

LAWS OF TRINIDAD AND TOBAGO

INSTITUTE OF MARINE AFFAIRS ACT

CHAPTER 37:01

Act

15 of 1976

Amended by

37 of 1979

13 of 1990

2 of 1996

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 37:01

INSTITUTE OF MARINE AFFAIRS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 37:01

INSTITUTE OF MARINE AFFAIRS ACT

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

Commencement. [10TH MAY 1976]

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

Interpretation. **2.** In this Act—

[13 of 1990].

“Board” means the Board of Governors established under section 10;

“Chairman” means the Chairman of the Board;

“Director” means the Director of the Institute;

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

“Minister” means the Minister to whom the responsibility for the environment is assigned;

“Secretary” means the Secretary of the Board.

Establishment and incorporation of Institute. [13 of 1990].

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

(2) The Institute shall be comprised of a Board of Governors established under section 10.

Objects of the Institute. [13 of 1990].

4. (1) The objects of the Institute are—

(a) to develop and implement programmes and projects that translate the marine and related policies of the Government into activities that contribute to national development;

(b) to develop and execute programmes and projects that foster and encourage regional and international collaboration in the exploitation of the marine and other related areas of the environment;

- (c) to promote a public understanding of and appreciation for all aspects of the marine and related environment;
- (d) to stimulate and advance the conduct of marine scientific research in Trinidad and Tobago;
- (e) to promote the utilisation and conservation of the marine resources for the economic and social benefit of Trinidad and Tobago and to enhance the national capabilities;
- (f) to do all such things as are incidental or conducive to the attainment of the above objects.

(2) The Institute may enter into contracts with the Government or industrial or commercial enterprises in furtherance of the objects outlined above.

5. The functions of the Institute are—

- (a) to conduct research and development on the marine and related resources of Trinidad and Tobago, the Caribbean and adjacent regions;
- (b) to conduct research and development on the marine environment and other areas that impact upon the environment of Trinidad and Tobago, the Caribbean and adjacent regions;
- (c) to study the multiple uses of the sea and coastal zones, their resources and use potential in Trinidad and Tobago, the Caribbean and adjacent regions and to evaluate and promote such studies with a view to minimising possible conflicts which may result from such uses;
- (d) to establish at the Institute an information centre for collection and dissemination of information relating to economic, social, technological, scientific, environmental and legal developments in the marine areas and coastal zones of the Caribbean and adjacent regions;

Functions of the
Institute.
[13 of 1990].

- (e) to provide information and advice to the Government in its formulation of policies relating to the marine and other related aspects of the environment;
- (f) to respond to technical enquiries and questions made by policy-making organs of the Government, private sector organisations and individuals;
- (g) to organise training courses and projects that foster and encourage regional and international collaboration in exploitation of the marine and other related aspects of the environment;
- (h) to advise on the development and optimum utilisation of the marine and coastal resource potential of Trinidad and Tobago;
- (i) to take such action as may be necessary or expedient for the proper performance of its functions.

Custody and use of seal.

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

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

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

Service of documents.

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

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

8. The Institute, through its Board, may make Rules for its good government and for the proper discharge of its duties, powers and functions under this Act. Power of Institute to make rules. [13 of 1990].

9. (1) Subject to this Act and to the prior approval of the Minister, the Institute may, through its Board, delegate to a person or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Institute may determine. Power of Institute to delegate. [13 of 1990].

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

10. (1) There is established a Board of Governors which shall consist of— Establishment and composition of Board of Governors. [13 of 1990].

- (a) a Chairman appointed by the President on the advice of the Minister;
- (b) not more than six members appointed by the President on the advice of the Minister, who are suitably qualified in or have technical competence and experience in one or more of the following disciplines:
 - (i) marine fisheries and aquaculture;
 - (ii) physical and engineering sciences;
 - (iii) marine legal affairs;
 - (iv) marine technology;
 - (v) environmental science;
 - (vi) business management;
- (c) three members appointed by the President on the advice of the Minister, representing—
 - (i) the Ministry;
 - (ii) the Ministry responsible for planning; and
 - (iii) the Tobago House of Assembly;

- (d) the Director who shall be a member of the Board *ex officio* and who shall not have a vote;
- (e) the Deputy Chairman who shall be elected by the Board from amongst the members appointed under paragraph (b).

