



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

## BILL ESSENTIALS

Date Introduced: May 26, 2023

House: House of Representatives

Minister: The Attorney General and  
Minister of Legal Affairs

HOR Bill No: 9 of 2023

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

<https://www.ttparliament.org/publication/the-municipal-corporations-extension-of-terms-of-office-and-validation-bill-2023/>

# BILL ESSENTIALS

BILL ESSENTIALS NO. 9 of 2022–2023

3RD SESSION, 12TH PARLIAMENT

**Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023**

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## BACKGROUND

1. The **Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023** (the “**Bill**”) was introduced in the House of Representatives by Senator the Honourable Reginald Armour, SC, Attorney General and Minister of Legal Affairs, on May 26, 2023.
2. Local Government Elections were last held in Trinidad and Tobago in December 2019. Under the **Municipal Corporations Act, Chap. 25:04**<sup>1</sup> Councillors and Aldermen were elected for terms of 3 years which were set to expire in December 2022. The Act also provides that elections must be held within 3 months of the expiry of the terms, and therefore, elections would have been due to be held by March 2023.
3. In July 2022, the **Miscellaneous Provisions (Local Government Reform) Act 2022**<sup>2</sup> was enacted, and changed the terms of office of Councillors and Aldermen from 3 years to 4 years. This was interpreted as extending the terms of office of current Councillors and Aldermen to December 2023.
4. In its judgment on May 18, 2023, the Privy Council evaluated the statutory interpretation and effect of amendments made to the Municipal Corporations Act 1990, by the Miscellaneous Provisions (Local Government Reform) Act 2022, in relation to the periods of office of Councillors and Aldermen. The question to be decided was whether the amendments applied to incumbent Councillors and Aldermen.
5. The judgment opined, *inter alia*, that the retrospective effect of the amendments, if interpreted as applying to the incumbents would directly interfere with and undermine the electorate’s decision to elect them for a term of 3 years. It was therefore held, that on a correct interpretation of the Act, the Councillors and Aldermen's terms of office expired in December 2022, and local government elections were due to be held by March 2023.<sup>3</sup>
6. This Bill attempts to reconcile the legislation with the judgment delivered by the Privy Council.

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<sup>1</sup> <https://ebctt.com/wp-content/uploads/Municipal-Corporations-Act.pdf>

<sup>2</sup> <https://www.ttparliament.org/wp-content/uploads/2020/11/a2022-11.pdf>

<sup>3</sup> Ravi Balgobin Maharaj v The Cabinet of the Republic of Trinidad and Tobago and another (Trinidad and Tobago) [2023] UKPC 17 <https://www.jcpc.uk/cases/docs/jcpc-2023-0016-judgment.pdf>

## KEY FEATURES OF THE BILL

### Extension of Tenure

7. **Clause 3** of the Bill extends the terms of office of the Councillors and Aldermen whose terms of office expired in December 2022 to May 18, 2023.

### 2023 Local Government Election Period

8. **Clause 4** of the Bill provides that the 2023 Local Government Elections must occur on or before August 18, 2023, in accordance with section 11(4A) of the Act.<sup>4</sup>

### Validity of Actions

9. **Clause 5** of the Bill seeks to validate the actions, decisions and any other related activities performed by the Councillors and Aldermen, in the exercise of their duties, between December 2, 2022 to May 18, 2023, and thereafter until this Bill is enacted and comes into force. In legislative drafting, a validating Act is defined as one which removes actual or possible invalidity or legal disability by asserting or confirming the validity of the matter in question, for example the exercise or purported exercise of a statutory power.

## REFERENCES

### KEY LEGISLATION



**Municipal Corporations Act Chap. 25:04**

<https://ebctt.com/wp-content/uploads/Municipal-Corporations-Act.pdf>



**Miscellaneous Provisions (Local Government Reform) Act, 2022.**

<https://www.ttparliament.org/wp-content/uploads/2020/11/a2022-11.pdf>

### KEY CASE



**Ravi Balgobin Maharaj v The Cabinet of the Republic of Trinidad and Tobago and another (Trinidad and Tobago) [2023] UKPC 17**

<https://www.jcpc.uk/cases/docs/jcpc-2023-0016-judgment.pdf>

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<sup>4</sup> Section 11(4A) of the Municipal Corporations Act Chap 25:04 provides that an election must be within three months of the expiry of the term of office of the Mayor, Councillors and Aldermen comprising the Council.

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<https://www.ttparliament.org/publication/the-municipal-corporations-extension-of-terms-of-office-and-validation-bill-2023/>