
2nd Session Second Parliament Trinidad and Tobago
16 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 39 of 1967

[L.S.]

AN ACT to provide for the establishment and development
of a tyre manufacturing industry in Trinidad and
Tobago and for purposes connected therewith.

[Assented to 20th December, 1967]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment.
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and by
the authority of the same, as follows :—

1. This Act may be cited as the Tyre Manufacturing Short title.
Industry Development Act, 1967.

Interpretation.

First
Schedule.Second
Schedule.

Ch. 33. No. 3.

Application
for plants
manufacturing
approved pro-
ducts to be
brought under
the Act.

2. (1) In this Act—

“approved articles” means the articles specified in the First Schedule;

“approved products” means the products specified in the Second Schedule;

“approved manufacturer” means a manufacturer in whose favour a manufacturing order has been made under this Act;

“effective date”, in reference to a manufacturing order, means the date fixed in the order with respect to any plant therein mentioned;

“manufacturer” includes any person providing plant and materials for the manufacture of approved products;

“Manufacturing order” means a Tyre Manufacturing Order made pursuant to this Act;

“Minister” means the Minister responsible for Industry;

“plant” means a factory as defined in the Aid to Pioneer Industries Ordinance;

“tax holiday period” means the period during which income is exempt from income tax.

(2) The Governor-General may by notice published in the *Gazette* amend the First or the Second Schedule by adding thereto or removing therefrom any article or product, as the case may require.

3. (1) A manufacturer who undertakes to erect in Trinidad and Tobago a plant or plants for manufacturing approved products may apply in writing to the Governor-General to have any such plant or plants described in the application brought under the operation of this Act.

(2) An application made under subsection (1) shall specify—

(a) the locality in which it is proposed to erect the plant in respect of which the application is made;

(b) the date on or before which it is intended to begin the construction of the plant;

- ✓ (c) the date on or before which it is anticipated that the plant will commence to manufacture approved products in marketable quantities;
- (d) the anticipated output of approved products;
- (e) the number of persons proposed to be employed; and
- (f) the sources of funds for investment and the extent of the investment in fixed and other capital involved in the construction, equipment and operation of the plant or plants. ✓

✓ 4. (1) The Governor-General upon receipt of an application under section 3 may, if he deems it expedient to do so in the public interest and for the furtherance of the economic development of Trinidad and Tobago, make a Tyre Manufacturing Order applying the provisions of this Act to the applicant manufacturer in respect of any plant or plants described in the application.

Power of
Minister to
make Tyre
Manufacturing
Order.

(2) The Governor-General may in any manufacturing order impose conditions, not being inconsistent with this Act, to be observed by an approved manufacturer; and upon failure to observe any such condition the manufacturing order may be revoked by the Governor-General.

(3) A manufacturing order shall fix therein a date or dates which shall be the effective date or dates with respect to any plant or plants described in the order.

(4) An approved manufacturer is entitled in respect of each plant specified in the manufacturing order that relates to him to receive the benefits of the concessions provided by this Act.

5. Notwithstanding anything in the Aid to Pioneer Industries Ordinance—

- (a) the manufacture of the approved products shall be deemed to be a pioneer industry; and
- (b) the approved products shall be deemed to be pioneer products,

Manufacturer
of approved
products
deemed to
be a pioneer
industry and
approved
products to
be products
for the purposes
of the Aid
to Pioneer
Industries
Ordinance.

within the meaning and for the purpose of the Aid to Pioneer Industries Ordinance as though section 3 of that Ordinance had been complied with. ✓

Effect of
Order under
section 4.

Ch. 33. No. 3.

6. (1) Subject to subsection (2), where a manufacturing order is made under this Act, the approved manufacturer to whom the order relates shall, from the effective date thereof, be deemed to be a pioneer manufacturer within the meaning and for the purposes of the Aid to Pioneer Industries Ordinance in relation to the plant or plants specified in the manufacturing order for the manufacture of approved products as though application had been made for that purpose under section 4 of that Ordinance and the other provisions of that section had been complied with.

(2) In its application to an approved manufacturer, the Aid to Pioneer Industries Ordinance is subject to the following modifications namely—

- (a) the construction date in relation to each plant specified in a manufacturing order may be any day not later than one year after the effective date thereof;
- (b) the production day in relation to each plant specified in a manufacturing order may be any day not later than one year after construction day;
- (c) the period during which relief from the payment of customs duties on articles imported into Trinidad and Tobago and during which refund of customs duties imposed on articles purchased in Trinidad and Tobago will be granted shall commence on the effective date of the manufacturing order and continue for ten years after the production day specified in such order, and shall be in respect of each plant specified in a manufacturing order;
- (d) the tax holiday period shall be ten years instead of the five years prescribed in subsection (1) of section 8 of the Aid to Pioneer Industries Ordinance and shall be in respect of each plant specified in a manufacturing order.

