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TRINIDAD AND TOBAGO

Act No. 4 of 1972

[L.S.]

C1) A. 62-75
14-2-72

AN ACT to provide for the establishment and administration of the Cipriani Labour College and for matters connected therewith.

[Assented to 14th February, 1972]

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

1. (1) This Act may be cited as the Cipriani Labour Short title and commencement College Act, 1971.

Interpretation

(2) This Act shall come into operation on such day as the Governor-General may appoint by Proclamation published in the *Gazette*.

2. In this Act—

“Board” means the Board of Governors appointed under section 4(1);

“Cipriani Labour College” means except where there is a contrary intention, the Cipriani Labour College established under this Act;

“Minister” means the member of the Cabinet to whom responsibility for the subject of Labour is assigned.

PART I

CIPRIANI LABOUR COLLEGE

Establishment and Management

Establishment of
Labour College

3. There is hereby established for the purposes of this Act the Cipriani Labour College, hereinafter referred to as “the College” which is a charitable body corporate.

Board of
Governors

4. (1) The affairs of the College shall be managed by a Board of Governors consisting of eleven members appointed by the Minister as follows:—

- (a) five members nominated by the Trinidad and Tobago Labour Congress;
- (b) the Permanent Secretary, Ministry of Labour or his representative;
- (c) the Permanent Secretary, Ministry of Education and Culture or his representative;
- (d) the Commissioner for Co-operative Development or his representative;
- (e) three members from the general public.

(2) Members appointed to the Board under subsection 1(a) and (e) shall, subject to subsection (5) and (6) be for a term of three years.

(3) Outgoing members shall be eligible for reappointment to the Board.

(4) A member appointed under subsection 1(a) and (e) may at any time resign his membership by instrument in writing addressed to the Minister.

(5) In the event of any member of the Board either—

(a) being absent without leave of the Board from three consecutive monthly meetings of the Board; or

(b) failing to attend a minimum of eight monthly meetings in any year commencing from the date of his appointment to the Board,

such member shall be deemed to have vacated his office, but so however, that where the Board grants leave of absence to any of its members for any such period as it thinks fit, the provision of this subsection shall not apply to such member.

(6) The appointment of any person as a member and the termination of appointment of any person as a member whether by death, resignation or otherwise shall be published in the *Gazette*.

(7) Any appointment of a person as a member to fill the vacancy occurring under subsection (5) or (6) shall be for the unexpired portion of the term of the member whom he is appointed to replace.

(8) 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 may appoint some other person to act in his stead for the period of such illness or incapacity.

5. (1) There shall be appointed by the Minister from among the members of the Board, a Chairman and Deputy Chairman whose term of office shall be three years. The first Chairman and Deputy Chairman shall be appointed within one month of the appointment of the Board.

Appointment of
Chairman and
Deputy Chairman

Meetings

(2) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

(3) The Chairman may at any time call a special meeting and he shall call such a meeting within seven days of receipt of a requisition for that purpose addressed to him by any three members.

(4) The Chairman or in his absence the Deputy Chairman shall preside at all meetings, save that in the case where both the Chairman and Deputy Chairman are absent, the Board shall appoint one of the members present to preside at that meeting.

(5) Four members of the Board shall constitute a quorum.

(6) 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 its members.

(7) The Chairman or Deputy Chairman may at any time resign as Chairman or Deputy Chairman, as the case may be, by instrument in writing addressed to the Minister.

(8) The Chairman or other person presiding at any meeting shall have an original vote and, in any case in which the voting is equal, a casting vote.

(9) Minutes in proper form of such meeting shall be kept by the Secretary/Treasurer and shall be confirmed by the Chairman or other person presiding at the subsequent meeting. Certified copies of such Minutes when so confirmed shall be forwarded to members of the Board.

(10) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person or persons shall have any right to vote.

(11) Subject to this section, the Board may make rules for the regulation of proceedings.

(12) The Director may be requested to attend meetings of the Board, but he shall not exercise the right to vote.

