CHAPTER 200.

BUSINESS, PROFESSIONS AND TRADE LICENCES.

(1*st January*, 1990.) 10/1989

1. This Act may be cited as the Business, Professions and Trade Licences Act. Short title.

2. In this Act— Interpretation.

"business or trade" means any operation of a commercial character by which a trader provides to customers for fee or reward any kind of goods or services;

"licence" means any business, profession or trade licence issued under section 6;

"licensee" means a person to whom a licence has been granted under this Act;

"marine products" means fish, turtle, whelks, conch, sponge, corals and any other natural product of the sea;

"non-belonger" means any person other than a person deemed to belong to the Virgin Islands under the provisions of section 2 (2) of the Virgin Islands Constitution Order, 1976 and includes a non-belonger company as defined in section 2 of the Non-belongers Land Holding Regulation Act; Cap. 122.

"prescribed" means prescribed by regulation under this Act;

"profession" includes any vocation;

"sell" includes barter or offer or expose for sale or barter, or cause to be sold, bartered of offered or exposed for sale or barter;

"Trade Inspector" means a public officer designated as a Trade Inspector under section 18 and includes any officer acting under the authority in writing of such Inspector.

Business, Profession or Trade Licence. First Schedule.

3. (1) Notwithstanding the provisions of any other Act, no person shall engage in a business, profession or trade as set out in the First Schedule, or otherwise, without first having obtained a licence for that purpose.

(2) The provisions of subsection (1) shall not apply to the selling of any locally produced unprocessed agricultural products or any marine products by a belonger.

Businesses etc. not covered in First Schedule.

4. (1) A person who is engaged in any business, profession or trade that is not set out in the First Schedule, shall submit a written application to the Minister for the grant of a licence.

(2) The provisions of paragraphs (*a*) and (*b*) of subsection (2) of section 5, relating to the furnishing of information by an applicant, shall apply in respect of an application submitted under subsection (1) of this section, and where an application is approved under this Act, the applicant shall upon payment of the licence fee as may be determined by the Minister be issued a licence.

Procedure for making application for licence.

5. (1) An application for a licence for a business, profession or trade set out in the First Schedule, shall be in the prescribed form and be forwarded to the Minister in duplicate.

(2) Where an applicant is—

(*a*) an individual, such applicant shall furnish information together with the prescribed form concerning his identity, personal history, experience, business record or any conviction of any offence (which is a felony or misdemeanour) involving moral turpitude in the jurisdiction where the offence occurred, and any other pertinent facts that the Minister may reasonably require;

(*b*) a firm or body corporate, the applicant shall designate every partner of that firm and every director of that body corporate and each officer, or employee who will exercise the powers to be conferred by the licence upon such firm or body corporate, and the Minister may require any such partner, director, officer or employee, as the case may be, to furnish him with the information required of applicants under paragraph (*a*).

(3) Where the holder of a licence is a firm or body corporate, then if at any time a change occurs in the persons who are partners or directors of that firm or body corporate,

as the case may be, the licensee shall as soon as reasonably practicable after that serve on the Minister a notice giving particulars of the change.

Grant and issue of licence.

6. (1) The Minister may, on receipt of an application under subsection (1) of section 4, or subsection (1) of section 5, approve or disapprove the application.

(2) Where the Minister—

(*a*) approves an application he shall issue a licence subject to such terms and conditions as he may determine, and where the applicant is a non-belonger require such applicant to deposit such sum of money as may be determined by the Minister for securing payment of any wages and taxes that may be incurred in respect of such business, trade or profession;

(*b*) disapproves an application he shall within a period of seven days of disapproval notify the applicant setting out the grounds of such disapproval.

Form of licence. Second Schedule.

7. A licence issued under this Act shall be in the form set out in the Second Schedule.

Fees for licences.

First Schedule.

8. (1) On the issue of a licence under this Act the applicant shall pay to the Accountant General the prescribed fee, set out in the First Schedule, or a fee determined by the Minister in respect of an application under section 4.

(2) Where several businesses, professions or trades in respect of which licences are required under section 3, are carried on in the same premises, the licence fee payable in respect of each such business, profession or trade shall be the licence fee fixed in respect of such business, profession or trade as set out in the First Schedule.

