



DEPARTMENT OF TRADE & CONSUMER AFFAIRS

Premier's Office,
Government of the British Virgin Islands

**Your
Business
Is
Our
Business**

*Business
Development &
Licensing*

*Trade & Export
Development*

*Investment
Facilitation*

*Consumer
Affairs*



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TRADE LICENCE APPLICATION CHECKLIST

An application for a Trade Licence must be in the prescribed form in duplicate duly completed and signed. A cover letter and supporting documents providing details and information is also required to accompany every application form. The supporting documents and information to be submitted with every application form for the grant of a licence are as follows:

A. Applications by Individual (BVIlander/Belonger)

- Passport-sized photo (2"x2")
- Proof of Status (*Birth Certificate, Belonger, or Naturalization Certificate*)
- A short cover letter giving details of the proposed business
- General information (*qualification and/or experience where required*)

B. Applications by Individual (Non-BVIlander)

- Passport-sized photo (2"x2")
- A personal reference
- A business reference
- A financial reference (*account maintained for not less than 3 years*)
- A police record or clearance certificate (*reside no less than 12 months*)
- Copy of the picture page of your passport.
- General information on work history, qualification and experience

C. Applications by Companies

- Outline of the operation and activities of the company
- Copy of the certificate of incorporation.
- Memorandum and Articles of Association.
- Details of Shareholdings.
- Register of Directors (*information above required for each director*)
- For BVI owned companies documentation to prove that at least 60% of the shareholders and at least 60% of the directors of the company are BVIlanders.

All documents submitted to the Department as copies must be certified by either a notary public or justice of the peace from within the Virgin Islands.

***NB:** Please indicate by placing a tick in the appropriate circle, all required documents submitted with your application. Additional requirements are on the back of this form.

OTHER REQUIREMENTS & STANDARD CONDITIONS

The Department of Trade and Consumer Affairs (TCA) maintains a list of conditions that are typically imposed upon the grant or renewal of various categories of licences including licences for professional and vocational services. These conditions are subject to change as per legal requirements and/or changes in circumstances in the community.

- A. Business Address** - Specific address including building name and number, block and parcel number and a street number (if available). General addresses such as "Road Town" "or" West End" are not acceptable
- B. Civil Servants/Police Officers** - If the proposed applicant is a director or shareholder of the applicant company, and is also a civil servant or police officer, then permission must first be obtained in writing from the Public Service Commission and the Permanent Secretary/Head of Department, by way of 'Private Interest Form' and the same submitted.
- C. Business Inspection** - Certain types of business premises require inspection by one or more government departments or agencies (e.g. Department of Environmental Health) before licences can be issued or, if issued, before business can commence operation. Given below is a non-exhaustive list of such businesses:
- Childcare services;
 - Pharmaceutical/Healthcare providers;
 - Restaurants, catering and food services;
 - Supermarkets and wholesalers
 - Beauty Parlour & Barber Shops;
 - Horse Stables/Animal Services;
 - Storage of hazardous materials for sale or for use in furtherance of the business (e.g. pesticides, chlorine, acid); and
 - Garages, Mobile car wash.

A list of businesses that require inspection can be obtained from the Department of Trade & Consumer Affairs:

- D. Planning Permission** - Planning permission may be required for various types of establishments under the Physical Planning Act CAP 15 of 2005. Additionally, permission is required for an established location where the intended use of the location is significantly different from that for which it was originally granted permission. Applicants should consult with the Town & Country Planning Department to determine whether planning issues must be addressed in the application (e.g. change of use from retail store to restaurant) or zoning.
- E. Residential Addresses for Businesses** - The Department discourages the use of residential addresses as business addresses due to unwanted infiltration of unauthorised business activities in residential neighbourhoods the consequent planning, safety and health concerns as well as the difficulties associated with monitoring licensees. Applicants should therefore endeavour to obtain a business address and location compatible with their proposed activities.
- F. Home Offices** - In certain limited circumstances home offices are permitted subject to conditions restricting and limiting the scope of activities within the designated address. A list of those conditions is available from the Department of Trade & Consumer Affairs. If an application is made to use an apartment or a residential condominium unit as a home office, the written approval of the landlord or the manager of the apartment complex is required to be attached. Applicants are also advised to consult the Town & Country Planning Department for advice as to whether the nature or scale of the office activity requires a Change of Use application.
- G. Preparation of food at a residential location for sale to the public** - TCA will not issue any further licences permitting food to be prepared in apartments or condominiums for sale to the public. An exception can be made in only limited circumstances for a single-family home to be so used subject to conditions designed to guard against safety and health hazards.

In general, TCA encourages current licence holders in this category to obtain an appropriate location for this type of business and actively discourages the granting of new licences unless the applicant obtains a commercial location with appropriate equipment and food handling standards. In any event applicants in this category must consult with the Planning Department and the Environmental Health Department first regarding a Change of Use application. Any licence(s) issued henceforth by TCA subsequently will be subject to conditions.

- H. Renting apartment buildings condominiums, single dwelling homes, and commercial buildings**
A Licence is required for owning and renting apartment buildings condominiums, single dwelling homes, and commercial buildings (e.g. office block). However, a Licence will not be required for persons to own units of residential rental property which are attached to their private dwelling, where the owner can show:
- That the private dwelling is not of itself one of the units of the residential rental property;
 - That the owner's occupancy cannot be mistaken as a tenancy; and
 - That the owner has filed their taxes with the Inland Revenue Department.

Where several businesses, professions or trades are carried out on the same premises, individual trade licences would be required, as well as individual licence fees payable to TCA.

DIRECTOR,
Department of Trade & Consumer Affairs (TCA)