

Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
Prevention of Corruption	Investment	All Investment	Contractor-General Act	The Act provides for the constitution of a Commission of Parliament known as the Contractor-General. The functions of a Contractor-General include monitoring the award and the implementation of government contracts with a view to ensuring that such contracts are awarded impartially and on merit, and that the circumstances in which each contract is awarded or, as the case may be, terminated, do not involve impropriety or irregularity. The Contractor-General is also charged with monitoring the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof.					
Prevention of Corruption	Investment	All Investment	Corruption Prevention Act	<p>The Act seeks to implement the Inter-American Convention Against Corruption. It establishes the Commission for the Prevention of Corruption which is authorized, inter alia, to receive and investigate any complaint regarding an act of corruption. The Commission also receives and examines statutory declarations which must be filed by public servants (engaging in certain activities or earning in excess of prescribed minimum thresholds) on their assets and liabilities and income.</p> <p>A person commits an act of corruption if s/he offers or grants, directly or indirectly, to a public servant any article, money or other benefit being a gift, favour, promise or advantage to the public servant or another person, for doing any act or omitting to do any act in the performance of the public servant's public function. A person who aids, abets or is an accessory after the fact or participates in whatsoever manner in the commission or attempted commission of an act of corruption, commits an act of corruption.</p> <p>The Act also makes it an act of corruption for a public servant to, inter alia, solicit or accept such items under such circumstances or to fraudulently use or conceal any property derived such unlawful conduct.</p> <p>Additionally, any citizen or resident of Jamaica or any corporation, either aggregate or sole, any club, society or other body of one or more persons, who offers or grants, directly or indirectly, to a person performing a public function in a foreign state, any article or money or other benefit, being a gift, favour, promise or advantage</p>					
Prevention of Corruption	Investment	All Investment	Corruption (Prevention) Regulations 2002	The Regulations address, inter alia, the category of public servants who must file statutory declarations and includes public servants who are members of a Board of a government company, statutory body or authority, the functions of which include the procurement of goods for that company body or authority, and the issue of licences or permits.					

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Prevention of Corruption	Investment	All Investment	Financial Investigations Division Act, 2010	The Act establishes the Financial Investigations Division (FID) with the responsibility of investigating all categories of financial crime; collecting information and maintaining intelligence databases on financial crimes; and maintaining an appropriate relationship with other agencies (local and foreign) with which it is required to share information. The term "financial crime" is used to refer to any offence involving money or other benefits and includes any offence involving fraud and dishonesty. In this regard the FID is authorized to, inter alia, submit reports and information to the Commission for the Prevention of Corruption established under the Corruption (Prevention) Act.					
Prevention of Corruption	Investment	All Investment	Parliament (Integrity of Members) Act	The Act establishes the Integrity Commission with is charged with receiving and examining statutory declarations furnished by Parliamentarians pursuant to the Act; making independent enquiries and investigations relating to a statutory declaration as may be necessary; and investigating any complaint against a Parliamentarian regarding an act of corruption within the meaning of the Corruption Prevention Act, 2000.					
Prevention of Corruption	Investment	All Investment	Public Utilities Protection Act	The Act makes it an offence to offer inducement to an employee of a public utility with a view to receiving an advantage or preference, or for such employee to solicit or accept such inducement. The Act potentially covers any electric light, telephone telegraph, water, sewerage, cable or wireless service, system or undertaking and any other service system, or undertaking which the Minister may, from time to time declare to be a public utility for the purposes of the Act. The Public Transport (Corporate Area) (Public Utilities) Order declares transport services for passengers and/or goods in the Corporate Area of Kingston and St Andrew to be a public utility for the purposes of the Act. No other public utility appears to have been so declared.					
Core Labour Standards	Investment	All Investment	Jamaica Constitution	The Charter of Rights guarantees certain rights and freedoms including the right to freedom of peaceful assembly and association, and the right to freedom from discrimination on the ground of a person's social class. It provides that, save only as may be demonstrably justified in a free and democratic society, Parliament shall pass no law and no organ of the State shall take any action which abrogates, abridges or infringes those rights.					

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Core Labour Standards	Investment	All Investment	Labour Relations and Industrial Disputes Act	<p>The Act requires the establishment of a Labour Relations Code to provide guidance for the purpose of promoting good labour relations in accordance with the principle of collective bargaining freely conducted on behalf of workers and employers and with due regard to the general interest of the public; the peaceful and expeditious settlement of disputes; and the protection of workers and employers against unfair labour practices. The Act provides that every worker shall, as between him/herself and his/her employer, have the right to be a member of such trade union as s/he may choose, and take part in the activities of any trade union of which s/he is a member. Any person who prevents or deters a worker from exercising this right, or dismisses, penalises or otherwise discriminates against a worker by reason of his/her exercising any such right, commits an offence. See also Labour Relations and Industrial Disputes Regulations, 1975</p> <p>Labour Relations Code</p> <p>The Code provides guidance on, inter alia, the responsibility of employers, individual workers, trade unions and employer associations; trade union recognition, collective bargaining, bargaining agreements, and collective agreements.</p>					
Core Labour Standards	Investment	All Investment	Trade Union Act	<p>The Act provides for the registration of trade unions and states that the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise. The term "trade union" is used to refer to any combination whether temporary or permanent, the principal purposes of which are, under its constitution, the regulation of the relations between workers and employers, or between workers and workers, or between employers and employers whether such combination would or would not, if the Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade; certain provisos apply.</p>					
Core Labour Standards	Investment	All Investment	Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007	<p>The Act prescribes measures to prevent and combat trafficking in persons with particular regard being had to victims who are women and children. A person commits the offence of trafficking in persons where, for the purpose of exploitation s/he recruits, transports, transfers, harbour or receives another person within Jamaica, or from Jamaica to another country or vice versa. Where a body corporate commits an offence, every director, manager, secretary or other similar officer concerned with the offence is liable. The term "exploitation" includes compelling or causing a person to provide forced labour; keeping a person in a state of slavery or servitude; and engaging in any form of sexual exploitation. The reference to "forced labour" refers to any work or services exacted from a person by threat of penalty which the said person did not offer him/herself to provide voluntarily; the term "slavery" includes bondage and serfdom.</p>					

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Core Labour Standards	Investment	All Investment	Child Care and Protection Act, 2004	The Act establishes a commission of Parliament known as the Children's Advocate. It prohibits the sale or participation in the trafficking of children. The Act prohibits any person from employing a child under the age of thirteen years in the performance of any work. A child between thirteen (13) and fifteen (15) years may only engage in light work for a limited number of hours as prescribed under the Act. No person may employ a child in the performance of any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual or social development; or in night work or an industrial undertaking. Exceptions may be made to enable a child to participate in artistic performances. It is however an offence to employ a child in a nightclub or for the purposes contrary to decency or morality, or to cause or procure a child, or having custody of a child, allow that child to engage in begging or receiving arms.					
Environment	Investment	All Investment	Endangered Species (Protection, Conservation and Regulation of Trade) Act	The Act implements the Convention on International Trade in Endangered Species (C.I.T.E.S) of Wild Fauna and Flora.					
Environment	Investment	All Investment	Exclusive Economic Zone Act, 1991	The Act implements the provisions of the United Nations Convention on the Law of Sea relevant to the Exclusive Economic Zone, including environmental matters.					
Environment	Investment	All Investment	Maritime Areas Act	The Act implements the United Nations Convention on the Law of Sea addressing, inter alia, environmental matters.					
Environment	Investment	All Investment	National Solid Waste Management Act, 2001	The Act establishes the National Solid Waste Management Authority with the responsibility of, inter alia, taking all necessary measures for the effective management of solid waste in Jamaica in order to safeguard public health; ensuring that the waste is collected, stored, transported, recycled, reused or disposed of, in an environmentally sound manner; promoting safety standards in relation to such waste; and promoting public awareness of the importance of efficient solid waste management and fostering understanding of its importance to the conservation, protection and proper use of the environment. In this regard, the Authority may institute measures to encourage waste reduction and resource recovery; establish procedures and develop, implement and monitor a national plan and other plans and programmes relating to solid waste management; formulate standards, guidelines and codes of practice relating to solid waste management and monitor compliance with such standards, guidelines and codes; and define the minimum specifications of equipment used for solid waste management.					

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Environment	Investment	All Investment	Natural Resources Conservation Authority Act	The Act establishes the Natural Resources Conservation Authority (NRCA) to, inter alia, take such steps as are necessary for the effective management of the physical environment of Jamaica so as to ensure the conservation, protection and proper use of its natural resources. In this regard the NRCA may develop, implement and monitor plans and programmes relating to the management of the environment and the conservation and protection of natural resources; formulate standards and codes of practice to be observed for the improvement and maintenance of the quality of the environment generally, including the release of substances into the environment in connection with any works, activity or undertaking; investigate the effect on the environment of any activity that causes or might cause pollution or that involves or might involve waste management or disposal, and take such action as it thinks appropriate; and undertake studies in relation to the environment and encourage and promote research into the use of techniques for the management of pollution and the conservation of natural resources.					
Environment	Investment	All Investment	Natural Resources Conservation Authority (Air Quality) Regulations, 2006	The Regulations addresses, inter alia, ambient air quality standards, air pollutants and greenhouse gases.					
Environment	Investment	All Investment	Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002	The Regulations implements the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. It proscribes the importation of hazardous waste and regulates the movement of hazardous waste through an area under the jurisdiction of Jamaica. It also requires that persons obtain a special or general export permit in order to export hazardous waste.					
Environment	Investment	All Investment	Shipping Act	The Minister is required to publish international conventions relating to shipping, seafaring or other maritime matters including amendments thereto and replacements thereof and other international instruments which apply to Jamaica (including environmental concerns). The Act further provides that where an international convention or other international treaty instruments is in force in relation to Jamaica and a provision of that convention or instrument and a provision of the Act conflict in any manner, the provision of the convention or instrument prevails unless the Minister, by order, otherwise provides.					
Environment	Investment	All Investment	Standards Act	The Act establishes the framework within which standards are declared addressing, inter alia, environmental concerns.					
Environment	Investment	All Investment	Standards (Declaration of Standard Specification) (The labelling of products and equipment containing or manufactured using ozone depleting substances and/or their substitutes) Notice, 1999						

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Environment	Investment	All Investment	Compulsory Standard Specification (The labelling of commodities Part 29: Labelling of products and equipment containing or manufactured using ozone depleting substances and/or their substitutes) Order, 2000						
Occupational Health and Safety	Investment	All Investment	Factories Act	The Act requires every factory to be registered before commencing operations. The supervision of all factories and machinery in the Island is under the Chief Factory Inspector appointed under the Act. Registration or renewal thereof may be refused or cancelled where any part of the ways, works, machinery or plant, used in the factory is in such a condition, or is so constructed, or is so placed, that it cannot be used without imminent risk of bodily injury to any person; or any process of work is carried on, or anything is or has been done in the factory, in such a manner as to cause imminent risk of bodily injury to any person. The Act also provides for inspections and medical examinations; notifications of accidents and industrial diseases. The application of the Act is extended to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking; and every dock, wharf or quay and warehouse in or for the purposes of which mechanical power is used.					The legislation on occupational health and safety is deficient in certain respects as it does not apply to all branches of economic activity; there is no reporting obligation on workers to provide information on defective equipment and other problems of which they are aware in the workplace and they have no right to refuse work in situations which they believe to be dangerous. There is also no obligation on employers to establish a clear occupational safety and health policy in the workplace. New legislation, i.e. the Occupational Safety and Health Act, has been proposed to replace the Factories Act and Regulations, and is expected to be adopted in 2013
Occupational Health and Safety	Investment	All Investment	The Factories Regulations 1961						
Occupational Health and Safety	Investment	All Investment	The Building Operations and Works of Engineering Construction 1968						
Occupational Health and Safety	Investment	All Investment	The Ship and Docks Regulations 1968						
Cultural Diversity	Investment	All Investment	Copyright (Designation of National Cultural Events) Order, 2003	The Order, made under section 104 (1)(c) of the Copyright Act, provides for certain events organized by a public body to be designated as national cultural events. These include commemorative events in recognition of the birthday of a National Hero; in celebration of the anniversary of Jamaican Independence; in recognition of Emancipation; in recognition of Labour Day; in recognition of the birthday and the anniversary of the death of the Honourable Robert Nesta Marley, O.M.; and other events which the Minister with responsibility for culture recognises as being of national cultural importance.					

