

DISPOSAL OF UNCLEARED GOODS ACT

CHAPTER 51:05

Act
46 of 1978

Current Authorised Pages

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<i>(inclusive)</i>	<i>by L.R.O.</i>
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L.R.O. 1/2006

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note

This Act has effect notwithstanding sections 4 and 5 of the Constitution and has been certified by the Clerk of the House of Representatives and the Clerk of the Senate to have been enacted in compliance with section 13(2) of the Constitution.

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DISPOSAL OF UNCLEARED GOODS ACT

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CHAPTER 51:05

DISPOSAL OF UNCLEARED GOODS ACT

46 of 1978. **An Act to provide for the disposal by auction or otherwise of uncleared goods from customs areas occupied by the Port Authority.**

Commencement. [13TH DECEMBER 1978]

WHEREAS it is enacted *inter alia* by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Short title. **1. (1)** This Act may be cited as the Disposal of Uncleared Goods Act.

Variance of Act with Constitution. **(2)** This Act shall have effect notwithstanding sections 4 and 5 of the Constitution.

Interpretation. **2.** In this Act—
“Authority” means the Port Authority of Trinidad and Tobago;
“Comptroller” means the Comptroller of Customs and Excise;
“customs area” means any place appointed to be a customs area by the Comptroller by notice in writing under his hand and occupied by the Authority;

“General Manager” means the General Manager of the Authority;
“uncleared goods” means goods which have been imported into Trinidad and Tobago and which, six months after their receipt by the Authority, remain in the possession of the Authority, but does not include goods the ownership of which is the subject of a dispute involving the Authority.

3. Notwithstanding any law to the contrary, the General Manager may sell by auction uncleared goods other than goods the importation of which by law is restricted or prohibited. Sale by auction.

4. At least fourteen days prior to any sale under section 3, the General Manager shall cause to be published in the *Gazette* and in at least two editions of a daily newspaper in circulation throughout Trinidad and Tobago an advertisement setting forth— Pre-requisite to sale.

- (a) the date, time and place of the proposed sale;
- (b) the description of the goods intended to be sold;
- (c) the name of the auctioneer; and
- (d) the name of the consignee where known.

5. The proceeds of sale shall be applied in payment of— Disbursement of proceeds of sale.

- (a) all expenses incurred in respect of the sale; and
- (b) rents and other charges accruing to the Authority for storage and safe keeping of the goods,

and the surplus, if any, shall be paid into the Consolidated Fund.

6. Uncleared goods which have been put up for sale by auction under section 3 and which have not been sold shall be disposed of in the following manner: Manner of disposal other than by auction sale.

- (a) where the Comptroller certifies in writing to the Minister of Finance that he is of the opinion that the goods are unfit for use, they shall, with the approval of the Minister of Finance, be destroyed; and
- (b) where the goods are fit for use, they shall be donated to charitable or other institutions, given

to Government Departments, destroyed or disposed of in such other manner as the Minister of Finance may direct.

Restricted or prohibited goods.

7. Uncleared goods the importation of which by law is restricted or prohibited shall be disposed of in manner provided in section 6(b).

Recovery before sale.

8. Where at any time prior to the disposal of any uncleared goods in accordance with section 3, 6 or 7, a person satisfies the authority that he is the owner or consignee of such goods, the General Manager shall allow such person to take delivery of such goods as if this Act had not been passed.

Certification of destruction.

9. The destruction of uncleared goods under section 6 or 7 shall be certified to the Auditor General by the Comptroller.

Duty payable.

10. Notwithstanding any law to the contrary a person who purchases goods by auction under this Act shall be entitled to take delivery of such goods upon payment of—

- (a) the purchase price;
- (b) the duty equal to thirty per cent of the purchase price;
- (c) any taxes or duties chargeable under any law (other than duty imposed under the Customs Act) calculated by reference to the purchase price.

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