

CHAPTER 611

THE WEST INDIES SHIPPING CORPORATION
ACT, 1961.

ARRANGEMENT OF SECTIONS

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SCHEDULE: Supplementary Provisions.

AN ACT to provide for the establishment of a corporation to operate and maintain shipping services for the transport of mails, passengers and goods, and for purposes connected therewith.

Date of Assent 29th April, 1961

Commencement

*except with respect to the Cayman Islands and
Turks and Caicos Islands* 19th June, 1961

*with respect to the Cayman Islands and Turks
and Caicos Islands* to be appointed.

S.I.
4/1961

Short title. 1. This Act may be cited as the West Indies Shipping Corporation Act, 1961.

Application to Cayman Islands and Turks and Caicos Islands. 2. (1) This Act shall apply to the Cayman Islands and the Turks and Caicos Islands.

R.R. X (2) This Act shall in relation to the Cayman Islands and the Turks and Caicos Islands come into operation on such day as the Governor-General may by Order appoint.

Interpretation. 3. In this Act unless the context otherwise requires—

“the Corporation” means the Corporation established by section 4 of this Act;

“the Council” . . .

“Crown” means ~~the~~ Crown in right of the Federation;

“financial year” means a period of twelve months commencing on the 1st day of January;

“Participating Government” . . .

“Minister” means the ~~Minister~~ to whom the Governor-General has for the time being assigned responsibility for this Act;

“~~the~~ Regional Council of Ministers” . . .

“Minister of Finance” means the Minister for the time being responsible for finance;

“remuneration” includes reasonable allowances in respect of expenses properly incurred in the performance of the duties of any office;

Establishment of Corporation. 4. (1) For the purposes of this Act there is hereby established a body to be called the West Indies Shipping Corporation.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal with power to hold and dispose of land and other property of whatever kind.

(3) The Corporation may sue and be sued in their corporate name and may for all purposes be described by that name and service upon the Corporation of any

*Dictum Commission
(Continuation of Act of 1961)
of Law. 1962
Amend. Act 19 of 1962
(Trade)*

Inserted 19/62 3A

notice, order, or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary of the Corporation at the office of the Corporation.

(4) It is hereby declared for the avoidance of doubt that the Corporation is not to be regarded as a servant or agent of the Crown, and no property of the Corporation whether acquired by or under this Act or otherwise is to be regarded as property of or held on behalf of the Crown.

*1 or 2 of the
Commissioners*

5. (1) The Corporation shall consist of a chairman, deputy chairman and five other members.

Constitution of Corporation.

(2) The members of the Corporation shall be appointed by the Minister, who shall also appoint the chairman and the deputy chairman from amongst the members.

*Commissioners
Council 19/62*

6. (1) The Corporation is authorised to establish, maintain and operate or arrange for the operation of shipping services for the transport of mails, passengers and goods by sea—

Functions, powers and duties.

Trinidad
(a) between ports in the Federation; and

(b) with the approval of the Minister—

Council 19/62

(i) between ports in the Federation and ports outside the Federation; and

(ii) between ports outside the Federation;

and it shall be the duty of the Corporation to perform those functions so as to secure that the services provided are developed to the best advantage and as fully and adequately as may be necessary to satisfy the need for such services.

(2) The Corporation shall have power, subject as hereinafter provided, to do anything which is calculated to facilitate the discharge of their functions conferred or imposed by or under this Act, or is incidental or conducive to the discharge of those functions.

*Commission
Council*

(3) The Corporation shall have power for the purpose of discharging their functions to appoint, with the approval of the Minister, an operational agent to manage their business on such terms and conditions as the Minister may approve.

Powers of
Minister.

7. In the exercise of their powers and the discharge of their functions, the Corporation shall conform with any general or special directions given to them by the Minister.

Corpora-
tion may
demand
fares, etc.

8. The Corporation may in respect of any shipping service provided by them demand such fares and charges as the Minister may approve.

Schedule of
routes and
frequencies
to be
approved
by
Minister.