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Cultural Diversity	Investment	All Investment	Institute of Jamaica Act	The Act establishes the Institute of Jamaica with the responsibility of, inter alia, researching, studying, encouraging and developing culture. In this regard the Institute facilitates the delivery of papers, lectures and courses; and the establishment and maintenance of museums, galleries, halls and other places for the dissemination, encouragement and development of culture. The Institute also holds cultural exhibitions and compiles, publishes, distributes and disseminates books and other printed material, sound recordings, video tapes and other visual images or pictures of cultural or national interest.					
Cultural Diversity	Investment	All Investment	Jamaica Cultural Development Commission Act	The Act establishes the Jamaica Cultural Development Commission with the responsibility of, inter alia, promoting cultural programmes and activities in communities throughout the Island; and stimulating the development of local talents by means of training, workshops, competitions, exhibitions, pageants, parades, displays and such other activities.					
Cultural Diversity	Investment	All Investment	Urban Development Corporation Act	The Act provides for the development of urban areas and makes special provision for taking necessary steps to ensure the preservation of sites and objects of architectural or historic interest.					
Maintenance of Community Laison	Investment	All Investment							To the extent that the obligation may be interpreted as requiring domestic legislation it is noted that no specific piece of legislation addressing this requirement was found.
	Investment			The State prohibits the exploration, exploitation and processing of radioactive minerals, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel and regulation of its applications for other purposes, as well as the production of heavy water. Economic needs tests are applied in small business					
ISIC rev 3.1: 01	Investment	Agriculture and hunting		May be reserved to nationals, particularly the cultivation of sensitive products using high level agricultural technology (e.g. hydroponics).					
ISIC rev.3.1: 05	Investment	Fishing		Investors must demonstrate that required competencies are not available locally before sourcing labour from overseas. Licence required for right of access to conch and lobster. Capture fishing may be reserved to nationals.					
	Investment	Mining and quarrying		Certain activities in small scale mining may be reserved to nationals. The State reserves the right to grant approval for private or public exploration, mining, processing, importation and exportation of minerals.					
(ISIC rev 3.1: 10	Investment	Mining of coal and lignite; extraction of peat		Ownership of mineral bearing land is reserved to the State.					
ISIC rev 3.1: 11	Investment	Extraction of crude petroleum and natural gas		The State reserves the right to adopt or maintain measures concerning activities pertaining to onshore and offshore drilling of petroleum.					
ISIC rev 3.1: 14	Investment	Other mining and quarrying		Mining for extraction and size reduction may be reserved for nationals.					
ISIC rev 3.1: 20	Investment	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials		The State reserve the right to adopt or maintain restrictions on small scale investment in this sector.					

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ISIC rev 3.1: 24 excluding manufacture of explosives	Investment	Manufacture of chemicals and chemical products other than explosives		Paints and varnishes - Joint venture required. Pharmaceuticals and neutraceuticals - Joint venture requirement for product development.					
ISIC rev 3.1:29	Investment	Manufacture of machinery and equipment		The State may reserve the right to adopt or maintain measures on investment in the production of weapons and ammunition.					
ISIC rev 3.1: 36	Investment	Manufacture of furniture; manufacturing n.e.c.		Joint venture required. The State reserve the right to adopt or maintain restrictions on small scale investment in this sector.					
	Investment	Production, transmission and distribution on own account of electricity, gas, steam and hot water (Excluding Nuclear Based Electricity Generation)		Unbound					
	Movement of Natural Persons	All Services	Aliens Act	The Act provides that an alien desirous of entering the service of an employer in the Island may not be given permission to enter the country unless s/he produces a permit in writing issued under the provisions of the Foreign Nationals and Commonwealth Citizens (Employment) Act. The term "alien" is used consistent with the Jamaica (Constitution) Order in Council and Jamaica Nationality Act to refer to a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland.					
	Movement of Natural Persons	All Services	Foreign Nationals and Commonwealth Citizens (Employment) Act	The Act prohibits a foreign national or a Commonwealth citizen from engaging in any occupation in Jamaica for reward or profit, or taking up employment in Jamaica without a valid work permit. The term "Commonwealth citizen" refers to a person who has the status of a Commonwealth citizen pursuant to section 9 of the Constitution of Jamaica and who is not a citizen of Jamaica nor a national of a Member State of the Caribbean Community; "foreign national" means a person who is not a citizen of Jamaica nor a Commonwealth citizen nor a national of a Member State of the Caribbean Community. The Act provides that the Minister may in his/her absolute discretion grant the permit either conditionally or unconditionally or refuse to grant it; or at any time vary or cancel a work permit. Provision is also made for the Minister to exempt – conditionally or unconditionally – any person or class of persons from all or any provisions of the Act.					

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	Movement of Natural Persons	All Services	The Foreign Nationals and Commonwealth Citizens (Employment) Exemption Regulations	The Regulations exempts certain categories of persons from the provisions of the Act including: <ul style="list-style-type: none"> • Directors, inspectors and auditors of any commercial entity (whether incorporated or established in Jamaica or elsewhere) operating in Jamaica or in control of any such entity, but only for a period of fourteen (14) days spent in Jamaica, whether continuously or not, in any one calendar year; • Business persons visiting Jamaica, on behalf of a foreign principal, in connection with the appointing of, or for the purpose of having business consultations with, a local business agent or a local distributor, but for a period of no more than fourteen (14) days spent in Jamaica, whether continuously or not, in any one calendar year; • Persons visiting Jamaica to inspect the plant, machinery or equipment of any factory or other industrial works, or to give technical advice on the operation of any local undertaking, business or enterprise of whatever kind, but for a period of no more than fourteen (14) days spent in Jamaica, whether continuously or not, in any one calendar year; • Writers (including journalists), broadcasters; sculptors and painters (excluding industrial painters), but only for a period of thirty (30) days spent in Jamaica, whether continuously or not, in any one calendar year; • Persons who are granted permission to reside in Jamaica as business migrants under the Jamaican Business Migration Programme; • Academic staff (not including 'foreign nationals' defined as non-CARICOM and non-Commonwealth nationals) 					
	Movement of Natural Persons	All Services	Caribbean Community (Establishment, Services, Capital, and Movement of Community Nationals) Act, 2004	The Act implements Jamaica's obligations under the Revised Treaty of Chaguaramas relating to the right of establishment and the right to provide a service in Jamaica by a national of another CARICOM Member State; as well as the right of a national of a Member State to move capital into and within Jamaica and out of Jamaica to another Member State.					
	Mutual Recognition	Professional Services	Caribbean Accreditation Authority (Medicine and other Health Professions) Act, 2006	The Act implements the Agreement Establishing the Caribbean Accreditation Authority for Education in Medicine and other Health Professions which establishes the Caribbean Accreditation Authority for Education in Medicine and other Health Professions. The Accreditation Authority is designed to promote the achievement, maintenance and efficient regulation of standards of excellence in programmes of study in medicine and other health professions offered by institutions in the Caribbean Community, and secure international recognition of such programmes. In this regard, the Authority is charged with, inter alia, determining and prescribing standards, criteria, rules, guidelines, systems and procedures for the accreditation of programmes, selecting suitable assessors, accrediting programmes of study, and establishing and maintaining relations with bodies outside the Community having functions in relation to accreditation and quality assurance.					

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	Mutual Recognition	Professional Services	Human Employment and Resource Training Act	The Act establishes the Human Employment and Resource Training Trust (H.E.A.R.T. Trust) for the purpose of, inter alia, developing, encouraging, monitoring and providing finance for, training schemes for employment of trainees; co-operating with other organizations and bodies in matters relating to technical and vocational education and training; approving and certifying courses to be pursued by persons desirous of obtaining technical and vocational education and training; certifying persons as instructors in the field of technical and vocational education and training; and approving and accrediting institutions offering technical and vocational education and training.					
	Mutual Recognition	Professional Services	University Council of Jamaica Act	The Act establishes the University Council of Jamaica for the purpose of promoting the advancement in Jamaica of education, learning and knowledge in the fields of science, technology and the arts through the grant of academic awards and distinctions. The Council is empowered to, inter alia, grant and confer Degrees, Diplomas, Certificates and other academic awards and distinctions to and on persons who have pursued courses of study approved by the Council; and co-operate with other organizations and bodies for such purposes as the Council may deem fit.					
861	Legal Services	Professional Services (Legal Services)	Council of Legal Education Act Legal Profession Act Justices of the Peace (Appointment and Code of Conduct) Rules, 2006. Justices of the Peace (Appeal) Act Justices of the Peace (Official Seals) Act Notaries Public Act	Council of Legal Education Act facilitates the implementation of the Agreement for the Establishment of a Council of Legal Education for the Caribbean Region. All CARICOM States party to the Agreement agree to recognize a holder of the Legal Education Certificate (L.E.C.) as fulfilling the requirements for institutional training and education for the practice of law in their territories. Additionally, it is provided that no person shall be admitted to practice without such certificate. States may, however, impose additional qualifications as a condition of admission to practise. Provision is also made for States to enter into reciprocal arrangements that would facilitate foreign attorneys practising within the jurisdiction. Legal Profession Act establishes the General Legal Council with responsibility for, inter alia, the organization of legal education and upholding the standards of professional conduct. The Council issues practising certificates which are required for enrolment. To qualify for enrolment a person must be an adult (above twenty-one years of age), of good character and either a person who is a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland; viz. a person not classified as an 'alien'. A person who is not enrolled and not working in the government service, may not use a name, title or description implying that s/he is an attorney. Recent amendments to the Act introduce new requirements for, inter alia, continuing legal education and a compensation fund The Justice of the Peace rules provides for the appointment of Justices of the Peace by the Governor	None	None	None Local certificate required: Attorneys from other Jurisdictions cannot practice in JAM without acceptance by Jamaica General Legal Council	Unbound except as indicated in the horizontal commitments.	

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86119**	Legal services: consulting in home law of the service provider	Professional Services (Legal Services)	Council of Legal Education Act Legal Profession Act Justices of the Peace (Appointment and Code of Conduct) Rules, 2006. Justices of the Peace (Appeal) Act Justices of the Peace (Official Seals) Act Notaries Public Act	As stated above	None	None	None. Local certification required: Attorneys from other jurisdictions cannot practice in Jamaica without acceptance by Jamaica General Legal Council	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
862	Accounting, auditing and bookkeeping service	Professional Services	Public Accountancy Act	The Act establishes the Public Accountancy Board with responsibility for, inter alia, promoting acceptable standards of professional conduct among registered public accountants, registering qualified applicants as public accountants, and implementing and regulating a system of continuing professional education for registered public accountants. The qualifications for registration require that a person (other than a body corporate) be a member of the Institute of Chartered Accountants of Jamaica or be entitled to practise accountancy in another jurisdiction by virtue of a qualification (whether a degree or diploma or membership of any body or otherwise) that is (after consultation with the Board) approved by the Minister, and such person is ordinarily resident in Jamaica. The Board is charged with registering qualified applicants who have paid the prescribed fee and are of good character. A person aggrieved by the decision of the Board may appeal to the Court of Appeal. A registered public accountant wishing to practise in Jamaica must obtain a practising certificate which is issued on payment to the Board of the prescribed annual fee. The Public Accountancy Act prohibits persons who are not registered and therefore not entitled to practice as a public accountant from using any designation, or title, name, initials or description indicating or implying that s/he is a registered public accountant. For these purposes the practise of accountancy is defined as undertaking for reward the preparation or examination of	None	None	None	Unbound except as indicated in the horizontal commitments.	
863	Taxation Services	Professional Services			None	None	None	Unbound except as indicated in the horizontal commitments.	

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8671	Architectural Services	Professional Services	Architects Registration Act	<p>The Act establishes the Architects Registration Board with the responsibility for regulating the practice of architecture in Jamaica, including the registration of architects, and ensuring the maintenance of acceptable standards of professional conduct. The criteria for registration as an architect are based on a person's education and training, character and nationality; a person must be a Jamaican or CARICOM national to qualify for registration. No organization may be registered under the Act. The term "organization" is not specifically defined for the purpose of the Act but the Jamaica Institute of Architects is defined as an "unincorporated organization". It may be suggested that an organization may be understood to mean, similarly to the Professional Engineers Registration Act, a partnership, association of persons or body corporate.</p> <p>The Architects Registration Act provides for the special registration for persons in the government service and undertaking certain related responsibilities as well as persons on the permanent staff of an educational institution in Jamaica engaged in teaching and research. Non-CARICOM nationals temporarily visiting the Island to practice the profession of architecture as a teacher or research student or under a foreign assistance programme or other such circumstances as the Board may approve, qualify for temporary registration. Other persons, not falling within any of the afore-mentioned categories, may also qualify for temporary registration where they are of good character and reputation and have the requisite education and training. Temporary</p>	None	None	Joint ventures preferred	Unbound except as indicated in the horizontal commitments.	internship - 2 years (at least 1 in a member state). Code of Ethics, including continuing professional education - Architects Registration Board. No CPE
8672	Engineering Services	Professional Services	Professionals Engineers Registration Act	<p>The Act establishes the Professional Engineer Registration Board with responsibility for determining the categories of engineers to be registered, registering engineers, regulating the practice of engineering, and ensuring the maintenance of acceptable professional standards. Registration is based on possessing the necessary educational qualifications from a recognized institution or a mixture of educational qualifications and practical experience (at least one year of which was gained in Jamaica or another CARICOM Member State); the Board may also require that an applicant submit to an exam. An applicant for registration must be a national of Jamaica or another CARICOM Member State or ordinarily resident in Jamaica.</p> <p>Persons who are not nationals of a CARICOM Member State or ordinarily resident in Jamaica may, nevertheless, be temporarily registered where they are temporarily visiting Jamaica for the purpose of practising the profession of engineering in the capacity of a teacher or research student or the holder of a fellowship or under a foreign assistance programme or such other circumstances as the Board may approve. The Act provides that where such persons possess sufficient knowledge and experience for the efficient practice of engineering in the capacity that they intend to function in, on payment of the prescribed fee, the Board shall grant temporary registration. The Board may grant temporary registration to a person temporarily visiting the Island in other unspecified circumstances where a person has the necessary educational background and</p>	None	None	Joint ventures preferred	Unbound except as indicated in the horizontal commitments.	

