



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.20

LICENCES ON BUSINESSES AND OCCUPATIONS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

	Page
LICENCES ON BUSINESSES AND OCCUPATIONS ACT	3
Act 6 of 1972 ... in force 15th April 1972	
Amended by: Act 9 of 1986	
Act 5 of 1999	
Act 23 of 2009	
Act 3 of 2016	
Amended by: S.R.O. 13/1973	
S.R.O. 16/1974	
S.R.O. 36/1976	
S.R.O. 51/1978	
S.R.O. 9/1997	
LICENCES ON BUSINESSES AND OCCUPATIONS (FORMS) ORDER – Section 4(1)	18

Published in
2019
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
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CHAPTER 18.20

LICENCES ON BUSINESSES AND OCCUPATIONS ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Persons carrying on certain businesses and occupations to obtain licence
4. Applications for licences
5. Term of licence and renewal thereof
6. Licences not transferable
7. Each place of business chargeable
8. Person commencing business during current year to pay proportion of duty
9. Change of location of business, notice to be given to Ministry of Finance
10. How applications to be dealt with by Minister
11. Refusal, revocation or suspension of licences
12. Exemptions
13. Penalties
14. Construction

FIRST SCHEDULE: Businesses, Occupations, Professions and Trade to which the Act applies

SECOND SCHEDULE: Licences on Businesses and Occupations (Forms) Order

CHAPTER 18.20

LICENCES ON BUSINESSES AND OCCUPATIONS ACT

AN ACT TO PROVIDE FOR THE LICENSING OF BUSINESSES AND OCCUPATIONS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Licences on Businesses and Occupations Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“auctioneer” has the meaning assigned to it in the Auctioneers Act, Cap. 10.02;

“Commission Agent” means any person who sells the goods of another for a commission;

“general agent” means any person who sells goods of others on their account, whether the produce of estates or otherwise;

“hotels and guest houses” mean establishments used for providing rooms and related accommodation for guests and such establishments feeding their own guests, except a restaurant business;

“importer” means any person who imports, whether for himself or herself or on consignment, goods for sale, and any person who sells and delivers from customs, excise or other warehouse shall *prima facie* be deemed to be an importer;

“Minister” means the Minister responsible for the subject of Finance;

“newspaper” means any paper containing public news, intelligence or occurrences or any remarks or observations thereon published in the State periodically, at intervals not exceeding twenty-six days between the publication of any two such papers;

“night club” means every business which has a capacity for at least 30 persons seated at tables and the bar, and which maintains table service and dancing or other live entertainment for the guests;

“a non-resident person” means a person other than a person ordinarily resident in the State for at least five years before engaging in business;

“prescribed fee” means the fee prescribed in the Schedule to this Act;

“retailer” means and includes any person occupying a store, shop, room or fixed stand, who buys from a merchant, importer or otherwise, or who himself or herself imports and sells in small quantities by retail to those who resell, use or consume the goods;

“small retail shop or store” means a shop retailing bread or sugar and carrying a stock in trade of bread or sugar and other items not exceeding in value the sum of two thousand dollars.

(Inserted by S.R.O. 13/1973)

“wholesale dealer” means and includes any person who sells by wholesale or by both wholesale and retail on the same premises.

Persons carrying on certain businesses and occupations to obtain licence.

3. (1) Notwithstanding anything contained in any other law, every person wishing to carry on a business, occupation or trade or practising any profession mentioned in the First Schedule to this Act, as a condition precedent to carrying on any such business, occupation, profession or trade, shall apply in writing to and obtain from the Minister a licence to engage in or to conduct such business, occupation, profession or trade and such licence shall be according to the classification thereof in the said Schedule, and shall be issuable on payment of the prescribed fee.

(2) A licence issued under subsection (1) of this section shall entitle the holder thereof, for the period specified in the licence, to carry on the specified business or occupation, profession or trade from the designated place of business.

(3) The Minister may by Order amend, vary or revoke the First Schedule to this Act.

(Substituted by Act 23 of 2009)

(4) An Order made under subsection (3) of this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving due effect to the Order, and may provide for the granting of a free licence if the Minister is satisfied that it would be just and equitable to do so having regard to the annual gross takings or turnover or to the value of the stock of the business or occupation of any person.

(5) An Order made under subsection (3) of this section increasing any licence fee shall be subject to the approval of the National Assembly.

(6) In addition to the licence referred to in subsection (1), businesses may obtain a Business Licence Card from the Inland Revenue Department to be used as proof that the person is licensed to carry on business under this Act and—

- (a) the Business Licence Card shall be for a fee of one hundred dollars or such other fee as the Minister of Finance may prescribe per card; and
- (b) the holder of a Business Licence Card shall operate under the same conditions stipulated in the business licence.

