

Enclosure.

FEDERAL ORDINANCE No. 29.—AN ORDINANCE TO PROVIDE FOR THE ISSUE OF TRADING LICENSES.

BE IT ENACTED by the Federal Council of the Cook Islands as follows:—

1. The Short Title of this Ordinance is the Trading License Ordinance, 1909.
2. It shall be unlawful to sell or barter goods (other than goods wholly the produce of the Cook Islands) in or from any building, vessel, vehicle, horse, or pack, or in or from any other place, without first obtaining a license therefor in accordance with the provisions of this Ordinance.
3. Licenses shall be of the following kinds:—
 - (a.) Wholesale Trading License, which shall entitle the holder to sell or barter goods in a wholesale and retail manner.
 - (b.) Retail Trading License, which shall entitle the holder to sell or barter goods in a retail manner only—that is, for consumption and not for resale.
 - (c.) Trading Vessel's License, which shall entitle the holder to sell or barter goods in a wholesale and retail manner in or from any vessel or boat.
 - (d.) Hawker's and Pedlar's Trading License, which shall entitle the holder to sell or barter goods from a vehicle, horse, or pack: Provided that any person holding a wholesale or retail trading license and selling bread from a vehicle, horse, or pack shall not be required to hold a hawker's or pedlar's license.
 - (e.) Accommodation-house Trading License, which shall entitle the holder to sell the following goods (in addition to food and provisions for consumption on the premises)—viz., tobacco, cigars, cigarettes, matches, playing-cards, post-cards, and temperance drinks—from any house or building used for the accommodation of the public, and which house or building has been approved of in writing by the Resident Commissioner as being fit for the accommodation of the public.
4. The fees for trading licenses shall be as follows:—
 - (a.) Wholesale Trading License, ten pounds per annum, payable quarterly in advance on the first day of January, April, July, and October in each year.
 - (b.) Retail Trading License, five pounds per annum, payable quarterly in advance on the first day of January, April, July, and October in each year.
 - (c.) Trading Vessel's License, ten pounds per annum, payable yearly in advance on the first day of January in each year.
 - (d.) Hawker's or Pedlar's Trading License, twenty pounds per annum, payable yearly in advance on the first day of January in each year.
 - (e.) Accommodation-house Trading License, two pounds ten shillings per annum, payable half-yearly in advance on the first days of January and July in each year. The same fee shall be charged for a license for any portion of a term as for a whole term.
5. All licenses shall be issued by the Collector of Customs at Rarotonga, or by the European Resident Agent, at any island under his jurisdiction. All fees received for licenses shall be paid into the Treasury at Rarotonga, and shall form part of the general revenue of the Cook Islands.
6. Any person or company having more than one store used for trading purposes shall obtain a wholesale license for the principal store, and a retail license for each store in addition. Should more than one person be interested in a store or stores they shall be liable to pay for one license only in respect of each store.
7. Whoever shall sell or barter goods (other than goods wholly the produce of the Cook Islands) in or from any building, vessel, vehicle, horse, pack, or in or from any other place or thing, without first having obtained a license therefor in accordance with the provisions of this Ordinance shall, on conviction, be liable to a fine not exceeding ten pounds in addition to payment of the proper license fee, or in default of payment shall be liable to imprisonment with or without hard labour for a period not exceeding three months: Provided always that any person about to leave the Cook Islands may sell by public auction or private contract all or any of his household furniture or effects which have been in his use for not less than six months prior to such sale; but such person shall first obtain the written authority of the Collector of Customs at Rarotonga, or of a European Resident Agent at any other island, for such sale.
8. Whoever shall purchase or barter goods (other than goods wholly the produce of the Cook Islands) from or with any person who has not obtained a license in accordance with the provisions of this Ordinance, knowing such person to be unlicensed, shall, on conviction, be liable to the same penalty as such unlicensed person.
9. Every person obtaining a license under the provisions of this Ordinance shall exhibit and keep exhibited such license in some conspicuous part of the building, vessel, or vehicle, or other place named in such license. Any person who shall fail to observe the provisions of this section shall be liable, on conviction, to a fine not exceeding two pounds.
10. The burden of proof of not having violated any of the provisions of this Ordinance shall rest with the accused.
11. All complaints for offences under this Ordinance shall be heard before the High Court of the Cook Islands or before the European Resident Agent at the island where the offence was committed.
12. Licenses issued under this Ordinance shall be in the form set out in the Schedule hereto.
13. The Trader's License Act, 1898, and all regulations made thereunder, the Trader's License Extension Ordinance, 1901, and the Trading Schooner Ordinance, 1903, are hereby repealed.