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 Mode 2=Consumption Abroad;
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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
8674	Urban Planning and Landscape Architectural services	Professional Services			None	None	None		Unbound except as indicated in the horizontal commitments.
93121 & 93122	Specialized Medical Services	Professional Services (Medical Services)	Medical Act Dental Act	The Act establishes the Medical Council with the responsibility of, inter alia, registering medical practitioners and ensuring the maintenance of proper standards of professional conduct. The Act provides for the registration of anyone who possesses the prescribed qualifications, is of good character and a fit and proper person to practice medicine, and who pays the prescribed fee. Nationality and/or residency are not criteria for registration. A registered medical practitioner may only practise medicine if in possession of a valid practising certificate issued by the Council. Provision is made for special registration of persons not otherwise qualified to be registered but who are engaged in certain capacities such as practitioners on the permanent staff of the University of the West Indies in a teaching or research capacity, or practitioners doing special field work or research and sponsored by approved organizations, or practitioners working with the government on a full-time basis. A person who does not otherwise satisfy the requirements of the Act may apply for provisional registration where s/he is coming to the Island in a resident medical capacity in a hospital or an institution approved by the Minister. The Act establishes a Medical Appeal Tribunal which may hear appeals from any person aggrieved by the refusal of the Council to register him/her or a decision to censure, suspend registration or remove a person's name from the	None	None	None		Unbound except as indicated in the horizontal commitments.
	Neuro-surgery	Professional Services (Medical Services)	Medical Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments.
	CATSCAN series	Professional Services (Medical Services)	Medical Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments.
93191	Services Provided by Midwives, nurses, physiotherapist and para-medical personnel	Professional Services (Medical Services)	Nurses and Midwives Act Opticians Act Pharmacy Act	The Act establishes the Nursing Council with the responsibility of regulating the training and practice of nurses, midwives and assistant nurses, and registering nurses and midwives and enrolling assistant nurses. The registration of nurses and midwives and the enrolment of assistant nurses is based on completion of a recognized educational programme and obtaining the necessary qualifications. The Nurses and Midwives Regulations, 1966, provide for registration or enrolment, as appropriate, of persons locally trained as well as those whose training and qualifications were gained outside Jamaica. In the latter instance, the Council may, after an assessment of the training and qualifications of any applicant, require the completion of a further period of training and/or the passing of prescribed exams as a condition for registration or enrolment. Nationality and/or residency are not made a condition for registration or enrolment. Any person aggrieved by a decision of the Council in respect of registration or enrolment may appeal from the Council's decision to the Nursing Appeal Tribunal. In order to practise as a nurse, midwife or an assistant nurse a person must also hold a licence issued by the Registrar which is valid for two (2) years. The Nursing and Midwives Regulations require nurses, midwives and nursing assistants to participate in a continuing programme of education during the licence period.	None	None	None		Unbound except as indicated in the horizontal commitments.

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
841	Consultancy Services related to the installation of computer hardware	Computer and Related Services	Cybercrimes Act Copyright Act Export Industry Encouragement Act. Jamaica Export Free Zones Act	The Cybercrimes Act proscribes, inter alia, unauthorized access to computer programs or data and unauthorized interception of computer functions or service. The Copyright Act provides protection for, inter alia, literary works which are defined as including a computer program and an adaptation thereof, and computer-generated works, i.e. works generated by a computer in circumstances such that the work has no human author. The copyright in literary works extends to fifty (50) years after the death of the author; as regards computer-generated works, the copyright expires at the end of the period of fifty (50) years from the end of the calendar year in which the work was made. Certain rights, such as the right to be identified as author and the right to object to derogatory treatment of one's work do not apply in relation to a computer program or a computer-generated work. Provision is made for limited compulsory licensing through the rental of certain materials including computer programs on payment of reasonable royalties as may be determined in the absence of an agreement by the Copyright Tribunal. Export Industry Encouragement Act provides concessions to, inter alia, approved export service providers including high speed transmission	None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS
842	Software Implementation Services	Computer and Related Services	Cybercrimes Act Copyright Act Export Industry Encouragement Act. Jamaica Export Free Zones Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments.
843	Data Processing Services	Computer and Related Services	Cybercrimes Act Copyright Act Export Industry Encouragement Act. Jamaica Export Free Zones Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments.
844	Data Base Services	Computer and Related Services	Cybercrimes Act Copyright Act Export Industry Encouragement Act. Jamaica Export Free Zones Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments.

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
851	R&D Services on Natural Sciences	Research and Development Services	Anatomy Act The Animals (Artificial Insemination Control) Act The Animals (Control of Experiments) Act. Caribbean Agricultural Research and Development Institute Act Caribbean Meteorological Organisation Act Human Tissue Act Jamaica Intellectual Property Office Act Layout-Designs (Topographies) Act, 1999 National Commission on Science and Technology Act 2007 Natural Resources Conservation Authority Act Protection of	The Anatomy Act provides for the establishment of schools of anatomy where the study and practice of anatomy may be carried out and requires persons to obtain a licence to practice anatomy. The Animals (Artificial Insemination Control) Act requires that person obtain a licence to import animal semen and provides for regulations to control the practice of artificial insemination of animals. The Animals (Control of Experiments) Act requires persons to obtain a licence in order to perform any experiment on an animal which is calculated to give pain. A licensee may only perform an experiment in accordance with the terms of the licence or an order of a Judge of the Supreme Court for the purpose of the advancement by new discovery of physiological knowledge, or of any knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants; or for testing any such former alleged discovery. Caribbean Agricultural Research and Development Institute Act implements the Agreement Establishing the Caribbean Agricultural Research and Development Institute. The objects of the Institute include addressing the research and development needs of the agriculture sector of the region; providing and extending the application of new technologies in production, processing, storage and distribution of agricultural products; and coordinating the research and development efforts of CARICOM Member States where possible.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
852	R &D Services on Social Sciences and humanities	Research and Development Services	Anatomy Act The Animals (Artificial Insemination Control) Act The Animals (Control of Experiments) Act. Caribbean Agricultural Research and Development Institute Act Caribbean Meteorological Organisation Act Human Tissue Act Jamaica Intellectual Property Office Act Layout-Designs (Topographies) Act, 1999 National Commission on Science and Technology Act 2007 Natural Resources Conservation Authority Act Protection of	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
853	Interdisciplinary R&D Services	Research and Development Services	Anatomy Act The Animals (Artificial Insemination Control) Act The Animals (Control of Experiments) Act. Caribbean Agricultural Research and Development Institute Act Caribbean Meteorological Organisation Act Human Tissue Act Jamaica Intellectual Property Office Act Layout-Designs (Topographies) Act, 1999 National Commission on Science and Technology Act 2007 Natural Resources Conservation Authority Act Protection of	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS
821	Involving owned or leased properties	Real Estate Services	Real Estate Dealers and Developers Act (2) Real Estate (Dealers and Developers) Regulations	Real Estate (Dealers and Developers) Act establishes the Real Estate Board to regulate and control the practice of real estate business, the disposition of land in development schemes and the operation of such schemes. The Board determines, inter alia, applications for the registration as real estate dealers and real estate salesmen, and licences and the renewal thereof to engage in the practice of real estate business as real estate dealers and real estate salesmen. The Board may also conduct examinations of applicants for registration as necessary. A person may not engage in the practice of real estate business as a dealer or salesman without a valid licence; and a salesman must be the employee or agent of a duly licensed dealer. An exception is made for persons engaging in isolated transactions the commission of which does not exceed five per cent (5%) of the consideration or one (1) month's rental. Only a fit and proper person who possesses the prescribed qualifications for registration may be registered; notably, the criteria for registration make no reference to nationality. Rules of procedural fairness apply with regard to the issuance, suspension and revocation of licence.	None	None	Joint ventures preferred		Unbound except as indicated in the horizontal commitments.

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
822	On a fee or Contractual basis	Real Estate Services	Land Development Duty Act Land Improvement Tax Act Property (Rates and Taxes) Act Property Tax Act Local Improvements (Community Amenities) Act Property (Transfer) Act Real Property Representative Act Registration of Titles Act Registration (Strata Titles) Act Rent restriction Act	Land Development Duty Act provides for the declaration of special development areas and imposes a capital gains duty on the appreciation of the value of the land in appropriate cases. Land Improvement Tax Act provides for the designation of land improvement areas and imposes a tax on the value of properties within the area depending on the classification. Property (Rates and Taxes) Act Property Tax Act Local Improvements (Community Amenities) Act authorizes the Minister to made an order declaring any area to be a special improvements (infrastructure) area and for the preparation of a scheme setting out the nature of the improvements to be effected in the area, whether pertaining to roadways, sewage disposal, water supply or electricity supply. The Act provides that the provisions of the Local Improvements Act or the Town and Country Planning Act do not apply to the carrying into effect of the provisions of any scheme. Property (Transfer) Act provides for the conveyance of land by deed (by persons without distinction as to nationality or residence). Real Property Representative Act concerns the devolution of property to a personal representative. Registration of Titles Act provides for the registration of land titles. Registration (Strata Titles) Act establishes a special regime for strata complexes.	None	None	Joint ventures preferred	Unbound except as indicated in the horizontal commitments.	
			Settled Land Act Town and Country Planning Act Urban Development Corporation Act Urban Renewal (Tax Relief) Act 1995	Settled Land Act. Any instrument(s) by virtue of which any land or estate or interest in land, stands for the time being limited to or in trust for any persons by way of succession, creates a settlement for the purposes of the Act. Land and any estate or interest therein, which is the subject of a settlement, is for purposes of the Act settled land. The Act, as such, concerns land acquired by succession and the establishes the powers of and limitations on dispensing with such property by persons with an interest such as a tenant for life including restrictions on the exchange of settled land for foreign land and the use of 'capital money' (i.e. fines paid into court such as may be paid out to trustees), to purchase foreign land unless the settlement expressly authorizes same. Town and Country Planning Act provides for the appointment of the Town and Country Planning Authority and the organized development of areas through, inter alia, development orders (interim, provisional, and confirmed). Persons wishing to develop land must make an application to the local planning authority for permission. Provision is made for appeals from the decision of the planning authority to the Minister. Urban Development Corporation Act establishes the Urban Development Corporation (UDC) whose functions include carrying out or securing the laying out and development of areas designated under the Act. Specific provision is made for taking necessary steps to ensure the preservation of sites and objects of architectural or					
83103	Relating to Ships	Rental/Leasing Services Without Operators	Shipping Act	See above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
83101+83102+83105	Relating to other transport Equipment	Rental/Leasing Services Without Operators	Road Traffic Act		None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP
83106-83109	Relating to other Machinery and Equipment	Rental/Leasing Services Without Operators	Bicycles (Control of Second-hand) Act	Bicycles (Control of Second-hand) Act requires that a person wishing to deal in (whether by way of purchase, sale or exchange) second-hand bicycles and second bicycle parts or carry on the business of repairing bicycles must obtain a license from a Resident Magistrate. A licence will not be granted to persons convicted within the past five years of breaching the provisions of the Act or of offences involving dishonesty or fraud.	None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP
871	Advertising Services	Other Business Services	Advertisements Regulation Act	The Act requires that any boarding (including any structure used as an advertisement or for exhibiting any advertisement) which is to be erected or advertisement to be exhibited upon any boarding or on any wall, tree, pole, fence, gate or other place so as to be visible from any public place must be constructed in accordance with the provisions of the Act. The Chief Technical Director may erect or authorize the erection of boardings and advertisements. A person aggrieved by the refusal of the Chief Technical Director to authorize the use of any boarding or advertisement may appeal to the Minister. Exemptions apply with respect to persons exhibiting advertisements on their own premises relating to the business, profession or trade carried on therein. The Act does not apply within the Urban and Sub-Urban Districts of the Corporate Area, i.e. the parishes of Kingston and St. Andrew, or any town as defined in the Parish Councils Act.	None	None	None		Unbound except as indicated in the horizontal commitments.
864	Market research and public opinion polling services	Other Business Services			None	None	None, except as indicated in the horizontal commitments		Unbound except as indicated in the horizontal commitments.
865	Management Consulting Services	Other Business Services	Export Industry Encouragement Act	Export Industry Encouragement Act provides concessions to, inter alia, approved export service providers including consultancy, management and advisory services	None	None	None		Unbound except as indicated in the horizontal commitments.
866	Services Related to Man. Consulting	Other Business Services	Arbitration Act Arbitration (Recognition. and Enforcement of Foreign Awards) Act, 2001	Arbitration Act provides for the conduct of arbitration proceedings including the appointment of arbitrators. It does not address the qualifications of arbitrators and is designed to provide an appropriate regulatory framework to implement and as necessary supplement the parties' agreement for recourse to arbitration. Arbitration (Recognition. and Enforcement of Foreign Awards) Act, 2001 implements the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards	None	None	None		Unbound except as indicated in the horizontal commitments.

