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No. 10 of 2023

Third Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Public Procurement and Disposal
of Public Property Act, 2015 and to validate the
non-laying of statutory instruments as required
under section 7(7) of the Public Procurement and
Disposal of Public Property Act

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
PROPERTY (AMENDMENT AND VALIDATION) BILL, 2023

Explanatory Note

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

This Bill seeks to amend the Public Procurement and Disposal of Public Property Act, No. 1 of 2015 (‘the Act’) and to validate certain actions taken in respect of statutory instruments made under the Public Procurement and Disposal of Public Property Act and contains 3 Preambulatory paragraphs and 6 clauses.

Clause 1 of the Bill contains the short title of the Bill for which this is the Act.

Clause 2 of the Bill would provide the definition of the term ‘the Act’.

Clause 3 of the Bill would seek to amend section 7(7) of the Act to correct an incorrect cross reference. The clause would also change the requirement for the Order to be subject to affirmative resolution to now provide that an Order under subsection (6) will be subject to negative resolution of Parliament.

Clause 4 of the Bill would introduce a new section 58A to provide that the procurement of goods and services of up to one million dollars are exempt from the Act. This exemption is subject to Regulations made by the Minister.

Clause 5 of the Bill would amend section 63 of the Act to empower the Minister to not only act on the advice of the Office but also in his own discretion. The clause would also include regulations for the procedures for the procurement of goods and services of up to one million dollars fall under section 58A. The clause would also change the requirement for Regulations made under section 63(1) to be subject to affirmative resolution to now provide that Regulations made under subsection 63(1) will be subject to negative resolution of Parliament.

Clause 6 of the Bill would seek to validate any statutory instruments made and any actions taken under those statutory instruments. The clause would deem the instruments and actions taken to be lawfully and validly made and done to the extent that they would have been lawfully and validly made and done had the instruments complied with the requirements of section 7(7) of the Public Procurement and Disposal of Public Property Act.

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[, 2023]

WHEREAS the Public Procurement and Disposal of Public Preamble Property Act, 2015 in section 7(6) provides that the Act shall not apply to certain services and further provides that the Minister may by Order determine other services:

And whereas section 7(7) provides that the Order is subject to affirmative resolution of Parliament but incorrectly states that the Order is made under subsection 7(5) instead of 7(6):

And whereas Legal Notice No. 206 of 2023 and Legal Notice No. 164 of 2023 were promulgated but not laid:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Public Procurement and Disposal of Public Property (Amendment and Validation) Bill, 2023.
Interpretation No. 1 of 2015	2. In this Act, “the Act” means the Public Procurement and Disposal of Public Property Act.
Section 7 amended	3. Section 7(7) of the Act is amended by deleting— <ul style="list-style-type: none"> (a) the words “(5)” and substituting the words “(6)”; and (b) the word “affirmative” and substituting the word “negative”.
Section 58A inserted	4. The Act is amended by inserting after section 58, the following new section: <p style="margin-left: 40px;"><small>“Exemption from this Act</small> 58A. Subject to regulations made under section 63, the procurement of goods and services up to one million dollars are exempt from the procurement requirements under this Act.”.</p>
Section 63 amended	5. Section 63 of the Act is amended— <ul style="list-style-type: none"> (a) in subsection (1)— <ul style="list-style-type: none"> (i) in the <i>chapeau</i>, by inserting after the words “may,” the words “in his own discretion, or”; (ii) in paragraph (a), by deleting the words “; and” and substituting the word “;”;

(iii) in paragraph (b), by deleting the word “.” and substituting the words “; and”; and

(iv) by inserting after paragraph (b), the following new paragraph:

“(c) the procedures for the procurement of goods and services up to one million dollars under section 58A.”; and

(b) in subsection (3), by deleting the word “affirmative” and substituting the word “negative”.

6. All statutory instruments, including Legal^{Validation} Notice No. 206 of 2023 and Legal Notice No. 164 of 2023, purported to be made under section 7(7) of the Act and all acts or contracts done and things purported to be done pursuant to those instruments, are deemed to be lawfully and validly made and done to the extent that they would have been lawfully and validly made and done had the instruments complied with the requirements of section 7(7) of the Act.

Passed in the House of Representatives this
day of _____, 2023.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
2023.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 10 of 2023

THIRD SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Public Procurement and Disposal of Public Property Act, 2015 and to validate the non-laying of statutory instruments as required under section 7(7) of the Public Procurement and Disposal of Public Property Act

Received and read the

First time

Second time

Third time
