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Fifth Session First Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 37 of 1980**

[L.S.]

AN ACT to establish the Tobago House of Assembly for the purpose of making better provision for the administration of the Island of Tobago and for matters connected therewith.

*[Assented to 23rd September, 1980]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

1. This Act may be cited as the Tobago House of Short title Assembly Act, 1980.

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## Interpretation

## 2. In this Act—

“Clerk” means the chief administrative officer of the Tobago House of Assembly;

“former Council” means the Tobago County Council constituted under section 4 of the County Councils Act, 1967;

“member” means a member of the Tobago House of Assembly that is to say either an assemblyman or a councillor;

“Minister” means the member of the Cabinet to whom responsibility for the administration of Tobago is assigned;

“qualifying date” means the ninth day after the date fixed as the date of commencement of an electoral registration by proclamation issued under section 31 of the Representation of the People Act, 1967.

Act No. 22  
of 1967

Act No.41 of 1967

Establishment,  
incorporation  
and membership  
of the Assembly

3. (1) There is established for the purposes of this Act a Tobago House of Assembly (hereinafter referred to as “the Assembly”).

(2) The Assembly shall have and use a common seal which shall be judicially noticed.

(3) The Assembly shall be a body corporate consisting of—

(a) twelve assemblymen elected at an election (hereinafter referred to as “a primary election”) held in accordance with the provisions of the Representation of the People Act, 1967;

(b) three councillors elected by secret ballot by the assemblymen at an election (hereinafter referred to as a “secondary election”) held at the first meeting of the assemblymen after their election to office.

Qualifications  
of members

4. (1) Subject to subsection (2), a person is qualified to be elected as a member and not qualified to be so elected unless he—

(a) is a citizen of Trinidad and Tobago;

- (b) is qualified to be an elector under the provisions of section 14 of the Representation of the People Act, 1967;
  - (c) is able to speak, and except where incapacitated by blindness or other physical cause, is able to read the English language; and
  - (d) resides in Tobago.
- (2) A person is disqualified for being elected as a member where he—
- (a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state; or
  - (b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged; or
  - (c) is a mentally ill person within the meaning of the Mental Health Act, 1975; or
  - (d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended; or
  - (e) is disqualified for election under the Representation of the People Act, 1967; or
  - (f) holds any office other than Chairman or Deputy Chairman in the gift or disposal of the Assembly or any of its committees; but a person is not disqualified by reason of receiving or being entitled to receive payment by way only of travelling and of subsistence allowances or a refund of out-of-pocket expenses; or

Act No 30 of 1975

- (g) is debarred from practising his profession on account of any act involving dishonesty; or
- (h) is a member of the Senate or the House of Representatives or of a Municipal or County Council.

Qualification  
of electors

5. Persons entitled to vote at a primary election are persons qualified as electors in Tobago in accordance with sections 13 and 14 of the Representation of the People Act, 1967.

Change of  
residence  
of elector  
and registration  
of minors as  
electors

6. (1) Where on the date of the commencement of an electoral registration, a person is not qualified as an elector, but would be so qualified if he continued until the qualifying date to reside in Tobago, he shall be registered as an elector.

(2) A person who on the date of the commencement of an electoral registration is not of the age of eighteen years, but will be of that age on the qualifying date and is otherwise qualified as an elector shall be registered as an elector.

Disqualification  
of electors

7. (1) No person is qualified to be or to remain registered as an elector who—

- (a) is a mentally ill person within the meaning of the Mental Health Act, 1975;
- (b) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of death or imprisonment the execution of which has been suspended;
- (c) is disqualified for registration as an elector by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections.

(2) A person who is not a Commonwealth citizen is not qualified to be registered as an elector unless he has or will have resided in Trinidad and Tobago for a continuous period of at least five years immediately preceding the qualifying date.

8. (1) The President shall administer the oath of office set out in the First Schedule to the assemblymen at their first meeting which shall be held not later than fifteen days from the date fixed for the taking of the poll. Swearing in of assemblymen and election of councillors

(2) After the assemblymen are sworn, they shall elect from among their number a temporary chairman and proceed to elect the councillors.

(3) The temporary chairman shall receive nominations of candidates from any assemblyman already sworn, save that no assemblyman may nominate more than three candidates whether as proposer or seconder.

(4) Where not more than three candidates are nominated, the temporary chairman shall declare them duly elected as councillors but where more than three are nominated, election shall be by secret ballot.

(5) The three councillors elected shall be those receiving the highest number of votes but where because of an equality of votes the election of three councillors is impossible the ballot shall be re-taken in respect of those candidates affected by the equality in the voting.

