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TRADE AND BUSINESS LICENSING LAW

(2001 Revision)

Law 25 of 1971 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), 21 of 1992, 5 of 1997, 20 of 1998 (part), 15 of 1999 (part), 2 of 2000 (part) and 10 of 2000, 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 (1999 Revision).

Originally enacted-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
Law 5 of 1997-17th April, 1997
Law 20 of 1998-15th February, 1999
Law 15 of 1999 (part)-6th August, 1999
Law 2 of 2000 (part)- 13th April, 2000
Law 10 of 2000-20th July, 2000.

Originally made-

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

Consolidated and revised this 31st day of October, 2000.

Note: (not forming part of the Law): This revision replaces the 1999 Revision which should now be discarded.

**TRADE AND BUSINESS LICENSING LAW
(2001 Revision)**

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TRADE AND BUSINESS LICENSING LAW
(2001 Revision)

1. This Law may be cited as the Trade and Business Licensing Law (2001 Revision). Short title

2. In this Law- Definitions
 - “agricultural product” includes any animal or vegetable product of agriculture or husbandry;
 - “Board” means the board established by section 4;
 - “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.

4. There is established a Board called the Trade and Business Licensing Board. Establishment of Board

5. The functions of the Board are- Functions of Board
 - (a) the consideration of all applications for licences made in accordance with this Law;
 - (b) following such consideration, the granting or refusal of such applications, in accordance with this Law;

- (c) the presentation of responses to appeals made under section 17; and
 - (d) such other functions as may be conferred upon the Board by this or any other law or regulations made thereunder.
- Membership 6. The Board shall consist of-
- (a) a chairman, deputy chairman and seven members, all of whom shall be appointed in accordance with section 7; and
 - (b) the Chief Immigration Officer or, in his absence, his deputy.
- Appointment of Board members 7. (1) The chairman, deputy chairman and members shall be appointed by the Governor, hold office for a period of one year and be eligible for re-appointment.
- 2001 Revision (2) Section 9 of the Immigration Law (2001 Revision) shall apply to the chairman, deputy chairman and members of the Board in all respects as though they were members of the Immigration Board.
- Appointment of Secretary 8. (1) The Governor shall appoint a Secretary of the Board, together with such other support staff as shall be necessary.
- (2) The Secretary shall be responsible for the day to day administration of the Board and, to the extent of the authority delegated to him by the Board, shall be responsible for carrying out the functions of the Board, and shall record and keep the minutes of all meetings, proceedings and decisions of the Board.
- Disqualification of Board members 9. (1) No person may be appointed as or remain a Board member who is an elected member of the Legislative Assembly.
- (2) The Governor shall terminate the appointment of any Board member who-
- (a) resigns his office;
 - (b) becomes of unsound mind or incapable of carrying out his duties;
 - (c) becomes bankrupt or suspends payment to or compounds with his creditors;
 - (d) is convicted in the Islands or in any other jurisdiction of an offence involving dishonesty, fraud or any indictable offence;
 - (e) is guilty of serious misconduct in relation to his duties;
 - (f) is absent, without leave of the Chairman of the Board, from three consecutive meetings of the Board; or
 - (g) fails to comply with his obligations under section 11.
- (3) The Governor may terminate the appointment of any Board member.
- Regulation of Board business 10. (1) The Board may, subject to this Law, make such rules as it thinks fit to regulate its own internal management, and at its first meeting shall approve and

adopt standing orders that will govern procedure in connection with and at its meetings.

(2) The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of a member.

11. Section 8(5) of the Immigration Law (2001 Revision) shall apply to the members of the Board in all respects as though they were members of the Immigration Board.

Members' interests
2001 Revision

12. 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.

Trades and businesses
requiring to be licensed

13. Every application for a licence or a renewal thereof shall be in the prescribed form, 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.

Form of application

14. (1) An application for the renewal of a licence shall be made at least twenty-eight days before the date of expiry of the licence and shall be accompanied by the fee set out in the Schedule:

Fees payable

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 such fee.

