



TRINIDAD AND TOBAGO

No. 19—1958

[L.S.]

I ASSENT,

ELLIS CLARKE

*Governor's Deputy.*

31st December, 1958.

AN ORDINANCE to provide for the maintenance, control, distribution and regulation of supplies and for other matters incidental thereto and connected therewith, and to re-enact certain regulations and to validate acts done thereunder.

[1st January, 1959]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Trade Ordinance, 1958.

Short title and  
commence-  
ment.

(2) This Ordinance shall come into operation on the 1st day of January, 1959.

Interpretation.

2. In this Ordinance—

“Competent Authority” means the Competent Authority appointed under section 3 of this Ordinance;

“export” means to take, or be concerned in taking, out of the territory or the territorial waters thereof, and “exportation” shall be construed accordingly;

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

“import” means to bring, or be concerned in bringing, into the territory or the territorial waters thereof, and “importation” shall be construed accordingly;

“Minister” means the Member of the Executive Council for the time being charged with the administration of the subject of trade;

“Territory” means the Colony of Trinidad and Tobago.

Appointment of Competent Authority.

3. (1) The Governor shall appoint a Competent Authority for the purposes of this Ordinance.

(2) The Competent Authority may, with the approval of the Governor, delegate in writing all or any of his powers, duties or functions under the provisions of this Ordinance, either generally, or in any area of the Territory, or during such times, or for such purposes as he may direct, to any public officer, and may at any time with the approval of the Governor, revoke or vary any such delegation.

Competent Authority may make regulations for purposes of Ordinance.

4. (1) The Competent Authority may, with the approval of the Governor in Council, make regulations for all or any of the following purposes, that is to say, for maintaining, controlling or regulating supplies 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) of this section 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 Competent Authority;
- (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 shall produce to the Competent Authority or any person authorised in that behalf by the Competent Authority such books, accounts or other documents relating to their trade or business as the Competent Authority may require, and that such person shall furnish to the Competent Authority such estimates, returns or information as the Competent Authority 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) 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 one thousand dollars; or
  - (ii) a term of imprisonment not exceeding twelve months; or
  - (iii) both such fine and such imprisonment; and
- (h) for such supplementary and incidental matters as may be necessary or expedient for any of the purposes set out in this section.

Power to  
authorise  
purchase,  
sale &c.,  
of goods.

5. So far as it appears to the Governor in Council necessary or expedient for the purposes specified in section 4 of this Ordinance, he may by order authorise such person as may be designated in the order to purchase, acquire, sell or otherwise dispose of, on behalf of the Government, such goods as may be specified in the order, and in such order may make such provisions for such supplementary and incidental matters as may be necessary for the purposes thereof.

Grant of  
import and  
export  
licences.

6. (1) Where any regulations made under the provisions of section 4 of this Ordinance prohibit the importation or exportation of any goods or of any class or description of goods except under the authority of a licence granted by the Competent Authority, the Competent Authority may, subject to the provisions of this section, grant or withhold licences for the importation or exportation as the case may be, of such goods.

(2) A licence granted under this section may be—

(a) either general or limited to a specified person; and

(b) absolute or conditional; and

(c) limited so as to expire on a specified date unless renewed.

(3) A licence granted under subsection (2) of this section may be revoked at any time by the Competent Authority.

(4) The Minister may, after consultation with the Competent Authority, give to him directions of a general character as to the policy to be followed by him in the exercise or the performance of his functions under this section, and the Competent Authority shall act in accordance with such directions and not otherwise:

Provided that the question whether or not the Competent Authority has complied with any such directions shall not be enquired into in any court.

Offences.

7. (1) Any person who—

(a) contravenes or fails to comply with any term, condition or restriction of, or subject to which, any licence is granted by the Competent Authority under section 6 of this Ordinance; or

(b) in or in connection with any book, account or other document or any estimate, return or information which he is required to produce or furnish by virtue of any regulations made under this Ordinance, wilfully or recklessly gives any false or misleading statements; or

(c) assaults or disturbs any person, duly authorised by regulations made under this Ordinance to enter and inspect any premises, while such person is acting in the execution of his duty under this Ordinance, shall be guilty of an offence and shall be liable—

- (i) on summary conviction, to a fine of five hundred dollars, or to imprisonment for a term of six months or to both such fine and imprisonment; or
- (ii) on conviction on indictment, to a fine of two thousand dollars, or to imprisonment for a term of two years, or to both such fine and imprisonment.

(2) Where a person is convicted of an offence under subsection (1) of this section or under any regulation made under this Ordinance—

- (a) if such person is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to be guilty of the offence unless he proves that it was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof;
- (b) the court before whom such person is convicted may make such order as to the forfeiture or disposal of any goods in relation to which the offence was committed as the court thinks fit.

(3) Any person who attempts to commit, or conspires with any other person to commit, or does any act preparatory to the commission of, or in any way aids and abets the commission of, an offence under paragraph (a) of subsection (1) of this section shall be guilty of an offence punishable in like manner as the said offence and the provisions of subsection (2) of this section shall apply in the case of an offence under this subsection as it applies in the case of an offence under paragraph (a) of subsection (1) of this section.

(4) A prosecution of a summary offence under this Ordinance or any regulation made thereunder may be commenced at any time within three years from the time when the matter of such complaint arose.

8. (1) No person who obtains information by virtue of the provisions of this Ordinance (including this section) or of any regulations made thereunder shall, without the written permission of the Governor, disclose that information otherwise than

Restriction on  
disclosure of  
information