



TRINIDAD AND TOBAGO

No. 19—1958

[L.S.]



I ASSENT,

ELLIS CLARKE

Governor's Deputy.

31st December, 1958.

AN ORDINANCE to provide for the maintenance, control, distribution and regulation of supplies and for other matters incidental thereto and connected therewith, and to re-enact certain regulations and to validate acts done thereunder.

[1st January, 1959]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the vice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Trade Ordinance, 1958.

Short title and commencement.

(2) This Ordinance shall come into operation on the 1st day of January, 1959.

Interpretation.

2. In this Ordinance—

“Competent Authority” means the Competent Authority appointed under section 3 of this Ordinance;

“export” means to take, or be concerned in taking, out of the territory or the territorial waters thereof, and

“exportation” shall be construed accordingly;

“goods” includes all kinds of goods, produce, ware, merchandise, substances and animals;

“import” means to bring, or be concerned in bringing, into the territory or the territorial waters thereof, and “importation” shall be construed accordingly;

“Minister” means the Member of the Executive Council for the time being charged with the administration of the subject of trade;

“Territory” means the Colony of Trinidad and Tobago.

Appointment of Competent Authority.

3. (1) The Governor shall appoint a Competent Authority for the purposes of this Ordinance.

(2) The Competent Authority may, with the approval of the Governor, delegate in writing all or any of his powers, duties or functions under the provisions of this Ordinance, either generally, or in any area of the Territory, or during such times, or for such purposes as he may direct, to any public officer, and may at any time with the approval of the Governor, revoke or vary any such delegation.

Competent Authority may make regulations for purposes of Ordinance.

4. (1) The Competent Authority may, with the approval of the Governor in Council, make regulations for all or any of the following purposes, that is to say, for maintaining, controlling or regulating supplies so as to—

- (a) secure a sufficiency of those essential to the well being of the community, their equitable distribution and their availability at fair prices;
- (b) regulate exports and imports in a manner calculated to serve the interest of the community; and
- (c) ensure generally that the resources available to the community are used in a manner calculated to serve the interest of the community.



(2) Without prejudice to the generality of subsection (1) of this section any regulations made under this section may provide—

- (a) for prohibiting absolutely the importation or exportation of goods, or of any class or description of goods, from or to any country;
- (b) for prohibiting the importation or exportation of goods, or of any class or description of goods, from or to any country except under the authority of a licence granted by the Competent Authority;
- (c) for regulating the distribution, purchase or sale of goods or any class or description of goods;
- (d) for controlling the prices at which goods, or any class or description of goods, may be sold, whether by wholesale or retail;
- (e) that persons carrying on or employed in connection with any trade or business shall produce to the Competent Authority or any person authorised in that behalf by the Competent Authority such books, accounts or other documents relating to their trade or business as the Competent Authority may require, and that such person shall furnish to the Competent Authority such estimates, returns or information as the Competent Authority may from time to time require;
- (f) for the entering and inspection of premises to which the regulations relate by such persons as may be specified in the regulations with a view to securing compliance therewith;
- (g) that any person who commits a breach of any regulation made under this section shall be guilty of an offence, and that upon summary conviction for such an offence shall be liable to—
 - (i) a fine not exceeding one thousand dollars; or
 - (ii) a term of imprisonment not exceeding twelve months; or
 - (iii) both such fine and such imprisonment; and
- (h) for such supplementary and incidental matters as may be necessary or expedient for any of the purposes set out in this section.

5. So far as it appears to the Governor in Council necessary or expedient for the purposes specified in section 4 of this Ordinance, he may by order authorise such person as may be designated in the order to purchase, acquire, sell or otherwise dispose of, on behalf of the Government, such goods as may be specified in the order, and in such order may make such provisions for such supplementary and incidental matters as may be necessary for the purposes thereof.