(6) Where on the second ballot, the equality of votes continues the temporary chairman shall exercise a casting vote.

9. Immediately after the election of councillors the names of all the members shall be posted on the outer door of the Hall of the Assembly and published in a daily newspaper circulating in Tobago. Publication of names of members

10. Where any person elected as a councillor is present at the time of his election, he shall forthwith be administered the oath of office set out in the First Schedule by the President and the Assembly shall then proceed to the business of electing a Chairman and a Deputy Chairman from among their number. Oath of office to be administered forthwith

Oath to be administered not later than one month after ballot

**11.** Where an assemblyman is not present at the meeting referred to in section 8(1) or a councillor is not present at the time of his election he shall be administered the oath of office by the President at a meeting convened for the purpose and held not later than one month after the date of the first meeting of the Assembly after a primary election.

Failure to take oath of office

**12.** Subject to section 13, where at the expiration of one month from his election a member has not taken the oath of office he is disqualified for assuming the duties and responsibilities of membership in the Assembly and his seat in the Assembly falls vacant.

Extension of time limit for oath

**13.** (1) The Assembly may resolve before the expiration of the period of one month of the election of a member who has not taken the oath of office, either on its own motion or at the request of that member, to extend the period of one month to a period not exceeding three months at the end of which period should the member not be sworn his seat falls vacant.

(2) Any extension of time granted under this section shall be immediately notified by the Chairman to the President.

Election of Chairman and Deputy Chairman

**14.** (1) Where at the time of the election of the councillors, no person so elected is present, the election of the Chairman and Deputy Chairman shall be postponed to the first meeting thereafter attended by not less than ten members of whom at least one is a Councillor.

(2) A member who is not duly sworn may not participate in the election of the Chairman or Deputy Chairman.

(3) For the purpose of electing the Chairman and Deputy Chairman members present shall elect from among their number a temporary chairman but the temporary chairman shall not be eligible to be elected Chairman or Deputy Chairman.

(4) Where all the members present decline to act as temporary chairman, the meeting shall be presided over by the person holding the most senior office in the department referred to in section 59 for the time being but such person shall have no vote.

(5) The Chairman and Deputy Chairman shall be elected separately by secret ballot by simple majority of the members present and voting.

(6) Where a Chairman or Deputy Chairman is not elected by reason of an equality in the voting, the ballot shall be re-taken until a member acquires a majority and the person presiding shall declare the member elected as Chairman or Deputy Chairman duly elected and surrender the chair to the Chairman.

15. The Chairman shall be *ex officio* a Justice of the Peace and shall preside at all meetings of the Council at which he is present.

Chairman to be  
Justice of the  
Peace

16. Where the Chairman is unable to be present at any meeting of the Assembly the Deputy Chairman shall preside and in the absence of both the Chairman and Deputy Chairman members present shall elect one of their number to preside.

Assembly to  
elect member  
to preside in  
absence of  
Chairman and  
Deputy Chairman

17. (1) Where a member of the Assembly—

Seat of member  
how vacated

- (a) dies, or, by writing under his hand addressed to the Chairman, resigns his seat on the Assembly; or
- (b) is, without the leave of the Assembly, continuously absent from Tobago for more than ninety days or from three consecutive ordinary meetings of the Assembly; or
- (c) is not in Tobago at the date of his election and continues to be out of Tobago for a period of more than thirty days from the date of his election; or
- (d) ceases to possess any of the qualifications required by section 4(1) or is or becomes disqualified for being a member of the Assembly for any of the reasons set out in section 4(2),

his seat on the Assembly thereupon becomes vacant.

(2) The Chairman may resign his seat on the Assembly by writing under his hand addressed to the Clerk who shall forward it to the Minister.

(3) A vacancy shall be formally declared by the Assembly on the report of a committee of the Assembly specially appointed for the purpose on the motion of any member to consider and verify the grounds relied on as causing the vacancy.

(4) The declaration of vacancy shall be signified forthwith by a notice under the hand of the Clerk and shall be posted up in a conspicuous position on the outer door of the Hall of the Assembly and the Clerk shall send a copy of the notice to the Minister.

(5) Whenever it is shown to the satisfaction of the President that the seat of a member has become vacant, the President may having regard to the manner in which the member whose seat is declared vacant was elected to the Assembly either issue a writ addressed to the Returning Officer of the appropriate electoral area for the holding of a primary election for the election of a new Assemblyman or advise the Chairman that a secondary election for the election of a councillor be held.

