

BELIZE:

TRADE LICENSING BILL, 2022

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BELIZE:

BILL

for

AN ACT to make provision for trade licensing; to repeal the Trade Licensing Act, Chapter 66 of the Substantive Laws of Belize, Revised Edition 2011; and to provide for matters connected therewith or incidental thereto.

(Gazetted2021).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

Short title.

1. This Act may be cited as the Trade Licensing Act, 2021.

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

Interpretation.

“amusement ride” means a commercially operated device or structure, mechanical or otherwise, used for entertainment;

“auto dealers” means a person who engages in the buying and selling of motor vehicles on a commercial basis;

“Board” means a trade licensing board established under this Act;

“certified utility service provider” means a registered professional freelance operator who provides utility services;

“e-business operator” means a person who uses electronic and internet services to buy and sell goods;

“economic classification” means the industrial classification of businesses in accordance with the United Nations International Standard Industrial Classification of All Economic Activities;

“entertainer” means a person who performs any act for profit including an acrobat, circus performer, dancer, singer, musician, comedian and disc jockey;

“goods vehicle” means a motor vehicle used for the carriage or haulage of goods for sale or resale;

“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;

“licensing district” means—

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

(a) 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; or

CAP. 88.

(b) the limits of each village as defined under the Village Councils 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;

“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;

“peddler” means a person who sells or exposes goods for sale in any public place;

“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;

“productive footprint” means the usable square footage of the premise where the business is conducted exclusive of common areas of the premise such as lobbies, restrooms, stairwells, customer parking, storerooms, and shared hallways, except where these areas are used as part of the business for profit;

“rent book” means the municipal trade licence roll containing the list of licensed business;

“productive footprint” means the usable square footage of the premises used to conduct a trade, exclusive of common areas not used for profit;

“town” means—

- (a) any town mentioned and described in the Schedule to the Town Councils Act or the Belize City Council Act;
- (b) the City of Belmopan established under the Belmopan City Council Act; or
- (c) any village declared under the Village Councils Act;

CAP. 87.
CAP. 85.
CAP. 86.
CAP. 88.

“trade” means any business in the course of which any services, goods, wares, merchandise or provisions are sold and includes a business in which services, produce or goods of any sort are exported from Belize and any vocation set out in section 36;

“travelling professionals” means a company that provides services in a municipality outside of its registered address;

“Tribunal” means the Trade Licensing Tribunal established under section 38;

“village” has the meaning assigned to it under the Village Councils Act;

CAP. 88.

“warehouse business” means the business of selling raw materials or manufactured goods from a warehouse.

3. The purpose of this Act is—

Purpose.

- (a) to allow for the Local Authority to regulate the conduct of trade in its respective jurisdiction; and
- (b) generally, to ensure the regulation of trade in Belize.

PART II

Appointment, Powers, Functions of Boards

4.—(1) There shall be established in the judicial districts of Corozal, Orange Walk, Belize, Stann Creek and Toledo a trade licensing board consisting of five members appointed by the Minister by Order published in the *Gazette* no later than November 30th of the relevant year.

Trade licensing board for specific judicial districts.

(2) Each Board shall consist of the following members—

- (a) a representative from the District Association of Village Councils;
- (b) a representative from a village council in the respective judicial district;

- (c) a representative of a registered business organization located in the respective judicial districts;
- (d) a representative of a registered Civil Society organization located in the respective judicial districts; and
- (e) a representative of a registered Realtors or Valuers Association located in the respective judicial districts.

CAP. 88.

(3) The Minister shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(4) The Minister may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(5) A Board may act by any four of its members notwithstanding any vacancy and may regulate its own proceedings, Provided that in the event of an equality of votes, the Chairperson of the Licencing Board shall have a casting vote.