6. Subject to the approval of the Minister the Board may pay to its members such remunerations and allowances as it may determine. Members to be paid remuneration

7. (1) The Seal of the Board shall be kept in the custody of the Secretary to the Board of Governors. Custody and use of seal

(2) The Seal of the Board shall be attested by the signature of the Chairman or one member of the Board duly authorised by the Board to act in that behalf.

(3) All documents, other than those required by law to be under Seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or a member duly authorised.

8. The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act. Board may appoint committees

9. A committee appointed under section 8 shall consist of at least one member of the Board and such other persons as the Board may decide whose assistance or advice the Board may desire. Members of Board to be member of Committee

10. Where persons not being members of the Board are members of a committee under this section, the Board may with the approval of the Minister first had and obtained, appoint them on such terms and at such remuneration as the Minister may approve. Terms and conditions of appointment of members not being members of the Board to the Committee

11. The Board may reject the report of any such committee appointed under section 8 or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit. Board may reject report of Committee

Duties and Powers

12. The College shall—

- (a) provide educational facilities and courses for Trade Unions and Co-operatives and workers generally in such fields as may be approved from time to time by the Board of Governors;

Duties of the College

- (b) issue certificates and diplomas in connection with its courses;
- (c) co-operate with other educational institutions or bodies established for the advancement of workers' education generally;
- (d) co-operate with the labour movements in the Caribbean;
- (e) promote and encourage the educational facilities and courses referred to in paragraph (a) both in Trinidad and Tobago and elsewhere by the grant of prizes, scholarships, or other awards or distinctions and by such other means as may from time to time be determined;
- (f) pursue all charitable objects or things and undertake such charitable trusts as are incidental or conducive to the performance of the above duties.

Board not subject
to other
authority

13. In the formulation of policies for the performance of the duties and the exercise of the powers of the College under this Act, the Board shall be subject to no other person or authority.

General

14. Subject to this Act, the Board may do all such things as are necessary or convenient for the purpose of exercising the powers and performing the duties and functions conferred on it by this Act, and in particular the Board may charge fees for admission to and participation in its courses.

Personnel

15. (1) The Board may appoint subject to the approval of the Minister on such terms and conditions as it thinks fit, a Director, a Secretary/Treasurer and such other Staff as may be necessary for the proper performance of the duties of the College.

(2) The Director shall be responsible for carrying out the directions of the Board and in the performance of his duties the Director is subject to the control of the Board.

(3) An annual salary in a sum that is equivalent to or exceeds the sum of ten thousand dollars or such greater amount as the Minister may prescribe shall not be assigned to any post without the prior approval of the Minister.

16. (1) Members of staff charged with the receipt, ^{Responsibility of Accounting officers} accounting for or disbursement of moneys or with the custody or delivery of stores or other property of the College shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

(2) No member of staff or of the Board shall be liable to surcharge and no action shall be brought personally against any such member in respect of any act done *bona fide* in the execution of his duties under this Act notwithstanding section 36 of the Exchequer and Audit ^{Ordinance 20 1959} Ordinance.

(3) When any member of the Board is exempt from liability by reason only of the provisions of subsection (2), the Board shall be liable to the extent that it would be if the said member was a servant of the Board.

(4) The Board may require any member of its staff to give security to its satisfaction for the due performance of his duties.

17. (1) The Board shall so exercise and perform its ^{Financial} functions as to ensure that the revenues of the College are not less than sufficient to—

- (a) cover operating expenses including taxes, if any, and to provide adequate maintenance and depreciation and interest payments on borrowings;
- (b) meet periodical repayment on any long term indebtedness to the extent that any such repayment exceeds the provisions for depreciation;
- (c) create reserves for the purpose of future expansion.

(2) Subject to subsection (1), the Board may in such manner as is considered appropriate, but subject to the approval of the Minister of Finance borrow sums required for meeting of any of the obligations of the College or discharging any of the functions.

