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No. 2 of 2018

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to validate the constitution of licensing committees established under section 5 of the Liquor Licences Act, Chap. 84:10 as well as the grant, transfer and renewal of licences and all other acts and omissions by licensing committees and for related matters

THE LICENSING COMMITTEE (VALIDATION) BILL, 2018

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 validate the constitution of licensing committees established under section 5 of the Liquor Licences Act, Chap. 84:10 as well as the grant, transfer and renewal of licences and all other acts and omissions by licensing committees and for related matters.

Clause 1 of the Bill seeks to provide for the short title.

Clause 2 would provide for the Act to have effect even though it is inconsistent with sections 4 and 5 of the Constitution.

Clause 3 would provide for the interpretation of certain terms and expressions used in the Act.

Clause 4 would provide for the validation of the constitution of licensing committees during the specified period (July 21, 2014 to the commencement of this Act).

Clause 5 would validate acts, decisions, omissions and proceedings of the licensing committees during the specified period.

Clause 6 would validate orders or determinations of the Court during the specified period.

Clause 7 would provide for immunity from suit for the members of the licensing committees for acts, decisions, omissions and proceedings during the specified period.

Clause 8 would provide for the continuation of proceedings that had begun during the specified period under the Liquor Licences Act, Chap. 84:10.

THE LICENSING COMMITTEE (VALIDATION) BILL, 2018

Arrangement of Clauses

Clause

1. Short title
2. Act inconsistent with Constitution
3. Interpretation
4. Validation of constitution of licensing committee
5. Validation of acts, decisions, omissions and proceedings
6. Validation of order or determination of a Court
7. Indemnity from suit
8. Continuation of proceedings

BILL

AN ACT to validate the constitution of licensing committees established under section 5 of the Liquor Licences Act, Chap. 84:10 as well as the grant, transfer and renewal of licences and all other acts and omissions by licensing committees and for related matters

[, 2018]

WHEREAS section 2 of the Miscellaneous Provisions Preamble
(Licensing Committee) Act, 2014 (“the Act”) amended Act No. 6 of 2014
section 5 of the Liquor Licences Act to alter, *inter alia*, Chap. 84:10

the constitution of liquor licensing committees in respect of each licensing district:

And whereas the Act also amended the Liquor Licences Act to provide new requirements with respect to—

- (a) the issue, transfer and renewal of licences;
- (b) the making and determination of objections to the grant, transfer and renewal of licences;
- (c) the suspension and revocation of licences; and
- (d) reviews and appeals of decisions in respect of refusals to grant, transfer or renew licences:

And whereas the licensing committees also constitute the Licensing Authority under various pieces of legislation amended by the Act, namely—

- Chap. 20:10 (a) the Cinematograph Act;
- Chap. 21:01 (b) the Registration of Clubs Act;
- Chap. 21:03 (c) the Theatres and Dance Halls Act;
- Chap. 84:04 (d) the Moneylenders Act;
- Chap. 84:05 (e) the Pawnbrokers Act;
- Chap. 84:06 (f) the Licensing of Dealers (Precious Metals) Act; and
- Chap. 84:07 (g) the Old Metal and Marine Stores Act:

And whereas, after the commencement of the Act on 21st July, 2014, the constitution of the licensing committees continued in accordance with the requirements of section 5 of the Liquor Licences Act before it was amended by the Act:

And whereas it is necessary to validate the constitution of the licensing committees and to remedy the consequences of the failure to comply with the

requirements of the Act during the period commencing on 21st July, 2014, and ending on the commencement of this Act:

And whereas it is enacted by section 13(1) of 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 Licensing Committee Short title (Validation) Act, 2018.

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

3. In this Act— Interpretation

“the Act” means the Miscellaneous Provisions (Licensing Committee) Act, 2014; Act No. 6 of 2014

“licensing committee” means the licensing committee constituted pursuant to the Liquor Licenses Act, prior to the coming Chap. 84:10 into force of the Act; and

“specified period” means the period commencing on 21st July, 2014 and ending on the commencement of this Act.

Validation of
constitution of
licensing committee

4. A licensing committee constituted during the specified period is deemed to be lawful and valid to the extent that it would have been lawful and valid had the Act not come into force.

Validation of acts,
decisions, omissions
and proceedings

5. An act, decision, omission or proceeding of a licensing committee done, taken, made or conducted during the specified period is deemed to be lawful and valid to the extent that the act, decision, omission or proceeding would have been lawful and valid had the Act not come into force.

Validation of order
or determination of
a Court

6. An order or determination made by a Court during the specified period is deemed to be lawful and valid to the extent that the order or determination would have been lawful and valid had the Act not come into force.

Immunity from suit

7. Notwithstanding any law to the contrary, no legal proceedings or other action of any kind shall be commenced or continued against a person in respect, or in consequence, of an act, decision, omission or proceeding of a licensing committee done, taken, made or conducted during the specified period, if such act, decision, omission, or proceeding would have been lawful and valid had the Act not come into force.

Continuation of
proceedings

8. Any proceedings commenced during the specified period pursuant to the Liquor Licences Act, which would have been lawfully and validly commenced if the Act not come into force, may be continued and dealt with under the Liquor Licences Act as if the Act had come into force.

Passed in the Senate this day of , 2018.

Clerk of the Senate (Ag.)

No. 2 of 2018

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Received and read the

First time

Second time

Third time