(6) No member shall, directly or indirectly, take part in any proceedings of the Board if his interest, or that of his spouse or of a business concern in which he or his spouse has any interest, is likely to be affected in any way by a decision of the Board to be taken in the proceedings; nor shall he seek in any manner to influence any decision that might be taken in the proceedings. Any member knowingly contravening this sub-section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(7) A Board shall hear and determine applications for certificates authorising the issue, the renewal or the transfer of licences, and all matters connected therewith or with forfeiture, cancellation or suspension of licences, in relation to premises situate in its own judicial district or area.

(8) A Board may grant a certificate subject to conditions it may deem fit which it shall endorse on the certificate and which shall be endorsed on the licence by the authority issuing it.

(9) A Board may at any time on good cause being shown, or, on an infringement of any provision of this Act or of regulations made thereunder or of any condition imposed under sub-section (8) being shown, cancel or suspend a licence, or impose conditions in respect thereof, after the licensee has had an opportunity to explain to the Board the matter raised against him.

(10) The Rural Community Development Officer shall be the Clerk of the trade licensing board.

5.—(1) There shall be established for the city of Belmopan, a separate trade licensing board consisting of five persons appointed annually by the Local Authority by Order published in the *Gazette* no later than November 30th of the relevant year.

Trade licensing board for the city of Belmopan.

(2) The Board shall consist of the following members—

- (a) Mayor of the City Council, *ex officio*;
- (b) a member of the City Council, *ex officio*;
- (c) a representative of a registered business organization located in the respective divisions;
- (d) a representative of a registered Civil Society organization located in the respective divisions; and
- (e) a representative of a registered Realtors or Valuators Association located in the respective divisions.

(3) The Local Authority shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(4) The Local Authority may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(5) The provisions of sections 4 (3) to (10) shall apply *mutatis mutandis* to the trade licensing board established under this section.

6.—(1) There shall be established for San Ignacio and Santa Elena Town, a separate trade licensing board consisting of five persons appointed annually by the Local Authority by Order published in the *Gazette* no later than November 30th of the relevant year.

Trade licensing board for San Ignacio and Santa Elena Town.

(2) The Board shall consist of the following members—

- (a) Mayor of the Town Council, *ex officio*;
- (b) a member of the Town Council, *ex officio*;
- (c) a representative of a registered business organization located in the respective divisions;
- (d) a representative of a registered Civil Society organization located in the respective divisions; and
- (e) a representative of a registered Realtors or Valuators Association located in the respective divisions.

(3) The Local Authority shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(4) The Local Authority may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(5) The provisions of sections 4 (3) to (10) shall apply *mutatis mutandis* to the trade licensing board established under this section.

Trade licensing board for Benque Viejo Town.

7.—(1) There shall be established for Benque Viejo Town, a separate trade licensing board consisting of five persons appointed annually by the Local Authority by Order published in the *Gazette* no later than November 30th of the relevant year.

(2) The Board shall consist of the following members—

- (a) Mayor of the Town Council, *ex officio*;
- (b) a member of the Town Council, *ex officio*;
- (c) a representative of a registered business organization located in the respective divisions;
- (d) a representative of a registered Civil Society organization located in the respective divisions; and
- (e) a representative of a registered Realtors or Valuers Association located in the respective divisions.

(3) The Local Authority shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(4) The Local Authority may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(5) The provisions of sections 4 (3) to (10) shall apply *mutatis mutandis* to the trade licensing board established under this section.

Trade licensing boards for villages in the Cayo District.

8.—(1) There shall be established in the judicial district of Cayo, the following trade licensing boards—

- (a) Cayo Trade Licensing Board Eastern Division;
- (b) Cayo Trade Licensing Board Central Division; and

(c) Cayo Trade Licensing Board Western Division.

(2) The trade licensing boards established under sub-section (1) shall exercise jurisdiction in relation to the areas specified in Schedule I. Schedule I.

(3) A trade licensing board established under sub-section (1), shall consist of five persons appointed annually by the Local Authority by Order published in the *Gazette* no later than November 30th of the relevant year.

