



BELIZE

TRADE LICENSING ACT CHAPTER 66

REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

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TRADE LICENSING ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 66

TRADE LICENSING

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CHAPTER 66

TRADE LICENSING

[31st December, 1976]

CAP. 53,
R.E. 1980-1990.
21 of 1976.
6 of 1997.
19 of 1999.

- 1. This Act shall be cited as the Trade Licensing Act.
- 2. In this Act, unless the context otherwise requires-

Short title.

Interpretation.

“annual value” means an amount equal to the rent at which any property might reasonably be expected to let from year to year if the tenant undertook to pay the licence duties (if any) and the landlord undertook to pay the rates and taxes and to bear the costs of repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command that rent;

“Board” means a Trade Licensing Board established under section 3;

“licence” means a licence granted under this Act;

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

“licensed premises” means any premises in respect of which any person has been granted a licence under this Act;

CAP. 87.
CAP. 85.
CAP. 86.

“licensing district” means the limits of each town or city as defined under the Town Councils Act or the Belize City Council Act or the Belmopan City Council Act;

CAP. 85.
CAP. 87.
CAP. 86.

“local Authority” means the Belize City Council established under the Belize City Council Act or a town council established under the Town Councils Act or the City of Belmopan established under the Belmopan City Council Act;

19 of 1999.

“Minister” means the Minister for the time being responsible for trade licensing;

“owner” means the owner, whether the sole or part owner, or the owner in his own right or a lessee from the Crown;

“premises” includes the land, building and appurtenances thereto;

“prescribed duty” means the duty payable under this Act;

“prescribed returns” means the returns required to be made under this Act;

“town” means any town mentioned and described in the Schedule to the Town Councils Act, or the Belize City Council Act, or the City of Belmopan established under the Belmopan City Council Act;

CAP. 87.
CAP. 85.
CAP. 86.

“trade” means any business in the course of which any goods, wares, merchandise or provisions are sold and includes a business in which produce or goods of any sort are exported from Belize and any vocation set out in sections 27 and 31 but shall not include any business set out in the First Schedule.

First Schedule.

3.-(1) There shall be established in each town in Belize a Trade Licensing Board which shall consist of the members specified in subsection (2) below.

The Board.
6 of 1997.
19 of 1999.

(2) Each Board shall consist of the Mayor or Chairman of the local authority administering the town and four members nominated and appointed by the local authority.

(3) The Mayor or Chairman of the local authority administering the town shall be Chairman of the Board.

(4) A quorum for a meeting of the Board shall be three members.

(5) The Clerk, City or Town Administrator or General Manager of the local authority administering the town, or any other officer nominated by him in writing, shall be the clerk to the Board.

4.-(1) Every member of a Board other than the *ex officio* member shall hold office for one calendar year, and the first Board set up under this Act in each licensing district shall hold office until 31st December in the year following that in which the Board is set up, but any member of a Board (other than the *ex officio* member) may at any time resign from his membership of the Board or be removed therefrom by the local authority.

Duration of
membership
of Board.

19 of 1999.

19 of 1999.

(2) The local authority may appoint persons to fill any vacancy occurring on any Board by reason of death, resignation or removal, or temporary absence; but-

- (a) any person appointed to be a member of a Board in place of a member who has died or resigned his membership of that Board or has been removed from office, shall hold office during a period equal to the unexpired portion of the term of office of the last-mentioned member;
- (b) any person appointed to act as a member of a Board during the absence of a member shall hold office during the period of such absence.

(3) Any person ceasing to be a member of any Board shall be eligible for re-appointment thereto.

Power of Board.

5.-(1) Every Board shall have the power-

- (a) to hear and determine all applications for the issue of licences and for the renewal or transfer thereof;
- (b) to grant licences;
- (c) to forfeit licences; and
- (d) to do such other things necessary to give effect to the provisions of this Act.

