                      |
| 8. Motion Picture Film Hire Agency                         |                          | 15.00                        | 60.00                      |
| 9. Taxi or Hire Car Operator:                              |                          |                              |                            |
| (a) Cars; for the first vehicle                            |                          | 20.00                        | 80.00                      |
| (b) Cars; for each additional vehicle                      |                          | 10.00                        | 40.00                      |
| 10. Van, Truck or Lorry Hire Operator:                     |                          |                              |                            |
| (a) Heavy Lorries; first vehicle                           |                          | 20.00                        | 80.00                      |
| (b) Heavy Lorries; for each additional vehicle             |                          | 10.00                        | 40.00                      |
| (c) Light Lorries and Vans; first vehicle                  |                          | 15.00                        | 60.00                      |

|                                                |                                                                                |      |       |        |
|------------------------------------------------|--------------------------------------------------------------------------------|------|-------|--------|
|                                                | (d) Light Lorries and Vans; for each additional vehicle                        |      | 7.50  | 30.00  |
| 11.                                            | Video Cassette Hire Operator                                                   |      | 25.00 | 100.00 |
| 12.                                            | Other Hire Facilities                                                          | 2.00 | 10.00 | 40.00  |
| <b>C: SERVICES (PROFESSIONAL OR OTHERWISE)</b> |                                                                                |      |       |        |
| 1.                                             | Auctioneer                                                                     | 5.00 | 10.00 | 40.00  |
| 2.                                             | Commission Agents                                                              |      | 10.00 | 40.00  |
| 3.                                             | Professional Services (other than legal)                                       |      | 15.00 | 60.00  |
| 4.                                             | Semi-professional and other Services                                           | 2.00 | 10.00 | 40.00  |
| <b>D: TOURIST FACILITIES</b>                   |                                                                                |      |       |        |
| 1.                                             | Boarding House, Guest House or Motel Keeper; for every 10 beds or part thereof |      | 5.00  | 20.00  |
| 2.                                             | Hotel Keeper; for every 10 beds or part thereof                                |      | 10.00 | 40.00  |
| 3.                                             | Restaurant (not licensed to sell intoxicating liquor)                          |      | 20.00 | 80.00  |
| 4.                                             | Restaurant (Licensed to sell intoxicating liquor)                              |      | 50.00 | 200.00 |
| 5.                                             | Other Tourist Enterprises and Facilities                                       | 5.00 | 10.00 | 40.00  |
| <b>E: TRADE AND COMMERCE</b>                   |                                                                                |      |       |        |
| 1.                                             | Food or Drink Manufacturer                                                     |      | 25.00 | 100.00 |
| 2.                                             | Sawmiller                                                                      | 5.00 | 25.00 | 100.00 |
| 3.                                             | Other Manufacturer                                                             |      | 25.00 | 100.00 |
| 4.                                             | Retail Storekeeper (town)                                                      |      |       |        |
|                                                | (a) of food and other goods                                                    | 2.00 | 10.00 | 40.00  |
|                                                | (b) of goods other than food                                                   | 2.00 | 10.00 | 40.00  |
| 5.                                             | Retail Storekeeper (country)                                                   |      |       |        |
|                                                | (a) of food and other goods                                                    | 1.00 | 5.00  | 20.00  |
|                                                | (b) of goods other than food                                                   | 1.00 | 5.00  | 20.00  |
| 6.                                             | Wholesale and Retail Storekeeper                                               |      |       |        |
|                                                | (a) of food and other goods                                                    |      | 30.00 | 120.00 |
|                                                | (b) of goods other than food                                                   |      | 30.00 | 120.00 |
| 7.                                             | Wholesale and Retailer of Petroleum Products                                   |      | 30.00 | 120.00 |
| 8.                                             | Bulk Distributor of Petroleum Products                                         |      | 50.00 | 200.00 |
| 9.                                             | Fruit and Vegetable Vendor                                                     | 2.00 | 5.00  | 20.00  |
| 10.                                            | Hawker                                                                         | 2.00 | 5.00  | 20.00  |
| 11.                                            | Butcher                                                                        | 2.00 | 10.00 | 40.00  |
| 12.                                            | Importer of Meat, Fish and Poultry                                             |      | 10.00 | 40.00  |
| 13.                                            | Wholesaler and Retailer of Motor Vehicles                                      |      | 20.00 | 80.00  |
| 14.                                            | Exporter of Fish and Other Marine Products                                     | 5.00 | 10.00 | 40.00  |
| 15.                                            | Exporter of Meat and Poultry                                                   | 5.00 | 10.00 | 40.00  |
| 16.                                            | Exporter of Vanilla                                                            |      | 20.00 | 40.00  |
| 17.                                            | Exporter of Bananas                                                            | 5.00 | 10.00 | 40.00  |
| 18.                                            | Exporter of Coconuts                                                           | 5.00 | 10.00 | 40.00  |
| 19.                                            | Exporter of Coconut Products                                                   | 5.00 | 10.00 | 40.00  |

|                                                                             |      |                       |       |
|-----------------------------------------------------------------------------|------|-----------------------|-------|
| 20. Exporter of Other Produce and Commodities                               |      |                       |       |
| (a) less than 100 kg by ship or less than 20 kg by air in a single shipment |      | (no licence required) |       |
| (b) 100 kg or more by ship or 20 kg or more by air                          | 5.00 | 10.00                 | 40.00 |
| 21. Exporter of Handicraft                                                  | 5.00 | 10.00                 | 40.00 |
| 22. Exporter of Other Goods (other than Licensed Manufacturer)              | 5.00 | 10.00                 | 40.00 |
| 23. Quarry Operator or Miner                                                |      | 20.00                 | 80.00 |
| 24. Finance, Insurance, Real Estate Dealers and Agents                      |      | 20.00                 | 80.00 |
| 25. Commercial Fishing Boat Operator                                        |      | 5.00                  | 20.00 |
| 26. Commercial Fish Trap Owner                                              |      | 5.00                  | 20.00 |

