

CHAPTER 373

PROFESSION, TRADE AND BUSINESS REGISTRATION 1978-45

This Act came into operation on 1st January, 1979.

Amended by:

<i>1979/193</i>	<i>1983/109</i>	<i>1990-34</i>
<i>1982-42</i>	<i>1985/112</i>	<i>1992/43</i>
<i>1982/110</i>	<i>1986-23</i>	<i>2008-15</i>
<i>1982/162</i>	<i>1990-4</i>	

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2008

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 373

PROFESSION, TRADE AND BUSINESS REGISTRATION 1978-45

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**BARBADOS****PROFESSION, TRADE AND BUSINESS REGISTRATION
1978-45**

An Act to make provision for the registration of persons exercising or engaging in any profession, trade, business or calling and to provide for related matters.

[Commencement: 1st January, 1979]

Short title

1. This Act may be cited as the *Profession, Trade and Business Registration Act*.

Interpretation

2. For the purposes of this Act,

“annual registration fee” means the fee specified in the third column of the *Fourth Schedule* that is payable annually with respect to any profession, trade, business or calling mentioned in the *First, Second or Third Schedule*;

“business” means any activity engaged in which is an occupation, and includes a profession and trade;

“calling” includes any occupation not specified in the *First, Second or Third Schedule*;

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“certificate of registration” means a certificate issued by the Registrar or Chief Labour Officer in accordance with this Act;

“first registration fee” means the fee specified in the second column of the *Fourth Schedule* which is payable on first registration with respect to any profession, trade, business or calling mentioned in the *First, Second or Third Schedule*;

“Minister” means the Minister responsible for Finance;

“person” means a person who is self-employed, and includes a company where the context so specifies;

“Registrar” means the Registrar of the Supreme Court;

“temporary registration fee” means the fee payable pursuant to an enactment specified in Part III of the *First Schedule* and set out in the *Fifth Schedule*;
[1990-4; 2008-15]

“trade” includes a business, and every manufacture, adventure or concern in the nature of a trade or business.

Persons engaging in any profession, trade, business or calling to register

3.(1) Subject to section 5, every person who

- (a) is entitled to engage in any profession, trade, business or calling by virtue of any enactment referred to in Part II of the *First Schedule*;
- (b) engages in or intends to engage in any profession, trade, business or calling specified in the *Second or Third Schedule*; or
- (c) exercises any calling not referred to in the *Second or Third Schedule*,

shall register in accordance with subsection (2).

- (2) A person registering under this Act shall,
- (a) in the case of a person to whom paragraph (a) of subsection (1) applies, register with the Registrar in accordance with the provisions of the relevant enactment mentioned in Part II of the *First Schedule*;
 - (b) in the case of a person mentioned in Part I of the *Second Schedule*, register with the Registrar;
 - (c) in the case of any other person, register with the Chief Labour Officer, and at the time of registration pay to the Registrar or the Chief Labour Officer, as the case may be, the first registration fee specified in the second column of the *Fourth Schedule*; but, where the registration of a person specified in Part I of the *First Schedule* takes place for the first time after the month of June in any year, that fee shall be reduced by one-twelfth for each month that has elapsed for that year.

[2008-15]

(3) A person who engages or intends to engage in more than one profession, trade, business or calling, whether or not mentioned in the *First, Second or Third Schedule*, shall register in respect of each such profession, trade, business or calling in accordance with subsection (1) and section 4.

(4) The Registrar or the Chief Labour Officer, as the case may be, shall, in respect of each person registered in accordance with subsection (1) or (2) and section 4, issue him with a certificate of registration in such form as the Minister approves or a practising certificate as may be required by any enactment mentioned in Part II of the *First Schedule*.

[2008-15]

[2008-15]

Annual Registration

4.(1) Subject to section 5, every person registered in accordance with section 3 or any enactment mentioned in Part II of the *First Schedule*, shall, if he desires to be registered for any subsequent year, pay to the Registrar or Chief

Labour Officer, as the case may be, the annual registration fee specified in the third column of the *Fourth Schedule*.

