



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.41

SAINT CHRISTOPHER TOURISM AUTHORITY (LICENSING OF VENDORS) ACT

Revised Edition

showing the law as at 31 December 2017

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SAINT CHRISTOPHER TOURISM AUTHORITY (LICENSING OF VENDORS) ACT

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CHAPTER 18.41

**SAINT CHRISTOPHER TOURISM AUTHORITY
(LICENSING OF VENDORS) ACT**

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CHAPTER 18.41

SAINT CHRISTOPHER TOURISM AUTHORITY (LICENSING OF VENDORS) ACT

AN ACT TO PROVIDE FOR THE LICENSING OF VENDING IN CERTAIN PRESCRIBED AREAS IN SAINT CHRISTOPHER, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Saint Christopher Tourism Authority (Licensing of Vendors) Act.

Interpretation.

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

“Authority” means the Saint Christopher Tourism Authority established pursuant to the Saint Christopher Tourism Authority Act, Cap. 20.36;

“inspector” means any member of the Royal Saint Christopher and Nevis Police Force or any other person appointed as an inspector pursuant to section 16;

“licensee” means the holder of a vendor’s licence;

“Minister” means the Minister responsible for Tourism;

“prescribed area” means any area designated as such pursuant to section 3;

“temporary vendor’s licence” means the licence granted under section 12;

“vendor” means any person who—

(a) sells or offers for sale, rents or offers for rent to members of the public, any goods or services;

(b) solicits orders for, invites attention to, advertises or promotes in any manner whatsoever, any goods or services;

“vendor’s licence” means a licence granted under section 7.

Designation of prescribed areas.

3. The areas set out in the Second Schedule are hereby designated as prescribed areas.

PART II

LICENSING OF VENDORS

Vendors to be licensed.

4. (1) Subject to the provisions of this Act, a person shall not engage in any activity as a vendor—

- (a) in or on any Street, sidewalk, park, beach or area of water adjacent to a beach; or
- (b) in any other public area,

within a prescribed area unless that person is the holder of a licence granted pursuant to this Act and such activities are carried out in accordance with the terms and conditions of that licence.

(2) Nothing in subsection (1) shall require any person holding a licence pursuant to the Street and Sidewalk Vending Prohibition Act, Cap. 18.33 to obtain a licence under this Act insofar as the activities of that person are carried out in accordance with the licence granted pursuant to that Act.

(3) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment and where the offence is continued after conviction, such person commits a continuing offence and in respect of each day during which the offence continues, shall be liable to a fine not exceeding one hundred dollars.

Application for licence.

5. (1) A person desiring to operate as a vendor in a prescribed area shall apply for a licence in such form or manner as may be prescribed or approved by the Authority.

(2) The application shall be accompanied by the appropriate fee as set out in the First Schedule and any other information or document that the Authority may reasonably require.

Application for renewal of licence.

6. (1) A licensee shall submit to the Authority not later than twenty-one days before the expiry of the licence an application for renewal.

(2) An application for the renewal licence shall be accompanied by the appropriate fee as set out in the First Schedule.

Grant of licence.

7. (1) The Authority shall consider the application for the grant or renewal of a licence and may grant or renew the licence for a period of one year and on such terms or subject to such restrictions and on conditions as the Authority may specify in the licence.

(2) The Authority may, before granting or renewing a licence, require the applicant to attend an appropriate training or certification programme administered by the Authority or any other body designated by the Authority for that purpose.

Register.

8. The Authority shall cause to be kept, a list of all persons to whom a licence is granted under this Act.

Refusal of licence.

9. (1) The Authority may in its discretion refuse to grant or renew a vendor's licence.

(2) Where the Authority decides not to grant or renew a vendor's licence the Authority shall, in writing—

- (a) specify the reasons for the refusal to grant or renew the licence;
- (b) specify the date when the refusal takes effect; and
- (c) notify the applicant of the right of appeal conferred by section 11.

Revocation or suspension of licence.

