



BELIZE
CARIBBEAN COMMUNITY (MOVEMENT OF FACTORS)
ACT
CHAPTER 17:03

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CHAPTER 17:03

CARIBBEAN COMMUNITY (MOVEMENT OF FACTORS)

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CHAPTER 17:03

CARIBBEAN COMMUNITY (MOVEMENT OF FACTORS)

15 of 2004.
22 of 2004.
46 of 2005.

[1st July 2005]

PART I

Preliminary

Short title.

1. This Act may be cited as the Caribbean Community (Movement of Factors) Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires,

“Committee of Central Bank Governors” means the body of the Community so named in Article 18 (2) of the Treaty;

“Community” means the Caribbean Community including the CARICOM Single Market and Economy established by the Treaty;

“Community Council of Ministers” or “the Community Council” means the organ of the Community so named in Article 10 (1) (b) of the Treaty;

“Competent Minister” means the Minister assigned responsibility for Foreign Trade;

“Conference of Heads of Government” or “Conference” means the organ of the Community so named in Article 10 (1) (a) of the Treaty;

“Council for Finance and Planning” or “COFAP” means the organ of the Community so named in Article 10 (2) (a) of the Treaty;

“Council for Human and Social Development” or “COHSOD” means the organ of the Community so named in Article 10 (2) (d) of the Treaty;

“Council for Trade and Economic Development” or “COTED” means the organ of the Community so named in Article 10 (2) (b) of the Treaty;

“economic enterprise” includes,

- (a) any type of organization for the production of, or the trade in, goods or the provision of services (other than a non-profit organization) owned and controlled by a national of the community;
- (b) an agency, branch or a subsidiary of such enterprise of a national of a Member State;

“functionary” means an administrative functionary;

“Member State” means a Member State of the Community excluding an Associate Member within the meaning of Article 231 of the Treaty;

“national” means a person who,

- (a) is a citizen of a Member State;
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or
- (c) is a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

“non-wage-earning activity” means an activity undertaken by a self-employed person;

“right of establishment” includes the right to,

- (a) engage in any non-wage-earning activity of a commercial, industrial, agricultural, professional or artisan nature;
- (b) create and manage an economic enterprise;

“service” means a service provided against remuneration other than wages in any, approved sector and “the provision of a service” means the supply of a service,

- (a) from the territory of a Member State into the territory of another Member State;
- (b) in the territory of one Member State to a service consumer of another Member State;
- (c) by a service supplier of one Member State through commercial presence in the territory of another Member State;
- (d) by a service supplier of one Member State through the presence of a natural person of a Member State in the territory of another Member State;

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

Application of this Act.

3.—(1) Save as otherwise provided in this section and in sections 7 and 9, the provisions of this Act shall apply to,

- (a) the right of establishment and the right to provide a service in Belize by a national of a Member State; and
- (b) the right of a national of a Member State to move capital into and within Belize and out of Belize to another Member State.

(2) An activity in Belize involving the exercise of governmental authority by a duly authorized person shall be excluded from the operation of this Act.

(3) For the purposes of subsection (2) “an activity in Belize involving the exercise of governmental authority” means an activity conducted in Belize neither on a commercial basis nor in competition with one or more economic enterprises such as,

- (a) an activity conducted by the Central Bank of Belize or any other public entity in pursuance of monetary or exchange rate policies;
- (b) an activity forming part of a statutory system of social security or public retirement plans;
- (c) an activity forming part of a system of national security or for the establishment or maintenance of public order;
- (d) any other activity conducted by a public entity for, the account of, or with the guarantee or using financial resources of the Government of Belize; and
- (e) such other activity as may be excluded by Regulations made pursuant to section 31 of this Act.

4. Subject to the provisions of this Act, a national of a Member State shall enjoy,

- (a) in Belize,
 - (i) the right of establishment;
 - (ii) the right to provide a service; and
 - (iii) rights of nationals of a Member State in respect of establishment of services and capital;

Rights of nationals of Member State in respect of establishment of services and capital.

- (b) the right to move capital into and within Belize and out of Belize to other Member States, without discrimination on the ground of nationality.

Obligations to notify restrictions.

5. The Competent Minister shall notify, not later than 31st December, 2005 to the Council for Trade and Economic Development or the Council for Finance and Planning, as the case may require, any remaining restrictions on,

- (a) the right of establishment and the right to provide a service in Belize by a national of another Member State; and
- (b) the right to move capital into and within Belize and out of Belize to another Member State, and to make current payments and transfers.

Prohibition of new restrictions.

6. Subject to this Act, the Competent Minister shall not introduce new restrictions on a national of another Member State entitled to the rights specified in section 4.

PART II

The Right of Establishment

Treatment of monopolies.

7.—(1) Notwithstanding any provision to the contrary in this Act, the Competent Minister may determine that the public interest requires the exclusion or restriction of the right of establishment in any industry or in a particular section of an industry.

(2) Where a determination by the Competent Minister has been made pursuant to subsection (1) and results in the continuation or establishment of,

- (a) a government monopoly, the Competent Minister shall adopt appropriate measures to ensure that the monopoly does not discriminate among nationals of Member States, save as otherwise provided in this Act, and is subject to the agreed rules of competition established for an economic enterprise of the Community; or

(b) a private sector monopoly, the competent Minister shall, subject to the provisions of this Act, adopt appropriate measures to ensure that national treatment is accorded to a national of another Member State in terms of participation in its operation.

