



TRINIDAD AND TOBAGO

No. 38—1960

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

16th December, 1960.

AN ORDINANCE to provide for the establishment of a Concert Hall in the Borough of San Fernando and for the management and control thereof.

[On Proclamation]

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

1. (1) This Ordinance may be cited as the Naparima Bowl Ordinance, 1960.

Commence-
ment.

Enactment.

Short Title and
Commence-
ment.

(2) This Ordinance shall come into force on a date to be appointed by Proclamation published in the *Royal Gazette*.

Interpretation.

2. In this Ordinance—

“appointed member” means a member of the Board appointed under paragraph (a) of subsection (1), or under paragraph (a) of subsection (2), of section 5 of this Ordinance;

“the Board” means the Naparima Bowl Board established under section 4 of this Ordinance;

“Chairman” means the Chairman of the Board, and includes an Acting Chairman;

“elected member” means a member of the Board elected under paragraph (b) of subsection (1), or appointed under paragraph (b) of subsection (2), of section 5 of this Ordinance;

“the Former Committee” means the San Fernando Community Concert Hall Advisory Committee under the chairmanship of Robert Montano;

“the former Board” means the Board established under section 3 of the Community Centre Concert Hall Ordinance, 1954;

“the Joint Appeal Committee” means the sub-committee appointed by the former Board under the chairmanship of William Lionel Osborne;

“Minister” means the Member of the Cabinet charged with the administration of the subject of Culture.

Ord. No. 14—
1954.

Concert Hall
to be estab-
lished.

3. A Community Concert Hall to be called the Naparima Bowl (hereinafter referred to as “the Bowl”) situate in the Borough of San Fernando in the County of Victoria shall be established and maintained in the manner hereinafter set out, for the purpose of providing a centre for cultural and recreational activities.

Establishment
of Board.

4. For the purposes of this Ordinance there is hereby established a Board which shall be responsible for the establishment, management, control and maintenance of the Bowl.

Constitution
of Board.

5. (1) The Board shall consist of nine members and, subject to the provisions of subsection (2) of this section, shall be constituted and reconstituted from time to time as follows:—

(a) three persons appointed by the Minister three months before the expiry of the term of office of the appointed members;

(b) six persons elected by the Board three months before the expiry of the term of office of the elected members.

(2) The first members of the Board shall be—

(a) three persons appointed by the Minister;

(b) six persons appointed by the Minister on the nomination of the former committee.

(3) Subject to the provisions of this section, a member of the Board shall hold office for two years from the date of his appointment or election, and shall then retire.

(4) A retiring member of the Board shall be eligible for re-appointment or for re-election :

Provided that no person shall serve as a member of the Board for more than two consecutive terms at a time.

(5) A member of the Board may at any time resign his office by instrument in writing addressed in the case of an appointed member to the Minister, and in the case of an elected member, to the Chairman.

(6) A member of the Board who shall be absent from Trinidad and Tobago for more than three months without leave of the Board shall be deemed to have vacated his office.

(7) In the event of any vacancy occurring in the office of a member of the Board whether through death, resignation or any other cause, the vacancy shall be filled—

(a) in respect of an appointed member, by the Minister;
and

(b) in respect of an elected member, by the Board,
and the person so appointed or elected shall be deemed to be an appointed member or an elected member, as the case may be, and shall hold office for the unexpired portion of the term of the member to whose office he has been appointed or elected, as the case may be.

(8) The Board may grant leave of absence to any of its members.

(9) If any member of the Board is temporarily prevented by illness or any other cause from exercising his functions as a member of the Board, the Minister or the Board, as the case may be, may, in accordance with the provisions contained in subsection (7) of this section for the filling of vacant places, appoint or elect some other person to act in his stead for the period of such illness or incapacity.

(10) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of any member.

Working year.

6. For the purposes of the transactions of the Board and the term of office of its members, but subject to the provisions of subsection (1) of section 8 of this Ordinance, the year shall commence on the first day of July and end on the thirtieth day of June next ensuing (hereinafter referred to as "the working year").

Quorum and meetings.

7. (1) Five members of the Board shall constitute a quorum at meetings of the Board.

