



**TURKS AND CAICOS ISLANDS**

**CHAPTER 17.02**  
**BUSINESS LICENSING ORDINANCE**  
**and Subsidiary Legislation**

showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

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**CHAPTER 17.02**  
**BUSINESS LICENSING ORDINANCE**  
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## **CHAPTER 17.02**

### **BUSINESS LICENSING ORDINANCE**

*(Ordinances 16 of 1992, 5 of 1994, 5 of 2003, 26 of 2004  
and Legal Notice 24 of 1993)*

AN ORDINANCE TO PROVIDE FOR THE LICENSING OF ALL BUSINESSES IN THE TURKS AND CAICOS ISLANDS; TO ESTABLISH A PROCEDURE TO FACILITATE THROUGH THE ISSUE OF BUSINESS LICENSES THE ORDERLY DEVELOPMENT OF BUSINESS INVESTMENT IN THE ISLANDS; AND FOR CONNECTED PURPOSES.

#### **Commencement**

*[1 January 1993]*

#### **Short title**

1. This Ordinance may be cited as the Business Licensing Ordinance.

#### **Interpretation**

2. (1) In this Ordinance, unless the context otherwise requires—

“Belonger” has the meaning assigned to it in the Immigration Ordinance;

“business” means any form of trade, commerce, manufacture, craftsmanship, profession, vocation or other activity carried on for the purpose of gain, but does not include an office or employment;

“Committee” means the Business Licensing Committee established under section 5; *(Inserted by Ord. 5 of 2003)*

“Governor” means Governor in Cabinet;

“Islands” means the Turks and Caicos Islands;

“licence” means a business licence;

“Minister” means the Chief Minister or such Minister to whom the Governor may assign the administration of this Ordinance.

*(Amended by Ord. 5 of 1994)*

- (2) The expression, “person carrying on business”, means—

(a) in the case of a single person or corporate body, such person or corporate body;

(b) in the case of a business carried on by a partnership, all partners;

(c) in the case of a business carried on by any other body of persons, the principal officers of such body.

- (3) The expression, “Belonger business”, means—

(a) in the case of a single person, a business owned by a Belonger;

- (b) in the case of a business carried on by a partnership, a business where the partner or partners entitled to receive the majority of the profits of the partnership are Belongers;
- (c) in the case of a business carried on by a body corporate, a business where the person or persons who have beneficial ownership of the majority of the shares or stock entitled to vote at general meetings of the body corporate are Belongers.

### *Business Licences*

#### **Business licence**

3. (1) Subject to this Ordinance, no person shall carry on any business in or from within the Islands unless he holds a current licence issued under this Ordinance authorizing him to carry on that business.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction—

- (a) to a fine of \$10,000 or to imprisonment for two years or to both; and
- (b) to a fine of \$50 for each day during which the offence continues.

#### **Licensing of separate businesses**

4. Where the business to be licensed consists of separate and distinct undertakings which are not reasonably incidental in nature or degree to the main activity of the relevant business, whether on the same premises or not, a licence shall be obtained for each undertaking.

#### **Business Licensing Committee**

5. (1) The Governor shall appoint not more than nine and not less than five persons to constitute a Business Licensing Committee and each such person shall, subject to this section, hold office as such for a period not exceeding three years to be specified in the notice appointing him, but may be re-appointed.

(2) A person who is a member of the Cabinet shall be disqualified for appointment as a member of the Committee and any member of the Committee who becomes a member of the Cabinet shall forthwith cease to be a member of the Committee.

(3) A member of the Committee may resign his office as such with immediate effect by notice in writing delivered to the Governor.

(4) Whenever the total number of members of the Committee continuing to hold office as such falls below five the Governor shall, as soon as conveniently may be, appoint other persons to be members of the Committee to remedy the deficiency.

(5) The Governor shall appoint a member of the Committee to be Chairman thereof, and such person shall, subject to this section, hold office as such Chairman—



- (a) so long as he remains a member of the Committee; or
- (b) for such period, if any, (being less than that for which he is appointed a member of the Committee) as is specified in the notice appointing him as Chairman;
- (c) until by notice in writing delivered to the Governor, he resigns his office as such Chairman, whichever shall be the shortest period.