8.—(1) Restrictions on the right of establishment in Belize by a national of another Member State shall be removed in accordance with the programme approved by Conference in accordance with Article 33 (3) of the Treaty.

Programme to remove Restrictions on establishment schedule.

(2) For the purposes of subsection (1), the laws listed in Column 1 of the Schedule are amended to the extent specified in Column 2 with effect from the dates specified in Column 3.

Establishment Schedule.

(3) The Competent Minister shall cause the Schedule to be amended to provide for the removal of the remaining restrictions notified to COTED or COFAP as the case may require in accordance with section 5 of this Act.

Schedule.

9. The Competent Minister shall, by Order published in the *Gazette*, adopt measures based on criteria established by the competent Organ of the Community to safeguard against manipulation or abuse of the right of establishment, or to gain an unfair advantage against a national of Belize or another Member State.

Minister to adopt safeguard measures.

10.—(1) In carrying out his duties under this Part, the Competent Minister shall use his best endeavours to ensure that a national of another Member State of the Community desirous of engaging in an approved economic activity in Belize is not impeded in the exercise of his right of establishment.

Management of removal of restrictions on the right of establishment.

(2) Without prejudice to the generality of subsection (1), the Competent Minister shall,

(a) abolish administrative practices and procedures which impede the exercise of the right of establishment by a national of another Member State;

- (b) remove all restrictions on the movement of managerial, technical and supervisory staff of an economic enterprise established by a national of a Member State in Belize;
- (c) remove all restrictions on entering and residing in Belize by spouses and immediate dependent family members of nationals establishing economic enterprises and of managerial , technical and supervisory staff of an economic enterprise of a national of another member State;
- (d) ensure that a national of another Member State exercising his right of establishment has the right to acquire or otherwise possess or control land, buildings and other property adequate for the purpose;
- (e) implement Community standards to ensure that the protection of the interests of partners, members and other persons with financial interests in companies and other entities are equivalent to those of similar entities in other Member States; and
- (f) implement measures established by the Council for Human and Social Development for the coordination of legislative ,and administrative requirements of Member States for the conduct of non-wage-earning activities in the Community.

PART III

The Right to Provide Services

Programme to re-move restrictions.

11.—(1) Subject to the provision of this Act, restrictions on the right to provide a service in Belize by a national of another Member State shall be removed in accordance with the programme approved by Conference pursuant to Article 37 (2) of the Treaty.

(2) Notwithstanding subsection (1), the Competent Minister may with the consent of the Council for Finance and Planning and with the approval of the Conference, exclude certain financial services from the application of this Act in accordance with Article 37 (2) of the Treaty.

(3) For the purposes of subsection (1), the laws listed in Column 1 of the Schedule are amended to the extent specified in Column 2 with effect from the dates specified in Column 3.

(4) The Competent Minister may, by Order published in the *Gazette* and subject to an affirmative resolution by the National Assembly, amend the Schedule to remove restrictions not notified to COTED in accordance with section 5 of this Act before 1st day of July, 2005.

12. Without prejudice to the provisions relating to the right of establishment, a national exercising the right to provide a service in Belize may, in order to provide the service, temporarily engage in an approved activity in Belize under conditions no less favourable than those enjoyed by nationals of Belize.

Collateral activities by service providers.

13.—(1) The Competent Minister shall take such measures as may be necessary to ensure that a national of another Member State is not impeded in the exercise of his right to provide a service in Belize.

Management of removal of restrictions on the right to provide a service.

(2) Without prejudice to the generality of subsection (1), the Competent Minister shall,

- (a) remove administrative practices and procedures in Belize which impede the exercise of the right to provide a service by a national of another Member State;
- (b) remove all restrictions on the entry and residences in Belize by spouses and immediate dependent family members of a national of another Member State providing a service and of the managerial, technical and supervisory staff of such a national; and
- (c) ensure that a national of another Member State exercising the right to provide a service in Belize has

the right to acquire or otherwise possess or control land, buildings and other property' on a non-discriminatory basis for purposes directly related to the provision of the service.

PART IV

The Right to Move Capital

Prohibition of new restrictions on the movement of capital.

14. Subject to this Act, the Competent Minister,

- (a) shall not introduce new restrictions ,
 - (i) on the movement of capital;
 - (ii) on payments connected with the movement of capital; and
 - (iii) on current payments and transfers;
- (b) shall not render more restrictive the operation of existing regulations governing the movement of capital, except as authorized by the Treaty.

Removal of restrictions on Capital movements.

15.—(1) Subject to the provisions of this Act, restrictions on the movement of all capital payments, and on all current payments, including payments for goods and services and other current transfers to Member States, shall be removed.

(2) For the purposes of subsection (1) of this section, the laws listed in Column 1 of the Schedule are amended to the extent specified in Column 2 with effect from the dates specified in Column 3.

(3) The Competent Minister may, by Order published in the *Gazette* and subject to an affirmative resolution of the National Assembly, amend the Schedule to remove restrictions which were not notified to the Council for Finance and Planning in accordance with section 5 of this Act before the 1st day of July, 2005.

