

Fourth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 1 of 1999

[L.S.]

AN ACT to establish the Trinidad and Tobago Postal
Corporation and for related matters

[Assented to 10th February, 1999]

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

PART I

PRELIMINARY

- Short title **1.** This Act may be cited as the Trinidad and Tobago Postal Corporation Act, 1999.
- Commencement **2.** (1) Sections 1, 2, 3, 4, 5, 7(2)(c), (e) and (k), 11, 12, 15, 33, 34, 35 and 36 and the First, Second and Third Schedules shall take effect on the date of assent of this Act.
- (2) The remaining provisions of this Act shall take effect on a date to be fixed by Proclamation by the President.
- Interpretation **3.** In this Act—
- “Board” means the Board of the Trinidad and Tobago Postal Corporation;
- “corporate plan” means a plan prepared in accordance with section 19;
- “dangerous enclosure” includes any explosive, dangerous or destructive substance or fluid and any matter or thing capable, as packed, of causing injury or damage to any postal article or any person;
- “letter” means any form of written communication, document or article that is directed to a specific person or a specific address;
- “Minister” means the Minister to whom responsibility for the Trinidad and Tobago Postal Corporation is assigned;
- “pension fund plan” has the meaning assigned to it by section 28(1) of the Income Tax Act;
- “postage” means the sum chargeable for the transmission of a postal article;

“postage stamp” means an adhesive label or impression on any stationery denoting payment of the fee charged for the carriage or delivery of a postal article;

“postal article” includes—

(a) a letter, document, pamphlet, pattern, packet, parcel or container containing any matter or thing; or

(b) a wrapper containing a communication received by Trinidad and Tobago Post by electronic means or telecommunication and reduced to paper writing for delivery to the addressee;

“post office” means any building, house, room, vehicle or place where, under the control or direction of the Trinidad and Tobago Postal Corporation, postal articles are received, delivered, sorted, made up or dispatched;

“post office letter-box” includes any pillar-box, wall-box or other box or receptacle provided by permission or under the authority of Trinidad and Tobago Post for the purpose of receiving postal articles;

“reserved services” means those services specified in section 9(1);

“subsidiary” means a company incorporated under the Companies Act in which Trinidad and Tobago Post— Act No. 35 of 1995

(a) has a majority of voting rights;

(b) is a member of the company and can appoint or dismiss the majority of the Directors; or

(c) is a member of the company and controls, alone or in agreement with others, a majority of the voting rights in that company;

“Tobago House of Assembly” means the Tobago House of Assembly established by section 141A of the Constitution;

“Trinidad and Tobago Postal Corporation” means the Corporation established under section 5;

“Universal Postal Union” or “UPU” means the General Postal Union created by the Treaty of Berne in 1874 and renamed the Universal Postal Union by the Paris Congress of 1878, the Conventions of which Trinidad and Tobago was admitted to membership on June 15, 1963.

Act binds the State

4. This Act binds the State.

PART II

ESTABLISHMENT, FUNCTIONS, POWERS, OBLIGATIONS AND RESERVED SERVICES OF THE TRINIDAD AND TOBAGO POSTAL CORPORATION

Establishment of
Trinidad and Tobago
Postal Corporation

5. There is hereby established, a body corporate to be known as “the Trinidad and Tobago Postal Corporation” (hereinafter referred to as “Trinidad and Tobago Post”).

Functions of
Trinidad and Tobago
Post

6. Trinidad and Tobago Post—

(a) shall provide postal services within Trinidad and Tobago and between Trinidad and Tobago and places outside Trinidad and Tobago;

(b) may carry on any business relating to postal services including postal financial services and electronic or telecommunications services;

- (c) may carry on any business or activity that is incidental to or which is capable of being conveniently performed in order to deliver the services and carry on the business or activity referred to in paragraphs (a) and (b).

7. (1) Trinidad and Tobago Post has the power to do Powers of Trinidad and Tobago Post all things necessary and convenient to be done for, or in connection with, the performance of its functions specified in section 6.

(2) Without limiting the generality of subsection (1), Trinidad and Tobago Post may—

- (a) set prices, including discounts, for non-reserved services;
- (b) permit the sale of postage stamps by another person;
- (c) enter into contracts;
- (d) acquire, hold and dispose of real and personal property;
- (e) appoint agents and attorneys and act as agent for other persons;
- (f) form and participate in the formation of companies;
- (g) subscribe for and purchase shares, debentures, and other securities of companies;
- (h) participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the sharing of profits from the provision of postal services;
- (i) issue debentures and grant floating charges on its property;
- (j) make charges and fix terms and conditions for work done, or for services, goods and information supplied by it;

- (k) engage consultants;
- (l) accept gifts, grants, bequests and devices made to it, and act as trustee for money and other property vested in it on trust;
- (m) offer and pay rewards;
- (n) undertake research and development in postal matters;
- (o) provide consultancy and project management services;
- (p) produce and sell philatelic products;
- (q) exercise all powers which are incidental to those specified in this section.