(6) The Governor may by notice in writing revoke, without any necessity to assign any reason, the appointment of any person as a member of, or as Chairman of, the Committee. *(Inserted by Ord. 5 of 2003)*

### **Secretary**

6. (1) The Governor shall appoint a public officer to be the Secretary of the Committee.

(2) The Secretary of the Committee shall attend at all meetings of the Committee but shall not vote on any matter or question before the Committee.

(3) The duties and functions of the Secretary shall be—

- (a) to receive applications for licences under this Ordinance;
- (b) to prepare minutes of all meetings of the Committee;
- (c) to sign and issue all licences or notices of refusal of licences under this Ordinance; and
- (d) to maintain the Committee's records; and
- (e) such other duties as he may be required by the Chairman of the Committee to perform.

*(Inserted by Ord. 5 of 2003)*

### **Meetings of the Committee**

7. (1) Meetings of the Committee shall be convened by the Chairman of the Committee.

(2) Notwithstanding subsection (1), the Chairman shall within fourteen days after receiving a notice from the Governor requiring him so to do convene a meeting of the Committee to take place within fourteen days after the dispatch of the notice convening such meeting.

(3) Meetings of the Committee may be held at any place within the Islands. *(Inserted by Ord. 5 of 2003)*

### **Direction**

8. The Minister may give direction in writing to the Committee not inconsistent with this Ordinance as to the policy to be pursued by the Committee as to the grant or refusal of licences under this Ordinance, and no question as to whether or not the Committee has complied in any particular case with any such directions shall be inquired into in any Court. *(Inserted by Ord. 5 of 2003)*

### Function of the Committee

9. (1) The functions of the Committee shall be to consider and decide upon applications for licences under this Ordinance and such other functions as may be conferred upon the Committee by this or any other Ordinance or Regulations made thereunder. *(Inserted by Ord. 5 of 2003 and amended by Ord. 26 of 2004)*

(2) It shall be lawful for the Committee to seek and obtain the advice of any person to assist it with the discharge of its functions under subsection (1). *(Inserted by Ord. 5 of 2003)*

### Application for licence

10. (1) An application for a licence shall be made to the Committee in the prescribed manner.

(2) An applicant shall provide the Committee with such particulars as may be prescribed and as the Committee may require in any particular case.

(3) The Committee may require an applicant to attend personally before it for examination.

(4) The Committee may refuse an application for a licence if an applicant fails to provide it with the prescribed particulars or the particulars required, or if the applicant fails to attend before the Committee when requested so to do.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

### Grant of licence

11. (1) If, on an application for a licence, the Committee is satisfied that the applicant meets the prescribed requirements, the Committee shall issue the applicant with a licence.

(2) A licence shall be in such form as may be prescribed.

(3) A licence shall be made subject to such conditions as may be prescribed, and such special conditions as the Committee may, in any particular case, impose.

(4) The Committee may at any time, on the application of the licensee, vary any special condition to which the licence is subject.

(5) Every person carrying on a trade or business to which this Ordinance applies shall, unless exempted under section 29, renew the licence annually in respect thereof by the payment of the prescribed fee and any licence not so renewed shall not be a current licence for the purposes of this Ordinance.

*(Amended by Ords. 5 of 1994, 5 of 2003 and 26 of 2004)*

### Licence not transferable

12. A licence shall not be transferable.

*Information to be provided*

**Changes in particulars to be notified**

13. (1) Where there occurs any change in the particulars respecting the applicant or the business, set out in the form of application for a licence, any person carrying on any business shall within 30 days of such change notify the Committee in writing of the changes in the particulars.

(2) A body corporate shall additionally and within the time specified in subsection (1), notify the Committee of the following changes—

- (a) any change in the persons who have a controlling interest in the body corporate;
- (b) any change in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act;
- (c) any change in the persons who are directors of the body corporate.

(3) A person who fails to comply with subsections (1) or (2) commits an offence and is liable on summary conviction to a fine of \$5,000.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

**Cessation of business to be notified**

14. (1) Where a business ceases to be carried on, a person who was carrying on such business shall, within 30 days of the cessation, notify the Committee.  
*(Amended by Ords. 5 of 1994 and 5 of 2003)*

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$5,000.