(4) For the purposes of this Part, capital and current payments and transfers include,

- (a) equity and portfolio investments;
- (b) short-term bank and credit transactions;
- (c) payment of interest on loans and authorizations;
- (d) dividends and other income on investments after taxes;
- (e) repatriation of proceeds from the sale of assets; and
- (f) other transfers and payments relating to investment flows.

16.—(1) Subject to subsection (2), the Competent Minister shall, where necessary, grant the authorizations required for the movement of capital mentioned in section 15 of this Act, on a non-discriminatory basis.

Authorisation to facilitate movement of capital.

(2) Loans intended for state purposes shall require prior notification to the Government of Belize.

17.—(1) The Competent Minister shall take such measures as may be required to co-ordinate the foreign exchange policies of Belize with those of other Member States in respect of the movement of capital among them and with third States.

Coordination of foreign exchange policies and information exchange.

(2) The Competent Minister shall keep the competent authorities of other Member States informed of significant unusual movements of capital within his knowledge to and from third States.

PART V

Safeguard Measures

18.—(1) Subject to subsection (3), where the competent Minister is satisfied that there are serious balance of payments and external financial difficulties or the threat thereof, the Competent Minister may,

consistently with international obligations assumed by Belize, adopt or maintain restrictions to address the difficulties.

(2) The restrictions which may be adopted or maintained pursuant to subsection (1) include,

- (a) quantitative restrictions on imports;
- (b) restrictions on the right of establishment;
- (c) restrictions on the right to provide a service; and
- (d) restrictions on the right to move capital or on payments and transfers for transactions connected therewith.

(3) The restrictions mentioned in sub-section (1) of this section shall,

- (a) subject to the provisions of this Act, and to the relevant determinations of Conference, the Council for Finance and Planning and the Council for Trade and Economic Development, as the case may require, not discriminate among Member States or against Member States in favour of third States;
- (b) at all times seek to minimize damage to the commercial, economic or financial interests of other Member State;
- (c) not exceed those necessary to deal with the circumstances mentioned in subsection (2) of this section; and
- (d) be temporary and not longer than eighteen months and shall be removed progressively as the situation mentioned in subsection (1) of this section, improves.

19.—(1) In determining the incidence of restrictions mentioned in section 18, the Competent Minister may accord priority to activities which are essential to the economic stability of Belize but such restrictions shall not be adopted or maintained for the purpose of protecting a particular sector,

Incidence and notification of restrictions.

due regard being paid to any special factors which may be affecting the reserves of Belize or Belize's need for reserves.

(2) Restrictions adopted or maintained pursuant to subsection (1) of this section, or any changes therein shall be notified within three working days to the Council for Finance and Planning and the Council for Trade and Economic Development, and, in any event, the Competent Minister shall forthwith consult with the competent organ of the Community if requested to do so.

20.—(1) The Competent Minister shall consult with the Council for Finance and Planning before the imposition of restrictions mentioned in section 18 where practicable, with the objective of being informed of any recommendations for the removal of the restrictions.

Consultation for the removal of restrictions.

(2) The consultations mentioned in subsection (1) shall,

- (a) be designed to assist Belize to overcome its balance of payments and external financial difficulties;
- (b) assess the balance of payments situation of Belize and the restrictions adopted or maintained under section 18 of this Act, taking into account, *inter alia*,
 - (i) the nature and extent of the balance of payments and external financial difficulties;
 - (ii) the external economic and trading environment of Belize; and
 - (iii) alternative corrective measures which may be available.

(3) The consultations shall address the compliance of any restrictions with subsection (3) of section 18 of this Act and, in particular, the progressive removal of restrictions in accordance with subsection (3) (d) of section 18 of the Act.

(4) In such consultations, all findings of statistical and other facts presented by the Committee of Central Bank Governors relating to foreign

exchange, monetary reserves and balance of payments shall be accepted and conclusions shall be based on the assessment by that Committee of the balance of payments and external financial situation of Belize.

Restrictions to resolve difficulties arising from the exercise of rights.

21.—(1) Where the exercise of rights conferred by this Act creates serious difficulties in any sector of the economy of Belize, or results in economic hardships in any district or region thereof, the Competent Minister may, subject to the provisions of this section, apply such restrictions on the exercise of rights as the Minister considers appropriate in order to resolve the difficulties or alleviate the hardships.

(2) If the Competent Minister intends to apply restrictions pursuant to subsection (1), of this section, the Minister shall, prior to applying the restrictions, notify the competent organ of the Community of the Minister's intention and the nature of the restrictions.

(3) If the Competent Minister is unable to notify the competent organ prior to the application of the restrictions, the Minister shall, upon applying the restrictions, forthwith notify the competent organ of the Community of the application and the nature of the restrictions.

22.—(1) The Competent Minister shall, at the time of applying the restrictions mentioned in section 21 of this Act, submit to the Council for Trade and Economic Development or the Council for Finance and Planning, as the case may require, a programme setting out the measures to be taken by Belize to resolve the difficulties or alleviate the hardships.

(2) The Competent Minister shall act on the determination of the competent organ of the Community regarding,

- (a) the appropriateness of the restrictions and whether they shall continue;
- (b) the adequacy of the Programme and the duration of the restrictions.