6. (1) Where any regulations made under the provisions of section 4 of this Ordinance prohibit the importation or exportation of any goods or of any class or description of goods except under the authority of a licence granted by the Competent Authority, the Competent Authority may, subject to the provisions of this section, grant or withhold licences for the importation or exportation as the case may be, of such goods:

(2) A licence granted under this section may be—

- (a) either general or limited to a specified person; and
- (b) absolute or conditional; and
- (c) limited so as to expire on a specified date unless renewed.

(3) A licence granted under subsection (2) of this section may be revoked at any time by the Competent Authority.

(4) The Minister may, after consultation with the Competent Authority, give to him directions of a general character as to the policy to be followed by him in the exercise or the performance of his functions under this section, and the Competent Authority shall act in accordance with such directions and not otherwise:

Provided that the question whether or not the Competent Authority has complied with any such directions shall not be enquired into in any court.

7. (1) Any person who—

- (a) contravenes or fails to comply with any term, condition or restriction of, or subject to which, any licence is granted by the Competent Authority under section 6 of this Ordinance; or
- (b) in or in connection with any book, account or other document or any estimate, return or information which he is required to produce or furnish by virtue of any regulations made under this Ordinance, wilfully or recklessly gives any false or misleading statements; or

(c) assaults or disturbs any person, duly authorised by regulations made under this Ordinance to enter and inspect any premises, while such person is acting in the execution of his duty under this Ordinance, shall be guilty of an offence and shall be liable—

- (i) on summary conviction, to a fine of five hundred dollars, or to imprisonment for a term of six months or to both such fine and imprisonment; or
- (ii) on conviction on indictment, to a fine of two thousand dollars, or to imprisonment for a term of two years, or to both such fine and imprisonment.

(2) Where a person is convicted of an offence under subsection (1) of this section or under any regulation made under this Ordinance—

- (a) if such person is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to be guilty of the offence unless he proves that it was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof;
- (b) the court before whom such person is convicted may make such order as to the forfeiture or disposal of any goods in relation to which the offence was committed as the court thinks fit.

(3) Any person who attempts to commit, or conspires with any other person to commit, or does any act preparatory to the commission of, or in any way aids and abets the commission of, an offence under paragraph (a) of subsection (1) of this section shall be guilty of an offence punishable in like manner as the said offence and the provisions of subsection (2) of this section shall apply in the case of an offence under this subsection as it applies in the case of an offence under paragraph (a) of subsection (1) of this section.

(4) A prosecution of a summary offence under this Ordinance or any regulation made thereunder may be commenced at any time within three years from the time when the matter of such complaint arose.

8. (1) No person who obtains information by virtue of the provisions of this Ordinance (including this section) or of any regulations made thereunder shall, without the written permission of the Governor, disclose that information otherwise than

Restriction on
disclosure of
information

in the discharge of his functions under this Ordinance or under any such regulations or for the purposes of any criminal proceedings.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine of five hundred dollars, or to imprisonment for a term of six months, or to both such fine and imprisonment;
- (b) on conviction on indictment, to a fine of two thousand dollars, or to imprisonment for a term of two years, or to both such fine and imprisonment.

(3) A prosecution of any offence under this section shall not be instituted without the sanction of the Attorney General.

9. Where the importation of goods or of any class or description of goods from any country has been prohibited by or under regulations made under section 4 of this Ordinance except under the authority of a licence granted by the Competent Authority, any goods imported in breach of such prohibition shall be deemed to be prohibited goods within the meaning of the Customs Ordinance which have been imported contrary to the prohibition against their importation.

10. The regulations set forth in the Schedule to this Ordinance (which expired on the 10th day of December, 1958) shall, as from the 11th day of December, 1958, be deemed to have continued to have had effect, and any act or thing done or omitted in purported exercise of any of the provisions of the said regulations between the 11th day of December, 1958 and the commencement of this Ordinance which would have been validly and properly done or omitted if the said regulations had been in force during the said period shall be deemed to have been validly and properly done or omitted.

11. Nothing in this Ordinance shall make it lawful to import or export goods when such importation or exportation is unlawful under any other Ordinance.

(Section 10)

SCHEDULE

The Defence (Exportation of Valuables) Regulations, 1940, as in force on the 10th day of December, 1958.