*Suspension and Revocation of Business Licences*

**Committee may suspend a business licence**

15. (1) The Committee may suspend a licence on the grounds that—

- (a) the licensee has failed to comply with a condition of his licence;
- (b) the licensee has failed to pay any fee payable in respect of his licence.

(2) Before suspending a licence under this section the Committee shall serve a notice in writing on the licensee setting out its intention to suspend his licence and giving him a reasonable opportunity to either comply with the conditions of his licence or to pay any fee payable in respect thereof, as the case may be.

(3) Subject to section 16, a licence suspended by the Committee under subsection (1) shall continue to be suspended until such time as the licensee complies with the conditions of his licence or pays the fees payable in respect thereof, as the case may be, when it shall be restored to him.

(4) A person whose licence has been suspended and who carries on any business in or from within the Islands during the period of suspension commits an offence and is liable on summary conviction to a fine of \$2,000 or to imprisonment for nine months or to both.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

### **Committee may revoke a licence**

**16.** The Committee may revoke a licence if it is satisfied that the holder of a licence—

- (a) has made any false or misleading statement or has furnished any false or misleading information in connection with his application for a licence;
- (b) has been convicted of an offence against this Ordinance;
- (c) has had his licence suspended under section 15 for more than six months; or
- (d) being the sole holder of the licence has been, under the Immigration Ordinance, recommended for deportation, or declared a prohibited immigrant, or placed on the Stop List.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

### **Licensee to show cause why licence should not be revoked**

**17.** (1) Before revoking a licence under section 16, the Committee shall give the licensee notice in writing of its intention to revoke his licence and the reasons for it.

(2) A notice given under subsection (1) shall state that within 30 days of service the licensee may make representations in writing to the Committee concerning the matter; and the Committee shall not determine the matter without considering any representations received within that period of 30 days.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

## *Appeals*

### **Appeal to Minister against decision of Committee**

**18.** A person aggrieved by a decision of the Committee—

- (a) refusing to grant a licence;
- (b) imposing any special conditions on a licence;
- (c) refusing to renew a licence;
- (d) suspending a licence; or
- (e) revoking a licence,

may appeal in writing to the Minister within a period of 30 days following notification to him of the decision appealed against.

*(Amended by Ords. 5 of 1994, 5 of 2003 and 26 of 2004)*

### **Appeal to Minister suspends Committee's decision**

**19.** An appeal to the Minister under section 18(d) or (e) shall have the effect of suspending the execution of the decision of the Committee until the Minister gives his decision on the appeal. (*Amended by Ords. 5 of 1994, 5 of 2003 and 26 of 2004*)

### **Powers of Minister on appeal**

**20.** (1) In considering an appeal under section 18, the Minister may request the appellant to furnish him with such documents and information as he deems necessary, and may dismiss the appeal summarily if the appellant fails to comply with his request.

(2) The Minister may confirm the decision appealed against or may—

- (a) direct the Committee to grant a licence on such terms and conditions as he may determine;
- (b) direct the Committee to cancel a condition it has imposed on a licence and substitute such other condition as he may determine;
- (c) direct the Committee to restore a licence it has suspended or revoked, or restore it on such terms and conditions as he may determine,

and the Committee shall comply with any such direction.

(*Amended by Ords. 5 of 1994, 5 of 2003 and 26 of 2004*)

### **Minister's decision final**

**21.** The decision of the Minister on an appeal under section 18 shall be final and shall not be reviewed or enquired into by any court. (*Amended by Ord. 26 of 2004*)

### *Display and Surrender of Licence*

#### **Display of licence**

**22.** (1) The holder of a licence shall display the licence in a conspicuous place on any premises occupied by him for the purpose of carrying on business and shall produce such licence for inspection when requested to do so by the Committee or a person authorised by it in that behalf, or a police officer not below the rank of Sergeant. (*Amended by Ords. 5 of 1994 and 5 of 2003*)

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

#### **Surrender of licence**

**23.** (1) Where a licence has ceased to be valid or has been suspended under section 15 or revoked under section 16, the Committee shall, by notice in writing, require the licensee to surrender the licence to it within a period of 30 days from receipt of the notice.