23. Restrictions applied by the Competent Minister pursuant to section 21 of this Act, shall be confined to those necessary,

- (a) to resolve the difficulties in the affected sectors; or

Conditions for the application of restrictions.

Permissible restrictions.

- (b) to alleviate economic hardships in a particular district or region; or
- (c) to minimize damage to the commercial or economic interests of other Member States; or
- (d) to prevent the unreasonable exercise of rights granted by this Act, the exercise of which could impair the development of the CARICOM Single Market and Economy.

24. The Competent Minister, in applying the restrictions pursuant to section 21 of this Act, shall not discriminate on the ground of nationality and,

Non-discrimination in applying permissible restrictions.

- (a) shall progressively relax them as relevant conditions improve; or
- (b) may maintain them only to the extent that conditions mentioned in section 21 of this Act, continue to justify their application.

25.—(1) Notwithstanding any provision to the contrary in this Act, the Competent Minister shall not be precluded from taking measures,

General exceptions to the obligation to remove restrictions.

- (a) to protect public morals or maintain public order and safety;
- (b) to protect human, animal and plant life;
- (c) to secure compliance with laws or regulations relating to customs enforcement, or to the classification, grading or marketing of goods, or to the operation of monopolies by state enterprises or enterprises given exclusive or special privileges;
- (d) to protect intellectual property rights or to prevent deceptive practices;
- (e) relating to gold or silver;

- (f) relating to products of prison labour;
- (g) relating to child labour;
- (h) to protect national treasures of artistic, historic or archaeological value;
- (i) to prevent or relieve critical food shortage in any exporting Member State;
- (j) relating to the conservation of natural resources or the preservation of the environment; or
- (k) to secure compliance with laws or regulations which were consistent with the provisions of the Treaty including those relating to,
 - (i) the prevention of deception and fraudulent practices, and the effects of default on contracts; or
 - (ii) the protection of the privacy of individuals in relation to the proceedings and dissemination of personal data and the protection of confidentiality of individual records and accounts;
- (l) to protect existing economic activities which are based on traditional, historical or customary practices;
- (m) to give effect to international obligations including the treaties on the avoidance of double taxation.

(2) Nothing in subsection (1) of this section, shall be construed as permitting the Competent Minister to take any measure which constitutes arbitrary or unjustifiable discrimination against a national of another Members States

26. Nothing in this Act shall be construed as preventing the Competent Minister from taking measures to,

- (a) protect the essential security services of Belize,

Security exceptions to obligation to remove restrictions.

- (i) relating to the supply of services carried out directly or indirectly for purpose of provisioning a military establishment;
- (ii) in time of war or other public emergency; or
- (b) discharge the obligations of Belize for the maintenance of international peace and security.

26A.—(1) Subject to the provisions of the principal Act, where in any law having force and effect in Belize, provision is made, as a qualification or condition precedent for a person to exercise the right of establishment, the right to provide services, and the right to move capital into and within Belize and out of Belize to other Member States of the Caribbean Community, including the CARICOM Single Market and Economy,

Amendment of Laws

- (a) that the person need to be a citizen of Belize, that law shall be read and construed as referring to a person who is a national of a country which is a State Party to the Treaty;
- (b) that the person should be residing in Belize, that law shall be read and construed as referring to a person who is a national of, and residing in, a country which is a State Party to the Treaty.

(2) Subject to subsection (3) of this section, subsection (1) of the section shall apply, in particular, but shall not be limited in its application, to,

- (a) the Pilotage Regulations made under the Belize Port Authority Act, Cap. 189;
- (b) the Harbours and Merchant Shipping Act, Cap. 234;
- (c) the Trade Licensing Act, Cap. 66; and
- (d) the Mines and Minerals Act, Cap. 230.

(3) Subsection (1) of this section, shall not apply to,

- (a) the Banks and Financial Institutions Act, Cap. 263;
- (b) the Insurance Act, Cap. 251;
- (c) the Fisheries Act, Cap. 210; and
- (d) the Post Office Act, Cap. 228

PART V

Miscellaneous

Determination of organs and bodies of the community to be carried out.

27. The Competent Minister shall, where an organ or body of the Community has been authorized to make any determination in respect of any of the rights referred to in section 4 of this Act, carry out such determination.

Mechanisms to implement community standards relating to diplomas, etc.

28. The Competent Minister shall establish or employ as required an appropriate mechanism to implement Community standards to determine equivalency or to accord accreditation or mutual recognition to diplomas, certificates and other evidence of qualifications secured by a national of another member State.

Appeals.

29. Where a functionary purports to restrict a person in the exercise of a right granted under section 4 of this Act, the person aggrieved may, without prejudice to any other remedy, appeal to the Competent Minister for a speedy review of the decision of such functionary.

Offences against this Act.

30. Any person who, contrary to the provisions of this Act, obstructs or otherwise impedes a national of a Member State in the lawful enjoyment of any right mentioned in section 4 of the Act, or any right collateral thereto commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Regulations.

31.—(1) The Competent Minister may make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Competent Minister may make regulations to,

- (a) identify those activities in respect of which the right of establishment shall not apply;
- (b) determine the conditions under which the right of establishment is to be exercised;
- (c) remove restrictions on the entry of managerial, technical and supervisory staff to be employed in an economic enterprise and their spouses and immediate dependent family members;
- (d) remove restrictions on the entry of spouses and immediate dependent family members of nationals exercising the right to provide services;
- (e) provide for the temporary imposition of restrictions under section 21; and
- (f) specify the nature of restrictions imposed pursuant to section 21.

