



ANGUILLA

A BILL FOR

**TRADES, BUSINESSES, OCCUPATIONS AND  
PROFESSIONS LICENSING (AMENDMENT) ACT, 2021**

Published by Authority

I Assent

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Date

ANGUILLA

No. /2021

A BILL FOR

**TRADES, BUSINESSES, OCCUPATIONS AND PROFESSIONS LICENSING  
(AMENDMENT) ACT, 2021**

[Gazette Dated: \_\_\_\_\_, 2021] [Commencement: Assent under section 57 of the Constitution]

AN ACT to amend the Trades, Businesses, Occupations and Professions Licensing Act,  
R.S.A. c. T40

ENACTED by the Legislature of Anguilla

**Interpretation**

1. In this Act—

“company” means a company incorporated or continued under the Companies Act;

“limited partnership” means a limited partnership constituted in accordance with section 3 of the  
Limited Partnership Act;

“principal Act” means the Trades, Businesses, Occupations and Professions Licensing Act, R.S.A.  
c. T40.

**Insertion of new section**

2. The Principal Act is amended by inserting the following new section after section 13—

**“Business engaging in specified activities required to form a company or limited  
partnership**

**13A.** (1) Where an activity listed in subsection (2) is being carried on by a business  
and this business is owned by more than one person such business shall be a company  
or a limited partnership.

(2) The activities referred to in subsection (1) include—

(a) the operation of distribution and service centres;

- (b) the operation of headquarters;
- (c) fund management;
- (d) financing and leasing;
- (e) shipping;
- (f) intellectual property business.

(3) Where a business referred to in subsection (1) makes an application for a licence under this Act, the application shall be accompanied by the following—

- (a) the articles of incorporation, where an application is made by a company; or
- (b) where an application is made by a limited partnership—
  - (i) the partnership agreement, and
  - (ii) a copy of the certificate of registration issued by the Registrar.

(4) The activities referred to in subsection (2) are defined in Schedule 2.

#### **Insertion of new schedule**

**3.** The Principal Act is amended—

- (a) in the Schedule by deleting the heading “ Schedule” and substituting the heading “Schedule 1”; and
- (b) by inserting the following new Schedule after Schedule 1—

**“SCHEDULE 2**

(Section 13A (5))

## DEFINITIONS OF ACTIVITIES

<b>Relevant activity*</b>	<b>Definition</b>
Fund Management	A business earning income from providing management services (including making decisions on investments) to an investment fund or its investors.
Financing and leasing	A business earning income from providing credit facilities for any kind of consideration to another person but does not include financial leasing of land or an interest in land, banking business, fund management business or insurance business.
Distribution and service centre	A business earning income from – (a) purchasing raw materials and finished products from other group members and reselling these; or (b) providing services to other entities of the same group, including transporting and storing goods, managing stocks, taking orders, or providing consulting or other administrative services.
Headquarters	A business earning income from providing services such as managing, coordinating or controlling business activities for a group with which it is affiliated, whether for the group as a whole or for members of the group in a specific geographical area including— (a) taking relevant management decisions; (b) incurring expenditures on behalf of group entities; or (c) co-ordinating group activities.
Intellectual property business	A business earning income from intellectual property assets, including royalties and income from the sale of an intellectual property asset.
Shipping	A business earning income from shipping activities (via the sea) including— (a) managing the crew ( including hiring, paying or overseeing crew members); (b) hauling and maintaining ships; (c) overseeing and tracking deliveries; (d) determining what goods to order and when to deliver them; or (e) organising and overseeing voyages.

\*For the purpose of this Schedule “Group” means a collection of enterprises related through ownership or control such that it is either required to prepare Consolidated Financial Statements for financial reporting purposes under applicable accounting principles or would be so required if equity interests in any of the enterprises were traded on a public securities exchange;

**Citation**

4. This Act may be cited as the Trades, Businesses, Occupations and Professions Licensing (Amendment) Act, 2021.

Barbara Webster-Bourne  
*Speaker*

Passed in the House of Assembly on this            day of            , 2021

Lenox J. Proctor  
*Clerk of the House of Assembly*

**OBJECT AND REASONS**

**(The objects and reasons do not form part of the Bill)**

Clause 1 is the interpretation section

Clause 2 inserts a new section requiring businesses engaging in specified activities to form a company or limited partnership

Clause 3 inserts a new schedule defining the specified activities

Clause 4 is the citation of the Bill.