

**THE CARIBBEAN COMMUNITY (ESTABLISHMENT,  
SERVICES, CAPITAL AND MOVEMENT OF COMMUNITY  
NATIONALS) ACT**

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THE CARIBBEAN COMMUNITY (ESTABLISHMENT,  
SERVICES, CAPITAL AND MOVEMENT OF COMMUNITY  
NATIONALS) ACT

Act  
37 of 2004.

[30th January, 2006.]

PART I. *Preliminary*

1. This Act may be cited as the Caribbean Community (Establishment, Services, Capital and Movement of Community Nationals) Act. Short title.

2.—(1) In this Act unless the context otherwise requires—

“Committee of Central Bank Governors” means the Body of the Community so named in Article 18(2) of the Treaty;

Interpre-  
tation.

“Community” means the Caribbean Community including the CARICOM Single Market Economy established by the Treaty;

“Community Council of Ministers” or “the Community Council” means the organ of the Community so named in Article 10(1)(b) of the Treaty;

“competent Minister” in relation to any provision of this Act, means the Minister responsible for the department or subject to which the provision relates;

“Conference of Heads of Government” or “Conference” means the organ of the Community so named in Article 10(1)(a) of the Treaty;

“Council for Finance and Planning” means the organ of the Community so named in Article 10(2)(a) of the Treaty;

“Council for Human and Social Development” means the organ of the Community so named in Article 10(2)(d) of the Treaty;

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“Council for Trade and Economic Development” means the organ of the Community so named in Article 10(2)(b) of the Treaty;

“economic enterprise” includes any type of organization for the production of, or the trade in, goods or the provision of services (other than a non-profit organization) owned or controlled by a national of a Member State;

“Member State” means a Member State of the Community excluding an Associate Member within the meaning of Article 231 of the Treaty;

“national” means a person who—

- (a) is a citizen of a Member State; or
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or
- (c) is a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity, within the Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

“non-wage-earning activity” means an activity undertaken by a self-employed person;

“right of establishment” includes the right to—

- (a) engage in any non-wage-earning activity of a commercial, industrial, agricultural, professional or artisanal nature;
- (b) create and manage an economic enterprise;

“service” means a service provided against remuneration other than wages in any sector and “the provision of service” means the supply of a service—

- (a) from the territory of a Member State into the territory of another Member State;
- (b) in the territory of one Member State to a service consumer of another Member State;
- (c) by a service supplier of one Member State through commercial presence in the territory of another Member State;
- (d) by a service supplier of one Member State through the presence of a natural person of a Member State in the territory of another Member State.

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, the Bahamas, on 5th July, 2001.

(2) For the purposes of this Act, a company or other legal entity is—

- (a) substantially owned if more than fifty per cent of the equity interest therein is beneficially owned by persons mentioned in paragraphs (a) and (b) of the definition of “national”;
- (b) effectively controlled if such persons have the power to name a majority of its directors or otherwise legally to direct its actions.