SCHEDULE

AMENDED LAWS

(Section 8)

Title of Enactment	Amendment	Effective date
<p>The Civil Aviation Act, Chapter 239 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p><i>(i)</i> In section 2, insert after the definition of “Belize aircraft,” the following definition:</p> <p>“CARICOM Member state” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy;’;</p> <p><i>(ii)</i> In section 21, insert after subsection (4), the following new subsection:</p> <p>“(4A) The nationality of a national of a CARICOM State shall not be a ground for the refusal of the grant of an aerodrome licence an application for permission to construct an aerodrome or use of any place as an aerodrome under this section.”</p>	<p>31st December , 2003.</p>

<p>The Air Transport (Licencing of Air Services) Regulations, (No. 4 of 1955)</p>	<p>(i) In regulation 2, insert after the definition of “air services,” the following definition:</p> <p>““CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including the Caricom Single Market and Economy;”;</p> <p>(ii) Insert after regulation 12 the following new regulation:</p> <p>“12A The nationality of a national of a CARICOM Member State shall not be a ground for the refusal of the grant of a licence under these Regulations.”</p> <p>(iii) In regulation 19(1)(a), delete the word “Belize” occurring therein and replace it by the words “CARICOM Member State”.</p> <p>(iv) In regulation 24 insert after subregulation (2), the following new subregulation:</p> <p>“(2A) A conditionality under subregulation (1) shall not attach to any licence granted to a person who is a national of a CARICOM Member State.”</p>	<p>31st December, 2003.</p>
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<p>The Chemist and Druggist Act, Chapter 311 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(1) In section 2, insert after the definition “recognized pharmaceutical school”, the following definition,</p> <p>“Council for Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguramas establishing the Caribbean Community including the Caricom Single Market and Economy to establish common standards and measures for accreditation or mutual recognition of diplomas, certification of nationals of Caricom Member States.”</p> <p>(2) In section 3,</p> <p>(a) delete paragraph (b) of subsection (1) and replace it by the following</p> <p>(b) is the lawful holder of a diploma or certificate from a pharmaceutical school for the time being recognized by,</p> <p>(i) the Board; or</p> <p>(ii) the Council for Human and Social Development, as furnishing a sufficient guarantee of the possession of requisite knowledge and skill for conducting the business of chemist and druggist.”;</p> <p>(b) insert after subsection (2), the following subsection,</p> <p>(3) The Board, with the approval of the Minister, shall in the month of January of each year, publish in the Gazette a list of pharmaceutical schools for the time being recognised by the Board or the Council for Human and Social Development.</p>	
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<p>The Registration of Nursing Homes Act, Chapter 324 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(i) In section 2, insert before the definition of “Council” the following new definition:</p> <p>“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy;’</p> <p>(ii) in section 4, insert after subsection (2) the following new subsection:</p> <p>“(3) An application for registration of a nursing home under this Act shall not be refused on the ground that the applicant is a national of a CARICOM Member State.”.</p>	<p>31st December, 2003.</p>
<p>Social Service Agencies Act, Chapter 45 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(i) In section 2, insert before the definition of “license”, the following new definition:</p> <p>“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including CARICOM Single Market and Economy;’;</p>	<p>31st December, 2003.</p>
<p>Cinematographs Act, Chapter 241 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(ii) In section 3, insert after subsection (2), the following new subsection:</p> <p>“(3) Permission to present or to allow to be presented by means of a cinematograph or other similar apparatus for the purpose of which films are used for exhibition of pictures or other optical effects under this Act shall not be refused or revoked on the ground that the applicant is a national of a CARICOM Member State.”.</p>	

<p>Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(i) In section 2, insert after the definition “alien”, the following new definition,</p> <p>““ CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy;’.</p> <p>(ii) Insert after section 19 the following new section.</p> <p>“Application to CARICOM nationals”.</p> <p>“20 Sections 11, 12, 13, 15 and 16 of this Act do not apply to nationals of a CARICOM Member State who qualify under the Caribbean Community (Free Movement of Skilled Persons) Act and to their spouse and dependents”.</p>	<p>31st December, 2003.</p>
<p>Aliens Registration Act, Chapter 160 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>In section 2, delete the definition of “alien” and substitute the following new definition,</p> <p>““alien” means a person who is not,</p> <p>(a) a citizen of Belize;</p> <p>(b) a national of CARICOM Member State; or</p> <p>(c) a Commonwealth citizen;’.</p>	<p>31st December 2003.</p>
<p>The National Lands Act, Chapter 191 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>In section 47, delete the definition of “alien” and substitute the following definition,</p> <p>““alien”</p> <p>(a) in respect of a natural person, means a person, who is neither-</p> <p>(i) a citizen of Belize;</p> <p>(ii) a national of a CARICOM Member State; or</p> <p>(iii) a Commonwealth Citizen;</p> <p>(b) in respect of a company, means a company which is deemed to be under alien control in accordance with section 48;’.</p>	<p>31st December, 2003.</p>

