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**CHAPTER 222****GARAGE LICENSING**

## LIST OF AUTHORISED PAGES

1 - 4	LRO 1/2008
5 - 7	Original

**ARRANGEMENT OF SECTIONS**

## SECTION

1. Short title.
2. Interpretation.
3. Premises not to be used as garage without licence.
4. Issue, renewal and transfer of licence.
5. Suspension and revocation of licence.
6. Ministers decision to be final.
7. Power to enter premises.
8. Penalty for obstructing execution of Act.
9. Publication of basic standards.
10. Indemnity against certain actions.
11. Minister may make regulations.
12. Application of Act and extension.



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**CHAPTER 222**
**GARAGE LICENSING**

**An Act to regulate the operation of garages, the licensing thereof and for other purposes connected therewith.** *10 of 1980*

*[Assent 18th December, 1980]  
[Commencement 1st November, 1988]*

1. This Act may be cited as the Garage Licensing Act. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“garage” means any premises regularly used for one or more of the following purposes —

- (a) the repair or replacement of vehicle propulsion units, however activated, vehicle transmissions, vehicle chassis and any appurtenances thereof, including any electrical systems attached thereto;
- (b) the repair and/or painting of vehicle bodies;
- (c) the storage of old or damaged vehicles and/or parts thereof;

“Minister” means the Minister responsible for Building Regulations;

“to operate” means to keep, manage or control or to cause to be kept, managed or controlled;

“vehicle” means a vehicle which is wholly or partially propelled by electrical or mechanical means and which is designed or adapted for use on the roads.

3. (1) No person shall operate a garage except under and in accordance with the terms and conditions of a licence issued under this Act by the Minister. Premises not to be used as garage without licence.

(2) If any person operates a garage in contravention of subsection (1), he is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

Issue, renewal  
and transfer of  
licence.

4. (1) The Minister may issue, renew or transfer a licence, as the case may be, under this Act to an applicant for the operation of a garage on such terms and conditions and subject to such restrictions as may be prescribed.

(2) An application for the issue, renewal or transfer of a licence shall be made to the Minister in the prescribed form and shall contain or be accompanied by such information or documents as may be prescribed.

(3) A licence shall —

(a) be in the prescribed form;

(b) be issued, renewed or transferred on payment of the prescribed fee;

(c) unless previously revoked under section 5, expire on the thirtieth of June next following the date of issue.

(4) When renewing a licence the Minister may vary the terms, conditions or restrictions attached thereto and may impose additional terms, conditions or restrictions.

Suspension and  
revocation of  
licence.

5. (1) If while a licence under section 4 is in force in respect of any premises, any of the terms, conditions or restrictions subject to which the licence is held are contravened, the Minister may suspend or revoke the licence.

(2) The Minister shall not suspend or revoke a licence without first giving the holder thereof the opportunity to make representations to him.

(3) Where the Minister suspends or revokes a licence, he shall immediately so inform the holder of the licence in writing specifying the reason for the suspension or revocation and, in the case of a suspension, the action required to be taken by him before the suspension may be removed.

(4) When the Minister is satisfied that all action required to be taken by the holder of the licence has been taken, he may remove the suspension and the licence shall be as valid as if it had not been suspended.

(5) Any person who, knowing or having reason to believe that a licence issued under section 4 in respect of the operation of a garage, has been suspended, operates that garage on and after the date of such suspension and before the suspension is removed, is guilty of an offence and liable on summary conviction to a fine not exceeding

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one thousand dollars or to imprisonment for a term not exceeding six months.

**6.** Any decision by the Minister —

- (a) to refuse to issue, renew or transfer a licence; or
- (b) when renewing a licence, to vary the terms, conditions or restrictions attached thereto or to impose additional terms, conditions or restrictions; or
- (c) to suspend or revoke a licence,

Minister's  
decision is final.

under this Act shall be final and shall not be enquired into in any court.

**7.** (1) The Minister may, where there is reasonable cause to suspect that the provisions of this Act are being or have been contravened, authorise any public officer in writing to enter any premises at any reasonable hour for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Act.

Power to enter  
premises.

(2) If it is shown to the satisfaction of a magistrate on sworn information in writing —

- (a) that admission to any premises aforesaid has been refused, or that refusal is apprehended; or
- (b) that the occupier of such premises is temporarily absent; and
- (c) the case is one of urgency,

the magistrate may by warrant under his hand, authorise any public officer to enter the premises, if need be, by force.

(3) A public officer entering any premises by virtue of subsection (1) or of a warrant issued under subsection (2), may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such warrant, shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under subsection (2) shall continue in force until the purpose for which the entry is necessary has been satisfied.

**8.** A person who wilfully obstructs any person acting in the execution of this Act, or of a warrant issued thereunder, is liable on summary conviction to a fine not

Penalty for  
obstructing  
execution of Act.

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exceeding one thousand dollars and a further fine not exceeding two hundred and fifty dollars for each day on which the offence continues after conviction therefor.

Publication of  
basic standards.

**9.** (1) The Minister shall from time to time authorise the issue of booklets setting out the standards, to be known as basic standards, which shall specify the standards required for the operation of a garage and shall include provisions as to all such other matters for which, in the opinion of the Minister, provision should be made.

(2) A set of basic standards shall from time to time be made available to every licensee under this Act at a price to be determined by the Minister.

(3) The latest issue of basic standards authorised by the Minister shall supersede all previous issues and shall be deemed to be the valid set of basic standards.

Indemnity  
against certain  
actions.

**10.** Subject to any written law for the time being in force, no action shall lie against the Government, the Minister or any other person acting under the authority of the Minister, in respect of any loss or damage whatsoever suffered by any person through the exercise by the Minister or by such person of the powers conferred upon them by this Act, save only in respect of any loss or damage which arises directly from the negligence of the Minister, or of any such person as aforesaid, in the carrying out of any operation in exercise of those powers.

Minister may  
make  
regulations.

**11.** The Minister may make regulations generally for the better carrying out of the purposes of this Act and, without derogation from the generality of such power, any such regulations may provide —

- (a) for the manner in which an application for the issue, renewal or transfer of a licence is to be made, the form of such application and the method of consideration of such application;
- (b) for the manner in which a licence is issued and the form of such licence;
- (c) for the terms and conditions to be attached to any licence and the restrictions subject to which a licence is to be held;
- (d) for the fees payable in respect of the issue, renewal or transfer or replacement of a licence;
- (e) for the inspection of garages and the standards of safety and cleanliness to be observed in the maintenance and operation thereof;

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- (f) for limiting the number and type of licences to be issued for any given area;
  - (g) for prescribing anything which by the provisions of this Act may be or is to be prescribed.

**12.** This Act shall apply to the Island of New Providence but the Governor-General may from time to time by order direct that all or any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the order, to any part of the Out Islands to be defined in such order.

Application of  
Act and  
extension.