
Fourth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 46 of 1979

[L.S.]

AN ACT to amend miscellaneous enactments for the
purposes of a revision of the laws of Trinidad and
Tobago.

[Assented to 24th December, 1979]

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

1. This Act may be cited as the Law Revision (Mis- Short title
cellaneous Amendments) (No. 2) Act, 1979, and shall
come into operation on such date or dates as the
President may appoint by Proclamation.

AMENDMENTS AND REPEALS

Amendments
First Schedule

2. (1)(a) The laws specified in the first column of the First Schedule are hereby amended in the manner specified in the second column of that Schedule.

Second Schedule

(b) The laws specified in the first column of the Second Schedule (which relate mainly to fees and other monetary sums) are hereby amended in the manner specified in the second column of that Schedule.

(2) The provisions of the statutory instruments amended in the First and Second Schedules notwithstanding such amendment by Act of Parliament, may be hereafter amended or revoked in the same manner and by the same authority as immediately before such amendment.

FIRST SCHEDULE

*Law to be
amended**Amendments to be made*

Travelling
Allowances
Ordinance,
Ch. 9. No. 12
Section 4(1)

Substitute the following for the proviso:

"but this allowance shall not be paid in respect of any period during which such means of transport is not available for travelling in and for the performance of such duties."

Farmers
Advances
Ordinance,
Ch. 23. No. 10
Section 6
Crown
Lands
Ordinance,
Ch. 27. No. 5
Section 17
Ordinance

Delete the words "or a contract or metairie contract within the meaning of the Tobago Metairie Ordinance" and substitute a full stop for the comma after the words "Agricultural Contracts Ordinance."

Delete

Land
Ordinance,
Acquisition
Ch. 27. No. 10
Section 36(1)

Substitute the following:

"If any party to the proceedings is dissatisfied with any award made under this Ordinance by a Petty Civil Court or the High Court he may appeal therefrom on any point of law, or on any principle of assessment, or on any question of title to the Court of Appeal."

*Law to be
amended**Amendments to be made*

Shop (Hours
of Opening
and
Employment)
Ordinance,
Ch. 31. No. 14
Schedule
Clause 10

Delete the words "or at the rate of not less than 30c. per hour, whichever is the greater" occurring in lines 16 and 17 and insert a full stop after the word "week" in line 16.

Stamp Duty
Ordinance,
Ch. 33. No. 4
Section 92(1)

For the words "two hundred and forty dollars", wherever these words appear, substitute the words "two thousand five hundred dollars".

Estate and
Succession
Duty
Ordinance,
Ch. 33. No. 5
Section 14(2)

Substitute the words "any Commonwealth territory" for the words "the Government of India or Pakistan or any Commonwealth country or Protectorate" occurring in lines 4 and 5, and the word "territory" for the word "Government" occurring in line 6.

Post Office
Savings Bank
Ordinance,
Ch. 35. No. 5
Section 6

Substitute the following:

"There shall be such number of officers in the public service as may be required for the purposes of this Act".

10

Delete

Schedule
Post Office
Savings Bank
Regulations
Regulation 24

Substitute the words "diplomatic or consular representative of Trinidad and Tobago" for the words "British Minister or Consul".

Building
Societies
Ordinance,
Ch. 38. No. 1
Section 20

Delete the words "or in the public funds of Great Britain or in or upon any Parliamentary Stock or securities, or in or upon any stock or securities, payment of the interest on which is guaranteed by the Imperial Parliament", occurring in lines 8, 9, 10 and 11.

Friendly
Societies
Housing
Corporation
Ordinance,
Ch. 38. No. 3
First Schedule
Regulation
16(b)(i)

For the figure "\$10,000" substitute "\$25,000" and for the words "six per cent" substitute the words "ten per cent".

