BUSINESS LICENCE AMENDMENT REGULATIONS
2018

SAMOA

Arrangement of Provisions

1. Citation and commencement
2. Regulation 2 amended
3. Regulation 4 amended
4. New regulation 7 inserted
5. New Schedule inserted
6. Savings
Pursuant to section 6(3) and 19 of the Business Licences Act 1998, I, Tuimalaliifano Va'aletoa Sualauvi II, Head of State of the Independent State of Samoa, acting on the advice of Cabinet, make these Regulations—

Dated this 13th day of December 2018.

(Tuimalaliifano Va'aletoa Sualauvi II)
Head of State

Part I
Preliminary

1. Citation and commencement—These Regulations may be cited as the Business Licence Amendment Regulations 2018 and commence on the date of assent.

2. Regulation 2 amended—In regulation 2 of the Business Licence Regulations 2012 ("principal Regulations") insert in its alphabetical order the following new definition:

""beneficial owner" means any natural person who ultimately owns or controls any person on whose behalf a transaction is being conducted and includes any person who exercises ultimate control over a legal person or an arrangement."

3. Regulation 4 amended—After regulation 4(d) of the principal Regulations, insert:

"(c) a person that has been issued a licence under regulation 3(b), (c), (d), (f), (g) must notify the Commissioner in writing when there has been a change of ownership to the company at least 14 days before the transfer takes place."

4. New regulation 7 inserted—After regulation 6 of the principal Regulations, insert:
“7. **Business Licence Particulars:** The following particulars must be provided together with an application for a licence:

(a) Site map of business location;
(b) Legal form of identification with a photo of applicant, shareholders or directors where applicable;
(c) Beneficial Owner (ultimate owner) of the business;
(d) Bank account of business to show evidence of capital of funding of business;
(e) Company Certificate of Incorporation (if applicable);
(f) Partnership Agreement (if applicable);
(g) Deed of Trust (if applicable);
(h) Foreign Investment Certificate (if applicable);
(i) Applicable license fees;
(j) Health Compliance Certificate (for business involves fast – food and related activities);
(k) Samoa Tourism Authority Confirmation (for tourist accommodations and related activities);
(l) Qualifications/Credentials (for specialized professions);
(m) Ministry of Finance Licence to operate Petrol station (if applicable);
(n) bingo licence issued under the Gaming Control Act 2017 to conduct bingo (if applicable)."

5. **New Schedule inserted** – After new regulation 7, insert:

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**SCHEDULE**
(Business License Fees)

<table>
<thead>
<tr>
<th>Classes of license</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sole trader</td>
<td>$352.00</td>
</tr>
<tr>
<td>Company</td>
<td>$800.00</td>
</tr>
<tr>
<td>Special business</td>
<td>$50.00 <em>per day.</em></td>
</tr>
</tbody>
</table>
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6. **Savings** – Any business licence fee collected by the Ministry from 1 January 2018 is validated as if it were collected under these Regulations.