



[L.S.]

I Assent,

**James B. Carlisle,**  
*Governor-General.*

17th September, 2004.

**ANTIGUA AND BARBUDA**

**No. 9 of 2004**

**AN ACT** to give effect to the Revised Treaty of **Chaguaramas** Establishing the Caribbean Community Including the CARICOM Single Market and Economy and for related matters.

*[Published in the Official Gazette Vol. XXIV  
No. 72 dated 14th October, 2004. ]*

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Caribbean Community Act, 2004 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint. **Short title and commencement.**

2. In this Act, unless the context otherwise requires — **Interpretation.**

"Community" means the **Caribbean** Community established by Article 2 of the Treaty;

"Minister" means the Minister responsible for Caribbean Community affairs;

"Treaty" means the Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the

ANTIGUA 2     *The Caribbean Community Act, 2004.*     No. 9 of 2004.  
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CARICOM Single Market and Economy signed in the Bahamas on the 5th day of July, 2001.

Treaty to have force of law.     **3.** Subject to this Act, the Treaty, the text of which is set out in the Schedule, shall have the force of law.

Juridical personality and legal capacity of Community.     **4.** In addition to the full juridical personality of the Community referred to in Article 228 of the Treaty, the Community shall have full legal capacity —

- (a) to enter into contracts;
- (b) to acquire, hold and dispose of movable and immovable property;
- (c) to sue and to be sued; and
- (d) subject to this Act, to perform all such acts as bodies corporate may, by law, perform.

Implementation of Treaty.     **5.** (1) The Minister shall take the necessary steps to ensure that the Government takes appropriate measures, including measures of a legislative, executive or administrative nature, for facilitating the exercise of rights and privileges and for the implementation of obligations provided for in, or arising from, the Treaty.

(2) For the purposes of subsection (1), "rights", "privileges" and "obligations" mean the rights, privileges and obligations of the Government and of persons, whether natural or juridical.

Financial matters.     **6.** (1) All sums required to be paid by the Government for the purpose of meeting its obligations under the Treaty shall be charged on and paid out of the Consolidated Fund.

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

Evidence of certain documents.     **7.** (1) Evidence of any instrument made under the authority of the Treaty or of any judgment or order of the Caribbean Court of Justice 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 the production

of a copy certified as a true copy by the Secretary-General of the Community; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

(2) Where an instrument made under the authority of the Treaty is in the custody of a department of Government, evidence of the instrument may also be given in any legal proceedings by the production of a copy certified as a true copy by an officer of the department concerned and generally or specially authorized so to do; and any document purporting to be a copy of an instrument in the custody of the department 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 concerned.

**8.** (1) Where the Treaty is amended in accordance with Article 236 of the Treaty, the Minister shall publish the amendment by Notice in the *Gazette*. Notification of amendments to Treaty.

(2) Pursuant to any amendment to the Treaty, the Minister may make an Order, to be published in the *Gazette*, containing such consequential or ancillary provisions (including provisions amending this Act) as appear to the Minister to be necessary or expedient for the purpose of giving effect to the amendment.

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

Passed the House of Representatives  
this 26th day of August, 2004.

Passed the Senate this 3rd day  
of September, 2004.

D. Giselle Isaac-Arrindell,  
*Speaker.*

**Edmond A. Mansoor,**  
*President.*

Y. Henry,  
*Acting Clerk to the House of Representatives.*

Y. Henry,  
*Acting Clerk to the Senate.*

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**AND**  
**BARBUDA**

**SCHEDULE**

**Section 3**

**THE TREATY OF CHAGUARAMAS ESTABLISHING  
THE CARIBBEAN COMMUNITY INCLUDING  
THE CARIBBEAN SINGLE MARKET AND ECONOMY**

**[ See S.I. No. 38 of 2003 published in *Extraordinary Gazette*  
No. 77 dated 31st December, 2003.1**

**Printed at the Government Printing Office, Antigua and Barbuda,  
by Walter A. Massiah, Government Printer  
— By Authority, 2004.**