The Imports and Exports Control Regulations, 1941, as in force on the 10th day of December, 1958.

Passed in Council this thirty-first day of December in the year of Our Lord one thousand nine hundred and fifty-eight.

P. A. GRANNUM
Acting Clerk of the Council

GOVERNMENT PRINTING OFFICE, TRINIDAD, B.W.I.—1958

Customs Ordinance to apply to goods prohibited to be imported under this Ordinance.

Ch. 32. No. 2

Re-enactment of certain regulations and validation of acts done thereunder.

Saving.



TRINIDAD AND TOBAGO

HUBERT YOUNG

Governor

REGULATIONS

Made by the Governor for the control of imports into and exports from the Colony under the authority of the Emergency Powers (Colonial Defence) Order-in-Council, 1939, and of the Emergency Powers (Colonial) Order-in-Council, 1939.

IMPORTS AND EXPORTS CONTROL REGULATIONS, 1941

1. These Regulations may be cited as the Imports and Exports Control Regulations, 1941. Citation
Construction

2. (1) In these Regulations—

††
"Comptroller" means the Comptroller of Customs and Excise; "enemy", "enemy subject", "enemy territory" shall have the meanings assigned to those terms by the Trading with the Enemy Ordinance, 1939, as from time to time amended, or as modified by Defence Regulations made under the authority of the Emergency Powers (Defence) Act, 1939 and the Emergency Powers (Colonial Defence) Order-in-Council, 1939; "goods" includes all kinds of goods, wares, substances, merchandise or livestock. Definitions
and
Construction

(2) For the purpose of these Regulations and for the avoidance of doubt, it is hereby declared that shipment of any goods for use as ships' stores shall be an exportation of such goods; provided that Regulations 3 and 4 of these Regulations shall have effect in relation to any such exportation as if the word "Comptroller" were substituted for the words "Competent Authority" therein.

(3) These Regulations shall be construed as one with the Customs Ordinance, 1938, as from time to time amended and that Ordinance shall have effect as though— No. 22 of
1938

- (a) these Regulations were Customs Laws as defined in section 2 of the Ordinance.
- (b) any goods imported or exported in contravention of these Regulations were prohibited goods as defined in section 2 of the Ordinance, and
- (c) any goods forfeited or customs penalty imposed under these Regulations were forfeited or imposed under the Ordinance.



Prohibition
of Imports
and Exports
without
licence

3. (1) The importation into and exportation from the Colony of all goods are prohibited, subject to such general or special exemptions as may be approved by the Competent Authority, except under licence from the Competent Authority, provided that the provisions of this Regulation, in so far as it relates to the exportation of goods, shall not apply to valuables as defined in the Defence (Exportation of Valuables) Regulations, 1940, as from time to time amended, being valuables which are exported otherwise than as cargo or through the post.

(2) Save as may otherwise be permitted by the Competent Authority, no offer or acceptance relating to the importation of goods into the Colony shall be forwarded to the vendor of such goods unless and until such licence is first had and obtained from the Competent Authority.

Application
for
licence

(3) Every person applying for a licence shall submit his application in the appropriate form approved by the Competent Authority, setting out the particulars required therein, and shall subscribe to a declaration certifying the said particulars. The Competent Authority may call for such further particulars or evidence as he may consider necessary in support of such application.

Competent
Authority
may refuse
licence or
grant licence
subject to
conditions

4. The Competent Authority may in his discretion, but subject nevertheless to such instructions as may be given to him by the Governor, refuse absolutely the grant of any licence applied for either in respect of the importation or the exportation of any goods; or he may grant such a licence generally or in respect of any goods or class or description of goods or in respect of any particular country or place or in respect of any person or class of persons; and the Competent Authority may, when granting such a licence, impose such conditions, restrictions and limitations as he shall deem necessary, and as may be applicable in the case of such goods or such place or such person.

Particulars
to be set out
in the licence
and in
documents
relating
to exported
goods

††
5. (1) In every licence issued for the purposes of exporting goods under these Regulations, there shall be set out the name of the persons to whom or the place to which, or as the case may be, the names both of the person to whom and the place to which, exportation of the goods is authorized by the licence.