(Inserted by Act 3 of 2016)

Applications for licences.

4. (1) Applications for licences under this Act shall be made on such forms as may be prescribed by the Minister and shall contain a true statement of the several particulars required by the said form and any other relevant facts that the Minister may reasonably require; and the Minister may prescribe that the applicant shall furnish information concerning his or her identity, personal history, experience, business record, particulars of any conviction for any offence which is a crime involving moral turpitude.

(2) In the case of companies or partnerships, the following provisions shall have effect—

- (a) the requirements of subsection (1) of this section shall be applicable to all of the shareholders or partners and in any case shall be applicable to the actual owners and not merely to the nominal owners of either the business or any participation or share therein;

- (b) the application shall designate each member, or officer who will exercise the powers to be conferred by the licence upon such partnership or corporation;
- (c) the Minister may require any such member, officer or employee to furnish him or her with the information required of applicants under subsection (1) of this section;
- (d) in the case of a partnership, application shall be made in the name of the firm; and it shall not be necessary to take out a separate licence for each partner.

(3) Where the application is for a business, occupation, trade or profession for which express development permission is required pursuant to the Development Control and Planning Act, Cap. 20.07, the applicant shall attach proof in the application—

- (a) that express development permission has been granted with respect to the proposed development pursuant to the Development Control and Planning Act; or
- (b) that express development permission is not required pursuant to the Development Control and Planning Act.

(4) The prescribed licence fee shall become due and payable in each year by the 31st day of January and in default of such payment the person liable shall be subject to a penalty of fifty dollars for each day that the licence fee remains unpaid.

(Subsections (3) and (4) inserted by Act 23 of 2009)

Term of licence and renewal thereof.

5. (1) A licence shall have validity until the 31st day of December next after the date of its issue:

Provided that if a licence is not put into active use in the business, occupation, profession or trade for which the licence was granted within a period of ninety days following the date of issue of such licence then such licence shall thereupon be revocable.

- (2) A licence shall be renewable on payment of the prescribed fee.
- (3) A licence may be reviewed at any time by the Minister.

Licences not transferable.

6. No licence issued to any person or company or association to carry on a business, occupation, profession, or trade under this Act may be transferred to any other person, company or association:

Provided that a business licence to a natural person shall on the death of the licensee be deemed to be transferred to the widow or widower of the licensee so long as the widow or widower remains unmarried:

Provided also that a business licence held and used by a company may be transferred on the sale of the company.

Each place of business chargeable.

7. Where different stores, shops or other premises are kept in the name of one person or firm, a separate licence shall be taken out for each place of business, store, shop or other premises:

Provided that the opening of another store, or place of reception of goods, and at which no sales are effected, shall not be deemed to come within the meaning of this section.

Person commencing business during current year to pay proportion of duty.

8. If any person or firm shall obtain a licence to commence trade, or business, or open any new place of business, store, shop or other premises (except as aforesaid or where it is only the change of the place of business) during the current year, he or she or they shall pay the duty, or the proportion of duty, for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter), as shall remain of the current year.

Change of location of business, notice to be given to Ministry of Finance.

9. Whenever any person having paid a licence duty under this Act, as the occupier of any store, room, or yard, where goods are sold by retail, shall change his or her place of business to other premises, notice thereof shall be given to the Ministry of Finance and the licence shall thereupon ensure as a licence to such person to do business at the premises to which he or she shall have removed.

How applications to be dealt with by Minister.

10. (1) Upon the receipt of an application for a first licence under the provisions of this Act, the Minister may consult with any department of the Government of the State for the purpose of obtaining reasonable information or such approval as the Minister may determine to be necessary before action is taken upon the application and without prejudice to the generality of the foregoing provision he or she shall in appropriate cases cause copies of the application to be sent to the Minister charged with the responsibility for the subject of housing for construction and site acceptability and in the case of a business, occupation, trade or profession involving food operations to the Minister of Health.

(2) The Minister may impose reasonable conditions and terms in any first or renewed licence reasonably related to the business, occupation, profession or trade.

Refusal, revocation or suspension of licences.

