

LAWS OF DOMINICA

TRADE AND PROFESSIONAL LICENCES ACT

CHAPTER 92:01

Act

15 of 1939
Amended by
16 of 1941
10 of 1947
24 of 1951
26 of 1952
1 of 1957
1 of 1960
2 of 1961
3 of 1965
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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 92:01

TRADE AND PROFESSIONAL LICENCES ACT

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CHAPTER 92:01

TRADE AND PROFESSIONAL LICENCES ACT

AN ACT relating to trade and professional licences.

1961 Ed.
Cap. 281.
15 of 1939.

[1st January 1940]

Commencement.

1. This Act may be cited as the –

Short title.

TRADE AND PROFESSIONAL LICENCES ACT.

2. In this Act –

Interpretation.
[9 of 1967
31 of 1968].

“Comptroller” means the Comptroller of Inland Revenue;

“Minister” means the Minister responsible for Home Affairs;

“non-resident individual” means a person other than –

- (a) a person born in the State, and the children of such persons whether born in the State or not;
- (b) a person born outside the State but ordinarily resident therein for at least five years immediately preceding the application for a licence under this Act;

“non-resident” means, when applied to –

- (a) “a firm”, a firm of which any member is non-resident;
- (b) “a company”, a company incorporated anywhere outside the State or a company whose registered office is situated outside the State;

“parlour business” means a trade in groceries, haberdashery (including cigarettes and matches), edibles or non-alcoholic beverages carried on in a small shop carrying a stock not exceeding four hundred dollars in value;

“store” means any mercantile establishment, shop or store not being a parlour;

“store business” means the business, not being a parlour business, of a merchant, store-keeper or shop-keeper;

“trade” includes the sale, barter or exchange of goods, or disposal of goods by an agent on commission.

PART I

TRADE LICENCES

Store and parlour
licences.
[9 of 1967].

3. (1) No person whether as owner, manager or otherwise shall carry on a store business or parlour business in or upon any building or premises whatsoever without having first obtained from the Comptroller a store licence or a parlour licence, as the case may be, in respect of such building or premises. No such licence shall be required, however, in respect of any business wherein only livestock, or produce of, or thing made or manufactured in the State is sold.

(2) Every such licence shall apply to one store or parlour, as the case may be, and no more.

(3) Any person who –

(a) carries on any such business without having first obtained a store or parlour licence, as the case may be; or

(b) being the holder of a parlour licence –

(i) subject to the provisions of section 22, sells or exposes or has for sale upon his licensed premises any article or thing not included in a parlour business; or

(ii) carries in or upon his licensed premises a stock which in the opinion of the Magistrate exceeds four hundred dollars in value,

is guilty of an offence against this Act.

Parlour not to be
connected to a
store by internal
communication.

4. (1) No parlour business shall be carried on in the same premises as, or in any premises having internal communication with, any other store or parlour.

(2) Any person who contravenes subsection (1) is guilty of an offence against this Act.

5. Store and parlour licences under this Act may be issued for three, six, nine or twelve months and shall date from the 1st January, April, July or October and shall expire on the last day of March, June, September or December, as the case may be.

Duration of store and parlour licences.

6. An applicant for a store or parlour licence shall pay to the Comptroller the annual fee set out in Schedule A or the proportionate part thereof according to the time for which the licence is issued.

Fees for store and parlour licences. Schedule A.

7. (1) The Comptroller or any police officer or Justice of the Peace may enter any store or parlour and demand the production of the licence in respect of the store or parlour and inspect the stock carried in the store or parlour.

Inspection of licence and stock. [9 of 1967].

(2) Any merchant, store-keeper or shop-keeper or any person in charge of or employed in any store or parlour –

- (a) failing or neglecting without lawful excuse to produce any such licence as hereinbefore required; or
- (b) obstructing or hindering the inspection of the stock in any store or parlour,

is guilty of an offence against this Act.

8. It shall not be lawful for any person to follow the callings or businesses in respect of which fees for licences have been prescribed in Schedule A unless such person has first obtained a licence for that purpose from the Comptroller, who shall, on the application of any person and the payment into the Treasury of the sum fixed in Schedule A grant to such person a licence in the form set out in Schedule B or where no form has been prescribed, in such form as the Comptroller shall determine.

Licences required for certain callings. Schedule A.

Schedule B.

PART II

HUCKSTERS' LICENCES

9. Every person carrying or exposing goods, wares, merchandise or provisions (other than livestock or any produce of or thing made or manufactured in the State) for sale otherwise than in a building, shall be deemed to be a huckster.

Definition of hucksters.

Huckster's
Licence.