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
8676	Technical testing and Analysis Services	Other Business Services	Health Facilities (Medical Laboratories) Act, 2005. Precursor Chemicals Act	Health Facilities (Medical Laboratories) Act, 2005 establishes the Medical Laboratories Council which is authorized, inter alia, to grant licences for the operation of laboratory facilities and collection centres, and carry out assessments and set standards for the operation of such laboratory facilities and collection centres. The Act requires that any person desirous of operating a laboratory facility or collection centre apply to the Council for a licence. The Council will cause the premises to be inspected and may grant the licence if the laboratory facility or collection centre will be operated in accordance with the prescribed standards; the applicant is a fit and proper person to operate a laboratory facility or collection centre, and is not incapacitated by reason of mental or physical disability. Persons wishing to act as a laboratory practitioner must be certified by the Council. Certification is dependent on the possession of suitable qualifications, the absence of incapacitating mental or physical disability, and being a fit and proper person to be so certified. Where the Council refuses to grant a licence for the operation of a laboratory facility or collection centre or certify a laboratory practitioner, it must notify the applicant in writing and provide reasons. Any person aggrieved by a decision of the Council may appeal to the Medical Laboratories Appeal Tribunal. The Act also imposes an obligation on licensees, laboratory practitioners and other persons employed in laboratory facilities or collection centres to maintain the confidentiality of information received concerning the medical condition of otherwise of a person.	None	None	Joint venture required for environmental water, food and medical testing		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP
883+5115	Services Incidental to mining	Other Business Services	Minerals (Vesting) Act. Mining Act	Minerals (Vesting) Act vests all minerals in, on, or under any land or water in Jamaica in the Crown. No person may mine any minerals save in accordance with the law and regulations governing mines and mining. Where minerals are won in, on, or under land or water which is not Crown land, a part of the royalties is paid to the owner thereof. Mining Act prohibits any person from prospecting or mining on any lands in the Island other than in accordance with its provisions. It however does not extend to any right to prospect or mine for any mineral oil. Mining may only be undertaken in pursuance of and in accordance with the terms and conditions of a mining lease. The Minister is empowered to grant a mining lease to any person who s/he may think fit who him/herself holds a prospecting right or a licence or whose agent is the holder of a prospecting right. The rights under a mining lease and special mining lease are set out in the Act, including special mining leases for mining bauxite or laterite.	None	None	None		Unbound except as indicated in the horizontal commitments.

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
884+885 (except for 88442)	Services incidental to manufacturing	Other Business Services	Meat and Meat Products and Meat By-products (Inspection and Export) Act, 1999. Precursor Chemicals Act. Processed Food Act	Meat and Meat Products and Meat By-products (Inspection and Export) Act, 1999 applies to the inspection and certification of carcasses, offal, meat, meat products or meat by-products for export. Every person who operates or proposes to operate a processing plant for meat and other products aforementioned and export the same must apply to the Licensing Board established under the Act for a licence so to do. Additionally, any person seeking to operate as a broker (i.e. engaging in the business of buying, selling, storing or transporting for export; or exporting or importing for re-export, any livestock, offal, meat, meat products or meat by-products) must be registered under the Act. The Board issues a certificate of registration on the basis of an inspection of the area to be used by the applicant in his/her business, and may make this subject to such terms and conditions as it thinks fit. Rules of procedural fairness including a notice in writing stating reasons and the facility of an appeal to the Minister from a decision of the Board are set out in the Act. Processed Food Act requires the registration of establishments in which any prescribed food is manufactured or processed for export or for sale and imposes appropriate sanitary, labeling and packaging standards.	None	None	None		Unbound except as indicated in the horizontal commitments.
			Tobacco Industry Regulation Act	Tobacco Industry Regulation Act establishes the Tobacco Industry Control Authority for the purpose of promoting the interests and efficiency of the tobacco industry of Jamaica and the welfare of persons engaged in the industry. The Authority is empowered to establish, maintain and operate nurseries, tobacco plantations or tobacco works (including plant, machinery, appliances or other apparatus used for curing or processing tobacco or for the manufacture of tobacco products), and research stations for undertaking investigations into any matter relating to the development of the tobacco industry. It is also authorized to cultivate, cure or process tobacco and manufacture any tobacco product, and purchase, prepare for market, store, transport, distribute, sell or export any tobacco or tobacco product. The Authority with the approval of the Minister, may make regulations, inter alia, providing for the registration of all any particular class of tobacco works; prohibiting, restricting or regulating the cultivating, curing, processing in any manner, preparing for market, storing, packing, transporting, distributing, purchase or sale of any tobacco; and prescribing the prices to be paid on the sale of any grade, type or quality of tobacco. Provision is made for any aggrieved person to appeal any decision of the Authority to the Minister. The Act provides that decision of the Minister is final and shall not be questioned in any legal proceedings. The common law right to judicial review nevertheless remains valid.					

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
			Jamaica Export Free Zones Act Precursor Chemicals Act	<p>Jamaica Export Free Zones Act provides tax concessions for companies incorporated or registered in Jamaica in accordance with the Companies Act and involved in approved activities including enterprises engaged in manufacturing and related service operations. e.g. Jamaica Export Free Zones (Jamaica Tobacco Manufacturing Export Free Zone) Order, 1995</p> <p>Precursor Chemicals Act authorizes the Pharmaceutical Services Division of the Ministry of Health to, inter alia, carry out the monitoring, control and investigation of the production, manufacture, preparation, distribution, importation or exportation of precursor chemicals, and the importation, manufacture or exportation of other chemical substances in significant quantities; grant licences in respect of such activities; and grant export or import permits in respect of any specified chemical substances. A person must obtain a licence to engage in the production, manufacture, preparation and distribution of precursor chemicals and other chemical substances and, in addition, obtain a permit to import or export such substances. The grounds on which a licence or permit may be refused are set out in the Act and the reasons for refusing to grant a licence or permit must be provided. An aggrieved applicant may appeal to the Minister. The Act empowers the Minister to make regulations for, inter alia, production methods, the conditions of manufacture, sale or supply, transportation, delivery or other dealing in chemical substances, and the qualifications of persons engaged in activities regulated</p>					
887	Services incidental to energy distribution	Other Business Services	Electric Lighting Act Electricity Development Act	<p>Electric Lighting Act authorizes the Minister to license any Local Authority or company or person, to supply electricity for public or private purposes within any area, subject to the conditions stated therein. Where a license or other instrument is issued in favour of a Local Authority for the supply of electricity, it may contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply or for the supply of electricity in accordance with the terms of such instrument. The Act requires that the service provider supply electricity to all persons within a service area on the same terms under similar circumstances. It also empowers the Electricity Authority to require that a service provider sell its undertaking for the provision of electricity in accordance with an issued licence after a period of forty-two (42) years or such shorter period as specified in the licence.</p> <p>Electricity Development Act establishes the Electricity Authority which is charged with, inter alia, generating electricity and maintaining and working Authority installations or Authority undertakings; keeping under constant review the quality, reliability and availability of electricity services as a whole and the rates charged for such services; and carrying out any business usually associated with an electricity undertaking.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
			Electricity (Frequency Conversion) Act Electricity (Survey) Act	Electricity (Frequency Conversion) Act provides for the conversion to a frequency of fifty cycles. Electricity (Survey) Act authorizes the Minister to appoint a Commission to obtain, collect, compile and analyse particulars and information relating to the generation, distribution and use of electricity, and the quantities and types of electrical apparatus in use. It imposes an obligation on persons to furnish particulars and information, and restrictions on the publication and/or misappropriation of information of commercial value.					
8675	Related Scientific and Technical Consulting Services	Other Business Services	Land Surveyors Act	Land Surveyors Act establishes the qualification for receiving a commission as a land surveyor and requires evidence of character and proof of appropriate scholastic and practical training. The academic and practical requirements include either, membership of the Royal Institute of Chartered Surveyors or a diploma in Land Surveying from the University of Technology, Jamaica with one year of appropriate practical experience; possession of such other qualifications as may be approved by the Board; or passage of certain prescribed examinations with service of four (4) years as a trainee to an authorized officer or to a surveyor in the Island. Where, however, a person receives a commission by virtue of his/her membership of the Royal Institute of Chartered Surveyors or qualifications specially approved by the Board, s/he must pass an examination in local law as may be prescribed. The Board may also require that such individual has carried out cadastral surveys as an assistant to a surveyor for a minimum period of six (6) months, and has gained the necessary practical experience. Provision is also made for any person who has practised the science of surveying in the prescribed service for a period of not less than five (5) years to take the final examination in surveying or such parts thereof as the Board may direct, and upon the passing of such examination be entitled to receive a commission. The Act establishes the Land Surveyors Board which, inter alia, issues practicing certificates to applicant surveyors, appoints examiners to hold final examinations	None	None	Joint venture required for environmental water, food and medical testing	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
633+8861-8866	Maintenance and Repair of Equipments (not including maritime vessels, aircraft or other transport equipment)	Other Business Services		Meets requirements for practical purposes	None	None	None	Unbound except as indicated in the horizontal commitments.	
87909	Convention Services	Other Business Services		Meets requirements for practical purposes	None	None	None	Unbound except as indicated in the horizontal commitments.	
8790	Other	Other Business Services		Meets requirements for practical purposes	None	None	None	Unbound except as indicated in the horizontal commitments.	

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
7512	Courier Services	Communication Services	Fair Competition Act Post Office Act	<p>Fair Competition Act establishes the Fair Trading Commission (FTC) to, inter alia, carry out, on its own initiative or at the request of any person such investigations or inquiries in relation to the conduct of business in Jamaica as will enable it to determine whether any enterprise is engaging in business practices in contravention of the Act and the extent of such practices. The Act is designed to cover all activities carried out for gain or reward or in the course of which goods or services are manufactured, produced or supplied.</p> <p>Post Office Act provides for the appointment of a Postmaster-General on whom is conferred the exclusive privilege of conveying from one place to another within the Island, or into or out of the Island, whether by land, sea or air all letters, and the exclusive privilege of performing all incidental services of receiving, collecting, sending, dispatching, and delivering all letters, subject to certain stated exceptions, including letters carried by a private friend; letters sent by a messenger concerning the affairs of the sender or receiver; letters concerning goods and other property with which the letter is delivered without hire or reward, and letters involving court proceedings.</p>	None	None	None except for hybrid mail services and intra island transhipment	Unbound except as indicated in the horizontal commitments.	
			Post Office Regulations Civil Aviation Regulations, 2004 Telegraph Rules 1933	<p>Post Office Regulations defines "parcel" as a postal article posted at a post office in the Island as a parcel in accordance with the Regulations or received at a post office in the Island from abroad by parcel post. The Regulations addresses, inter alia, specifications for inland parcel post and foreign parcel post.</p> <p>Civil Aviation Regulations, 2004. The Regulations addresses, inter alia, security controls over cargo including consignments of courier and express parcels and postal mail for carriage on passenger flights.</p> <p>Telegraph Rules 1933. The Rules refers to the handling of telegrams by mail couriers for purposes of dispatch by the receiving post mistress. It provides that the Post Office Department is not responsible in any manner for the sending of telegrams by this method.</p>					

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
752	Telecommunication Services	Communication Services	Office of Utilities Regulation Act The Telecommunication s Act	Office of Utilities Regulation Act establishes the Office of Utilities Regulation (OUR) as the statutory regulator for all prescribed utility services including telecommunications. The OUR is mandated to, inter alia, promote efficiency, encourage competition, and protect the interest of consumers, and also the development and use of indigenous resources. The OUR is conferred with various statutory powers; it may, for example, hold an enquiry on its own motion or on the basis of a complaint into the operations of any prescribed utility service and, if necessary, order that remedial measures be taken. Telecommunications Act defines telecommunications as the transmission of intelligence in any form or combination of forms by means of guided or unguided electromagnetic, electrochemical or other forms of energy, transmitted between persons and persons, things and things or persons and things. The Act provides that the Office of Utilities Regulation (OUR) established under the Office of Utilities Regulation Act is the statutory independent telecommunications regulator for the purposes of the Act. The OUR is charged with, inter alia, receiving and processing applications for licences and making recommendations to the Minister in relation thereto, investigating conduct which appears to be in contravention of the Act, and promoting competition among carriers and service providers. The Act mandates the OUR in exercising its functions to observe the basic rules of due process					
Licensing (Art 96)	Telecommunication Services	Broadcasting and Radio Re-Diffusion Act. Radio and Telegraph Control Act	The Telecommunications Act provides for the establishment of the Spectrum Management Authority which performs functions delegated by the Minister with respect to the allocation, licensing, and management of the spectrum, having regard to the objects, provisions and purposes of the Act and the provisions of the Radio and Telegraph Control Act. Broadcasting and Radio Re-Diffusion Act provides that no person shall establish, maintain or operate in Jamaica any radio re-diffusion system except under and in accordance with the terms of a licence granted under the Act which may be either exclusive or non-exclusive. Radio and Telegraph Control Act establishes the Radio and Telegraph Control Advisory Committee to advise the Minister on matters related to radio and telegraph control. The Act requires persons wishing to establish, maintain or use any radio or telegraph station or apparatus within Jamaica to obtain a licence unless s/he is the holder of a licence granted under the Broadcasting and Radio Rediffusion Act or otherwise exempted.						