11. (1) The Minister, after notice and hearing may refuse to issue, or may revoke or suspend a licence for any one or more of the following causes—

- (a) where fraud or deceit has been perpetrated in the application;
- (b) where the Minister finds that because of the moral character or previous misconduct of the applicant or licensee, relevant to the conduct of the business or occupation for which the licence is sought or has been granted, such applicant or licensee is not a suitable or fit person and the refusal, revocation or suspension of the licence is accordingly necessary to protect the public welfare, health, morals or safety;
- (c) where the licensee allows, permits or suffers on the licensed place or business any improper or wrongful behaviour of a substantial character and of public concern;
- (d) where the licensee has committed a breach of or has failed to comply with any terms or conditions of the licence imposed by the Minister in

accordance with the provisions of subsection 2 of section 10 of this Act;

- (e) where the licensee fails to submit income tax returns or to pay assessed income tax as required pursuant to the Income Tax Act, Cap. 20.22.

(Paragraph (e) inserted by Act 23 of 2009)

(2) The provisions of subsection (1) of this section shall be applicable to each member, or officer or employee of a partnership or company who is to exercise the powers conferred by the licence and to the manager or operator of a place of business, licensed under the provisions of this Act.

(3) A written notice stating the nature of the causes constituting the basis for the determination to refuse, revoke or suspend the licence and the time and place of the hearing shall be served on the applicant or licensee, as the case may be, not less than thirty days prior to the date of the hearing either personally or by sending him or her a copy thereof by registered post to the last known address of the applicant or licensee.

(4) If, after having been served with the notice of hearing as provided in subsection (3) of this section, the applicant or licensee fails to appear at the said hearing, the Minister may proceed to hear evidence against him or her and may enter such order as may be justified by the evidence, and the order shall be final, unless the applicant petitions for a review by the Cabinet as provided in subsection (6) of this section:

Provided, however, that within thirty days from the date of the Order, upon a showing of good cause for failure to appear and defend, the Minister may re-open the proceedings and may permit the applicant or licensee to submit evidence on his or her behalf.

(5) At any hearing the applicant or licensee may appear in person and by counsel, produce witnesses and evidence on his or her own behalf, cross-examine witnesses and examine each evidence as may be produced against him or her.

(6) Any person adversely affected by any order of the Minister may obtain a review thereof by filing a written petition for review with the Secretary to the Cabinet within thirty days after the entry of the said order stating the grounds upon which review is asked and asking that the order of the Minister be modified or set aside in whole or in part.

(7) Within thirty days of the filing of a petition as aforesaid, the Cabinet shall review the decision against which the petition was made, and the decision of the Cabinet, following such review shall be communicated to the petitioner by the Secretary of the Cabinet.

Exemptions.

12. The provisions of this Act shall not apply to—

- (a) agencies of the Government of the State;
- (b) any corporation which proves to the satisfaction of the Cabinet that it has been formed for any purpose connected with social or public welfare, the public services, religion, charity, education, art or science, and that it applies its income and profits solely for promoting all or any such purposes and that it does not permit the payment of any dividends to its members;

- (c) transactions involving a charitable or benevolent purpose;
- (d) any person occupying a stall or stand in any public market established by Government or by a local Government Council, and paying market fees in respect of such stall or stand:
Provided that this exemption shall apply only in respect of such stall or stand;
- (e) any person either by himself or herself, member of his or her family, his or her known agents or servants, selling any fresh fish, milk, fruit, vegetables, ground provisions, vegetable roots or other vegetables:
Provided that this exemption shall apply only in respect of such business as is referred to in this paragraph in regard to articles of local produce;
- (f) Financial Institutions registered under the Banking Act, Cap. 21.01;
- (g) Insurance Companies and Insurance Agents registered under the Insurance Act, Cap. 21.11;
- (h) Travelling Agents and Pedlars as defined in the Travelling Agents and Pedlars Licences Act, Cap. 20.47.

Penalties.

13. (1) If any person carries on a business, occupation, profession or trade mentioned in the First Schedule to this Act without first having obtained the licence herein provided, he or she commits an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both.

(2) Prosecutions under this section may be instituted either in the magisterial district in which the offender resides or where the offence was committed.

(3) The provisions of section 3 of the Perjury Act, Cap. 4.23 shall apply to every application, statement, document and to all information presented to the Minister in an application or at a hearing under this Act.

(4) The Attorney-General may institute an action in the High Court for an injunction to restrain any person or association from engaging without a licence in any of the businesses, occupations, professions or trades subject to the provisions of this Act.

Construction.

14. For the avoidance of doubt, in the construction of this Act it is hereby declared that the provisions of this Act shall be in addition to and not in derogation of any of the provisions of any other enactment, or subsidiary legislation and such other provisions shall continue in force in the same manner as if this Act had not been passed.