9. The Corporation shall submit for the approval of the Minister a schedule of the route and frequency of any shipping service which the Corporation propose to provide on a regular basis. Any revision of such a schedule shall be subject to the approval of the Minister.

Appoint-
ment of
Secretary,
officers and
servants.

10. The Corporation shall appoint and employ a Secretary and may appoint and employ such other officers and servants as they deem necessary for the proper carrying out of the provisions of this Act.

Pensions.

11. (1) The Corporation may with the approval of the Minister provide for the establishment and maintenance of one or more pension schemes or provident fund schemes for the purpose of providing pensions and other similar benefits in respect of the service of employees of the Corporation including, in particular, benefits in case of injury or death of such employees.

(2) Any such scheme or schemes may for the purpose of providing funds from which benefits are to be paid, provide for the payment of contributions by the Corporation or by the employees, or both by the Corporation and the employees.

(3) Any such scheme or schemes may provide that any other public service may be taken into consideration as service with the Corporation for the purposes thereof.

Borrow-
ing powers.

12. (1) Subject to the provisions of this section, the Corporation may borrow sums required by them for meeting any of their obligations or discharging any of their functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the ~~Minister and the Minister of Finance~~ as to the amount, as to sources of the loan and as to the terms on which the loan may be effected. Any approval given for the purposes of this section may be either general or limited to a particular loan or otherwise, and may be either unconditional or subject to conditions.

~~Commissioner~~
~~Council~~

13. The House of Representatives may by resolution authorise the Minister of Finance to guarantee in such manner and on such conditions as may be specified in the resolution the payment of the principal or interest on any loan effected or to be effected by the Corporation under section 12 of this Act. ~~Repealed Act 1962~~

La Cote
Guarantee of loans.
R.R. 19/62 T.D.
D.C. (C + A) (6-2)
D.C. 1962.

14. (1) Whenever the ~~Minister of Finance~~ considers it expedient in order to enable the Corporation to discharge its functions under this Act he may, subject to such conditions as he shall determine, make loans to the Corporation of such amounts as are in his opinion required by the Corporation.

Government loans.
La Cote

Rep. 19/62

(2) The unpaid balance of the principal of any loans made to the Corporation under this section shall not at any time exceed the sum of one hundred thousand dollars.

La Cote

15. Any monies required by the ~~Minister of Finance~~ for the purpose of fulfilling any guarantee given under section 13 of this Act or of making any loan under section 14 are hereby charged on the Consolidated Fund and any monies received by way of repayment of any monies issued from the said Fund for such purposes shall be paid into the Consolidated Fund.

Monies required for purposes of section 13 and 14 charged on Consolidated Fund.

Rep 19/62 trans of the Commission

16. (1) The Corporation shall at such time before the beginning of each financial year as the ~~Minister~~ may direct, submit to the Minister—

Government grants.
~~Commissioner~~
Council

- (a) a programme of the shipping services which the Corporation propose to provide during that year and of the other activities in which the Corporation propose to engage during that year; and

(b) an estimate, for his approval, of the probable revenue and expenditure of the Corporation for that year.

(2) Every programme and estimate so submitted shall be in such form and shall contain such particulars, and every estimate so submitted shall be upon such basis, as the ~~Minister and the Minister of Finance~~ may direct.

(3) Estimates when approved by the ~~Minister~~ shall not be departed from without the consent of the ~~Minister and the Minister of Finance~~, and such consent may be given generally or with respect to particular items.