(4) Each Board shall consist of the following members—

(a) a representative from the District Association of Village Councils;

(b) a representative from a village council in the respective division;

(c) a representative of a registered business organization located in the respective judicial districts;

(d) a representative of a registered Civil Society organization located in the respective judicial districts; and

(e) a representative of a registered Realtors or Valuers Association located in the respective judicial districts.

(5) The Local Authority shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(6) The Local Authority may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(7) The provisions of sections 4 (3) to (10) shall apply *mutatis mutandis* to the Trade Licensing Board established under this section.

9.—(1) Notwithstanding section 43, there shall be established a separate trade licensing board for the village of Caye Caulker consisting of five members appointed by the Local Authority by Order published in the *Gazette* no later than November 30th of the relevant year.

Trade licensing board for the village of Caye Caulker.

(2) The Board shall consist of the following members—

(a) Chairperson of the Caye Caulker Village Council, *ex officio*;

(b) a member of the Caye Caulker Village Council, *ex officio*;

(c) a representative of a registered business organization located in Caye Caulker Village;

(d) a representative of a registered Civil Society organization located in Caye Caulker Village; and

(e) a representative of a registered Realtors or Valuators Association located in Caye Caulker Village.

(3) The Local Authority shall also nominate a member to be the Chairperson, and may appoint any person to act in place of the Chairperson if absent, unable or prevented to act.

(4) The Local Authority may fill a vacancy in the Board caused at any time by a member's resignation or death or a member being unable or otherwise prevented to act.

(5) The provisions of sections 4 (3) to (10) shall apply *mutatis mutandis* to the Trade Licensing Board established under this section.

(6) The Village Administrator shall be the Clerk of the trade licensing board.

(7) Notwithstanding anything contained in this Act, the trade licensing board for the Belize Judicial District shall have no jurisdiction in the village of Caye Caulker, and the functions and powers entrusted to a trade licensing board under this Act shall, in respect of the village of Caye Caulker, be exercised by the trade licensing board established under this section.

Duration of
membership of
Board.

10.—(1) Every member of a Board other than the *ex officio* member shall hold office for three calendar years, 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.

(2) A member may be removed from the Board for any of the following reasons—

(a) death;

(b) resignation; or

(c) three consecutive unexcused absences from any Board meeting.

(3) The local Authority may appoint persons to fill any vacancy occurring on any Board.

(4) 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;

(5) 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.

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

11.—(1) Every Board shall have the powers—

Power of Board.

- (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 or suspend 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;
- (b) is convicted of arson;
- (c) is convicted of any offence under this Act, the Customs Regulation Act, the Income and Business Tax Act, the General Sales Tax Act or any other offence involving fraud of the revenue; or

CAP. 101.

CAP. 49.
CAP. 55.
CAP. 63.

(d) is convicted for a second or subsequent offence under the following laws—

- CAP. 40. (i) Public Health Act;
- CAP. 85. (ii) Belize City Council Act;
- CAP. 86. (iii) Belmopan City Council Act;
- CAP. 87. (iv) Town Councils Act;
- CAP. 293. (v) Supplies Control Act
- CAP. 294. (vi) National Metrology Act;
- CAP. 295. (vii) Standards Act; or
- CAP. 131. (viii) Belize Building Act.

(3) A Board may suspend a licence if the licence holder is in default of payment of property tax, refuse collection fees or other fees and charges imposed by law, which are payable to the local authority and every such suspension shall remain in force until all the outstanding taxes, fees and charges have been duly paid or satisfactory arrangements have been made with the local Authority for such payment.

(4) 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 or suspension of a licence.

Quarterly
meetings of
Board.

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

Special meetings
of Board.

13.—(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 Chairperson to suit, as far as is reasonably practicable, the convenience of the person.

(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 and fifty dollars in respect of his application and asked that it be heard at the special meeting.

PART III

Trade Licence

Schedule II.

14.—(1) 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 Schedule II 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.

Application for trade licence.

