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4th Session Third Parliament Trinidad and Tobago  
24 Elizabeth II

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TRINIDAD AND TOBAGO  
**Act No. 12 of 1975**

[L.S.]

AN ACT to amend the Trade Ordinance, 1958 and to validate certain Regulations, Orders, Licences and other documents made thereunder.

*[Assented to 28th April, 1975]*

WHEREAS it is enacted *inter alia* by subsection (1) of section Preamble 5 of the Constitution that an Act of Parliament to which

that section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 5 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 the provisions of this Act shall have effect notwithstanding sections 1 and 2 of the Constitution:

**Enactment**

BE IT ENACTED by the Queen's Most Excellent Majesty, 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:—

**Short title**

1. (1) This Act may be cited as the Trade (Amendment) Act, 1975.

**Act at variance  
with Ch. 1 of the  
Constitution**

(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution.

**Section 2 of  
Ordinance  
amended.  
Ord. 19—1958**

2. (1) The Trade Ordinance, 1958 (hereinafter referred to as "the Ordinance") is amended as follows:—

- (a) by inserting the words "and services" immediately after the word "supplies" occurring in line two of the Long Title thereto;
- (b) in section 2 by deleting the definitions of "Competent Authority" and "Territory" occurring therein;
- (c) in section 2 by substituting for the definition of "Minister" occurring therein, the following:—
  - " "Minister" means the Minister to whom responsibility for Industry and Commerce is assigned;";
- (d) in section 2 by inserting in its proper alphabetical order the following definition:—
  - " "Commission" means the Prices Commission established under section 4;";

(e) in section 2 by substituting for the definition of "goods" appearing therein the following:—

“ “goods” includes all kinds of goods, produce, wares, merchandise, substances and animals.”.

(2) Section 3 of the Ordinance is repealed and section 4 is renumbered as section 3.

(3) The amendments made by subsection (1)(a) to (d) and subsection (2) shall be deemed to have come into operation on the 12th day of August, 1968.

(4) The amendment made by subsection (1)(e) shall be deemed to have come into operation on the 1st day of February, 1974.

3. (1) Section 3 of the Ordinance is amended as follows:—

Section 3 of  
Ordinance  
amended

(a) by repealing and replacing subsections (1) and

(2) thereof as follows:—

“Minister  
may make  
regulations  
for pur-  
poses of  
Ordinance

3. (1) The Minister may make regulations for all or any of the following purposes, that is to say, for maintaining, controlling or regulating supplies or services so as to—

(a) secure a sufficiency of those essential to the well being of the community, their equitable distribution and their availability at fair prices;

(b) regulate exports and imports in a manner calculated to serve the interest of the community; and

(c) ensure generally that the resources available to the community are used in a manner calculated to serve the interest of the community.

(2) Without prejudice to the generality of subsection (1) any

regulations made under this section may provide—

- (a) for prohibiting absolutely the importation or exportation of goods, or of any class or description of goods, from or to any country;
- (b) for prohibiting the importation or exportation of goods, or of any class or description of goods, from or to any country except under the authority of a licence granted by the Commission or a public officer authorised in that behalf;
- (c) for regulating the distribution, purchase or sale of goods or any class or description of goods;
- (d) for controlling the prices at which goods, or any class or description of goods, may be sold, whether by wholesale or retail;
- (e) that persons carrying on or employed in connection with any trade or business or with the supply of services shall produce to the Commission or a public officer authorised in that behalf such books, accounts or other documents relating to their trade, business or the supply of services as the Commission or a public officer authorised in that behalf may require and that such person shall furnish to the Commission or a public officer authorised in that behalf such estimates, returns or information as

the Commission or a public officer authorised in that behalf may from time to time require;

(f) for the entering and inspection of premises to which the regulations relate by such persons as may be specified in the regulations with a view to securing compliance therewith;

(g) for controlling the prices to be charged for such services as may be prescribed by the Minister by Order;

(h) that any person who commits a breach of any regulation made under this section shall be guilty of an offence, and that upon summary conviction for such an offence shall be liable to—

(i) a fine not exceeding five thousand dollars; or

(ii) a term of imprisonment not exceeding twelve months; or

(iii) both such fine and such imprisonment; and

(i) for such supplementary and incidental matters as may be necessary or expedient for any of the purposes set out in this section.”;

(b) by adding at the end of the section as repealed and replaced the following new subsection:—

“(5) In subsection (2)(d) “goods” does not include petroleum products as defined by section 2 of the Petroleum Act, 1969.”.