Social and other
obligations of
Trinidad and Tobago
Post

8. Trinidad and Tobago Post is responsible for the appropriate development and supply of postal services to satisfy all reasonable demands, current and anticipated, of the people of Trinidad and Tobago and in the conduct of its business shall—

- (a) operate according to sound business principles and efficient human resource management practices;
- (b) implement Government policy as conveyed to it in accordance with section 17;
- (c) conform with the international obligations of Trinidad and Tobago in matters affecting postal services;
- (d) avoid, mitigate or remedy any adverse effects of its activities on the environment;
- (e) ensure its counter, collection and delivery services are reasonably accessible to all persons in Trinidad and Tobago; and
- (f) ensure that the performance standard of its services, including the letter delivery service referred to in section 9(1)

reasonably meets the social, industrial and commercial needs of the people of Trinidad and Tobago.

9. (1) Trinidad and Tobago Post has the exclusive right, for a period of five years, to—

Reserved services of
Trinidad and Tobago
Post

- (a) carry any letter weighing two kilograms or less for hire or reward within Trinidad and Tobago;
- (b) produce and sell postage stamps within Trinidad and Tobago;
- (c) rent or lease post office boxes; and
- (d) perform for hire or reward, all incidental services relating to receiving, collecting, sending, dispatching and delivering any letter referred to in paragraph (a).

(2) Nothing in subsection (1)(a) applies to—

- (a) a letter accompanying goods at the time of delivery; newspapers, magazines, books, non-addressed leaflets, catalogues or trade announcements which do not bear a specific address;
- (b) a letter otherwise than for reward;
- (c) a letter delivered by an employee of the sender;
- (d) postal articles containing any writ or proceeding out of court or any legal instrument of any kind delivered by court officers or police;
- (e) letters carried to the premises of a provider of electronic mail service for the purpose of transmission by electronic mail.

(3) Trinidad and Tobago Post may contract a person to act as an agent for the performance of a service specified in this section.

(4) A person other than an employee or agent of Trinidad and Tobago Post who carries any letter weighing two kilograms or less for hire or reward within Trinidad and Tobago, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

Membership of the
Universal Postal
Union

10. Membership of the UPU shall be held by the Government but the Minister may make arrangements with the UPU for Trinidad and Tobago Post to represent that membership.

PART III

THE BOARD

Establishment and
composition of Board

11. (1) There shall be a Board to manage Trinidad and Tobago Post which shall be comprised of the Managing Director and six other persons appointed by the President from persons with proven experience or qualifications in postal services, business, law, financial management, economics and human resource management.

(2) The President may appoint any two members to be Chairman and Deputy Chairman of the Board.

(3) At least one member of the Board shall be a person who is appointed by the President after consultation with the Chief Secretary of the Tobago House of Assembly.

(4) A person who is appointed to the Board shall advise the President of his membership of any other Board, prior to his acceptance of the appointment.

First Schedule

(5) The Board shall be appointed on the terms and conditions specified in the First Schedule.

Second Schedule

(6) The Board shall conduct its proceedings in the manner specified in the Second Schedule.

(7) Any appointment, termination or resignation of a member of the Board shall be notified in the *Gazette*.

12. (1) The Board shall appoint as Managing Director, a person who, in the opinion of the Board, has demonstrated skill and experience in corporate management and who has an understanding of the welfare of employees.

(2) The Managing Director shall hold office for such period not exceeding five years, as is specified in the instrument of appointment, and is eligible for re-appointment.

13. (1) The Managing Director shall be responsible for the day-to-day management of Trinidad and Tobago Post subject to the general directions of, and in accordance with policies laid down by, the Board.

(2) All acts and things done in the name or on behalf of Trinidad and Tobago Post by the Managing Director shall be deemed to have been done by Trinidad and Tobago Post.

(3) The Managing Director shall give in writing—

(a) notice to the Board of all direct or indirect pecuniary interests that he has or acquires in any business or in any body corporate carrying on any business with Trinidad and Tobago Post in the exercise of its functions; and

(b) an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post.

Disclosure of interest
of Board Members

14. (1) Every Board member shall give in writing—

- (a) notice to the Board of all direct or indirect pecuniary interests that he has or acquires in any business or in any body corporate carrying on any business with Trinidad and Tobago Post in the exercise of its functions; and
- (b) an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post.

(2) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts come to his knowledge, disclose the nature of his interest before the Board's deliberation on the matter.

(3) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and after such disclosure the member shall not—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

Committees

15. The Board may form committees comprising members of the Board or other persons to assist in the performance of its functions, particularly in the discharge of its obligations under section 8.

Obligations of Board

16. The Board, in ensuring that performance of the functions of the Trinidad and Tobago Post, shall exercise due care and act in a prudent and conscientious manner.

17. With the exception of those matters referred to in section 9(1), the Minister may give directions, in writing, to the Board on matters of broad public policy and the Board shall give effect to that policy.

Relationship of the Board to the Minister

18. Where Trinidad and Tobago Post or a subsidiary proposes to—

Trinidad and Tobago Post to inform Minister of commercial ventures

- (a) form or participate in the formation of a company;
- (b) participate in a company, partnership, trust, unincorporated joint venture or other arrangement for the sharing of profits;
- (c) acquire a major shareholding in a company;
- (d) acquire a substantial interest in a business;
- (e) undertake a significant new business activity; or
- (f) make a significant change in the nature or extent of its interest in a company, partnership, trust, unincorporated joint venture or other arrangement for the sharing of profits,

the Board shall immediately give written notice of the particulars of the proposed activity to the Minister.

PART IV

PLANNING AND MANAGEMENT

19. (1) The Board shall prepare a corporate plan for Trinidad and Tobago Post and its subsidiaries and submit it to the Minister.

