

LICENCES (AMENDMENT) BILL, 2024*(Bill No. 1 of 2024)***OBJECTS AND REASONS**

This Bill, among other things, seeks to amend sections 1, 2, 20, 28, 30 and the Schedule of the Licences Act, 2010 —

- (a) to insert a new section 1A to provide that the Act shall not apply where any other law provides for licensing a business activity;
- (b) to define in section 2, the words “fixed penalty” and “provisional licence” and to modify the definition of “Minister”;
- (c) to repeal section 20(3) which is a consequential amendment to section 30;
- (d) to make amendment in the chapeau of section 20 and amend section 20(4) which are consequential to the insertion of new section IA;
- (e) to insert a new section 22A to authorise the Authority to issue provisional licence;
- (f) to insert a new section 28A for imposing fixed penalty;
- (g) to repeal subsections (2) and (3) of section 30 and substitute them with new subsections to save all those regulations that were in force before under the repealed Licences Act 1986 and to validate all licences issued and actions taken under the unsaved regulations, including amendments made to those regulations;
- (h) to amend the Schedule which is consequential to the amendment of section 30 and to delete two business activities from the Schedule for which there are other laws to issue licence.

Dated this 18th day of March, 2024.

**DEVIKA VIDOT
MINISTER OF INVESTMENT,
ENTREPRENEURSHIP AND INDUSTRY**

LICENCES (AMENDMENT) BILL, 2024

(Bill No. 1 of 2024)

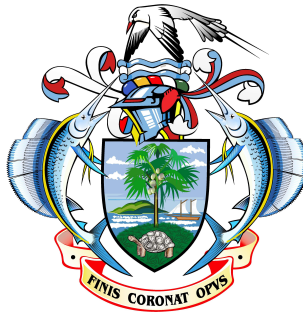
ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Insertion of section IA
3. Amendment of section 2
4. Amendment of section 20
5. Insertion of section 22A
6. Insertion of section 28A
7. Amendment of section 30
8. Amendment of Schedule

LICENCES (AMENDMENT) BILL, 2024

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A BILL

FOR

AN ACT TO AMEND THE LICENCES ACT, CAP 113.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Licences (Amendment) Act, 2024.

Insertion of section 1A

2. The Licences Act (Cap 113), (in this Act referred to as the “principal Act”) is amended by inserting after section 1, the following new section —

“Application

1A. This Act shall not apply where any other written law provides for issuing a licence for any business activity under that law.”.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by adding after the definition of “Chief Executive Officer”, the following definition —

“ “fixed penalty” means the fixed penalty for an offence under this Act or regulations made under this Act offering to a person an opportunity to discharge his or her liability to conviction for that offence on payment of the fixed penalty;” and

(b) by repealing the definition of “Minister” and substituting therefor the following definitions —

“ “Minister” means the Minister responsible for Investment; and

“provisional licence” means a provisional licence issued in terms of section 22A.”.

Amendment of section 20

4. Section 20 of the principal Act is amended —

(a) by repealing the chapeau of subsection (1) and substituting it with the following chapeau —

“No person shall”; and

(b) by repealing subsections (3) and (4).

Insertion of section 22A

5. The principal Act is amended by inserting immediately after section 22, the following new section —

“Provisional licence

22A.(1) The Authority may issue a provisional licence for a business activity which is not a business activity listed under the Schedule and there exists no written law regulating such business activity.

(2) A provisional licence issued under subsection (1) shall be issued in such manner and be subject to such conditions as may be prescribed.

(3) The Minister may make regulations providing, among other things, a framework for making applications and their evaluation, and applicable fees and other charges.”

Insertion of section 28A

6. The principal Act is amended by inserting, immediately after section 28, the following new section —

“Fixed penalty

28A.(1) Where an officer authorised by the Authority or a police officer has reason to believe that a person is committing or has committed an offence under this Act or under the regulations issued under this Act, the Authority or the police officer may serve that person notice in writing in such form as may be prescribed, offering an opportunity to discharge the person's liability to conviction for that offence by paying the fixed penalty.

(2) The Minister may prescribe by regulations, among

other things, the offences for which a fixed penalty may be imposed, officers authorised for issuing a notice and the form of notice to be issued under subsection (1), the manner of payment of the fixed penalty and the consequence of nonpayment of the fixed penalty.”.

Amendment of section 30

7. Section 30 of the principal Act is amended by repealing subsections (2) and (3) and substituting them with the following subsections —

“(2) Notwithstanding the repeal under subsection (1) —

- (a) any statutory instrument made under the Licences Act, 1986 and in force immediately prior to the date of coming into operation of the principal Act shall continue in force unless revoked or amended under the principal Act; and
- (b) any licence issued under the Licences Act, 1986 and in force immediately prior to the date of coming into operation of the principal Act shall continue in force unless revoked or amended under the principal Act, and the Authority may exercise any of its functions and powers under this Act in respect of such a licence as if it were a licence granted under the principal Act.

(3) All amendments made to the Regulations under the principal Act, but not in PART II of the Schedule to the principal Act shall be deemed to have been issued as if those Regulations were included in PART II of the principal Act and any licence issued under those Regulations is declared to be valid and effectual for all intents and purposes as if it had been issued under the principal Act.”.

Amendment of Schedule

8. The Schedule to the principal Act is amended by —
- (a) repealing the word and roman numeral “PART I”;
 - (b) repealing the entries “14. Dive Centre; 15. Dive operator; 24. Operator of Casino;” and
 - (c) repealing PART II and the entries thereunder.