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
			Office of Utilities Regulation Act	<p>Office of Utilities Regulation Act provides that the recommendations of the OUR on an application to provide any prescribed utility service, including telecommunications services, must be informed by the ability of the applicant to meet the needs of the community in an efficient manner. The OUR is mandated to take into account a number of factors including the provision of an economical and reliable service, which provides a reasonable return on capital invested in supplying the service.</p> <p>Telecommunications Act provides that a person may not own or operate a facility (i.e. a physical component of a telecommunications network including wires, lines, poles, ducts, sites, towers, satellite earth stations, and submarine cables) in Jamaica unless that person is the holder of a carrier licence; may not provide specified services to the public, whether by means of that facility or otherwise, unless the person is also the holder of a service provider licence; and may not sell, trade in or import any prescribed equipment unless that person is the holder of a dealer licence. The OUR is required to maintain a register available for public inspection, containing all applications for carrier, dealer and service provider licences received and all such licences granted.</p>					
				<p>Telecommunications Act allows the Minister or OUR to reconsider a decision which has been made in certain circumstances. A person aggrieved by a decision of the OUR may appeal to the Appeal Tribunal established under the Telecommunications Act.</p> <p>The Telecommunications Act provides for the renewal of licences for a period equivalent to the period for which the original licence was granted where the applicant has not breached the terms of the original licence, the Act or any regulations made thereunder. A licensee must receive the prior approval of the Minister if it wishes to assign its licence or transfer control of any operations.</p> <p>The Telecommunications Act provides that the application fee which is determined by the Minister must be such as is necessary to recover the costs of processing the application.</p> <p>The Telecommunications (Regulatory Fees), promulgated by the OUR, provides a schedule of regulatory fees payable by telecommunications licensees. Regulation 1 clarifies that the "annual regulatory fees payable to the Office by Licensees, are based upon the cost of regulatory effort as reflected in the budget of the Office</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
	Anti-competitive behavior; Article 97	Telecommunication Services	Fair Competition Act Consumer Protection Act Telecommunications Act	<p>Fair Competition Act : as above</p> <p>Consumer Protection Act is designed to protect the public against misleading and deceptive conduct and unfair practices in trade and business whether concerning goods or services.</p> <p>Telecommunications Act expressly proscribes unfair arrangements including cross subsidization and authorizes the OUR after consultation with the Fair Trading Commission (FTC), to prescribe certain competitive safeguards in relation to a dominant public telecommunications carrier, including safeguards ensuring that information supplied by other carriers for the purpose of facilitating interconnection is not used for any uncompetitive purpose.</p>					
	Interconnection; Article 98	Telecommunication Services	Telecommunications Act Office of Utilities Regulation Act	<p>Telecommunications Act requires all carriers upon request to permit interconnection of their public network with that of another carrier. Recent changes to the Act (May 2012) require interconnection not only to voice services but also to data and other telecommunications services. The terms and conditions of an interconnection agreement must be in accordance with the relevant reference interconnection offer (RIO), based on an agreement between the interconnection seeker and provider or determined by the Office of Utilities Regulation (OUR) acting as arbitrator (in a pre-contract dispute). Copies of interconnection agreements must also be lodged with the OUR. The</p> <p>Telecommunications Act authorizes the OUR after consultation with the Fair Trading Commission (FTC), to prescribe certain competitive safeguards in relation to a dominant public telecommunications carrier, including safeguards ensuring that information supplied by other carriers for the purpose of facilitating interconnection is not used for any uncompetitive purpose.</p> <p>Office of Utilities Regulation Act. The Office of Utilities Regulation's authority to prescribe rates is also derived from the Office of Utilities Regulation Act. This, however, does not apply where the enabling instrument specifies the manner in which rates may be fixed by a licensee or specified organization.</p>					

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
	Scarce Resources	Telecommunications Services		<p>Telecommunications Act. The Spectrum Management Authority established under the Telecommunications Act advises the Minister on a national plan for the allocation of the spectrum (which must conform to the International Telecommunication Union Table of Frequency Allocations), and the granting of spectrum licences (including Maritime Spectrum Licences). The Office of Utilities Regulation (OUR) is tasked with developing a plan for the numbering of telecommunications services taking into account, inter alia, relevant international regulations and the need to promote efficient use of numbers and fair and open competition. The Telecommunications Act requires the OUR to assign numbers for telecommunications services to carriers and service providers on a non-discriminatory basis.</p> <p>The revisions to the Telecommunications Act which have been adopted following public consultations, allow the Minister after consulting with the OUR to make rules imposing on any public telecommunications carrier the responsibility to offer number portability.</p>					
	Universal services; Article 100	Telecommunications Services	Telecommunications Act	<p>Telecommunications Act establishes the basic principles on which universal service is to be provided to customers: connection to the public voice network should be provided on request where technically feasible and economically reasonable; the provision of universal service should be efficient, economical and practicable; a licensee who is required to provide universal service is entitled to compensation; and a universal service levy may be imposed on a licensee.</p> <p>The Minister may designate a telecommunications carrier as a universal service provider and, on the recommendation of the OUR, deem any other licensee to be a universal service provider or to be so eligible. The process of designation requires public consultations.</p>					
	Dispute settlement; Article 102	Telecommunications Services	Telecommunications Act	<p>Telecommunications Act provides that either party to a pre-contract dispute between an interconnection provider and interconnection seeker as to the terms and conditions of interconnection may refer the dispute to the Office of Utilities Regulation (OUR) for resolution. However, where neither party to the dispute is a dominant public voice carrier, the OUR may decline to act as an arbitrator in relation to the dispute. The Act also provides the OUR with broad powers to carry out, on its own initiative or at the request of any person including a service supplier, investigations in relation to a person's conduct as will enable it to determine whether and to what extent that person is acting in contravention of the Act. Where a matter is of substantial competitive significance and falls within the functions of the Fair Trading Commission under the Fair Competition Act, the OUR will refer the matter to the FTC.</p>					

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
512	General Construction Work for Buildings		Housing Act Main Roads Act National Housing Trust Act Professional Engineers Registration Act Road Maintenance Fund Act 2002	<p>Housing Act empowers the Minister to declare housing areas and cause proposals for housing schemes to be prepared. The housing works which are undertaken by the Government pursuant to the Act do not preclude private sector activities in housing construction.</p> <p>Main Roads Act empowers the Minister to authorize road works including the laying out, making, repairing, widening, altering, deviating, maintaining and managing of roads and construction of roadways, railways, cableways, conveyor belts and other similar works across, above or under roads. The Act does not address who may undertake construction work for civil engineering.</p> <p>National Housing Trust Act establishes the National Housing Trust whose functions include promoting greater efficiency in the housing sector and improving the existing supply of housing by promoting housing projects; making loans to assist in the purchase, building, maintenance, repair or improvement of houses; and encouraging improved methods of the production of houses.</p> <p>Professional Engineers Registration Act See Professional above</p> <p>Road Maintenance Fund Act 2002 establishes the Fund and a Board to invest and dispense sums for road maintenance.</p>	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
513	General Construction Work for Civil Engineer	Construction Services		Roads Protection Act restricts what can be done to roads without appropriate authorization.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
514+516	Installation and Assembly work	Construction Services			None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
517	Building Completion and finishing work	Construction Services	Toll Roads Act 2002 Urban Development Corporation Ac	Toll Roads Act 2002 establishes the Authority to, inter alia, regulate the operation and maintenance of toll roads and such other facilities as may be deemed necessary on or adjacent to toll roads; monitor compliance of concessionaires with the terms and conditions of concession agreements; and advise the Minister on matters of general policy relating to the design, construction, safety, regulation, operation and maintenance of toll roads in Jamaica. The Act empowers the Minister, by order, to designate a road as a toll road and authorize the design, construction, maintenance, operation, improvement or financing of such road in exchange for the rights conferred in the order, including the right to levy, collect and retain toll in respect of the use of the toll road; and the terms and conditions under which such rights and obligations may be assigned or delegated to any other person. Certain powers and duties of a concessionaire are set out in the Act.	Unbound*	Unbound	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	

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515, 521, 522 & 529	Other (Special trade construction)	Construction Services		Urban Development Corporation Act establishes the Urban Development Corporation (UDC) whose functions include carrying out or securing the laying out and development of areas designated under the Act. The Act provides for the designation of areas by the Minister in consultation with the local authority to be developed by the UDC as an urban area, which may involve the acquisition, management and disposal of land; construction and maintenance of roads, buildings, car parks, piers, public parks and gardens, etc. Specific provision is made for taking necessary steps to ensure the preservation of sites and objects of architectural or historic interest. The legislation does not limit the services which the UDC may procure in pursuing its mandate on urban development.	Unbound*	None	None	Unbound except as indicated in the horizontal commitments.	
921	Primary Education Services(Except non-profit, public and publicly funded entities)	Educational Services		<p>Apprenticeship Act defines a "contract of apprenticeship" as an agreement between an employer and a worker (or the parent or guardian of the worker), whereby the employer agrees to teach and the worker agrees to learn any trade in which the employer is engaged. It establishes an Apprenticeship Board which estimates the number of apprentices required to be trained from time to time in particular trades to ensure that sufficient skilled workmen are available to satisfy the requirements of industry; and establishes and recommends standards of training for apprentices. Apprenticeship contracts must be registered with the Board which may refuse to register same if it is of the opinion that the employer will not be able to provide adequate facilities for the training of the apprentice or the contract does not comply with the provisions of the Act or of any apprenticeship order.</p> <p>Caribbean Accreditation Authority (Medicine and other Health Professions) Act, 2006 implements the Agreement Establishing the Caribbean Accreditation Authority for Education in Medicine and other Health Professions which establishes the Caribbean Accreditation Authority for Education in Medicine and other Health Professions. The Accreditation Authority is designed to promote the achievement, maintenance and efficient regulation of standards of excellence in programmes of study in medicine and other health professions offered by institutions in the Caribbean Community, and secure international recognition of such programmes. In this regard, the Authority is charged with, inter alia, determining and prescribing standards,</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	

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922	Secondary Education Services(Except non-profit, public and publicly funded entities)	Educational Services		<p>Early Childhood Act, 2005 proscribes the operation of an early childhood institution which is not registered. The term "early childhood institution" is used to refer to a setting that provides developmentally appropriate care, stimulation, education and socialization, for children under the age of six (6) years, including day care centres and basic schools. In order for an institution to be registered the applicant must be a fit and proper person to operate an early childhood institution and not have been convicted of an offence under the Dangerous Drugs Act, the Offences Against the Person Act or the Child Care and Protection Act, or an offence involving fraud, dishonesty or moral turpitude. Where the applicant is a company, none of its directors or in the case of another body of persons, none of its members, may have been convicted of such an offence. No person employed in such institution may have been convicted of such an offence. The qualifications of operators and employees of early childhood institutions may be prescribed by the Commission with the approval of the Minister. Provision is made for a permit to operate an institution prior to registration. Where an application is refused the Early Childhood Commission (established under Early Childhood Commission Act) must provide reasons, and an appeal may be made to the Appeal Tribunal appointed by the Minister from any decision of the Commission.</p> <p>Early Childhood Commission Act establishes the Early Childhood Commission for the purposes of, inter alia, supervising and regulating early childhood institutions.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	
923	Higher Education Services(Except non-profit, public and publicly funded entities) Adult Education(Except non-profit, public and publicly funded entities)	Educational Services	Education Act	<p>Education Act establishes the statutory system of public education in three stages consisting of primary, secondary and tertiary education. It regulates public educational institutions and independent schools, i.e. any school at which education is provided for twenty (20) or more students between the ages of eight (8) years and nineteen (19) years, not being a public educational institution. The Act establishes regulatory agencies including the Independent Schools Committee which considers applications for the registration of independent schools and deals with complaints against such institutions. A person aggrieved by the decision of the Committee may appeal to the Minister. The Registrar of Independent Schools (who is an appointed officer of the Ministry of Education) provisionally registers independent schools and causes such schools to be inspected prior to referring the application to the Independent Schools Committee. The Registrar is responsible for the supervision of all independent schools. The Teachers Service Commission established under the Act is responsible for registering teaching personnel, assessing their qualifications as may be necessary, and dealing with disciplinary matters.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	

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924		Educational Services	Human Employment and Resource Training Act National Council on Education Act University Council of Jamaica Act	<p>Human Employment and Resource Training Act The Act establishes the Human Employment and Resource Training Trust (H.E.A.R.T. Trust) for the purpose of, inter alia, developing, encouraging, monitoring and providing finance for, training schemes for employment of trainees; co-operating with other organizations and bodies in matters relating to technical and vocational education and training; approving and certifying courses to be pursued by persons desirous of obtaining technical and vocational education and training; certifying persons as instructors in the field of technical and vocational education and training; and approving and accrediting institutions offering technical and vocational education and training.</p> <p>National Council on Education Act establishes the National Council on Education as an advisory body to the Minister on policy matters relating to education, and the National Education Trust Fund under the management of the Council into which is paid an education tax.</p> <p>University Council of Jamaica Act establishes the University Council of Jamaica with the power to, inter alia, grant and confer Degrees, Diplomas, Certificates and other academic awards and distinctions to and on persons who have pursued courses of study approved by the Council; and co-operate with other organizations and bodies for such purposes as the Council may deem fit.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	
		Educational Services	University Hospital Act University of Technology Jamaica Act	<p>University Hospital Act establishes the University Hospital as a government assisted teaching hospital.</p> <p>University of Technology Jamaica Act establishes the University as a teaching, research and examining body which is partially funded by the Government.</p>					