Preparation of corporate plan

(2) The first corporate plan shall be for a period of not less than three years and no more than five years

beginning on a date no later than six months after the commencement of this section, and each subsequent corporate plan shall take effect immediately on the expiry of the previous plan and shall be for a period not exceeding three years.

(3) The Board may review and revise a corporate plan at any time.

Contents of corporate
plan

20. (1) A corporate plan shall include—

- (a) objectives with particular reference to obligations specified in section 8;
- (b) the nature and scope of activities to be undertaken in order to achieve the stated objectives;
- (c) such financial and operational strategies, performance indicators and targets as the Board considers appropriate;
- (d) a forecast of revenue and expenditure;
- (e) procedures to be followed in respect of subscription for acquisition of shares by purchase or otherwise, in any company;
- (f) an evaluation of the environmental implications of the policies, proposals, plans and activities;
- (g) the estimated cost of statutory compliance where such compliance is not consistent with normal commercial practice.

(2) Where the Board forms the opinion that matters have arisen which adversely impact upon the attainment of the objectives of Trinidad and Tobago Post and its subsidiaries under the corporate plan, the Board shall immediately notify the Minister.

21. (1) In conjunction with the submission of a ^{Board to prepare financial plan} corporate plan and before the end of each financial year, the Board shall submit to the Minister, a financial plan for the next financial year which shall include—

- (a) a profit and loss account forecast;
- (b) a capital account forecast; and
- (c) a projection of—
 - (i) funds to be retained for investment; and
 - (ii) compensation, and cost of training, for employees of Trinidad and Tobago Post.

(2) The capital account forecast shall provide a separate listing of the capital requirements and the capital to be raised.

(3) In preparing or revising the financial and projected financial targets, the Board shall have regard to the following matters in addition to other matters it considers pertinent:

- (a) the need to earn a reasonable rate of return on capital assets;
- (b) the need to maintain financial viability;
- (c) the need to maintain a reasonable level of reserves to meet—
 - (i) the estimated future demand for postal services; and
 - (ii) the improvement of the accessibility and performance of the reserved services;
- (d) the cost of implementing any directions given by the Minister under section 17;
- (e) the cost of meeting obligations of Trinidad and Tobago Post as required by this or any other Act that requires it to act otherwise than in accordance with normal commercial practice; and

(f) any other commercial matters the Board considers appropriate.

Board to keep proper accounts

22. The Board shall—

(a) cause proper books, accounts and records to be maintained in accordance with internationally and locally recognized accounting standards, principles and practices;

(b) ensure that—

(i) all payments by Trinidad and Tobago Post are correctly made and properly authorized; and

(ii) adequate control is maintained over the management of assets and the incurring of liabilities.

Audit

23. (1) The accounts of Trinidad and Tobago Post and its subsidiaries shall be audited annually by the Auditor General or by an auditor authorised by the Auditor General in writing for that purpose.

(2) The Auditor General or the auditor referred to in subsection (1) shall have access to all books of accounts, records, documents, assets and information concerning Trinidad and Tobago Post and its subsidiaries.

(3) Nothing in subsection (1) precludes the Auditor General, the auditor referred to in subsection (1) or an auditor engaged by the Board from performing a management or comprehensive audit of the activities of Trinidad and Tobago Post.

(4) On completion of any audit of Trinidad and Tobago Post, the Auditor General or the auditor referred to in subsection (1), as the case may be, shall immediately draw the attention of the Minister and the Board to any irregularity disclosed by the audit which, in the opinion of the Auditor General or the auditor, is of sufficient importance to justify doing so.

(5) The Auditor General or the auditor referred to in subsection (1) shall submit to the Minister and the Board a report on the results of the annual audit.

(6) The report referred to in subsection (5) shall include—

- (a) a statement on the accounting policies for the reserved service and other services provided by Trinidad and Tobago Post and its subsidiaries;
- (b) an opinion whether the financial statements present fairly in all material respects, the financial position of Trinidad and Tobago Post and its subsidiaries and the results of its operation and its cash flows in accordance with international accounting standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago.

(8) For the purpose of an audit conducted under this Act, the Exchequer and Audit Act shall apply as if Chap. 69:01 an audit referred to in this section is one to which that Act applies.

24. (1) The Board shall, within three months of the Annual report end of each financial year, submit an annual report to the Minister in respect of Trinidad and Tobago Post and its subsidiaries.

(2) The annual report shall include—

- (a) a statement of objectives of Trinidad and Tobago Post and its subsidiaries;
- (b) an outline of—
 - (i) the overall strategies and policies under the corporate plan including

- those strategies and policies to enable Trinidad and Tobago Post to carry out its obligations under section 8;
- (ii) the performance indicators and targets under that plan;
- (c) an assessment of the extent to which the objectives referred to in paragraph (a) were achieved during the year;
- (d) any direction of the Minister given to the Board and its impact on the operations of Trinidad and Tobago Post;
- (e) a statement of the principles adopted in determining the annual return for distribution to the State together with an estimate of the amount of the proportion of the annual tax payable on earnings from all sources;
- (f) particulars of—
- (i) companies that Trinidad and Tobago Post and its subsidiaries have formed, and companies in whose formation Trinidad and Tobago Post and its subsidiaries have participated during the year;
 - (ii) companies that became, or ceased to be, subsidiaries of Trinidad and Tobago Post and its subsidiaries during the year; and
 - (iii) interests in partnerships, trusts, joint ventures, incorporated or otherwise, and other arrangements for the sharing of profits that Trinidad and Tobago Post and its subsidiaries may have acquired or disposed of during the year;