FIRST SCHEDULE*(Section 3)*

BUSINESSES, OCCUPATIONS, PROFESSIONS AND TRADE TO WHICH THE ACT APPLIES

Class A – \$2,000.00		\$
Casino in addition to the concession fee and casino licence		2,000.00
Class B – \$1,500.00		
Firm of Accountants	For each person carrying on business	1,500.00
Class C – \$1,000.00		
Accountants (Certified or Chartered)	For each person carrying on business	1,000.00
Medical Doctors	do.	1,000.00
Dentists	do.	1,000.00
Dermatologists	do.	1,000.00
Lawyers	do.	1,000.00
Actuary	do.	1,000.00
Importers of Radios and parts for Radio Repairs	For each person carrying on business and shall include one designated place of business	1,000.00
Commercial Warehousing	do.	1,000.00
Importers of Vehicles for resale	do.	1,000.00
Importers of Television sets and parts for television repairs for resale	do.	1,000.00
Heavy equipment services including sales and rental	do.	1,000.00
Air Cargo services and transportation	For each person carrying on business and shall include one designated place of business	1,000.00
Air Charter	do.	1,000.00
Courier	do.	1,000.00
Hotels and Guest Houses – more than 40 beds		1,000.00
Advertising Agency		1,000.00

Airline Services including online Services		1,000.00
Backhoe Service		1,000.00
Consultancy Services		1,000.00
Dinner Theatre/Show Productions/Entertainment of Shows		1,000.00
Apartment, cottages, rental homes and similar establishments used for the purpose of accommodation for reward – 20 rooms or more		1,000.00
Night Clubs	For each club (members or proprietary) and shall include one designated place of business	1,000.00
Transient Amusement Parks	For each person carrying on business and shall include one designated place of business	1,000.00
Blenders, Rectifiers and Bottlers of Alcoholic beverages	do.	1,000.00
Energy Development		1,000.00
Security Services including Video Surveillance (CCTV), Electronic Entry, Home and Other Digital Security		\$1,000.00
Freight Forwarders		1,000.00
Insurance Resale Agent		1,000.00
Internet/Web Development		1,000.00
Investments and Securities Agent		1,000.00
Land Developer and Land Sales		1,000.00
Marina		1,000.00
Marketing and Promotion Agency		1,000.00

Money Transfer or Cambio Transactor		1,000.00
Movie Theater		1,000.00
Petroleum Products Sales/Marketing		1,000.00
Recycling (Scrap Metal)		1,000.00
Trucking and Haulage		1,000.00
Information, Communications and Technology Provider/Internet Service Provider including VOIP		1,000.00
Utility Services		1,000.00
Waste Collection/Disposal Services both Solid and Liquid		1,000.00
Class D – \$500.00		
Chemists and Druggists	For each person carrying on business	500
Optometrists	do.	500
Consultants	do.	500
Construction Contractors	do.	500
Engineers	do.	500
Architects	do.	500
Surveyors	do.	500
Accountants (Public)	do.	500
Radio, Television and Refrigerator Repairers	For each person carrying on business	500
Chiropodists	do.	500
Chiropractors	do.	500
Herbalists, Naturopath	do.	500
Occupational Therapists	do.	500
Ophthalmic Dispensers	do.	500
Podiatrists	do.	500
Physiotherapists	do.	500
Psychologists	do.	500
Beauticians, Beauty Salons Hairdressers or Masseurs	do.	500
Public Relations Agents	do.	500

Private Inquiry Agents	do.	500
Construction Contractors – Electrical and Plumbing	do.	500
Gasoline Stations	For each person carrying on business and shall include one designated place of business	500
Car Rental by day, week or month – more than 10 vehicles	do.	500
Importers of goods for resale	do.	500
Wholesale Business (except liquor)	do.	500
Computer or Data Processing Services	do.	500
Advertising Agencies	do.	500
Air Conditioning and Refrigeration Services	For each person carrying on business and shall include one designated place of business	500
Antique Art and Handicraft dealers	do.	500
Commercial Art Services of Graphic Designers	do.	500
Commercial Art Studios	do.	500
Pest Control Services	do.	500
Security Guard Services	do.	500
Welders or Welding Services	do.	500
Sale and Rental of other equipment including services	do.	500
Blasting and Demolition services	do.	500
Plastic Laminating	do.	500
Automobile Towing Services	do.	500
Commercial Boat Rentals	do.	500
Shipping	do.	500
Mini Cruise Ships	do.	500
Pleasure Boat Rentals	do.	500