(2) The name or names set out in each licence in accordance with the requirements of paragraph (1) of this regulation shall be inserted in all bills of lading, manifests and other documents relating to each consignment of goods to be exported under the authority of such licence. Where the requirements of this paragraph are not complied with in the case of any document, the person by whom and the person on whose behalf the document purports to have been made out or signed shall be guilty of an offence under these Regulations.

Entry and
Clearance
before
shipment

6. Due entry and clearance before shipment of any goods intended for exportation from the Colony shall be made together with the production to the Comptroller of the relevant bills of lading if so required by him.

7. (1) When goods, of which the exportation is restricted under these Regulations, are entered for shipment in accordance with the conditions of the licence issued in that behalf, and the Comptroller has reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Comptroller is satisfied as to the truth of the declaration and, if the Comptroller is not so satisfied, the goods shall be forfeited.

Provisions
as to
ultimate
destination
of goods

(2) Any exporter or shipper of goods which have been exported from the Colony shall, if so required by the Comptroller satisfy the Comptroller that the goods have reached the ultimate destination specified in the declaration made in respect thereof or that those goods have not reached any enemy or any enemy territory, and if he fails so to do, he shall incur a customs penalty of treble the value of the goods or four hundred and eighty dollars at the election of the Comptroller, unless he proves that he did not consent to or connive at the goods reaching any enemy or enemy territory, and that he took all reasonable steps to secure that the ultimate destination of the goods was not other than that specified in the documents shown or furnished to the officers of Customs and Excise in connection with the exportation of the goods.

(3) In any proceedings under this section an averment in the information that the Comptroller is not satisfied as to any matter shall be sufficient evidence that he has not been so satisfied unless the contrary is provided.

8. Any person who for any purpose arising out of these Regulations or the terms of any licence issued thereunder.

Penalties for
false state-
ments, etc.

- (a) makes or presents any statement, declaration or representation, which is false in any material particular, or
- (b) produces any document which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with,

shall be guilty of any offence against these Regulations, unless he proves that he had taken all reasonable steps to ascertain the truth of the statement, declaration or representation, or to satisfy himself of the genuineness of the document.

9. (1) For the purpose of securing compliance with the provisions of these Regulations or any licence issued thereunder or with any other enactment relating to the importation or exportation of goods or with the law relating to trading with the enemy—

Provisions
as to
clearance

- (a) an officer of Customs and Excise may at any time refuse clearance to any ship, and
- (b) where clearance has been granted to a ship, an officer of Customs and Excise, an officer of His Majesty's Navy or any person authorised in that behalf by the Comptroller may at any time whilst the ship is within the limits of a port in the Colony, demand that the clearance shall be returned to the person making the demand.

(2) Any such demand may be made orally on the master of the ship or by serving a written demand in any manner authorised by section 696 of the Merchant Shipping Act, 1894, for the service of documents which are, under that Act, to be served on the master of a ship.

- (3) Where a demand is so made for the return of a clearance—
- (a) the clearance shall forthwith become void, and;
 - (b) if the demand is not complied with, the master of the ship shall be guilty of an offence under these Regulations.

(4) This section shall apply to aircraft, as if references in this section and in section 696 of the Merchant Shipping Act, 1894, to a ship the Master of a ship, and a port included respectively references to an aircraft, the pilot of an aircraft, and an aerodrome.

10. (1) If any goods—

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Application
and
Extension
of law as to
prohibited
goods

- (a) are imported or exported in contravention either of these Regulations or of a licence issued thereunder or of the law relating to trading with the enemy, or

Offences
penalties
and
procedure

- (b) are brought to any quay or other place, or waterborne, for the purpose of being exported in contravention either of these Regulations or of a licence issued thereunder or of the law relating to trading with the enemy,

those goods shall be deemed to be prohibited goods within the meaning of section 2 of the Customs Ordinance, 1938, as from time to time amended and shall be forfeited; and the importer of the goods and his agent (if any) or, as the case may be, the exporter of the goods and his agent (if any) and the shipper of the goods shall, without prejudice to any other penalty to which they may be liable, be guilty of an offence against these Regulations.