- (g) an outline of—
 - (i) shares that Trinidad and Tobago Post or its subsidiaries subscribed for, purchased or disposed of during the year;
 - (ii) other business interests that Trinidad and Tobago Post and its subsidiaries acquired or disposed of during the year; and
 - (iii) other activities of Trinidad and Tobago Post and its subsidiaries during the year;
- (h) the financial target applicable to the year under the corporate plan;
- (i) an assessment of progress in achieving financial targets;
- (j) details of postal operations including—
 - (i) the number of delivery points in Trinidad and Tobago receiving letters;
 - (ii) the frequency of deliveries;
 - (iii) the postal network with reference to post offices and agencies;
 - (iv) volume of letters for the reserved service and for all other services provided;
 - (v) prices charged for reserved services;
 - (vi) results of an independent survey to be commissioned by Trinidad and Tobago Post on the percentage of the letters delivered within advertised deadlines, within three days of those deadlines and not delivered within those deadlines; and

(k) a copy of the auditor's report submitted by the Auditor General or the auditor authorised under section 23(1), as the case may be.

(3) The Minister shall lay the annual report in Parliament within twenty-eight days of his receipt of the report and if Parliament is not then in session, within twenty-eight days after the commencement of its next session.

PART V

FINANCE

Trinidad and Tobago
Post Fund

25. (1) There is hereby established a fund to be known as the "Trinidad and Tobago Post Fund" (hereinafter referred to as the "Fund").

(2) The Fund shall comprise—

- (a) appropriations by Parliament from the Consolidated Fund;
- (b) those sums which at the commencement of this section stand to the credit of the Government under the Post Office Act;
- (c) such sums received by Trinidad and Tobago Post from international organizations, multilateral or bilateral lending agencies or corporations for the exercise of any of the functions of Trinidad and Tobago Post;
- (d) the capital of Trinidad and Tobago Post;
- (e) sums received by or owed to Trinidad and Tobago Post in respect of its functions;
- (f) any other sum paid to Trinidad and Tobago Post in respect of the performance of its functions and the exercise of its powers.

Chap. 47:01

26. The Fund shall be applied in defraying the Application of Fund following expenditure:

- (a) the acquisition of real and personal property by Trinidad and Tobago Post in the course of performing its functions;
- (b) the remuneration and honoraria of members of the Board or a member of any committee;
- (c) the remuneration payable to employees;
- (d) contributions to the pension fund plan;
- (e) fees for the services of consultants;
- (f) capital and operating expenses, including maintenance and insurance of the property of Trinidad and Tobago Post;
- (g) the making and maintenance of investments and loans by Trinidad and Tobago Post in the discharge of its functions;
- (h) the payment of returns to the Government in accordance with section 30;
- (i) any other expenditure authorized by Trinidad and Tobago Post in the discharge of its functions.

27. Any balance of the Fund after the defrayments Revenue for reserve funds referred to in section 26 may be—

- (a) applied to the creation of reserve funds to finance future expansion of capital works and improvement of services of Trinidad and Tobago Post and shall not go into the Consolidated Fund; or
- (b) invested in any manner that is consistent with sound commercial practice.

Determination of
assets and capital

28. (1) The assets of Trinidad and Tobago Post shall be equal to the sum of—

- (a) the amount of Trinidad and Tobago Post's initial capital under this Act as determined by the Minister under subsection (2);
- (b) any liabilities to the Government under the Post Office Act that are subsequently converted into capital at the direction of the Minister;
- (c) any amounts paid to Trinidad and Tobago Post by way of Parliamentary appropriation for the purpose of providing capital;
- (d) a valuation of all the assets vested in Trinidad and Tobago Post under section 61.

(2) The Minister shall determine, in writing and as soon as practicable after the date of assent of this Act, the initial capital of Trinidad and Tobago Post after he consults with the Board.

(3) The Minister shall lay in Parliament as soon as practicable after the date of assent of this Act, a report which shall include—

- (a) a statement of the amount of Trinidad and Tobago Post's initial capital referred to in subsection (1)(a);
- (b) a statement of the liabilities converted into capital pursuant to subsection (1)(b);
- (c) a statement of the amounts paid by way of Parliamentary appropriation referred to in subsection (1)(c); and
- (d) a copy of the valuation referred to in subsection (1)(d).

29. The Board shall cause assets of Trinidad and Tobago Post to be valued by a qualified valuator at least once in every five years in accordance with normal commercial practice. Valuation of assets

30. (1) Within three months after the end of each financial year, the Board may recommend by written notice to the Minister that Trinidad and Tobago Post pay a return to the Government according to principles determined jointly by the Minister and the Board. Payment of return

(2) In making the recommendation, the Board shall have regard to those matters required to be considered in setting its financial target.

(3) The Minister shall, by written notice to the Board within thirty days after receiving that recommendation, either—

(a) approve the recommendation; or

(b) direct the payment of the return or a different return as the case may be.

(4) The return payable for a financial year shall not exceed the net profit of Trinidad and Tobago Post.

(5) The return shall be paid within six months of the notice referred to in subsection (3) or within such period as the Minister directs.

