

# LAWS OF TRINIDAD AND TOBAGO

## INSTITUTE OF MARINE AFFAIRS ACT

### CHAPTER 37:01

Act  
15 of 1976  
\*37 of 1979

\*See Note on Amendment on page 2

#### Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-2	1/1990
3-12	1/1980

Note  
on  
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note  
on  
Amendment

The Institute of Marine Affairs Act is amended by Act No. 37 of 1979 as follows:

*Schedule*

Immediately after paragraph 3 of the Schedule insert the following paragraph:

**“Exemption of Institute from taxes, duties, fees or levies. [37 of 1979].** 3A. The Government shall either exempt from, or bear the cost of, any taxes, duties, fees or levies which it may impose on the Institute in respect of any equipment, materials and supplies that are imported by the Institute, and which are essential for its operations.

**Corrigendum**

At page 11, in the Schedule, under the marginal reference “Section 21” insert the reference “[37 of 1979]”.

**CHAPTER 37:01****INSTITUTE OF MARINE AFFAIRS ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Interpretation.
3. Establishment and incorporation of Institute.
4. Objects of the Institute.
5. Functions of the Institute.
6. Custody and use of seal.
7. Service of documents.
8. Power of Institute to make rules.
9. Power of Institute to delegate.
10. Establishment and composition of Marine Affairs Council.
11. Powers and functions of Council.
12. Establishment and composition of Board.
13. Appointment of alternate members.
14. Functions of the Board.
15. Meetings and procedure of the Board.
16. Appointment and functions of Director.
17. Appointment and functions of the Project Manager.
18. Funds of the Institute.
19. Audit.
20. Declaration of interest by members.
21. Privileges and immunities.

**SCHEDULE.**

**An Act to provide for the establishment, incorporation and administration of the Institute of Marine Affairs and for matters connected therewith.** 15 of 1976.

[10TH MAY 1976]

Commence-  
ment.

1. This Act may be cited as the Institute of Marine Affairs Act. Short title.

2. In this Act—

Interpretation.

“Agreement” means the Agreement signed between the United Nations, the International Labour Organisation, the Food

and Agricultural Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation, the International Civil Aviation Organisation, the World Health Organisation, the International Telecommunications Union, the World Meteorological Organisation, the International Atomic Energy Agency and the Universal Postal Union of the one part and the Government of Trinidad and Tobago of the other part and dated the 6th day of May 1963;

“Board” means the Board of Management established by section 12;

“Chairman” means the Chairman of the Board;

“Council” means the Marine Affairs Council established by section 10;

“Director” means the Director of the Institute;

“Executing Agency” means the United Nations;

“Institute” means the Institute of Marine Affairs established by section 3;

“Plan of Operation” means the Plan of Operation signed by the Government of Trinidad and Tobago, the Executing Agency and the United Nations Development Programme on 2nd May 1974, 27th June 1974 and 7th June 1974, respectively;

“Secretary” means the Secretary of the Board.

Establishment  
and  
incorporation of  
Institute.

3. (1) There is established a body corporate to be known as the Institute of Marine Affairs.

(2) The Institute shall comprise of the Council and the Board established by sections 10 and 12, respectively.

Objects of the  
Institute.

4. The objects of the Institute are—

- (a) to promote and encourage a deeper and broader understanding and appreciation of all aspects of the marine environment;
- (b) to make available in the Caribbean knowledge of the various disciplines relevant to marine affairs;
- (c) to increase the capabilities of Government in the formulation of consistent and informed policies in marine affairs.

Functions of the  
Institute.