[1982-42; 2008-15]

(2) The annual registration fee is payable in the month of January in each year.

(3) A person who is required to pay the annual registration fee under this section and who fails to pay that fee within the time specified in subsection (2) shall, in respect of his registration for that year, pay to the Registrar or Chief Labour Officer, as the case may be, in addition to that fee, a sum equal thereto.

Exemption of whole-time public officers from payment of registration fee

5.(1) Subject to subsection (2), no fee is payable in respect of registration under this Act by any person to whom the proviso to section 72 of the *Constitution* applies or who holds or is acting in the office of a Judge or who is employed on a whole-time basis in the public service.

(2) Notwithstanding subsection (1), a person who is employed on a whole-time basis in the public service but who, in addition to such service, is authorised to engage in his profession, trade, business or calling shall register in accordance with section 3.

Temporary registration

5A.(1) Any person who is entitled to be temporarily registered in accordance with an enactment specified in Part III of the *First Schedule* shall pay to the Registrar at the time of registration, the fee determined in accordance with subsection (2) and set out in the *Fifth Schedule*.

[1990-4; 2008-15]

(2) The fee referred to in subsection (1) in respect of a person specified in Column 1 of the *Fifth Schedule* shall be that set out in the Third Column thereof opposite the person so specified and in respect of the relevant period.

Fees to be paid into Consolidated Fund

6. All fees collected by the Registrar and the Chief Labour Officer in accordance with this Act shall be paid into the Consolidated Fund.

Registrar and Chief Labour Officer to keep Registers

7. Notwithstanding anything contained in any enactment mentioned in Part II of the *First Schedule* regarding the keeping of registers, the Registrar and the Chief Labour Officer shall keep registers in which they shall enter particulars with respect to any person required to be registered in accordance with section 3 as follows

- (a) his full name and address;
- (b) his profession, trade, business or calling;
- (c) in the case of a profession, his qualifications and the dates of those qualifications; and
- (d) the dates of his first and subsequent registrations.

[2008-15]

Registrar and chief Labour Officer to be informed of address etc., and penalty for failure to comply

8.(1) Where a person is registered in accordance with section 3 and there is a change in the particulars required under paragraph (a) or (b) of section 7, he shall inform the Registrar or Chief Labour Officer, as the case may be, of that change within one month thereof.

(2) A person who fails, neglects or refuses to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$250.

Penalty for failure to register

9.(1) Any person who fails, neglects or refuses to register in accordance with section 3 or 4 and engages in any profession, trade, business or calling in contravention of this Act is guilty of an offence and liable on summary conviction to a fine of \$500.

(2) Where a person is convicted of an offence under subsection (1) and the offence continues after that conviction, he is guilty of another offence and liable to a further fine of \$50 for every day or part thereof on which the offence continues.

Onus of proof

10. In any proceedings under this Act, the burden of proving that the provision thereof has been complied with lies on the person against whom the proceedings were initiated.

Effect of failure or refusal to register

11. Any person who, being a person required by section 3 or 4 to register and pay a fee and who fails, neglects or refuses to pay that fee within the time referred to in section 4 (2), shall be treated as being unregistered for the purposes of this Act.

[1986-23]

Recovery of unpaid registration fees

12. Without prejudice to sections 9 and 11, any fee or penalty payable under this Act which remains unpaid after one month from the date on which that fee becomes payable may be recovered as a debt due to the Crown in civil proceedings before a magistrate of District "A" notwithstanding that the amount thereof exceeds the normal monetary limit on the jurisdiction of a magistrate's court.

Minister may vary Schedule

- 13.** The Minister may by order
- (a) vary the Schedules to this Act; and
 - (b) grant exemptions from registration under this Act.

Registers to be published

14.(1) The Registrar shall publish or cause to be published in the *Official Gazette*, not later than 31st March in each year, separate lists in alphabetical order of persons who have at the 31st day of January in that year registered their names in respect of any profession.