(3) For the purposes of the Aid to Pioneer Industries Ordinance, a reference to an order made under section 4 of that Ordinance shall be deemed to include a manufacturing order made under this Act.

(4) Notwithstanding the exemption from income tax conferred by an order made under section 8 of the Aid to Pioneer Industries Ordinance, an approved manufacturer shall make a return of the income so exempt from tax at the same time and in the same manner as he would be required to do if the income were not exempt from tax.

7. (1) Notwithstanding any other law but subject to subsection (2), where a manufacturing order is made under this Act, the approved manufacturer to whom the order relates, or a contractor employed by him for the construction of any plant or facilities specified in the order, or any other persons importing materials for use in the construction of any plant or facilities specified in the order, may, during a period beginning on the effective date of the order and ending ten years after the production day specified in such order, import or enter into Trinidad and Tobago all approved articles free of customs duties and shall be entitled to the privilege of a drawback of customs duties and excise duties on all approved articles purchased in Trinidad and Tobago, and may claim for himself or such other parties a refund of customs and excise duties thereon in respect of any approved articles as he may satisfy the Comptroller of Customs and Excise are necessary and required for use in the construction, alteration, extension, equipment, operation and administration of any plant specified in the manufacturing order.

Concessions
to which an
approved
manufacturer
entitled.

(2) If at any time during which a Tyre Manufacturing Order subsists the Minister is satisfied that any approved article is being manufactured or produced in Trinidad and Tobago up to a standard normally acceptable to tyre manufacturers and is available at a reasonable price to the approved manufacturer, the Minister may by notice under his hand direct that notwithstanding the provisions of subsection (1) which relate to exemptions from customs duties that the sanction of the Minister shall be first obtained before any such approved article is exempted from payment of customs duty.

8. Where the approved manufacturer named in the order satisfies the Comptroller of Customs and Excise—

(a) that any approved articles have been purchased in Trinidad and Tobago for the construction, alteration, extension, equipment, operation, maintenance and administration of any plant

Repayment
of customs and
excise duty
of approved
articles pur-
chased in
Trinidad and
Tobago.

✓ specified in the manufacturing order and that either—

- (i) customs duties were paid upon the importation thereof into Trinidad and Tobago, or
 - (ii) excise duty was paid upon the manufacture thereof in Trinidad and Tobago, or
- (b) of the amount of the customs duties or excise duty so paid, the approved manufacturer named in the order or such contractor or other persons, as the case may be, shall be entitled to be paid the amount of the customs or excise duty so paid.

Assessment
of refund of
customs and
excise duty by
Comptroller.

9. (1) Where the approved manufacturer named in the order satisfies the Comptroller that any approved articles have been purchased by a contractor or other persons in Trinidad and Tobago for the construction, alteration, extension, equipment, operation, maintenance or administration of any plants specified in the manufacturing order, and—

- (a) that customs duties were paid upon the importation thereof into Trinidad and Tobago or that excise duty was paid upon the manufacture thereof in Trinidad and Tobago; and
- (b) that he is unable to ascertain the amount of the customs duties or excise duty so paid,

such contractor or other persons, as the case may be, shall be entitled, subject to subsection (2) to be paid such sum as the Comptroller may think fit.

(2) No payment under this section shall—

- (a) in the case of approved articles that are rated goods within the meaning of any law for the time being in force in relation to customs or excise duties, exceed the lowest preferential rate that has been in force for that description of goods at any time during the two years next preceding the date of purchase by each operator; or
- (b) in the case of any approved articles liable under any law for the time being in force in relation to customs duties or excise duties, exceed an

amount equal to an *ad valorem* duty of nine per cent. of the purchase price thereof if the lowest preferential *ad valorem* rate has been in force for that description of goods for a period of two years before the date of supply was fifteen per cent. or an amount equal to a *pro rate* sum when other *ad valorem* rates have been in force during such periods.

10. (1) In this section "right of user" means a right to the user of land for any purpose, other than the abstraction of water, in connection with the undertaking of an approved manufacturer, and includes the right of access to and of opening up of such land from time to time for the execution of the works necessary for that purpose, and for the inspection renewal, repair, replacement or removal of such works. Compulsory acquisition of right of user.

