

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 177

PROTECTED INDUSTRIES

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF CERTAIN INDUSTRIES

[29th November 1954]

23 of 1954

6 of 1969

LN 46A of 1978

6 of 1980

Short title

1. This Act may be cited as the Protected Industries Act.

Interpretation

2. In this Act, unless the context otherwise requires, "industry" includes any operation or process connected with or forming part of an industry.

Minister may declare protected industries

LN 46A of 1978

3. Where the Minister is satisfied that the development of any industry or proposed industry in Solomon Islands is in the public interest and that such industry cannot be developed or undertaken unless offered protection from competition, he may by Order declare such industry to be a protected industry for the purposes of this Act.

Extent of Order

4. An Order made under the provisions of section 3 may apply to an industry generally or to such operations and processes connected with or forming part of an industry as may be specified or defined in the Order, and may have application throughout Solomon Islands or in any specified province or area thereof.

Review of Order

6 of 1969, s. 2

LN 46A of 1978

5. Every Order made under the provisions of section 3 shall be reviewed by the Minister after a lapse of two years from the date of such Order and thereafter at intervals of not more than two years, and if, upon such review, the Minister is satisfied that it is not in the public interest

that the industry should continue to be protected the Order shall be revoked and notwithstanding any other provisions of this Act all licences issued in pursuance of such Order shall cease to have effect.

Offence to carry on protected industry without a licence

6 of 1969, s. 3

6. Any person who carries on a protected industry except under the authority of a licence issued under the provisions of this Act is guilty of an offence and shall be liable upon conviction to a fine of two hundred dollars, and in the case of a continuing offence to a fine of twenty dollars for each day during which the offence continues:

Provided that nothing in this section contained shall apply to the carrying on of any protected industry during the period of three months commencing on the date of its declaration as a protected industry, by a person who has applied for a licence under this Act to carry on that industry.

Grant of licence

LN 46A of 1978

7. The Minister may, upon application in writing made in that behalf and upon payment of such fee, if any, as may be prescribed, in his complete discretion, issue to any person a licence to carry on a protected industry.

Notification of application for licences to be advertised

6 of 1969, s. 4

LN 46A of 1978

8. For not less than one month before an application for a licence is considered by the Minister a notification that such application will be so considered shall be kept publicly advertised within Solomon Islands in such manner as the Minister shall direct.

Objections

6 of 1969, s. 4

LN 46A of 1978

9. Objections to the granting of a licence may be made in writing to the Minister to reach him at least three days before the date advertised under the provisions of section 8 and such objections shall be duly considered by the Minister before he shall reach a decision upon the application.

Conditions

6 of 1969, s. 4

LN 46A of 1978

6 of 1980, s. 2

10. Every licence issued under the provisions of this Act shall be subject to the following conditions—

- (a) that the licensee shall, in the conduct of a licensed industry, comply with the conditions of the law for the time being in force in Solomon Islands;
- (b) that the licensee shall submit to the Minister such accounts, or information in relation to the accounts, of, or in connection with, the licensed industry as the Minister may from time to time require and in such form and with such certification, if any, as the Minister may specify;
- (c) that the licensee shall begin the operations covered by the licence within a specified time and shall diligently carry on the same during the period of the licence;
- (d) such other conditions whether similar to the foregoing or not as the Minister may deem fit to impose.

Additional conditions may be attached to certain licences

LN 46A of 1978

11. Where a licence includes the purchase of raw materials in Solomon Islands, the following additional conditions may be imposed either upon the issue of a licence or subsequently—

- (a) a condition specifying the maximum prices to be paid by the licensee for the purchase or collection of such raw materials and providing for a periodical review of such prices at not less frequent intervals than once annually;
- (b) a condition that the licensee will accept all such raw materials offered to him which conform to a specified standard and such other conditions relating to the purchase of such materials as may be fair and reasonable.

Maximum prices for sale of products

LN 46A of 1978

12. The maximum price at which the products of a licensed industry may be sold in Solomon Islands may be fixed in a manner to be prescribed by Rules and if so fixed the sale of such products at not more than the maximum price shall be deemed to be a condition of the licence.

