



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: 4 December, 2020

House: House of Representatives

Minister: Attorney General and
Minister of Legal Affairs

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's website, www.ttparliament.org

BILL ESSENTIALS

BILL ESSENTIALS NO. 12

1ST SESSION, 12TH PARLIAMENT

The Miscellaneous Amendments (Powers of Statutory Authorities and Matters Related to Certain Boards) Bill, 2020

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BACKGROUND

1. **The Miscellaneous Amendments (Powers of Statutory Authorities and Matters Related to Certain Boards) Bill, 2020** (hereinafter referred to as “**the Bill**”) will be introduced in the House of Representatives by the Honourable Attorney General and Minister of Legal Affairs on December 4, 2020.
2. The Bill seeks to amend the **National Lotteries Control Act**¹, the **Tobago House of Assembly Act**², the **National Institute of Higher Education (Research, Science and Technology) Act**³, the **Children’s Authority Act**⁴, the **Water and Sewerage Authority Act**⁵, the **Trinidad and Tobago Electricity Commission Act**⁶ to provide for amendments to the composition of and the borrowing powers of certain Boards.
3. The Bill will come into effect on Proclamation by the President.
4. The Bill has eight (8) Clauses which seek to:
 - Permit the Tobago House of Assembly (“the THA”) to raise money through the issue of securities;
 - Change the age requirement for persons representing youths on the Children Authority’s Board;
 - Increase the number of Commissioners of the Water and Sewerage Authority (“WASA”) and authorize WASA to issue securities to raise money;
 - Mandate that the Trinidad and Tobago Electricity Commission (“T&TEC”) obtain approval from the Minister of Finance as opposed to the President to borrow or raise capital; and
 - Decrease the number of Board members at the National Institute of Higher Education (Research, Science and Technology) (“NIHERST”).

¹Chap. 21:04: <http://www.ttparliament.org/documents/2706.pdf>

²Chap. 25:03: https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/25.03.pdf

³Chap. 39:58: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/39.58.pdf

⁴Chap. 46:10: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/46.10.pdf amended by the **Miscellaneous Provisions (Supreme Court of Judicature and Children) Act, 2018**
<http://www.ttparliament.org/legislations/a2018-15g.pdf>

⁵Chap. 54:40: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/54.40.pdf

⁶Chap. 54:70: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/54.70.pdf

KEY FEATURES OF THE BILL

National Lotteries Control Act

5. **Clause 3** of the Bill will amend **section 3(2)** of the **National Lotteries Control Act** by removing the word “four” and using the word “eight” in its place. This amendment will have the effect of increasing the maximum number of members on the Board from four (4) to eight (8), exclusive of the Chairman.

Tobago House of Assembly Act

6. **Clause 4** of the Bill seeks to amend the **Tobago House of Assembly Act** by inserting new **section 51 A** which will authorize the THA to honour any of its debt obligations or discharge any of its functions by raising money through the issuance of securities.
7. The Minister of Finance is also empowered to guarantee the borrowings accordingly. **Section 51A** also defines the word “*security*”⁷ used in this section as holding the same meaning as that provided under the **Securities Act**⁸.

NIHERST Act

8. **Clause 5** proposes to amend **section 4(1) (a)** of the **National Institute of Higher Education (Research, Science and Technology) Act** by reducing the number of members on the Board from fourteen (14) to seven (7) members.

Children’s Authority Act

9. **Clause 6** of the Bill seeks to amend the **Children’s Authority Act** by changing the age requirement for the person representing the youth on the Children Authority’s Board of Management from thirty (30) years old to thirty-five (35) years old.

⁷ Section 4(1) of the Securities Act defines a security as any document, instrument or writing which shows a person’s ownership of or interest in capital, debt, property, profits, earnings or royalties and extends to, among others, bonds, debentures, shares, stock and investment contracts but does not include currency, a cheque, bill of exchange, document evidencing interest in a deposit account or a contract of insurance, among others.

⁸ <http://www.ttparliament.org/legislations/a2012-17.pdf>

10. **Clause 6 also** amends the reference from “child psychology” to “psychology” in relation to the professional qualifications and skills of members of the Board of Management.

WASA Act

11. **Clause 7** seeks to amend **section 3(2)** of the **Water and Sewerage Authority Act** by increasing the maximum number of Commissioners on the Authority from nine (9) to eleven (11).

12. **Clause 7(b)** inserts a new **section 26A** to authorize the WASA to issue securities for the purpose of raising money to meet any of its obligations and to discharge any of its functions. This authority to issue securities will be subject to the approval of the Minister of Finance.

T&TEC Act

13. **Clause 8** of the Bill intends to amend **section 21** of the **Trinidad and Tobago Electricity Commission Act** by mandating that T&TEC obtain approval from the Minister of Finance rather than the President, to borrow or raise capital. The Bill proposes to achieve this objective by removing the word “*President*” and replacing it with the words “*Minister of Finance*” in **section 21(1)**.

14. Additionally, new **21(1) (f)** will empower the Minister of Finance to approve borrowing or raising of capital for “*such other purposes*”. This clause will also provide that the word “*security*” used in **section 21** shall have the same meaning as that provided under the Securities Act⁹.

REFERENCES

KEY LEGISLATION



National Lotteries Control Act Chap. 21:04

<http://www.ttparliament.org/documents/2706.pdf>




Tobago House of Assembly Act Chap. 25:

⁹ Ibid n (7)


https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/25.03.pdf

 **National Institute of Higher Education (Research, Science and Technology) Act Chap. 39:58**
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/39.58.pdf

 **Children's Authority Act Chap. 46:10**
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/46.10.pdf

 **Water and Sewerage Authority Act, Chap. 54:40**
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/54.40.pdf

 **Trinidad and Tobago Electricity Commission Act, Chap. 54:70**
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/54.70.pdf

 **The Securities Act Chap. 83:02**
<http://www.ttparliament.org/legislations/a2012-17.pdf>



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