(2) Where a licence is suspended, the Committee shall retain the licence until it is either restored to the licensee or is revoked.

(3) Where a licence is revoked, the Committee shall upon receipt of the licence cancel it by writing on its face the word "Cancelled".

(4) A person who fails to comply with a requirement made under subsection (1) to surrender a licence commits an offence and is liable on summary conviction to a fine of \$1,000.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

### *Miscellaneous and Supplemental*

#### **Confidentiality**

**24.** (1) Every person having official duties under this Ordinance or being employed in the administration of this Ordinance, shall preserve and aid in preserving confidentiality with regard to all matters relating to the affairs of any person that may come to his knowledge in the performance of his duties under this Ordinance, and shall not communicate any such matter to any person other than the person to whom such matter relates or his executor or the authorized representative of such person or such executor, nor suffer or permit any person to have access to any records in the possession, custody or control of the Committee.

(2) Except as may be necessary for the purpose of carrying into effect this Ordinance, no person concerned in the administration of this Ordinance shall be required to divulge or communicate to any court any matter or thing coming to his notice in the performance of his duties under this Ordinance, or to produce in any court any document pertaining to such matter or thing other than a document required to be kept by the Committee under this Ordinance.

(3) A person required under subsection (1) to deal with any matter mentioned therein as confidential who at any time communicates or attempts to communicate information relating to such matter to any person otherwise than for carrying out or giving effect to this Ordinance, commits an offence and is liable on summary conviction to a fine of \$5,000 or two years imprisonment or to both.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

#### **Making false statements, furnishing false information**

**25.** A person who, in connection with any application for a licence, knowingly makes any false or misleading statement or knowingly furnishes false or misleading information, commits an offence and is liable on summary conviction to a fine of \$2,000 or to 12 months imprisonment or to both.

#### **Offences by corporations**

**26.** Where a body corporate is guilty of an offence against this Ordinance, every director, manager and other person concerned in the management of the body corporate is guilty of the like offence unless he proves that the offence was

committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

### **Evidence by certificate**

**27.** In any proceedings for an offence under this Ordinance, a certificate signed by the Chairman of the Committee and stating that—

- (a) on any date a person was or was not the holder of a licence granted under this Ordinance;
- (b) the date of issue and expiration of such a licence; and
- (c) the conditions to which such a licence is subject;

shall be evidence of the facts stated, and a certificate stating any of the matters mentioned and purporting to be signed by the Chairman of the Committee shall be presumed to be so signed unless the contrary is proved.

*(Amended by Ords. 5 of 1994 and 5 of 2003)*

### **Outstanding fees recoverable in civil proceedings**

**28.** Without prejudice to any other action, the Attorney General may, on behalf of the Crown, institute civil proceedings in the Magistrate's Court against any person for the recovery of any fees and penalty fees payable under this Ordinance as a debt due to the Crown.

### **Exemption from licence and fees**

**29.** The Governor may by order published in the *Gazette*—

- (a) exempt any class or classes of business activity from the requirement to hold a licence under this Ordinance;
- (b) exempt any class or classes of business activity from the payment of licence fees under this Ordinance;
- (c) remit in part or in whole the licence fees payable by any person or class of persons under this Ordinance.

### **Power to make regulations**

**30.** The Governor may make regulations for carrying out and giving effect to this Ordinance, and without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing anything which is necessary or convenient to give effect to this Ordinance;
- (b) protecting businesses owned by Belongers from competition by businesses owned by non-Belongers;
- (c) prescribing the fees to be paid in respect of any matter or thing done under this Ordinance and penalties for late payment of fees;

- (d) prescribing offences against the regulations and the penalties respecting the offences.
-



**BUSINESS LICENSING ORDER – SECTION 29**

*(Legal Notices 54 of 1992 and 23 of 2000)*

**Commencement**

*[1 January 1993]*

**Short title**

1. This Order may be cited as the Business Licensing Order.

**Exemption**

2. The following classes of businesses are exempted from the requirement to hold a licence under the Business Licensing Ordinance—