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94040 94050 94090**	Cleaning services of exhaust gas Noise abatement Closed loop pollution control systems for factories	Environmental Services	Clean Air Act Natural Resources Conservation Authority Act	<p>The Clean Air Act seeks to control and prevent the escape of any noxious or offensive gas, its discharge into the air, and the rendering of such gas, where discharged, harmless or inoffensive. It provides for inspectors to inspect affected premises and take appropriate measures as necessary. The term "affected premises" refers to any premises on which there are industrial works, the operation of which is in the opinion of an inspector likely to result in the discharge of smoke or fumes or gases or dust into the air.</p> <p>The Natural Resources Conservation Authority Act establishes the Natural Resources Conservation Authority (NRCA) with responsibility for, inter alia, taking such steps as are necessary for the effective management of the physical environment of Jamaica so as to ensure the conservation, protection and proper use of its natural resources. The Act requires that persons engaging in activities that may lead to the discharge of any sewage or trade effluent or any poisonous, noxious or polluting matter obtain a licence from the NRCA. The NRCA may also require the owner or operator of a sewage treatment plant, air industrial waste treatment facility or any other facility for controlling pollution to provide information at such intervals as may be specified on the performance of the facility, the quantity and condition of effluent discharged, and the area affected by the discharge of effluent. The Act contemplates that the Minister may make regulations establishing ambient air quality standards, an air pollution monitoring system and index, and the conditions for the manufacture, use and emission of air contaminants.</p>	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
		Environmental Services	Natural Resources Conservation Authority (Air Quality) Regulations, 2006 Noise Abatement Act, 1997 Public Health Act (Nuisance) Regulations	<p>The Natural Resources Conservation Authority (Air Quality) Regulations, 2006. The Regulations governs emissions from major or significant facilities, and require the operator of such facility to apply for an air pollutant discharge licence. The terms "major facility" and "significant facility" are defined in terms of the level of air pollutant activity or having a source with the potential to emit pollutants. The Regulations do not apply to any air pollutant emitted from an internal combustion engine in a truck, car, bus, train, ship, airplane or, any other mode of transportation.</p> <p>The Noise Abatement Act, 1997 seeks to control noise emissions from private premises and public places. Persons intending to operate certain types of equipment or provide loud music for dancing in circumstances that are reasonably capable of disturbing persons residing in private premises must seek permission from the Superintendent of Police to do so. The Act does not regulate the services for monitoring and controlling noise pollution.</p> <p>The Public Health Act (Nuisance) Regulations prohibit persons from causing or permitting a nuisance on any premises or aiding and abetting another person to do so. A nuisance is defined as including offensive smells, including the emission of noxious fumes, gases or powerful smells, as a result of agricultural, domestic or industrial processes or otherwise.</p>	Unbound*	None	None	Unbound except as indicated in the horizontal commitments.	

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8121	Life, accident and health insurance services	Financial Services (All insurance and insurance-related services)	Insurance Act	<p>Insurance Act requires prescribed amounts of paid up capital and surplus and a prescribed deposit; the cancellation of registration for various prudential reasons (including insolvency, the conduct of a company's insurance business or any class thereof not in accordance with sound insurance principles and practice, unsatisfactory reinsurance arrangements, and unreasonable delays in the payment or settlement of any claim arising under any policy issued by it); the proper investment of funds; prohibitions relating to certain loans (e.g. unsecured credit); the separation of accounts relating to different classes of insurance business; appointment of an auditor and actuary; annual investigations into the financial position of long term business insurers; minimum capital bonds from a body corporate registered as an agent or broker; and that shareholders' dividends may not be paid where this would undermine the solvency of a company or impair its capital. Amalgamations and transfers are made subject to FSC approval.</p> <p>Restrictions are placed on the carrying on of long term and general insurance business unless such general insurance business consists exclusively of accident insurance business; and the on registration as an insurer, a sales representative or an agent if registered as a broker and vice versa. The rate of premium chargeable under any class of policy issued by a company must also be approved by the FSC.</p>	None	None	The Financial Services Commission must be satisfied that the covers being offered by foreign companies will be supplemental to the industry in situations where there is limited capacity in the market. In addition, the relevant authority must be satisfied that adequate funds will be deposited to cover the domestic liabilities of these companies.	Unbound except as indicated in the horizontal commitments.	
8129	Non-life Insurance Services Maritime and Air Transport Insurance Services)	Financial Services (All insurance and insurance-related services)	The Insurance Act Marine Insurance Act Mortgage Insurance Act Motor Vehicles Insurance (Third Party Risks) Act	<p>The Insurance Act applies to all insurance and reinsurance intermediaries and all insurers, whether established in or outside of Jamaica that carry on business in Jamaica. It also applies to any company incorporated under the Companies Act that carries on any class of insurance or reinsurance business outside of Jamaica.</p> <p>The Marine Insurance Act applies to contracts of marine insurance, i.e. contracts of indemnity against losses incident to marine adventure, other than those undertaken by the Government within the jurisdiction. Provision is made for reinsurance of such contracts. The Act establishes the basic principles of law which apply to marine insurance contracts and includes a savings clause with respect to applicable rules of common law which do not conflict with the provisions of the Act.</p> <p>The Mortgage Insurance Act authorizes the Jamaica Mortgage Bank established under the Jamaica Mortgage Bank Act to effect contracts of insurance and issue insurance policies with respect to certain loans. The Bank, however, may not make arrangements for the re-insurance of liabilities without the approval of the Minister. The provisions of the Insurance Act do not apply to insurance business carried on by the Bank under the Act.</p> <p>The Motor Vehicles Insurance (Third Party Risks) Act requires users of motor vehicles to be insured against third party risks and establishes the minimum requirements in respect of policies and conditions of coverage.</p>	None	None	The Financial Services Commission must be satisfied that the covers being offered by foreign companies will be supplemental to the industry in situations where there is limited capacity in the market. In addition, the relevant authority must be satisfied that adequate funds will be deposited to cover the domestic liabilities of these companies.	Unbound except as indicated in the horizontal commitments.	

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81299** 8140	Reinsurance and Retrocession Insurance (including broking and agency services) Services Auxiliary to Insurance (including broking and agency services)	Financial Services (All insurance and insurance-related services)	Banana Insurance Act	The Banana Insurance Act establishes a mandatory insurance scheme for banana growers and a Banana Insurance Fund. It allows the Banana Board to effect re-insurance of the whole or any part of the potential liability incurred under the Act. The Act does not preclude the purchase of additional insurance from other sources.	Unbound	Unbound	The Financial Services Commission must be satisfied that the covers being offered by foreign companies will be supplemental to the industry in situations where there is limited capacity in the market. In addition, the relevant authority must be satisfied that adequate funds will be deposited to cover the domestic liabilities of these companies.	Unbound except as indicated in the horizontal commitments.	
81115 & 81116	Acceptance of deposits and other repayable funds from the public	Financial Services (Banking and other financial services)	Bank of Jamaica Act. The Financial Services Commission Act	Bank of Jamaica Act. The regulatory role of the Bank with regard to the general supervision of banks and financial institutions, the clearance and settlement of transactions between financial institutions and other government functions is elaborated in the Act. The Act also limits the activities of the Bank as regards any engagement in any trade. The Act empowers the Bank of Jamaica to implement measures with a view to ensuring the overall stability of the financial system and for the purpose of preventing or controlling systemic risk, including the imposition of reserve requirements, liquid assets requirements, and the maintenance of special deposits with the Bank. The Bank may also fix maximum foreign currency balances. The Financial Services Commission Act establishes the Financial Services Commission (FSC) to, inter alia, supervise and regulate prescribed financial institutions (i.e. those providing services to the public in connection with insurance; the acquisition or disposal of securities, and units under a registered trust scheme; and other services as may be declared by the Minister to be financial services); and promote stability and public confidence in the operations of such institutions.	Unbound	Unbound	None	Unbound except as indicated in the horizontal commitments.	

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8113	Lending of all types incl. Inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions	Financial Services (Banking and other financial services)	Banking Act Agricultural Credit Board Act The Building Societies Act	<p>Banking Act makes provision for, inter alia, minimum capital requirements, the maintenance of a reserve fund, maximum deposit liabilities, limits on the fixed assets, directors to be fit and proper persons, persons to be debarred from bank management, prohibited business, cash reserves, liquid assets, loss reserves on credit facilities, consolidated accounts of banks and affiliated companies, restructuring of bank ownership where necessary, ownership of subsidiaries, directions with respect to risk, and amalgamations and transfers.</p> <p>Agricultural Credit Board Act imposes restrictions on the loans which may be made by agricultural loan societies to members of the committee of management or any officer of such society or the use of funds for the personal purposes of any such person</p> <p>The Building Societies Act makes provision for, inter alia, the method of calculating the amount secured to a society for the purpose of ascertaining limits for receiving deposits or loans; for the restructuring of the ownership of a building society where all members of the society are not regulated or supervised financial institutions; similarly as regards the ownership of subsidiaries (which must also be regulated or supervised financial institutions). Provision is also made for the Supervisor to issue directions regarding the control of risks, and for the management or investment of customer's funds to be undertaken in accordance with Bank of Jamaica regulations and/or Standards of Best Practice. A licence will not be granted to a building society unless persons holding positions as director and in corporate management are fit and proper persons for that purpose.</p>	Unbound	Unbound	None	Unbound except as indicated in the horizontal commitments.	
8131	Provision and transfer of financial, information and financial data processing and related software by providers of other financial services	Financial Services (Banking and other financial services)	Co-operative Societies Act Credit Reporting Act, 2010	<p>The Co-operative Societies Act imposes restrictions on the number of unlimited liability societies a person may become a member of where the primary object of such society is to grant loans to its members. Where the liability of the members of a registered society is limited by shares, no member, other than a registered society, may hold more than a maximum of twenty per cent (20%). A registered society other than a society which carries on business as a credit union may not carry on the business of accepting deposits. Restrictions are placed on the distribution of dividends or bonuses before the balance sheet is certified by an auditor and approved by the Registrar. Provision is also made for the establishment of a reserve fund from net profits.</p> <p>The Credit Reporting Act, 2010 applies to the disclosure of credit information by an entity in Jamaica to another entity in or outside Jamaica; and by any entity outside Jamaica, of credit information relating to any transaction that takes place, in whole or in part, in Jamaica. The licensing of credit bureaus is subject to prudential concerns addressing, inter alia, who may be directors or hold management positions or ten per cent (10%) or more of voting shares, and prescribed capital requirements. The conditions to be imposed on a licence are elaborated in the Regulations and include, for example, maintaining sufficient liability insurance coverage to cover potential claims by consumers, and address any other pertinent risks to operations.</p>	None	None	None. Database must be resident in Jamaica.	Unbound except as indicated in the horizontal commitments.	