<p>Nurses and Midwives Registration Act, Chapter 321 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(i) in section 2, insert after the definition of “Council”, the following definition,</p> <p>““Council for Human and Social Development” means the body of the Caribbean Community established by that name.’;</p> <p>(ii) In section 8 (3) (b), delete al the words after the words “time being” and substitute the following:</p> <p>“by the Council or the Council for Human and Social Development, as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of midwifery, and is by law entitled to practice midwifery in the Commonwealth or such foreign country”.</p>	<p>31st December, 2003.</p>
<p>Opticians Act, Chapter 322 of the Substantive Laws of Belize, Revised Edition 2000.</p>	<p>(i) Insert, in section 2 after the definition of “Council” the following definition,</p> <p>““Council for Human and Social Development” means the organ of the CARICOM Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy in establishing common standards and measures for accreditation or mutual recognition of diplomas, certification and other evidence of qualification of nationals of Caricom Member States;’.</p> <p>(ii) Delete paragraph (b) of section 7 and replace it by the following:.,</p> <p>“(b) any person who holds a diploma, licence or certificate granted to him by any University, college or institution recognized by the Council or by the Council for Human and Social Development as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of optometry.”.</p>	<p>31st December, 2003.</p>

SCHEDULE

AMENDED LAWS

Title of Enactment		Amendment	Effective Date
Auctioneers Act, Chapter 274 of the Substantive Laws of Belize, Revised Edition 2000-2003.		<p>(i) In section 2, add after the definition of “auctioneer”, the following definition,</p> <p>“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy”.</p> <p>(ii) In section 3, add the following proviso immediately after the proviso occurring therein,</p> <p>“Provided that the nationality of a national of a CARICOM Member State shall not be a ground for the refusal of the grant of a licence by the local authority.”</p> <p>(iii) In section 4 (1), delete the word “Belize” occurring at the end thereof and replace it by the words “CARICOM Member State.</p> <p>(iv) Add a new section 18 immediately after section 17 as follows,</p>	
	“No Visas, work permits, etc for CARICOM Nationals who are licensed auctioneers	<p>18 (1) Notwithstanding anything to the contrary in any other law, where a national of a CARICOM Member State is licensed as an auctioneer under this Act, such a person shall not require a work permit to provide the services of an auctioneer in Belize, or an immigration visa or other immigration permit to enter, leave or reside in, Belize for the purposes of providing services as an auctioneer.</p> <p>(2) For the purposes of providing services as an auctioneer, a person referred to in subsection (1) shall enjoy all the benefits, advantages and privileges conferred by law on a licensed auctioneer who is a citizen of Belize”.</p>	

Veterinary Surgeons Act, Chapter 326 of the Substantive Laws of Belize, Revised Edition 2000-2003	(i) In section 2, add the following definitions in their proper alphabetical order,	31st December , 2004
	“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy;”	
	“Council for Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy to establish common standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualifications of nationals of CARICOM Member States’	
	(ii) In section 4, add a new subsection (3) immediately after subsection (2) as follows,	
	“(3) The Board shall exercise the functions specified in subsection (1) (a), (b), (c) and (d) subject to section 5(2)”	
	(iii) Renumber section 5 as subsection (1) and add a new subsection (2) immediately thereafter as follows	
	“(2) The nationality of a national of a CARICOM Member State shall not be a ground for	
	(a) the refusal to register a person;	
	(b) the examination of a person prior to registration; or	
	(c) the interview of a person prior to registration”	
	(iv) In section 15 (2), delete paragraphs (a), (b) and (c) and replace them by the following,	

	“(a) he is the lawful holder of a degree in veterinary surgery from a University or college for the time being recognized by the Board or the Council for Human and Social Development as furnishing of possession of requisite knowledge, skill and training in veterinary surgery; or	
	“(b) he has any other suitable qualifications in veterinary surgery considered by the Board or the Council for Human and Social Development to be of at least an equivalent standard to that specified in paragraph (a); or	
	“(c) he has passed the examination referred to in section 16”	
	“(v) Add the following as new section 15(3)	
	“(3) Subsection (2) shall apply equally without discrimination to citizens of Belize and nationals of CARICOM Member States”	
	“(vi) Renumber section 17 as subsection (1), and add the following immediately thereafter,	
	“(2) With effect from 31st December, 2004, every national of a CARICOM Member State who satisfies the requirements of section 15 (2) and who is desirous of practicing as a veterinary surgeon or veterinary specialist shall submit an application for registration to the Board in the prescribed form accompanied by the prescribed fee and such an application shall be considered in accordance with the provisions of this Act.”	
	“(vii) In section 18 (1), delete the words “section 15” occurring therein, and replace them by the words “section 15 and section 17 (2)”.	

	(viii) In section 19, add a new subsection (2A) immediately after subsection (2) as follows,	
	“(2A) The requirement of a work permit in subsection (2) shall not apply in respect of a national of a CARICOM Member State.”	
	(ix) In section 21 (1) (b), delete the word “or” occurring at the end thereof, and replace it by the words “or the Council for Human and Social Development; or”.	
	(x) In section 22, add a new subsection (2A) immediately after subsection (2) as follows,	
	“(2A) The requirement of a work permit in subsection (2) shall not apply to a national of a CARICOM Member State”.	