(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 first anniversary of their date of grant or renewal.

(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

15. The Governor may, after consultation with the Board, give such general directions as to the policy to be followed by the Board in the performance of its functions under this Law as appear to him to be necessary in the public interest, and the Board shall give effect to any such directions.

Grant of licence

16. (1) On being satisfied that an application under section 13 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-

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- (a) the applicant is a person of non-Caymanian status who does not hold a work permit as defined by the Immigration Law (2001 Revision);
- (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

1999 Revision

- (e) the applicant is a company that requires a licence under the Local Companies (Control) Law (1999 Revision) to carry on business on the Islands and is not the holder of such a licence.

(2) The Board may attach such conditions or restrictions to a licence as it may deem fit.

Appeals from decisions of Board

17. (1) A person aggrieved by, or dissatisfied with, a decision of the Board may, within twenty-one days of the communication of the decision to him, or such longer period as the Governor may, for good cause shown, allow, appeal therefrom to the Governor whose decision shall be final and binding on the appellant.

(2) For the purposes of subsection (1), the decision shall, if notice of it is sent to a person by post, be deemed to have been communicated to him at the time at which it would have been received in the ordinary course of post.

Conduct of appeals

18. (1) Appeals under section 17 shall be by notice in writing addressed to the Clerk of Executive Council, and shall set forth-

- (a) the original application;
- (b) the decision against which the appeal is made;
- (c) the grounds of the appeal; and
- (d) whether the appellant wishes to be heard personally or through a representative,

which notice of appeal shall be accompanied by a non-refundable processing fee of one hundred dollars.

(2) On receipt of the notice of appeal, the Governor shall, if the appellant has applied to be heard personally or by a representative, decide whether he shall be so heard and, if it is so decided, fix a time and date for such hearing and shall notify the appellant and the Board thereof.

(3) At the hearing of an appeal where the appellant or his representative is present, the appellant or his representative shall be given an opportunity to address the Governor, and the representative of the Board shall be heard in answer if called upon by the Governor in that behalf, and the Governor may call upon either party to address it further.

(4) Representatives of either party need not be persons having legal qualifications.

(5) The decision of the Governor shall be communicated to the appellant with the least possible delay.

19. Decisions made under section 17 shall be administrative.

Decisions to be administrative

20. 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.

21. 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 publicly displayed on the premises to which such licence relates.

Form of licence

22. 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

- Revocation of licence
1999 Revision
23. In the event of the revocation under the Local Companies (Control) Law (1999 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.
- Regulations
24. 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
25. The Governor may, if he considers it expedient so to do, by Order, delete from, add to or vary the Schedule.
- Offences and penalties
26. 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.
- Offences by officers of
corporate bodies
27. (1) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of the member in connection with his functions of management as if he were a director of the body corporate.
- Restriction on the use of
the word 'licensed'
28. (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.

29. Section 8 of the Immigration Law (2001 Revision) shall apply to the members of the Board in all respects as though they were members of the Immigration Board.

Confidentiality
2001 Revision

30. Any immigration officer appointed under section 3 of the Immigration Law (2001 Revision) shall have authority and power to carry out such instructions as may be given by the Board in relation to this Law and may enforce, on behalf of the Board, any powers granted by this Law or the regulations.

Powers of immigration
officers

SCHEDULE

Fees

section 14

Professional

1. Accountant	including auditor, actuary, bookkeeper and statistician	\$750 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	\$750 for each professional member of the business
3. Architect, Engineer, Surveyor or Computer Specialist	including any architect, civil, electrical or mechanical engineer, land or quantity surveyor or any other professionally qualified person in the field of construction	\$750 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	\$750 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	\$750 for each professional member of the business
6. Insurance Agent	including an agent, broker or underwriter engaged in the business of insurance or assurance Agents- Sub-agents-	\$350 \$125
7. Real Estate Agent	being a person who as principal or agent deals or offers to deal in real estate or tenancies thereof	\$750 for each professional member of the business