Comm. Council
R.R.
S.C. (C.A. of G.W.)
Order, 1962

(4) ~~If the Minister and the Minister of Finance are satisfied that the expenditure of the Corporation on revenue account for the financial year to which that estimate relates is likely to exceed the revenue of the Corporation for that year, they may determine whether any grant should be made by the Minister to the Corporation for that year and, if so, the amount of that grant; and the Minister shall, out of monies provided by the Federal Legislature for the purpose, make to the Corporation such grant, if any, as may be so determined.~~

Spent

(5) (a) For the purposes of this section, the period beginning with the date on which this Act comes into operation and ending on the 31st day of December next following is hereby deemed to be a financial year of the Corporation, and the programme and estimate required to be submitted to the ~~Minister~~ for such year shall be submitted as soon as possible after the date on which this Act comes into operation.

del. 19/62

(b) ~~The Minister may advance to the Corporation such monies as he thinks fit on account of any grant which he may subsequently become authorised to make to the Corporation for such period, and such monies are hereby charged on the (Consolidated Fund).~~

(6) In this section—

“expenditure” in relation to any estimate includes any sum thereby proposed to be set aside or allocated for any purpose, other than a sum which would fall to be charged to capital account;

“revenue” does not include any grant which may be made by the Minister under this section. *del. 17/62*

17. (1) The Minister of Finance may declare that the Corporation shall have a capital stock, with or without shares, to such amount as he may from time to time determine; and all such stock shall be vested in the Minister of Finance on behalf of the Crown. *Capital stock. Council 19/62*
and shall be held by that person in trust for the participating shareholders.

(2) The Corporation shall, if the Minister and the Minister of Finance so direct, pay dividends on such stock at such rates as the said Ministers shall from time to time determine.

18. (1) Monies standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister of Finance, and the Corporation may with the like approval sell and deal with any or all of such securities. *Investments.*

(2) Monies held by the Corporation which are uninvested may be lodged either in an account at call or on fixed deposit or partly on call or on fixed deposit with such bank or banks as the Minister of Finance may approve.

19. (1) The Corporation may set aside out of their revenue such sums as they think proper as reserves for depreciation of assets, insurance or other purposes: *Reserves. Council*

Provided that the power of the Minister to give directions to the Corporation shall extend to the giving to them, after consultation with the Minister of Finance, of directions as to any matter relating to the establishment or management of such reserves, the carrying of sums to the credit thereof or the application thereof.

(2) Nothing in this section shall authorise the Corporation without the approval of (the Minister of Finance) to make charges against revenue both for redemption of capital and for depreciation or renewal of capital assets which have been acquired directly or indirectly from funds derived from the issue of such capital.

20. (1) Any excess of the revenues of the Corporation for any financial year over the total sums properly chargeable by the Corporation to revenue account for that year, including *Application of revenues.*

Com. Council
in such sums any sums credited as reserves, shall be applied in such manner as (the Minister and the Minister of Finance) may direct.

received by the Corporation
(2) In this section the expression "revenue" includes any grants made by the Minister under section 16 of this Act.

Transfer of Crown ships.
21. (1) The Minister may by instrument under his hand transfer to the Corporation any ships belonging to the Crown.

Notwithstanding anything to the contrary in any law in force in the Federation, an instrument executed under this section shall be valid and effectual to vest the ships in the Corporation according to the tenor of the instrument.

Accounts and audit.
22. (1) The Corporation shall keep, and shall require the operating agent appointed under section 6 of this Act to keep, proper accounts and records of the Corporation's transactions, and the system of accounting in so far as it relates to—

- (a) the determination of the rates of depreciation; and
- (b) the establishment of procedures regulating reserves deficit or accumulated surpluses and the disposal of balances on net revenue account,

shall be subject to the approval of the (Minister and the Minister of Finance).

(2) The accounts shall be audited annually by an auditor appointed by the Corporation and approved by the (Minister).

(3) (a) The members, officers and servants of the Corporation shall grant to the auditor appointed under this section access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operations of the Corporation.

(b) Any operating agent appointed by the Corporation under section 6 of this Act, and the officers and servants of such agent, shall grant to the auditor appointed under this section access to all books, documents, cash and

securities of the agent insofar as they relate to the business of the Corporation, and shall give to the auditor all such information as may be within their knowledge in relation to the operation of the Corporation.

(4) As soon as the accounts have been finally audited the Secretary of the Corporation shall send a copy thereof to the Minister, together with any report thereon by the auditor.

(5 each member of the council

23. (1) The Corporation shall, as soon as possible after the end of each financial year and in any event not later than six months thereafter, submit to the Minister a report containing—

Annual report.