Chairman to swear in member elected to fill vacancy

**18.** A person elected to the Assembly to fill a vacancy shall be administered the oath of office by the Chairman.

Disqualifications, when to cease

**19.** (1) Where a member becomes disqualified through being absent from Tobago for more than ninety days without leave, the disqualification as regards subsequent elections ceases on his return.

(2) Where a member becomes disqualified through having been absent from Tobago at the date of his election and not having returned to Tobago within thirty days after his election, the disqualification as regards subsequent elections, ceases on his return.

Term of office of members

**20.** (1) Subject to subsection (2), except in the case of a member whose seat has become vacant under section 17, the term of office of members expires on the last day of every successive four-year period the first of which is deemed to begin on the day upon which the member was elected to office.

(2) Where a person is elected to fill a vacancy he shall hold office until the time when the person whose vacancy he filled, would have gone out of office.

(3) A person whose term of office as a member has expired is, unless disqualified for holding office and subject to the provisions of this Act, eligible for re-election.

#### FUNCTIONS OF THE ASSEMBLY

**21.** (1) The Assembly shall formulate and implement policy on all matters referred to it by the Minister and the Minister of Finance shall consult the Assembly on matters of national importance such as the annual national budget, development projects, and the operation and use of the long-term funds as they relate to Tobago and subject to this Act, the Assembly shall be responsible for implementing in Tobago, Government policy relating to—

Functions of the  
Assembly

- (a) finance and in particular the raising and collection of revenue and the meeting of expenditures incurred in carrying out the functions of the Assembly specified in this Act;
- (b) economic planning, programming and development of the resources of Tobago with special emphasis on agriculture, fisheries, forestry, industrial development and tourism;
- (c) the conservation and improvement of the environment;
- (d) the provision of adequate infrastructure so as to facilitate the supply of water and electricity, the operation of telecommunication services and road, sea and air transport facilities;
- (e) the establishment and maintenance of a system of comprehensive community services including the operation of educational and health facilities and the provision of training in arts and crafts.

(2) In addition to the functions set out in subsection (1) the Assembly shall undertake in Tobago—

- (a) the construction of roads and bridges other than main roads and the bridges thereon and, notwithstanding the High-

Act No. 3 of 1970

ways Act, 1970, the maintenance of all roads including main roads and the bridges thereon;

- (b) the construction, maintenance and repair of all traces on State land;
  - (c) the installation and maintenance of cold storage and other facilities at fishing centres;
  - (d) the maintenance of burial grounds licensed by the President, subject to the Burial Grounds Ordinance;
  - (e) the provision, maintenance and management of markets subject to the Country Markets Ordinance;
  - (f) the provision, maintenance and control of public pastures and recreation grounds subject to the Recreation Grounds and Pastures Ordinance;
  - (g) the giving of assistance, financial or otherwise, towards the provision of community, district or village centres;
  - (h) the control of the erection and use of hoardings and the exhibition of advertisements, subject to the provisions of the Advertisements Regulations Ordinance;
  - (i) the distribution of truck-borne water subject to the Water and Sewerage Act, 1965;
  - (j) the construction of buildings to be used by the Assembly and the maintenance and control of all buildings used by the Assembly;
  - (k) the provision, maintenance and control of homes for the aged;
  - (l) the financing and administering of the school feeding programme;
  - (m) the maintenance of projects completed by the Development and Environmental Works Division;
  - (n) the construction and maintenance of all drains and watercourses except main watercourses and highway watercourses;
- Ch. 12. No. 18
- Ch. 40. No. 4
- Ch. 40. No. 3
- Ch. 30. No. 1
- Act No. 16 of 1965

- (o) the provision, maintenance and control of such parks, recreation grounds and public spaces as the President may from time to time by Order prescribe;
- (p) the establishment of community and village councils;
- (q) the construction, maintenance and repair of storage and warehousing facilities at any port;
- (r) the establishment and operation of an islandwide system of marketing of agricultural produce and building materials;
- (s) the establishment, maintenance and operation of facilities for sports (other than horse racing) including mini-stadiums and public swimming pools;
- (t) the introduction, in collaboration with the Ministry of Education, of programmes for the preservation and appreciation of Tobago folk art forms and the inclusion of such programmes in school curricula;
- (u) the identification and preservation of places of historical interest and natural beauty and the establishment of a natural history museum and a Tobago Trust;
- (v) the encouragement of the tourist industry by the provision and maintenance of beach facilities, by organising tours to places of interest and by sponsoring programmes of entertainment with particular emphasis on folk theatre;
- (w) the maintenance and repair of school buildings;
- (x) the functions carried out by local authorities in rural sanitary districts in accordance with the provisions of the written laws specified in the Second Schedule.

