

109. Licensing of suppliers

- (1) A person, other than a person holding a permit, may, in accordance with subsection (2), apply to the Commissioner to be licensed under this Part as a licensed supplier.
- (2) An application under subsection (1) shall be made in writing, in a form approved by the Commissioner, specifying —
 - (a) the address of the place of business within the State at which tickets and records required under this Part to be maintained are to be kept; and
 - (b) such other particulars as the Commissioner requires,and shall be accompanied by a fee of the prescribed amount or, where no amount is prescribed, \$25.
- (3) The fee mentioned in subsection (2) shall be refunded if the application is refused.
- (4) In considering an application under subsection (1), the Commissioner may have regard to the financial circumstances of the applicant and such other matters as the Commissioner considers relevant and, without limiting the grounds on which an application may be refused, the Commissioner may refuse an application on the ground that —
 - (a) the applicant has an interest in a body corporate that holds a licence;
 - (b) the applicant is a body corporate and a person having an interest in the body corporate holds a licence or has an interest in another body corporate that holds a licence; or
 - (c) the applicant or, where the applicant is a body corporate, the body corporate or a person having an interest in the body corporate has previously held a licence, or had an interest in a body corporate that held a licence, which licence was cancelled under this Part.
- (5) For the purposes of subsection (4), a person has an interest in a body corporate if —
 - (a) he holds office as a director of the body corporate;
 - (b) he holds any share, or has a beneficial interest in any share, in that body corporate;
 - (c) he holds any unit in a unit trust scheme as defined in section 63 of which the body corporate is the trustee;
 - (d) he has an interest as a beneficiary under a trust of which the body corporate is the trustee; or
 - (e) he may, as the result of the exercise of a power or discretion by the body corporate, benefit under a discretionary trust.
- (6) The Commissioner may issue to a person making an application under subsection (1) a licence in a form approved by the Commissioner and a licence so issued —
 - (a) is not transferable and relates only to the person to whom it is issued but extends to the conduct of business by that person in the capacity of a trustee; and
 - (b) has effect until it is cancelled or surrendered under this Part.

[Section 109 inserted by No. 19 of 1985 s.17; amended by No. 22 of 1998 s.55.]