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No. 9 of 2003

**First Session Eighth Parliament Republic of Trinidad
and Tobago**

HOUSE OF REPRESENTATIVES

BILL

**AN ACT to amend the Customs Act, Chap. 78:01 and to
validate things done thereunder**

THE CUSTOMS (AMENDMENT AND VALIDATION)
BILL, 2003

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to amend the Customs Act, Chap. 78:01, to grant legal status to Customs and Excise Extra Guards which would enable them to be recruited by the Comptroller of Customs and Excise (hereinafter referred to as "the Comptroller") and also enable the Chief Personnel Officer to treat and negotiate with the Recognised Majority Union representing them.

The Bill also seeks to validate certain acts and things done in respect of the extra guards. The extra guards are persons who have been recruited by the Comptroller even as far back as 1962, to accompany imported but still uncustomed goods from a port or other place in Trinidad and Tobago, to a State or private bonded warehouse as directed by the Comptroller, and to remain with such goods until such time as an Officer of Customs arrived to perform the relevant inspection leading to the collection of the relevant duties and consequently to the eventual release of the goods.

Clause 1 would state the Short title of the Bill.

Clause 2 would define certain terms used in the Bill.

Clause 3 would amend section 2 of the Customs Act, Chap. 78:01, by inserting a definition of "extra guard".

Clause 4 would amend the Act by inserting a new section 4B to empower the Comptroller to recruit extra guards on terms and conditions agreed by the Minister.

Clause 5 would validate acts and omissions by the Comptroller in pursuance of powers conferred on him by the Customs (Extra Guards' Rates of Pay) Regulations, 1992.

Clause 6 would validate the Collective Agreement made between the Chief Personnel Officer and the Customs and Excise Extra Guards Association for the period 1st January, 1991 to 31st December, 1993. This clause would also validate the negotiation and ratification of the Collective Agreement. There is also an indemnity in respect of legal proceedings arising from the Collective Agreement.

Clause 7 would validate the Certificate issued by the Registration Recognition and Certification Board to the Customs and Excise Extra Guards Association, on 14th March, 1988. This clause would also validate the issuing of the Certificate by the Board which cited the Chief Personnel Officer as the employer of the extra guards.

Clause 8 would validate all acts and omissions by public officers in respect of extra guards. This clause would also validate the collection of fees from merchants for the purpose of making payments to the extra guards and the payments made to them.

BILL

AN ACT to amend the Customs Act, Chap. 78:01 and to
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[, 2003]

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

1. This Act may be cited as the Customs (Amendment Short title
and Validation) Act, 2003.

Interpretation

2. In this Act—

“Board” means the Registration Recognition and Certification Board established under section 21 of the Industrial Relations Act;

Chap. 88:01

“Certificate” means the Certificate issued by the Registration Recognition and Certification Board to the Customs and Excise Extra Guards Association on 14th March, 1988 in accordance with section 37 of the Industrial Relations Act;

Chap. 88:01

“Collective Agreement” means the Collective Agreement for the period 1st January, 1991 to 31st December, 1993 made between the Chief Personnel Officer and the Customs and Excise Extra Guards Association;

Chap. 78:01

“ the Act” means the Customs Act.

Section 2 of the Act amended

3. Section 2 of the Act is amended by inserting after the definition of—

“exporter” the following definition:

“ “extra guard” means any person recruited by the Comptroller to accompany uncustomed goods from a port or other place in Trinidad and Tobago to either the private premises of an importer, or to a State or private warehouse or to another port or other place as directed by the Comptroller, and to remain with such goods until the arrival of an Officer required to perform the relevant duties, and to perform such other duties as may be required by the Comptroller;”.

4. The Act is amended by inserting after section 4A Section 4B inserted the following section:

“Recruitment of extra guards **4B.** The Comptroller may recruit extra guards on such terms and conditions as are agreed by the Minister.”.

5. Notwithstanding any law to the contrary, all acts and things done, purported to be done or omitted to be done by the Comptroller or any person authorised by him under or in pursuance of the powers conferred by the Customs (Extra Guards’ Rates of Pay) Regulations, 1992 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 commenced or continued in respect of, or in consequence of such acts and things. Validation of acts and things done under L. N. No. 63 of 1992

6. (1) The Collective Agreement is validated. Validation of Collective Agreement

(2) Notwithstanding any law to the contrary, all acts done, purported to be done or omitted to be done by—

(a) any person, in negotiating the Collective Agreement for or on behalf of the Chief Personnel Officer or the Customs and Excise Extra Guards Association; or

(b) any person, in ratifying the Collective Agreement or taking any action in pursuance thereof,

are deemed to have been lawfully and validly done or omitted to be done.

(3) No legal proceedings or other action of any kind shall be commenced or continued in respect of, in consequence of, such acts and things or omissions as are referred to in subsection (2).

Validation of
Certificate of
Recognition

7. (1) The Certificate is validated.

(2) The issuing of the Certificate and the citing therein of the Chief Personnel Officer as the employer by the Board, under and in pursuance of the authority vested in it by section 37 of the Industrial Relations Act, are deemed to have been lawfully and validly done.

Chap. 88:01

(3) No legal proceedings or other action of any kind shall be commenced or continued in respect of, or in consequence of such acts, things or omissions as are referred to in subsection (2).

Validation of acts
and omissions by
public officers and
other persons

8. Notwithstanding any law to the contrary—

(a) the recruitment of extra guards and all other acts and things done, purported to be done or omitted to be done by any public officer, State agency or enterprise or by any other person in relation to extra guards;

(b) the collection of monies from merchants for the purpose of making payments to extra guards; and

(c) the payment of monies to extra guards,

prior to the commencement of this Act 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 commenced or continued in respect of or in consequence of, such acts and things.

Passed in the House of Representatives this day of
, 2003.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of
2003.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 9 of 2003

FIRST SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Chap. 78:01 and to validate things
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Received and read the

First time.....

Second time.....

Third time.....