(2) On receipt of an application under sub-section (1), the Board may issue a provisional trade licence, with conditions to be satisfied by the applicant, if the applicant has satisfied the Board that—

(a) it is a duly registered company under the laws of Belize; and

(b) it is in good standing.

(3) Where an applicant has satisfied the conditions imposed under sub-section (2), the Board may grant a trade licence to the applicant.

15. Every person who desires to obtain a licence 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 Schedule III 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 in respect of an existing business.

Schedule III.

16. In deciding upon any 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.

Criteria for licences.

17. Every application submitted under this Act shall be accompanied by the application fee specified in Schedule IV.

Application fee. Schedule IV.

18.—(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 Tribunal against such a refusal.

Appeal against refusal of licence.

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

19. The clerk shall enter the particulars specified in a rent book, in the form specified in Schedule V, to be maintained by him and shall, as early as is practicable, place the application on the agenda of the Board.

Rent book. Schedule V.

20.—(1) Upon receipt of an application, the Board shall assess each trade and levy an annual licence fee for every licence granted under this Act.

Annual licence fee for trade.

(2) Every three years, the Board shall reassess the annual licence fee for a licence granted under this Act.

(3) The annual licence fee shall be paid to the clerk of the Board of the town within which the trade is to be carried on.

Determination of annual licence fee.

21.—(1) The annual licence fee payable in respect of the carrying on of a trade shall be determined in accordance with the trade matrix declared under section 22.

(2) For the purpose of calculating the fee for an agricultural trade, the productive footprint shall be the area used for processing the agricultural product.

(3) The fee payable under sub-section (1), in any case, shall not exceed a rate of twenty-five percent of the productive footprint.

(4) Notwithstanding sub-section (1), a business licensed in a village shall pay the following fee at the following rate—

- (a) where the productive footprint is between eight hundred and one square feet and one thousand square feet, the applicable rate shall be two hundred and fifty dollars;
- (b) where the productive footprint is between six hundred square feet and eight hundred square feet, the applicable rate shall be one hundred dollars; and
- (c) where the productive footprint is below six hundred square feet, the business shall be exempt from paying an annual licence fee under this section.

Declaration of trade matrix and trade zones.

22.—(1) Every Board shall by Order published in the *Gazette*, declare a trade matrix.

(2) A trade matrix declared under sub-section (1) shall specify the rate per square footage of any trade based on the economic classification of the trade being carried on and the trade zone in which that trade is being conducted.

(3) Every Board shall, by Order published in the *Gazette*, declare the trade zones for the area within the jurisdiction of that trade licensing board.

(4) The trade matrix and trade zones required under sub-sections (1) and (3) shall be declared every three calendar years.

Fees when due.

23. 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.

24.—(1) 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 purpose have all the powers available to him under the District Courts (Procedure) Act.

Execution.
CAP. 97.

(2) Where the magistrate fails to proceed to execution within thirty days after the issue of the certificate by the Board, the Board may apply to the Supreme Court for an order requiring the magistrate to proceed to execution forthwith.

25.—(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 Tribunal.

Appeal against fee.

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

26.—(1) 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 premises render a return in the form set out in the Schedule VI in respect of the new premises.

Annual trade returns.
Schedule VI.

(2) If the productive footprint of the new premises is such 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.

(3) 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.

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

Renewal.
Schedule VI.

(2) Upon receipt of an application for the renewal of a licence under sub-section (1), the Board shall grant a renewal of the licence but may re-assess the fee payable for such renewal in accordance with section 21.

(3) Notwithstanding sub-section (2), the Board may refuse to renew a licence where the applicant is in default of payment of property tax, refuse collection fees, or other fees and charges payable to the local Authority.

Power to remedy errors in returns.

28. 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.

Display of licence on premises.

29. Every licence holder shall at all times prominently display his licence on some conspicuous part of the premises where the trade or business is carried out, and every person who fails to comply with this requirement commits an offence and is liable on summary conviction for a fine not exceeding one thousand dollars.

Transfer of licences.

30.—(1) 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 fifty dollars to the Board.

