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BUSINESS LICENCE (AMENDMENT) (NO. 2) ACT, 2025

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No. 37 of 2025

BUSINESS LICENCE (AMENDMENT) (NO. 2) ACT, 2025

ACT TO AMEND THE BUSINESS LICENCE ACT

[Date of Assent 27th June, 2025]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Business Licence Act, 2023 shall be cited as the Business Licence (Amendment) (No. 2) Act, 2025.
- (2) This Act shall come into force on the 1st day of July, 2025.

2. Insertion of a new section 9A into the principal Act.

The principal Act is amended by the insertion immediately after section 9 of the following new section —

“9A. Requirement for registration of liquor establishments.

- (1) Subject to section 10, applicants for the grant or renewal of an annual licence to operate a liquor establishment shall —
 - (a) apply to the Secretary for registration or renewal of the registration of the establishment and be issued a Certificate of Registration; and
 - (b) pay the prescribed registration fee;
as set out in the *Fifth Schedule*.
- (2) For the purposes of this Act, a liquor establishment means any business that sells, exposes or offers for sale liquor and includes liquor stores, bars and restaurants.”.

3. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended by the deletion of subsection (4).

4. Amendment of section 20 of the principal Act.

Section 20 of the principal Act is amended by the deletion of subsection (4).

5. Amendment of section 20A of the principal Act.

Section 20A of the principal Act is amended by the deletion of subsection (4).

6. Amendment of section 21 of the principal Act.

Section 21 of the principal Act is amended by the deletion of subsection (1) and substitution of the following —

- “(1) The Secretary may only grant a licence, on renewal or new registration, where he is satisfied that an applicant has met all the requirements for a licence and where required, has been issued a Certificate of Registration.”.

7. Amendment of section 25 of the principal Act.

Subsection (1) of section 25 of the principal Act is amended —

- (a) in paragraph (d), by the deletion of the last appearing comma and the substitution of a semi-colon;
- (b) by the insertion, immediately after paragraph (d), of the following new paragraph —
 - “(e) where he is satisfied that the licensee does not meet or no longer meets the requirements for registration as a liquor establishment under the *Fifth Schedule*,”.

8. Amendment of section 35 of the principal Act.

Section 35 of the principal Act is amended in —

- (a) subsection (2) by the insertion, immediately after the word “licensee”, of the words “, with greater than ten million dollars of turnover per annum,”.
- (b) subsection (4) by the insertion, immediately after the word “licence”, of the words “and pay interest at 5% per annum on any amount paid after 31st March under instalments.”.

9. Deletion and substitution of section 37 of the principal Act.

Section 37 of the principal Act is amended by the deletion of the section and the substitution of the following —

“37. Advance tax rulings.

- (1) The Secretary may, on application by a person in the prescribed form and accompanied by a deposit acceptable to the Secretary in support of the proposed ruling, being either \$1,000.00 or security in such amount and form as may be determined by the Secretary, issue an advance tax ruling setting out the Secretary's position regarding the application of the Act to that person with respect to a transaction, venture or other activity proposed or entered into by that person.
- (2) An advance tax ruling shall not be provided —
 - (a) where the applicant has not provided all the information determined by the Secretary to be necessary;
 - (b) where the Secretary is of the opinion that there are no genuine points of uncertainty as to the person's tax liability;
 - (c) where the applicant is asking the Secretary to give tax planning advice;
 - (d) where the request relates to transactions which, in the Secretary's view, are for the purposes of avoiding tax;
 - (e) in any other circumstances outlined by the Secretary in rules.
- (3) Subject to subsection (4), an advance tax ruling by the Secretary pursuant to subsection (1) shall —
 - (a) be binding on the Secretary for the time period determined by the Secretary and stated in the ruling; and
 - (b) state a time period during which the applicant is required to complete the transactions contemplated in the application.
- (4) If the Secretary finds that an advance ruling issued by him is based on false, misleading, missing or incorrect information provided by the applicant, the Secretary shall declare that ruling void and of no effect.
- (5) If the applicant fails to complete the transactions or execute the instruments within the time period specified in the ruling, and such failure results from inaction, action, or negligence on the applicant's part, the applicant will incur a penalty equal to the lesser of \$1,000.00 and 1/10th of 1% of the assessment that would arise from the transactions or instruments outlined in the ruling.

- (6) If the applicant is aggrieved with the ruling issued by the Secretary, or the assessment of penalty under subsection (5), the applicant may appeal directly to the Tax Appeal Commission pursuant to section 66 of this Act.”.