5. (1) The functions of the Institute are—

- (a) to conduct research on the condition of the marine

- environment in the Caribbean and adjacent regions;
- (b) to study and promote through studies the multiple uses of the sea, its resources and use potential in the Caribbean and adjacent regions and to evaluate such studies with a view to minimising possible conflicts which may result from such uses;
  - (c) to establish in the Institute an information centre for the collection and dissemination of information relating to the economic, social, technological, scientific, environmental and legal developments in the marine area of the Caribbean and adjacent regions;
  - (d) to analyse the relevant information for the purpose of identifying policy alternatives for Government policy-making in marine affairs;
  - (e) to respond to technical enquiries and questions made by policy-making organs of Government;
  - (f) to organise training courses and seminars on the subjects falling within the technical competence of the Institute, depending on the availability and specialisation of consultants attached to other agencies, including the Executing Agency;
  - (g) to advise on the development and optimum utilisation of the marine resource potential of Trinidad and Tobago;
  - (h) to take such action as may be necessary or expedient for the proper performance of its functions.

(2) The functions of the Institute may be carried out in the form of projects which shall be conducted by project supervisors under the direction of the Director.

6. (1) The seal of the Institute shall be kept in the custody of the Chairman, the Deputy Chairman or the Secretary as the Board may determine, and may be affixed to instruments pursuant to rules made by the Institute under section 8 or to a resolution of the Board and in the presence of the Chairman or the Deputy Chairman, the Secretary or such other officer as the Board may determine. Custody and use of seal.

(2) The seal of the Institute shall be attested by the signature of the Chairman or the Deputy Chairman and the Secretary.

(3) All documents, other than those required by law to be under seal, made by the Institute and all decisions of the Institute may be signified under the hand of the Chairman or the Deputy

Chairman or the Secretary or such other officer as the Board may determine.

Service of documents.

7. (1) The Institute shall at all times have a permanent address in Trinidad and Tobago for the service of documents on it, and such address shall be registered with the Registrar General.

(2) All documents to be served on the Institute may be served by leaving the same at, or by sending the same by registered post to the address so registered.

Power of Institute to make rules.

8. The Institute, through its Council, may make rules for its good government and for the proper discharge of its duties, powers and functions under this Act.

Power of Institute to delegate.

9. (1) Subject to this Act and to the prior approval of the Minister, the Institute may, through its Council, delegate to a person or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Institute may determine.

(2) A delegation under subsection (1) shall be revocable at will and shall not preclude the carrying out of the duties and functions and the exercise of the powers by the Institute.

Establishment and composition of Marine Affairs Council.

10. (1) There is established a body to be known as the Marine Affairs Council which shall consist of—

- (a) a Chairman appointed by the President on the advice of the Minister;
- (b) a representative of each of the following appointed by the President on the advice of the Minister after consultation with the following:
  - (i) the Ministry of Agriculture, Lands and Fisheries;
  - (ii) the Ministry of Petroleum and Mines;
  - (iii) the Ministry of Planning and Development;
  - (iv) the Trinidad and Tobago Coast Guard;
  - (v) the Ministry of External Affairs;
  - (vi) the Ministry of the Attorney General and Legal Affairs;
  - (vii) the Ministry of Finance; and
- (c) five persons appointed by the President on the advice of the Minister after consultation with the

private sector, including the University of the West Indies, private corporations, professional associations and scientific institutions.

(2) A Deputy Chairman shall be elected by the Council from among its members at its first meeting.

11. (1) The Council shall be the policy-making organ of the Institute and shall be responsible for securing finances for the proper administration of the Institute. Powers and functions of Council.

(2) For the purpose of carrying out its powers and duties under subsection (1) and for such other purposes as it may deem fit, the Council shall meet at such times as may be necessary or expedient, and at such places and times and on such days as it may determine.

(3) In the exercise of its powers and functions under this Act, the Council may—

- (a) appoint committees to examine and report to it on any matters arising out of or connected with any of its powers and duties;
- (b) by resolution, reject or adopt wholly or with such modifications, adaptations or additions as it may deem necessary the report of any committee appointed under paragraph (a);
- (c) by resolution, declare the remuneration and allowances if any, payable to persons, other than members of the Council, appointed to a committee.

(4) Subject to this section the Council may regulate its own proceedings and procedure at meetings.