*Law to be amended**Amendments to be made*

- | | |
|---|--|
| 16(b)(ii) | For the figures "\$10,000" and "\$25,000" substitute "\$25,000" and "\$50,000" respectively and for the words "five per cent" substitute the words "seven and one-half per cent". |
| 16(b)(iii) | For the figure "\$25,000" substitute "\$50,000" and for the words "four per cent" substitute the words "five per cent". |
| 16(e) | For the figure "\$4,000.00" substitute \$50,000.00". |
| The Trade
Marks
Ordinance,
1955
No. 11 of
1955
Section 2(1) | Immediately after the definition of "associated trade marks" insert the following definition:
" 'Convention' means the Paris Convention for the Protection of Industrial Property made on the 20th March, 1883 and any amendments and revisions thereof to which Trinidad and Tobago is a party". |
| 76(5) | Substitute the following subsection:

"(5) In this section the expression "Convention Country" means a country in the case of which there is for the time being in force an Order made by the Minister with a view to the fulfilment of the obligations of Trinidad and Tobago under the Convention declaring that that country is a Convention country; and with respect to any country such declaration might extend to all or to only some of the provisions of this Act and where a declaration is in force for some (but not all) of the provisions of this Act with respect to any country that country shall be considered a Convention country for the purposes of those provisions only." |
| Tourist
Board
Ordinance
No. 14 of
1957
Section 14(2) | For the words "two hundred and forty thousand" substitute the words "one million five hundred thousand". |
| Compensation
No. 24 of
Workmen's
1960
Section 2(1) | For paragraph (e) of the proviso to the definition of "workmen" substitute the following:
"(e) members of the Defence Force of Trinidad and Tobago and any auxiliary force attached thereto", |

*Law to be amended**Amendments to be made*

Workmen's Compensation Ordinance No. 24 of 1960
Section 2(1)
47(1)(c)

Delete the words "any justice or magistrate in Her Majesty's dominions or in any place where Her Majesty exercises jurisdiction or before any British Consular officer elsewhere" and substitute therefor the words "any justice or magistrate in any Commonwealth territory or before a Trinidad and Tobago diplomatic agent or Consular officer elsewhere".

Cocoa and Coffee Industry Ordinance No. 20 of 1961
Section 3(2)

Immediately after the words "nine members" insert the words "who shall be appointed by the Minister".

Statutory Authorities Act, 1966
No. 16 of 1966
Subsidiary Legislation
Statutory Authorities Service Commission Regulations
Regulation 51A

Insert the following new Regulation immediately after regulation 51:

"Compulsory and voluntary retirement 51A. An officer—

- (a) shall be required to retire on attaining the age of sixty years; or
- (b) may retire voluntarily at the age of fifty-five years; or
- (c) may at any time after he attains the age of fifty years and before attaining the age of fifty-five years, apply to the Commission for permission to retire pursuant to subsection (1) of section 12 of the Pensions Ordinance and shall in his application state the grounds on which it is based."

64A

Insert the following new regulation immediately after regulation 64:

"Activities outside the service 64A. (1) Except in the case of part-time officers, an officer's whole time is at the disposal of Government. Accordingly—

- (a) an officer may not at any time engage in any activity which would in any way

Law to be amended

Statutory
Authorities
Act, 1966
No. 16 of
1966
*Subsidiary
Legislation*
Service
Commissions
Regulation
Regulation
64A

Amendments to be made

- tend to impair his usefulness as an officer nor may he engage in any occupation or undertaking which might in any way conflict with the interests of his Ministry or Department or be inconsistent with his position as an officer;
- (b) an officer shall not engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration without the prior approval of the Commission;
- (c) notwithstanding that prior approval may have been given, the Commission may at any time after notice to the officer and after holding an inquiry prohibit an officer from:
- (i) engaging in any trade, professional, commercial, agricultural or industrial undertaking;
- (ii) regularly undertaking private work for remuneration, if the Commission is of the opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of his Ministry or Department or is inconsistent with his position as an officer;
- (d) within a period of thirty days after his first appointment to an office in the public service, an officer shall disclose in writing to the Commission particulars of any investment or shareholding which he possesses in any company