Accountancy Profession Act, Chapter 305 of the Substantive Laws of Belize, Revised Edition 2000-2003	(i) Amend section 2 as follows,	
	(a) add the following definitions in their proper alphabetical order	
	“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy	

	<p>“Council for Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy to establish common standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States”;</p>	
	<p>(b) delete the definition of “scheduled societies” and replace it by the following</p>	
	<p>“schedule societies” means</p>	
	<p>(a) the societies set out in the Second Schedule hereto and any other professional accountancy body that may be approved from time to time by the Council of the Institute; and</p>	
	<p>(b) any society or other professional accountancy body that may be approved from time to time by the Council for Human and Social Development”.</p>	
	<p>(ii) In section 9, add a new subsection (3A) immediately after subsection (3) as follows,</p>	
	<p>“(3A) The nationality of a national of a CARICOM Member State shall not be a ground for the refusal of an application for exemption pursuant to subsection (3)”</p>	
	<p>(iii) In section 10, in paragraph (a)</p>	
	<p>(a) delete the word “Belize” occurring in subparagraph (a) (i) and (ii) and replace it by the words “CARICOM Member State”</p>	

	<i>(b)</i> add the words “or some other accountancy course certificates from a school, university or college recognized and approved by the Council for Human and Social Development” immediately after the words “Belize College of Arts, Science and Technology accountancy course certificates” occurring in subparagraph <i>(a) (iii)</i>	
	<i>(c)</i> add the words “or some other society or body of professional accountants recognized and approved by the Council for Human and Social Development” at the end of subparagraph <i>(a) (iv)</i>	
	<i>(d)</i> add the words “ or the Council for Human and Social Development” immediately after the word “Council” occurring in subparagraph <i>(a) (v)</i>	
	<i>(iv)</i> Add a new paragraph <i>(aa)</i> immediately after paragraph <i>(a)</i> in section 10 as follows	
	“ <i>(aa)</i> . The nationality of a national of CARICOM Member State shall not be a condition for the refusal of registration under this section, and such a national, when registered, shall not require a work permit to practice the profession of accountancy, or any visa or other immigration permit to enter or leave Belize, or to reside in Belize for the purpose of practicing the profession of accountancy”	

Legal Profession Act, Chapter 320 of the Substantive Laws of Belize, Revised Edition 200-2003	<i>(i)</i> In section 2 (1), add the following definition in its proper alphabetical order,	
	“CARICOM Member State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy,”.	
	<i>(ii)</i> Repeal section 6 and replace it by the following,	

	“6 (1) A person who after the commencement of this section applies to be admitted to practice law, and who satisfies the Supreme Court that he	
	(a) is a national of CARICOM Member State and holds the Bachelor of Laws Degree and the Legal Education Certificate; or	
	(b) is a national of a CARICOM Member State who is admitted to practice law in a CARICOM Member State; or	
	(c) holds a Bachelor of Laws Degree or its equivalent granted by a Commonwealth University, and possesses suitable practical experience and competence and is qualified to practice law in a CARICOM Member State,	
	and is of good character, shall upon compliance with the requirements of this Act, and unless the person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the Bar Association of the annual subscription in respect of membership of that Association, be admitted to practice law and be entered on the Roll by Order of the Court.	
	(2) The Chief Justice may prescribe the practice and procedure to be followed in relation to applications under this section	
	(3) Nothing in sections 5,8 and 10 of this section shall affect any law placing restrictions on any person, not being a national of a CARICOM Member State referred to in subsection (1), entering, leaving, residing or practicing law in Belize”	
	(iii) Repeal subsection (1) of section 8 and replace it by the following,	

	“(1) Notwithstanding section 6, a person who holds an office of law officer of the Government as specified in the Second Schedule, or as designated by the Attorney General from time to time by Order published in the Gazette shall, upon payment to the Association of the annual subscription in respect of membership thereof, be entitled ex officio to be admitted and enrolled as an attorney-at-law without payment of a fee and so long as he continues to hold such office or to exercise and perform the duties of such office such person shall be entitled to practice law in all courts in Belize without holding a Practising Certificate.”	
	(iv) Add a new section 10A immediately after section 10 as follows,	
	CARICOM Nationals 10A. A national of a CARICOM Member State who is admitted as an attorney-at-law under this Act shall not require a work permit; a visa or other immigration permit for him to enter, reside in or leave Belize for the purpose of practicing the profession of law”	
Medical Practitioners Act, Chapter 318 of the Substantive Laws of Belize, Revised Edition 2000-2003	(i) In section 2, add the following definitions in their proper alphabetical Order,	
	““CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy’;	

	<p>“Council for Human and Social Development” means the body of the Caribbean Community empowered under Article 35 of the Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy, to establish common standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of CARICOM Member States’</p>	
	<p>(ii) In the proviso to section 3 (1), delete the words “shall be of Belizean nationality” occurring therein and replace them by the words “shall be a national of a CARICOM Member State”.</p>	
	<p>(iii) Renumber section 4 (1) as subsection (a), and add a new subsection (b) immediately after subsection (c) as follows,</p>	
	<p>“(2) Subsection (1) (a), (b) and (c) shall not apply in respect of a national of a CARICOM Member State who is an applicant who holds qualification recognized and approved by the Council of Human and Social Development “.</p>	
	<p>(iv) In section 7, add a new subsection (2A) immediately after subsection (2) as follows,</p>	
	<p>“(2A) For the purpose of subsection (1), and notwithstanding anything to the contrary in subsection (2), a national of a CARICOM Member State is qualified to be registered as a medical practitioner who holds a qualification recognized and approved by the Council for Human and Social Development.”</p>	
	<p>(v) In section 7, add a new subsection (8) immediately after subsection (7) as follows,</p>	
	<p>“(8), Subsection (7) shall not apply to a national of a CARICOM Member State”.</p>	
	<p>(vi) In section 8, add a new subsection (1A) immediately after subsection (1) as follows,</p>	