(3) In respect of a licence issued after 31st March in any year, the licensee shall pay the proportionate amount of the annual fee for the remaining quarter of the year, and for the purpose of computing the proportionate amount every portion of a quarter of the year shall be computed as a full quarter.

Licence to named person.

9. Every licence issued to a person under this Act other than an itinerant vendor shall—

(*a*) entitle the licensee for the period specified in the licence, to carry on the specified business, profession or trade from the place designated in the licence;

(*b*) subject to subsection (2) of section 6, be put into active use in the business, profession or trade for which the licence was granted within ninety days or such further period as may be determined by the Minister following the issuance of such licence, subject to automatic revocation of the licence if not put into active use within such time.

Inspection of licensed premises.

10. A Trade Inspector may, after the issue of a licence, inspect any building or premises during normal working hours, to verify that the business, profession or trade being carried on at such building or premises complies with the terms or conditions of the licence.

Production of licences.

11. Every person who is required by this Act to obtain a licence shall produce that licence for inspection to the Trade Inspector or to a police officer when so requested by such Inspector or officer.

Duration and renewal of licences.

12. Every licence issued under this Act shall expire on the thirty-first day of December in the year in which that licence was issued and may be renewed thereafter upon application and the payment of the prescribed fee.

Penalty for default.

13. Where a licence is not renewed within a period of thirty days after the expiry of such licence, the defaulter shall pay in addition to the licence fee, a penalty of a sum equivalent to ten per cent of the licence fee, for every month or part thereof during which such default continues.

Transfer of licence.

14. The Minister may upon such terms and conditions as he deems appropriate transfer a licence granted under this Act to the appointee of the licensee, or in the event of the death of the licensee to his personal representative, or to the appointee of such personal representative; and such transfer shall, upon the payment of a transfer fee of a sum equivalent to twenty per cent of the licence fee, be made by endorsement on the original licence in the prescribed form.

Notice by licence holder.

15. (1) Every holder of a licence shall keep his licence affixed in some conspicuous place on the premises where he carries on his business, profession or trade.

(2) Any person who acts in contravention of this section is guilty of an offence.

Licence required for each premises.

16. (1) A person who desires to carry on a business, profession or trade on any premises other than in the principal place where the business, profession or trade is being carried out shall first obtain from the Minister a licence for that purpose in respect of each such premises in addition to the licence already obtained for his principal place of business, profession or trade.

(2) For each additional premises in respect of a business, profession or trade, the applicant shall pay a licence fee of a sum equivalent to fifty per cent of the business, profession or trade licence fee, paid in respect of his principal place of business, profession or trade.

(3) Any person who acts in contravention of this section is guilty of an offence.

Revocation of licence.

17. The Minister may revoke a licence—

(*a*) for contravention of any condition subject to which the licence is granted;

(*b*) where he is of the opinion that the licensee is carrying on a business, profession or trade in a manner detrimental to the public interest;

(*c*) where the licensee is a company—

(i) the company concerned has ceased to carry on business in the Territory;

(ii) the company concerned goes into liquidation or is wound up or otherwise dissolved; or

(iii) if the company concerned fails to comply with any directive or requirement issued by the Minister under this Act.

Minister's power to designate officers.

18. For the purposes of this Act, the Minister may designate any public officer employed in the Ministry of Trade to function as a Trade Inspector.

Functions of Trade Inspector.

19. A Trade Inspector may—

(*a*) enter and inspect during normal working hours any premises where a business, profession or trade is conducted under a licence issued under this Act;

(*b*) make enquiries to ascertain whether the provisions of this Act are being complied with by the licensee;

(*c*) examine any record kept on those premises and required for the purpose of an enquiry under paragraph (*b*), and take copies of extracts of such records; and

(*d*) where any record required under paragraph (*b*) is not available for examination, request the licensee to provide such document within a period of forty-eight hours.

Identity of Trade Inspector.

20. (1) Every Trade Inspector shall be issued a certificate of his designation or other form of identification signed by the Minister and upon entering any premises where a business, profession or trade is conducted shall produce the certificate or other form of identification on demand by the proprietor or the person for the time being in charge of such business, profession or trade.

(2) Where a Trade Inspector enters any premises by virtue of the provisions of section 19, the proprietor or the person for the time being in charge of such business, profession or trade shall furnish him with the information required under section 19 (*c*).

Obstruction of Trade Inspector an offence.