(2) A Board may forfeit a licence for such period as it thinks fit if the licence holder-

- (a) is convicted of any offence involving dishonesty

under Title XI of the Criminal Code; CAP. 101.

(b) is convicted of arson;

(c) is convicted of any offence under this Act, the Customs Regulation Act, the Income and Business Tax Act or any other offence involving fraud of the revenue; or CAP. 49.
CAP. 55.

(d) is convicted for a second or subsequent offence under the Supplies Control Act. CAP. 293.

(3) The local authority with the approval of the Minister may make rules prescribing the procedure to be followed by the Board in hearing and determining any application for a licence or renewal of, or transfer of, a licence, or for the forfeiture of a licence. 19 of 1999.

6.-(1) Every person who desires to obtain a licence under this Act in respect of a business already existing at the date hereof shall, upon delivery to the clerk of the Board of the town wherein he is carrying on such trade, of an application in writing in the form set out in the Second Schedule signed by him and setting out the nature of the trade for which he desires a licence, his name and address and such other particulars as may be relevant to this application, be granted a licence. Applications for licence.
Second Schedule.

(2) Every person who wishes to commence a trade within the limits of any town shall, before he commences such a business, submit to the Board of the town wherein he proposes to set up his trade, an application in writing in the form set out in the Third Schedule signed by him setting out the nature of the trade he proposes to set up, his name and address, his place of birth and nationality and such other particulars as may be relevant to his application. Third Schedule.

(3) Every person who changes his place of trade or ceases to carry it on in the old premises shall before he commences such business in the new

Fourth Schedule. premises render a return in the form set out in the Fourth Schedule in respect of the new premises.

(4) If the new premises are of such annual value as to render such person liable to a higher rate of fees, he shall pay the amount payable in respect of the new premises, less the proportion of the fee already paid in respect of the old premises, calculated from the beginning of the quarter of a year in which the change takes place.

(5) Where any trade is carried on in more than one premises, a separate application shall be made in respect of each additional premises; except that where the premises are divided by walls but are otherwise communicating with one another and the trade carried on therein is carried on by one person or under one management, only one application need be made in respect of all the premises.

First Schedule.

(6) No licence is required under this Act to carry on any of the trades set out in the First Schedule.

Register of applications.

7. The clerk shall enter the particulars specified in a register of applications to be maintained by him and shall, as early as is practicable, place the application on the agenda of the Board.

Criteria for licences.

8. In deciding upon the application made to it, a Board may take into account the need for such a trade in that town, the need for control of trade within the town and such other matters as to the Board may seem fit or which may be set out in any regulations made by the Minister.

No person to carry on business without licence.

9. No person or body of persons shall carry on any trade within the limits of any town without a licence granted by the Board for that town, except that in the case of an existing business it shall be lawful to continue to carry on that business while an application for a licence is pending before the Board.

10.-(1) Any person who contravenes section 9 is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars, and shall cease to carry on the business concerned. Such person shall further not be entitled either by himself or in association with others to a licence to trade for a period of two years from the date of his conviction.

Penalty for carrying on business without licence.

(2) The magistrate of the judicial district in which any person carries on any trade within any town without a licence from the Board for that town may, in addition to any fine imposed by him under subsection (1) impose a fine of five dollars for every day upon which such person carries on such trade without a licence from the Board, and shall order that such person shall cease carrying on such trade forthwith.

(3) Where any person carrying on a trade within any town without a licence from the Board for that town is ordered to cease doing so by a magistrate, such persons shall, if he fails to do so forthwith, be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding two months.

11. Every Board shall meet at least quarterly in the early half of the months of January, April, July and October of each year.

Quarterly meetings of Board.

12.-(1) If any person pays a fee of one hundred and fifty dollars to the clerk of a Board and requests him in writing to summon a special licensing meeting, that clerk shall summon a special meeting of the Board for a day to be fixed by the chairman to suit, as far as is reasonably practicable, the convenience of the person.

Special meetings of Board.

