

CHAPTER 434

THE TRADE LICENCES ACT

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TRADE LICENCES

(1st January, 1939.)

16/1938.
2/1942.
7/1949.
8/1966.
23/1968.
4/1969.
21/1973.
23/1976.
21/1977.
23/1977.
10/1980.
15/1985.
18/1989.

1. This Act may be cited as the Trade Licences Act. **Short title.**
2. In this Act— **Interpretation.**
- "City of Saint John's" means the area delineated and described in the First Schedule to the Property Tax Act and two miles in every direction of that area; **Cap. 348.**
- "Commissioner" means the officer for the time being performing the duties of Commissioner of Inland Revenue and includes any officer duly authorised to act on his behalf;
- "commission agent" means any person who is a *bona fide* resident in Antigua and Barbuda and who takes, solicits or receives orders for anything capable of being sold, bartered, traded in or exchanged, for and on his own behalf or on behalf of an individual, firm or body corporate, and includes such a person when canvassing for or soliciting insurance business;
- "pedlar" means a person who carries or exposes for sale any goods, not being the growth, produce or manufacture of Antigua and Barbuda, otherwise than in a building, and includes any person who offers for sale or sells any such goods from the Queens Warehouse without having a trade licence under this Act;

"travelling agent" means a person born outside Antigua and Barbuda or who is not a *bonafide* resident in Antigua and Barbuda who takes, solicits or receives orders for anything capable of being sold, bartered, traded in or exchanged, for and on his own behalf or on behalf of any individual, firm or company, and includes such a person when canvassing for or soliciting insurance business.

Trade Licences.

3. (1) No person, whether as owner or manager or otherwise shall carry on business as a merchant, store-keeper, shop-keeper or commission agent without first having obtained a trade licence from the Commissioner; and any person carrying on such business without having first obtained such licence shall be guilty of an offence against this Act:

Provided that no such licence shall be required for the business of selling livestock or produce of, or thing made or manufactured in, Antigua and Barbuda, or intoxicating liquor.

(2) The Governor-General may from time to time by Order declare that the provisions of this section shall apply to a person who conducts any business or class of business specified in the order.

Name of owner to be exhibited.

4. (1) Every owner or manager of a business licensed or required to be licensed under this Act shall cause to be painted or fixed, and shall keep painted or fixed in a conspicuous place on the outside of the building or premises where such business is carried on, the name of the firm or owner of such business.

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence against this Act.

Trade licence to apply to one establishment.

5. A trade licence shall apply to one mercantile establishment, store or shop and no more.

Production of trade licence.

6. The Commissioner or any police officer may enter any mercantile establishment, store, shop, office or premises where any business required to be licensed under this Act

is carried on and demand the production of the licence for inspection; and any merchant, store-keeper, or shop-keeper, or any person in charge of such mercantile establishment, store, shop, office or premises where any business required to be licensed under this Act is carried on refusing, failing or neglecting without lawful excuse to produce such licence shall be guilty of an offence against this Act.

7. (1) Any person who carries on the business of a travelling agent without having first obtained a licence in that behalf from the Commissioner shall be guilty of an offence against this Act. **Travelling agent's licences.**

(2) A travelling agent's licence may be taken out in the name of either the travelling agent or the individual, firm, or company for and on behalf of whom the travelling agent is acting.

8. Any person who carries on the business of a pedlar without having first obtained a licence in that behalf from the Commissioner shall be guilty of an offence against this Act. **Pedlar's licences.**

9. The Commissioner or any police officer may demand the production of a travelling agent's or pedlar's licence for inspection; and any person carrying on the business of a travelling agent or pedlar refusing, failing or neglecting without lawful excuse to produce such licence for inspection when called upon so to do shall be guilty of an offence against this Act. **Production of travelling agent's and pedlar's licences.**

10. An application for a licence under this Act shall be in writing in the prescribed form, and an applicant for a trade or pedlar's licence shall at the time of his application make the prescribed declaration; and it shall be lawful for the Commissioner at the time of such application to question any applicant in regard to any particulars in respect of which such declaration is required to be made. **Application for licence. Schedule A.**

11. (1) On the issue of a licence under this Act, the applicant shall pay to the Commissioner the prescribed fee. **Fees for licences. Schedule B.**

(2) In respect of a licence issued after the 31st day of March in any year, there shall be paid a sum bearing to the prescribed fee the same proportion as the unexpired portion of the year bears to the whole year, and for the purpose of computing such proportion every portion of a quarter of the year shall be counted as a quarter.

Form of licence.
Schedule C.

12. A licence issued under this Act shall be in the prescribed form.

Duration of
licence.

13. A licence issued under this Act shall, subject to section 17, remain in force until the 31st day of December in the year in which it is issued.

Transfer of
licence and issue
of duplicate.
Schedule D.

14. The Commissioner may transfer any trade or pedlar's licence granted under this Act to the appointee of the licensee, or in the event of death of the licensee to his personal representative, or to the appointee of such personal representative, and such transfer shall be made by endorsement on the original licence in the prescribed form.

Obstruction, &c.

15. Any person who resists, opposes, molests, hinders or obstructs the Commissioner or any police officer in the performance of any duty authorized by this Act shall be guilty of an offence against this Act.

Penalty.

16. Any person who commits an offence against this Act shall where no special penalty is provided be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months and in addition thereto may be ordered to pay any fee for which he is liable under this Act; and the payment of such fee, shall be enforced in the manner provided by the Magistrate's Code of Procedure Act for the enforcing of the payment of a fine or order made on complaint.

Cap. 255.