(2) Subject to this section, an approved manufacturer may under the provisions of this section acquire a right of user compulsorily.

(3) Every approved manufacturer who desires to acquire any right of user compulsorily under the provisions of this section shall—

(a) make a written application for the purpose to the Governor-General, giving a detailed description of—

- (i) the right of user desired,
- (ii) the location of the land to be affected thereby, and
- (iii) the works proposed to be executed on such land, and stating the period for which the right of user is sought, if it is sought for a fixed period, and, as far as can be ascertained, the names and addresses of the persons who may be injuriously affected by the acquisition of such right of user;

(b) furnish the Governor-General with a survey plan of the land, hereinafter referred to as "the plan", and with such information as he may require to enable him to adjudicate upon the application.

(4) If the Governor-General is satisfied that the right of the user sought by an approved manufacturer cannot reasonably be acquired by the manufacturer by private treaty and that the right should be acquired by that manufacturer, the Governor-General shall—

- (a) by publication once in the *Gazette* and not less than twice in a local daily newspaper circulating in Trinidad and Tobago, give notice of the application for the right of user, setting forth in the notice the description thereof and the period, if any, for which the right of user is sought, and specifying the time, which shall not be less than fourteen days from the date of the last of the required publications, and the manner in which objections may be made, and
- (b) not later than the date of the last of the publications required under paragraph (a), cause like notices to be served upon the interested parties named in the written application of the approved manufacturer at convenient places on or near the land to be affected by the desired right of user.

(5) Any person claiming that the grant of the right of user will cause him loss, damage or injury, may, within the time specified in the notice mentioned in subsection (4), apply to a Judge for a declaration that the right of user ought not to be granted; and an appeal may be made by either party to the Court of Appeal against the decision of such Judge and the decision of the Court of Appeal is final.

(6) At the expiration of the period allowed for objections—

- (a) if no application for a declaration has been made during that period, the Secretary to the Cabinet shall issue to the Registrar General a certificate, in Form A in the Second Schedule, setting out the description of the right of user sought and with the plan annexed thereto;
- (b) if any application for a declaration has been made during that period but no objection has been upheld, the Secretary to the Cabinet shall forward a copy of the description and a plan

to the Registrar of the Supreme Court of Judicature who shall issue to the Registrar General a certificate, in Form B in the Second Schedule hereto, setting out the description of the right of user sought with the plan annexed thereto; but no such certificate shall be issued until the filing of an appeal against the decision of a Judge, and where such an appeal has been filed no such certificate shall be issued unless the appeal has been dismissed;

Form B.
Second
Schedule.

- (c) if any application for a declaration has been made during that period and an objection has been upheld, the Registrar of the Supreme Court of Judicature shall notify the Minister accordingly.

(7) The Registrar General shall countersign every certificate issued to him in accordance with subsection (6) and register such certificate and index it in such manner as he may deem convenient; and any person may inspect and search any such register and index on payment of the sum of sixty cents.

(8) Upon the registration of a certificate in accordance with subsection (7), the right of user described in the certificate shall be deemed to have been duly granted to the approved manufacturer named therein for the period, if any, specified in the certificate and is binding as against all persons.

(9) Where any land to which a certificate relates is held under the Real Property Ordinance, the Registrar General shall, on the certificate being lodged with him, endorse a reference to the certificate on the appropriate Crown Grant or certificate of title.

Ch. 27. No. 11

(10) Compensation in respect of any loss, damage or injury that, at the time the right of user is acquired under this section, may be expected to be caused by the acquisition of such right, shall be paid in accordance with the provisions of subsection (11), and in the determination of the compensation payable thereunder the period, if any, of the right of user in any agreement that may have been made, or undertaking that may have been given, by the approved manufacturer as to the future restoration in whole or in part of the land to which the right of user relates shall be taken into account.

(11) Whenever compensation is payable under this section, the following provisions have effect, that is to say:—

Ch. 7. No. 1.

- (a) the amount of the compensation payable shall be determined in default of agreement or arbitration by a Judge on the application of the approved manufacturer or any claimant;
- (b) the proceedings before such Judge shall in no case be deemed an arbitration within the meaning of the Arbitration Ordinance;
- (c) the Judge awarding the compensation may include in the award, interest on the amount for all or any part of the period from the date of the acquisition to the date of the award, and at such rate, not exceeding six per cent. a year, as he may deem just in all the circumstances of the case;
- (d) any compensation awarded shall bear interest at the rate of six per cent. a year from the date of the award.