Law to be amended

Statutory
Authorities
Act, 1966
No. 16 of
1966
*Subsidiary
Legislation*
Service
Commissions
Regulation
Regulation
64A

Amendments to be made

- carrying on business in or outside of Trinidad and Tobago and also of any direct interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago;
- (e) an officer who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any direct interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago, shall within a period of thirty days thereafter inform the Commission;
- (f) whenever the Commission is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company or he has direct interest in any professional, commercial, agricultural or industrial undertaking, the Commission may require the officer to dispose of such shares, investment or interest within such period as the Commission may specify or may transfer the officer to other duties. If the officer, on being required to dispose of such shares, investment or interest fails to do so within the specified period, he shall be guilty of misconduct;
- (g) an officer while he is on accumulated annual leave shall not accept any paid

Law to be amended

Statutory
Authorities
Act, 1966
No. 16 of
1966
*Subsidiary
Legislation*
Service
Commission
Regulation
Regulation
64A

Amendments to be made

employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration; the Commission may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities aforementioned. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

(2) An officer who is engaged in any of the activities that are described in subparagraph (1) shall within sixty days of the coming into operation of these regulations apply for approval to the Commission to continue to engage in such activities.

(3) An officer who makes an application under paragraph (2) may continue to engage in such activities until he is notified of the decision of the Commission with respect to his application.

93(3)

Substitute the words "Clerk IV" for the words "an officer whose salary is below the amount of \$5,760 per annum".

99(4)

Delete.

111

Substitute the words "found guilty" for the word "convicted" in line 1.

International
Financial
Organisations
(Inter-
American
Development
Bank) Act
No. 13 of
1967
Section
2

In the definition of "amendment" delete all the words occurring after the word "resolution".

*Law to be amended**Amendments to be made*

- 4 Delete.
- 6 Immediately after the words "to be accorded to the Bank" insert the words "and set out in the Schedule".
- 6A Insert the following new section after section 6:
- "Implement-
tation of
amendments
to the
agreement
- 6A. (1) Where any amendment of the Articles of the agreement referred to in section 6 is accepted by the Government, the Minister may by Order, amend the Schedule in order to bring the Schedule into accord with such amendment.
- (2) An Order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to an amendment and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specified provisions of the Agreement.

Schedule Substitute the following new Schedule:

"SCHEDULE*Article XI***STATUS, IMMUNITIES AND PRIVILEGES***Section 1. Scope of Article.*

To enable the Bank to fulfil its purpose and the functions with which it is entrusted, the status, immunities, and privileges set forth in this article shall be accorded to the Bank in the territories of each member.

Section 2. Legal Status.

The Bank shall possess juridical personality and, in particular, full capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property; and
- (c) to institute legal proceedings.

*Law to be amended**Amendments to be made*

International
Financial
Organisations
(Inter-
American
Development
Bank) Act
No. 13 of
1967
Schedule
6A

Section 3. Judicial Proceedings.

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.

No action shall be brought against the Bank by members or persons acting for or deriving claims from members. However, member countries shall have recourse to such special procedures to settle controversies between the Bank and its members as may be prescribed in this Agreement, in the by-laws and regulations of the Bank or in contracts entered into with the Bank.

Property and assets of the Bank shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. Immunity of Assets.

Property and assets of the Bank, wherever located and whomsoever held, shall be considered public international property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

Section 5. Inviolability of Archives.

The archives of the Bank shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the purpose and functions of the Bank and to conduct its operations in accordance with this Agreement, all property and other assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature, except as may otherwise be provided in this agreement.

Section 7. Privilege for Communications.

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Personal Immunities and Privileges.

All governors, executive directors, alternates, officers and employees of the Bank shall have the following privileges and immunities:

- (a) Immunity from legal process with respect to acts performed by them in their official

*Law to be amended**Amendments to be made*

International
Financial
Organisations
International
American
Development
Bank) Act
No. 13 of
1967

Section
6A

- capacity, except when the Bank waives this immunity.
- (b) When not local nationals, the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange provisions as are accorded by members to the representatives, officials and employees of comparable rank of other members.
- (c) The same privileges in respect of travelling facilities as are accorded by members to representatives, officials, and employees of comparable rank of other members.