(2) If any such licence as aforesaid prohibits the exportation of any goods unless consigned to a particular place or person, and such goods so consigned are delivered otherwise than to that place or person as the case may be, the vessel in which the goods were exported shall be deemed to have been used in the conveyance of prohibited goods.

(3) If any goods are imported or exported, or are brought to any quay or other place, or waterborne, for the purpose of being exported an officer of Customs and Excise may require any person possessing or having control of the goods to furnish proof that the importation, or exportation, as the case may be, is not unlawful by virtue either of these Regulations or of a licence issued under these Regulations or of the law relating to trading with the enemy; and if such proof is not furnished to the satisfaction of the Comptroller, the goods shall be deemed to be prohibited goods unless the contrary is proved.

**See Amendment Nos. 3 and 4—pages 7 and 8

In any proceedings taken by virtue of this sub-section, an averment in the information that such proof as aforesaid has not been furnished to the satisfaction of the Comptroller shall, unless the contrary is proved, be sufficient evidence that no such proof has been furnished to his satisfaction.

11. Where any goods are seized as forfeited, the notice of the seizure required by section 112 of the Customs Ordinance, 1938, to be given to the owner of the goods, may, if the owner has no address in the Colony, be given by publication of the notice of the seizure in the *Royal Gazette*. Notice of seizure of goods

12. Nothing in these Regulations contained shall be construed to affect or prohibit the exportation of any goods arriving in the Colony on board any ship from a place or port outside the Colony and proceeding to any other destination. Transshipment of goods not controlled

13. Where any offence under these Regulations is committed by a company or firm or other association of individuals, every director and officer of the Company, every partner and officer of the firm or every member and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance. Offences committed by company or other association

14. Any person guilty of an offence under these Regulations shall without prejudice to any provisions of the Customs Ordinance, be liable Penalties

- (a) on summary conviction, to imprisonment for six months or to a fine of four hundred and eighty dollars, or to both such imprisonment and such fine; or
- (b) on conviction before the Supreme Court, to imprisonment for two years or to a fine of two thousand four hundred dollars, or to both such imprisonment and such fine.

15. The Imports and Exports Control Regulations, 1939, and the Imports and Exports Control (Amendment) Regulations, 1940, are hereby repealed. Repeal

Made by the Governor this 14th day of May, 1941.

By Command,

J. HUGGINS
Colonial Secretary

(No. 444)

1941
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IMPORTS AND EXPORTS CONTROL (AMENDMENT) REGULATIONS, 1943
TRINIDAD AND TOBAGO

A. B. WRIGHT
Acting Governor

REGULATIONS

MADE BY THE GOVERNOR UNDER THE AUTHORITY OF THE EMERGENCY POWERS (DEFENCE) ACT, 1939, AND OF THE EMERGENCY POWERS (COLONIAL DEFENCE) ORDER IN COUNCIL, 1939.

1. These Regulations may be cited as the *Imports and Exports Control (Amendment) Regulations, 1943*, and shall be read as one with the Imports and Exports Control Regulations, 1941, hereinafter referred to as the Principal Regulations.

2. The following definition shall be substituted for the definition of "Competent Authority" appearing in paragraph (1) of regulation 2 of the Principal Regulations:—

"Competent Authority" means any person appointed by the Governor for all or any of the purposes of these regulations, and includes any other person acting on his behalf and subject to his general or special directions.

Made by the Governor this 8th day of August, 1943.

By Command,

J. F. NICOLL
Acting Colonial Secretary

(M.P. 54071)-(No. 416).