(2) The approval of the transfer of a licence referred to in sub-section (1), shall be made at a meeting of the Board, at which the person to whom the transfer is to be made, and the person intending to make the transfer, shall be present.

(3) The Board shall request the persons referred to in sub-section (2), to answer any questions and queries as may be put to them by the Board regarding the transfer of the licence.

Assessment upon failure to make return.

31. 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.

No person to carry on business without licence.

32. 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 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.

Penalty for carrying on business without licence.

33.—(1) Any person who contravenes section 32, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and shall cease to carry on the business concerned.

(2) A person who commits an offence under sub-section (1) shall 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.

(3) 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 sub-section (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.

(4) 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, if he fails to do so forthwith, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two months.

(5) Notwithstanding the foregoing provisions, the Board may issue a Stop Order to any person who carries on the trade or business in contravention of section 32, or whose licence has been forfeited or suspended by the Board in accordance with section 11, and every person who contravenes or fails to comply with such Stop Order commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

34. 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 commits 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.

Penalty for false statement in returns.

PART IV

Other licences

35.—(1) Every person who—

(a) in any street or public place in any town sells or exposes for sale any goods; or

(b) in any town acts as a peddler of any goods,

shall obtain from the Board for that town a licence, according to the nature of the goods to be sold.

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

Peddler's licence.

(3) Every peddler 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 peddler, hawker or other person offers his goods for sale, or officer of the Board.

(4) Every peddler 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 sub-section (3), to demand it, is guilty of an offence and is liable on summary conviction to a fine not exceeding five dollars for each offence.

(5) Every person who sells or exposes for sale any 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.

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

Business for
which licence to
be taken out.

36.—(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 an amusement ride;
- (b) the business of a performer of entertainer; or
- (c) any business not otherwise provided for in this Act in the course of which any services are sold, including any business in which services of any sort are exported from Belize.

(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 commits an offence and is liable on summary conviction for each offence to a fine not exceeding one hundred dollars.

Commercial
traveller.

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

PART V

Trade Licensing Tribunal

- 38.** There shall be established a trade licensing tribunal for each judicial district in Belize and one trade licensing tribunal for San Pedro Town and Caye Caulker Village. Establishment of Tribunal.
- 39.**—(1) The Tribunal shall consist of the following members— Composition of Tribunal.
- (a) a representative of a registered business organization located in the respective area;
 - (b) a representative of a registered Realtors or Valuators Association located in the respective area; and
 - (c) a representative of the local Justices of the Peace registered.
- (2) The Minister shall appoint the members of the Tribunal and appoint the Chairperson by Order published in the *Gazette*.
- (3) A member of the Tribunal shall hold office for a term of three years.
- (4) A member is eligible for re-appointment.
- (5) A member of the Tribunal may hold that office concurrently with any other office.
- (6) A member of the Tribunal shall not—
- (a) hold any political office in the service of the Government; or
 - (b) be a member of any trade licensing board established under this Act.
- 40.**—(1) A member of the Tribunal may resign his office in writing signed by him and delivered to the Minister. Resignation and removal from office.
- (2) Fourteen days from the date of the confirmation of receipt by the Minister of a resignation under sub-section (1), that member shall cease to be a member of the Tribunal.
- (3) The office of a member of the Tribunal becomes vacant if—
- (a) the member dies;
 - (b) the member's term of office expires;

- (c) the member resigned by signed notice of resignation delivered to the Minister;
- (d) the member is convicted of an indictable offence; or
- (e) the member is removed from office under sub-section (3).

(4) The Minister may remove a member of the Tribunal from office if he is satisfied that—

- (a) the member is permanently incapable of performing his duties by reason of physical or mental infirmity;
- (b) the member has engaged in dishonourable conduct;
- (c) the member is convicted of an indictable offence ;
- (d) the member is fails without reasonable excuse to carry out any of his functions under the Act; or
- (d) engages in activities that are reasonably considered prejudicial to the interest of the Tribunal.

Functions of the Tribunal.