(3) The President may by Order amend the Second Schedule Second Schedule.

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Assembly may  
make bye-laws

**22.** (1) The Assembly may make bye-laws for the proper management of any facilities established or operated by it under section 21(2) and may by such bye-laws impose fees or charges for admission to or use of any such facility.

(2) Bye-laws made by the Assembly shall have no effect unless and until they are approved by the President.

Assembly to  
appoint  
monitoring  
committees  
Third Schedule

**23.** (1) For the purpose of monitoring the efficiency of the services provided in Tobago by the utilities specified in the Third Schedule the Assembly may appoint committees of persons qualified to be electors in Tobago.

(2) Committees appointed under subsection (1) shall submit quarterly reports to the Assembly on the performance of the utilities and the Assembly may in its discretion transmit these reports to the respective utilities through the Minister.

(3) The President may by Order amend the Third Schedule.

Ministries,  
departments  
or statutory  
authorities  
may consult

**24.** (1) Where the co-operation of the Assembly would facilitate the carrying out of any public business which is the responsibility of a Ministry or department of Government or a statutory authority, that Ministry or department of Government or statutory authority shall consult the Assembly and the Assembly shall render all possible assistance.

(2) Where in order to discharge its functions the Assembly requires the co-operation and assistance of a Ministry, department of Government or statutory authority, the Assembly shall consult with the Ministry, department or statutory authority which shall render prompt assistance.

Administrative  
Schemes

**25.** (1) The President may require the Ministry or department of Government concerned with the discharge of functions under any of the written laws set out in the Second Schedule to submit for the approval of the Minister administrative schemes for—

(a) the proper apportionment of such functions between the Ministry or department of Government and the Assembly;

(b) the proper apportionment of the duties necessary for the performance of such functions between officers of the Ministry or department of Government and officers of the Assembly.

(2) An administrative scheme may be revoked or altered by a revised scheme prepared by the Ministry or department of Government referred to in subsection (1) and submitted to and approved by the Minister with or without modification or amendment.

(3) Approved schemes shall be published in the *Gazette* and shall take effect on the date of publication.

**26.** (1) On or before the 31st day of March in each year, the Assembly shall present to the Minister a report reviewing its activities during the year ended 31st December immediately preceding. Annual reports of the Assembly

(2) A report referred to in subsection (1) shall also contain the findings of the monitoring committees on the performance of the utilities set out in the Third Schedule.

(3) Within one month of receiving the annual report of the Assembly the Minister shall cause a copy of it to be laid before the Senate and House of Representatives.

#### MEETINGS AND PROCEEDINGS OF THE ASSEMBLY

**27.** (1) The Assembly shall hold meetings at least once a month in the Hall of the Assembly. Meetings

(2) The Chairman may at any time convene a special meeting of the Assembly.

(3) Where the Chairman neglects or refuses to call a meeting within seven days of receiving a written request therefor signed by not less than three members, of whom at least one shall be a councillor and another an assemblyman, any of the signatories to the request may thereupon call the meeting.

(4) The person presiding shall in the event of an equality in the voting exercise in addition to his original vote a casting vote.

Notice of  
meetings

**28.** (1) The Secretary shall give each member five clear days written notice of any monthly meeting and the notice shall specify the business to be transacted at the meeting.

(2) At least twenty-four hours written notice shall be given to members—

(a) by the Secretary, in the case of a special meeting being called by the Chairman; and

(b) by any signatory to the request for the meeting in the case of a special meeting being called under section 27(3).

Secretary to  
keep minutes

**29.** The Secretary shall keep minutes in proper form of all meetings of the Assembly and of its committees.

Quorum

**30.** At a meeting of the Assembly seven members, of whom at least one is a councillor, shall form the quorum.

Declaration  
of interest

**31.** (1) A member who has an interest in any matter with the Assembly, whether by reason of the fact that he intends to enter into a business relationship with the Assembly in respect of that matter or he is a director, shareholder, partner or has a financial interest in a company, partnership or other body that has a financial interest in the matter coming before the Assembly or by reason of the fact that he is married to a person or to the relative of a person who has such an interest, shall declare his interest and shall not vote or take part in the proceedings relating to the matter.

(2) In subsection (1) "relative" means parent, brother, sister, son, daughter, son-in-law or daughter-in-law.