31. The Minister with responsibility for Finance may, on behalf of the Government, out of money appropriated by the Parliament for the purpose, lend money to Trinidad and Tobago Post on such terms and conditions as he determines in writing. Borrowing from Government

32. (1) Trinidad and Tobago Post may borrow money from bodies or persons other than the Government. Borrowing from non-Government sources

(2) Money may be borrowed wholly or partly in foreign currency.

(3) Trinidad and Tobago Post may, with the approval of the Minister with responsibility for Finance, give security over the whole or any part of its assets for the due performance of its obligations incurred pursuant to this section.

Exemption from
Central Tenders
Board Ordinance,
1961

33. (1) Trinidad and Tobago Post in pursuance of its functions, is not subject to the Central Tenders Board Ordinance, 1961.

(2) The Board shall, subject to the Minister's approval, make rules relating to the award of tenders and contracts and those rules shall govern the conduct of the award of tenders and related matters.

(3) Trinidad and Tobago Post shall not award any tender or contract until the rules are made.

(4) Trinidad and Tobago Post shall open every tender in public and indicate the parties to and contents of each tender received in respect of its functions.

(5) The Minister shall cause rules made under this section to be laid in Parliament.

(6) Rules made under this section shall be available to any person on request.

Exemption from
taxes and stamp
duties

34. (1) Trinidad and Tobago Post is exempt for a period of three years from the commencement of this section, from all taxes, duties, fees or other charges or imposts incurred in the performance of its functions.

(2) Where—

(a) goods are imported by or on behalf of Trinidad and Tobago Post; or

(b) the commercial sale to Trinidad and Tobago Post of goods or services is in the opinion of the Board of Inland Revenue required for the purposes of Trinidad and Tobago Post,

the goods and services shall be exempt from Value Added Tax.

PART VI

STAFF

35. The Board may employ such staff as is required ^{Board to employ staff} by Trinidad and Tobago Post.

36. (1) This section applies to an officer who on the ^{Options available to public officers} date of assent of this Act—

- (a) holds a permanent appointment to; or
- (b) holds a temporary appointment to, and has served at least two continuous years in,

a public office specified in the Third Schedule. ^{Third Schedule}

(2) A person to whom this section applies may, within three months of the date of assent of this Act, exercise one of the following options:

- (a) voluntarily retire from the public service on terms and conditions agreed between him or his appropriate recognized association and the Chief Personnel Officer;
- (b) transfer to Trinidad and Tobago Post with the approval of the Public Service Commission on terms and conditions no less favorable than those enjoyed by him in the Public Service; or
- (c) remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of the assent of this Act, is available.

37. (1) Trinidad and Tobago Post shall, ^{Establishment of pension fund plan} within two years of the date of assent to this Act, establish a pension fund plan.

(2) All employees of Trinidad and Tobago Post shall be members of the pension fund plan.

Preservation and
accrual of super-
annuation benefits
Chap. 23:52

38. The superannuation benefits which have accrued to a person who exercises the option under section 36(2)(b) shall be preserved at the date of his employment by Trinidad and Tobago Post, and such person shall continue to accrue superannuation benefits under the Pensions Act up to the date of the establishment of the pension fund plan on the basis of salary applicable to the office which he held immediately prior to his employment by Trinidad and Tobago Post under section 36.

Payment of super-
annuation benefits
by Trinidad and
Tobago Post prior to
the establishment of
the pension fund
plan

39. (1) Where an employee of Trinidad and Tobago Post who exercises the option referred to in section 36(2)(b), dies or retires prior to the establishment of the pension fund plan, and at the date of death or retirement was in receipt of a salary higher than that referred to in section 38, the superannuation benefits payable to his estate or him shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Act on the basis of the salary referred to in section 38, shall be paid by Trinidad and Tobago Post.

Payment of super-
annuation benefits
by pension fund plan

40. (1) Where an employee of Trinidad and Tobago Post who exercises the option referred to in section 36(2)(b) retires or dies and is a member of the pension fund plan, he shall be paid superannuation benefits by the pension fund plan at the amount which when combined with the superannuation benefits payable under section 38 is the equivalent to the benefits based on his pensionable service in the public service combined with his service in Trinidad and Tobago Post and calculated at the pensionable salary applicable to him on the date of his retirement or death.

(2) For the purposes of subsection (1), "pensionable salary" has the meaning given to it by the pension fund plan.

PART VII

POSTAL MATTERS GENERALLY

41. For the purposes of this Part a postal article— Interpretation

(a) is deemed to have been posted when, for the purpose of being conveyed or delivered by Trinidad and Tobago Post, it is put into a post office letter-box belonging to Trinidad and Tobago Post, delivered at a post office or accepted for the purpose of being conveyed by post by an employee of Trinidad and Tobago Post in the course of that person's duty or authority; and

(b) shall be deemed to be delivered to the addressee when it is delivered by Trinidad and Tobago Post at the address as indicated on the postal article or at another address as the addressee may advise Trinidad and Tobago Post in writing.

42. (1) Subject to subsection (2), Trinidad and Tobago Post office letter-boxes Post may erect and maintain post office letter-boxes in any building, public thoroughfare or public place.

(2) A post office letter-box shall be placed so as not to interfere with the flow of ordinary traffic.

43. The sender of a postal article is liable to Trinidad Liability of sender and Tobago Post for damage or injury incurred by an employee of Trinidad and Tobago Post as a result of the dangerous nature or inadequate packing of a postal article.

