



CARIBBEAN COURT OF JUSTICE

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CCJ RULES ON CONSTITUTIONAL DISPUTE BETWEEN GAS COMPANIES AND GOVERNMENT OF BELIZE

Port of Spain, Trinidad and Tobago. On Thursday, 20 November 2025, the Caribbean Court of Justice (CCJ) decided in BZ2024/003 *Controller of Supplies v Gas Tomza Ltd* that the legislation regulating the importation of liquified petroleum gas was constitutional and that the Government of Belize was under no obligation to pay compensation to gas companies whose businesses had been adversely affected by the legislation.

The case centred around the Government's National Liquified Petroleum Gas (NLPG) Project, which aimed to improve the quality, supply, safety, and affordability of Liquified Petroleum Gas (LPG) in Belize. As part of the project, the Government created the National Gas Company (NGC) and passed the National Liquified Petroleum Gas Project Act (the Original Act) which gave NGC exclusive rights to import LPG and granted tax exemptions and other benefits to NGC.

The Original Act was challenged by gas companies, which, for over 20 years, had been the only importers of LPG into Belize. They alleged that the Original Act significantly affected their business, resulting in the loss of a large portion of their customer base. The gas companies initiated a claim in the High Court of Belize, arguing that the Original Act violated their constitutional right to property, right to work, protection of freedom of association, and right to equality before the law. Before the adjudication of the claim was completed by the courts, the Original Act was amended, making the importation of LPG by other companies possible. The gas companies claimed that the law acquired their property without compensation, namely the goodwill of their respective businesses. The High Court found that their right to property was breached (that their goodwill was acquired) but dismissed the other claims. The Court of Appeal upheld the finding of a breach of the right to property but also found that there was a breach of the gas companies' right to work.

The majority in the CCJ found that, with the appropriate standard of review that should be given to socio-economic legislation, the gas companies did not prove that their businesses' goodwill was

taken by the Government. Although they had lost market share, expert evidence would have been required to prove that the loss suffered amounted to the taking of goodwill. Further, as the gas companies still had the opportunity to operate, and in fact continued to operate their businesses, there was no breach of the right to work. As it relates to the freedom of association and equality before the law, the CCJ held that there were no breaches of these rights.

The dissenting judgment found that the gas companies proved that their constitutional rights to property and to work were violated, and the State failed to, among other things, justify the interference caused by the law. The Original Act caused immediate loss of business and goodwill, and the importation of LPG was a significant aspect of the gas companies' enterprise in which they no longer had the opportunity to engage through the Original Act and even after the amendment.

Considering the public importance and complexity of the matter, and its finding that the gas companies acted reasonably, the Court ordered each party to bear their own legal costs.

The matter was determined by the CCJ President, the Honourable Mr Justice Anderson, and the Honourable Justices Rajnauth-Lee, Barrow, Jamadar, and Ononaiwu. Mr Edward Fitzgerald, KC, Ms Angeline Welsh, KC and Mr E. A. Marshall, SC represented the Controller of Supplies and the Minister of Economic Development, Petroleum, Investment, Trade and Commerce. Mr Eamon H. Courtenay, SC and Ms Iliana N. Swift represented the Attorney General. Mr Douglas Mendes, SC, Mr Godfrey P. Smith, SC, Mr Luke Hamel Smith and Mr Hector Guerra represented the gas companies, namely, Gas Tomza Ltd, Western Gas Company Ltd, Southern Choice Butane Ltd, Dbz Zeta Gas, and Belize Western Energy Ltd.

The CCJ's full decision is available via www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated

a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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