

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 31 of 1999

[L.S.]

**AN ACT to amend the National Trust of Trinidad and
Tobago Act, 1991**

[Assented to 30th December, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the National Trust of Short title
Trinidad and Tobago (Amendment) Act, 1999.

Interpretation

No. 11 of 1991

2. In this Act, “the Act” means the National Trust of Trinidad and Tobago Act, 1991.

Section 8 amended

3. Section 8 of the Act is amended as follows:

(a) in subsection (1)—

(i) by deleting the word “29” and substituting the word “30”;

(ii) in paragraph (b), by deleting the word “list” and substituting the word “lists”;

(b) in subsection (3), by inserting after the words “all such lists”, the words “and shall make that register”;

(c) by repealing subsection (5) and substituting the following subsection:

“ (5) The Trust shall also cause notices in accordance with subsection (6) to be served either—

(a) personally or by post, addressed to the last known place of abode, if within a postal district, on every person who is known to be the owner or to be in possession of any specific property which is the subject of a listing under subsection (1)(a); or

(b) by posting such notice conspicuously on the said land and by publishing the same in at least three issues of a daily newspaper circulating in Trinidad and Tobago, where nobody is in possession and the owner is not known.”.

4. Section 9 of the Act is repealed and the following section substituted:

Section 9
repealed and
substituted

"Appeal
against
listing

9. (1) A person aggrieved by the listing of any property may within three months of the date of listing, appeal to the Minister in writing against the listing setting out the grounds of his appeal.

(2) In furtherance of an appeal made to the Minister under subsection (1), the Minister—

- (a) shall consider the appeal within six weeks of the date of its submission to him in writing; and
- (b) may dismiss the appeal giving his reasons in writing; or
- (c) may direct the Trust to revoke the listing, and the Trust shall comply with any direction given to it by the Minister under this subsection.

(3) Where the Minister dismisses an appeal made to him under subsection (1), the person aggrieved by the listing may, by originating summons served on the Trust and the Minister, appeal to a Judge in Chambers who may—

- (a) pending a decision in the matter, make such interim order as he sees fit, to preserve the respective interest of the appellant, the Trust and the Minister in the matter; or
- (b) dismiss the appeal or order that the listing be revoked or amended.

(4) The Judge's Order amending or revoking a listing shall be deemed to be a

list for the purposes of section 8, except that no notice shall be required to be served under the provisions of section 8(5) on the parties to the appeal.”.

Section 10 amended

5. Section 10 of the Act is amended by repealing subsection (2) and substituting the following subsection:

“ (2) The Trust shall not consent to become guardian of any monument that is occupied as a dwelling-house unless—

(a) arrangements satisfactory to the Trust are made for the continuing occupation of the property as a residence by the owner; or

(b) the owner agrees in writing to give the Trust vacant possession of the property.”.

Section 12 amended

6. Section 12 is amended—

(a) in subsection (2)—

(i) by deleting the word “four” and substituting the word “six”; and

(ii) by deleting the word “nine” and substituting the word “eleven”;

(b) by repealing subsection (4) and substituting the following subsections:

“ (4) The Minister shall appoint the appointed members of the Council, three of whom shall be members of associations, agencies or institutions which have among their stated objects, objects which are similar to the purposes of the Trust as specified in section 5.

(4A) Of the three appointed members mentioned in subsection (4), one

member nominated by the Tobago House of Assembly shall represent the interest of Tobago.”;

(c) in subsection (6)—

- (i) by deleting the words “a Chairman” and substituting the words “a Chairman who shall be appointed by the Minister”; and
- (ii) by deleting the words “first Chairman” occurring in line four;

(d) in subsection (7), by deleting the word “five” and substituting the word “six”;

(e) by inserting a new subsection (7A) as follows:

“ (7A) Subject to subsection (7), decisions of the Council shall be taken by a two-thirds majority vote.”.

7. The Act is amended by inserting immediately after Section 12A inserted section 12, the following section:

“Resignation
and removal
of Council
members

12A. (1) A member of the Council, other than the Chairman, may resign his office by instrument in writing addressed to the Minister through the Chairman who shall cause it to be forwarded to the Minister.

(2) The Chairman may resign his office by instrument in writing addressed to the Minister.

(3) Where a member of the Council—

- (a) is absent without leave of the Council from more than three meetings of the Council;
- (b) has been declared bankrupt;

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge his functions as a member of the Council,

he shall vacate his office.”.

Section 13(1)
amended

8. Section 13(1) of the Act is repealed and the following subsection substituted:

“Committee
and
delegations

13. (1) Subject to this Act, the Council may appoint such Standing Advisory Committees and sub-committees as it considers necessary and may delegate to any member of the Trust or to any sub-committee the power and authority to carry out on its behalf such of its functions as it may determine.”.

New section 15A
inserted

9. The Act is amended by inserting immediately after section 15, the following sections:

“Personal
liability of
Council
members

15A. (1) No personal liability shall be attached to any member of the Council for—

(a) any act or omission of the Council;
or

(b) anything done or permitted in good faith in the course of the operations of the Trust under this Act.

(2) Any sums or money, damages or costs which may be recovered against the Trust or any member of the Council for anything done, omitted or permitted as aforesaid, shall be paid out of the funds of the Trust.

Arrangements
with other
entities

15B. (1) The Trust shall initiate consultations with other government and non-government entities performing various functions pertaining to the preservation of any property of interest or to the protection and management of the environment with the objective of formulating memoranda of understanding or other arrangements between the Trust and such other entities, which shall establish the mechanisms for co-ordination across jurisdictional lines and provide for the implementation of integrated programmes for the preservation of monuments or the protection and management of the environment.

(2) Memoranda of understanding or other arrangements developed under subsection (1) and any other such arrangements developed thereafter may be amended from time to time, in order to further the objects of this Act.”.

10. The Act is amended in section 18, by repealing subsection (5) and substituting the following subsection: Section 18 amended

“ (5) The Trust is exempt from all customs duties, stamp duties and value added tax on the following items:

- (a) goods imported for its official use;
- (b) works of art originating in Trinidad and Tobago.”.

11. The Second Schedule is amended in regulation 4, Second Schedule amended by deleting the words “3 and 4” and substituting the words “2 and 3”.

Passed in the Senate this 2nd day of November, 1999.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 3rd day
of December, 1999.

D. DOLLY

Acting Clerk of the House