



BELIZE

**CARIBBEAN COMMUNITY ACT
CHAPTER 17**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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CHAPTER 17

CARIBBEAN COMMUNITY
ARRANGEMENT OF SECTIONS

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CHAPTER 17

CAP. 12,
R.E. 1980-1990
1 of 1980.

CARIBBEAN COMMUNITY

[3rd April, 1980]

- Short title. 1. This Act may be cited as the Caribbean Community Act.
- Interpretation. 2.-(1) In this Act, unless the context otherwise requires-
- “Caribbean Community” means the Caribbean Community established by Article 1 of the Treaty;
- “Caricom area” and “Caricom area origin” have the meaning assigned to them by section 6;
- “Caricom rate of duty” means a rate of customs duty which is applicable to goods by reason of their being of Caricom area origin and includes an exemption which is so applicable from any customs duty;
- “Common Market” means the Caribbean Common Market established by Article I of the annex to the treaty;
- “customs duty” includes any corresponding duty in any part of the Caricom area;
- “Minister” means the Minister responsible for Finance;
- CAP. 49. “officer of customs” has the meaning assigned to it in section 2 of the Customs Regulation Act;
- “the Comptroller” means the Comptroller of Customs;
- “Treaty” means the treaty establishing the Caribbean Community and the

Caribbean Common Market signed at Chaguaramas on 4th July 1973 on behalf of the Governments of Barbados, Guyana, Jamaica and Trinidad and Tobago and includes the annex thereto and any amendments to the said treaty or annex thereto as ratified by Belize.

- (2) The expression “this Act” in the Customs and Excise Duties Act shall include the provisions of this Act. CAP. 48
3. Acceptance by the Government of the amendments to Articles 14 and 53 of the Treaty and Schedules I, II, III, IV, V, and XI of the annex to the Treaty are ratified and approved. Acceptance of the Treaty.
4. All sums required to be paid by the Government for the purpose of meeting its obligations under the Treaty and for purposes incidental thereto are hereby charged on and shall be paid out of the Consolidated Revenue Fund. Financial provision for giving effect to the Treaty.
- 5.-(1) The Caribbean Community shall possess full juridical personality and in particular have full capacity to enter into contracts, to acquire or dispose of immovable or movable property and to sue and be sued in its own name. Legal capacity.
- (2) The Common Market shall possess full juridical personality and in particular have full capacity to enter into contracts, to acquire or dispose of immovable or movable property and to sue and be sued in its own name.
- 6.-(1) For the purposes of this Act or of any enactment relating to duties of customs and of any instrument having effect under them the expression “Caricom area” means, subject to this section, the geographical area comprising countries which are parties to the Treaty; and the expression “Caricom area origin” means, in relation to any goods, that they were grown, produced or manufactured in and consigned from a place within the Caricom area. Caricom area and Caricom area origin.
- (2) Where the Minister by order declares that any country which is named in the order is included in the Caricom area, that country shall from the date of such order be so included.
- (3) Where the Minister by order declares that any country which is named in the order has ceased to be included in the Caricom area, that country shall

from the date of such order be excluded.

Effect of Treaty
on customs
duties, etc.

7. In considering what customs duties or entry tax (if any) ought to be imposed or charged on goods of any description, account shall be taken of the Treaty.

Power to make
regulations.
CAP. 48.

8.-(1) The power to make regulations contained in section 4 of the Customs and Excise Duties Act shall include the power to make regulations for the purpose of making such provision as appears to the Minister to be expedient for the purpose of implementing the provisions of the Treaty.

(2) Without prejudice to the generality of subsection (1) such regulations may make provisions

(a) regarding-

- (i) the cases in which, in determining eligibility for any Caricom area rate of duty, goods are or are not to be treated as of Caricom area origin;
- (ii) the time by reference to which in determining such eligibility, the question whether goods are to be so treated is to be decided;
- (iii) the evidence which is required or is to be sufficient for the purpose of showing that goods are or are not to be so treated; and

(b) for determining in what case produce of the sea or goods produced or manufactured therefrom are to be treated as of Caricom area origin.

(3) Subject to the provisions of any such regulations, where in connection with eligibility for a Caricom rate of duty any question arises whether goods are of Caricom area origin, the Comptroller may require the importer

of the goods to furnish to him, in such form as he may prescribe, proof of any statement made to him as to any fact necessary to determine that question; and if such proof is not furnished to the satisfaction of the Comptroller the question may be determined without regard to that statement.

9.-(1) Notwithstanding anything in any enactment, resolution or order, goods may, in such circumstances or subject to such limitations as may be prescribed, be treated as not eligible for a Caricom area rate of duty on importation into Belize if-

Provision as to Caricom area rates of duty where drawback, etc., allowable.

- (a) drawback was allowable in connection with any exportation from any part of the Caricom area of the goods or of articles used in the production or manufacture of the goods; and
- (b) the Comptroller is not satisfied that the drawback has not been or will not be allowed.

(2) Where on importation into Belize goods have been treated as eligible for Caricom rate of duty and after their importation drawback allowable as mentioned in paragraph (a) of subsection (1) is allowed, the Comptroller may, in such circumstances as may be prescribed recover from the importer the additional amount of duty which would have been chargeable on the importation of the goods if they had not been so treated.

(3) References in subsections (1) and (2) to drawback include references to any prescribed remission or repayment of, or exemption from duty chargeable on importation into any part of the Caricom area.

10.-(1) For the purpose of complying with any request made to the Comptroller or any other Government officer or department, under arrangements made for the purposes of the Treaty, to verify or investigate any certificate or other evidence relevant to the question whether any goods exported from, or produced or manufactured (directly or indirectly) from goods exported from Belize, are eligible in another part of the Caricom area for a Caricom rate of duty, the Comptroller may make such investigation, and may make to the Government or authority making the request such report, or provide such information, as appears to the Comptroller requisite.

Verification of origin of exported goods.

(2) For the purposes of an investigation under subsection (1) the Comptroller, or an officer may require-

- (a) the exporter; or
- (b) any other person appearing to the Comptroller or officer to have been concerned with the goods or any goods from which directly or indirectly, they have been produced or manufactured (whether he was concerned with the growth, production, manufacture or handling or otherwise); or
- (c) any other person appearing to the Comptroller or officer to have been concerned in the giving of the certificate or evidence, to furnish such information in such form and within such time as the Comptroller or officer may specify in the requirements.

(3) Any reference in subsection (2) to the furnishing of information includes a reference to the production of invoices, bills of lading, and other books or documents whatever and to allowing the Comptroller or officer to inspect them and take copies thereof or extracts therefrom.

(4) Any person who without reasonable cause fails to comply with a requirement under this section is guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars or in default of payment to imprisonment for a term not exceeding six months.

(5) An averment in any proceedings under this section that any requirement to furnish information which has been made, was made for the purpose specified in subsection (1) shall, unless the contrary is proved, be sufficient evidence that the requirement was so made.

Application of Act to subsequent treaties with Caricom countries.

11.-(1) If it appears to the Minister that by reason of any Treaty or agreement with respect to trade made after the passing of this Act between all or any of the countries which are for the time being parties to the Treaty or between all or any of those countries or any other country, it is expedient to

do so the Minister may, by order, direct that this Act shall have effect with such adaptation or modification of reference to the Treaty, the Caricom area, Caricom area origin or Caricom rate of duty as may be specified in the order.

(2) Any order made pursuant to this section shall be subject to negative resolution.