(2) At any such special meeting a Board may transact any business which it may transact at its quarterly meetings, but any application for a licence made by any person, other than the person who paid for the summoning of the meeting, shall not be heard and determined unless such person has himself paid a fee of one hundred dollars in respect of his application and asked that it be heard at the special meeting.

Returns. 13.-(1) Every person who, on 1st January in any year, carries on a trade in respect of which a licence is required under this Act shall on or before 15th January of that year make an application for a renewal of his licence and submit a return in the form prescribed in the Fourth Schedule.

Fourth Schedule.

(2) Upon receipt of an application for the renewal of a licence under subsection (1) the Board shall grant a renewal of the licence but may re-assess the fee payable for such renewal in accordance with section 24.

Penalty for false statement in returns. 14. Any person who makes any false statement in an application for a licence or in a prescribed return tendered in support of his application for renewal, with the intention of fraudulently obtaining a licence or of avoiding payment of all or any part of any licence fee is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars, or to both such fine and term of imprisonment.

Fees payable to Board. 15.-(1) Every Board shall annually assess each trade and levy a fee for every licence granted under this Act.

(2) The applications and returns shall be tendered, and the prescribed fees paid to the clerk of the Board of the town within which the trade is to be carried on:

Assessment upon failure to make return. 16. Every person desirous of carrying on any trade or already carrying on a trade, who neglects or refuses to make an application for a licence or a prescribed return prior to the commencement or continuation respectively of any trade shall be assessed by the Board for the town in which such trade is or is sought to be carried on, to pay such fee as the Board may think fit upon the information available to it.

Power to remedy errors in returns. 17. If a Board considers that any person, inadvertently, inaccurately completed any return rendered by him, the Board may remedy the error and assess the applicant accordingly.

18.-(1) Whenever any Board has stipulated an assessed fee in respect of any application and the applicant is dissatisfied with the assessment, the applicant may, within ten days of notice of the assessment, serve a written notice of appeal therefrom upon that Board and upon the magistrate of the judicial district in which the applicant proposes to carry on the trade. Appeal against fee.

(2) If the applicant does not first pay the assessed fee within the stipulated time, his appeal shall be dismissed.

(3) The magistrate of the judicial district in which the appellant proposes to carry on the trade shall hear and determine an appeal made under this section, and his decision shall be deemed a judgment of an inferior court within the meaning of Part X of the Supreme Court of Judicature Act. CAP. 91.

19.-(1) Any person whose application for a licence to a Board or for the Board's approval to the transfer of a licence is refused by the Board may appeal to the Minister against such a refusal. Appeal against refusal of licence.

(2) Upon an appeal being made under subsection (1), the Minister shall hear the parties concerned and shall make a ruling thereon either confirming or reversing the decision of the Board.

20. Where any fee is assessed by any Board in respect of any trade carried on within any town, such fee shall be payable within thirty days of the notice of assessment; and where the fee is not paid within this time, a further amount equivalent to ten *per centum* of the fee referred to in this section shall be payable in respect of every month or part of a month during which such fee remains unpaid. Fee when due.

21. Where any person who is liable to pay any fee assessed by any Board fails to do so within thirty days of the notice of assessment, the magistrate of the judicial district in which the trade in respect of which the fee is due is situated shall, upon a certificate issued by that Board stating the sum due as fee and penalty, proceed to execution as if it were a judgment debt and shall for this Execution.