(12) A right of appeal lies to the Court of Appeal against any decision of a Judge on any claim for compensation under subsection (10).

Act No. 12—
1962.

(13) (a) Rules of court may be made in like manner as rules may be made under and for the purposes of the Supreme Court of Judicature Act, 1962, for determining the practice and procedure to be followed in relation to applications to the High Court of Justice under the provisions of this Act, as to the cost and fees thereon, as to the payment of compensation into court in appropriate cases and the investment and disposal of moneys in court, and as to any ancillary or consequential matters.

(b) Where no rules are made under paragraph (a), the rules and practice of the Supreme Court of Judicature shall apply

Application
for licence
to acquire
water rights.

Act No. 16—
1965.

11. (1) Where the approved manufacturer intends to acquire water rights for the purposes of the industry, the approved manufacturer shall apply to the Authority for the grant of a licence under section 44 of the Water and Sewerage Act, 1965, authorising him to acquire such water rights in accordance with Part III of the said Act.

(2) A licence granted by the Authority under section 44 of the Water and Sewerage Act, 1965 may contain, in addition to such of the provisions of the Third and Fourth Schedules to the said Act as the Authority may incorporate in such licence, conditions that the Authority may determine are necessary to ensure—

- (a) the prevention of pollution of water of the Authority;
- (b) the disposal of industrial waste;
- (c) the payment of water rates.

(3) In this section, "the Authority" means the Water and Sewerage Authority established by section 3 of the Water and Sewerage Act, 1965.

12. A person who assaults, obstructs, molests or hinders an approved manufacturer or his servant or agent in the exercise of any right of user vested in such manufacturer under and by virtue of subsection (2) of section 10 is liable on summary conviction to a fine of two hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

Protection of
right of user.

13. A manufacturing order may be revoked if, at any time during which it is in force, the approved manufacturer to whom the order relates ceases for any reason other than an act of God or the Queen's enemies, fire or explosion resulting from any cause whatever, natural calamities, strikes or lockouts, the provisions of any legislative enactment having statutory effect either in Trinidad and Tobago or elsewhere, accidental, negligent or malicious damage, shortages of fuel or materials or any other cause, whether similar to the foregoing or not, beyond the control of the approved manufacturer, to manufacture approved products in Trinidad and Tobago for a period of upwards of six months and thereafter, upon being required in writing so to do by the Minister, fails to recommence the manufacture of approved products within a period of three months after the receipt by him of such notice.

Revocation of
manufacturing
order.

FIRST SCHEDULE

(Section 2)

APPROVED ARTICLES

The following are approved articles for the purposes of this Act:

- (a) building and other materials for the construction of plant and any extensions made thereto;
- (b) machinery and other equipment and accessories required from time to time for the manufacture of approved products;
- (c) raw and other materials whether in a natural or synthetic state or in a manufactured or semi-manufactured state required for the manufacture and preparation for sale of approved products.

SECOND SCHEDULE

(Section 2)

Motor-vehicle tyres

Tubes and flags

Camelback

Tyre repair materials

Adhesive and solutions based on natural or synthetic rubber.

THIRD SCHEDULE

(Section 10 (6) (a))

FORM A

Certificate of Compulsory Acquisition of a Right of User

I hereby certify that in accordance with the provisions of section 10 of the Tyre Manufacturing Industry Development Act, 1967,.....

.....
has duly acquired the right of user of land hereinafter described, and that no objection to the grant of the said right has been taken.

Description of Right

Dated this day of , 19 .

Secretary to the Cabinet

Lodged with me this day of , 19 .

Registrar General

FORM B

(Section 10 (6))

Certificate of Compulsory Acquisition of a Right of User

I hereby certify that in accordance with the provisions of section 10 of the Tyre Manufacturing Industry Development Act, 1967,.....

.....
has duly acquired the right of user of land hereinafter described, and that no objection to the grant of the said right has been upheld by the Supreme Court.

Description of Right

Dated this day of , 19 .

Secretary to the Cabinet

Lodged with me this day of , 19 .

Registrar General

Passed in the House of Representatives this 8th day of December, 1967.

J. E. CARTER

Clerk of the House of Representatives (Acting)

Passed in the Senate this 5th day of December, 1967.

A. A. DARLINGTON

Clerk of the House (Acting).