COMMONWEALTH OF DOMINICA

ARRANGEMENT OF SECTIONS

SECTION

COMMONWEALTH OF DOMINICA

ACT No. 3 of 1998

I assent

LS

C.A. SORHAINDO
President.

22nd April, 1998.

AN ACT TO IMPLEMENT THE TREATY OF CHAGUARAMAS.

(Gazetted 30th April, 1998)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows:

Short title.

1. This Act may be cited as the –
CARIBBEAN COMMUNITY AND
COMMON MARKET ACT 1998.

Interpretation.

2. (1) In this Act –

"the Annex" means the Annex expressed in the Treaty to form an integral part thereof and relating to the Caribbean Common Market;

"Common Market area" and "Common Market origin" have the meanings assigned to them, respectively, by section 3;

"Common Market rate of duty" means a rate of customs duty which is applicable to goods by reason of their being of Common Market origin and includes an exemption which is so applicable from any customs duty;

"competent authority" means the Minister;

S.I. 1978 No. 1027 (U.K).

"Comptroller" means the Comptroller of Customs appointed by the President under section 86 of the Constitution;

"country" includes territory;

"customs duty" includes any corresponding duty in any part of the Common Market area;

"Minister" means the Minister responsible for CARICOM Affairs;

Ch. 69:01.

"officer" has the meaning assigned to it in section 2 of the Customs (Control and Management) Act;

"Treaty" means the Treaty opened for signature on the 4th July, 1973, for the establishment of the Caribbean Community and Caribbean Common Market.

Ch. 69:01.

(2) The expression "customs laws" in the Customs (Control and Management)Act shall include all the provisions of this Act.

Common Market area and origin.

3. (1) For the purposes of this Act, or any enactment relating to duties of customs, and of any instrument having effect under such an enactment, "Common Market area" means, subject to the provisions of this section, Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Surinam, Trinidad and Tobago; and in this Act "Common Market origin" means (subject as may be provided by any regulations made pursuant to subsection (2) of section 6, in relation to any goods, that they were grown, produced or manufactured in, and consigned from a place in, the Common Market area.

(2) If the Minister, by Order, declares that any country specified in the Order, and not named in subsection (1), is included in the area of the Caribbean Common Market, that country shall be deemed to be named in that subsection.

(3) If the Minister, by Order, declares that any country named in subsection (1) has ceased to be included in the area of the Caribbean Common Market, that country shall be deemed no longer to be named in that subsection.

(4) Any Order made pursuant to this section shall be subject to negative resolution of the House.

Effect of Annex on import duties.

4. (1) In considering what import or export duty (if any) ought to be imposed or charged on goods of any description, the competent authority shall take account of the Annex.

(2) Where it appears to the competent authority expedient with a view to implementing any of the provisions of the Annex, an order or resolution made or passed pursuant to the provisions of the Customs (Control and Management) Act, and imposing, varying or revoking import or export duties or providing exemption therefrom, may differentiate between the goods of different countries, and may do so subject or not to conditions as to the place from which the goods are consigned to Dominica. Ch. 69:01.

Customs forms. Ch. 69:01.

5. Forms prescribed by the Comptroller pursuant to section 26 of the Customs (Control and Management) Act and published in the *Gazette* at any time before or after the passing of this Act, may be required to be used for the purpose of the customs laws notwithstanding that the period of time specified in section 26 aforesaid has not elapsed.

Regulations. Ch. 69:01.

6. (1) The power to make regulations contained in section 23 of the Customs (Control and Management) Act shall be deemed to