21. A person who hinders, assaults or obstructs a Trade Inspector in the discharge of his functions under this Act, or refuses or neglects to answer a question or furnish any information required by a Trade Inspector is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for permitting premises to be used for offences against Cap. 178.

22. (1) A person holding a licence under this Act who permits the premises to be used for the commission of an offence under the Drugs (Prevention of Misuse) Act shall himself be guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment of twelve months and notwithstanding any other provisions of this Act in addition thereto the court before whom the case is heard may order that the licence be revoked forthwith and that such person be disqualified from holding any licence for such period not exceeding five years as the court may determine.

(2) For the purposes of this section if the holder of the licence is a firm or a body corporate then every partner of such firm or body corporate or if any director, secretary or officer of the body corporate or any manager or person in charge of the premises in respect of which the licence is held permits the commission of any offence under the Drugs (Prevention of Misuse) Act on such premises then both such person and the firm or body corporate shall be deemed guilty of an offence under subsection (1) and liable to the penalties specified thereunder.

Penalty for false declaration.

23. A person who makes any declaration required to be made by this Act knowing the same to be false in any material particular in regard to such declaration is liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars and in the case of a second or subsequent conviction, to imprisonment for a term not exceeding two years, or to a fine not exceeding one thousand dollars or in certain cases to both such imprisonment and fine.

General penalty.

24. Every person who contravenes any of the provisions of this Act for which no other punishment is expressly provided in this Act, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

Recovery of licence fee, fines, and penalties.

25. A licence fee payable under this Act and all fines and penalties imposed under this Act shall be recoverable summarily before a Magistrate under the provisions of the Magistrate's Code of Procedure Act, and proceedings for the recovery of such fine or penalty may be commenced at any time within the two years after the commission of the offence for which the penalty has been incurred.

Cap. 44.

Regulations.

26. The Minister may make regulations—

(*a*) prescribing the forms to be used for any of the purposes of this Act;

(*b*) prescribing the limit as to the number of licences that may be issued to non-belongers from time to time, either generally or in relation to a particular business, profession or trade in relation to any district or any area; and

(*c*) for the purpose of giving effect to the objects and purposes of this Act.

Licence not authority for sale of intoxicating liquor.

27. A licence issued under this Act shall not be deemed to authorise the sale of intoxicating liquor or any other matter for the sale of which a licence is required by any other Act.

FIRST SCHEDULE.

Ss. 3, 4, 5 & 6.

LICENCE FEES.

Categories	Fee Belonger per annum $	Fee Non-Belonger per annum $
I AGENTS		
Travel and Ticket	100.00	300.00
Travelling Agent	50.00	350.00
II COMMERCIAL		
Accounts and Bookkeeping Services	50.00	400.00
Advertising Agency	50.00	400.00
Air Cargo Transportation	100.00	500.00
Air Charter Service	100.00	500.00
Answering Service	25.00	350.00
Automobile Towing Service	25.00	350.00
Baggage, Cargo, Mail Handling	25.00	350.00
Bakeries	50.00	200.00
Barber	50.00	350.00
Beauty Salons	50.00	350.00
Blasting and Demolition Service	50.00	400.00
Boat Rental	25.00	350.00
Book Store	50.00	400.00
Boutique	50.00	400.00
Bus and Taxi Transportation	50.00	400.00
Business Management or Consulting Firms	100.00	500.00
Butcheries	25.00	350.00
Cable Television and Antenna Service	100.00	500.00
Car Rental	50.00	300.00
Carpet Laying and Rental Service	50.00	400.00
Catering Service	25.00	350.00
Commercial Art Services/Artists Studio	50.00	400.00

