

Business Licence Regulations 2012



SAMOA

Arrangement of Provisions

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**PURSUANT** to section 19 of the Business Licences Act 1998, I, **TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** the following Regulations:-

DATED this ..... 14<sup>th</sup> day of December, 2012

*Tui Atua Tupua Tamasese Efi*  
**HEAD OF STATE**  
(Tui Atua Tupua Tamasese Efi)

PART I  
PRELIMINARY

1. Short title and commencement - (1) These Regulations may be cited as the Business Licence Regulations 2012.

(2) These Regulations commence on the date they are signed by the Head of State.

2. Interpretation - In these regulations, unless the context otherwise requires -

"Act" means the Business Licences Act 1998;

"commercial traveller" means any person;

(a) who does not ordinarily reside in Samoa; and

(b) who visits Samoa for the purpose of selling or

procuring orders for the sale or furthering or

promoting the sale or trade of goods

manufactured or produced outside Samoa;

"licence" means a licence issued under the Act or a renewal

of that licence;

"licensee" means the holder of a licence issued under the

Act;

"Ministry" means the Ministry responsible for revenue;

"non-citizen" means a person who is not a citizen of Samoa

under the Citizenship Act 2004;

"special business" means a temporary business or

economic activity that-

(a) is carried out at a place where:

(i) a public entertainment or sport activity

is conducted; or

(ii) a bazaar or sale of work for patriotic,

charitable or religious purposes is held; or

(iii) a stall is specifically constructed for

the purposes of catering for tourists or the

general public during festivals; or

(b) is approved by the Commissioner.

3. Classes of licences - The following classes of licences

are prescribed for the purposes of the Act -

(a) sole trader;

- (b) company other than a company specified under paragraph (g);
- (c) partnership;
- (d) non profit-organisation;
- (e) statutory body;
- (f) trust other than a trust specified under paragraph (g);
- (g) company or a trust that has majority shares, howsoever called, that are owned beneficially or otherwise by a non-citizen;
- (h) commercial traveller;
- (i) special business.

**4. General conditions for a licence** – The following general conditions are prescribed for a licence issued under the Act:

- (a) a licence is issued:
  - (i) for each business or economic activity, and
  - (ii) for each business or economic activity, where more than one business or economic activity is conducted in the same place or premises except if a written determination is issued by the Commissioner, for a single licence to be issued for multiple related businesses or economic activities on the same premises; and
  - (iii) for each place or premises, where such business or economic activity is conducted at more than one place or premise; and
  - (iv) for a particular business or economic activity that is conducted in a specific place or premises or timeframe; and
  - (v) to a particular person; and
- (b) a business or economic activity that is licensed to conduct its business or economic activity in a specified place or premises may not transfer its

business or economic activity to a different place or premises without the prior written approval of the Commissioner; and

(c) the place or premises that has been licensed for a particular business or economic activity may not be materially altered without the prior written approval of the Commissioner; and

(d) a person that has been issued a licence and who intends to sell or otherwise transfer the ownership or control of the licensed business must notify the Commissioner in writing at least 14 days before the sale or transfer takes place.

**5. Special conditions for a licence** – For a licence issued to a business class under regulation 3 (g), the licensee shall provide to the Commissioner a notice in writing of a proposed sale or transfer of a share to a non-citizen, at least 14 days before the sale or transfer takes place.

**6. Application forms** – (1) An application for a licence must be made in a form determined by the Commissioner.

(2) An application for the renewal of a licence must be made in a form determined by the Commissioner.

(3) Despite subregulations (1) and (2), the issuing of a receipt upon payment of the prescribed fee for a special business licence shall be deemed to be an application for a special business licence only.