



CHAPTER 13.04

TRADE LICENCES ACT

Revised Edition

Showing the law as at 31 December 2006

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

TRADE LICENCES ACT

Act 5 of 1985.. in force 16 March 1985

Amended by Act 4 of 1997 in force 3 May 1997

Amended by Act 21 of 2006 in force 27 March 2006

CHAPTER 13.04**TRADE LICENCES ACT****ARRANGEMENT OF SECTIONS**

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CHAPTER 13.04

TRADE LICENCES ACT

(Acts 5 of 1985, 4 of 1997 and 21 of 2006)

AN ACT to regulate the issue of licences for trade purposes.

Commencement [16 March 1985]

1. SHORT TITLE

This Act may be cited as the Trade Licences Act.

2. INTERPRETATION

In this Act—

“**body of persons**” means any body politic, corporate or collegiate and any company, fraternity, fellowship, society of persons whether corporate or not corporate and any trust or co-operative society;

“**licence**” means any licence granted under this Act for or in respect of the premises indicated therein;

“**licensee**” means a person to whom a licence has been granted under this Act;

“**member State**” means a member State of the Caribbean Community or the Organisation of Eastern Caribbean States listed in Schedule 2;

“**Minister**” means the Minister to whom the responsibility for trade has been assigned;

“**national**” means a person who:

- (a) is a citizen of a member State;
- (b) has a connection with a member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being native or resident of that member State for the purposes of the laws of that member State relating to immigration;

- (c) is a company or other legal entity constituted in a member State in accordance with the laws of that member State and which that member State regards as belonging to it, if that company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the member State and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

and for the purposes of this definition, a company or other legal entity is:

- (i) substantially owned if more than 50% of the equity interest in the company or entity is beneficially owned by a person mentioned in paragraphs (a) and (b),
- (ii) effectively controlled if the persons mentioned in paragraphs (a) and (b) have the power to name a majority of its directors or are otherwise legally entitled to direct its actions;

“**person**” includes a body of persons and a Trader as defined in section 1 of the Commercial Code;

“**sell**” includes barter or offer or expose for sale or barter, or cause to be sold, bartered or offered or exposed for sale or barter;

“**tobacco**” includes snuff, cigarettes and cigars manufactured and unmanufactured tobacco;

“**trade**” means any operation of a commercial character by which the trader provides to customers for reward some kind of goods or services.

(Amended by Acts 4 of 1997 and 21 of 2006)

3. TRADE LICENCE

- (1) Subject to the provisions of this Act, a person shall not, without having first obtained a trade licence—

- (a) sell any wares, merchandise, wines, spirits, tobacco or goods of any sort in any building or place; or
 - (b) engage in trade.
- (2) Subsection (1) shall not apply—
 - (a) to a citizen of Saint Lucia; and
 - (b) to a company in Saint Lucia, that is not an alien company within the meaning of the Aliens Licensing Act; and
 - (c) to a national of a member State.
- (3) Subject to the provisions of this Act, a person shall not, without the approval of the Minister—
 - (a) sell any of the articles mentioned in subsection (1)(a); or
 - (b) engage in trade on behalf of—
 - (i) a person who is not a citizen of Saint Lucia, or
 - (ii) a company that is not an alien company within the meaning of the Aliens Licensing Act, or
 - (iii) a person who is not a national of a member State.

(Amended by Act 21 of 2006)

4. ESTABLISHMENT OF ADVISORY BOARD

- (1) There is hereby established a Board called the “Advisory Board” consisting of a chairperson and 6 other members to be appointed by the Minister from among persons who represent, commerce, trade, labour, trade unions or such other persons or class of persons who in the opinion of the Minister ought to be represented on the Advisory Board.
- (2) The names of persons appointed on the Board shall be published in the Gazette.
- (3) The Advisory Board shall consider all applications for trade licences and make such recommendations as it considers necessary thereon.
- (4) The Permanent Secretary in the Ministry of Trade is the chairperson of the Advisory Board.
- (5) The Secretary of the Board is a trade officer designated by the Minister.

(Amended by Act 4 of 1997)

5. PROCEDURE FOR MAKING APPLICATION FOR LICENCE

- (1) Any person who desires to obtain a licence for any of the purposes set out in section 3(1) shall forward an application in the prescribed form in triplicate to the Secretary to the Advisory Board.
- (2) The Secretary to the Advisory Board on receipt of such application shall forward a copy thereof each to the Minister and the Advisory Board.

(Amended by Act 4 of 1997)

6. ISSUE OF LICENCE

Subject to section 3(3) after consideration of an application by the Advisory Board, a licence shall be issued by the Secretary to the Advisory Board with the approval of the Minister.

7. WAIVER OF LICENCES

The Cabinet may waive the licence granted in respect of any person if it is considered that the waiver is beneficial to the economic needs of Saint Lucia or is in the public interest.

8. LICENCE FEE

- (1) There shall be paid to the Accountant General such a fee as may be prescribed in respect of each licence issued by the Secretary to the Advisory Board. *(Amended by Act 4 of 1997)*
- (2) An annual fee of such amount as is set out in the Schedule shall also be paid in respect of each licence by the licensee to the Accountant General.
- (3) The fees prescribed may however be reduced or waived in the public interest by the Cabinet in any case.

9. PRODUCTION OF LICENCES

Every person who is required by this Act to obtain a licence shall produce that licence to the Secretary to the Advisory Board or a police officer not below the rank of Inspector if requested to do so by

the Secretary to the Advisory Board or such police officer. (*Amended by Act 4 of 1997*)

10. DURATION OF LICENCE

Every licence shall be an annual licence and shall expire on 31 December in the year in which that licence was granted and may be renewed thereafter.

11. NOTICE BY LICENCE HOLDER

- (1) Every person who holds a licence shall have affixed, in some conspicuous place of the licensed premises for or in respect of which the licence is issued a notice stating that he or she is the holder of the licence and the number of the licence.
- (2) Every person who affixes, causes or allows to be or remain affixed a false licence notice to any premises commits an offence.

12. REGULATIONS

The Minister may make regulations for—

- (a) prescribing the forms to be used on applications for licences;
- (b) prescribing the fees to be paid for each class of licence and the manner and time of payment;
- (c) prescribing the conditions which shall be attached to any licence either generally or specially;
- (d) prescribing the limits to the number of licences issued either generally or in relation to a particular trade or in relation to any district or any area; and
- (e) the purpose of giving effect to the objects and purposes of the Act.

13. PENALTY

Every person who contravenes any of the provisions of this Act commits an offence and is liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a period not exceeding 6 months or to both.

14. PROCEEDING

Every proceeding taken under this Act shall be taken in the name of and at the instance of the chairperson of the Advisory Board.

15. ONUS

If any person denies his or her liability to take out a licence under this Act or claims that he or she has duly paid for a licence thereunder the onus of proving such non-liability or payment shall be on that person.

SCHEDULE**RATE OF TRADE LICENCES**

	(Section 7) Licence Fee per year
	\$
1. Where average stock does not exceed \$10,000	500
2. Where average stock exceeds \$10,000	1,000
3. In all other cases	1,000