



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ REJECTS CLAIM BY NATIONAL AGAINST OWN STATE

Port of Spain, Trinidad and Tobago. The Caribbean Court of Justice (CCJ), in its Original Jurisdiction, has dismissed an application by Mr Mike Daniel Bhagwansingh seeking permission to commence proceedings, by an application for special leave, against his own State of Trinidad and Tobago. The Court delivered its written reasons on 26 February 2026, following its earlier oral decision on 7 October 2025 to dismiss the application after a contested hearing conducted via videoconference.

Mr Bhagwansingh had sought to challenge the requirement under Trinidad and Tobago's Financial Institutions Act (FIA) that individuals must obtain a licence from the Central Bank before conducting banking business. He argued that this licensing requirement amounted to a discriminatory restriction that breaches his right to provide financial services under the Revised Treaty of Chaguaramas (RTC).

In its judgment, the Court relied on the basic principle that under the RTC, Member States — and in limited circumstances, their nationals — may bring claims against another Member State. Therefore, it held that Mr Bhagwansingh had failed to satisfy the threshold for the grant of special leave. The Court determined that the proposed claim lacked any cross border (country and other country) element and reaffirmed that the RTC does not grant nationals a right to provide financial and any other services within their own Member State, as such activities remain governed exclusively by domestic law.

The Court dismissed the application for special leave and awarded costs to the State of Trinidad and Tobago.

The panel comprised the Honourable Mr Justice Anderson, CCJ President, Justices Rajnauth-Lee and Barrow. Mr Bhagwansingh appeared on his own behalf, while the State of Trinidad and Tobago

was represented by Mr Sanjiv Lalla, appearing with Mr Murvani Ojah Maharaj and Ms Claire Thomas-Medina, attorneys-at-law.

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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