(2) Five members shall constitute a quorum.

11. }
 12. } *(Repealed by Act No. 13 of 1990).*

Appointment of
 alternate
 members.
 [13 of 1990].

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

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

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

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

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

Functions of the
 Board.
 [13 of 1990].

14. (1) The Board shall be the policy-making organ of the Institute and shall be responsible for the proper administration of the Institute including—

- (a) approving the work programmes;
- (b) approving the budget;
- (c) considering the annual reports;

- (d) securing finances for the Institute; and
 - (e) generally doing and taking all such steps as may be deemed necessary for the achievement of the object of the Institute.
- (2) In the exercise of its functions the Board may—
- (a) appoint committees to examine and submit reports to it on any matters arising out of or connected with any of its functions, and such committee may consist of at least one member of the Board together with such other person, whether a member or not, whose advice or assistance the Board may consider necessary;
 - (b) by resolution—
 - (i) reject or adopt wholly or with modifications the report of any committee appointed under paragraph (a);
 - (ii) declare the remuneration and allowances, if any, payable to persons other than members of the Board, appointed to a committee;
 - (iii) determine the limit on the value of goods and services which the Director may procure without the consent of the Board;
 - (c) do all such other things as may be necessary or expedient for the proper performance of its functions.

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

Meetings and
procedure of the
Board.
[13 of 1990].

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

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

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

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

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

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising it, but a person who has been co-opted shall have no right to vote.

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

Appointment of
Director, Deputy
Director, and
senior
professional
staff.
[13 of 1990].

16. (1) The Board shall appoint a Director, a Deputy Director and senior professional staff upon such terms and conditions as it thinks fit and as shall be approved by the Minister.

(2) Prior to appointing any person to the post of Director or Deputy Director the Board shall obtain the approval of the Minister.

(3) The Director shall be responsible to the Board for—
(a) the implementation of policy and the effective management of research projects and consultancy services of the Institute;

- (b) the day-to-day administration and management of the Institute and its staff, including the programme of its activities, the control and use of its equipment, vessels and vehicles;
 - (c) the appointment of all staff other than those appointed by the Board under subsection (1) after consultation with appropriate senior departmental officers and in keeping with policies and guidelines approved by the Board;
 - (d) such other duties as the Board may from time to time determine.
- (4) The Director shall actively explore opportunities from local, regional and international sources for funding the research programmes of the Institute.
- (5) In the exercise of his functions the Director shall consult with such members of staff as may be necessary.
- (6) The Deputy Director shall—
- (a) lead and co-ordinate the research programmes under the direction of the Director;
 - (b) be responsible for the training of research personnel for the purpose of carrying out the research goals of the Institute;
 - (c) assist the Director in the administration and management of the research staff of the Institute and the control and use of its equipment, vessels and vehicles.

17. (Repealed by Act No. 13 of 1990).

- 18.** The funds of the Institute shall consist of —
- (a) contributions allocated to it from regional and international sources;
 - (b) such other moneys as may from time to time be voted by Parliament for the purposes of this Act; and
 - (c) such other moneys as may be lawfully paid to or received by the Institute.

Funds of the
Institute.
[13 of 1990].

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Institute of Marine Affairs

Audit.
[13 of 1990].

19. The accounts of the Institute shall be audited annually by the Auditor General.

Declaration of
interest by
members.

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

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

Exemptions.
[2 of 1996].

21. The President may exempt the Institute either from payment of, or from bearing the cost of, any taxes, Customs duties, fees, or levies which may be imposed on the Institute in respect of any equipment, materials and supplies that are imported into Trinidad and Tobago by the Institute and which are essential for its operations.

SCHEDULE

(Repealed by Act No. 13 of 1990).