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
		Financial Services	The Financial Institutions Act	<p>The Financial Institutions Act. in the Act provision is made for, inter alia, minimum capital requirements, the maintenance of a reserve fund, maximum deposit liabilities, limits on fixed assets, restrictions on the minimum period for accepting deposits, restrictions on certain business activities (e.g. the provision of unsecured credit to connected persons, employees or their relatives; granting loans in excess of a specified percentage of the institution's capital base; the payment of dividend on shares until a certain percentage of various expenditures are written off), and the maintenance of cash reserves and liquid assets.</p> <p>The Financial Services Commission Act. The supervisor and regulator the Financial Services Commission (FSC) is charged with, inter alia, promoting the adoption of procedures designed to control and manage risk, for use by the management, boards of directors and trustees of prescribed financial institutions, promote stability and public confidence in the operations of such institutions, and promote the modernization of financial services with a view to the adoption and maintenance of international standards of competence, efficiency and competitiveness. Specific provision is also made for the imposition of prudential measures, for example, where there is actual or apprehended insolvency of a prescribed financial institution. Provision is also made for the confidentiality information (with standard provisos).</p>					
			<p>Friendly Societies Act</p> <p>Jamaica Mortgage Bank Act</p> <p>The Pensions (Superannuation Funds and Retirement Schemes) Act 2004</p> <p>The Securities Act</p>	<p>Friendly Societies Act requires the Registrar to audit or cause to be audited the accounts of every registered society and branch thereof at least once a year, and may require the valuation of the assets and liabilities of such society and branch not oftener than once in every five (5) years. Limitations are placed on loans to assured members and unsecured loans. Provision is also made for the establishment of a reserve fund.</p> <p>Jamaica Mortgage Bank Act makes provision, for example, for a reserve fund; limits on business transactions with connected persons (such as enterprises in which directors or shareholders are directly or indirectly interested); restraints on borrowing; and the maintenance of proper accounts.</p> <p>The Pensions (Superannuation Funds and Retirement Schemes) Act 2004 places restrictions, for example, on related persons being appointed as an actuary or auditor; requirements are set out for the approval of superannuation funds and retirement schemes; and provision is made for proper records and for returns to be submitted to the FSC.</p> <p>The Securities Act and regulations made thereunder address, inter alia, solvency and liquidity requirements, transparency requirements (including disclosures of certain interests in securities), margin requirements, false trading and market rigging transactions, insider trading, the basis on which a person may be found to be fit and proper, and the maintenance of proper accounts and records.</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
			The Unit Trust Act Jamaica International Financial Services Authority Act	<p>The Unit Trust Act requires unit trust schemes to be registered for their legitimate operation in Jamaica. The FSC may only register a scheme where the manager and trustees under the scheme are companies incorporated under the laws of Jamaica and have a place of business in the Island and various prudential concerns are satisfactorily addressed, including capital (stock or shares) requirement, officers and members of the corporation (who are the managers and trustees of the scheme) must be fit and proper persons, defined in terms of a lack of convictions of an offence involving dishonesty, not being an undischarged bankrupt etc . Provision is also made for the proper accounting and auditing of unit trust schemes, and the appointment of inspectors. The Act also provides for the licensing and registration of fit and proper persons as salesmen. An applicant aggrieved by a decision of the FSC may appeal to the Appeal Tribunal. The obligation to secrecy of persons administering the Act is affirmed with certain provisos.</p> <p>Jamaica International Financial Services Authority Act establishes the International Financial Services Authority (IFSA) which is charged with, inter alia, promoting the adoption and maintenance of international standards of competence, efficiency and competitiveness in the provision of international financial services; promoting compliance with supervisory and regulatory standards for the conduct of international financial services, including standards for the curtailment of the funding of terrorist activities and the prevention of money laundering; and making recommendations where</p>					
		Financial Services	The Cybercrimes Act Banking (Establishment of Branches) Regulations, 1997 The Building Societies Act The Co-operative Societies Act	<p>The Cybercrimes Act proscribes, inter alia, unauthorized access to computer programs or data and unauthorized interception of computer functions or service</p> <p>Banking (Establishment of Branches) Regulations, 1997. A bank may not establish a branch or representative office or change the location of an existing branch or representative office without the prior approval of the Minister in writing. The application is made through the Bank of Jamaica and is not granted unless the Minister is satisfied as to, inter alia, the convenience and needs of the community to be served, and the public interest which will be served thereby. Permission is also required for the establishment or relocation outside Jamaica of a branch or representative office.</p> <p>The Building Societies Act provides that any number of persons wishing to establish a building society (to provide loans and mortgages) may do so by having the rules certified and obtaining from the Deputy Keeper of the Records a certificate of incorporation. A licence is required to commence business and is granted by the Minister on the basis of a recommendation from the Bank of Jamaica.</p> <p>The Co-operative Societies Act permits any group of not less than ten (10) persons having some common bond of occupation or association or of residence in a defined neighbourhood, community or district may be registered as a co-operative society. A co-operative society may also consist of two (2) or more registered societies. No person other than a registered society may</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
9311	Hospital services	Health related and Social Services	Child Care and Protection Act, 2004 Child Care and Protection (Children's Homes) Regulations, 2007	<p>Child Care and Protection Act, 2004 requires any person wishing to establish or maintain a children's home to obtain a licence from the Minister. The Act does not apply to schools, juvenile correction centres, or homes or orphanages maintained wholly by the Government. An aggrieved applicant may appeal the decision of the Minister to a Judge in chambers. The Act sets out the responsibilities of licensees, makes provision for the visit and inspection of licensed homes and the measures which may be taken as necessary to protect children in such homes.</p> <p>Child Care and Protection (Children's Homes) Regulations, 2007 addresses the information which must be included in a licence to establish and maintain a children's home, such as a list of referees for the applicant, police clearance and medical certificate; similar documentation for each employee including evidence of qualifications, and police clearance; and reports relating to the premises from relevant agencies including the Fire Brigade, Health officer, and local planning authority. Where a company or other entity, not being an individual, proposes to establish or maintain a children's home, it must appoint an individual to operate the home on its behalf, and the person so appointed will be treated as the applicant for the licence. The Regulations establishes timelines for appropriate actions to be taken with regard to the approval of an application. It also elaborates on the responsibilities of a licensee with regard to the appropriate care of the children, for example, concerning the making of suitable</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	
		Financial Services	Financial Institutions Act Friendly Societies Act Industrial and Provident Societies Act Industrial and Provident Societies Act	<p>The Financial Institutions Act requires a company to be licensed thereunder to carry on in Jamaica the business of accepting deposits or issue or cause to be issued advertisements for deposits. A licence is granted at the discretion of the Minister.</p> <p>The Friendly Societies Act applies to societies formed for the purpose of providing relief for, or maintenance of the members, their families and relatives during sickness or other infirmity; provision in other distressed circumstances; insuring money to be paid on the birth or death of such persons, marriage between members; or in case of a fire causing damage to the home or business of members. Societies must consist of at least twenty-one (21) persons and be registered under the Act.</p> <p>The Industrial and Provident Societies Act provides for the registration of societies carrying on any industries, businesses, or trades, whether wholesale or retail, and including dealings of any description in land. A society must consist of at least seven (7) persons (including a body corporate). No member other than a registered society may have an interest exceeding twenty per cent (20%) of a society's share capital. A registered society may engage in banking business. An applicant aggrieved by the decision of the Registrar may appeal to the Appeals Tribunal.</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
		Financial services	The International Finance Companies (Income Tax Relief) Act Jamaica Export Free Zones Act Jamaica Mortgage Bank Act	<p>The International Finance Companies (Income Tax Relief) Act provides tax concessions to businesses in the financial sector which are not controlled by persons resident in Jamaica or do business with Jamaican residents.</p> <p>The Jamaica Export Free Zones Act provides tax concessions for companies incorporated or registered in Jamaica in accordance with the Companies Act and involved in approved activities including service operations such as banking and data processing. All banking activities carried on in a Free Zone are subject to the laws of Jamaica relating to banking.</p> <p>The Jamaica Mortgage Bank Act establishes the Jamaica Mortgage Bank which is charged with fostering the development of housing; directly or indirectly assisting societies registered under the Co-operative Societies Act to develop co-operative housing; and developing an active mortgage market.</p> <p>The Loans to Small Businesses Act establishes the Small Businesses Loan Board which is charged with, inter alia, assisting persons in establishing, carrying on or expanding small businesses by granting loans and other forms of financial assistance to such persons, and giving financial assistance to Co-operative Societies registered under the Co-operative Societies Act for the purpose of enabling such Societies to perform the same functions in regard to the businesses to which the Act applies as the Board is required to perform.</p>					
		Financial Services	Money Lending Act National Housing Trust Act Students' Loan Fund Act Workers Savings and Loan Act Securities Act	<p>The Money Lending Act regulates excessive interest rates and other charges by otherwise non-regulated lending agencies. The National Housing Trust Act establishes the National Housing Trust whose functions include making loans to assist in the purchase, building, maintenance, repair or improvement of houses.</p> <p>The Students' Loan Fund Act establishes the Student's Loan Bureau to provide loans to students whether studying within or outside of Jamaica either directly or indirectly through locally licensed (or registered in the case of cooperatives) financial institutions.</p> <p>The Workers Savings and Loan Act establishes the Workers Savings and Loan Bank to further and promote the growth and development of the economy through, inter alia, providing facilities for small and medium sized businesses and cooperatives, craftsmen and traders, advance and loan money on security, engage in the credit card business, promote savings, and enter into correspondent banking relationships with other banks in Jamaica and elsewhere.</p> <p>The Securities Act establishes a licensing regime for securities dealers, investment advisers, operators of stock exchanges and central securities depositories, and provides for these and other related matters.</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
9319	Other human health services	Health related and Social Services	Drug Court (Treatment and Rehabilitation of Offenders) Regulations, 2000 Early Childhood Act, 2005	<p>Drug Court (Treatment and Rehabilitation of Offenders) Regulations, 2000. The Regulations provide that the Minister may designate any individual or organization as an "approved treatment provider" if s/he is satisfied as to the kind of care, treatment or rehabilitation which is to be provided by that individual or organization. The social services to be provided include counseling, education on drugs and addition, and drug testing.</p> <p>Early Childhood Act, 2005 proscribes the operation of an early childhood institution which is not registered. An "early childhood institution" means a setting that provides developmentally appropriate care, stimulation, education and socialization, for children under the age of six (6) years, including day care centres and basic schools. The term "day care centre" refers to any premises used for the provision of non-residential day care service to more than four children up to six years of age for at least six hours per day and at least four days per week.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	
93193	Residential health facilities services other than hospital services	Health related and Social Services	Early Childhood Commission Act Health Facilities (Medical Laboratories) Act, 2005 Jamaica Social Welfare Commission Act Mental Health Act, 1997 Nursing Homes Registration Act Nursing Homes Registration Regulations	<p>Early Childhood Commission Act establishes the Early Childhood Commission for the purposes of, inter alia, supervising and regulating early childhood institutions.</p> <p>Health Facilities (Medical Laboratories) Act, 2005 establishes the Medical Laboratories Council which is authorized, inter alia, to grant licences for the operation of laboratory facilities and collection centres, and carry out assessments and set standards for the operation of such laboratory facilities and collection centres.</p> <p>Jamaica Social Welfare Commission Act provides for the continuance of the Jamaica Social Welfare Commission established under the repealed law of the same name. The Commission is charged with promoting, managing and controlling schemes for the advancement of sports and the social, cultural or economic development of the people of Jamaica, particularly workers.</p> <p>Medical Act. See Professional Services above.</p> <p>Mental Health Act, 1997 authorizes the Minister to designate a psychiatric facility for the reception, care and treatment of mentally disordered persons. Such facility may be the whole or part of any building or other place, including a rehabilitation centre, general hospital or a nursing home registered under the Nursing Homes Registration Act as a mental nursing home.</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
		Health related and Social Services	Milk River Bath Act National Health Fund Act, 2003	<p>Milk River Bath Act establishes the Milk River Bath Board which is authorized to manage and control, maintain in proper condition, and lease (with the approval of the Minister and subject to the consent of the House of Representatives) the Milk River Bath property or any part thereof, which is vested in the Commissioner of Lands for the use and benefit of the inhabitants of Jamaica.</p> <p>National Council on Drug Abuse Act establishes the National Council on Drug Abuse to, inter alia, undertake, subject to the approval of the Minister, measures for preventing the misuse of drugs or dealing with any social problems connected with the misuse of such drugs. In this regard the Council may make recommendations on measures which ought to be taken for enabling persons affected by the misuse of drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons; and for promoting co-operation between professional and community services which may assist in dealing with social problems connected with the abuse of drugs.</p> <p>Nursing Homes Registration Act requires any premises used or intended to be used for the reception of and the provision of nursing care for persons suffering from any sickness, injury or infirmity, including a maternity home, to be registered as a nursing home under the Act; public facilities and psychiatric facilities (within the meaning of the Mental Health Act) are excluded.</p>					
				<p>National Health Fund Act, 2003 establishes the National Health Fund for the purposes of, inter alia, implementing a national health insurance plan or other similar arrangements; providing health benefits for residents (defined as persons ordinarily resident in Jamaica for periods aggregating not less than six (6) months in a calendar year); making prescribed drugs and other benefits available to residents; and carrying on the businesses of chemists, druggists, manufacturers, importers and distributors of and dealers in various pharmaceutical, medical, chemical and other articles and supplies, and mechanical, electrical and other equipment, for use in government-owned health facilities.</p> <p>National Health Services Act provides for a public health service which is provided, whether directly or indirectly, by public health personnel in the fulfilment of their official duties, and includes services offered by public health facilities for research, monitoring, regulatory or promotional activities or for the reception or treatment of persons suffering from illness. The public health facilities which are covered include clinics, convalescent homes, dispensaries, drug windows, health centres, health departments, laboratories, maternity homes, medical rehabilitation centres, pharmacies, and public psychiatric facilities.</p>					

