

Supplement No. 1 published with Gazette No. 10 of 13th May , 1996.

THE TRADE AND BUSINESS LICENSING LAW (25 OF 1971)

(1996 Revision)

Consolidated with Laws 15 of 1974, 21 of 1975, 1 of 1979, 39 of 1983, 12 of 1984 (part), 33 of 1985, 13 of 1992 (part) and 21 of 1992, and with the Trade and Business Licensing Order, 1977, the Trade and Business Licensing (Variation) Order, 1990 and the Trade and Business Licensing (Variation) Order, 1996.

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 25 of 1971-13th December, 1971
Law 15 of 1974-14th October, 1974
Law 21 of 1975-18th November 1975
Law 1 of 1979-9th April, 1979
Law 39 of 1983-2nd December, 1983
Law 12 of 1984-9th April, 1984
Law 33 of 1985-19th December, 1985
Law 13 of 1992-13th July, 1992
Law 21 of 1992-11th September, 1992

Originally made-

Order, 1977-1st November, 1977
Order, 1990-24th July, 1990
Order, 1996-5th March, 1996

Consolidated and revised this 5th day of March, 1996.

Note: (not forming part of the Law): This revision replaces the 1995 Revision which should now be discarded.

TRADE AND BUSINESS LICENSING LAW

(1996 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
 2. Definitions
 3. Exemption of certain persons and products
 4. Trades and businesses requiring to be licensed
 5. Form of application
 6. Fees payable
 7. Proceedings and policy to be followed by the Board
 8. Grant of licence
 9. Notification of changes of address, etc.
 10. Form of licence
 11. Forfeiture of licence
 12. Revocation of licences
 13. Regulations
 14. Power to vary Schedule
 15. Offences and penalties
 16. Restriction on the use of the word 'licensed'
- Schedule: Fees

TRADE AND BUSINESS LICENSING LAW

(1996 Revision)

1. This Law may be cited as the Trade and Business Licensing Law (1996 Revision). Short title
2. In this Law- Definitions
- “agricultural product” includes any animal or vegetable product of agriculture or husbandry;
- “Board” means the Immigration Board established by section 4 of the Immigration Law; Law 13 of 1992
- “Chairman” means the Chairman of the Board;
- “Governor” means the Governor in Council;
- “premises” includes any place, stall, vehicle or thing from whence a business is carried on, irrespective of whether it is fixed or movable or partly fixed and partly movable; and
- “retailer” includes a person who buys from a merchant or who himself imports and offers for sale direct to the public in small quantities.
3. This Law does not apply to- Exemption of certain persons and products
- (a) any trade or business licensed to be carried on as such under any other law without reference to this Law;
 - (b) artisans, craftsmen and other persons who do not carry on a business of their own but are themselves employed by other persons;
 - (c) the sale of agricultural products by the producers thereof;
 - (d) the sale of handwork or other products produced by individuals or family units in premises not normally open to the public; or
 - (e) any corporation or body which satisfies the Board that it has been formed for purposes of social or public welfare, religion, charity, art or science and that it applies its income and profits solely for promoting such purposes and does not permit the payment of any dividends to its members.
- Trades and businesses requiring to be licensed

4. Every person carrying on a trade or business mentioned in the Schedule shall, unless exempted under section 3, take out an annual licence in respect thereof in accordance with this Law in respect of each place where such trade or business is carried on.

Form of application

5. Every application for a licence or a renewal thereof shall be in the prescribed form and shall be made out in duplicate and forwarded to the secretary of the Board who shall, in such cases as he may think fit, forward a copy thereof to the Chief Medical Officer.

Fees payable

6. (1) An application for the renewal of a licence shall be made on or before the 7th day of December in each year accompanied by the fee set out in the Schedule:

Provided that in the case of a trade or business carried out in Cayman Brac or Little Cayman the application shall be accompanied by a fee of fifty per cent of the fee set out in the Schedule.

(2) An application for the grant of a new licence shall be accompanied by the fee apportioned to the number of unexpired months in the calendar year, part of a month being calculated as one month.

(3) All licences granted under this Law shall, unless renewed, expire on the 31st day of December in each year.

(4) If, in any case, the Board is not satisfied that an applicant's trade or business has been correctly described or that the appropriate fee has been tendered the Board shall so inform the applicant who shall be given an opportunity to justify to the Board the description of the trade or business or the fee tendered, either in person or in writing as the Board may direct. The Board shall then or within fifteen days give its decision, which shall be an administrative decision and which shall be final.

(5) In the event of the Board refusing to grant a licence, the Board may, in its discretion, refund the fee tendered or such portion thereof as the Board may deem fit.