TRINIDAD AND TOBAGO

A. B. WRIGHT
Acting Governor

DEFENCE REGULATIONS MADE BY THE GOVERNOR UNDER THE AUTHORITY OF THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940, AS APPLIED TO THE COLONY BY THE EMERGENCY POWERS (COLONIAL DEFENCE) ORDER IN COUNCIL, 1939, AND THE EMERGENCY POWERS (COLONIAL DEFENCE) (AMENDMENT) ORDER IN COUNCIL, 1940

1. These regulations may be cited as the *Imports and Exports Control (Amendment) Regulations, 1943*, and shall be read and construed as one with the Imports and Exports Control Regulations, 1941, hereinafter referred to as the Principal Regulations.

2. The Principal Regulations are hereby amended by inserting therein between regulations 4 and 5 a new regulation 4A as follows:—

“4A (1) The Competent Authority may at any time cancel any licence or any classes or descriptions of licence which have been issued by him.

(2) Notice of cancellation may be published in the *Royal Gazette* or may be given in writing to the licensee or licensees concerned.

When notice of cancellation is given in writing as aforesaid, the notice may be served personally on the licensee or licensees concerned or may be sent by post addressed to the licensee or licensees at their usual places of abode or business or may be left with any adult person at their usual places of abode or business”.

(3) For the avoidance of doubt it is hereby declared that the power of cancellation given by these regulations shall have effect as regards licences issued before as well as after the coming into force of these regulations.

Made by the Acting Governor this 21st day of September, 1943.

By Command

J. F. NICOLL
Acting Colonial Secretary

(No. 485)

IMPORTS AND EXPORTS CONTROL (AMENDMENT) (No. 2) REGULATIONS,
1944
TRINIDAD AND TOBAGO

A. B. WRIGHT
Acting Governor

IN EXERCISE of the powers conferred upon the Governor by the Emergency Powers (Defence) Acts of 1939 and 1940, as applied to the Colony by Orders of His Majesty in Council, and of all other powers enabling him in that behalf, the following regulations are hereby made:—

1. These Regulations may be cited as the *Imports and Exports Control (Amendment) (No. 2) Regulations, 1944* and shall be read as one with the Imports and Exports Control Regulations, 1941, hereinafter referred to as the Principal Regulations.

2. Regulation 10 of the Principal Regulations, as amended by the Imports (see below) and Exports Control (Amendment) Regulations, 1944, is hereby further amended by adding after paragraph (4) thereof the following paragraph:—

“(5) In any case where the Competent Authority has granted to a person a licence to import goods under these Regulations, subject to any condition or restriction with respect

to the sale or disposal of such goods, it shall be lawful for the Competent Authority, by notice in writing, to request any such person to furnish to him in writing within a specified time such information as may reasonably be necessary to ascertain whether the conditions or restrictions imposed have been duly observed, and if any person fails to furnish any information in pursuance of a request duly made to him under this regulation he shall be guilty of an offence against these Regulations".

Made by the Governor on the 9th day of May, 1944, and published.

By Command

ERROL Dos SANTOS
Acting Colonial Secretary

(M.P. 58593)—(No. 231).

IMPORTS AND EXPORTS CONTROL (AMENDMENT) REGULATIONS, 1944
TRINIDAD AND TOBAGO

B. E. H. CLIFFORD
Governor

IN EXERCISE of the powers conferred upon the Governor by the Emergency Powers (Defence) Acts of 1939 and 1940, as applied to the Colony by Orders of His Majesty in Council, and of all other powers enabling him in that behalf, the following regulations are hereby made:—

1. These Regulations may be cited as *the Imports and Exports Control (Amendment) Regulations, 1944*, and shall be read as one with the Imports and Exports Control Regulations, 1941, hereinafter referred to as the Principal Regulations.

2. Regulation 10 of the Principal Regulations is hereby amended by adding after paragraph (3) thereof the following paragraph:—

"(4) If any goods, which have been imported under a licence granted by the Competent Authority under these Regulations, are sold, or disposed of, or otherwise dealt with, by the person to whom such licence was granted in breach of any condition or restriction or limitation specific in such licence, such persons shall be guilty of an offence against these Regulations".

Made on the 11th day of January, 1944, and published by Command.

(Sgd.) A. B. WRIGHT
Colonial Secretary