

Third Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 12 of 2013

[L.S.]

AN ACT to validate actions done pursuant to
section 4 of the Sugar Industry Control Board
(Repeal) Act, 1995

[Assented to 17th July, 2013]

WHEREAS section 4 of the Sugar Industry Control Board (Repeal) Act, 1995 (Act No. 15 of 1995) (hereinafter referred to as "the Act") provided that the Divestment Secretariat of the Ministry with responsibility for Finance (Investments), in conjunction with a Cabinet appointed Committee facilitate the orderly winding up of the affairs of the Sugar Industry Control Board (hereinafter referred to as "the Board") within six months of the date of commencement of the Act: Preamble

And whereas the Act commenced on 18th July, 1995;

And whereas there were circumstances which prevented the winding up of the affairs of the Board within the six-month period prescribed by the Act, including a High Court matter which was resolved in 2005:

And whereas the former auditors for the Board, Price Waterhouse, were appointed to prepare a statement of affairs of the Board in order to aid in the winding up of the affairs of the Board:

And whereas the statement of affairs was submitted in 2006 by the auditors:

And whereas section 4(1)(d) of the Act provides that in the event of a surplus of assets over liabilities, the surplus shall be utilized in a project that would benefit the cane farmers:

And whereas the surplus in the amount of \$876,815.51 was paid into the Consolidated Fund in 2012 since there was no consensus on how the surplus should be utilized:

And whereas it is enacted by section 13(1) of the Constitution of the Republic of Trinidad and Tobago (“the Constitution”) that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

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

1. This Act may be cited as the Sugar Industry Control Short title
Board (Repeal) (Validation) Act, 2013.

2. In this Act—

Interpretation

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

“the Act” means the Sugar Industry Control
Board (Repeal) Act, 1995.

Act No. 15 of 1995

3. This Act shall have effect even though inconsistent Act inconsistent with
with sections 4 and 5 of the Constitution. Constitution

4. All acts required to be done under section 4 of the Validation
Act which were done or purported to be done after the
expiration of six months of the date of commencement of
the Act, or were omitted to be done, are deemed to have
been lawfully and validly done or omitted to be done and
no legal proceedings or other action of any kind shall be
entertained in respect, or in consequence, of such acts
and omissions.

5. Within three months of the commencement of this Report
Act, the Minister shall cause a copy of a report on the
winding up of the affairs of the Board to be laid before
both Houses of Parliament.

Passed in the House of Representatives this 3rd day
of July, 2013.

J. SAMPSON-MEIGUEL

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for
which has been passed by the House of Representatives
and at the final vote thereon in the House has been
supported by the votes of not less than three-fifths of all
the members of the House, that is to say by the votes
of 37 members of the House.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 10th day of July, 2013.

N. ATIBA-DILCHAN

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 30 Senators.

N. ATIBA-DILCHAN

Clerk of the Senate