

CHAPTER 347

THE PROFESSIONS LICENSING ACT

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PROFESSIONS LICENSING

*(1st January, 1982.)*23/1982.
15/1985.

1. This Act may be cited as the Professions Licensing Act, , **Short title.**

2. In this Act—

Interpretation.

"Commissioner" means the officer for the time being performing the duties of Commission of Inland Revenue and includes any officer duly authorised to act on his behalf;

"licensing year" means the period of twelve months commencing on the first day of January 1982 and each subsequent period of twelve months;

"Minister" means the Minister of Finance:

"non-citizen" has the same meaning as is given to the expression by the Non-citizens Land Holding Regulation Act;

"profession" means any independent engagement in the carrying on or practise whether in partnership or otherwise of any of the professions specified in Part I of the Schedule whether or not any such profession is carried on or practised by virtue of registration or admission to practise under any law in force in Antigua and Barbuda or in consequence of qualification by membership in any recognised governing body in any of the professions specified.

Cap. 293.

Requirement for licence to practise profession.

3. A person who wishes to practise a profession in Antigua and Barbuda on either a whole-time or part-time basis on his own account either separately or in partnership with any other person or as a body corporate or incorporate either aggregate or sole shall, before so doing, apply to the Commissioner for the grant of a licence so to do:

Provided that no such licence shall be required by any person carrying on the practise of a profession solely in the course of employment in the service of the Government or its agencies.

Application for licence.

4. An application for a licence under this Act shall be in writing in the form approved by the Commissioner.

Form and issue of licence.

5. Every licence granted under this Act shall be in the form approved by the Commissioner and shall be issued on payment by the applicant of the fee specified in Part II of the Schedule:

Provided that the fee for a licence in respect of the practice of a profession on and after 1st April, 1st July or 1st October in any year shall be three quarters, one half or one quarter (as the case may be) of the annual licence fee for that year:

Provided further that in any case where the Commissioner is satisfied that any person practising or intending to practise a profession is not or will not be so engaged on a full-time basis because of such person's full-time employment by any other person or because such person is over the age of seventy years, the licence fee payable shall be one thousand dollars for such profession.

6. In the case of an application for a licence by any person who claims to be liable to pay a licence fee at a rate less than the fee specified in Part II of the Schedule the Commissioner shall have power at any time by notice in writing addressed to such person at his place of business or last known place of residence to require the production to him by such person within a reasonable time of such information, documentary or otherwise, as to the Commissioner appears necessary to substantiate such claim.

Claim to pay Less than licence fee.

7. Where any person to whom this Act applies practises more than one profession a licence shall be required for the practice of each such profession.

More than one profession.

8. Subject as hereinafter provided as to revocation of a licence, every licence granted under this Act shall remain in force until the 31st day of December in the year in which it is issued.

Duration of licence.

9. (1) Notwithstanding any other provision in this Act the Commissioner shall grant a licence under this Act to a person who is a non-citizen only on production to him of a valid work permit granted to such person under the Antigua and Barbuda Labour Code enabling such person to practise the profession in respect of which application is made for a licence under this Act.

Non-Citizens: Refusal and revocation of licences. Cap. 27.

(2) The Commissioner shall revoke any licence granted under this Act to a person who is a non-citizen for any period of time in respect of which a work permit granted to such

Cap. 27. person under the Antigua and Barbuda Labour Code has been cancelled.

Licence fee. **10.** (1) The licence fee payable under this Act shall be paid, in the case of a person practising a profession on the date of the coming into force of this Act, within one month after such date, and shall be at the rate specified in Part II of the Schedule.

(2) The licence fee payable under this Act for a licensing year during which a person commences to practise a profession shall be paid within one month after the date on which the practice commenced and shall be at the rate specified in Part II of the Schedule.

Penalty for failure to licence. **11.** (1) Subject to section 10, any person who practises a profession in contravention of section 3 shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine of ten thousand dollars.

(2) When a person is convicted of an offence under subsection (1) of this section and the offence continues after that conviction he shall be guilty of a further offence against this Act and shall be liable to a further fine of five hundred dollars for each day or part thereof during which the offence continues.

Onus of proof. **12.** In any proceedings under this Act, the burden of proving that the provisions thereof have been complied with lies on the person against whom the proceedings were initiated.

Effect of failure to licence. **13.** Subject to section 10, any person, who practises a profession in contravention of section 3 shall not so long as that contravention subsists, be entitled to sue for or recover any payment or consideration for services rendered in respect of that profession.

Licence not to authorise certain acts. **14.** No licence issued under this Act shall authorise the practice of any profession for which any person requires a licence or permit under or is otherwise required to comply with conditions imposed by any other enactment.

15. (1) The Minister may by order amend Part I of the Schedule by adding to or deleting from the list of professions to which this Act applies. ^{Amendment of Schedule.}

(2) Every order made under this Section shall be subject to affirmative Resolution of the House.

SCHEDULE

Part I

Professions to which this Act applies

Barrister-at-Law or Solicitor
 Medical Practitioner (including Surgeon or Anaesthetist)
 Dental Practitioner
 Optometrist or Optician
 Veterinary Surgeon
 Accountant or Auditor
 Architect
 Land Surveyor
 Quantity Surveyor
 Civil Engineer
 Electrical Engineer
 Mechanical Engineer
 Structural Engineer
 Marine Engineer
 Insurance Adjuster or Assessor

Part II

Annual Licence Fee

Where the licence is in respect of a person who has been in private practice for—

5 years or less	— \$2,000
Over 5 years but less than 10 years	— \$3,500
10 years and over	— \$5,000
