
CHAPTER 377
SHOP LICENCES

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Licence to keep shop.
4. Issue of licences and conditions thereof.
5. Application for licence.
6. Report from the Buildings Control Officer as to the proposed licensed premises.
7. Opposition to grant.
8. Power to grant an occasional licence.
9. Issue of licences.
10. Conditions governing licences.
11. Licences to be affixed to premises.
12. Travelling salesman to produce licence.
13. Rules.
14. Penalties.
15. Persons evading Act.
16. Punishment.
17. Recovery of penalties.
18. Onus of proof.

CHAPTER 377

SHOP LICENCES

An Act to provide for the licensing of shops.

[Assent 25th May, 1933]
[Commencement 11th July, 1934]

8 of 1933
G.N. 7(32)/1964
43 of 1964
50 of 1964
E.L.A.O., 1974
5 of 1987
38 of 1992
 Short title.

1. This Act may be cited as the Shop Licences Act.
2. In this Act, unless the context otherwise requires —
 - “keep” means to operate, manage or control or cause to be operated, managed or controlled;
 - “licensing authority” means the persons constituted as the licensing authority under the Liquor Licences Act; Ch. 372.
 - “Minister” means the Minister responsible for Licensing of Shops and Businesses; *E.L.A.O., 1974.*
 - “shop” includes any restaurant, bakery, fruit stand or place of business in which any goods or articles of merchandise are sold or kept, offered or exposed for sale, either by wholesale or by retail;
 - “travelling salesman” means a non-resident individual who solicits or receives orders for anything capable of being sold, bartered, traded in or exchanged for account of any person, firm or corporate body outside The Bahamas.
3. (1) No person shall keep any shop or act as a travelling salesman without first obtaining a licence under this Act, and for this licence a fee of one dollar shall be paid. Licence to keep shop.
5 of 1987, Sch.
 - (2) Subsection (1) of this section shall not apply —
 - (a) to any shop in which any goods or articles of merchandise are sold by virtue of any legal process or any law authorising the sale;
 - (b) to any shop or premises licensed under the Liquor Licences Act or any other Act; Ch. 372.
 - (c) to any shop in which any goods or articles of merchandise are sold at public auction by a licensed auctioneer;

- (d) to any shop in which the value of the goods or articles of merchandise kept, exposed or offered for sale does not at any time exceed the sum of twenty dollars.

5 of 1987, s. 2.

(3) Whether a person is or is not keeping a shop shall be question of fact to be decided in any proceedings instituted in respect of the contravention of this section against any such person.

Issue of licences and conditions thereof.

4. It shall be lawful for the licensing authority at any sitting held by them under the Liquor Licences Act, or at any adjournment thereof, or at any special sitting convened after such length of notice as the licensing authority may determine, to grant a licence to any person authorising him to keep a shop or act as a travelling salesman within The Bahamas:

Provided that the licensing authority may —

- (a) refuse to grant any licence with or without assigning any reason therefor;
- (b) limit the duration of any licence issued under the authority of this Act for such period as they may think fit;
- (c) revoke any licence issued under the authority of this Act should they deem it expedient in the public interest so to do;
- (d) grant a licence upon such terms and conditions and subject to such restrictions as they may determine.

Application for licence.

5. Every person intending to keep a shop shall apply to the licensing authority for a licence therefor, specifying in such application the premises where such shop is situated and the nature and kind of goods or articles or merchandise which he proposes to sell.

Report from the Buildings Control Officer as to the proposed licensed premises.
38 of 1992, s. 3.
Ch. 200.

6. (1) Before granting any licence in New providence the licensing authority shall obtain a report in writing from the Buildings Control Officer appointed under the Buildings Regulation Act as to the suitability, structure and other particulars of the building for which the licence is applied, and a notice of any application for a licence shall be given in the *Gazette* by the Licensing authority before the granting of the said licence.

(2) Before granting any licence in a Family Island the licensing authority shall be satisfied as to the suitability, structure and other particulars of the building for which the licence is applied, and a notice of any application for a licence shall be given by the licensing authority before the granting of the said licence by affixing the said notice on or in a conspicuous place near the commissioner's office and by publishing the same in the *Gazette*. *50 of 1964, s. 3.*

7. (1) Any person shall be at liberty to oppose the grant of a licence: Opposition to grant.

Provided that —

- (a) he has given written notice to the licensing authority and to the applicant of his intention to oppose the grant and has stated in such notice in general terms the grounds of opposition;
- (b) such notice has been given to the licensing authority and to the applicant not less than five days before the day fixed for the holding of the licensing session or before the day fixed for the hearing of the application.

(2) The licensing authority may, notwithstanding that no notice of opposition shall have been given, adjourn the hearing of the application to a future day and require the attendance of the applicant and any person concerned on such day when the matter will be heard and the objection considered as if the notice hereinbefore prescribed had been given decision of the licensing authority shall have a right of appeal to the Minister. The Minister may vary or reverse such decision: Hearing may be adjourned.