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
641-643	Hotels and Restaurants (incl. Catering)	Tourism and Travel Related Services	Hotels (Incentives) Act Resort Cottages (Incentives) Act Tourist Accommodation (License Duties) Act Tourist Board Act	<p>The Hotels (Incentives) Act provides for the grant of incentives for the establishment or operation of hotels and extensions thereof through the designation of approved hotel enterprises and approved extensions. The benefits conferred under the Act accrue to any company carrying on business in Jamaica (whether or not incorporated in Jamaica).</p> <p>The Resort Cottages (Incentives) Act provides for the grant of incentives in relation to resort cottages, defined as furnished premises with no less than to (2) furnished bedrooms, a living room, bathroom facilities and facilities for the preparation and consumption of meals used for tourist accommodation. The scheme of the Act mirrors the Hotels (Incentives) Act with regard to recognized resort cottages, groups of resort cottages, or extensions thereof; the principal difference relates to the length of the concessionary period.</p> <p>The Tourist Accommodation (License Duties) Act imposes a licence duty on the operator of every tourist accommodation in respect of which an application for a licence is made or granted by the Tourist Board. The Act gives the Minister the power to waive, remit or refund the licence duty in whole or in part.</p> <p>The Tourist Board Act establishes the Tourist Board to, inter alia, develop all aspects of the tourist industry of Jamaica and to promote its efficiency. The functions of the Board include promoting and securing increased shipping and airline facilities that will tend to increase tourist traffic to Jamaica; adopting measures to maintain the highest standards of service in the industry; and controlling and/or eliminating any undesirable factors</p>	Unbound*	None	None (registration, licensing required)	Unbound except as indicated in the horizontal commitments.	
7471	Travel Agencies and tour operators services	Tourism and Travel Related Services	Travel Agencies Regulation Act Travel Regulations, 1958	<p>The Travel Agencies Regulation Act requires all travel agencies to be registered. A "travel agency" is defined under the Act as an establishment in which is carried on the business of arranging, at the request and on behalf of persons proposing to travel from Jamaica by sea or by air, for the provision of passages for such persons; the definition expressly excludes ship or aircraft companies and their agents in the Island. The regulation of travel agency services, as such, is limited to out-bound travel and does not cover sales of carriers and their agents such as frequently occurs on-line.</p> <p>Travel Regulations, 1958</p>	None	None	None	Unbound except as indicated in the horizontal commitments.	
	Marina services	Tourism and Travel Related Services			None	None	None	Unbound except as indicated in the horizontal commitments.	
	Spa Services	Tourism and Travel Related Services			None	None	None	Unbound except as indicated in the horizontal commitments.	
9619	Entertainment Services (incl. Theatre, live bands and circus services)	Recreational, Cultural and Sporting Services (other than audiovisual services) (Except gambling)	Fair Competition Act	<p>Fair Competition Act establishes the Fair Trading Commission to, inter alia, carry out, on its own initiative or at the request of any person such investigations or inquiries in relation to the conduct of business in Jamaica as will enable it to determine whether any enterprise is engaging in business practices in contravention of the Act and the extent of such practices.</p>	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
963	Libraries, archives, museum and other cultural services	Recreational, Cultural and Sporting Services (other than audiovisual services) (Except gambling)			None	None	None		Unbound except as indicated in the horizontal commitments.
964	Sporting and other recreational services	Recreational, Cultural and Sporting Services (other than audiovisual services) (Except gambling)	Tourist Board (Tourism Enterprises) Order, 1985, Tourist Board (Water Sports) Order, 1985, Tourist Board (Water Sports) Regulations, 1985, and the Tourist Board (Water Sports) Regulations, 1985	The Tourist Board (Tourism Enterprises) Order, 1985, Tourist Board (Water Sports) Order, 1985, and the Tourist Board (Water Sports) Regulations, 1985, further define the category of tourism enterprises and the licensing requirements for water sports operators (i.e. owners or persons otherwise in charge of the business), employees, and boats or vessels used in the provision of water sports services. The licensing criteria address competence, qualifications and safety concerns and do not appear to arbitrarily restrict trade or discriminate against foreign service providers. The Board may grant exemptions to any person or category of persons as it sees fit. Where the Board does not grant a licence an aggrieved applicant may appeal to the Tribunal and further to a Judge in chambers.	Unbound	None	None		Unbound except as indicated in the horizontal commitments.
			Tourist Board (Prescribed Areas) Regulations Tourism Enhancement Act, 2004 Tourist (Duty-Free) Shopping System Act Tourist Shopping Act	The Tourist Board (Prescribed Areas) Regulations, 1985 , designates certain locations to be prescribed areas and provides for the licensing of vendors operating in areas adjacent to the beach or any other public place in such locations. Where the Board refuses to grant or renew a vendor's licence an appeal may be made to the Tribunal and thereafter a Judge in chambers. The Tourism Enhancement Act, 2004 is designed to, inter alia, facilitate the implementation of projects and programmes which impact on the growth and sustainable development of the tourism sector. The Act imposes a tourism enhancement fee and establishes a Tourism Enhancement Fund towards the achievement of the objects of the Act. The Tourist (Duty-Free) Shopping System Act provides for the Commissioner of Customs and Excise to license premises as tourist (duty-free) shops and grant licences to operate duty-free shops and permits to act as agent for a tourist (duty-free) shop operator. The Tourist Shopping Act provides the Minister with authority to prescribe periods from time to time when tourist shops, curios and crafts markets may open for business, employ persons and sell articles during what would otherwise be a prohibited period.					
96499**	Rental and leasing of yachts	Recreational, Cultural and Sporting Services (other than audiovisual services) (Except gambling)			None	None	None		Unbound except as indicated in the horizontal commitments.

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Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
7211	Passenger transportation (less cabotage)	Maritime Transport Services	Shipping Act	The Shipping Act establishes the Maritime Authority to regulate shipping and seafarers. The Maritime Authority is responsible for administering the registration of ships. Persons qualifying for ownership of a Jamaican ship include Jamaican citizens; persons deemed to belong to Jamaica (pursuant to the Immigration Restriction (Commonwealth Citizens) Act), bodies corporate or partnerships established under and subject to the law of Jamaica and having a place of business or a managing owner or agent in Jamaica; or business entities established under and subject to the law of a State other than Jamaica which, pursuant to that law are entitled to own or operate ships.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	
7212	Freight Transportation (less cabotage)	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act	The Shipping Act as above. The Cargo Preference Act establishes a legal framework which facilitates cargo sharing arrangements. The Act proscribes the importation into or exportation from Jamaica of cargoes of bauxite, alumina and other natural resources of Jamaica and their by-products, agricultural products, and any prescribed government-controlled goods, except in ships owned, chartered or operated by the Government and approved for the purpose by the Minister. The Caribbean Maritime Institute Act establishes the Caribbean Maritime Institute as, inter alia, an advisory and consultancy agency in connection with shipping, and makes provision for training. The Harbours Act confers responsibility on the Maritime Authority (which has replaced the Marine Board – referred to therein - as the regulatory agency for harbours in the Island) for the granting of licences for boats and vessels to be used for carrying passengers or goods in harbours, including channels and approaches leading thereto. Exceptions are made for, inter alia, government vessels, private vessels not used for commercial purposes, fishing vessels, and vessels in possession of valid sea-going certificates. The Harbour Rules made pursuant to the Harbours Act concerns harbours not designated as ports under the Port Authority Act and addresses the licensing requirements of boats or vessels to be used for the carrying of passengers and goods. It further confers on the Harbour Master the right to designate the berth in which vessels may be moored.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS	

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
			Port Authority Act Pilotage Act Port Authority Act Wharfage Act	The Port Authority Act establishes the Port Authority to regulate the use of port facilities, maintain, improve and operate them, and, as appropriate, lease out such facilities on terms and conditions as may be approved by the Minister. The Pilotage Act confers certain powers on the Port Authority in relation to coastal pilotage as well as pilotage in all pilotage areas, harbours and the channels thereto. The Act imposes an obligation on every ship (with some exceptions) in a pilotage area to be under the pilotage of a pilot licensed for such area by the Authority. The Port Authority Act establishes the Port Authority to regulate the use of port facilities, maintain, improve and operate them, and, as appropriate, lease out such facilities on terms and conditions as may be approved by the Minister. The Wharfage Act regulates the landing, receiving and otherwise dealing with goods at public wharfs.					
7213	Rental of vessels with crew (less cabotage)	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act Port Authority Act Pilotage Act Port Authority Act Wharfage Act		None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS
8868	Maintenance and repair of vessels	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act Port Authority Act Pilotage Act Port Authority Act Wharfage Act		None	None	Joint venture required		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS
7214	Pushing and towing services	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act Port Authority Act Pilotage Act Port Authority Act Wharfage Act	As stated above	None	None	Unbound		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
74540	Vessel salvage & refloating services	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act Port Authority Act Pilotage Act Port Authority Act Wharfage Act	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS
	Home porting services, bunkering services, short sea shipping services, ship chandlery services	Maritime Transport Services	Shipping Act Cargo Preference Act Caribbean Maritime Institute Act Harbours Act Harbour Rules Harbour Fees Act Port Authority Act Pilotage Act Port Authority Act Wharfage Act	As stated above	None	None	Subject to economic needs test, excluding homeporting;		Unbound except as indicated in the horizontal commitments.
731	Passenger transportation	Air Transport Services	Airports Authority Act. Airports (Economic Regulation) Act Civil Aviation Act,	The Airports Authority Act establishes the Airports Authority of Jamaica to administer, control and manage the six (6) principal airports and aerodromes in Jamaica. The Act facilitates private sector participation in the administration, control and management of airports and the supply of services there. No restrictions are imposed on foreign participation. The Airports (Economic Regulation) Act is designed to stimulate investment in airports. The Act requires the Civil Aviation Authority (established under the Civil Aviation Act) to, inter alia, create an enabling environment for potential investors in airports and encourage investment in new facilities at airports. The Civil Aviation Act establishes the Jamaica Civil Aviation Authority to provide, inter alia, economic regulation and promote the development of air transport. The Civil Aviation Authority is subject to Ministerial direction, in particular with respect to the implementation of Jamaica's international obligations. The Act restricts the granting of air transport licences and permits for the provision of air services to Jamaican citizens or a body incorporated in Jamaica which is substantially controlled by Jamaican citizens, and contemplates the conclusion of air services agreements providing for the designation of foreign airlines.	None	None	None		Unbound except as indicated in the horizontal commitments.
7461	Airport operation services, excluding cargo handling	Air Transport Services	Airports Authority Act. Airports (Economic Regulation) Act Civil Aviation Act,	As stated above	None	None	None		Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS

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UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
7111	Passenger transportation	Rail Transport Services	Office of Utilities Regulation Act The Jamaica Railway Corporation Act (27 of 1988)	OUR as stated below. The Jamaica Railway Corporation Act establishes the Jamaica Railway Corporation to provide, inter alia, railway services to the public on a commercial basis, i.e. the services or facilities offered should be on an economic basis and in principle should not require government subsidies. The Act makes it unlawful for any person, without the consent of the Minister, to construct or operate a railway for the public carriage of passengers or goods within Jamaica.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
7112	Freight Transportation	Rail Transport Services	Office of Utilities Regulation Act The Jamaica Railway Corporation Act (27 of 1988)	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
7113	Pushing and towing services	Rail Transport Services	Office of Utilities Regulation Act The Jamaica Railway Corporation Act (27 of 1988)	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
8868	Maintenance and repair of rail transport equipment	Rail Transport Services	Office of Utilities Regulation Act The Jamaica Railway Corporation Act (27 of 1988)	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
743	Supporting services for rail transport services	Rail Transport Services	Office of Utilities Regulation Act The Jamaica Railway Corporation Act (27 of 1988)	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
7121+7122	Passenger transportation	Road Transportation Services	Office of Utilities Regulation Act Transport Authority Act Public Passenger Transport (Kingston Metropolitan Transport Region) Act Public Passenger Transport (Rural Area) Act	The Office of Utilities Regulation Act establishes the Office of Utilities Regulation (OUR) to, inter alia, regulate the provision of prescribed utility services by licences or specified organizations. The Act defines prescribed utility service as including the provision of public passenger transportation by road, rail or ferry, and proscribes the supply of such services without a licence issued by the Minister. The Transport Authority Act establishes the Transport Authority to regulate and monitor public passenger transport throughout the Island including serving as Licensing Authorities or specially constituted Licensing Authorities under the Road Traffic Act. The Public Passenger Transport (Kingston Metropolitan Transport Region) Act establishes the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control with the general duty of ensuring the provision of adequate and efficient public transport services to meet the needs of the Kingston Metropolitan Transport Region. The Act gives the Minister the power to grant an exclusive licence to provide public passenger transport services within and throughout the Kingston Metropolitan Transport Region by means of stage carriages (i.e. providing fares stage by stage) and/or express carriages (i.e. providing a fare for a journey). The Public Passenger Transport (Rural Area) Act , authorizes the Minister in his/her discretion to grant an exclusive licence for the provision of public passenger transport services by means of stage carriages and/or express carriages within covered rural areas.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	

Mode 1=Cross border;
 Mode 2=Consumption Abroad;
 Mode 3=Commercial Presence;
 Mode 4=Movement of Natural Persons

Mechanism for Transparency

UNCPC Code/Measure	Services Affected	Industry Affected	Specific Restrictions	Summary Description of Measure	Mode1	Mode2	Mode3	Mode4	Policies/Comments
7123	Freight Transportation	Road Transportation Services	Office of Utilities Regulation Act Road Traffic Act	OUR as stated above The Road Traffic Act establishes the Road Traffic Control Authority (referred to as the 'Island Traffic Authority') with responsibility for the general control of road traffic in the Island, which also serves as the Traffic Area Authority for the Corporate Area (Kingston and St Andrew). The Island Traffic Authority and any branch Traffic Area Authorities such as may be established regulate and control traffic on the roads, test applicants for drivers' licences and chauffeurs as regards the necessary certificates of competence, and enforce the provisions of the Act.	None	None	None	Unbound except as indicated in the horizontal commitments. Subject to economic needs test for CSS and IP	
7124	Rental of Commercial Vehicles with Operator	Road Transportation Services	Office of Utilities Regulation Act Road Traffic Act	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments.	
6112+8867	Maintenance and repair of road transport equipment	Road Transportation Services			None	None	None	Unbound except as indicated in the horizontal commitments.	
744	Supporting services for road transport services	Road Transportation Services	Office of Utilities Regulation Act Road Traffic Act	As stated above	None	None	None	Unbound except as indicated in the horizontal commitments.	
742	Storage and warehouse services	Services Auxiliary to all Modes of Transport	Office of Utilities Regulation Act		None	None	None	Unbound except as indicated in the horizontal commitments.	
748	Freight transport agency services	Services Auxiliary to all Modes of Transport	Office of Utilities Regulation Act		None	None	None	Unbound except as indicated in the horizontal commitments.	
	Container station & depot services		Office of Utilities Regulation Act		None	None	None	Unbound except as indicated in the horizontal commitments.	
	Maritime agency services		Office of Utilities Regulation Act		None	None	None	Unbound except as indicated in the horizontal commitments.	

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