Categories	Fee Belonger per annum $	Fee Non-Belonger per annum $
Commercial School	50.00	400.00
Commercial Ware Housing	50.00	400.00
Driving School	50.00	400.00
Drug Store	50.00	400.00
Dry Cleaning and Commercial Laundry or Laundromat	50.00	400.00
Employment Agency	50.00	400.00
Funeral Parlour	50.00	400.00
Garage and Repair Shop	50.00	400.00
Garbage Removal Service	75.00	400.00
Gasoline Bulk Storage	100.00	500.00
Gasoline Station	75.00	500.00
Grocery Store	25.00	500.00
Hardware	75.00	500.00
Horticulture and Maintenance Service	50.00	400.00
Insurance Company	150.00	450.00
Interior Decorating	50.00	400.00
Itinerant Vendor/Pedlar	10.00	200.00
Janitorial Service and Supply	50.00	400.00
Landscaping Consultant	50.00	500.00
Machine Shop	50.00	400.00
Marine Salvage and related Under Water Service	100.00	500.00
Mini Cruise Ships	200.00	500.00
Mobile Food Service and Refreshment Stand	25.00	350.00
Modelling Agency	25.00	350.00
Motor Vehicle Dealer (new & used)	100.00	500.00
Printing and Publishing House	100.00	500.00
Radio Station	100.00	500.00
Real Estate Agent, Broker and Manager	100.00	500.00
Rental and Lease of Equipment (office, gardening, etc.)	50.00	400.00
Repair Shop	50.00	400.00
Rental and Lease of Heavy Equipment	100.00	500.00

Categories	Fee Belonger per annum $	Fee Non-Belonger per annum $
Sailing School	100.00	500.00
*Salvage and Sale of Used Parts/ Wreckshop	50.00	400.00
Scooter and/or Motorcycle Rental	25.00	350.00
Scuba Diving School and Related Services	50.00	400.00
Secretarial Services	25.00	350.00
Security Guard Services	25.00	350.00
Sport and Entertainment Promoter	25.00	350.00
Superette	50.00	400.00
Supermarket	100.00	500.00
Telegraph Office	100.00	500.00
Television Station	100.00	500.00
Upholstery Shop	25.00	350.00
Variety Store	25.00	400.00
Welding Service	50.00	400.00
Wholesaler of Goods	75.00	450.00
Yacht and Boat Management and Charter	100.00	500.00
Yacht Brokerage and Sales	100.00	450.00
Yacht Provisioning	50.00	400.00
III ENTERTAINMENT		
Discotheque	50.00	400.00
Motion Picture Theatre	100.00	500.00
Transient Amusement Parks	50.00	400.00
IV HOTELS, RESTAURANTS, BARS, GUEST HOUSES AND APARTMENTS		
Apartment Rentals	50.00	400.00
Bars	25.00	350.00
Coffee Shops & Ice Cream Parlour	25.00	350.00
Guest Houses	50.00	400.00
Hotels	100.00	500.00
Restaurant and Bar	50.00	400.00
Vacation Home Rental	50.00	400.00
V MANUFACTURING		
Blenders and Bottlers of Alcoholic Beverages	100.00	450.00

*If part of garage, no charge

Categories	Fee Belonger per annum $	Fee Non-Belonger per annum $	
VI PROFESSIONS			
Manufacturing and Repair of Fiberglass Boats and Related Products		50.00	400.00
Manufacturing of Aerated Waters and/or Ice Manufacturers		50.00	500.00
Prime Distillers of Alcoholic Beverages		75.00	500.00
Accountants:			
A. Individual	100.00	500.00	
B. Company	200.00	600.00	
Architects:			
A. Individual	100.00	500.00	
B. Firm	200.00	600.00	
Barristers/Solicitors:			
A. Individual	100.00	500.00	
B. Firm	200.00	600.00	
Chiropractors	100.00	500.00	
Doctors/Dentists/Opticians:			
A. Individual	100.00	500.00	
B. Firm	200.00	600.00	
Veterinarians	100.00	500.00	
VII TRADES			
Construction/Contractor:			
A. Individual	100.00	500.00	
B. Firm	200.00	500.00	
Carpenters	50.00	400.00	
Draughtsmen } self-employed	50.00	400.00	
Electricians } self-employed	50.00	400.00	
Plumbers	50.00	400.00	

SECOND SCHEDULE.

S. 7.

TRADE DIVISION

CHIEF MINISTER'S OFFICE

GOVERNMENT OF THE BRITISH VIRGIN ISLANDS.

LICENCE NO. .....

Licence for a Business/Profession/Trade

Name and Address of Licensee .....

.....

has been duly Licensed to Engage in the Business/Profession/ Trade of.....

.....

Address of Licensed Premises .....

.....

Effective Date
Day Month Year

Expiration Date
Day Month Year

.....
Minister

Ministry of Trade

This Licence issued, subject to payment in full, will be in force until the day of , 19 .