(3) A member who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of two thousand, five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

(4) Where a member is convicted under this section the Court may order that any decision or resolution on the matter in which he had an interest and which gave rise to the prosecution be set aside.

**32.** (1) Subject to the provisions of sections 27 to 30, <sup>Standing Orders</sup> the Assembly may, subject to the approval of the President make Rules and Standing Orders to provide for—

- (a) the safe custody and use of the seal of the Assembly;
- (b) the regulation and conduct of the proceedings and meetings of the Assembly including the recording and confirmation of the minutes of meetings of the Assembly and its committees;
- (c) the maintenance of order in the Hall of the Assembly;
- (d) the conduct of debates in the Assembly;
- (e) the suspension of members; and
- (f) the regulation of the financial affairs of the Assembly and such other matters as are necessary to ensure the efficient functioning of the Assembly.

(2) The Rules and Standing Orders may provide that the minutes of the proceedings of any meetings, shall, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

**33.** All matters relating to the following functions shall be considered by the Assembly sitting as Finance and General Purposes Committee— <sup>Assembly to sit as Finance and General Purposes Committee</sup>

- (a) all financial and establishment matters of the Assembly including the preparation of the annual estimates for submission to the Minister;
- (b) maintenance of burial grounds;
- (c) provision, maintenance and regulation of markets;
- (d) provision, maintenance and control of public pastures and recreation grounds;
- (e) financial assistance to community, district or village councils and any other matters arising therefrom.

Standing  
committees

**34.** (1) The Assembly shall from among its members appoint—

- (a) a Committee for the purposes of its functions relating to roads and buildings, including school buildings, and, the control of hoardings and advertisements, which Committee shall be known as the Roads and Buildings Committee;
- (b) a Committee for the purposes of its functions relating to health and sanitation which Committee shall be known as the Health and Sanitation Committee;
- (c) a Committee for the purposes of its functions relating to sport and culture, which Committee shall be known as the Sports and Culture Committee;
- (d) a Committee for the purposes of its functions relating to marketing which Committee shall be known as the Marketing Committee.

(2) A Committee referred to in subsection (1) shall consist of no fewer than three members at least one of whom shall be a councillor and another an assemblyman and the Chairman shall not be chairman of any such Committee.

(3) The Assembly shall refer all matters relating to any of its functions specified in subsection (1) to the appropriate Committee before discharging any function relating to such matters and shall, unless in its opinion the matter is urgent, receive and consider the report of the Committee.

Committees

**35.** (1) The Assembly may also appoint from among its members committees, either of a general or special nature, for any function other than those specified in section 34, which, in the opinion of the Assembly, would be better regulated and managed by means of such committees.

(2) A committee shall consist of such number of members as the Assembly may determine and shall be under the chairmanship of any member appointed by the Assembly.

**36.** The quorum of a committee shall be determined at the time of its appointment by the Assembly.

Quorum of committees

**37.** (1) Every committee shall submit its recommendations and findings to the Assembly either in the form of minutes of its proceedings or as a formal report signed by its chairman.

Recommendations of committees to be submitted to Assembly

(2) Any recommendation of a committee, when adopted by the Assembly, becomes a resolution of the Assembly.

**38.** Minutes of the proceedings at a meeting of the Assembly or of a committee, signed by a member describing himself as or appearing to be, the person who presided at the meeting at which the minutes were signed, shall be received in evidence in any court without further proof.

Minutes signed by person presiding

**39.** Unless the contrary is proved every meeting of the Assembly in respect of which minutes are prepared as provided in section 38 and every meeting of a committee the recommendations and findings of which are presented to the Assembly in the form of minutes or as a formal report signed by the person presiding, is deemed to have been lawfully convened and the members present to have been duly qualified to be so present and in the case of a committee, it is deemed to have been lawfully constituted and competent to deal with the matters referred to in the minutes or in the report, as the case may be.

Meetings deemed to be lawfully convened

#### STAFF OF THE ASSEMBLY

**40.** (1) There shall be assigned to the Assembly a Clerk who shall be responsible for the efficient administration of all the functions of the Assembly and a Secretary who shall be responsible for the proper keeping of the records and other documents of the Assembly.

Clerk, and Secretary and staff of former Council

(2) The permanent officers and employees employed with the former Council immediately before the commencement of this Act are hereby transferred to the service of the Assembly.

Other staff

**41.** In addition to the officers and employees referred to in section 40, the Assembly shall have such other staff as are necessary for the efficient discharge of its functions under this Act, including in particular a construction engineer and a legal officer.