41. The Tribunal shall hear appeals under section 18 or 25.

Procedure and meetings.

42.—(1) The Tribunal shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Tribunal may determine.

(2) The Chairperson may at any time call a special meeting of the Tribunal, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members.

(3) The Chairperson shall preside at all meetings of the Tribunal and if the Chairperson is absent from a meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) The quorum of the Tribunal shall be two.

(5) The Tribunal's decisions shall be by a majority of votes, and in addition to an original vote, the Chairperson or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes of each meeting shall be kept in proper form and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(7) Subject to the provisions of this Act the Tribunal may regulate its own proceedings.

Disclosure of interest.

43. A member who is directly or indirectly interested in any matter which is being dealt with by the Tribunal shall disclose the nature of his interest at a meeting of the Tribunal and shall not take part in any deliberation or decision of the Tribunal with respect to that matter.

44. No act done or proceeding taken under this Act shall be questioned on the ground of—

Protection of Tribunal.

(a) the existence of any vacancy in the membership of, or any defect in the constitution of the Tribunal; or

(b) any omission, defect or irregularity not affecting the merits of the case.

45.—(1) No action, suit or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* the course of carrying out the provisions of this Act.

Protection of members.

(2) Where any member is exempt from liability by reason only of the provisions of this paragraph, the Tribunal shall be liable to the extent that it would if that member were a servant or agent of the Tribunal.

46. The Chairperson and other members of the Tribunal shall be paid a fixed remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Remuneration of members.

47. The Minister may make rules regulating and prescribing the procedure on appeals under this Act.

Rules.

PART VI

Miscellaneous

48.—(1) 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 42, 43 and 44, are those set out in the Schedule VII.

Fees payable. Schedule VII.

(2) Schedule VII may be amended by Order published in the *Gazette*.

(3) Schedule VII shall not apply to villages.

49.—(1) The Minister may by Order published in the *Gazette*, substitute another amount as the prescribed fee or another formula of computation of the fee.

Orders.

(2) Every such Order shall be subject to negative resolution.

Fees to be credited to local Authority.

50. 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 paid to—

- (a) the credit of the funds of the local Authority (town or city fund) of the licensing district in which they are recovered; or
- (b) the Treasury Department in the village in which they are recovered, in respect of villages, except Caye Caulker Village.

Regulations.

51. 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.

Repeal of Trade Licensing Act and Savings. CAP. 66.

52.—(1) The Trade Licensing Act is repealed.

(2) Notwithstanding the repeal—

- (a) every licence issued under the repealed Act, and in force immediately before the coming into force of this Act shall continue to be in force; and
- (b) nothing in this Act shall affect anything done, any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed regulations before the coming into force of this Act.

(3) All Regulations, rules, byelaws, Orders or other subsidiary instruments made under the repealed Act shall continue to be in force in so far as they are not inconsistent with this Act and until they are revoked.

(4) Where, in any rule, law, enactment, Order, notice or subsidiary instrument, any reference is made to the Trade Licensing Act such reference shall be construed as a reference to this Act.

Transitional.

53. Notwithstanding the entry into force of this Act, every trade existing prior to the commencement of this Act shall not be levied an annual licence fee that is greater than or less than ten percent of the annual licence fee levied on that trade prior to the entry into force of this Act.

Commencement.

54. This Act shall come into force on the 1st day of January, 2023.

SCHEDULE I

TRADE LICENSING ACT

*Trade licensing boards for the villages in the Cayo District**[section 8]*

Cayo Trade Licensing Board – Eastern Division

1. Armenia Village
2. Camalote Village
3. Cotton tree Village
4. St. Matthews Village
5. Teakettle Village
6. Unitedville Village
7. Valley of Peace Village
8. Frank's Eddy Village
9. Ontario Village
10. More Tomorrow Village
11. Roaring Creek Village
12. Blackman Eddy Village
13. St. Margaret Village