- (a)* a person carrying on banking business, provided such person is licensed under the Banking Ordinance;
- (b)* a person carrying on insurance business, provided such person is licensed under the Insurance Ordinance;
- (c)* a person carrying on trust business, provided such person is licensed under section 3 of the Trustees (Licensing) Ordinance;
- (d)* a company registered under the provisions of the Companies Ordinance as an exempted company, provided that it carries on no business within the Islands except with other exempted companies.
- (e)* a person carrying on the business of company management or of company agent provided that such person is licensed under the Company Management (Licensing) Ordinance. *(Inserted by L.N. 23 of 2000)*



## **BUSINESS LICENSING REGULATIONS**

### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Short title
2. Interpretation
3. Applications for licences
4. Reserved business activities
5. Applications for licences in reserved business activities
6. Form of licence
7. Fees

#### SCHEDULE 1: Forms:

Form 1: Application for a Business Licence

Form 2: Business Licence

#### SCHEDULE 2: Fees

#### SCHEDULE 3: Reserved Business Activities

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### **BUSINESS LICENSING REGULATIONS – SECTION 30**

*(Legal Notices 55 of 1992, 20 of 1994 and 24 of 2000)*

#### **Commencement**

*[1 January 1993]*

#### **Short title**

1. These Regulations may be cited as the Business Licensing Regulations.

#### **Interpretation**

2. In these Regulations, unless the context otherwise requires—

“Immigration Board” means the Turks and Caicos Islands Immigration Board established under the Immigration Ordinance;

“Work Permit” means a Work Permit issued under the Immigration Ordinance.

#### **Applications for licences**

3. (1) An application for a licence may be made by or on behalf of an applicant to the Permanent Secretary, Finance, in Form I of Schedule 1.

- (2) The application form shall be accompanied with—
- (a) the appropriate fee specified in Schedule 2;
  - (b) the appropriate licence, permit, or authority, where the nature of the business which the applicant proposes to carry on is such that a business of that kind may lawfully be carried on only by persons holding such licences, permits or authorities; and
  - (c)
    - (i) where the application is by or on behalf of a Belonger business, evidence showing to the satisfaction of the Permanent Secretary, Finance, that the business is a Belonger business; or
    - (ii) where the application is by or on behalf of a non-Belonger business, a Work Permit issued under the Immigration Ordinance; or a letter of intent from the Immigration Board stating that subject to his obtaining a Business Licence, a Work Permit will be issued to the applicant authorizing him to engage in the gainful occupation specified in the application for a licence.

#### **Reserved business activities**

4. The business activities listed in Schedule 3 are reserved for Belonger businesses and, except as provided in regulation 5, a non-Belonger business shall not be licensed to carry on or to engage in any business activity listed in the said Schedule.

#### **Applications for licences in reserved business activities**

5. Notwithstanding regulation 4, where an application is made by or on behalf of a non-Belonger business for a licence permitting the applicant to carry on a business in an activity listed in Schedule 3, a licence may be granted if the Permanent Secretary, Finance, having regard to—

- (a) the nature of the business activity;
- (b) the proposed size of the business;
- (c) the proposed number of persons to be employed, and source of recruitment;
- (d) the applicant's intentions regarding the transfer of skills to Belonger employees; and
- (e) the proposed geographical location of the business,

is satisfied that such a business will be beneficial to the overall development of the Islands.

#### **Form of licence**

6. A licence shall be in Form 2 of Schedule 1.

#### **Fees**

7. Schedule 2 shall have effect with respect to fees.

**SCHEDULE 1**

*(Regulation 5)*

FORM 1

**APPLICATION FOR A BUSINESS LICENCE**

	<b>TURKS AND CAICOS ISLANDS</b>		Page 1 of 4
	<b>APPLICATION FOR A BUSINESS LICENCE</b>		
Note	Please refer to the notes on page 4		
1	Applicant name		
2	Business name		
3	Trade name		
4	Business activity		
5	Licence fee category		
6	Licence trading date		Fee enclosed
	Type of ownership	Single owner/Partnership/body corporate	
7	Trading locations		
	Correspondence address Name		
	P O Box		
	Address		
	Island		
	Phone		
	Fax		