Minister may
guarantee loans

18. (1) With the prior approval of Parliament, 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 College.

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

(3) Where the Minister is satisfied that there has been default in the repayment of any principal or interest guaranteed under the provisions of this section, he may with the prior approval of Parliament 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 Parliament a statement relating to that sum.

Board to make
payments in
fulfilment of
guarantee

19. (1) The Board shall make to the Comptroller of Accounts, at such time and in such manner as the Minister may direct, payments of such amounts as may be so directed on or towards repayment of any sums issued in fulfilment of any guarantee given under section 18(1), any payments of interest on any outstanding balance thereon 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 Parliament a statement of any payment due from the College under this section which is not duly paid to the Comptroller of Accounts as required thereunder.

(3) In this and the last preceding section, "Minister" means the member of the Cabinet to whom responsibility for Finance is assigned.

Vesting of
property

20. Upon the commencement of this Act—

(a) all land and other property of every kind including things in action, vested or deemed

- to be vested immediately before the commencement of this Act, in the former Cipriani Labour College are vested in the College;
- (b) all the rights, privileges and advantages, and all the liabilities and obligations that immediately before the commencement of this Act, the former Cipriani Labour College in relation to the matters respectively referred to in paragraph (a) was entitled or subject to, as the case may be, are hereby transferred to and conferred or imposed upon the College for the purposes of this Act.

Property of the College

21. The funds and resources of the Board shall consist of— Funds and resources of the Board

- (a) such amounts as may be appropriated therefor by Parliament;
- (b) all sums from time to time falling due to the College in respect of its operations;
- (c) sums borrowed by the College in accordance with section 17(2);
- (d) all other sums or property that may in any manner become payable or vested in the Board in respect of any matter incidental to its powers and duties.

22. (1) The funds of the College in any financial year shall be applied in defraying the following charges— Application of funds of Board

- (a) the remuneration, fees and allowances of the members of the Board, or of any Committee of the Board;
- (b) the salaries, fees or other remuneration and superannuation benefits of the Officers, Agents and Servants and Technical and other Advisers of the Board;
- (c) interest on any loan raised by the College;
- (d) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the College;
- (e) any other expenditure authorised by the Board and properly chargeable to revenue.

(2) The balance of the revenue of the Board shall be applied to the creation of reserve funds to finance future expansion.

Surplus funds
to be invested

23. Funds of the College not immediately required to be expended in the meeting of any obligation or the discharge of any functions of the Board may be invested from time to time in securities approved by the Minister for investment by the Board.

Auditing of
accounts

Ordinance 20—
1959

24. (1) The accounts of the College shall be audited by auditors to be appointed annually by the Board or under the supervision of the Auditor General in accordance with the Exchequer and Audit Ordinance, 1959, if so directed by resolution of Parliament.

(2) After the end of each financial year, the Board shall as soon as the accounts of the College are audited cause a copy of the statement of accounts to be transmitted to the Minister together with a copy of any report made thereon by the auditors.

(3) The Minister shall cause a copy of every such statement and report to be laid before Parliament.

Rules

25. Subject to the provisions of this Act, the Board 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.

Miscellaneous

Reference to
former Board

26. A reference in any deed, contract, bond, security or other document to the Board of the former Cipriani Labour College shall, upon the commencement of this Act, be construed as a reference to the College.

27. Legal proceedings pending immediately before the commencement of this Act by or against the former Cipriani Labour College in relation to any matter connected with any deed, contract, bond, security or other document mentioned in section 20 may be continued on and after the commencement of this Act by or against the College as the party to the proceedings instead of the former Cipriani Labour College. Pending legal proceedings may be continued against the Board

28. The College shall be allowed the privilege of free postage within Trinidad and Tobago for its correspondence, notices and publications. Free postage

Passed in the House of Representatives this 3rd day of January, 1972.

G. R. LATOUR
Clerk of the House.

Passed in the Senate this 25th day of January, 1972.

J. E. CARTER
Clerk of the Senate.