10. Amendment of section 41 of the principal Act.

Section 41 of the principal Act is amended in —

- (a) subsection (1), —
 - (i) by the deletion of the comma, immediately after the words “section 61” and the substitution of a semi-colon;
 - (ii) by the insertion immediately after paragraph (e), of the following —
 - “(f) the determination on trading name under sections 18, 19, 20 or a complaint under section 20A;
 - (g) the determination under section 25,”;
- (b) subsection (10), by deletion of the words “within ninety calendar days”; and
- (c) subsection (11), by deletion of the word “ninety” and substitution of the words “one hundred and eighty”.

11. Amendment of section 66 of the principal Act.

Section 66 of the principal Act is amended by the deletion of the section and substitution of the following —

- “A person who is aggrieved by a decision of the Secretary may —
- (a) in relation to an objection under section 41;
 - (b) on an application for an advance tax ruling under section 37 including the assessment of any tax or penalty;
 - (c) declare a person as a representative of a taxable person under section 45,
- appeal to the Tax Appeal Commission against that decision in the time and manner specified under the Tax Appeal Commission Act, 2020 (*No 3. of 2020*).”.

12. Amendment of the Second Schedule of the principal Act.

Paragraph (5) of PART I of the *Second Schedule* of the principal Act is amended —

- (a) by deleting the words “at which a gasoline and diesel oil are sold by retail under the provisions of the Price Control Act (*Ch. 339*)”;
- (b) by inserting the following subsections —

- “(a) at which gasoline and diesel oil are sold by retail under the provisions of the Price Control Act (*Ch. 339*); or
- (b) a fuel reseller engaged in purchasing and reselling gasoline or diesel oil.”.

13. Insertion of a *Fifth Schedule* into the principal Act.

The principal Act is amended by the insertion immediately after the *Fourth Schedule* of the following new schedule —

“FIFTH SCHEDULE

(section 9A)

REQUIREMENTS FOR REGISTRATION OF LIQUOR ESTABLISHMENTS

1. Time to apply for registration

- (1) An applicant for the grant of an annual licence to operate a liquor establishment shall submit an application for registration of the liquor establishment in the prescribed form, no later than ninety days prior to making the application for the grant of the licence.
- (2) An applicant for the renewal of an annual licence to operate a liquor establishment shall submit an application for renewal of the registration of the liquor establishment in the prescribed form no later than the 31st December.

2. Notice of public consultation

- (1) Upon receiving an application for the registration of a liquor establishment, the Secretary shall give to the general public and interested parties, no less than two weeks’ notice of a public consultative process.
- (2) The notice of public consultation under subsection (1) shall be —
 - (a) posted in a daily newspaper published in The Bahamas; or
 - (b) posted to the Department of Inland Revenue website; or
 - (c) displayed at the proposed location(s) specified in the application; or
 - (d) in such other manner as may be prescribed by the Secretary.
- (3) The notice of public consultation shall also invite written comments from the general public and interested parties and the Secretary shall consider all written comments received pursuant to subsection (2), prior to making a determination to register a liquor establishment.

3. Notice inviting public comments

- (1) Upon receiving an application for the renewal of the registration of a liquor establishment, the Secretary give notice to the public and interested parties, inviting written comments.
- (2) The notice referred to in subsection (1) shall be —
 - (a) posted to the Department of Inland Revenue website; or
 - (b) in such other manner as may be prescribed by the Secretary.
- (3) The Secretary shall consider all written comments received pursuant to subsection (2), prior to making a determination to renew the registration of a liquor establishment.

4. Secretary may consider other factors in making decision to register

In making a decision to register a liquor establishment, the Secretary may also consider —

- (a) That the applicant, an officer or director of the applicant, has been convicted of an summary or indictable offence;
- (b) That the community is already adequately serviced by liquor stores, bars or restaurants;
- (c) That the premises in respect of which the application is made are in too close proximity to a school or place of worship;
- (d) That the premises in respect of which the application is made are unsuitable either owing to difficulty in supervising them, size, state of repair or insanitary condition, or to the lack of sufficient means of exit in case of fire;
- (e) That a license that the applicant had formerly held has been suspended, amended or cancelled in accordance with section 25;
- (f) Any other reasonable ground.

5. Registration Fees payable

- (1) Applicants for registration or renewal of the registration of a liquor store shall pay a registration fee of \$100.00 upon submission of the application for registration or renewal of registration.
- (2) Applicants for registration of a liquor establishment other than a liquor store shall pay a registration fee of \$50.00 upon the submission of an application for the registration or renewal of registration.

6. Secretary to approve registration

- (1) The Secretary may approve the registration or renewal of the registration of a liquor establishment upon consideration of the matters set out in this

section, as the case may be, and the payment of the prescribed registration fee.

- (2) The Secretary shall issue a Certificate of Registration upon approval of an application for registration or renewal of the registration of a liquor establishment.
- (3) A Certificate of Registration shall expire on the 31st March.”.