Operators of Pleasure Boats for excursions, tours and water sports	do.	500
Tour Operators	do.	500
Yacht and Boat Management	do.	500
Charter – Water Sports instruction and related services	do.	500
Metal Fabricators	For each person carrying on business and shall include one designated place of business	500
Nurseries – Day Care	do.	500
Hotels and Guest Houses – more than 10 beds	do.	500
Apartments, cottages, rental homes and similar establishments used for the purpose of rooms, less than 20 rooms	do.	500
Clubs (other than clubs formed solely for the purpose of outdoor games or sports)	do.	500
Cinemas	do.	500
Manufacturers of concrete and clay products	do.	500
Real Estate Agent or Commission Agent	do.	500
General Agent	do.	500
Auctioneer	do.	500
Travel and ticket Agent	do.	500
Carpentry		500
Computer Programmers		
Customs Brokerage and Shipping		500
Debt Collecting		500
Desktop Publishing and Graphics Design		500
Home Improvement		500
Laundromat		500
Manufacturing and Distribution of Industrial		500

and Medical Gases

Herbal Remedies Organic or Non-Organic (HERBALIST)		500
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Pharmacy		500
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Recording Studio		500
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Recycling (General and Plastics)		500
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Scuba Diving		500
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Telecommunications installation/Contractor		500
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Video Game Arcade		500
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Class E – \$200.00

Bakeries	For each person carrying on business and shall include one designated place of business	200
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Dry Cleaning and Commercial Laundry	do.	200
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Car rental by day, week or month – up to 10 vehicles	do.	200
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Printing and Publishing business	For each person carrying on business and shall include one designated place on business	200
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Mechanics and vehicle repairers	do.	200
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Draftsman	For each person carrying on business	200
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Repairers of Electrical appliances other than Radio and Television sets	do.	200
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Custom Brokers	do.	200
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Dental Hygienists	do.	200
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Dental Technician	do.	200
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Driving School Instructors	do.	200
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Embalmers	do.	200
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Interior Decorators or Designers	do.	200
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Upholsterers	do.	200
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Solar heating contractors	do.	200
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Jewellers or Watch repairers	do.	200
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Locksmith	do.	200
Medical Laboratory Technologists	do.	200
Pawnbrokers	do.	200
Retail Shops and Stores (except liquor)	do.	200
Funeral Undertakers	do.	200
Employment Agencies	do.	200
Fitness Salons	For each person carrying on business	200
Florists, Horticulturists, Nursery and plant sellers	do.	200
Garbage Disposal Services	do.	200
Importers of Security equipment for resale	For each person carrying on business and shall include one designated place of business	200
Freight and Passengers Services – buses and taxis	do.	200
Diving Services	do.	200
Landscaping	do.	200
Coffee Shops and Ice Cream Parlour	do.	200
Sport and Entertainment promoters	do.	200
Video Tape Rentals	do.	200
Manufacturers (General)	do.	200
Furniture Manufacturers	do.	200
Art and craft		200
Buses		200
Ice Making and Sales		200
Taxis		200
Tutoring		200
Rental of Beach Equipment		200
Maintenance Service Provider		200
Class F – \$100		
Carpet Laying and Rental Services	do.	100

Cleaning Contractors or Janitorial Services	do.	100
Secretarial Services and Copying Services	do.	100
Bars, mobile food services and refreshment stands	do.	100
Scooter and Motorcycle rental	do.	100
Restaurant	For each person carrying on business and shall include one designated place of business	100
Hotel and Guest Houses – 10 beds or less	do.	100
Catering Services	do.	100
Electricians	do.	100
Photographic Studio	do.	100
Landscaping		100
Sewing/Seamstress		100
Class G – \$20.00		
Small shop or stores	do.	20

(Schedule substituted by S.R.O. 9/1997 and amended by Act 23 of 2009)

SECOND SCHEDULE

(Section 4(1))

LICENCES ON BUSINESSES AND OCCUPATIONS (FORMS) ORDER

Short title.

1. This Order may be cited as the Licences on Businesses and Occupations (Forms) Order.

Prescribed Forms.

2. The forms set out in the Schedule hereto are hereby prescribed.

SCHEDULE TO THE ORDER
SAINT CHRISTOPHER AND NEVIS
LICENCES ON BUSINESSES AND OCCUPATIONS ACT
APPLICATION FOR LICENCE

Name of Applicant	Trade Business Profession or Occupation	Place where Trade, Business, Profession or Occupation carried on

I..... declare that the above particulars are true and I apply for a licence in terms hereof.

Dated the.....day of, 20.....

.....

Signature

TO: The Minister of Finance

SAINT CHRISTOPHER AND NEVIS
LICENCES ON BUSINESSES AND OCCUPATIONS ACT
FORM OF LICENCE

.....of.....
having paid the licence fee of.....
is hereby licensed to carry on the business of a

.....

This licence expires on the 31st day of December, 20.....

This Licence is not transferable to any other person.

Dated the.....day of, 20.....

Minister of Finance