44. Subject to any Regulation made under section 63, Liability of Trinidad and Tobago Post Trinidad and Tobago Post is liable for any act or omission by the Board, its agents and employees resulting in loss, delay or destruction of a postal article.

Insufficient postage

45. Where the sender of a postal article fails to pay the required rate of postage for the transmission of the postal article by Trinidad and Tobago Post, Trinidad and Tobago Post may return the postal article to the sender for the postage prescribed for non-prepayment or insufficient prepayment of the postal article where the required postage is not paid by the addressee.

Obligation to pass on postal article

46. (1) Where a postal article has not been delivered to the addressee but comes into possession of a person other than the addressee, that person shall return it to Trinidad and Tobago Post for delivery.

(2) A person who knowingly fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Unlawful opening of postal article

47. A person who without reasonable cause or excuse opens or causes to be opened any postal article which is not addressed to that person commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months.

Wrongful divulgence of contents

48. (1) Every employee or agent of Trinidad and Tobago Post who divulges to any person, except so far as is lawfully permitted, any information from or as to the contents of a postal article that comes to his knowledge in the course of duty, commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for a term of twelve months.

(2) A person, other than an employee or agent of Trinidad and Tobago Post acting in the course of his duty who, having examined the contents of a postal article not intended for him, divulges without good and sufficient cause to any other person information obtained as a consequence of an examination of contents of the postal article, commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months.

49. A person who posts or causes to be posted any postal article containing any noxious substance or thing including a dead animal or filth, commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of four years.

Posting of objectionable thing

50. A person who posts or causes to be posted any article containing any indecent material or representation of any kind, any material contrary to the Customs Act or any protected flora or fauna, commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months.

Posting of indecent articles

Chap. 78:01

51. (1) A person who posts or causes to be posted, any postal article containing any dangerous enclosure commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for a term of twelve months.

Posting of dangerous enclosure

(2) Nothing in subsection (1) applies to poisons or other materials or substances when sent and packed in accordance with conditions acceptable to Trinidad and Tobago Post.

(3) The detention in Trinidad and Tobago Post of any postal article on the ground of its being in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if the postal article had been delivered in due course.

52. (1) A person who falsely marks any postal article so as to lead any person to believe that it was posted at a time or place other than the time at which or place from which it was in fact posted, commits an offence

Recording of incorrect time and place of posting

and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months.

(2) For the purpose of this section, “falsely mark any postal article” means failure to comply with any regulations made under section 63 with respect to the handling of post.

Tampering with mail

53. (1) A person who is in charge of any vehicle or vessel, including an aircraft, who—

(a) opens a sealed mail bag with which he is entrusted for carriage; or

(b) takes out of a mail bag with which he is entrusted for carriage, any postal article or thing, commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for a term of two years.

(2) For the purposes of this section, “mail bag” includes a bag, box, parcel, container or any other envelope or covering in which postal articles in the course of transmission by post are conveyed, whether it does or does not contain those articles.

Using cancelled postage stamps

54. Any person who uses or causes to be used in prepayment of postage, any postage, any postage stamp, postal card or stamped envelope or any stamp taken from any postal article which has already been used commits an offence and is liable on summary conviction to a fine of one thousand dollars or imprisonment for a term of three months.

Postal franking machine

55. (1) Trinidad and Tobago Post may grant a licence to a person to use a postal franking machine on such terms and conditions as it sees fit.

(2) A person who uses a postal franking machine without a licence or breaches the Post Office Regulations or regulations made under section 63 with respect to postal franking machines commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a term of two years.

56. (1) No person shall engage in the sale, rental, lease or any other commercial transaction with respect to post office letter-boxes, unless such person is licensed to do so by Trinidad and Tobago Post. Prohibition on use of post office letter-boxes

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for a term of two years.

57. Without prejudice to the right of an aggrieved person to apply to the High Court for a determination of the matter, where a question arises as to whether or not a postal article is a letter for the purposes of this Act or that part of the Post Office Act in force by virtue of section 60(1), the decision of Trinidad and Tobago Post shall be final. Decision as to nature of postal article

58. Notwithstanding the provisions of any other enactment, an information shall not be laid in respect of an offence under this Act after three years from the time when the matter of the information arose. Limitation period

59. The postage or other charges imposed by Trinidad and Tobago Post under this Act may be sued for and recovered in civil proceedings in the Petty Civil Court notwithstanding that the amount to be recovered exceeds the normal monetary limit on the jurisdiction of the Magistrates' Court. Recovery of charges of underpaid postal article

PART VIII

MISCELLANEOUS

Transitional

60. (1) Regulations made under the Post Office Act in force at the commencement of this section remain in force and shall apply to the operations of Trinidad and Tobago Post to the extent that they are not in consistent with this Act or regulations made under sections 62 and 63 and a reference to the first mentioned regulations to—

- (a) “Postmaster General” or “the Post Office” shall be construed to be a reference to “Trinidad and Tobago Post”;
- (b) “postal packet” shall be construed as a reference to “postal article”;
- (c) “officer” shall be construed to be a reference to “an employee of Trinidad and Tobago Post”.

(2) Subject to subsection (3), on the commencement of this section all privileges, legal obligations, actions or proceedings incurred or instituted by or against the Postmaster General or any arrangement or contract entered into by the Postmaster General under the Post Office Act and in force shall be continued and concluded by the State under the Post Office Act as if this Act had not come into force.