APPLICATION FOR A BUSINESS LICENCE					Page 2 of 4
Note	Please refer to the notes on page 4				
	Is the majority and controlling interest held by a belonger			Yes/No	
8	Ownership details Name	Belonger yes/no	NI No	Work Permit	
	1				
	2				
	3				
	4				
	Body corporate: Company registered name and number			Regn. date	
	Business National Insurance Number			Regn. date	
	Criminal records Name	Date	Details		
9	Reserved category justification				

<b>APPLICATION FOR A BUSINESS LICENCE</b>			Page 3 of 4
Note	please refer to note on page 4		
10	Other businesses Owner/partner/director	Business name	Business Licence Number
<b>Certification and declaration</b>			
<p>The information contained in this application is declared to be complete and true to the best of my knowledge and belief. It is understood that if the application, and any attached or associated documents, contain false or misleading statements, or are not properly authentic, then I, and any partners, directors, or other parties to this application are liable to be prosecuted under the relevant sections of the Business Licensing Ordinance, and any licence issued under this application, and any other licences held by myself, and any partners, directors, or other parties to this application are liable to be suspended and revoked.</p>			
Signed by the applicant			
Date			

	<p><b>APPLICATION FOR A BUSINESS LICENCE</b> Notes to the Application Form <span style="float: right;">Page 4 of 4</span></p>
1	Enter the name of the person signing the declaration. <i>please enter as Last name, First name, Initial</i>
2	Enter the individual or company name of the licence holder. <i>This is the name which will appear on the licence.</i>
3	Enter the name under which the business will trade, or by which it will be commonly known.
4	Enter the business activity to be covered by the licence. <i>This is the authorised activity which will appear on the licence.</i>
5	Enter the fee category which is expected to apply to the licence.
6	Enter the date from which the business is to start to trade. If already operating enter the date when trade started.
7	Enter ALL trading locations, giving enough information to enable the locations to be readily identified.
8	Enter the name of the owner, or the names of each partner or director, and the appropriate other information.
9	Complete this section if the business is on the reserved occupation list and the controlling interest is not held by a belonger.
10	Enter details of ALL businesses in which the single owner applicant or ANY of the partners or directors has an interest. <i>Applications will not normally be considered if any of these businesses are in arrears with their fees.</i> <i>Attach extra sheets as necessary</i>



FORM 2



**Turks and Caicos Islands**

**BUSINESS LICENSING ORDINANCE**

**BUSINESS LICENCE**  
*(Regulation 5)*

THIS LICENCE IS ISSUED TO

---

(NAME OF LICENSEE)

IN RESPECT OF

---

(NAME OF BUSINESS)

CLASS OF BUSINESS

---

and is valid from the                      day of                      20                      .

The conditions imposed upon the grant of this licence are as follows—

1. Payment of the appropriate annual fee on 1 April in each year.
- 2.
- 3.
- 4.

Dated the                      day of                      20                      .

---

*Permanent Secretary, Finance*

---

## SCHEDULE 2

(Regulation 7)

### FEES

#### Interpretation

1. In this Schedule—

“goods” includes bread, pastry, cakes, biscuits and confectionery;

“professionally qualified”, in relation to a business activity, means qualified by examination or admission by a professional institute or university overseas to practice the profession to which that activity relates in the country in which the institute or university is situated;

“selling area” in relation to retail sales business means the total area of the premises (on one or more floors) in which the business is carried on excluding—

- (a) living accommodation;
- (b) storage areas;
- (c) stairways and passageways;
- (d) car parking places; or
- (e) any area of land outside a building which is used for access to the business or is not utilized for the purposes of the business:

Provided that where the business concerned is carried on from more than one place in the Islands the selling area shall be the aggregate selling areas of all such places.

#### Licence fees and annual renewal fees

2. (1) There shall be payable for a licence granted under the Ordinance in respect of the business described in column I of Table A, the licence fee prescribed therefore in column II, and thereafter such fee shall be payable in each year on 1 April following the grant of the licence.

(2) The fee payable on the grant of a licence shall be a proportion of the fee for the period from such grant to the 1 April next following, counting part of a month as one month for the purpose of calculating the fee.