Public Service Commission to appoint staff, etc.

**42.** The Public Service Commission shall appoint, remove, transfer and exercise disciplinary control over the staff of the Assembly.

Transfer of public officers, etc.. to Assembly

**43.** A public officer or a person in the employ of a statutory authority may with the approval of the Minister and the appropriate service commissions be transferred to the staff of the Assembly and any such transfer shall be on such terms as are acceptable to the Government or statutory authority as the case may be, the Assembly and the person being transferred.

Transfer on secondment

**44.** (1) The Minister, the Assembly and the appropriate service commissions may make arrangements for the transfer on secondment of any public officer or employee of a statutory authority to the staff of the Assembly or of any officer or employee of the Assembly to the service of the Government or of a statutory authority.

(2) Where a transfer on secondment is effected, the Government, statutory authority or the Assembly as the case may require shall make such arrangements as are necessary to preserve the rights of the person so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government, statutory authority or the Assembly, as the case may be.

(3) A period of transfer on secondment shall not exceed five years.

(4) In this section—

“Service Commission” has the meaning assigned to it in the Constitution and includes the Statutory Authorities’ Service Commission;

“statutory authority” has the meaning assigned to it in the Statutory Authorities Act, 1966.

## FINANCIAL PROVISIONS

**45.** (1) There is established the Tobago House of Assembly Fund (hereinafter referred to as "the Fund") to which shall be credited all sums appropriated by Parliament for the use of the Assembly as well as all moneys collected by the Assembly in respect of fees or charges imposed by it under its bye-laws.

Disposal of moneys appropriated for or collected by the Assembly

(2) All expenditures by and disbursements of the Assembly shall be met from the Fund.

**46.** All moneys collected by the Assembly in respect of the functions set out in section 21(1) shall be handed over to the Head of the Department referred to in section 59 and credited to the Consolidated Fund.

Moneys to be credited to Consolidated Fund

**47.** Upon the commencement of this Act there shall be appropriated and credited to the Fund a sum of money which in the opinion of the Minister of Finance is reasonable to enable the Assembly to engage immediately upon the discharge of its functions under this Act.

On commencement of Act money to be appropriated to Fund

**48.** The financial year of the Assembly is the 1st January to 31st December.

Financial year of Assembly

**49.** (1) Within three months of the commencement of this Act, the Minister shall be in receipt of the first estimates of the Assembly.

First estimates of the Assembly

(2) Before submitting the estimates to the Minister for his approval, the Clerk shall submit draft estimates to the Assembly and these estimates when approved shall be submitted to the Minister.

(3) The Minister shall within one month of receiving the estimates present them to Parliament with such modifications as he considers proper.

**50.** (1) The Clerk shall on or before the 15th May in each year prepare and submit to the Assembly for its approval draft estimates of revenue and expenditure respecting all the functions of the Assembly for the financial year commencing on the 1st January next following.

Estimates of expenditure and revenue of Assembly

(2) The Assembly shall consider and approve the draft estimates subject to such alterations as may seem desirable.

(3) Subject to section 51 the Clerk shall on or before the 30th day of June submit the estimates as approved by the Assembly to the Minister for his approval and the Minister may in approving the estimates make such modifications as he considers proper.

Late submission  
of estimates

**51.** Where the Assembly fails to complete consideration of its estimates in time to allow the Clerk to proceed in accordance with section 50(3), the Clerk shall forward the estimates to the Minister who shall receive them as if the requirements of that section had been fully complied with and the Minister may take such steps as he considers necessary to complete the estimates.

Annual statement  
of account

**52.** Not later than the 15th March in each year the Clerk shall prepare a statement of account for the information of the Assembly showing the expenditure met from the Fund in respect of each of the functions of the Assembly including the cost of administration during the previous financial year.

Audit of  
accounts

**53.** The accounts of the Assembly shall be subject to audit by the Auditor General in all respects as if they were the public accounts of Trinidad and Tobago.

Chairman or  
Deputy Chairman  
not holder of  
office of  
emolument

**54.** The office of Chairman or Deputy Chairman, is not an office of emolument under the State for any of the purposes of the Constitution.

Vesting of  
powers, rights  
and property  
of former  
Council in  
Assembly

**55.** Upon the commencement of this Act—

- (a) all land and other property of every kind, including things in action, vested immediately before the commencement of this Act in the former Council are hereby vested in the Assembly;
- (b) all the rights, privileges and advantages and all the liabilities and obligations that, immediately before the commencement of

this Act, the former Council was entitled or subject to, are hereby transferred and conferred or imposed upon the Assembly.

