

THE OFFICIAL GAZETTE 5TH OCTOBER, 2004
LEGAL SUPPLEMENT – C

BILL No. 16 of 2004

Tuesday 5th October, 2004

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.
5th October, 2004.

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

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



GUYANA

BILL No. 16 of 2004

**PROTOCOL TO THE AGREEMENT ESTABLISHING
THE CARIBBEAN COURT OF JUSTICE BILL 2004**

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Protocol given the force of law.

SCHEDULE - Protocol to the Agreement Establishing the Caribbean Court of Justice.

A BILL
Intituled

AN ACT to enable the implementation by Guyana of the Protocol to the
Agreement Establishing the Caribbean Court of Justice.

A.D. 2004

Enacted by the Parliament of Guyana:-

Short title and
commencement.

1. This Act may be cited as the Protocol to the Agreement
Establishing the Caribbean Court of Justice Act 2004 and shall come into
operation on such date as the Minister may by Order appoint.

Interpretation.

2. In this Act "Protocol" means the Protocol to the
Agreement Establishing the Caribbean Court of Justice, signed at Montego

Schedule

Bay, Jamaica on 4th July, 2003, the text of which is set out in the Schedule.

Protocol given
the force of law.

3. The Protocol shall have the force of law in Guyana.

SCHEDULE

s.2

PROTOCOL

TO THE

AGREEMENT

ESTABLISHING THE CARIBBEAN COURT OF JUSTICE

**PROTOCOL TO THE AGREEMENT ESTABLISHING THE CARIBBEAN
COURT OF JUSTICE RELATING TO THE JURIDICAL PERSONALITY
AND LEGAL CAPACITY OF THE COURT**

The Contracting Parties:

Noting that the Agreement Establishing the Caribbean Court of Justice (hereinafter referred to as "the Agreement") entered into force on 23 July 2002;

Conscious that Article VI of the Agreement confers on the Regional Judicial and Legal Services Commission (hereinafter referred as "the Commission") full juridical personality, including, in particular, full capacity to contract;

Deare that the Government of Trinidad and Tobago, the Contracting Party in whose territory the Seat of the Caribbean Court of Justice (hereinafter referred to as "the Court") is situated, in accordance with Article III (4) of the Agreement, intends to conclude an Agreement relating to the Seat of the Court and the Headquarters of the Commission;

Desirous of conferring on the Court full juridical personality and legal capacity.

Have Agreed as follows:

**ARTICLE I
JURIDICAL PERSONALITY AND
LEGAL CAPACITY OF THE COURT**

1. The Court shall have full juridical personality.
2. Each Contracting party to the Agreement shall, in its territory, accord to the Court the most extensive legal capacity accorded to legal persons under its municipal law.
3. In any legal proceedings, the Court shall be represented by the Registrar of the Court.

4. Each Contracting Party to the Agreement shall take such action as is necessary to make effective in its territory the provisions of this Article and shall promptly inform the Secretary-General of the Caribbean Community of such action.

ARTICLE II

PRIVILEGES AND IMMUNITIES OF THE COURT AND THE COMMISSION

The President of the Court shall conclude with the Government of Trinidad and Tobago an Agreement relating to the Seat of the Court and the Headquarters of the Commission setting out, inter alia:

- (a) the terms respecting the facilitation of the administration and operation of the Court and the Commission; and
- (b) the privileges and immunities to be accorded to the Commission and its members, the Court, the Judges and officers of the Court, parties, their counsel and other persons required to appear before the Court.

ARTICLE III

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE AGREEMENT

This Protocol shall be read as one with the Agreement.

ARTICLE IV

SIGNATURE

This Protocol shall be open for signature by the Contracting Parties to the Agreement

ARTICLE V
ENTRY INTO FORCE

This Protocol shall enter into force on signature by the Contracting Parties to the Agreement

ARTICLE VI
ACCESSION

- 1 Any Contracting Party to the Agreement may accede to this Protocol.
- 2 Instruments of accession shall be deposited with the Secretary-General who shall transmit certified copies to the Governments.

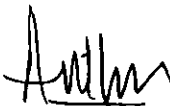
IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Governments or Institutions, have signed this Protocol.

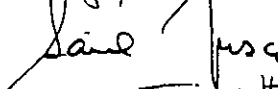
DONE at Montego Bay, Jamaica on the fourth day of July 2003

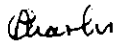
Signed by



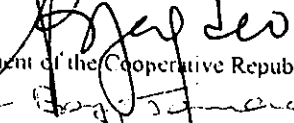
for the Government of Antigua and Barbuda on the ^{4th} day of July 2003
at Montego Bay, Jamaica


Signed by 
 for the Government of Barbados on the 4th day of July 2003
 at Montego Bay, Jamaica

Signed by 
 for the Government of Belize on the 4th day of July 2003
 at Montego Bay, Jamaica


Signed by 
 for the Government of the Commonwealth of Dominica on the 4th day of July 2003
 at Montego Bay, Jamaica


Signed by
 for the Government of Grenada on the day of 2003
 at

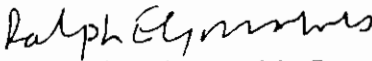
Signed by 
 for the Government of the Cooperative Republic of Guyana on the 4th day of July 2003
 at Montego Bay, Jamaica

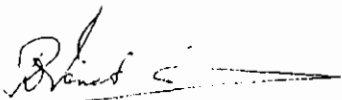
Signed by 
 for the Government of Jamaica on the 4th day of July 2003
 at Montego Bay, Jamaica

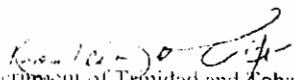
Signed by _____
 for the Government of Montserrat on the _____ day of _____ 2003
 at _____

Signed by 
 for the Government of St. Kitts and Nevis on the 4th day of July, 2003
 at Montego Bay, Jamaica

Signed by 
 for the Government of Saint Lucia on the 4th day of July 2003
 at Montego Bay, Jamaica

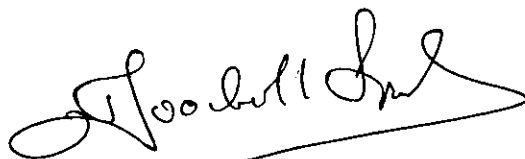
Signed by 
 for the Government of St. Vincent and the Grenadines on the 4th day of July
 2003
 at Montego Bay, Jamaica

Signed by 
 for the Government of the Republic of Suriname on the 4th day of July
 2003
 at Montego Bay, Jamaica.

Signed by 
 for the Government of Trinidad and Tobago on the 4th day of July 2003
 at Montego Bay, Jamaica.

EXPLANATORY MEMORANDUM

This Bill seeks to enable the implementation by Guyana of the Protocol to the Agreement establishing the Caribbean Court of Justice. The Protocol shall be read as one with the Agreement and shall have the force of law in Guyana. The Court shall have juridical personality and legal capacity. In particular the President of the Court shall conclude with the Government of Trinidad and Tobago an Agreement on the seat of the Court and Headquarters of the Commission setting out, *inter alia* the privileges and immunities to be accorded to the Commission and its members, the Court, the Judges and officers of the Court, parties, their counsel and other persons required to appear before the Court.



Attorney General and Minister of Legal Affairs.



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