

CHAPTER 68

THE CARIBBEAN COMMUNITY AND THE EAST CARIBBEAN COMMON MARKET ACT

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FIRST SCHEDULE.

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CARIBBEAN COMMUNITY AND THE EAST
CARIBBEAN COMMON MARKET

(4th July, 1981.)

5/1981.

1. This Act may be cited as the Caribbean Community and the East Caribbean Common Market Act, and shall be read as one with the Eastern Caribbean Common Market (Ratification of Agreement) Act.

Short title.**Cap. 144.**

2. In this Act—

Interpretation.

"the Treaty" means the Treaty establishing the Caribbean Community signed on the 4th July, 1973, at Chaguaramas, Trinidad for the establishment of the Caribbean Community and includes any amending agreements;

"Community" means the Caribbean Community;

"Community origin" means in relation to any goods, that they were grown, produced or manufactured in a Community Territory and consigned from a port or place in such Territory to Antigua and Barbuda;

"Community rate of duty" means a rate of customs duty which is applicable to goods on the basis of their eligibility in that behalf as having been the produce of, or manufactured in, and consigned from any of the Community Territories and includes an exemption so applicable from customs duty;

"Community Territories" means the Territories specified in the First Schedule to this Act which the Minister may by Order published in the Gazette amend from time to time by adding to or deleting therefrom any Territory;

First Schedule.

"Common Market Agreement" means the agreement establishing the East Caribbean Common Market which was signed at Grenada on the 11th day of June, 1968;

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CAP. 68) *Caribbean Community and the
East Caribbean Common Market*

- "Common Market" means the East Caribbean Common Market;
- Second Schedule. "Common Market Territories" means the States specified in the Second Schedule to this Act which the Governor-General may by Order published in the *Gazette* amend from time to time by adding to or deleting therefrom any Territory;
- "Common Market origin" means in relation to goods that they were grown, produced or manufactured in and consigned from a place in the Common Market to Antigua and Barbuda;
- "Comptroller" means the Comptroller of Customs and includes any person acting for or on his behalf;
- "Drawback" includes any prescribed remission or repayment of, or exemption from, duty chargeable on importation into any Community Territory;
- Second Schedule. "Less Developed Country" and "LDC's" mean any of the Territories set out in the Second Schedule to this Act together with Belize;
- "More Developed Country" and "MDC's" mean the following Territories — Barbados, Guyana, Jamaica and Trinidad & Tobago.
- "Minister" means the Minister charged with the responsibility for the time being for customs;
- Minister may vary and regulate duty. **3.** Notwithstanding any other law to the contrary, whenever it appears to the Minister that by reason of—
- (a) the Treaty entered into with the Governments of the Community Territories;
- (b) The Common Market Agreement entered into between the Governments of the Territories in the Second Schedule,
- Second Schedule.

it is expedient so to do, he may, by Order published in the *Gazette* remove, alter, reduce or progressively phase down import duties imposed under any law on any goods which are shown to his satisfaction to have been—

- (i) manufactured in or to have been the produce of any Community Territory or Common Market Territory; and
- (ii) consigned to Antigua and Barbuda from a Community Territory or a Common Market Territory.

4. (1) The Minister may make Regulations to be published in the *Gazette* making provision as to the cases in which, in determining eligibility for any Community rate of duty or Common Market rate of duty, as the case may be, goods are or are not to be treated as being of Community origin or of Common Market origin; as to the time by reference to which, in determining eligibility as aforesaid, the question whether goods are to be so treated is to be decided; and as to the evidence which is to be required or is to be sufficient for the purpose of showing that goods are or are not to be so treated.

Regulations for determining origin and place of consignment of goods.

(2) Subject to the provisions of any Regulations made under this section, where, in connection with eligibility for a Community rate of duty or a Common Market rate of duty, any question arises whether goods are of Community origin or, as the case may be, Common Market origin, the Comptroller may require the importer of the goods to furnish to him, in such form as he may require, proof of any statement made to him as to any fact necessary to determine that question; and if such proof is not furnished to his satisfaction, the question may be determined without regard to that statement.

(3) Regulations under this section may make different provisions for different purposes and in relation to goods of different descriptions.

(4) For the avoidance of doubt, it is hereby declared that Regulations under this section may make provision for determining in what cases produce of the sea, or goods produced or manufactured therefrom at sea, are to be treated as of Community origin or Common Market origin.

5. (1) Notwithstanding anything in any enactment or order to the contrary, goods may, in such circumstances or **Drawback.**

subject to such limitations as may be prescribed, be treated as not eligible for Community rate of duty or Common Market rate of duty on importation into Antigua and Barbuda if—

(a) drawback was allowable, in connection with any exportation from any Community Territory or, as the case may be, Common Market Territory 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 and will not be allowed.

(2) Where on importation into Antigua and Barbuda goods have been treated as eligible for Community rate of duty or Common Market rate of duty, and after their importation drawback allowable as aforesaid 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.

Verification of
origin of
exported goods.

6. (1) For the purposes of complying with any request made to the Comptroller or any other Government department under arrangements made for the purposes of the Treaty or the Common Market Agreement or is otherwise incidental to the carrying out thereof, 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 Antigua and Barbuda are eligible in any other Community Territory or Common Market Territory for Community rate of duty or, as the case may be, Common Market rate of duty, the Comptroller may carry out such investigations, and may make to the Government or authority making the request such report, or provide them with such information, as appear to the Comptroller requisite; and the Comptroller may require—

(a) the exporter; or

(b) any other person appearing to the Comptroller 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

them as respects growth, production, manufacture or handling or in any other way); or

(c) any other person appearing to the Comptroller 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 may specify in the requirement.

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

(3) Any person who without reasonable cause fails to comply with a requirement under this section shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

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

7. Any person who in Antigua and Barbuda makes or signs, or causes to be made or signed, any document relating to goods exported or to be exported from Antigua and Barbuda which is untrue in a material particular, being a document made for production in support of a claim that the goods, or any goods produced or manufactured, or to be produced or manufactured, from the goods, are eligible in any Community Territory or Common Market Territory for a Community rate of duty or, as the case may be, a Common Market rate of duty, shall be guilty of an offence and liable on summary conviction to a fine of four thousand dollars.

Penalty for untrue documents of origin for goods exported.

8. (1) If it appears to the Governor-General that by reason of any agreement with respect to trade made after the coming into force of this Act between all or any of the Community Territories or all or any of the Common Market Territories, or between all or any of these Territories and

Application of Act to subsequent agreements.

any other country, it is expedient so to do, the Governor-General may by Order published in the *Gazette* direct that this Act shall have effect with such adaptation or modifications of any reference to the Treaty, Community Territories, Community rate of duty or, as the case may be, Common Market Agreement Territories or Common Market rate of duty, as may be specified in the Order.

Ratification of
the Treaty.

9. The Treaty is hereby ratified.

FIRST SCHEDULE

Member Territories of *The Caribbean Community*

Anguilla
Antigua and Barbuda
Barbados
Belize
Dominica
Grenada
Guyana
Jamaica
Montserrat
St. Kitts-Nevis
Saint Lucia
Saint Vincent and the Grenadines
Trinidad and Tobago

SECOND SCHEDULE

Member Territories of The East Caribbean Common Market

Anguilla

Antigua and Barbuda

Dominica

Grenada

Montserrat

St. Kitts-Nevis

Saint Lucia

Saint Vincent and the Grenadines