CAP. 97.	purpose have all the powers available to him under the District Courts (Procedure) Act.
Magistrate may make rules. 19 of 1999.	22. The Chief Magistrate may, with the approval of the Attorney General, from time to time make general rules regulating the hearing of appeals under section 18 or execution under section 21, and prescribing the scale of fees and costs in respect thereof.
Rules to be approved by Minister. 19 of 1999.	23. All rules made by the Chief Magistrate under section 22 shall be subject to the approval of the Attorney General, who shall have power to revoke, alter or amend them.
Annual licence fee for trade.	24. The annual licence fee payable in respect of the carrying on of any trade shall be an amount equal to one-fourth of the annual value of the premises in which the business is carried on.
Transfer of licences.	25. No person carrying on a trade under a licence granted under this Act may transfer the licence for such trade except with the prior approval in writing of the Board and upon payment of a fee of ten dollars to the Board.
Pedlar's Licence.	26.-(1) Every person who- (a) in any street or public place in any town sells or exposes for sale imported goods; or (b) in any town acts as a pedlar or hawker of imported goods, shall obtain from the Board for that town a licence which, according to the nature of the goods to be sold, shall be in one of the following forms, that is to say- (i) a special pedlar's licence authorising the holder, personally, to sell imported jewellery

and all other imported goods, the prescribed fee in respect of which shall be paid in advance; or

- (ii) a general pedlar's licence authorising the holder, personally, to sell imported goods other than jewellery, the prescribed fee in respect of which shall be paid in advance.

(2) Such licence shall be taken out in the name of one individual only who shall have the exclusive right to act thereunder.

(3) Such licence shall in the case of an applicant who produces a certificate of residence issued under section 29 be in force for one year from the day whereon the licence is granted and in all other cases shall be in force for such period not exceeding seven days as the Board shall state therein.

(4) Every pedlar, hawker or other person who has obtained a licence under this section shall at all times on demand produce and show such licence to any justice of the peace, police officer, person to whom such pedlar, hawker or other person offers his goods for sale, or officer of the Board.

(5) Every pedlar, hawker, or other person who refuses on demand to show his licence to, and allow it to be read and a copy thereof taken by any of the persons authorised under subsection (4) to demand it, is guilty of an offence and is liable on summary conviction to a fine not exceeding five dollars for each offence.

(6) Every person who sells or exposes for sale, or acts as a pedlar or hawker of imported jewellery or other imported goods without the licence required by this section is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(7) The fine and the amount of the fee payable under this section shall be recoverable on one information in the manner provided for in this Act.

Businesses for which licence to be taken out.

27.-(1) Every person who carries on any of the following businesses shall take out a licence for so doing and pay the prescribed fee in respect thereof-

- (a) the business of owner or manager of a merry-go-round;
- (b) the business of an acrobat or circus performer;
- (c) the business of an itinerant vendor of secret or patent medicines;
- (d) the business of a moving picture show.

(2) Every such licence shall be in force up to and including 31st December following the day whereon it was granted, but if any such licence is granted after 1st December in any year, such licence shall be in force for one calendar month from the day whereon it was granted.

(3) Every person who carries on any such business without first obtaining from the Board the licence in respect thereof is guilty of an offence and is liable on summary conviction for each offence to a fine not exceeding one hundred dollars.

Commercial traveller.

28.-(1) Every person who carries on the business of a commercial traveller in any town shall obtain a licence from the Board of that town for doing so and pay the prescribed fee.

(2) A licence issued pursuant to subsection (1) shall, in the case of an applicant who produces a certificate of residence issued under section

29, be in force for one year from the day whereon the licence is granted and in all other cases shall be in force for such period not exceeding seven days as the Board shall state therein.

(3) Every person who carries on such business without first obtaining from a Board the licence in respect thereof, is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

29.-(1) Any person who is resident in Belize and who intends to apply for a licence as a general pedlar, special pedlar or commercial traveller may apply to the Minister for a certificate of residence.

Certificate
of residence.

(2) The Minister may, if satisfied that such person is resident in Belize, issue to him free of charge a certificate of residence in the form set out in the Fifth Schedule which shall be valid for a period of five years but which may be renewed.

Fifth Schedule.

30. The amounts of the prescribed fees payable under this Act in relation to the carrying on in any town of the several trades mentioned in sections 26, 27 and 28 are those set out in the Sixth Schedule.

Fees payable.

Sixth Schedule.

31.-(1) Every person who, in any town, carries or intends to carry on any of the vocations set out in the Seventh Schedule shall obtain a licence from the Board of that town.

