

THE CARIBBEAN COMMUNITY ACT

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## THE CARIBBEAN COMMUNITY ACT

Act  
15 of 2004.

[1st December, 2005.]

PART I. *Preliminary*

1. This Act may be cited as the Caribbean Community Act. Short title.

2. For the purposes of this Act— Interpreta-  
tion.

“Community” means the Caribbean Community established by Article 2 of the Treaty;

“Organ of the Community” includes—

(a) the Conference of Heads of Government (the Conference);

(b) the Community Council of Ministers (the Council);

(c) the Council for Finance and Planning (COFAP);

(d) the Council for Trade and Economic Development (COTED);

(e) the Council for Foreign and Community Relations (COFCOR);

(f) the Council for Human and Social Development (COHSOD); and

(g) such other organization of the Community as may be specified by order;

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community signed in the Bahamas on July 5, 2001, the text of which is set out in the Schedule, as is in force in relation to Jamaica. Schedule.

PART II. *The Community*

3.—(1) Subject to the provisions of this Act, the Treaty shall have the force of law in Jamaica. Treaty to  
have force  
of law.

(2) The Community shall have full juridical personality.

Financial provisions.

4.—(1) All sums required to be paid by the Government for the purpose of meeting the obligations of Jamaica under the Treaty shall be charged on the Consolidated Fund.

(2) All sums received by the Government under or by virtue of the Treaty shall be paid into the Consolidated Fund.

Implementation of the Treaty.

5.—(1) The Minister responsible for CARICOM Affairs may, by Regulations subject to affirmative resolution, make provision for the purpose of—

- (a) implementing any Community obligation of Jamaica, or enabling any such obligation to be implemented;
- (b) enabling any rights enjoyed or to be enjoyed by Jamaica under or by virtue of the Treaty, to be exercised; or
- (c) dealing with matters arising out of or related to any such obligation or rights.

(2) The application of section 6 of the Diplomatic Immunities and Privileges Act, by virtue of any order under subsection (1) of that section, to the Community shall not be deemed to be, or to have been, abrogated in consequence of any countries, other than Sovereign Powers, being included among the members of the Community.

Referrals.

6. Where in any legal proceedings, the court or tribunal considers that a decision on any question concerning—

- (a) the interpretation or application of the Treaty; or
- (b) the validity, meaning or application of instruments made under the Treaty,

is necessary for it to deliver judgment, the question shall be referred to the Caribbean Court of Justice.

Evidence.

7. Evidence on—

- (a) any instrument issued by an organ of the Community;

- (b) any document in the custody of the Secretariat of the Community; or
- (c) any entry in or extract from a document in the custody of the Secretariat of the Community,

may be given in any legal proceedings by production of a copy certified as a true copy by the Secretary-General of the Community.

8.—(1) Where the Treaty is amended in accordance with Article 236, the Minister responsible for CARICOM Affairs shall, by order, amend the Schedule accordingly.

Amendment  
of Sched-  
ule.

(2) An order made under subsection (1) may contain such consequential, supplemental or ancillary provisions (including provisions amending this Act) as appear to the Minister to be necessary or expedient for the purpose of giving due effect to the amendment of the Treaty.

(3) Where the Schedule is amended under subsection (1), any reference to the Treaty in this Act or any other instrument shall, unless the context otherwise requires, be construed as a reference to the Treaty so amended.

(4) An order made under subsection (1) shall be subject to affirmative resolution.

### PART III. *General*

9. In the event of any inconsistency between the provisions of this Act and the operation of any other law, other than the Constitution of Jamaica, the provisions of this Act shall prevail to the extent of the inconsistency.

Inconsis-  
tency with  
other  
legislation.

## SCHEDULE

(Sections 2 and 8)

REVISED TREATY OF CHAGUARAMAS ESTABLISHING THE  
CARIBBEAN COMMUNITY*Preamble*

The States Parties to the Treaty Establishing the Caribbean Community and Common Market signed at Chaguaramas on 4 July 1973,

RECALLING the Declaration of Grand Anse and other decisions of the Conference of Heads of Government, in particular the commitment to deepening regional economic integration through the establishment of the CARICOM Single Market and Economy (CSME) in order to achieve sustained economic development based on international competitiveness, co-ordinated economic and foreign policies, functional co-operation and enhanced trade and economic relations with third States;

RECOGNISING that globalisation and liberalisation have important implications for international competitiveness;

DETERMINED to enhance the effectiveness of the decision-making and implementation processes of the Community;

DESIROUS of restructuring the Organs and Institutions of the Caribbean Community and Common Market and redefining their functional relationships so as to enhance the participation of their peoples, and in particular the social partners, in the integration movement;

CONSCIOUS of the need to promote in the Community the highest level of efficiency in the production of goods and services especially with a view to maximising foreign exchange earnings on the basis of international competitiveness, attaining food security, achieving structural diversification and improving the standard of living of their peoples;

AWARE that optimal production by economic enterprises in the Community requires the structured integration of production in the Region, and particularly, the unrestricted movement of capital, labour and technology;

RESOLVED to establish conditions which would facilitate access by their nationals to the collective resources of the Region on a non-discriminatory basis;

CONVINCED that market-driven industrial development in the production of goods and services is essential for the economic and social development