

Third Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 22 of 1998

[L.S.]

AN ACT to amend the Consumer Protection and
Safety Act, 1985

[Assented to 24th September, 1998]

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

1. This Act may be cited as the Consumer Protection Short title
and Safety (Amendment) Act, 1998.

Interpretation

2. In this Act, the expression "the Act" means the Consumer Protection and Safety Act, 1985.

Section 5 of the
Act deleted and
substituted

3. The Act is amended by deleting section 5, and substituting the following:

"Consumer
Guidance
Council

5. (1) There shall be established a Council to be called a "Consumer Guidance Council" constituted in accordance with this section.

(2) The membership of the Consumer Guidance Council shall comprise five representatives of Government Ministries and six representatives of Consumer Organisations, Non-Governmental Organisations and the general public.

(3) The five representatives of Government Ministries on the Council shall be drawn from each of the following:

The Ministry of Agriculture, Land and Marine Resources

The Ministry of Health

The Ministry of Trade and Industry

The Ministry of Consumer Affairs

The Ministry of Information, Communications, Training and Distance Learning.

(4) The President shall appoint the members of the Council by instrument in writing in the following manner:

(a) the five representatives of the Minister, after consultation with the relevant Ministries;

(b) the representatives of Consumer Organisations and

Non-Governmental Organisations, after consultation with these Organisations; and

- (c) representatives of the general public, in his discretion.

(5) Appointments shall be made for a fixed period of time not exceeding three years, on such terms and conditions as the Minister may think fit.

(6) The President shall also appoint one member to be the Chairman and another member to be the Deputy Chairman of the Council.

(7) The Ministry with responsibility for Consumer Affairs shall be responsible for the Secretariat to the Council.”

4. Section 7 of the Act is amended by—

Section 7 of the
Act amended

- (a) deleting subsection (1) and substituting the following:

“ (1) A quorum shall consist of five members of which at least two shall be representatives from the Ministries and two from the other bodies”.

5. The Act is amended by inserting immediately after section 7 the following new section:

Section 7A inserted

“Functions
and powers
of the
Council

7A. (1) The following are the functions of the Council:

- (a) to monitor the implementation of the Consumer Policy; and
(b) to advise the Cabinet on matters relating to the implementation of the policy.

(2) For the purpose of performing the functions described at subsection (1), the Council shall have the power to request information on any aspect of the Consumer Policy.”

Heading deleted
and substituted

6. The heading occurring immediately under the words "Part II" is deleted and the following heading is substituted: "Protection of the Consumer".

Section 9 repealed

7. Section 9 of the Act is repealed and the following section is substituted as follows:

"Director to
determine
economic
interests

9. Subject to this Act, the Director shall determine whether any consumer trade practice adversely affects the economic interests of consumers in Trinidad and Tobago."

Section 10 repealed

8. Section 10 of the Act is repealed.

Section 11 repealed

9. Section 11 of the Act is repealed.

Section 12 amended

10. Section 12 is amended—

- (a) by deleting subsections (1), (3) and (4);
- (b) by renumbering subsection (2) as subsection (1);
- (c) by substituting the following for the last six lines of subsection (1) as renumbered:

"the Director may recommend to the Minister that he should exercise his power under this Part with respect to that consumer trade practice"; and
- (d) by renumbering subsection (5) to read subsection (2).

Section 13 revoked

11. Section 13 of the Act is repealed.

Section 14 amended

12. Section 14 of the Act is amended—

- (a) by substituting the following for the first four lines of subsection (1):

"Where the Director exercises his functions under section 12, he shall have regard—";
- (b) by deleting the words "specified in the reference", occurring in subsection (1)(a);
- (c) by deleting the words "specified in the proposals", occurring in line nineteen of subsection (1);

- (d) by deleting from subsection (3) the words—
- (i) “any such proposals” occurring in line three;
 - (ii) “specified in the reference in which the proposals are made” occurring in lines three to four; and
 - (iii) “specified in the proposals” occurring in line eight.

13. Section 15 of the Act is amended—

Section 15 amended

- (a) by substituting the following for the first three lines of subsection (1):
- “After making a decision to which section 12 applies, the Director shall send a report to the Minister stating—”;
- (b) by deleting subsections (2) and (3).

14. Section 16 of the Act is amended—

Section 16 amended

- (a) by deleting subsections (1) and (2) and substituting the following:
- “ (1) The Minister may consider any recommendations for the making of an Order put forward by the Director under this Part, and may, if he thinks fit make such provision in the Order for giving effect to the recommendations set out in the report.”; and
- (b) by renumbering subsections (3) and (4), to read (2) and (3) respectively.

15. Section 44 of the Act is amended—

Section 44 amended

- (a) by inserting the words “including the identification of recalcitrant traders by name” at the end of subsection (1);
- (b) by deleting subsection (2); and

“(c) (i) by inserting immediately after the words
‘In this section’ the following:

(a) ‘recalcitrant trader’ means a person
who in the course of his business has
engaged in conduct which is detrimental
to the interests of consumers; and

(ii) by relettering the words ‘relevant
association’ and its definition as
paragraph (b).”

First Schedule
deleted

16. The Act is amended by deleting the First
Schedule.

Passed in the Senate this 9th day of June, 1998.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 30th day
of July, 1998.

J. SAMPSON

Clerk of the House

House of Representatives amendments agreed to by
the Senate this 27th day of August, 1998.

N. COX

Clerk of the Senate