
3rd Session First Parliament Trinidad and Tobago
13 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 32 of 1964

[L.S.]

AN ACT to terminate the concessions operated by the National Transit System Company Limited and the Princes Town Special Bus Service Company Limited, to authorise the acquisition by the Government of the motor omnibus transport undertakings of these Companies and to provide for matters incidental thereto.

[Assented to 1st January, 1965]

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 :—

Short title	1. This Act may be cited as the Motor Omnibus Concessions (Acquisition of Undertakings) Act, 1964.
Interpretation	<p>2. In this Act—</p> <p>“the Companies” means the National Transit System Company Limited and the Princes Town Special Bus Service Company Limited;</p> <p>“Judge” means a Judge of the High Court of Justice of Trinidad and Tobago;</p> <p>“motor omnibus” and “road” have the meanings respectively assigned to them in section 2 of the Motor Vehicles and Road Traffic Ordinance;</p> <p>“undertaking” means plant, buildings, office equipment, garages, stores, tools, spares, motor omnibuses and other rolling stock.</p>
Ch. 16, No. 3	
Termination of concessions	<p>3. Notwithstanding anything expressed or implied in any agreement or arrangement subsisting between either of the Companies and the Government immediately before the commencement of this Act, the motor omnibus concessions operated by the Companies under any such agreement or arrangement are hereby terminated.</p>
Vesting of undertakings of the companies and compensation	<p>4. (1) There is hereby vested in the Government the undertakings of the Companies.</p> <p>(2) Upon the vesting of each of the undertakings of the Companies, there is payable to each of the Companies by way of compensation therefor an amount to be calculated in accordance with the provisions set out in the Schedule.</p>
Authority to Government to operate motor omnibuses	<p>5. (1) Subject to the provisions of this Act and of any regulations made thereunder, the Government is hereby authorised to operate exclusively motor omnibuses in any area or on any road or route or for any journey in Trinidad and Tobago.</p> <p>(2) In the said operation the Government may utilise the undertakings of the Companies and such other undertaking or part thereof as it may acquire or become possessed of.</p> <p>(3) For the purposes of such operation the Government may do all things that are necessary for or ancillary to the purpose of carrying on the said operation.</p>

6. (1) If after ninety days from the commencement of this Act, either or both of the Companies and the Government do not agree on the amount to be paid under this Act by way of compensation, any of these parties may, upon giving seven days' notice in writing to the other party or parties, as the case may require, of its intention to make the application, apply by summons to a Judge to assess the compensation to be paid under this Act.

(2) The proceedings on the application and all matters and things incidental thereto shall be had and taken *mutatis mutandis* in the same manner as proceedings had and taken on an assessment of damages by a Judge.

7. (1) Compensation agreed upon between the Government and the Companies or either of them, or assessed by a Judge or by the Court of Appeal on an appeal thereto shall be paid to each of the Companies within twenty-one days of the date of the agreement or of the making of the order by the Judge or of the Court of Appeal, as the case may be.

(2) The sums payable under subsection (1) are hereby charged upon the Consolidated Fund.

8. (1) Where the amount of compensation to be paid under this Act has been agreed upon between either of the Companies and the Government, there shall be payable by the Government to the Company interest at the rate of six per centum per annum from the commencement of this Act on the said amount or any part thereof while the same remains unpaid.

(2) Where compensation payable under this Act is assessed under sections 6 and 7, there shall, subject to this section, be payable by the Government to the Company such amount by way of interest thereon as may be directed by the Judge or the Court of Appeal.

(3) The interest directed to be paid under subsection (2) may be—

(a) at a rate not exceeding six per centum per annum;

(b) for the period between the commencement of the Act and the date of payment of the compensation or for any part of the said period; and

(c) in respect of the whole of the compensation or any portion thereof.

(4) In the exercise of the discretion under subsection (2), the Judge or the Court of Appeal shall have regard *inter alia* to—

(a) any delay on the part of the Company in submitting to the Government a proper claim for compensation; and

(b) the conduct of the Company and of the Government generally in relation to the negotiations for an agreed settlement and to the proceedings.