Cayo Trade Licensing Board – Central Division

1. Billy White Village
2. Buena Vista Village
3. Bullet Tree Falls Village
4. Cristo Rey Village
5. Duck Run 1 Village
6. Duck Run 2 Village
7. Duck Run 3 Village
8. Esperanza Village
9. Georgeville Village
10. La Gracia Village
11. Los Tambos Village
12. San Antonio Village
13. Santa Familia Village
14. Selena Village
15. El Progreso Village
16. Yalbac Village
17. Santa Teresita Village
18. San Marcos Village

Cayo Trade Licensing Board – Western Division

1. San Jose Succotz Village
2. Arenal Village
3. Calla Creek Village

SCHEDULE II

TRADE LICENSING ACT

Application for Licence for New Trade

[section 14]

Name of Applicant.....

Address

Date of Birth

Social Security Number

Place of Birth

Nationality.....

Nature of Trade/Economic classification.....

Date of Intended Commencement.....

Address at which Trade will be carried on

Productive Footprint (in square feet)

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 of20.....

Signed

To: The(Licensing Board or City Council)

SCHEDULE III

TRADE LICENSING ACT

Application for Licensing for Existing Trade

[section 15]

Name of Applicant.....

Address

Date of Birth

Social Security Number

Nature of Trade/Economic classification.....

Address at which Trade is carried on.....

Productive Footprint (in square feet)

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 of20.....

Signed

To: The.....Licensing Board or City Council).

SCHEDULE IV

TRADE LICENSING ACT

Application Fee

[section 17]

Application fee.....\$10.00

SCHEDULE VI
TRADE LICENSING ACT

Annual Trade Returns

[sections 26 and 27]

Return made for Year 20.....

Name of Declarant

Address

Social Security Number

Holder of Licence No.....

Nature of Trade

Productive Footprint (in square feet)

DATED this.....day of20.....

Signed

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

SCHEDULE VII
TRADE LICENSING ACT

Trade Licensing Fees

[section 48]

NAME OF TOWN/CITY COUNCIL TRADE LICENSING FEES

Business of	Licence Fees	Fees Declared
Commercial Travellers	Maximum fee of \$250.00 per truck per annum	
Peddlers	Maximum fee of \$300.00 per annum	
Amusement Rides	Maximum fee of \$500.00 per day	
International Performers/Entertainers	Maximum fee of \$500.00 per day	
Entertainers	Maximum fee of \$200.00 per day	
Building Contractors	\$100.00 per every 1,000 square feet up to 3,000 square feet per contract	
	\$400.00 per contract for building size greater than 3,001 square feet	
Omni-Buses	Maximum fee of \$2.00 per day	
Taxi-Operators	Maximum fee of \$1.00 per day	
E-Business Operators	Maximum fee of \$600.00 per annum	
Utility Service Providers	Maximum of \$500 per annum	
Auto Dealers	Maximum of \$500 per annum	
Travelling Professionals	Maximum of \$500 per annum	

SAN PEDRO TOWN COUNCIL TRADE LICENSING FEES

Class of Business	Licence Fees	Fees Declared
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Commercial Travellers	Maximum fee of \$250.00 per truck per annum	
Peddlers	Maximum fee of \$500.00 per annum	
Amusement Rides	Maximum fee of \$500.00 per day	
International Performers/Entertainers	Maximum fee of \$500.00 per day	
Local Performers/Entertainers	Maximum fee of \$200.00 per day	
Building Contractors	\$300.00 per every 1,000 square feet up to 3,000 square feet per contract	
	\$3,000.00 per contract for building size greater than 3,001 square feet	
Omni-Buses	Maximum fee of \$2.00 per day	
Taxi-Operators	Maximum fee of \$1.00 per day	
E-Business Operators	Maximum fee of \$600.00 per annum	
Utility Service Providers	Maximum of \$500 per annum	
Auto Dealers	Maximum of \$500 per annum	
Travelling Professionals	Maximum of \$500 per annum	
Golf Cart Rentals	\$100.00 per golf cart per annum	