10. Any person who carries on the business of a huckster without having first obtained a huckster's licence from the Comptroller or unless employed as an assistant by a licensed huckster as hereinafter provided, is guilty of an offence against this Act.

Fee for
huckster's
licence.
Schedule A.

11. An applicant for a huckster's licence shall pay to the Comptroller a fee as set out in Schedule A.

Production of
licence.

12. The Comptroller or any police officer or Justice of the Peace may demand from any person carrying on the business of a huckster the production of a huckster's licence and may inspect the same; and if that person refuses, fails or neglects without lawful excuse to produce, or cause to be produced, the licence for inspection he is guilty of an offence against this Act.

Metal plates or
badges for
hucksters.
[9 of 1967].

13. Every person selling, carrying or exposing goods for sale under the authority of a huckster's licence shall be supplied with a metal plate or badge carrying a number and the year of the licence, furnished by the Comptroller, and shall produce the metal plate or badge for inspection whenever required to do so by the Comptroller, a Justice of the Peace or a police officer; and if that person fails to produce the metal plate or badge when requested to do so he is guilty of an offence against this Act.

Loss of plate or
badge.

14. In the event of the plate or badge being lost, the huckster shall inform the Comptroller thereof, and the Comptroller, upon being satisfied that the plate or badge has been lost, shall issue a new plate or badge to him upon payment of the sum of ten dollars.

Power of
licensed huckster
to employ
assistant.

15. A licensed huckster may employ an assistant to carry on the business of a huckster on his behalf; but no more than one person shall carry on the business of a huckster at the same time under the same licence.

PART III

PROFESSIONAL LICENCES

Professional
licences.
[3 of 1965
2 of 1966
9 of 1967
31 of 1968
20 of 1977].

16. (1) Subject to subsection (2), any person who –

- (a) sells by public outcry any goods, wares or merchandise or any vessel or property of any kind or denomination whatever (except the same be sold under or by virtue of some legal process or law authorising the same); or

(b) practises any of the professions listed in Schedule A, Schedule A. without having first obtained a professional licence from the Comptroller to do so, is guilty of an offence against this Act.

(2) Any person exercising any of the professions mentioned in Schedule A *ex-officio* in the service of the Government may do so without such licence as is required by subsection (1).

17. (1) An applicant for a professional licence shall pay to the Comptroller a fee in accordance with the scale set out in Schedule A. Fees for professional licences. [20 of 1977]. Schedule A.

(2) A late fee of ten percent of the fee set out in Schedule A shall be payable on all payments of fees made later than 31st January in each year.

PART IV MISCELLANEOUS

18. Store, parlour, huckster's and professional licences under this Act shall be respectively in the forms set out in Schedule B or as near thereto as the circumstances permit. Forms of licences. Schedule B.

19. (1) No non-resident person shall follow any calling, business or profession (whether specified in Schedule A or not) either on his own behalf or on the behalf of a principal who is resident in the State or not, unless he first obtains the consent of the Minister and pays the Accountant General in respect of each such calling, business or profession a fee, in addition to the fees set out in Schedule A, as follows: Non-residents to obtain permission and to pay a fee to practice their calling. [9 of 1967 31 of 1968 1 of 1973 29 of 1982 12 of 1990]. Schedule A.

(a) in respect of a profession, business or calling listed in Schedule A, \$350.00 a year;

(b) in respect of other professions, businesses, or callings not so listed, \$100.00 a year;

but any person exercising any calling, business or profession mentioned in this subsection in the service of the Government shall not be called on to pay any fee.

(2) A travelling agent, shall be required to pay only the fee set out in paragraph 4 of Schedule A.

(3) The Minister may exempt from the provisions of this section any non-resident person who *bona fide* comes to Dominica for the purpose of investing in Agriculture.

(4) Any person who contravenes the provisions of this section or of any term or condition of any consent given thereunder is guilty of an offence against this Act.

Duration of licences.

20. Subject to the provisions of section 5 and unless otherwise provided, a licence issued under this Act shall be for a period of one year and shall expire on 31st December of the year in which it is issued.

Abatement of licence fee on huckster and professional licences.

21. Huckster's and professional licences issued under this Act shall, if issued on or after 1st April in any year, bear an amount of duty or tax proportionate to the unexpired term of the current year computed to 31st December; and for the purposes of computing the amount of such proportion every fraction of a quarter shall be counted as one quarter.

Sale of liquor.

22. (1) No licence issued under this Act shall authorise the sale of liquor or any other matter for the sale of which a licence is required by any other Act in force in the State.

Trade tax.