(2) The Board shall hold at least one meeting in every month; subject thereto, meetings of the Board shall be convened at such time and place as the Chairman, or in his absence or incapacity, the Honorary Secretary, shall appoint.

(3) Notwithstanding the provisions of subsection (2) of this section, the Chairman shall, on the request in writing of five members of the Board, hold special meetings of the Board at such place and time as he shall determine.

Chairman.

8. (1) On the commencement of this Ordinance and thereafter during the month of June in every year, the Minister shall appoint one of the members of the Board to be Chairman for the ensuing working year:

Provided that the Chairman for any one year shall be eligible for re-appointment for the next succeeding year.

(2) In the case of the absence or inability to act of the Chairman, the Minister may appoint any other member of the Board to act as Chairman, and in the absence of such an appointment the members present at a meeting shall elect one of their number to be Chairman for that meeting.

(3) The Chairman shall have both an original and a casting vote.

(4) The Chairman may resign his office by instrument in writing addressed to the Minister.

Incorporation.

9. (1) The Board shall be a body corporate under the name of The Naparima Bowl Board having perpetual succession and a common seal with power to contract, purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind, including the Bowl and the lands on which it is situate and all buildings and appurtenances thereto belonging:

Provided that no sale, mortgage or lease of any land or other property shall be effected without the consent in writing of the Minister.

(2) The common seal of the Board shall be authenticated by the signatures of the Chairman, or one member of the Board authorised by the Board to act in that behalf, and the Honorary Secretary of the Board, and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal made by, and all decisions of, the Board shall be signified under the hand of the Chairman, or of any member authorised by the Board to act in that behalf, or of the Honorary Secretary.

(4) All cheques issued by or on behalf of the Board shall be signified in such manner and under the hand of any such two members of the Board as the Board in its absolute discretion shall from time to time determine.

(5) The Board may sue or be sued in its corporate name and may for all purposes be described by such name.

10. (1) On the coming into force of this Ordinance, all property vested in or belonging to the Former Committee shall be deemed to be transferred to the Board; also all debts, liabilities and obligations to which the Former Committee may be subject, as well as all burdens attached or pertaining to any property vested in or belonging to the Former Committee, shall be deemed to be transferred to the Board.

Transfer to Board of property, rights, debts, liabilities &c. of the Former Committee.

(2) For the purposes of subsection (1) of this section, the expression "property" shall include any thing in action and any interest in real or personal property.

11. (1) Subject to the provisions of this section, the Board may borrow sums required by it for discharging any of its duties or performing any of its functions.

Borrowing powers.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

12. (1) With the prior approval of the Legislative Council, the Minister may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and interest on any authorised borrowing of the Board.

Guarantee of borrowings by Minister.

(2) Immediately after any guarantee is given under this section, the Minister shall lay a statement of the guarantee before the Legislative Council.

(3) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal or interest guaranteed under the provisions of this section, he may direct the repayment out of the general revenue of Trinidad and Tobago of the amount in respect of which there has been such default.

(4) Where any sum is issued for fulfilling such a guarantee, the Minister shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before the Legislative Council a statement relating to that sum.

Repayment of sums issued to meet guarantee.

13. (1) The Board shall make to the Accountant General, at such time and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under section 12 of this Ordinance, and payments of interest on what is outstanding for the time being in respect of any sums so issued, at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

(2) The Minister shall lay before the Legislative Council a statement of any payment due from the Board under the section which is not duly paid to the Accountant General as required thereunder.

Power of Minister.

14. In exercise of its powers the Board shall conform to any general or special directions given to it by the Minister.

Funds and resources of Board.

15. The funds and resources of the Board shall consist of—

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of Trinidad and Tobago;
- (b) moneys earned or arising from any property, investments or mortgages acquired by or vested in the Board;
- (c) sums borrowed by the Board in accordance with the provisions of this Ordinance;
- (d) all sums and property vested at the commencement of this Ordinance in the Former Committee or in any of its members on behalf of the Former Committee;

- (e) forty per centum of all moneys collected by the Joint Appeal Committee before the commencement of the Queen's Hall Ordinance, 1959, towards the establishment and furnishing of concert halls;
- (f) all moneys collected by the Joint Appeal Committee after the commencement of the Queen's Hall Ordinance, 1959;
- (g) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to their duties and functions.