**F: TRADESMEN—OPERATING FROM FIXED PREMISES**

|                                                                                   |       |       |
|-----------------------------------------------------------------------------------|-------|-------|
| 1. Plumber                                                                        | 15.00 | 60.00 |
| 2. Electrician                                                                    | 15.00 | 60.00 |
| 3. Electrical or Radio Serviceman                                                 | 15.00 | 60.00 |
| 4. Motor Mechanic                                                                 | 15.00 | 60.00 |
| 5. Blacksmith                                                                     | 15.00 | 60.00 |
| 6. Welder                                                                         | 15.00 | 60.00 |
| 7. Builder, Boat Builder, Coach Builder, Cabinet Maker, Carpenter, and Cartwright | 15.00 | 60.00 |
| 8. Watchmaker, Watch and Clock Repairer                                           | 15.00 | 60.00 |
| 9. Shoemaker, Shoe Repairer                                                       | 15.00 | 60.00 |
| 10. Tailor, Tailoress or Dress Maker                                              | 15.00 | 60.00 |
| 11. Barber and/or Hairdresser                                                     | 10.00 | 40.00 |
| 12. Other Tradesmen Operating from fixed Premises                                 | 15.00 | 60.00 |

**G: TRADESMEN—SELF EMPLOYED**

|                                                                                  |       |       |
|----------------------------------------------------------------------------------|-------|-------|
| 1. Plumber                                                                       | 10.00 | 40.00 |
| 2. Electrician                                                                   | 10.00 | 40.00 |
| 3. Electrical or Radio Serviceman                                                | 10.00 | 40.00 |
| 4. Motor Mechanic                                                                | 10.00 | 40.00 |
| 5. Blacksmith                                                                    | 10.00 | 40.00 |
| 6. Welder                                                                        | 10.00 | 40.00 |
| 7. Builder, Boat Builder, Coach Builder, Cabinet Maker, Carpenter and Cartwright | 10.00 | 40.00 |
| 8. Watchmaker, Watch and Clock Repairer                                          | 10.00 | 40.00 |
| 9. Shoemaker, Shoe Repairer                                                      | 10.00 | 40.00 |
| 10. Tailor, Tailoress or Dress Maker                                             | 10.00 | 40.00 |
| 11. Barber and/or Hairdresser                                                    | 10.00 | 40.00 |
| 12. Other Tradesmen Self Employed                                                | 10.00 | 40.00 |

**H: TRANSPORT AND COMMUNICATION FACILITIES**

|                                                       |       |        |        |
|-------------------------------------------------------|-------|--------|--------|
| 1. Bus Operator:                                      |       |        |        |
| (a) Heavy Buses: first Vehicle                        | 30.00 | 120.00 |        |
| (b) Heavy Buses: each additional Vehicle              | 15.00 | 60.00  |        |
| (c) Mini Buses: first Vehicle                         | 20.00 | 80.00  |        |
| (d) Mini Buses: each additional Vehicle               |       | 10.00  | 40.00  |
| 2. Passenger Ferry Agent or Operator                  |       |        |        |
| (a) Each Vessel under 50 Gross Registered Tonnes      |       | 20.00  | 80.00  |
| (b) Each Vessel of 50 Gross Registered Tonnes or More |       | 50.00  | 200.00 |
| 3. Cargo Vessel Agent or Operator                     |       |        |        |
| (a) Each Vessel under 50 Gross Registered Tonnes      |       | 20.00  | 80.00  |
| (b) Each Vessel of 50 Gross Registered Tonnes or More |       | 50.00  | 200.00 |
| 4. Air Passenger and Cargo Service Operator           |       | 50.00  | 200.00 |
| 5. Public Radio and Communications Service            |       | 50.00  | 200.00 |

**SCHEDULE B***(Section 14)*

|                                       |                          |
|---------------------------------------|--------------------------|
| Beef .....                            | 100 lb. kegs             |
| Biscuits .....                        | 50 lb. tins              |
| Rice .....                            | 56 lb. bags              |
| Sugar .....                           | 70 lb. bags              |
| Meats (other than Beef) .....         | 100 lb. kegs             |
| Flour .....                           | 150 lb. bags             |
| Wire Netting .....                    | 50 yd. rolls             |
| Fencing Wire (barbed and plain) ..... | $\frac{1}{2}$ cwt. rolls |

**CHAPTER 47**

**LICENCES**

**SECTION 5(2)—Licences (Discretionary Powers) Order**

*Made by Her Majesty in Council*

*G. 126/42, Act 46 of 1988*

[16 April, 1942]

1. This order may be cited as the Licences (Discretionary Powers) Order. Short title.
2. Any officer empowered under the above Act to issue licences is hereby authorized to exercise absolute discretion in the issue of such licences: Officers' discretion.  
Provided that where any such officer shall refuse to grant or renew any licence, on application being made, he shall immediately advise the Minister of Finance of his decision, giving the reasons therefor. (*Amended, Act 46/1988.*)
3. As provided by the above Act, any person who feels aggrieved at the decision of any such officer in exercise of his discretion as aforesaid may apply in writing to His Majesty in Council and His Majesty in Council may confirm, alter, modify or revoke any such decision. Appeal.