

Chapter 112.
Licences Act (T.N.G.) 1923.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 112.

Licences Act (T.N.G.) 1923.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Licences Act (T.N.G.) 1923,

Being an Act, applying in and to the former Territory of New Guinea, to provide for the granting of licences to traders and others.

PART I. – PRELIMINARY.

Note Because of the diversity of subject matters dealt with by the regulations made under the *Licences Act (T.N.G.)*, The Commissioner for the Revised Laws considered it undesirable to include them all under a single Chapter heading. Accordingly, *see*, also, *Agents for Natives (T.N.G.) Act 1971* and *Places of Entertainment Act 1915*.

1. CONSTITUTIONAL LIMITATION ON APPLICATION OF ACT.

By virtue of Section Sch. 2.6(2) (*adoption of pre-Independence laws*) of the *Constitution*, this Act applies in respect of the area that, immediately before Independence Day, formed the Territory of New Guinea.

2. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**coconut**” includes any part of a coconut;

“**copra buyer’s licence**” means a licence to which Section 6 applies;

“**general mercantile licence**” means a licence of a kind to which Section 5 applies;

“**licence**” means a pedlar’s licence, copra buyer’s licence or general mercantile licence granted under Section 4;

“**pedlar’s licence**” means a licence of a kind to which Section 7 applies.

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3. EFFECT OF THIS ACT.

Nothing in this Act affects the operation of the *Trading Act 1946*.

PART II. – LICENCES.

4. GRANT OF LICENCES.

(1)¹ ²The Minister, or a person authorized by him, may, by notice in the National Gazette, grant to a person a general mercantile licence, a copra buyer's licence or a pedlar's licence.

(2) A licence may be in the prescribed form.

5. GENERAL MERCANTILE LICENCES.

A general mercantile licence authorizes the licensee to engage in general mercantile business, other than the buying and selling of coconuts and copra, at a place specified in the licence.

6. COPRA BUYER'S LICENCES.

A copra buyer's licence authorizes the licensee to engage in the business of buying and selling coconuts and copra at a place specified in the licence.

7. PEDLAR'S LICENCES.

(1) Subject to Subsections (2) and (3), a pedlar's licence authorizes the licensee or a person employed by him to engage in the business of buying and selling coconuts, copra and other goods and commodities from any vehicle or vessel of which the licensee is the master or person in charge.

(2) A pedlar's licence may be granted subject to conditions, including restrictions on the buying, selling, taking delivery of and transporting specified goods.

(3) A pedlar's licence may specify the limits within which it is valid.

8. TERM OF LICENCES.

A licence continues in force until 30 June following the date of grant.

¹ Section 4(1) amended by No. 25 of 1976, Schedule 15.

² Section 4(1) amended by No. 25 of 1976, Schedule 15.

PART III. – OFFENCES.**9. UNLICENSED TRADING.**

(1) Subject to Subsections (2) and (3) a person who engages in general mercantile business or in the buying or selling of coconuts or copra otherwise than in accordance with–

- (a) a licence authorizing him to do so; and
- (b) the conditions (if any) specified in the licence,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

(2) Subsection (1) does not apply to–

- (a) the sale of the produce of any land by the owner or occupier, or by a person employed by the owner or occupier; or
- (b) the sale of any goods acquired by a person in the exercise of rights conferred by the *Land Act 1996*, the *Mining Act 1992*, the *Forestry Act 1991* or the *Fisheries Management Act 1998*.

(3)³ ⁴The Minister may, by notice in the National Gazette, exempt from Subsection (1) an automatic citizen resident in any area specified in the notice.

10. PROHIBITED TRADING IN COCONUTS AND COPRA.

A person who buys, sells, barter, exchanges or disposes of any coconuts or copra from, to or with a person who is employed as an agreement worker under the *Employment Act 1978* is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

11. NOTICE BOARDS.

A person carrying on business under a general mercantile licence or copra buyer's licence must exhibit outside each place at which he carries on business a notice board stating, in plain letters, the prescribed particulars.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

³ Section 9(3) amended by No. 25 of 1976, Schedule 15.

⁴ Section 9(3) amended by No. 25 of 1976, Schedule 15.

PART IV. – MISCELLANEOUS.**12. REGULATIONS.**

(1) The Head of State, acting on advice, may make regulations, not inconsistent with this Act—

- (a) requiring licences to be obtained by—
 - (i) hawkers of commodities, other than persons required to obtain pedlars' licences; and
 - (ii) persons who own bicycles; and
 - (iii) persons who own wheeled vehicles other than bicycles or motor vehicles; and
 - (iv) persons who own or are in possession of firearms and ammunition; and
 - (v) persons who carry on business as caterers or keepers of restaurants; and
 - (vi) persons who own billiard tables used for hire and profit; and
 - (vii) persons who keep places of entertainment other than clubs and hotels; and
 - (viii) persons other than automatic citizens who for reward act as agents for natives; and
- (b) prescribing the conditions under which licences of any class referred to in Paragraph (a) may be granted, and the form of and the particulars to be included in such licences; and
- (c) prescribing the fees to be paid for any licence under this Act or a regulation; and
- (d) prescribing the particulars to be stated on notice boards required to be exhibited by holders of general mercantile licences and copra buyers' licences; and
- (e) prescribing the limits within which a licence granted under a regulation is valid; and
- (f) prescribing all matters that are necessary or convenient to be prescribed relating to any licence granted under this Act or a regulation; and
- (g) prescribing the conditions subject to which the business for which a licence under this Act or a regulation may be carried on, and the classes of persons from whom any commodity may be bought by a licensee; and
- (h) providing for exemptions from the requirements of this Act; and
- (i) prescribing penalties of fines not exceeding K100.00, for offences against the regulations or in default of payment imprisonment for a term not exceeding six months.

- (2) A regulation may be—
- (a) of general application; or
 - (b) limited to a prescribed area; or
 - (c) restricted in its application to—
 - (i) automatic citizens; or
 - (ii) persons other than automatic citizens; or
 - (iii) prescribed classes of automatic citizens; or
 - (iv) automatic citizens in a prescribed area.

Office of Legislative Counsel, PNG