(2) Notwithstanding anything hereinbefore contained nothing in this Act shall be deemed to prohibit the sale of liquor in or upon any premises licensed as a store or parlour under this Act provided the provisions of the Liquor Licensing laws for the time being in force in the State are complied with in respect of such premises.

Transfer of licence and issue of duplicate.

23. The Comptroller may transfer any licence granted under this Act to the appointee of the licensee, or in the event of the death of the latter, to his legal personal representative or may grant a duplicate licence upon satisfactory proof of the loss of a licence being afforded to him. The transfer of every such licence shall be made by endorsement on the original licence in the form set out in Schedule B.

Schedule B.

Obstructing Comptroller, etc., an offence.

24. Any person who resists, opposes, molests, hinders or obstructs the Comptroller or any police officer or Justice of the Peace in the performance of any duty authorised by this Act is guilty of an offence against this Act.

Forging licence or badge an offence.

25. Any person who forges or counterfeits any licence or badge issued under this Act or makes any fraudulent use thereof is guilty of an offence against this Act.

Penalty.

26. Any person who is guilty of an offence against this Act is liable on summary conviction to a fine of five thousand dollars and to

imprisonment for six months, and in addition thereto may be ordered to pay any licence or trade tax for which he is liable under this Act.

SCHEDULE A

				[9 of 1967 31 of 1968 3 of 1972 1 of 1973 41 of 1973 22 of 1975 20 of 1977 29 of 1982 22 of 1987].
1.	Parlour Licences – Stock not exceeding	\$10,000	\$100.00	
2.	Store Licences –			
	Stock of \$10,000 but less than	100,000	500.00	
	Stock of \$100,000 but less than	250,000	1,000.00	
	Stock of \$250,000 but less than	500,000	2,000.00	
	Stock of \$500,000 but less than	1,000,000	5,500.00	
	Stock exceeding \$1,000,000.00	5,500	plus	
	\$1,000 for each additional \$1,000,000 stock or part thereof.			
3.	Hucksters' Licences –			
	Itinerant Hucksters		250.00	
	Others		50.00	
4.	Professional Licences –			
	(a) Accountant		500.00	
	(b) Architect		500.00	
	(c) Attorney (Business)		500.00	
	(d) Auctioneer		500.00	
	(e) Barrister or Solicitor		500.00	
	(f) Chemist or Pharmacist		500.00	
	(g) Contractor		500.00	
	(h) Dentist		500.00	
	(i) Engineer or Surveyor		500.00	
	(j) Guesthouse Keeper (of establishment comprising not more than six bedrooms)		250.00	
	(k) Hotelier and Guesthouse Keeper not included at (j) above		500.00	
	(l) Insurance Salesman		500.00	
	(m) Manager (of business concerns)		500.00	

(n)	Managing Director or Assistant Managing Director	500.00
(o)	Occulist or Optician	500.00
(p)	Physician	500.00
(q)	Professional Entertainer	500.00
(r)	Quantity Surveyor	500.00
(s)	Real Estate Agent	500.00
(t)	Shipping Agent	500.00
(u)	Surgeon	500.00
(v)	Travel Agent	500.00
(w)	Travelling Agent or Salesman for each visit	50.00
(x)	Veterinary Surgeon	500.00

Sections 8, 18 and 23.

SCHEDULE B

STORE LICENCE

DOMINICA.

No.

is hereby licensed to sell and expose for sale goods, wares, merchandise and provisions in a building situated at in the between the day of 19 and the day of , 19 .

Dated the day of , 19 .

Licence fee \$

Comptroller.

PARLOUR LICENCE

Dominica.

No.

is hereby licensed to sell and expose for sale groceries, haberdashery (including cigarettes and matches), edibles and non-alcoholic beverages in a parlour carrying a stock not exceeding four hundred dollars in value situate at _____ in _____ the _____ between the _____ day of _____, 19 _____ and the _____ day of _____, 19 _____.

Dated the _____ day of _____, 19 _____.

Licence fee \$ _____

Comptroller.

HUCKSTER'S LICENCE

Dominica.

Badge No.

No.

of _____ is hereby licensed to sell and expose for sale goods, wares, merchandise and provisions as a huckster between the _____ day of _____, 19 _____ and the 31st day of December, 19 _____.

Dated the _____ day of _____, 19 _____.

Licence fee \$ _____

Comptroller.

PROFESSIONAL LICENCE

Dominica.

No.

of is hereby licensed to exercise
the calling or profession of between the day of ,
19 and the day of , 19 .

Dated the day of , 19 .

Licence fee \$

Financial Secretary.

TRANSFER OF LICENCE

Dominica.

No.

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

Dated the day of , 19 .

Comptroller.
