

**GUARANTEE OF LOANS
(STATUTORY AUTHORITIES) ACT**

CHAPTER 71:81

Act
17 of 1968
Amended by
20 of 1987
*29 of 1989

*See Note on page 2

Current Authorised Pages

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Note on Subsidiary Legislation

Note on section 7

Subsidiary Legislation made under section 7 has been omitted.

Note on Act No. 29 of 1989

The Eric Williams Medical Sciences Complex Authority is an Authority for the purposes of this Act (*See section 45 of Act No. 29 of 1989*).

CHAPTER 71:81

**GUARANTEE OF LOANS
(STATUTORY AUTHORITIES) ACT**

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 71:81

**GUARANTEE OF LOANS
(STATUTORY AUTHORITIES) ACT**

17 of 1968. **An Act to provide for the guarantee by the Government of Trinidad and Tobago of loans to the statutory authorities by Lending Agencies.**

Commencement. [29TH MAY 1968]

Short title. **1.** This Act may be cited as the Guarantee of Loans (Statutory Authorities) Act.

Interpretation. [20 of 1987]. **2.** In this Act—
“borrowing ” includes the obtaining of any credit or the undertaking to pay any debt or to discharge any pecuniary obligation;
“Lending Agency” means an International Financial Organisation or any bank, Insurance Company or other source of financing;
“statutory authority” means any body established by statute and exercising powers vested in such body by law for the provision of essential services, housing, transport or for any other public purpose.

Power of Government to guarantee loans by Lending Agency to statutory authorities. **3.** (1) The Government may in such manner and on such terms and subject to such conditions as may be agreed between it and a Lending Agency—
(a) guarantee the discharge by a statutory authority of its obligations under any agreement which may be entered into by the statutory authority with a Lending Agency in respect of any borrowing authorised by the statute establishing the authority or under any bond, promissory note or other instrument issued pursuant to any such agreement; and
(b) assume such other obligation as may be agreed between the Government and a Lending Agency in relation to or pursuant to any such agreement, bond, promissory note or instrument.

(2) A guarantee or undertaking given under this section shall be given in writing in the name of Trinidad and Tobago and any guarantee or undertaking or any endorsement on any bond, promissory note or other instrument of guarantee or undertaking given under this section may be signed on behalf of Trinidad and Tobago by the Minister or by any person authorised in writing by the Minister in that behalf.

4. So long as the Government shall continue liable under any guarantee or other undertaking given in exercise of the powers conferred by section 3(1) in respect of any borrowing by a statutory authority, the statutory authority shall not, without the consent of the Minister, exercise any other power to borrow possessed by it except the power to borrow by way of overdraft or otherwise for a period not exceeding twelve months.

Restriction on borrowing powers of statutory authority so far as guarantee outstanding.

5. (1) Where in the opinion of the Minister there is reasonable cause to believe—

Powers exercisable by Minister in event or prospect of default by statutory authority.

- (a) that a statutory authority is likely to fail or be unable to discharge any of its obligations under any agreement concluded by it with the Lending Agency or under any bond, promissory note or other instrument issued pursuant to any such agreement; and
- (b) that the Government is or may become liable under any guarantee or other undertaking given by it in respect of such obligation,

the Minister may give or authorise any other person to give such directions in writing to the statutory authority as may from time to time be necessary or desirable to ensure that such arrangements are made by the authority as will enable it to discharge its obligations under such agreement, bond, promissory note or instrument or under this Act, and the statutory authority shall, notwithstanding any provision contained in any other statute, comply with the directions.

(2) Nothing in this section shall affect or derogate from any other power conferred by law on the Minister to whom responsibility for that statutory authority has been assigned or any public officer in respect of such statutory authority.

(3) Where any sum becomes payable by the Government pursuant to a guarantee or undertaking given in exercise of the powers conferred by section 3, that sum shall be charged on the Consolidated Fund or on any other Fund established by Act of Parliament for a specific purpose, and the Minister shall direct payment to issue out of the Consolidated Fund or such other Fund, as the case may be.

Statutory authority to repay to Government sums paid under guarantee.

6. If any sum is paid out of the Consolidated Fund or other Fund referred to in section 5(3) in respect of any liability incurred by the Government under a guarantee or other undertaking given in exercise of the powers conferred by section 3(1) in respect of any borrowing by a statutory authority, the authority shall repay such sum (together with interest thereon at such rate as the Minister may prescribe) to the Consolidated Fund or other appropriate Fund, as the case may be, in such manner and at such time as the Minister may direct.

Minister may remit tax, etc., by Order.
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***7.** The Minister may provide by Order that any tax, duty or fee payable under the Income Tax Act or the Stamp Duty Act or any other written law shall be remitted where the remission is, in his opinion necessary to give full effect to any guarantee or undertaking under this Act.

* See Note on page 2.