(3) If the fee has not been paid at all or is not paid in full within one month of the due date (1 April in each year) the fee, or as the case may be, that part of the fee remaining unpaid, shall be increased by 10 per cent for each month or part thereof during which the fee remains unpaid.

*(Amended by L.N 28 of 2001)*

3. (1) Where a fee has been paid under paragraph 2 in respect of a licence for carrying on the business of company management or company agent and the licensee has subsequently been issued with or refused, a licence under the Company Management (Licensing) Ordinance a proportion of the fee paid under paragraph 2 shall be repaid to the payer.

(2) The proportion referred to in subparagraph (1) shall be the same proportion of the fee paid as the period commencing on the date of issue of the licence under the

Company Management (Licensing) Ordinance and ending not later than 31 March in the immediately following year, has to a year, counting part of a month as one month.  
(*Inserted by L.N. 24 of 2000*)

TABLE A

COLUMN I Type of business Activity	COLUMN II Licence fee and annual renewal fee
<b>Accountancy</b> (including auditor, actuary, bookkeeper and statistician)	
(a) Professionally qualified:	\$ 4,000
(b) Other:	\$ 500
<b>Agency</b> (including airline, freight forwarding, shipping, travel, sales, advertising and any other professional agency whatsoever):	\$ 500
<b>Agriculture</b> (including farming and animal husbandry and the farming of fish or other marine products):	Nil
<b>Apartment</b> or condominium sales, rental or management, where the business concerned comprises—	
(a) up to four units:	Nil
(b) up to nine units:	\$ 500
(c) more than nine units:	\$ 3,000
<b>Architecture</b> (including architectural consultancy)—	
(a) Professionally qualified:	\$ 4,000
(b) Other:	\$ 500
<b>Auctioneering</b> (being the sale or offering for sale for gain or reward of any kind, by any person other than a public officer or police officer acting in the course of his duty as such, or any real or personal property or right to property belonging to another person, whether by public auction or private treaty):	\$ 1,000
<b>Bakery</b> operation:	\$ 300
<b>Boatyard</b> operation:	\$ 2,000

<b>Brokerage</b> (being the negotiating of agreements or contracts between brokers or their principals or between brokers and principals for commission or other reward, including the business of being a commission agent, a del credere agent or a factor):	\$ 3,000
<b>Building</b> material manufacture (including the manufacture of blocks or other building materials or components for supply to another person):	\$ 500
<b>Bulk</b> fuel installation (being the business of storing petroleum products, propane gas or other fuel products for distribution to other persons):	\$ 3,000
<b>Company</b> formation and the provision of corporate management services:	\$ 2,000
<b>Computer</b> sales or the provision of computer services:	\$ 1,000
<b>Contracting</b> (including the business of building or civil engineering contracting), where the business concerned is determined by the Permanent Secretary, Finance, after consulting the Public Works Department of the Government, to be—	
(a) Petty contractor (dealing with jobbing orders to a value of \$2,500 or less):	\$ 150
(b) Small contractor:	\$ 400
(c) Medium contractor:	\$ 3,000
(d) Large contractor:	\$ 6,000
<b>Dancehall</b> or discotheque operation (including when part of an hotel):	\$ 1,000
<b>Dental Practice:</b>	\$ 750
<b>Engineering</b> or engineering consultancy:	\$ 4,000
<b>Heavy</b> equipment, sales and rental:	\$ 1,000
<b>Landscaping</b> (including the operation of plant nurseries):	\$ 500
<b>Marina</b> operation:	\$ 2,000
<b>Medical</b> practice:	\$ 2,000
<b>Miscellaneous</b> business (being any business not specifically mentioned elsewhere in this Table):	\$ 150
<b>Motor</b> vehicle sales or rental or both:	\$ 1,000

