

THE OFFICIAL GAZETTE 16TH JANUARY, 2006
LEGAL SUPPLEMENT

BILL No. 3 of 2006

Monday 16th January, 2006

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

16th January, 2006

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 3 of 2006

CARIBBEAN COMMUNITY BILL 2006

ARRANGEMENT OF SECTIONS

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SCHEDULE

**A BILL
Intituled**

AN ACT to give effect to the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy and for matters connected therewith.

A.D. 2006

Enacted by the Parliament of Guyana:-

**PART I
Preliminary**

Short title and commencement.

1. This Act may be cited as the Caribbean Community Act 2006 and shall be deemed to have come into operation on 1st January, 2006.

Interpretation.

2. For the purposes of this Act –

“CARICOM Single Market and Economy” means the regime

established by the Treaty for the deeper integration of the national markets and economies of all Member States of the Community;

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

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy signed by the Heads of Government of the Caribbean Community in Nassau, The Bahamas on the 5th day of July, 2001.

PART II
The Community

Treaty to have
force of law.

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

(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 Guyana 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. The Minister charged with responsibility for Caricom Affairs may,
by regulations subject to affirmative resolution of the National Assembly, make
provision for the purpose of –

(a) implementing any Community obligation of Guyana, or
enabling any such obligation to be implemented;

(b) enabling any rights enjoyed or to be enjoyed by Guyana
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.

Referrals and
evidence.

6.(1) For the purposes of all legal proceedings any question concerning
the interpretation or application of the Treaty or concerning the validity, meaning
or application of instruments made under the Treaty shall be treated as a question

of law to be referred to the Caribbean Court of Justice, where a court or tribunal seized of an issue considers that a decision on the question is necessary for it to deliver judgment.

(2) Evidence of any instrument issued by an organ of the Community or of any document in the custody of the Secretariat of the Community, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by the Secretary General of the Community.

(3) Where any instrument issued by the Community is in the custody of a Department of Government, evidence of such an instrument may also be given in any legal proceedings by production of a copy certified as a true copy by an officer of the Department of Government concerned generally or specially authorised so to do, and any document purporting to be a copy of such an instrument in the custody of the Department of Government shall be received in evidence without proof of the official position or handwriting of the person signing the certificate or of his authority to do so or of the document being in the custody of the Department of Government concerned.

Amendment of
Treaty.

7.(1) Where the Treaty is amended in accordance with Article 236, the Minister charged with responsibility for Caricom Affairs shall, by order, amend

the Treaty accordingly.

(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 Treaty is amended pursuant to this section, any reference to the Treaty in this Act or any other law or instrument shall, unless the context otherwise requires, be construed as reference to the Treaty so amended.

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

PART III General

Inconsistency
with other law.

8.(1) In the event of any inconsistency between the provisions of this Act and the operation of any other law other than the Constitution, the provisions of this Act shall prevail to the extent of the inconsistency.

(2) The President may by order subject to affirmative resolution of the National Assembly made at any time before 31st December, 2007 amend or repeal any existing law, other than the Constitution, to bring that law into conformity with this Act or otherwise for giving effect or enabling effect to be given to it.

EXPLANATORY MEMORANDUM

This Bill seeks to give legal effect to the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caricom Single Market and Economy signed in the Bahamas on the 5th day of July, 2001.

The Revised Treaty of two hundred and eighty-eight (288) pages shall have the force of law in Guyana. The Caribbean Community shall have full juridical personality. (Clause 3 of the Bill)

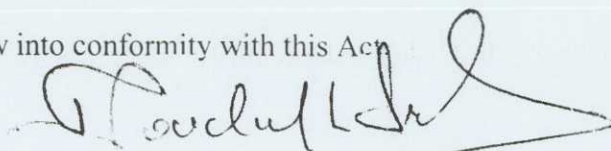
Sums to be paid by the Government under the Revised Treaty shall be charged on, and sums received under the Treaty shall be paid into the Consolidated Fund. (Clause 4)

The Minister responsible for Caricom Affairs may make provision for implementing any community obligation of Guyana under the Treaty. (Clause 5)

In any legal proceedings a question concerning the interpretation or application of the Treaty shall be treated as a question of law to be referred to the Caribbean Court of Justice, where a court seised of an issue considers that a decision on the question is necessary for it to deliver judgment. (Clause 6)

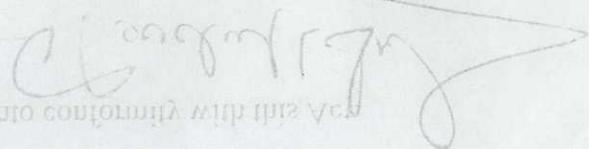
Where the Treaty is amended in accordance with Article 236, the Minister responsible for Caricom Affairs shall, by order, amend the Treaty accordingly. (Clause 7)

Where there is any inconsistency between the provisions of this Act and the operation of any other law other than the Constitution, the provisions of this Act shall prevail to the extent of the inconsistency. The President may by order before 31ST December, 2007 amend or repeal any law, other than the Constitution, to bring that law into conformity with this Act.



Attorney General and Minister of Legal Affairs.

~~Attorney General and Minister of Legal Affairs~~



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