Section 9. Immunities from Taxation.

- (a) The Bank, its property, other assets, income, and the operations and transactions it carries out pursuant to this agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from any obligation relating to the payment, withholding or collection of any tax, or duty.
- (b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens or other local nationals.
- (c) No tax of any kind shall be levied on any obligation or security issued by the Bank, including any dividend or interest thereon, by whomsoever held:
- (i) which discriminates against such obligation or security solely because it is issued by the Bank; or
 - (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued made payable or paid, or the location of any office or place of business maintained by the Bank.
- (d) No tax of any kind shall be levied on any obligation or security guaranteed by the Bank, including any dividend or interest thereon, by whomsoever held:
- (i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

*Law to be amended**Amendments to be made*

International
Financial
Organisations
(Inter-
American
Development
Bank) Act
No. 13 of
1967
Schedule
Section
6A

- (ii) if the solely jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

Section 10. Implementation.

Each member, in accordance with its juridical system, shall take such action as is necessary to make effective in its own territories the principles set forth in this article, and shall inform the Bank of the action which it has taken on the matter.

Highways
Act
No. 3 of
1970
Section
40(2)

For the words "section 12" substitute the words "section 13".

121(4)

For the words "subsection (6) of section 27" substitute the words "subsection (7) of section 27".

127(2)

For the words "section 12" substitute the words "section 13".

Fourth
Schedule

Substitute the figure "89" for the figure "91" appearing in brackets near the right-hand margin immediately below the heading "Fourth Schedule".

Legal Aid
and Advice
Act, 1976
No. 25 of
1976
Section
23(2)(b)(i)

For the words "five hundred dollars" substitute the words "one thousand dollars".

23(2)(b)(ii)

For the words "one thousand and eighty dollars" substitute the words "two thousand five hundred dollars".

24(1)(b)(i)

For the words "five hundred dollars" and "three thousand five hundred dollars" substitute the words "one thousand dollars" and "four thousand five hundred dollars" respectively.

24(1)(b)(ii)

For the words "one thousand and eighty dollars" and "three thousand dollars" substitute the words "two thousand five hundred dollars" and "four thousand five hundred dollars", respectively.

*Law to be
amended*

Amendments to be made

Legal Aid
and Advice
Act, 1976
No. 25 of
1976
35(5)

First
Schedule
Part II

For the words "five hundred dollars" wherever these words occur, substitute the words "one thousand dollars".

- (a) For the words "a fee not exceeding seventy-five dollars" substitute the words "a fee not exceeding one hundred and twenty-five dollars".
- (b) For the words "a fee not exceeding two hundred and fifty-two dollars" substitute the words "a fee not exceeding five hundred dollars".
- (c) For the words "shall not exceed one hundred and twenty-six dollars", where ever these words occur, substitute the words "shall not exceed three hundred dollars".

Part III

- (a) For the words "a fee of five hundred dollars" and "a fee of three hundred and fifty dollars" substitute the words "a fee of seven hundred and fifty dollars" and "a fee of four hundred and fifty dollars", respectively.
- (b) For the words "the sum of seven hundred and fifty dollars" and "the sum of five hundred dollars" substitute the words "the sum of fifteen hundred dollars" and "the sum of one thousand dollars", respectively.

Third
Schedule
Legal Aid
and Advice
Regulations
Regulation
15(3)

For the words "seventy-five dollars" substitute the words "one hundred and twenty-five dollars."

The
Appendix
Form III
Terms and
Conditions
6(a)

For the words "\$6.00 per week or \$300.00 a year" substitute the words "fifteen dollars a week or eight hundred dollars a year".