Provided that an applicant for grant of a licence shall not be required to attend the hearing of the application unless notice of objection to the application was given or the applicant has been informed that there is some other lawful objection to the grant of the licence. *38 of 1992, s. 4.*

(3) Any applicant for or any person objecting to the granting of a licence, or any person whose licence shall have been revoked, who shall be dissatisfied with the decision of the licensing authority shall have a right of appeal to the Minister. The Minister may vary or reverse such decision. The decision of the Minister shall be final. Appeal.
E.L.A.O., 1974.

Power to grant an occasional licence.

50 of 1964, s. 4.

38 of 1992, s. 6.

8. The chairman of a licensing authority may, if he thinks fit, grant to any person applying for the same an occasional licence to keep a shop or act as a travelling salesman for any period not exceeding fourteen days which he shall specify in such licence. Such licence may be granted without any notice being given and without any fee therefor and upon such terms and conditions and subject to such restrictions as he may determine.

Issue of licences.

9. (1) When the licensing authority in New Providence have decided to grant any licence, under this Act, the licensing authority shall give to the applicant an order for the issue thereof and the applicant shall without delay attend at the Treasury, present such order and pay to the Treasurer the sum payable therefor under the provisions of this Act and thereupon the Treasurer shall issue to the applicant the proper licence.

38 of 1992, s. 7.

(2) When the licensing authority in a Family Island district has decided to grant any licence under this Act, the licensing authority shall give to the applicant an order for the issue thereof, and the applicant shall without delay attend at the Commissioner's office, present such order and pay to the Commissioner the sum payable therefor under the provisions of this Act, and thereupon the licensing authority shall issue to the applicant the proper licence.

(3) A register shall be kept by the licensing authority of every licence granted by them under this Act, in which shall be fully set forth all the terms and conditions of the said licence, and such register shall be open to the inspection of the Commissioner of Police or any peace officer authorised by him in writing to inspect the same.

Conditions governing licences.

10. The following conditions shall be observed with respect to the granting of licences —

- (a) every licence, other than those issued to travelling salesmen, shall be granted in respect of certain premises named and described in the licence;
- (b) a licence shall not be transferable: Provided that the licensing authority may, upon the decease of a holder of a licence, transfer it to the father, mother, husband, wife or child of such deceased holder;

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- (c) no licence shall be granted to a lunatic, idiot or feeble minded person, or to any person suffering from any loathsome, contagious or infectious disease;
 - (d) no licence shall be granted unless and until the licensing authority are satisfied that —
 - (i) the applicant is a fit and proper person to be licensed;
 - (ii) the premises in which the applicant, other than a travelling salesman, proposes to carry on his business are suitable for the conduct of such business;
 - (iii) no reasonable objections exist to the applicant being licensed or to the grant of the licence applied for.

11. Every person holding a licence to carry on business under the authority of this Act, shall cause such licence to be posted and kept posted in a conspicuous place on the premises where he may be carrying on business, and any such licence holder who fails to comply with this requirement shall be guilty of an offence against this Act.

Licences to be affixed to premises.

12. Every travelling salesman holding a licence issued under the authority of this Act shall produce his licence on demand to the Commissioner of Police or to any person with whom he may be doing or intending to do any business and if he shall fail to do so or shall refuse to produce the same he shall be guilty of an offence against this Act.

Travelling salesman to produce licence.

13. Subject to the provisions of this Act and to the approval of the Minister it shall be lawful for the licensing authority to make rules in respect of all or any of the following matters —

Rules.
E.L.A.O., 1974.

- (a) for prescribing the form of licences, notices and other documents to be issued under this Act;
- (b) for regulating the procedure to be adopted in any proceedings before the licensing authority;
- (c) generally for carrying into effect the provisions and objects of this Act.

Penalties.

14. Any person who shall keep a shop or act as a travelling salesman without a licence, or after his licence shall have been revoked, or who acts in contravention or disregard of any of the terms or conditions on or subject to which his licence was granted, shall be guilty of an offence against this Act.

Persons evading Act.

15. Any person aiding or abetting in the evasion or attempted evasion of any of the provisions of this Act shall be guilty of an offence against this Act.

Punishment.
5 of 1987, Sch.

16. Any person guilty of an offence under this Act shall be liable to a fine of one hundred dollars or to imprisonment for three months.

Recovery of penalties.

17. All penalties imposed by this Act shall be recoverable in a summary manner and all proceedings for offences under this Act may be prosecuted in the name of the Commissioner of Police.

Onus of proof.

18. In all proceedings taken against any person for keeping a shop contrary to this Act, the onus of proving that he is licensed to keep a shop shall lie on the defendant.