Professional
licence.
Seventh
Schedule.

(2) Upon receipt of an application for a licence or a renewal of a licence in respect of any vocation set out in the Seventh Schedule the Board shall, subject to any assessment that the Board may make under section 24, grant a licence therefor upon payment of the assessed fee.

Seventh
Schedule.

(3) Section 5 (1) (c) and (2) shall not apply to any vocation set out in the Seventh Schedule.

Seventh
Schedule.

(4) The Minister may by Order published in the *Gazette* add any

Seventh Schedule.	new vocation to the Seventh Schedule or delete any vocation therefrom.
Orders.	32.-(1) The Minister may by Order published in the <i>Gazette</i> - (a) substitute another amount as the prescribed fee or another formula of computation of the fee;
First Schedule.	(b) add to the First Schedule any new trade that may be carried on without a licence;
First Schedule.	(c) delete from the First Schedule any trade that was exempted from having to obtain a licence.
	(2) Every such Order shall be subject to negative resolution.
Fees to be credited to local authority.	33. All fees paid in respect of licences granted under this Act and all penalties imposed in respect of the non-payment or late payment of such fees shall be placed to the credit of the funds of the local authority of the licensing district in which they are recovered.
Regulations.	34. The Minister may make regulations for- (a) prescribing anything which under this Act is required or authorised to be prescribed; and (b) generally for the carrying out of the provisions of this Act.

FIRST SCHEDULE

[Sections 2, 6 (6) and 32(1) (b) and (c)]

CAP. 150. A premises in which the sole trade is the sale of liquor under a licence granted under the Intoxicating Liquor Licensing Act.

SECOND SCHEDULE

[Section 6 (1)]

Form of Application for Licence in Respect of Existing Trade

Name of Applicant
Address
Date of Birth
Nature of Trade
Address at which Trade is carried on
.....
Annual Value of Premises

I, declare
that the above facts are in all respects just and true and I apply for a
Licence in terms thereof.

DATED this day of 20

Signed
TO: The (Licensing Board or City Council).

THIRD SCHEDULE

[Section 6 (2)]

Form of Application for Licence in Respect of a New Trade

Name of Applicant
 Address
 Date of Birth
 Place of Birth
 Nationality
 Description of Trade sought to be commenced

 Date of Intended Commencement
 Address at which Trade will be carried on

 Annual value of the Premises
I, declare
 that the facts set out in this application are just and true, and apply for
 a Licence in terms thereof.

DATED this day of 20

Signed

TO: The (Licensing Board or City Council)

FOURTH SCHEDULE

[Sections 6 (3) and 13 (1)]

Return made for Year 20

Name of Declarant
 Address
 Holder of Licence No.
 Nature of Trade
 Annual Value of Premises

DATED this day of 20 . . .

Signed

TO: The (Licensing Board or City Council).

FIFTH SCHEDULE

[Section 29]

Certificate of Residence

I hereby certify that
 of who is intending
 to apply for a licence has satisfied me that he is a resident of this country.

GIVEN under my hand the day of 20 . . .

.
Minister

SIXTH SCHEDULE

[Section 30]

<i>Business of</i>	<i>Licence fee</i>
1. Commercial Traveller	\$100 per annum.
2. General Pedlar	\$10 for each visit.
3. Special Pedlar	\$25 for each visit.
4. Owner or manager of merry-go-round	\$100 per annum or \$50 per visit.
5. Acrobat or Circus Performer	\$100 per annum or \$10 for each performer.
6. Itinerant vendor of secret or patent medicines	\$50 per annum.
7. A moving picture show	25% of the annual value of the premises.

SEVENTH SCHEDULE

[Section 31]

1. Architects
 2. Building Contractors
 3. Business of Banking
 4. Dentists
 5. Doctors
 6. Engineers
 7. Hotel Business
 8. Insurance Business
 9. Real Estate Agents
 10. Attorneys-at-Law
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