(3) On the commencement of this section, all postal articles in the possession of the State shall be deemed to be in the possession of Trinidad and Tobago Post and any obligation with respect to the handling or delivery of those articles shall vest in Trinidad and Tobago Post.

(4) Subject to subsection (2), on the commencement of this section any rights, responsibilities

and duties of the Postmaster General under the Post Office Act shall vest in Trinidad and Tobago Post.

61. (1) The Minister shall, by Order, within twelve months of the commencement of this section, vest in Trinidad and Tobago Post such property which was under the direction and management of the Postmaster General under the Post Office Act at the commencement of this section, as is specified in the Order. Transfer and vesting of real property

(2) The Stamp Duty Act or any other charge enforceable by a written law with respect to the conveyancing of property shall not apply to the vesting of property in Trinidad and Tobago Post. Chap. 76:01

(3) Within sixty months of the date of publication of the Order referred to in subsection (1), the value of the property vested in Trinidad and Tobago Post shall be determined by an independent valuer who shall report to the Board.

62. (1) The Minister may make regulations prescribing matters— Minister may make regulations

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient for carrying out or giving effect to this Act, and in particular for and in relation to postal matters including—
 - (i) the collection of duties of customs and other duties payable in relation to articles carried by post;
 - (ii) the handling of postal articles which may contain goods on which duties of customs or other duties are payable;

- (iii) the making of deductions from amounts due by any employees of Trinidad and Tobago Post on account of judgment debts arising out of employment with Trinidad and Tobago Post;
- (iv) the operational and financial services of Trinidad and Tobago Post and its subsidiaries;
- (v) the implementation of international conventions and agreements relating to compensation for loss or theft of, or damage to a postal article;
- (vi) creating offences and prescribing fines not exceeding five thousand dollars for those offences.

(2) The Board shall ensure that regulations made in relation to carriage or delivery of postal articles, are available to the public for inspection and available for purchase at any post office.

Board may make regulations

63. (1) The Board may make regulations for the following matters:

- (a) the terms and conditions in relation to the receipt, carriage or delivery of postal articles by Trinidad and Tobago Post;
- (b) the renting or leasing of letter-boxes;
- (c) fees for non-reserved services and other charges relating to postal services provided by Trinidad and Tobago Post.

(2) The Board shall ensure that regulations made in relation to carriage or delivery of postal articles, are available to the public for inspection and available for purchase at any post office.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

64. (1) All sections of the Post Office Act, other than sections 24, 31 to 40 and 47 to 66, are repealed.

Partial repeal of Post Office Act and consequential amendments

(2) The sections of the Post Office Act specified in the First Column of the Fourth Schedule are further amended in the manner specified in the Second Column of that Schedule.

Fourth Schedule

(3) Subject to the amendments prescribed in the Fourth Schedule, the following references in the sections of the Post Office Act that are not repealed by subsection (1) are amended as follows:

- (a) delete the words "postal packet" and "packet" wherever they occur and substitute the words "postal article";
- (b) delete the word "officer" wherever it occurs and substitute the words "employee of Trinidad and Tobago Post";
- (c) delete the words "the Post Office", "the Post Office of Trinidad and Tobago" and "the Postmaster General" wherever they occur and substitute the words "Trinidad and Tobago Post".

65. Petitions and representations forwarded to the President by Post shall be exempt from postage.

Postage on petitions and representations to the President

66. The Post Office Savings Bank Act is amended—

Amendment to Post Office Savings Banks Act, Chap. 79:04

- (a) in section 2 by inserting in appropriate alphabetical sequence, the following definition:

"Managing Director" means the Managing Director of the Trinidad and Tobago Postal Corporation; and

- (b) by deleting the words "Postmaster General" wherever they occur and substituting the words "Managing Director".

FIRST SCHEDULE

[Section 11(5)]

Appointment of BoardTenure and
conditions of office

1. (1) A member of the Board, other than the Managing Director, holds office for a term not exceeding three years and is eligible for re-appointment.

(2) No member of the Board, other than the Managing Director, shall hold office for more than two consecutive terms.

(3) The performance of the functions or the exercise of the powers of the Board is not affected by reason only of there being a vacancy in the membership of the Board.

(4) The appointment of a person is not invalidated and shall not be called into question by reason of a defect or procedural irregularity in, or in connection with, his appointment.

(5) The performance of the functions or the exercise of the powers of the Board is not affected by reason only that—

(a) there is a vacancy in the office of the Chairman or Managing Director; or

(b) the number of persons appointed under paragraph (1) falls below five for no longer than two months.

(6) A member who is absent without leave for three consecutive meetings of the Board is deemed to have resigned his membership of the Board.

(7) Where the President revokes the appointment of a member or the membership is terminated by death or resignation, that revocation or termination shall be notified in the *Gazette*.

Acting members

2. (1) The Minister may appoint a person who is not a member of the Board to act as a member—

(a) during a vacancy in the office of a member (whether or not an appointment has previously been made to the office); or

(b) during any period when a member is absent from duty or from Trinidad and Tobago or is, for any other reason (including the reason that a member is acting as Chairman), unable to perform the duties of the office of member,

and a person appointed to act during a vacancy shall not continue to act for more than six months.

(2) An appointment of that person may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances in respect of a person appointed to act under subparagraph (1);

(b) terminate such an appointment at any time.

(4) Where a person is acting in an office under paragraph (1)(b) and the office becomes vacant while the person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of six months from the date on which the vacancy occurred expires, whichever occurs first.