10. (1) Where—

- (a) it appears to the Authority that a licensee has contravened any provision of this Act or of any licence issued pursuant to this Act;
- (b) a licensee is convicted of any offence involving fraud or dishonesty; or,
- (c) a licensee, in conducting his vending business, is disruptive, uses insulting or abusive language, or conducts himself in a harassing or insulting manner,

the Authority may, by notice in writing, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(2) Where—

- (a) the licensee fails to comply with a requirement pursuant to subsection (1) to show cause within the time specified in the notice or if the cause shown is inadequate in the opinion of the Authority; or
- (b) after due enquiry by the Authority in respect of any allegation made against the licensee and after giving the licensee an opportunity to be heard, the Authority is satisfied that the nature of the facts established consequent on the enquiry is detrimental to the tourist industry,

the Authority may suspend the licence for such period as the Authority may consider necessary or desirable, or, may revoke the licence from such date as may be specified in the notice.

(3) The Authority shall—

- (a) notify in writing, the person whose licence has been suspended or revoked, of the suspension or revocation, as the case may be, and of the period of suspension;
- (b) require the person to comply within the period of suspension with any direction given by the Authority;

- (c) notify the person whose licence has been suspended or revoked that he may appeal to the Minister for an appeal of the decision pursuant to section 11.

(4) Any rights and privileges enjoyed under any licence that is revoked or suspended pursuant to subsection (2) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not, in any way affect the liability of any person in respect of any contravention of this Act or of the licence that may have occurred prior to the revocation or suspension.

(5) The Authority may by written notice revoke the licence of any person who fails to comply with any direction given pursuant to subsection (3)(b).

Right of appeal.

11. (1) Any person aggrieved by a decision of the Authority—

- (a) granting, refusing to grant, renewing or refusing to renew a licence; or
- (b) revoking or suspending a licence,

may within fifteen days of the date of service of the notification required under section 9 (2) or within fifteen days of the receipt of the notice under section 10(3) may, appeal in writing against the notice to the Minister for redress.

(2) On the determination of an appeal under this section the Minister may make such decision as he or she thinks fit and shall notify the Authority and the appellant of his or her decision.

(3) A person aggrieved by the decision of the Minister may appeal against the Minister's decision to a judge in Chambers and the judge's decision shall be final.

Temporary licences.

12. (1) A person desiring to operate as a vendor in a prescribed area for a temporary period during any special or national event shall apply for a temporary licence in such form or manner as may be prescribed or approved by the Authority.

(2) The application shall be accompanied by the appropriate fee as prescribed in The First Schedule.

(3) Where an application is made for a temporary licence, the Authority may, if it thinks fit, issue a temporary licence for that period for such purposes and on such terms and conditions as may be specified in the licence.

(4) The Authority may consult with any department of the Government for the purpose of obtaining reasonable information or such approval as the Authority may determine to be necessary before it makes a decision on the application for a temporary licence.

Requirements of licensee.

13. A licensee who carries out his or her operations in a vehicle, on any premises, or who operates a stall, booth or other structure, in a prescribed area shall—

- (a) comply with such requirements as may be prescribed by the Authority in relation to the vehicle, premises, stall, booth or structure;
- (b) maintain such vehicle, premises, stall, booth or structure in a safe and sanitary condition;

- (c) take such steps as may be necessary to ensure that the premises and the area immediately surrounding the stall, booth or structure is reasonably free from litter.

Tourism Authority Decal.

14. (1) The Authority shall upon payment of the fee prescribed in the First Schedule, issue to each licensee a decal known as the Tourism Authority Decal.

(2) Each licensee to whom a Tourism Authority Decal is issued shall display such decal in a conspicuous place in his place of business in a prescribed area.

(3) The Tourism Authority Decal shall remain the property of the Authority and may be withdrawn by the Authority at any time if, in the opinion of the Authority, the standards of the licensee are such as not to justify the display by him of such decal.