12. There is established a Board of Management which shall consist of— Establishment and composition of Board.

- (a) the Director who shall be a member *ex officio*;
- (b) a chairman who shall be appointed by the President on the advice of the Minister;
- (c) a representative of each of the following appointed by the President on the advice of the Minister after consultation with the following:
  - (i) the Ministry of Petroleum and Mines;
  - (ii) the Ministry of Agriculture, Lands and Fisheries;
  - (iii) the Trinidad and Tobago Coast Guard;

- (iv) a professional association;
  - (v) the University of the West Indies;
  - (vi) the private sector;
  - (vii) the United Nations Development Programme in Port-of-Spain; the membership of the representative of the United Nations Development Programme shall be contemporaneous with the period during which the United Nations Development Programme assists the Institute; and
- (d) such other members as the President may from time to time determine after consultation with the Minister.

Appointment of  
alternate  
members.

**13. (1)** The President shall, in respect of each member of the Council and of the Board, appoint an alternate member who may act in the stead of the respective member at any meeting of the Council or the Board, as the case may be.

(2) A member of the Council and of the Board shall, subject to subsections (3) and (4), hold office for the period specified in the instrument of appointment.

(3) A member, other than the Chairman, may at any time resign his office by notice in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister; the Chairman shall resign his office by notice in writing addressed to the Minister.

(4) The President may at any time revoke the appointment of a member if he considers it expedient to do so.

(5) The appointment of any person as a member of the Council or of the Board and the termination of office of any such member whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

(6) A Deputy Chairman shall be elected by the Board from among its members at its first meeting.

Functions of the  
Board.

**14. (1)** The Board shall manage the affairs of the Institute and implement policy decisions of the Council and may take such initiatives as are likely to assist the Institute in achieving its objects.

(2) In the exercise of its powers and functions under this Act, the Board may appoint such number of committees as it may

consider necessary for the purpose of assisting it in the effective carrying out of its functions.

(3) A committee appointed by the Board may consist of at least one member of the Board together with such other persons, whether members or not, whose advice or assistance the Board may consider necessary.

(4) Where pursuant to subsection (3) persons who are not members of the Board are appointed to a committee, the Board may by resolution declare the remuneration and allowances payable to such persons.

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

15. (1) The Board shall meet at such times and places and on such days as may be necessary or expedient for the transaction of its business.

*Meetings and  
procedure of  
the Board.*

(2) The Chairman may at any time call a special meeting of the Board, and shall within seven days of the receipt of a requisition in writing addressed to him by at least three members, summon a special meeting of the Board to consider the matters contained in the requisition.

(3) The Chairman, or in his absence, the Deputy Chairman, shall preside at meetings of the Board and where both the Chairman and the Deputy Chairman are for any reason unable to preside at a meeting, the members present may appoint a member to preside at that meeting.

(4) The Chairman, or in his absence the Deputy Chairman, or where both the Chairman and the Deputy Chairman are absent, the member appointed to preside pursuant to subsection (3), and three other members shall form a quorum.

(5) The decisions of the Board shall be by a majority of the votes of members present, and in addition to an original vote, the Chairman, the Deputy Chairman or the member appointed to preside at the meeting, as the case may require, shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed at a subsequent meeting by the Chairman, the Deputy Chairman or the member appointed to preside at the meeting, as the case may require.

(7) 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 it, but a person who has been co-opted shall have no right to vote.

(8) Subject to this section the Board may regulate its own proceedings and procedure.

Appointment  
and functions of  
Director.

16. (1) The Board shall appoint a Director upon such terms and conditions as it thinks fit.

(2) The Director shall be responsible to the Board for the general administration and management of the Institute, including the programming of its activities and the control and use of its equipment and such other duties as the Board may from time to time determine.

(3) In the exercise of its powers under subsection (1), the Board shall seek the approval of the Minister where it proposes to pay a salary in excess of two thousand five hundred dollars per month.

Appointment  
and functions of  
the Project  
Manager.