3. The Board shall pay its members such remuneration as Remuneration of members of Board approved by the Minister.

4. The Chairman may excuse a member from attending a Leave of absence meeting of the Board.

5. (1) The Chairman may resign by instrument in writing Resignation of Chairman and members addressed to the President, through the Minister.

(2) A member, other than the Chairman and the Managing Director, may resign by instrument in writing addressed to the Chairman, who shall cause it to be forwarded to the President through the Minister.

(3) The Managing Director may resign by instrument in writing addressed to the Board.

SECOND SCHEDULE

[Section 11(6)]

Conduct of Proceedings by Board

Meetings of Board

1. The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairman—

(a) shall, not less than once every two months convene such meetings of the Board as are necessary for the efficient conduct of its functions; and

(b) shall, on receipt of a written request signed by not fewer than four members, convene a meeting of the Board.

Convening of meeting

2. The Minister may at any time convene a meeting of the Board by written notice to the Chairman.

Quorum

3. The quorum of a meeting of the Board is five members.

Procedure at meetings

4. (1) The Chairman shall preside at all meetings of the Board at which he is present.

(2) In the event of the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside at the meeting.

(3) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(4) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, including the member presiding.

(5) In the event of an equality of votes on a resolution proposed at a meeting of the Board, the resolution shall be taken not to be passed but if the same resolution is proposed at the first meeting of the Board held after the date of that first mentioned meeting and there is again an equality of votes, the member presiding has a casting vote on the resolution.

(6) The Board may determine the conduct of proceedings at its meetings as it thinks fit.

(7) The Board shall provide a signed and confirmed copy of the minutes to the Minister within one week of the confirmation of the minutes.

THIRD SCHEDULE

[Section 36(1)]

**Offices in the Public Service on Establishment of
Postal Services Division**

Postmaster General
Deputy Postmaster General
Assistant Postmaster General
Regional Postal Controller II
Regional Postal Controller I
Postal Personnel Manager
Postal Planning Officer
Public Relations Officer (Post Office)
Postal Supervisor IV
Accountant III
Postal Supervisor III
Postal Training Officer
Accountant II
Clerk III
Clerk II
Clerk I
Clerk Stenographer III
Clerk Stenographer II
Clerk Stenographer I
Clerk Typist II
Clerk Typist I
Accounting Assistant
Postal Supervisor II
Postal Supervisor I
Postal Officer III
Postal Officer II
Postal Officer I
Postal Inspector II
Postal Inspector I
Postal Assistant

THIRD SCHEDULE—CONTINUED

[Section 36(1)]

**Offices in the Public Service on Establishment of
Postal Services Division**

Postman III
Postman II
Postman I
Postal Auxiliary
Mail Loader
Post Office Driver
Automotive Mechanic II
Transport Foreman I
Automotive Mechanic I
Messenger I
Estate Constable
Head Cleaner
Cleaner II
Cleaner I
Part-time Cleaner
Postal Guard II
Postal Guard I
Telephone Operator
Stores Attendant
Handyman
Van Washer

FOURTH SCHEDULE

[Section 64(2)]

Amendments to the Post Office Act, Chap. 47:01

FIRST COLUMN <i>Section</i>	SECOND COLUMN <i>Extent of Amendment</i>
Section 24	Insert after the word "Act" in the first place where it occurs, the words "or the Trinidad and Tobago Postal Corporation Act, 1999";
Section 33(1)	A. Delete the words "Any officer of the Post Office" and substitute the words "An employee of Trinidad and Tobago Post"; B. Delete the word "packet" and substitute the word "article";
Section 34(1)	Delete the words "shall give to the officer in charge of the Post Office at such port or place, notice in writing, in such form as may be prescribed from time to time by the Postmaster General" and substitute the words "shall give an employee of Trinidad and Tobago Post, at such port or place, notice in writing in accordance with regulations made under section 63 of the Trinidad and Tobago Postal Corporation Act, 1999";
Section 34(2)	Delete the words "The Postmaster General or the officer in charge of the Post Office" and substitute the words "Trinidad and Tobago Post";
Section 34(3)	Delete the words "the officer in charge of the Post Office in writing in such form as may be prescribed from time to time by the Postmaster General" and substitute the words "an employee of Trinidad and Tobago Post in writing in accordance with regulations made under section 63 of the Trinidad and Tobago Postal Corporation Act, 1999";
Section 34(4)	A. Delete the words "Where the Postmaster General or officer in charge of the Post Office" and substitute the words "Where an employee of Trinidad and Tobago Post";

FOURTH SCHEDULE—CONTINUED

[Section 64(2)]

Amendments to the Post Office Act, Chap. 47:01

FIRST COLUMN

Section

SECOND COLUMN

Extent of Amendment

	B. Delete the words "officer of the Post Office" and substitute the words "employee of Trinidad and Tobago Post";
Section 39	Delete the words "The Postmaster General may with the approval of the President" and substitute the words "Trinidad and Tobago Post may with the approval of the Minister".

Passed in the House of Representatives this 20th day of November, 1998.

J. SAMPSON

Clerk of the House

Passed in the Senate this 15th day of December, 1998.

N. COX

Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 18th day of December, 1998.

J. SAMPSON

Clerk of the House

House of Representatives amendments agreed to by the Senate this 12th day of January, 1999.

N. COX

Clerk of the Senate