Revocation of licence

LN 46A of 1978

13. The Minister may at any time revoke a licence issued under the provisions of this Act if he is satisfied after due inquiry and after giving the licensee an opportunity of making representations against the revocation, that the licensee has failed to observe or has contravened any of the conditions of the licence.

Transfer of licence

LN 46A of 1978

14. A licence granted under this Act shall not be transferred without the prior consent of the Minister. Any such licence which a licensee may transfer or purport to transfer without such consent as aforesaid shall forthwith become void and of no effect.

Period of validity of licence

LN 46A of 1978

15. A licence granted under this Act shall, subject to the other provisions thereof, be valid for so long as the Order protecting the industry remains in force or for such lesser period as may be specified by the Minister at the time of issue.

Licence holder not exempt from other licensing provisions

16. A licence granted under this Act shall not exempt the licensee from the licensing provisions of any other law for the time being in force relating to licences or otherwise.

Rules

LN 46A of 1978

17. The Minister may make Rules for prescribing anything that may be prescribed under the provisions of this Act and for the purpose of the better carrying out of the objects of this Act.

CHAPTER 177 PROTECTED INDUSTRIES

Subsidiary Legislation

ORDERS DECLARING PROTECTED INDUSTRIES

(Section 3)

Nature of Industry

1. Manufacture of Paints and Varnishes <i>LN 82/1983</i>	24.9.1983
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The manufacturing of Paints and Varnishes.

2. Manufacture of Cheezepop <i>LN 83/1983</i>	24.9.1983
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The manufacture of cheezepop products.

3. Processing of Colour Films <i>LN 80/1985</i>	6.9.1985
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The processing of colour films within one hour.

4. Manufacture of Prefabricated Wooden Buildings <i>LN 96/1986</i>	5.9.1986
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The Prefabricated (i.e in panel form) Manufacturing of Wooden Buildings.

5. Flip-Flops Manufacture
LN 73/1987

17.7.1987

The manufacture of flip-flop products.

6. Slaughter of Cattle
LN 59/1979

21.7.1980

The terms of this Order are as follows:—

1. This Order may be cited as the Protected Industries (Slaughter of Cattle) Order, and shall take effect from 21st July 1980.

LN 34/1980

2. The industry set out in the Schedule to this Order is hereby declared to be a protected industry for the purpose of the said Act.

3. This Order shall apply to all that area of land situated on the island of Guadalcanal commencing at the mouth of the POHULA RIVER proceeding generally eastwards along the north coast to the mouth of MBOKOKIMBO RIVER, then south along the west bank of that river to a point ten miles inland, then generally westwards parallel to the north coast to a point at map reference 5757E 89595 on the HOLLAVA RIVER then by straight line north-east to the source of the Pohula River then by its east bank to the point of commencement, as more particularly delineated on Plan 2186 deposited in the office of the Commissioner of Lands, Honiara.

SCHEDULE

The slaughter of cattle the meat of which is intended for sale to the public.

7. Baking of Hot Bread
LN 114/1986

3.10.1986

The terms of this Order are as follows:—

1. This Order may be cited as the Protected Industries (Baking of Hot Bread) Order and shall come into operation on the date of publication.

2. The industry set out in the Schedule hereto is declared to be a protected industry for the purposes of this Act.

3. For the purposes of this Order the term "baking of hot bread" means the baking and selling of bread, rolls, buns, biscuits, tarts, cakes, pies, confectionary, pastry or sweetmeats in the same premises which such products are sold to the public either immediately after baking or later on the same day.

4. This Order applies throughout the area of authority of the Honiara Town Council.

SCHEDULE

Baking of Hot Bread

THE PROTECTED INDUSTRIES (LICENCE FEES) RULES

LN 35/1990

(Section 17)

[16th March 1990]

1. These Rules may be cited as the Protected Industries (Licence Fees) Rules.
 2. The fee payable upon issue of a licence under section 7 of the Act shall be:—
 - (a) in the case of a first licence issued to any person to carry on a protected industry, one thousand dollars (\$1,000), and
 - (b) in the case of a second or subsequent licence issued to the same person, his heirs or assigns, to carry on the protected industry, one thousand dollars (\$1,000).
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