- (a) an account of their operations during that year; and
- (b) a balance sheet and a statement of the accounts of the Corporation prepared in respect of such year and audited in accordance with section 22 of this Act.

(2) The Minister shall cause a copy of the report together with a copy of the auditor's report to be laid before each chamber of the Federal Legislature.

24. (1) The income of the Corporation shall be exempt from income tax under any law for the time being in force in any Territory.

Exemption from income tax.

(2) For the purposes of this section income tax includes surtax or any other tax however described, which is imposed, charged or levied upon income.

25. The supplementary provisions contained in the Schedule to this Act shall have effect in relation to the Corporation.

Supplementary provisions.

SCHEDULE

Section 25

SUPPLEMENTARY PROVISIONS

Members of the Corporation.

1. (1) Not more than four of the members of the Corporation, may be ~~public officers of the Federation~~ and any member who is not a ^{such} public officer shall be appointed from among persons who in the opinion of the Minister have experience in trade, industry, finance or business administration.

(2) A member ~~(of the Federal Legislature or)~~ of the Legislature of a Territory shall not be appointed a member of the Corporation.

Tenure of office of members.

2. (1) A member of the Corporation shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years but shall be eligible for reappointment.

(2) A member of the Corporation, other than a member who is a public officer may resign his office by instrument in writing addressed to the Minister.

Tenure of office of chairman and deputy chairman.

3. (1) The chairman and deputy chairman of the Corporation shall, subject to the provisions of this Schedule, hold office as such in accordance with the instruments respectively appointing them.

(2) The chairman or deputy chairman if he is not a public officer may at any time resign his office as such by instrument in writing addressed to the Minister.

(3) If the chairman or deputy chairman ceases to be a member of the Corporation, he shall cease to be chairman or deputy chairman, as the case may be.

Deputy chairman to exercise functions of chairman.

4. In the case of the absence or inability to act of the chairman, the deputy chairman shall exercise the functions of the chairman.

Temporary appointments.

5. The Minister may appoint any person qualified to be appointed as a member to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such member.

Revocation of appointments.

6. The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of any member.

Publication of membership.

7. The names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the Gazette.

Protection of members.

8. No personal liability shall attach to any member of the Corporation in respect of anything done or suffered in good faith in the course of the operations of the Corporation, and any sums of money, damages or costs which may be recovered against any such member in

respect of any act or thing done bona fide for the purpose of carrying this Act into effect shall be paid out of the revenues of the Corporation.

9. The Corporation shall pay to each member thereof, in respect of his office as such, such remuneration, if any, as may be determined by the Minister, and shall pay to the chairman and deputy chairman thereof in respect of his office as such, such remuneration, if any, (in addition to any remuneration to which he may be entitled in respect of his office as a member) as may be so determined. Remuneration of members.

10. A member of the Corporation who is in any way, whether directly or indirectly, interested in a contract made or proposed to be made by the Corporation shall disclose his interest at the first meeting of the Corporation at which it is practicable for him to do so, and shall not take part in any deliberation or decision of the Corporation with respect to that contract. Disclosure of interest.

11. (1) The Corporation shall meet at such times as in the opinion of the chairman or at least three other members are necessary for the efficient conduct of their affairs. Procedure and meeting

(2) The chairman, or in the case of the absence or inability to act of the chairman, the deputy chairman, shall preside at all meetings of the Corporation, and when so presiding shall have an original as well as a casting vote.

(3) At any meeting of the Corporation, the chairman or deputy chairman and three other members shall form a quorum.

(4) Subject to the provisions of this paragraph the Corporation shall regulate their own procedure.

(5) The validity of any proceeding of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

12. (1) The seal of the Corporation shall be authenticated by the chairman or deputy chairman and the Secretary of the Corporation, and such seal shall be officially and judiciously noticed. Authentication of seal and instruments.

(2) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed by or on behalf of the Corporation by any person generally or specifically authorised by them for the purpose.