(5) Where an unconditional offer in writing of any sum as compensation to the Company has been made by or on behalf of the Government and has been refused by the Company or has not been accepted by the Company within thirty days after the date of the offer, no interest shall be directed to be paid for any period subsequent to the date of such refusal or to the expiry of such thirty days, whichever first happens, unless the compensation awarded exceeds the amount of such offer.

(6) In this section “proper claim” means a statement in writing signed by the Company or its agent giving full particulars of its undertaking, of the amount claimed in respect of each item thereof, and showing how the amount claimed in respect of each item is calculated.

Regulations

9. (1) The Governor-General may make regulations providing for such matters as may be necessary or advisable to carry out the intention of this Act including, without limiting the generality of the foregoing, the fixing of fares and charges for omnibus transport services supplied by the Government.

(2) Regulations made under subsection (1) shall be subject to negative resolution of the Senate and the House of Representatives.

Application of Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3.

10. Nothing contained in section 77 or section 79 of the Motor Vehicles and Road Traffic Ordinance or the Regulations made thereunder which relates to the granting or operation of concessions shall apply or shall be deemed to apply to motor omnibuses operated by the Government under the provisions of this Act.

11. (1) Subject to subsection (2), the benefits and ^{Assignment} burdens of any contract to which either of the Companies ^{of contracts} is a party and which—

(a) relates directly to the operation of the concessions terminated by this Act; and

(b) is valid and subsisting immediately before the commencement of this Act,

are hereby assigned to the Government.”

(2) This section applies to contracts for the purchase or supply of goods or of services and contracts for the loan of money to which the Government is a guarantor.

THE SCHEDULE

METHOD OF ASSESSMENT OF COMPENSATION PAYABLE TO THE COMPANIES

1. For the purpose of this Schedule the expression “net value” in ^{“Net value”} relation to any motor omnibus of the Companies shall be taken to be the value ascertained by deducting from the book-value of such motor omnibus the sum which, at the date of the commencement of this Act, represents the obligations outstanding against such motor omnibus.

2. In respect of any motor omnibus vesting in the Government ^{Compensation} under section 4 of this Act, the Government shall pay to each of the ^{for motor} Companies compensation equal to the net value of such motor omnibus ^{omnibus} but decreased by such amount as ought fairly and reasonably to be deducted having regard to the deterioration in the value thereof as a result of any damage that may have occurred thereto.

3. In respect of any property vesting in the Government under ^{Compensation} section 4 of this Act, other than a motor omnibus, the Government ^{for property} shall pay to each of the Companies compensation equal to the amount ^{other than} which such property would fetch in the open market estimated at the ^{motor omnibus} date of the commencement of this Act.

4. In respect of the cessation of business caused to the Companies ^{Compensation} by the operation of section 3 of this Act, the Government shall pay to ^{for cessation} the Companies or either of them, in addition, but having regard to such ^{of business} compensation as may be payable under paragraphs 2 and 3 of this Schedule, such amount, if any, as would have been recoverable from the Government at the suit of either of the Companies, if the motor omnibus concession of either of the Companies had been terminated immediately before the commencement of this Act by the Government without notice and if the consent of the Governor-General had been given to the institution of a suit for recovery of the said amount under section 5 of the Crown Suits Ordinance.

Loans,
guaranteed by
Government

5. In determining the amount of compensation payable to a Company under this Act, there shall be set off against such amount any sum which at the commencement of this Act is payable by the Company under any contract of loan assigned to the Government under section 11 of this Act:

Provided that this provision shall be without prejudice to the right of Government to recover any sum in excess of such compensation which cannot be set off as aforesaid.

Application of
paragraph 4 of
the Schedule

6. The provisions of paragraph 4 do not apply in any case where the Government was entitled on or before the commencement of this Act to terminate without notice the concessions operated by the Companies or either of them immediately before such commencement.

Contracts
for purchase
of goods
intransit.

7. In respect of any contract for the purchase of goods assigned to the Government under section 11 of this Act, where any such goods have not been received by either of the Companies at the commencement of this Act, the Government shall refund to such Company any amount paid by that Company on account of the purchase price before the commencement of this Act.

Passed in the House of Representatives this 18th day of
December, 1964.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 17th day of December, 1964.

J. E. CARTER
Acting Clerk of the Senate