17. (1) During the period of the Executing Agency's assistance to the Institute, the Executing Agency shall, after consultation with the Minister, assign a Project Manager to the Institute.

(2) On the expiration of the period referred to in subsection (1) the Minister shall, after consultation with the Board, appoint a Project Manager upon such terms and conditions as he thinks fit.

(3) The Project Manager shall supervise the personnel assigned to the Institute by the Executing Agency, the practical training of any other personnel and shall be responsible for all equipment provided to the Institute by the Executing Agency.

(4) The Project Manager may at the request of the Board attend meetings thereof in an advisory capacity.

Funds of the  
Institute.

18. The funds of the Institute shall consist of—

- (a) contributions allocated to it from the United Nations Development Programme;
- (b) such other moneys as may from time to time be voted by Parliament for the purposes of this Act; and
- (c) such other moneys as may be lawfully paid to or received by the Institute.

**19.** The accounts of the Institute shall be audited annually by the auditors appointed by the Board. Audit.

**20.** (1) A member of the Board who is a member of a company or other body or is a partner or is in the employment of a person or a company or other body or is married to or who is or whose spouse is a relative of a person who is interested in a contract or a proposed contract with the Institute that is the subject of consideration by the Board at any meeting, shall disclose the fact and shall not take part in the consideration of, or vote on any questions relating to, such contract or proposed contract. Declaration of interest by members.

(2) Every member of the Board who fails to comply with subsection (1) is liable on summary conviction to a fine of five hundred dollars unless he proves that he did not know that such contract or proposed contract with the Institute was the subject of consideration at the meeting.

**21.** The privileges and immunities set out in the Schedule shall apply to the Executing Agency, its contractors and such other personnel (other than citizens of Trinidad and Tobago) as the President may by Order declare. Privileges and immunities. Schedule.

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## SCHEDULE

Section 21.

### PRIVILEGES AND IMMUNITIES

1. The Executing Agency's contractors and their personnel, except citizens and residents (within the meaning of the Immigration Act) of Trinidad and Tobago employed locally shall have the right to the following: Ch. 18:01.

- (a) immunity from legal process in respect of all acts performed by them in their official capacity in the execution of the project;
- (b) immunity from national service obligations;
- (c) immunity from immigration restrictions;
- (d) the privilege of bringing into the country reasonable amounts of foreign currency for the purpose of the project or for the personal use of such personnel, and of withdrawing any such amounts brought into the country, or, in accordance with the relevant foreign exchange regulations, such amounts as may

be earned therein by such personnel in the execution of the project;

- (e) the same repatriation facilities in the event of international crises as diplomatic envoys; and
- (f) the privilege to import free of duty their furniture and personal effects including one motor car at the time of first taking up their posts.

2. All personnel of the Executing Agency's contractors shall enjoy inviolability for all papers and documents relating to the project.

3. The Government shall either exempt from, or bear the cost of, any taxes, duties, fees or levies which it may impose on any foreign firm or organisation which may be retained by the Executing Agency and on the foreign personnel of any such firm or organisation in respect of—

- (a) the salaries or wages earned by such personnel in the execution of the project;
- (b) any equipment, materials and supplies brought into the country for the purposes of the project or which after having been brought into the country, may be subsequently withdrawn therefrom; and
- (c) as in the case of the United Nations experts, any property brought, including one privately owned automobile per employee, by the firm or organisation or its personnel for their personal use or consumption or which, after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

4. The privileges and immunities to which such firm or organisation and its personnel may be entitled, referred to in paragraphs 25 to 30 of the Plan of Operation agreed to by the Government of Trinidad and Tobago and the United Nations Development Programme may be waived by the Executing Agency where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the successful completion of the project or the interest of the Executing Agency.

5. The Executing Agency shall provide the Government with the list of personnel to whom the privileges and immunities enumerated above shall apply.

6. Privileges and immunities of the Executing Agency are covered by the Agreement referred to in the Plan of Operation.

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