6(b)

For the figure "\$900.00" substitute the words "two thousand dollars",

*Law to be amended**Amendments to be made*

SECOND SCHEDULE

Farmers
Advances

Ordinance

Ch. 23. No. 10
Section 24

For the words "two hundred and forty dollars" substitute the words "two thousand five hundred dollars".

Cinematograph
OrdinanceCh. 30. No. 10
Schedule

Part IV

Regulation
47(a)For Regulation 47(a) substitute the following:
"There shall be payable annually in advance to the Comptroller of Accounts in respect of a theatre or exhibitor a licence fee of one thousand dollars; but where an application for a licence is made on or after 1st of July in any year, the fee payable shall be five hundred dollars".Pawnbrokers
OrdinanceCh. 31. No. 12
Section

3

For the word "forty-eight" substitute the words "four hundred and eighty".

7(1)

For the word "forty-eight" substitute the words "four hundred and eighty".

7(2)

For the word "forty-eight" substitute the words "four hundred and eighty" wherever it occurs.

13

For the figure "\$4.80" substitute "\$48.00".

14

For the figure "\$4.80" substitute "\$48.00".

15

For the figure "\$4.80" substitute "\$48.00".

17

For the figure "\$4.80" substitute "\$48.00".

18(1)

For the figure "\$4.80" substitute "\$48.00".

19

For the figure "\$4.80" substitute "\$48.00".

32(1)

Delete and substitute the following:

"Every pawnbroker shall take out yearly from the Board of Inland Revenue an excise licence for carrying on his business, on which licence there shall be charged and paid an excise duty of one thousand dollars".

42

For the word "twenty-four" substitute the words "two hundred and forty".

First

Form II

Pawn-Ticket

A.

For the figure "\$4.80" substitute "\$48.00".

For the figure "\$2.40" substitute "\$24.00".

For the words "one cent" substitute the words "ten cents".

<i>Law to be amended</i>	<i>Amendments to be made</i>
Pawnbrokers Ordinance Ch. 31. No. 12	For the words "forty-eight cents" substitute the words "four dollars and eighty cents". For the words "two cents" substitute the words "twenty cents".
B.	For the figure "\$4.80" substitute "\$48.00". For the figure "\$10.00" substitute "\$100.00". For the words "two cents" substitute the words "twenty cents". For the words "forty-two cents" substitute "the words "four dollars and twenty cents". For the words "one cent" substitute the words "ten cents".
Form III	For the figure "\$4.80" substitute "\$48.00".
Second Schedule	For the figure "\$4.80" wherever it occurs, substitute "\$48.00". For the words "forty-two cents" wherever they occur, substitute the words "four dollars and twenty cents". For the words "forty-eight cents" wherever they occur, substitute the words "four dollars and eighty cents". For the words "one cent" wherever they occur substitute the words "ten cents". For the words "two cents" wherever they occur, substitute the words "twenty cents".
Third Schedule	For the figure "\$4.80" substitute "\$48.00".
Exportation of Fruit Ordinance Ch. 32. No. 6 <i>Subsidiary Legislation</i> Export of Fruit (Limes) Regulations Regulation 10	Delete.

<i>Law to be amended</i>	<i>Amendments to be made</i>
Hotel Proprietors Act, 1967 Act No. 16 of 1967 Section 4(1)	For the words "two hundred and fifty" and "five hundred" substitute the words "five hundred" and "two thousand" respectively.
Schedule	For the figures "\$250.00" and "\$500.00" substitute "\$500.00" and "\$2,000.00" respectively.
Agricultural Development Bank Act Act No. 3 of 1968 Section 20(2)	For the figure "\$8,400" substitute "\$24,000".
Section 24(2)	For the figure "\$8,400" substitute "\$18,000".
44(2)	For the figures "\$1,500" and "\$10,000" substitute "\$5,000" and "\$30,000" respectively.

Passed in the Senate this 6th day of November, 1979.

E. WILLIAMS
Acting Clerk of the Senate

Passed in the House of Representatives this 19th day of November, 1979.

R. L. GRIFFITH
Acting Clerk of the House