	“(1A). Subsection (1) shall not apply to an applicant who is a national of a CARICOM Member State who holds qualifications recognized and approved by the Council for Human and Social Development “.	
	(vii) In section 9, add the words “or the Council for Human or Social Development” immediately after the word “Council” wherever occurring therein.	
	(viii) Add a new section 24 immediately after section 23 as follows,	
	“CARICOM Nationals 24(1) Where a national of a CARICOM Member State is registered as a medical practitioner under this Act, such national shall not require a work permit, a visa or other immigration permit in order for him to enter, leave or reside in Belize for the purpose of practicing as a medical practitioner.	
	(2) The provisions of this Act shall apply equally without discrimination to citizens of Belize and nationals of a CARICOM Member State”.	

Land Surveys Act, Chapter 187 of the Substantive Laws of Belize, Revised Edition 2000-2003	(i) In section 2, add the following definitions in their proper alphabetical order-	31st December, 2004
	“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy;’	

	<p>“Council for Human and Social Development” means the body of the Caribbean Community empowered under Article 35 of the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single market and Economy to establish common standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States”.</p>	
	<p>(ii) Renumber section 5 as subsection (1), and add the following as new subsection (2)-</p>	
	<p>“(2) Subsection (1) (b) and (c) shall not apply to a national of a CARICOM Member State who possesses a qualification recognized and approved by the Council of Human and Social Development”.</p>	
	<p>(iii) Add a new subsection (1A) to section 6 immediately after subsection (1) as follows-</p>	
	<p>“(1A) Notwithstanding anything to the contrary in subsection (1), the Board shall recommend to the Minister the grant of a licence to a national of a CARICOM Member State who possesses a qualification recognized and approved by the Council for Human and Social Development, and subsection (2) shall not apply to such national”.</p>	
	<p>(iv) Add a new section 11A immediately after section 11 as follows</p>	
	<p>“CARICOM Nationals 11A (1) A national of a CARICOM Member States who is registered as a land surveyor under this Act shall not require a work permit, a visa or other immigration permit to enter, remain in, or leave Belize for the purpose of practicing as a land surveyor</p>	
	<p>(2) Sub-section (1) applies notwithstanding anything to the contrary in any other law, the provisions of this Act shall apply equally and without discrimination to citizens of Belize and nationals of CARICOM Member States”.</p>	

<p>Professional Architects (registration) Act, Chapter 326.02 of the Substantive Laws of Belize, Revised Edition 2000-2003</p>	<p>(i) In section 2, add the following definitions in their proper alphabetical order</p>	
	<p>“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy’;</p>	
	<p>“Council of Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy to establish standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States.’</p>	
	<p>(ii) Add a new section 24A immediately after section 24 as follows-</p>	
	<p>“CARICOM Nationals 24A (1) The Board shall, in making a recommendation to the Council under section 13 (2) (a), recognize any qualification recognized and approved by the Council of Human and Social Development, and the holder of such qualification shall not submit to the examination referred to in section 13 (2) (b).</p>	
	<p>(2) A person who is a national of a CARICOM Member State is qualified to be registered as a professional architect under section 13 (4) (a) if</p>	
	<p>(a) the person possesses the qualification set out in section 13 (5); or</p>	
	<p>(b) the person possesses qualification and approved by the Council for Human and Social Development.</p>	
	<p>(3) Where in this Act any restriction is placed on admission to registration as a professional architect, or on admission to the categories of professional architects, or on the practice of the profession of professional architecture, such restriction shall apply equally without discrimination to citizens of Belize and to nationals of CARICOM Member States.</p>	

	(4) Notwithstanding any other law to the contrary, but subject to this Act, a national of a CARICOM Member State who is registered as a professional architect shall have the right to enter, reside in and work as a professional architect in Belize without the requirement of obtaining a work permit, a visa or other immigration permit.”	
Professional Engineers (Registration) Act, Chapter 326:03 of the Substantive Laws of Belize, Revised Edition 2000-2003	(i) In section 2, add the following definitions in their proper alphabetical order,	
	“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy’;	
	“Council of Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy to establish standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States.’	
	(ii) Add a new section 24:01 immediately after section 24 as follows,	
	24:01 (1) The Board shall, in making a recommendation to the Council under section 13 (2) (b) (a), recognize any qualification recognized and approved by the Council of Human and Social Development, and the holder of such qualification shall not submit to the examination referred to in section 13 (2) (b).	
	(2) A person who is a national of a CARICOM Member State is qualified to be registered as a professional engineer under section 13 (4) (a) if	
	(a) the person possesses the qualifications set out in section 13 (5); or	
	(b) the person possesses qualifications recognized and approved by the Council for Human and Social Development’.	