(2) The Chief Labour Officer shall publish in the month of April in each year, in such form as the Minister approves, the particulars required under section 7 regarding persons registered in respect of any profession, trade, business or calling specified in Part II of the *Second Schedule* and in the *Third Schedule*.
[1982-42]

(3) Where persons are registered after the publication referred to in subsection (1) or (2), the Registrar or the Chief Labour Officer shall publish the particulars as soon as practicable after such registrations.

[1982-42]

Regulations

15. The Minister may make regulations generally for the purpose of giving effect to the provisions of this Act.

FIRST SCHEDULE*(Sections 2, 3, 4, 5A and 7)*

PART I

Professions

Attorney-at-Law - S.C. and Q.C.

Attorney-at-Law (Other than S.C. or Q.C.)

Medical Practitioner

Accountant

Actuary

Architect

Dental Practitioner

Engineer

Land Surveyor

Quantity Surveyor

Veterinary Surgeon

PART II

*Dental Registration Act, Cap. 367**Engineers (Registration) Act, Cap. 368B**Land Surveyors Act, Cap. 370**Legal Profession Act, Cap. 370A**Medical Registration Act, Cap. 371**Paramedical Professions Act, Cap. 372C**Pharmacy Act, Cap. 372D*

Veterinary Surgeons Act, Cap. 374

PART III

Dental Registration Act, Cap. 367

[2008-15]

SECOND SCHEDULE*(Sections 2, 3 and 14)***PART I***Profession, Trade, Business or Calling*

Auctioneer
Builder
Chiropractor
Chiropodist
Contractor
Dental Hygienist
Dental Technician
Draughtsman
Embalmer
Flying Instructor
Funeral Director
Master Stevedore
Optometrist
Pharmacist
Podiatrist
Psychologist
Professional Promoter
Real Estate Agent
Town Planner

Undertaker

PART II

Profession, Trade, Business or Calling

Advertising Agent

Auto-body Technician, including coach builder and vehicle maker

Auto-mechanic

Auto-parts Dealer

Commission Agent

Customs Broker

Gauger

Interior Decorator

Journalist (freelance)

Medical Laboratory Technologist

Naturopath

Occupational Therapist

Operator of boats - a person, including a company, providing excursions, tours, water-skiing, parasailing and other such services

Ophthalmic Dispenser

Persons licensed to perform Dental Services

Photographer

Physiotherapist

Race-horse Breeder or Trainer, including breeder of studs

Radiographer (Diagnostic or Therapeutic)

Ships' Chandler

Water Sports Instructor - a person engaged in teaching scuba diving, parasailing, water-skiing and other such water sports

[2008-15]

THIRD SCHEDULE*(Sections 2, 3 and 14)**Trade, Business or Calling*

Antique Art or Handicraft Dealer

Commercial Artist

Dressmaker, tailor, or designer

Driving Instructor

Employment agency operator

Furniture Manufacturer

Insurance Practitioner

Jeweller

Landscape Artist

Manufacturer of any type of building material

Masseur

Musician, singer and entertainer

Nightclub or discotheque proprietor

Nurseryman, plant seller

Organ Builder

Private Inquiry Agent or Legal Investigator

Taxi or Truck Proprietor

Transient Trader - a person who is not ordinarily resident in Barbados and who visits for the purpose of selling or procuring orders for the sale of or furthering or promoting the sale of goods manufactured or produced outside Barbados

[2008-15]

FOURTH SCHEDULE*(Sections 2, 3 and 4)**Fees*

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
	\$	\$
First Schedule Part I	2 500.00	2 500.00
Second Schedule Part I	750.00	750.00
Second Schedule Part II	750.00	750.00
Third Schedule	50.00	50.00

[2008-15]

FIFTH SCHEDULE*(Sections 2 and 5A)**Temporary Registration Fees*

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
	\$	\$
Dental Practitioner	3 months or less	375.00
Dental Practitioner	more than 3 months but not more than 6 months	750.00
Dental Hygienist	3 months or less	150.00
Dental Technician	more than 3 months but not more than 6 months	300.00

[2008-15]