

# CONSOLIDATION OF BUSINESS LICENCE ACT

R.S.N.W.T. 1988,c.B-4

(Current to: January 12, 2011)

## AS AMENDED BY NUNAVUT STATUTES :

S.Nu. 2007,c.15,s.177(Sch.,s.1)

s.177(Sch.,s.1) in force April 1, 2008: SI-003-2008

S.Nu. 2010,c.4,s.6

s.6 in force March 23, 2010

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A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

Territorial Printer  
Legislation Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000, Station 550  
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305  
Fax: (867) 975-6189  
Email: [Territorial.Printer@gov.nu.ca](mailto:Territorial.Printer@gov.nu.ca)

## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## BUSINESS LICENCE ACT

### INTERPRETATION

#### Definition of "business"

**1.** In this Act, "business" includes a profession, trade, manufacture or undertaking and includes an adventure or concern in the nature of trade but does not include an office or employment.

### APPLICATION

#### Application

**2.** (1) Subject to subsections (2) and (3), this Act applies to all businesses that are carried on in the Nunavut.

#### Exceptions

(2) This Act does not apply to

- (a) a business that is licensed under another Act, except a business licensed under the *Wildlife Act*;
- (b) the occupation of farmers, ranchers, trappers, farm labourers, domestic servants or unskilled labourers;
- (c) the business of operating taxis in a municipality;
- (d) the business of renting motor vehicles in a municipality;
- (e) a business carried on by a person in the course of exercising his or her rights under a permit, licence or lease issued under an Act of Canada governing the administration of lands in the Nunavut belonging to the Crown;
- (f) a business that is exempted from this Act under subsection (3); and
- (g) the business of publishing and distributing a newspaper or a magazine.

#### Exemption

(3) The Commissioner may, by order, exempt a business from the operation of this Act.

#### Compliance with other Acts

(4) Nothing in this Act relieves a person from an obligation to obtain a licence, permit or certificate under or from complying with another Act. S.Nu. 2010,c.4,s.6(2),(6).

### REGISTRATION AND LICENCES

#### Prohibition

**3.** No person shall carry on a business unless he or she is registered or holds a licence issued under this Act and the regulations.

### Registration and issue of licences

**4.** (1) The Minister may make registrations and issue licences under this Act and the regulations.

### Refusal

(2) The Minister may, in the discretion of the Minister, refuse to register or issue a licence to a person who is required by the *Workers' Compensation Act* to maintain insurance for the protection of his or her workers where the person fails to produce satisfactory evidence showing that he or she has complied with the *Workers' Compensation Act*.

### Suspension or cancellation

(3) The Minister may suspend or cancel a registration or licence or renewal of a licence or may refuse the application of an applicant whose registration, licence or renewal of a licence has been cancelled

- (a) where the person is required by the *Workers' Compensation Act* to maintain insurance for the protection of his or her workers and has failed to comply with that Act; or
  - (b) on any grounds that the Minister considers sufficient.
- S.Nu. 2007,c.15,s.177(Sch.,s.1(2)); S.Nu. 2010,c.4,s.6(3),(5)(a).

### Duration of registration and licence

**5.** Every registration, licence or renewal of a licence is valid from the date of issue to March 31 following the date of issue, unless it is expressly granted for a shorter period.

### Bond

**6.** (1) The Minister may require an applicant for registration or a licence or renewal of a licence to give the Minister a bond conditioned on compliance with this Act, the regulations and the terms of the bond, before the applicant may be registered or issued a licence or a renewal of a licence.

### Amount and terms of bond

(2) The Minister may fix the amount and the terms of a bond.

### Acceptance and default

(3) The Minister may accept a bond and determine the manner of dealing with a bond or the proceeds of a bond in case of default. S.Nu. 2010,c.4,s.6(4),(5)(b).

### Application for registration or licence

**7.** An application for registration, a licence or the transfer of a licence or registration must be in writing and state

- (a) the name, occupation and address of the applicant;
- (b) the nature of the registration or licence applied for;
- (c) the place where the business to be registered or licensed is to be carried on; and

- (d) where the applicant employs a worker, the arrangements made by the applicant to comply with the *Workers' Compensation Act*, or the reasons for not making those arrangements.  
S.Nu. 2007,c.15,s.177(Sch.,s.1(4)).

Fee

**8.** (1) An application for registration or for a licence must be accompanied by the prescribed fee.

Multiple establishments

(2) Where an applicant carries on a business at two or more establishments, the prescribed fee is payable in respect of each establishment.

Transfer of registration or licence

**9.** A person who wishes to transfer a registration or licence shall apply to the Minister in writing and provide, in addition to the information required by section 7, information that is necessarily incidental to the application. S.Nu. 2010,c.4,s.6(5)(c).

Production of licence

**10.** A person who holds a licence shall produce his or her licence when required to do so by the Minister, a person named by the Minister or a judge, justice of the peace or peace officer. S.Nu. 2010,c.4,s.6(5)(d).

## OFFENCES AND PUNISHMENT

Carrying on business without registration or licence

**11.** (1) Every person who contravenes section 3 is guilty of an offence and liable on summary conviction,

- (a) if an individual, to a fine not exceeding \$25 for each day that the individual carries on business in contravention of section 3; and
- (b) if a corporation, to a fine not exceeding \$100 for each day that the corporation carries on business in contravention of section 3.

General offence and punishment

(2) Every person who contravenes a provision of this Act or the regulations for which no specific punishment is provided, is guilty of an offence and liable on summary conviction,

- (a) if an individual, to a fine not exceeding \$50 and, in default of payment, to imprisonment for a term not exceeding 90 days; and
- (b) if a corporation, to a fine not exceeding \$200.

## REGULATIONS

## Regulations

**12.** The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting matters not otherwise provided for in this Act in connection with the registration of persons carrying on, engaged in or employed in a business;
- (b) respecting matters not otherwise provided for in this Act in connection with the licensing of persons carrying on, engaged in or employed in a business;
- (c) prescribing the duration of licences, the form and method of issuing licences and renewals of licences and the information that must accompany applications for licences and renewals of licences;
- (d) prescribing standards as to the nature and condition of the premises that an applicant for registration or for a licence is to occupy in carrying on his or her business;
- (e) prescribing equipment and facilities for the proper accommodation of the public required to be provided by an applicant for registration or for a licence;
- (f) prescribing the fees for a licence or renewal of a licence issued under this Act and a registration applied for or made under this Act;
- (g) prescribing the proof as to the character of an applicant to be submitted with an application for registration or a licence;
- (h) declaring that compliance with any regulation is required before a registration may be made or a licence issued or renewed;
- (i) prohibiting anything in the conduct, management or operation of a business that the Commissioner considers is not in the public interest;
- (j) exempting a business from the operation of this Act; and
- (k) for carrying out the purposes and provisions of this Act.