(2) The amendments made by subsection (1)(a) shall be deemed to have come into operation on the 12th day of August, 1968.

(3) The amendment made by subsection (1)(b) shall be deemed to have come into operation on the 1st day of February, 1974.

Section 5 of  
Ordinance  
amended

4. Section 5 of the Ordinance is repealed and replaced as follows:—

“Power  
to  
authorise  
acquisition  
and  
disposal  
of goods

5. (1) Where it appears to the Minister necessary or expedient for the purposes specified in section 3, he may by Order authorise such person as may be designated in the Order to acquire, whether by purchase or otherwise and whether compulsorily or not and to dispose of, whether by sale or otherwise or make use of, on behalf of the Government, such goods as may be specified in the Order.

(2) Where an Order made by the Minister under subsection (1) authorises the compulsory acquisition of any goods, the Order shall provide for the payment of compensation to the owner of such goods within a reasonable time from the acquisition thereof.

(3) Any such Order may make such provision for such supplementary and incidental matters as may be necessary for the purposes thereof.”

Section 6 of  
Ordinance  
amended

5. Section 6 of the Ordinance is amended—

(a) by substituting in subsection (1)—

(i) the words “section 3” for the words “section 4” occurring in line two thereof;

(ii) the words “Commission or a public officer authorised in that behalf” for the words “Competent Authority” wherever those words occur therein;

(b) by substituting the words “person granting it” for the words “Competent Authority” occurring in line two of subsection (3) thereof;

- (c) by substituting for subsection (4) thereof the following:—

“(4) The Minister may give directions to the Commission as to the policy to be followed by it in the exercise or the performance of its functions under this section and the Commission shall act in accordance with such directions and not otherwise.”.

6. Section 7(1) of the Ordinance is amended—

Section 7(1) of  
Ordinance  
amended

- (a) by deleting the words “by the Competent Authority” occurring in line three of paragraph (a) thereof;
- (b) by substituting—
- (i) the words “two thousand five hundred” for the words “five hundred” occurring in line one of paragraph (1) thereof;
  - (ii) the words “twelve months” for the words “six months” occurring in line two of paragraph (i) thereof;
- (c) by substituting the words “ten thousand” for the words “two thousand” occurring in lines one and two of paragraph (ii) thereof.

7. Section 8 of the Ordinance is amended by substituting the word “Minister” for the word “Governor-General” occurring in line four thereof.

Section 8 of  
Ordinance  
amended

8. Section 9 of the Ordinance is amended by substituting—

Section 9 of  
Ordinance  
amended

- (a) the words “section 3” for the words “section 4” occurring in line three thereof;
- (b) the words “Commission or public officer authorised in that behalf” for the words “Competent Authority” occurring in lines four and five thereof.

9. The amendments made by sections 4 to 8 shall be deemed to have come into operation on the 12th day of August, 1968.

Retrospective  
effect of  
amendment at  
sections 4 to 8

Validation of  
Regulations,  
Orders and  
Licences, etc.

10. All Regulations and Orders purporting to have been made by the Minister of Industry and Commerce under sections 3 and 5 of the Ordinance between the 13th day of August, 1968 and the date of the commencement of this Act, and all licences and other documents issued or given under those Regulations or Orders shall, even if those Regulations or Orders or any part of them had not been authorised by those sections of the Ordinance to be made, by virtue of this section, be deemed in all respects to have been lawfully, validly and properly made, issued or given.

Act to be  
certified

11. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final vote thereon in the Senate and in the House, respectively, has been supported, in the Senate by the votes of not less than three-fifths of all the members of the Senate, and in the House, by the votes of not less than three-fifths of all the members of the House.

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act 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, as provided for in section 5(2) of the Constitution.

Passed in the House of Representatives this 11th day of April, 1975.

J. E. CARTER

*Acting Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 26 members of the House.

J. E. CARTER

*Acting Clerk of the House*



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Passed in the Senate this 15th day of April, 1975.

R. L. GRIFFITH

*Acting Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 17 Senators.

R. L. GRIFFITH

*Acting Clerk of the Senate*