

EXECUTIVE COUNCIL.

No. 259.

Regulations made by the Officer Administering the Government in Council under section 7 of the Non-Ferrous Metal Industry Ordinance, 1919, Ordinance No. 1 of 1919, on the 12th day of June, 1919.

1. These Regulations may be cited as the Non-Ferrous Metal Industry Regulations, 1919.

2. There shall be excluded from dealings by way of wholesale trade within the meaning of the Ordinance, dealings in quantities below the following limits:—

Ores	25 tons	} During any one quarter of the year ending 31st March, 30th June, 30th September, and 31st December.
Zinc (Spelter)	10 tons	
Copper	10 tons	
Tin	10 tons	
Lead	20 tons	
Nickel	5 tons	
Aluminium	5 tons	

in the raw materials of usual commercial shapes or the equivalent thereto in forms of ores or concentrated material.

3. For the purposes of the Ordinance the expression "metal" shall include metal in any form whatsoever as it leaves the furnace or refinery being unwrought, also scrap and swarf of all sorts for re-melting.

4. The fee to be paid for the grant of a licence under the Ordinance shall be \$10 which shall be sent to the Colonial Secretary on application being made for a licence and shall be returned to the applicant if the licence is refused.

5.—(1) An application for a licence under the Ordinance shall be made to the Governor in Council in writing and shall be accompanied by Form 1 in the Schedule hereto which shall contain the information specified therein.

(2) The application shall be signed by the individual or a partner in the firm or a director of the corporation making the application. The Governor in Council may call for such further and other information as he may require.

6.—(1) The Governor in Council shall not refuse to grant a licence to a corporation, firm, or individual to which any of the conditions set forth in the First Schedule of the Ordinance apply or which is controlled by a corporation, firm, or individual in respect of which any such conditions apply, nor shall he revoke or suspend a licence without giving notice in writing to the applicant or holder of a licence, as the case may be, that he may within 21 days apply to the Governor in Council to be heard in support of his application for a licence, or to show cause why his licence should not be revoked or suspended.

(2) Any person to whom such notice is given and who desires to be so heard shall within 14 days from the date of the notice send to the Governor in Council a notice of application for a hearing on Form 2A or 2B of the Schedule hereto.

(3) Such application shall be accompanied by a statement of the grounds upon which the applicant claims that a licence should be granted to him, or that his licence should not be revoked or suspended.

(4) Such statement shall be signed by the individual or a partner in the firm or a director of the corporation making the application.

(5) The Governor in Council may in any particular case require such statement to be verified by a statutory declaration.

(6) The Governor in Council may call for such further particulars of the grounds given in such application and for such documents as he may require, and may postpone the hearing of such application till such particulars or documents are furnished.

(7) The Governor in Council may hear the application in such manner as he shall deem expedient, and by such persons as he shall appoint for the purpose.

(8) The Governor in Council shall consider the facts found at such hearing and shall communicate his decision to the applicant in writing.

7. The time prescribed in the Regulations for doing any act thereunder may be enlarged by the Governor in Council on such terms as he may direct, and such enlargement may be granted though the time has expired for doing such act.

A. D. BALL,
Clerk of Councils.

COUNCIL CHAMBER,
12th June, 1919.

Schedule.

FORM 1.

(Particulars to be furnished with an Application for a Licence.)

1. Name and address of corporation, firm, or individual applying for a licence. (In the case of a firm, state the names and addresses of all partners.)
2. Date of registration of corporation, or commencement of business by firm or individual.
3. In the case of a corporation, the issued capital, with particulars of any different classes of shares and the rights attached thereto, and showing whether any bearer shares or debentures have been issued.
4. Nature of the business carried on or proposed to be carried on by the corporation, firm, or individual.
5. Lists of all places where the business is carried on and of all branches and agencies outside the Colony.
6. The full pre-names, surnames, and nationality of the individual, of each partner in the firm, or of the directors of the corporation, as the case may be, and of the managers or other principal officers, and of all persons who have been partners, directors, managers, or principal officers since the 1st August, 1914, with the dates of becoming and ceasing to be partner, director, manager, or principal officer.
7. In the event of there having been any change of name or nationality of any person mentioned in paragraph 6, the former pre-name or names, surname, nationality of origin and any intermediate nationality of such person, together with the date of change.
8. In the case of a corporation, the number of shareholders with particulars of the capital held by each of the five largest shareholders, showing their address, and present and any previous pre-names, and surnames and present and previous nationality.
9. In the case of an individual firm or corporation, particulars of any capital, securities or advance held or made by or on behalf of an enemy.
10. Particulars of any agreement, arrangement, or understanding between the applicant and any prohibited person or corporation under prohibited control, or agent for a prohibited person or corporation under prohibited control, which has been in operation since the 31st December, 1917.
11. Particulars of any interest by or on behalf of the applicant at any time since 31st December, 1917, in any undertaking, whether or not in the Colony, engaged in winning, extracting or smelting, dressing, refining, or dealing by way of wholesale trade in non-ferrous metals or ores in which any prohibited person or corporation under prohibited control was interested directly or indirectly to the extent of $\frac{1}{5}$ th or more of the capital profits or voting power.

Signature.....

Date.....

NOTE 1.—This form must be signed by the individual or by a member of the firm, or a director of the corporation applying for a licence.

NOTE 2.—“Capital” in relation to a corporation is defined in the First Schedule to the Ordinance as any shares or securities issued by the corporation which carry or would if the necessary formalities were complied with carry any voting power with respect to the management of the corporation, and as including debentures and debenture stock and money lent to the corporation.

NOTE 3.—“Corporation under prohibited control” means any corporation :—

- (a) where the majority of the directors or the persons occupying the position of directors, by whatever name called, are prohibited persons; or
- (b) where the majority of the voting power is in the hands of persons who are prohibited persons, or who exercise their voting powers directly or indirectly on behalf of prohibited persons; or
- (c) where the control is by any means whatever in the hands of prohibited persons; or
- (d) where the executive is an enemy controlled corporation, or where the majority of the executive are appointed by an enemy controlled corporation, within the meaning of paragraphs (a), (b), or (c) of this clause.

NOTE 4.—The term “prohibited person” includes every person who is or at any time has been a subject of any state which on the 31st day of December, 1917, was at war with His Majesty.

FORM 2A.

Application for Hearing.

I (we) apply to be heard in support of my (our) application for a licence under the Non-Ferrous Metal Industry Ordinance, 1919.

The ground on which I (we) claim that a licence should be granted to me (us) are :—

Signature.....

Date.....

To the Governor in Council.

FORM 2B.

Application for Hearing.

I (we) apply to be heard to show cause why the licence granted to me (us) under the Non-Ferrous Metal Industry Ordinance, 1919, should not be revoked or suspended.

The ground on which I (we) claim that my (our) licence should not be revoked or suspended are :—

Signature.....

Date.....

To the Governor in Council.