Ord. No. 14-1959.

16. (1) The Board shall have power to appoint—

- (a) an Honorary Secretary and such other honorary officers from among its members as the Board may think fit;
- (b) such servants and employees at such remuneration and on such terms and conditions as the Board may think fit.

Appointment of officers and servants.

(2) For the purposes of this Ordinance, a reference to the Honorary Secretary and honorary officers shall be deemed to include any member of the Board appointed temporarily to act in any such capacity.

17. The funds of the Board shall be applied to the establishment, management, control, maintenance, repair, extension or rebuilding of or additions to the Bowl, to the remuneration or reimbursement of the officers or servants, whether honorary or not, and to the discharge of all liabilities incurred by the Board in the exercise of its powers or in the performance of its duties or functions.

Application of funds of the Board.

18. The Board may co-opt such persons as it thinks fit to assist and advise it in the management of the Bowl, and such persons may be invited by the Board to join in its deliberations but shall not be entitled to vote on any matter or thing.

Power to co-opt.

19. (1) The Board may appoint a committee of the Board to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Ordinance.

Power to appoint Committees.

(2) Any such committee shall consist of at least two members of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) The Board may appoint sub-committees under the Chairmanship of a member of the Board and consisting wholly or partly of members of the Board for any purpose whatever arising out of or connected with the exercise of any of its powers or the performance of its duties or functions under this Ordinance.

(4) The Board may direct any of its members to convene a sub-committee (who may or may not be members of the Board), who shall carry out the directions of the Board and shall be bound by all decisions of the Board relating to the exercise of any of its powers or the performance of any of its duties and functions under the Ordinance.

(5) Where persons, not being members of the Board, are members of a committee or sub-committee appointed under this section, or where any person is co-opted under the provisions of section 18 of this Ordinance, the Board may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds of the Board.

(6) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

(7) The Board may dissolve any committee or sub-committee appointed or convened in accordance with the provisions of this section.

Bye-Laws.

20. (1) The Board may make bye-laws for the management, control and use of the Bowl and, without prejudice to the generality of the foregoing, may by such bye-laws provide for all or any of the following matters:—

- (a) the days and hours during which, and the conditions under which, the general public may be admitted into the Bowl or its premises or any part thereof;
- (b) the manner in which the various entrances, passages, staircases and outbuildings of the Bowl may be used;
- (c) the exclusion or removal from any part of the Bowl or its premises or any part thereof of any person or class of persons whom the Board may consider undesirable, or who may have committed a breach of any bye-law, or otherwise misbehaved in the Bowl, its premises or any part thereof;
- (d) any other matter or thing which the Board may consider necessary for, or conducive to, the good

management and control of the Bowl and the securing of its orderly use by persons lawfully resorting thereto.

(2) Bye-laws made under this section may prescribe in respect of any contravention thereof or failure to comply therewith a penalty not exceeding fifty dollars on summary conviction.

(3) Bye-laws made under this section shall have no force or effect until they have been approved by the Legislative council.

21. Subject to the provisions of this Ordinance, the Board ^{Rules.} may make rules—

- (a) providing for the proper conduct of its proceedings, the discharge of its duties, and the performance of its functions;
- (b) relating to its common seal;
- (c) prescribing the duties of officers and servants of the Board and their conditions of service.

22. The Board shall keep proper accounts and shall submit ^{Accounts.} the accounts for the working year for audit to an auditor to be approved by the Minister, not later than the 31st day of August after the end of the working year, and a copy of the said accounts shall be displayed on the premises of the Bowl in a conspicuous place for two weeks in every year as soon as possible after audit.

23. (1) No action, suit, prosecution or other proceedings shall be brought personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of the provisions of this Ordinance. ^{Protection of members of Board.}

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this section the Board shall be liable to the extent that it would be if the said member was a servant or member of the Board.

24. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty, Her heirs or successors, or any bodies politic or corporate or any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them. ^{Saving of rights of Crown and of others.}

Passed in Council this eighteenth day of November, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR
Clerk of the Council