#### MISCELLANEOUS PROVISIONS

**56.** A direct or an indirect reference to the Tobago County Council in any written law, deed, bond, security, contract or any document or writing of whatever kind having legal consequences, shall be taken to refer to the Assembly except where the context clearly indicates otherwise or wherever there is any conflict with the provisions of this Act.

Reference to  
Tobago County  
Council in  
written law

**57.** Every written law giving power or authority to or imposing any duty or liability upon or otherwise relating to the former Council or providing any forms or proceedings relating to the former Council, shall, unless the context otherwise requires and so far as applicable, be read and have effect as if in that written law, the Assembly were substituted for the former Council.

Written law  
to be read as  
if the Assembly  
substituted  
for the former  
Council

**58.** Legal proceedings pending immediately before the commencement of this Act by or against the former Council may be continued on and after that day by or against the Assembly as the party to the proceedings instead of the former Council.

Legal proceedings

**59.** Functions relating to the public administration of Tobago and not by this Act made the responsibility of the Assembly, remain to be exercised by the Government and shall be so exercised through a department the most senior post in which shall be in rank and status not less than to that of Permanent Secretary and the holder of that post shall be responsible to a member of the Cabinet.

Government  
to administer  
other administra-  
tive functions

**60.** The written laws specified in the first column of the Fourth Schedule have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule.

Written laws  
amended Fourth  
Schedule

## FIRST SCHEDULE

(Section 8)

## OATH OR AFFIRMATION OF OFFICE

I .....  
 having been elected a member of the Tobago House of Assembly  
 do swear by .....  
 do solemnly affirm that I will uphold the law and conscientiously  
 and impartially discharge the duties and responsibilities I am  
 now about to assume.

.....

## SECOND SCHEDULE

(Section 21(2))

The Public Health Ordinance, Ch. 12. No. 4  
 The Malaria Abatement Ordinance, Ch. 12. No. 16  
 The Dogs Ordinance, Ch. 25. No. 4  
 The Litter Act, No. 27 of 1973.

## THIRD SCHEDULE

(Section 23(1))

The Trinidad and Tobago Electricity Commission  
 The Trinidad and Tobago Telephone Co., Ltd.  
 The Water and Sewerage Authority  
 The Port Authority  
 The Public Transport Service Corporation.

## FOURTH SCHEDULE

(Section 59)

FIRST COLUMN	SECOND COLUMN
The Representa- tion of the People Act, 1967	<p>A. In section 2(1)—</p> <p>(a) by substituting for the definitions of “election” and “electoral district” the following:—</p> <p style="padding-left: 40px;">“ “election” means the election of a member to serve in the House of Representatives, a Municipal Council, a County Council or the Tobago House of Assembly;</p> <p style="padding-left: 40px;">“electoral district” means—</p> <p style="padding-left: 80px;">(i) In relation to a Parliamentary election a constituency as defined in an Order made under section 70 of the Constitu- tion;</p> <p style="padding-left: 80px;">(ii) in relation to a Municipal Council or a County Council or a Tobago House of Assembly election, a constituency as defined in an Order made under section 4 of the Elections and Boundaries Com- mission (Local Government) Act, 1967;”;</p> <p style="padding-left: 40px;">Act No. 11 of 1980</p> <p>(b) by inserting in the appropriate alpha- betical order the following new definitions:—</p> <p style="padding-left: 40px;">“ “Tobago House of Assembly” means the Assembly established under the Tobago House of Assembly Act, 1980;</p> <p style="padding-left: 40px;">“Tobago House of Assembly election” means the elec- tion of a person to serve as an assemblyman in the Tobago House of Assembly;”.</p>