Proceedings and policy
to be followed by Board

Law 13 of 1992

7. For the purpose of arriving at its decisions and for generally discharging its functions under this Law the Board shall follow the procedures and policies prescribed by, or by virtue of the Immigration Law.

8. (1) On being satisfied that an application under section 5 has been properly made and the correct fee tendered the Board shall, within thirty days of an application for the renewal of a licence or within ninety days of an application for a new licence, grant such licence unless-
- Grant of licence
- (a) the applicant is a person of non-Caymanian status who does not hold a work permit as defined by the Immigration Law;
 - (b) the applicant is, in the opinion of the Board, unable by reason of youth or infirmity to carry on the trade or business for which the licence is sought;
 - (c) the applicant is, under this or any other law, disqualified from holding the licence sought;
 - (d) the Chief Medical Officer has, on grounds of public health connected with the applicant or the premises in which the applicant proposes to carry on his trade or business, objected to the grant of a licence to the applicant; or
 - (e) the applicant is a company that requires a licence under the Local Companies (Control) Law (1995 Revision) to carry on business on the Islands and is not the holder of such a licence.
- Law 13 of 1992
- 1995 Revision
- (2) The Board may attach such conditions or restrictions to a licence as it may deem fit.
9. Every licensee under this Law, who during the currency of the licence, changes his address or, being a corporation, its corporate identity or the scope of its trade or business shall forthwith notify the secretary of the Board.
- Notification of changes of address, etc.
10. A licence granted under this Law shall be evidenced by a certificate in the prescribed form and such licence shall be framed by the licensee and shall be publicly displayed on the premises to which such licence relates.
- Form of licence
11. In the event of a licensee under this Law being convicted of any offence connected with the conduct of the licensee's trade or business licensed under this Law, the convicting Court may order his licence to be forfeited and may order that he be disqualified for a period not exceeding three years from applying for the grant of a new licence. In such event the Clerk of the Court shall forthwith give notice to the secretary of the Board of the making of the order. No refund of any licence fee shall be payable as the result of any such forfeiture.
- Forfeiture of licence
12. In the event of the revocation under the Local Companies (Control) Law (1995 Revision) of a licence under that law authorising the holder thereof to carry on any trade or business in respect of which he also holds a licence under this Law, such revocation shall, *ipso facto*, revoke such last mentioned licence. No refund of any licence fee shall be payable as the result of such revocation.
- Revocation of licences

Trade and Business Licensing Law (1996 Revision)

- Regulations 13. The Governor may make regulations prescribing anything required to be prescribed by this Law and generally for the better carrying out thereof.
- Power to vary Schedule 14. The Governor may, if he considers it expedient so to do, by Order, delete from, add to or vary the Schedule.
- Offences and penalties 15. Whoever-
- (a) wilfully makes a false or inaccurate representation to the Board;
 - (b) carries on or attempts to carry on without a licence a trade or business which is required to be licensed under this Law; or
 - (c) being a person to whom a licence has been granted under this Law carries on a trade or business in contravention of a condition or restriction contained in such licence,
- is guilty of an offence and liable on conviction to a fine of five thousand dollars or to imprisonment for twelve months.
- Restriction on the use of the word 'licensed' 16. (1) No person licensed under this Law shall use the word 'licensed' in juxtaposition with any word describing a trade or business practised by him upon the ground only that he is licensed under this Law.
- (2) A licence under this Law has no relevance to the qualification, skill or financial stability of the licensee.
- (3) Whoever contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of five thousand dollars or to imprisonment for twelve months.

SCHEDULE

Fees

(Section 6)

Professional

1. Accountant	including auditor, actuary, bookkeeper and statistician	\$400 for each professional member of the business
2. Agent	including airline, shipping or travel agent, salesman or advertising agent or consultant, and any other professional agent not mentioned herein	\$400 for each professional member of the business
3. Architect, Engineer or Surveyor	including any architect, civil, electrical or mechanical engineer, land or quantity surveyor or any other professionally qualified person in the field of construction	\$400 for each professional member of the business
4. Auctioneer	being a person other than a Government officer or an officer of the Court acting in the course of his duties who sells or offers for sale any kind of property or right to property to another whether by public auction or private treaty	\$400 for each professional member of the business
5. Broker	being a person who, for a commission or other reward, negotiates contracts between other brokers or principals and includes a commission agent, a <i>del credere</i> agent and factor	\$400 for each professional member of the business
6. Corporate Administrative Service	being a person, firm or company (other than the holder of a valid licence to carry on banking or trust business granted under the Banks and Trust Companies Law (1995 Revision) providing management services for companies other than for itself and its subsidiaries- (i) Where the services are provided for	

ten or more companies but comprise only the maintaining of registered offices, the conducting of annual general meetings (including the preparation and recording of resolutions at, and the minutes of, such meetings) and filing statutory returns, a fee of \$3 for each such company:

Provided however that a fee of \$70 shall be the minimum fee payable under this subparagraph:

Provided further that no fee payable under this subparagraph shall exceed \$3,000; or

(ii) Where services more extensive than those referred to in subparagraph (i) are provided for five or more companies-

(a) a fee of \$260; or

(b) a fee equivalent to \$13 for each company for which such more extensive services are provided plus \$2.60 for each company for which services of the kind referred to in subparagraph (i) are provided,

whichever fee be the greater:

Provided however that no fee payable under this subparagraph shall exceed \$9,750.

7. Insurance Agent	including an agent, broker or underwriter engaged in the business of insurance or assurance	\$260
8. Real Estate Agent	being a person who as principal or agent deals or offers to deal in real estate or tenancies thereof	\$400 for each professional member of the business

Trades And Technical

1. Baker	including a person carrying on the	\$200
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	business of making bread, buns, cakes, biscuits, pastry and any other article of food incidental thereto	
2. Barber	any person engaged in the trimming and styling of men's hair	\$65
3. Building and Engineering Trade	including any person carrying on the business of a mason, carpenter, joiner, plasterer, painter, electrician, plumber, welder or other trade within the construction industry with less than ten employees	\$400
4. Hairdresser	including beautician, manicurist and pedicurist	\$200
5. Job Printer	including all persons carrying on the business of printing other than newspaper printing	\$400
6. Launderer	including any person carrying on the business of cleaning of wearing apparel, household textiles and other materials by means of immersion in water or otherwise with or without the addition of soap, dry solvent or other cleaning aids and includes the pressing or ironing of any such material by any means whatsoever save laundry services rendered by individuals or family units in premises not normally open to the public	\$200
7. Retailer	including any person who buys from a merchant or who himself imports and offers for sale direct to the public in small quantities and who manufactures and sells his own products-	
	(a) up to eight hundred square feet selling area	\$100

	(b) up to one thousand two hundred square feet selling area	\$300
	(c) up to one thousand five hundred square feet selling area	\$650
	(d) up to two thousand square feet selling area	\$1,040
	(e) over two thousand square feet selling area	\$1,625
8. Service Station, Garage or Marina	including any person carrying on the business in any premises of fuelling motor vehicles with petroleum or diesel or of lubricating such vehicles or of repairing tyres or tubes of such vehicles and also includes any marina for the servicing of sailing or power boats: Provided that any service station or garage on Grand Cayman other than in West Bay or George Town shall pay at the rate of fifty per cent.	\$400
9. Shoe Repairs	including a person who repairs boots and shoes	\$50
10. Super Cargo	including the master or other person selling goods on board any vessel within the waters of the Islands, excluding local fishermen	\$400
11. Tailor	including a dressmaker and a fitter and repairer of clothes	\$50
12. Undertaker	including a mortician and an embalmer	\$200

Commerce

1. Bulk Fuel Installation	being the business of storing, for distribution to other persons, petroleum products or other fuel products, except	\$65,000
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	propane gas	
	Propane gas	\$6,500
2. Contractor	including any person carrying on the business of building or civil engineering contracting employing a staff of ten persons or more	\$2,600
	any other person, being a company carrying on such a business, to whom a licence has been granted under section 11(1) of the Local Companies (Control) Law (1995 Revision)	\$13,000
3. Merchants and Wholesalers	including a person who imports or holds goods for sale or resale to retailers	\$1,950
4. Restaurateur	including any person other than a hotel operator or a guest house operator carrying on, in any premises, the business of selling or offering for sale food or drink for human consumption on or off the premises	\$260

Industry, Agriculture And Primary Activities

1. Agricultural production and Agrobased industries	including turtle, poultry and animal husbandry, hydroponics	Exempt
2. Blockmaking, quarrying and building materials	including any person carrying on the business of making blocks or building components	\$1,000
3. Miscellaneous manufacturing	including jewellery manufacturer	\$200
4. Newspaper Printer	being any person carrying on the business of printing and publishing a newspaper or magazine	\$1,000

5. Transportation

Land including any person operating a public bus, taxi or jitney service \$150

Sea including any person operating ferries, etc., or water sports service \$200

6. Utility Services

including the operating of desalination or well water services providing water to the public; the provision of a service for emptying cesspools and septic tanks \$150

Miscellaneous

Any other business or trade not specified herein in which a service is offered for reward \$50

Publication in consolidated and revised form authorised by the Governor in Council this 5th day of March, 1996.

Meredith Hew
Acting Clerk of Executive Council