(4) Where a vendor's licence is suspended or revoked, any holder of such licence who is in possession of the Tourism Authority Decal shall return the decal to the Authority.

(5) Every licensee to whom a Tourism Authority Decal is issued shall—

- (a) take such steps as may be necessary to protect the decal from loss or damage; and
- (b) in the event of any loss or damage to the decal make a report of such loss or damage to the Authority.

(6) In the event of such loss or damage to the Tourism Authority Decal the Authority—

- (a) if satisfied that such loss or damage is not attributable to any negligence or carelessness on the part of the licensee, shall replace the decal free of charge;
- (b) in any other case, may replace the decal on payment by the licensee of a fee specified in the First Schedule or such higher amount as may be required to cover the actual cost of replacement.

Identification card.

15. (1) The Authority shall issue to each licensee, on payment of the appropriate fee as set out in the First Schedule, an identification card that shall be worn conspicuously by the licensee whenever he or she is carrying on business in a prescribed area.

(2) In the event of any loss or damage to the identification card, the Authority shall on payment of the fee prescribed in the First Schedule replace the identification card.

PART III
MISCELLANEOUS**Inspectors.**

16. (1) A member of the Royal Saint Christopher and Nevis Police Force and any other person appointed in writing by the Authority shall be an inspector for the purposes of this Act.

(2) Any inspector appointed by the Authority pursuant to subsection (1) shall be furnished with an appropriate identification.

(3) An inspector may at any reasonable time—

- (a) enter any premises in which he or she reasonably believes a licensee is carrying on business in a prescribed area;
- (b) inspect any vehicle or premises, or any stall, booth or structure operated by a licensee, in order to ascertain whether the requirements of this Act are being complied with;
- (c) examine goods displayed or being offered for sale by a licensee; or
- (d) make such other examination and enquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with.

(4) An inspector exercising or attempting to exercise his powers pursuant to this Act shall, if the person in charge of the premises, stall, booth or structure requests him to do so, produce to that person, his certificate of appointment or police identification document.

Offences.

17. (1) Any person who with intent to deceive—

- (a) forges or uses or lends or allows to be used by any person any licence or identification issued under this Act;
- (b) makes or has in his or her possession any document so closely resembling such licence or identification, as to be calculated to deceive,

commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who—

- (a) obstructs or hinders an inspector in the performance of his or her duties;
- (b) bribes or attempts to bribe an inspector in connection with the performance of any of his or her functions;
- (c) knowingly gives false or misleading information to an inspector;
- (d) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular; or
- (e) being an inspector accepts any bribe,

commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(3) A person who fails to comply with a notice revoking or suspending a licence commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(4) Any person who contravenes or fails to comply with any of the requirements of this Act for which no penalty is provided, shall for each such offence be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

Amendment of Schedules.

18. The Minister may, by Order, amend the Schedules to this Act.

Regulations.

19. The Minister may make Regulations for the purpose of giving effect to the provisions of this Act, and, in particular, for prescribing anything that this Act requires to be prescribed.

FIRST SCHEDULE*(Sections 5,6,14 and 15)***FEES**

Application for a vending licence	...	\$100.00
Renewal of vending licence	...	\$50.00
Identification card	...	\$40.00
Tourism Authority Decal	...	\$60.00
Replacement of a lost or damaged Tourism Authority Decal	...	\$20.00
Replacement of a lost or damaged identification card	...	\$80.00
Temporary Licence	...	\$50.00

SECOND SCHEDULE*(Section 3)***PRESCRIBED AREAS**

- 1 The Robert Llewellyn Bradshaw International Airport
- 2 The Deep Water Port
- 3 The entrance to the Wingfield Rainforest
- 4 Any beach located in Frigate Bay and on the South East Peninsula
- 5 The lookout at Timothy Hill
- 6 The Black Rocks
- 7 Any tourist accommodation licensed pursuant to the Saint Christopher Tourism Authority Act.
- 8 Port Zante

(Inserted by S.R.O. 14/2016)