Penalty for per-
mitting premises
to be used for
offences against
the Misuse of
Drugs Act.
Cap. 283.

17. (1) Any person holding a trade licence under this Act who permits the premises the subject of such licence to be used for the commission of any offence under the Misuse of Drugs Act, shall himself be guilty of an offence and liable on summary conviction to a fine of three thousand dollars and to imprisonment for twelve months

and notwithstanding any other provisions of this Act in addition thereto the court before whom the case is heard may order that such person be disqualified from holding any trade 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 trade licence is a body corporate then 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 trade licence is held permits the commission of any offence under the Misuse of Drugs Act, on such premises then both such person and the body corporate shall be deemed guilty of an offence under subsection (1) and liable to the penalties specified thereunder.

18. Any person who makes any declaration required to be made by this Act knowing the same to be false in any material particular or makes any attempt to deceive the Commissioner in regard to such declaration shall be liable—

Penalty for false declaration or deceit of Commissioner.

(a) on summary conviction to imprisonment with or without hard labour for a term not exceeding six months, or to a fine not exceeding five thousand dollars;

(b) on conviction on indictment to imprisonment with or without hard labour for a term not exceeding one year, and in the case of a second or subsequent offence to imprisonment with or without hard labour for a term not exceeding two years, or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

19. No licence issued under this Act shall authorize the sale of intoxicating liquor or any other matter for the sale of which a licence is required by any other Act for the time being in force in Antigua and Barbuda.

Sale of intoxicating liquor not authorized by licence.

20. (1) Notwithstanding the provisions of this Act, and subject to the provisions of this section, the Commissioner may without assigning a reason, refuse to grant a licence under this Act and he may at any time revoke a licence granted under this Act either before or after the sixth day of July, 1966 to a non-resident.

Power to refuse and revoke a licence to non-residents.

(2) If a licence is revoked under this section, a proportionate part of the licence fee paid shall be refunded.

(3) A refusal or a revocation in accordance with subsection (1) shall be subject to appeal to the Governor-General.

Licences to non-residents.

(4) Notwithstanding anything contained in subsections (1), (2) and (3), the Commissioner shall not grant a licence under this Act to a non-resident without the approval of the Governor-General and he shall revoke a licence to a non-resident if the Governor-General so directs in writing.

(5) In this section—

"non-resident" means—

(a) in relation to an individual, a person other than—

- (i) a person born in Antigua and Barbuda; or
- (ii) a person born outside Antigua and Barbuda but who has resided in Antigua and Barbuda for the space of five consecutive years immediately preceding the application for a licence under this Act or has been carrying on business in Antigua and Barbuda for the space of one month immediately preceding the sixth day of July, 1966;

(b) in relation to a firm, a firm other than a firm which has carried on business in Antigua and Barbuda for the space of five consecutive years immediately preceding the sixth day of July, 1966, of which more than twenty per centum of the capital employed therein is owned by a non-resident individual or individuals.

SCHEDULE A

(Section 10.)

FORM OF APPLICATION FOR LICENCE

To the Commissioner of Inland Revenue:—

I, _____ of _____ hereby
make application for a _____ licence on behalf
of myself

PARTICULARS

1. State with particularity the nature of the business carried on.
2. State where the business is carried on, and if at more than one premises, where each such premises is situate.
3. State any agencies held.

I hereby certify that the foregoing particulars are true and correct.

Dated the _____ day of _____, 19____

(Signed)

| | | SCHEDULE B | | (Section 11.) | |
|----|---|--|--------|---|--------|
| | | Within the City of St. John's Citizens/ Non-Citizens | | Outside the City of St. John's Citizens/ Non-Citizens | |
| 1. | For a trade licence in respect of— | | | | |
| | (a) a wholesale business and distributorship | \$1000 | \$2000 | \$500 | \$1000 |
| | (b) a retail business | \$60 | \$120 | \$30 | \$60 |
| 2. | For a trade licence in respect of— | | | | |
| | (a) a single agency (representing one firm, company or individual); and | \$250 | \$500 | \$250 | \$500 |
| | (b) for each additional such agency | \$60 | \$120 | \$60 | \$120 |
| 3. | For travelling agent's licence | | | \$500 | |
| 4. | For a non-resident Pedlar's licence— | | | | |
| | (a) if resident in any of the East Caribbean Common Market States | | | \$500 | |
| | (b) If resident in any other State | | | \$1000 | |

SCHEDULE C

(Section 12.)

TRADE LICENCE

Antigua and Barbuda.

No.

is hereby granted a trade licence in
respect of carried on at premises situate
at between the day of ,
19 , and the day of , 19 .

Commissioner of
Inland Revenue.

TRAVELLING AGENT'S LICENCE

Antigua and Barbuda.

No.

of is hereby
licensed to carry on the business of a travelling agent between
the day of , 19 , and the day
of , 19 .

Dated the day of , 19 .

Commissioner of
Inland Revenue.

PEDLAR'S LICENCE

Antigua and Barbuda.

No.

of is hereby
licensed to carry on the business of a pedlar between
the day of , 19 , and the day
of , 19 .

Dated the day of , 19 .

Commissioner of
Inland Revenue.

LAWS OF ANTIGUA AND BARBUDA

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Trade Licences

SCHEDULE D

(Section 14.)

TRANSFER OF LICENCE

Antigua and Barbuda.

No.

I do hereby upon the application of _____ trans-
fer this licence to _____ of _____ for the residue of the term
for which it is to remain in force.

Dated the _____ day of _____, 19

Commissioner of
Inland Revenue.