Trades and Technical

1. Baker	including a person carrying on the business of making bread, buns, cakes, biscuits, pastry and any other article of food incidental thereto a business employing 7 or less persons a business employing 8 to 15 persons a business employing 16 or more persons	\$350 \$1,000 \$3,000
2. Barber	any person engaged in the trimming and styling of men's hair	\$150

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	\$750
4. Hairdresser	including beautician, manicurist and pedicurist	\$350
5. Job Printer	including all persons carrying on the business of printing other than newspaper printing	\$500
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	\$300
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-	
	for a business with 800 square feet or less of selling area-	\$200
	for a business with 801-1200 square feet of selling area-	\$450
	for a business with 1201-1500 square feet of selling area-	\$1200
	for a business with 1501-2000 square feet of selling area-	\$2000
	for a business with 2001-4000 square feet of selling area-	\$3000
	area-	\$4000
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-	
	for a business which consists only of a service station-	\$800
	for a business which consists of a garage or marina, with or without service station-	\$800
	for a business which consists of a service station with or without a garage or marina, but with a convenience store of 800 square feet or less of selling area-	\$1500
	for a business which consists of a service station with or without a garage or marina, but with a convenience store of 801 square feet or more of selling area-	\$2000:
	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.	
9. Shoe Repairs	including a person who repairs boots and shoes	\$150
10. Super Cargo	including the master or other person selling goods on board any vessel within the waters of the Islands, excluding local	\$600

	fishermen	
11. Tailor	including a dressmaker and a fitter and repairer of clothes	\$150
12. Undertaker	including a mortician and an embalmer	\$600

Commerce

1. Bulk Fuel Installation	being the business of storing, for distribution to other persons, petroleum products or other fuel products, except propane gas	\$90,000
	Propane gas	\$9,000
2. Contractor	including any person carrying on the business of building or civil engineering contracting	
	a business employing ten or less persons-	\$1,000
	a business employing eleven or more persons-	\$3,500
	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 (1999 Revision)	\$25,000
3. Merchants and Wholesalers	including a person who imports or holds goods for sale or resale to retailers-	
	for a business with 800 square feet or less of selling area-	\$2,000
	for a business with 801-1200 square feet of selling area-	\$2,250
	for a business with 1201-1500 square feet of selling area-	\$3,000
	for a business with 1501-2000 square feet of selling area-	\$4,000
	for a business with 2001-4000 square feet of selling area-	\$6,000
	for a business with more than 4000 square feet of selling area-	\$7,500
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-	
	for a business with seats for 30 or less customers-	\$325
	for a business with seats for 31 to 60 customers-	\$500
	for a business with seats for 61 to 100 customers-	\$1,000
	for a business with seats for 101 to 150 customers-	\$1,600
	for a business with seats for 151 to 200 customers-	\$2,500
	for a business with seats for more than 200 customers-	\$3,500

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	\$4,000

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3. Miscellaneous manufacturing	including jewellery manufacturer	\$400
4. Newspaper Printer	being any person carrying on the business of printing and publishing a newspaper or magazine-	\$2,000 per publication
5. Transportation Land	including any person operating a public bus, taxi or jitney service	\$250
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-	
	a bulk water distributor's business-	\$5,000
	a retail water distributor's business-	\$2,000
	a business of emptying or maintaining cesspools or septic tanks-	\$300
	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 (1999 Revision)-	\$5,000

Miscellaneous

Any other business or trade not specified herein in which a service is offered for reward	\$300
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Publication in consolidated and revised form authorised by the Governor in Council this 31st day of October, 2000.

Carmena Parsons
Clerk of Executive Council

Note (not forming part of the Law): Under section 37 of the Mutual Funds Law (1999 Revision) mutual fund administration may be carried on by a licensed mutual fund administrator and a mutual fund may carry on business without reference to the above Law.