<b>Operation</b> of golf courses:	\$ 6,000
<b>Operation</b> of vessels for hire or reward—	
(a) Vessels 30 feet and over:	\$ 1,000
(b) Other:	\$ 300
<b>Practice</b> as an attorney-at-law (by an attorney called to the Bar or admitted as an attorney in the Islands qualified for such call or admission by virtue of having been called to the Bar or admitted as an attorney, a barrister or solicitor in any jurisdiction outside the Islands):	\$ 4,000
<b>Printing</b> (other than newspapers):	\$ 150
<b>Property</b> development:	\$ 4,000
<b>Provision</b> of financial services (other than such services specified elsewhere in this Table):	\$ 2,000
<b>Provision</b> of hotel accommodation, where the hotel concerned has—	
(a) at least 5 but not more than 19 bedrooms:	\$ 500
(b) at least 20 but not more than 99 bedrooms:	\$ 2,000
(c) 100 bedrooms or more:	\$10,000
<b>Provision</b> of sanitation services:	\$ 500
<b>Provision</b> of security services:	\$ 500
<b>Provision</b> of tourism related services (other than such services specified elsewhere in this Table):	\$ 500
<b>Provision</b> of tourist accommodation (other than hotel accommodation):	\$ 150
<b>Provision</b> of transportation services—	
(a) land transport (including taxis, buses and haulage services):	\$ 150 (per vehicle)
(b) sea transport (including any ferry service and the business of the carriage of persons by sea either within the Islands or from or to any place outside the Islands):	\$ 150 (per vessel)
(c) air transport:	\$ 500 (per aircraft)

<b>Publishing:</b>	\$ 500
<b>Radio</b> or television broadcasting:	\$ 1,000
<b>Real estate agency</b> (being the business of dealing in real estate or tenancies thereof as agent for another person):	\$ 2,500
<b>Restaurant</b> or cafe operation (including any business not being an hotel or guest house) which sells or offers for sale food or drink for human consumption on or off the premises—	
(a) Designated restaurants/cafes (under s.26 of the Hotel and Restaurant (Taxation) Ordinance):	\$ 350
(b) Other:	\$ 150
<b>Retail</b> and/or wholesale sales—	
(a) one or more locations with a combined area of less than 500 sq ft:	\$ 150
(b) one or more locations with a combined area of more than 500 sq feet but less than 1,000 sq ft:	\$ 500
(c) one or more locations with a combined area of more than 1,000 sq feet but less than 2,000 sq ft:	\$ 1,000
(d) one or more locations with a combined area of more than 2,000 sq ft:	\$ 1,500
<b>Surveying</b> —	
(a) Surveyor:	\$ 4,000
(b) Survey technician:	\$ 500
<b>Service station</b> or garage operation (including any business engaged in the fuelling of motor vehicles with petroleum or diesel or in repairing motor vehicles):	\$ 750
<b>Trucking</b> , where the business concerned is determined by the Permanent Secretary, Finance to be—	
(a) Small:	Nil
(b) Medium:	\$ 500
(c) Large:	\$ 1,000
<b>Water</b> sale and distribution—	
(a) By pipe:	\$ 4,000
(b) Other:	\$ 500
<b>Wholesale importer:</b>	\$ 2,000

### **SCHEDULE 3**

*(Regulation 4)*

#### **RESERVED BUSINESS ACTIVITIES**

The following business activities are reserved for Belonger businesses—

1. ACCOUNTANCY, if not professionally qualified.
2. AGENCY, but only if travel agents, freight forwarding agents, shipping agents or sales agents.
3. APARTMENT or condominium sales, rental or management.
4. ARCHITECTURE, if not professionally qualified.
5. AUCTIONEERING.
6. BAKERY operation.
7. BARS, that do not form part of a hotel or restaurant.
8. CONTRACTING, where the business is determined by the Permanent Secretary, Finance to be a petty contractor, small contractor or medium contractor.
9. DANCEHALL or discotheque operation (including when part of an hotel).
10. MOTOR vehicle sales or rental or both.
11. OPERATION of vessels for hire or reward if less than 30 feet.
12. PRINTING.
13. PROVISION of sanitation services.
14. PROVISION of security services.
15. PROVISION of transportation services on land including taxis, tour bus operators, buses and haulage services.
16. REAL estate agency (being the business of dealing in real estate or tenancies thereof as agent for another person).
17. RETAIL stores.
18. SERVICE STATIONS and garage operations, including any business engaged in the fuelling of motor vehicles with petroleum or diesel or in repairing vehicles.
19. TRUCKING.