## FOURTH SCHEDULE—CONTINUED

FIRST COLUMN	SECOND COLUMN		
	B. In section 14 by substituting for the words "or a County Council" occurring in line three, the words "a County Council or the Tobago House of Assembly".		
	C. In section 49 by substituting for the words "or a county council election" occurring at the end of the section, the words "county council or Tobago House of Assembly election".		
	D. In section 131(1)(b) by substituting for the words "or a County Council" occurring in line two the words "a County Council or the Tobago House of Assembly".		
	E. In section 133(2)(b) by substituting for the words "or a County Council" the words "a County Council or the Tobago House of Assembly".		
	F. In section 149(2)—		
	(a) by substituting for the words "or a County Council" occurring in line three of sub-paragraph (ii) of paragraph (a), the words "a County Council or the Tobago House of Assembly";		
	(b) by substituting for the words "or a County Council" occurring in line three of sub-paragraph (ii) of paragraph (b), the words "a County Council or the Tobago House of Assembly".		
	G. By adding immediately after section 165, the following:—		
	<table border="0"> <tr> <td style="padding-right: 1em;">"Reference to County Council in Fifth Schedule to include Tobago House of Assembly</td> <td>166. For the purposes of this Act a reference in the Fifth Schedule to a County Council shall be construed as referring also to the Tobago House of Assembly."</td> </tr> </table>	"Reference to County Council in Fifth Schedule to include Tobago House of Assembly	166. For the purposes of this Act a reference in the Fifth Schedule to a County Council shall be construed as referring also to the Tobago House of Assembly."
"Reference to County Council in Fifth Schedule to include Tobago House of Assembly	166. For the purposes of this Act a reference in the Fifth Schedule to a County Council shall be construed as referring also to the Tobago House of Assembly."		
County Councils Act, 1967	In the First Schedule by deleting item 7.		
Highways Act, 1970	A. In section 2 by substituting for the definitions of "Chief Executive Officer" "Council", "County" and "Local Authority" the following:—		
	" "Chief Executive Officer" means in respect of—		
	(a) a Municipal Council, the Town Clerk;		

## FOURTH SCHEDULE—CONTINUED

## FIRST COLUMN

## SECOND COLUMN

(b) a County Council, the Chief Administrative Officer; and

(c) the Tobago House of Assembly, the Clerk;

“Council” means—

(a) in relation to a municipality, the municipal council therefor;

(b) in relation to a county, the county council therefor;

(c) in relation to Tobago, the Tobago House of Assembly;

“county” does not include Tobago or any area within a municipality;

“local authority” means a municipal council, a county council or the Tobago House of Assembly.”.

B. In section 6, by adding immediately after subsection (3) the following:—

“ (3A) The Tobago House of Assembly is the highway authority for all highways within Tobago classified by Order under section 3 as local roads, streets and development roads whether highways maintainable at the public expense or not, not being highways for which the Minister is the highway authority.”.

C. In section 39(4)(b) by inserting after the words “County Council” the words “or the Tobago House of Assembly.”.

D. In section 148(1)(b) by inserting after the words “county council” the words “or the Tobago House of Assembly.”.

Port Authority  
Ordinance, 1961

In section 8 by adding immediately after subsection (2) the following:—

“ (2A) Notwithstanding the provisions of subsection (2)(a), the Tobago House of Assembly is charged with the responsibility of

## FOURTH SCHEDULE—CONTINUED

FIRST COLUMN	SECOND COLUMN
Central Market- ing Agency Act, 1966	<p>constructing, maintaining and repairing storage and warehousing facilities at ports in Tobago.”.</p> <p>By substituting for section 9, the following:—</p> <p>“Functions of the Agency</p> <p>9. (1) Subject to subsection (2) the functions of the Agency are—</p> <p>(a) to regulate the wholesale marketing of agricultural produce and handicraft products;</p> <p>(b) to control and operate wholesale markets and to regulate the flow and movement of agricultural produce and handicraft products into retail markets;</p> <p>(c) to develop and carry out a co-ordinated programme for the purchasing, selling, handling, storage, processing distribution and transportation of agricultural produce and handicraft products and to operate and maintain services necessary or incidental thereto;</p> <p>(d) generally to carry out the provisions of this Act.</p> <p>(2) The Tobago House of Assembly is charged with the responsibility of establishing and operating an islandwide system of the marketing of agricultural produce in Tobago.”.</p>
Public Health Ordinance, Ch. 12. No. 14	<p>In section 2(1) by substituting for the definition of “local authority” the following—</p>

## FOURTH SCHEDULE—CONTINUED

## FIRST COLUMN

## SECOND COLUMN

Election and  
Boundaries Com-  
mission (Local  
Government)  
Act, 1967

““local authority” means the Port-of-Spain Corporation, the San Fernando Corporation, the Arima Corporation, the Point Fortin Corporation and includes a county council, the Tobago House of Assembly and the Port Authority.”.

In section 2 by substituting for paragraph (c) the following—

“(c) in relation to the Tobago House of Assembly, the area mentioned in the first column of Part III of the First Schedule and described in the second column of the said Part III.”.

Passed in the House of Representatives this 12th day of September, 1980.

J. E. CARTER  
*Clerk of the House*

Passed in the Senate this 18th day of September, 1980.

E. WILLIAMS  
*Acting Clerk of the Senate*