

NAPARIMA BOWL ACT

CHAPTER 40:51

Act
19 of 1969
Amended by
45 of 1979

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 40:51

NAPARIMA BOWL ACT

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CHAPTER 40:51

NAPARIMA BOWL ACT

An Act to provide for the establishment of a Concert Hall in the City of San Fernando and for the management and control thereof. 19 of 1969.

[1ST JULY 1969]

Commencement.
91/1969.

1. This Act may be cited as the Naparima Bowl Act.

Short title.

2. In this Act—

Interpretation.

“appointed member” means a member of the Board appointed under section 3;

“Board” means the Naparima Bowl Board established by section 3;

“Chairman” means the Chairman of the Board and includes an Acting Chairman;

“Financial Year” means the period of twelve months commencing on the 1st January, in each year;

“Minister” means the Minister responsible for Education and Culture;

“the Bowl” means the Naparima Bowl situate in the City of San Fernando in the County of Victoria in Trinidad;

“the former Board” means the Naparima Bowl Board established under section 4 of the Naparima Bowl Ordinance 1960 (repealed by this Act). 38 of 1960.

PART I

NAPARIMA BOWL BOARD

ESTABLISHMENT OF BOARD

3. (1) A Naparima Bowl Board is hereby established for the purposes of this Act and is a body corporate. Establishment and incorporation of Board.

(2) The Board shall consist of seven members appointed by the Minister and shall be responsible for the management, control and maintenance of the Bowl.

(3) Appointment to the Board shall, subject to the provisions of subsections (5) and (6), be for a term of three years.

(4) Outgoing members shall be eligible for reappointment to the Board.

(5) A member may at any time resign his office by instrument in writing, addressed to the Minister.

- (6) In the event of any member of the Board being either—
- (a) absent without leave of the Board from three consecutive statutory meetings of the Board; or
 - (b) failing to attend a minimum of eight statutory meetings in any year commencing from the date of his appointment to the Board,

the member shall be deemed to have vacated his office. However, where the Board grants leave of absence to any of its members for any such period as it thinks fit, this subsection shall not apply to the member.

(7) The appointment of any person as a member and the termination of appointment of any person as a member whether by resignation or otherwise shall be published in the *Gazette*.

(8) Any appointment of a person as a member to fill the vacancy occurring under subsection (5) or (6) shall be for the unexpired portion of the term of the member to whose office he was appointed.

(9) If any member of the Board is temporarily prevented by illness or any other cause from exercising his function as a member of the Board, the Minister may appoint some other person to act in his stead for the period of the illness or incapacity.

Custody and use
of seal.

4. (1) The seal of the Board shall be kept in the custody of either the Chairman or the Deputy Chairman appointed under section 5.

(2) The seal of the Board shall be attested by the signature of the Chairman or one member of the Board duly authorised by the Board to act in that behalf and the Honorary Secretary appointed under section 5.

(3) All documents, other than those required by law to be under seal, made by and all decisions of the Board may be signified under the hand of the Chairman or a member duly authorised or the Honorary Secretary or the Manager appointed under section 11 if so authorised by the Board.

PROCEDURE

5. (1) The Minister shall within one month of the appointment of the Board appoint a Chairman and a Deputy Chairman from among its members, whose appointments shall be for a period of three years.

Procedure and meetings of the Board and appointment of Chairman and Deputy Chairman.

(2) The Board shall elect at its first meeting in every term, from among its members an Honorary Secretary and an Honorary Treasurer which offices may be held by one person for a period not exceeding three years.

(3) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

(4) The Chairman may at any time call a special meeting, and shall call a special meeting within seven days of receipt of a requisition for that purpose addressed to him by any three members.

(5) The Chairman or in his absence the Deputy Chairman shall preside at all meetings provided that in the case where both Chairman and Deputy Chairman are absent, the Board shall appoint a Chairman from among its members present to preside at that meeting.

(6) Four members of the Board shall constitute a quorum.

(7) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of its members.

(8) The Chairman or the Deputy Chairman may at any time resign as Chairman or Deputy Chairman, as the case may be, by instrument in writing addressed to the Minister.

(9) The Chairman shall have an original vote and in any case in which the voting is equal, the Chairman presiding shall have a casting vote.

(10) Minutes in proper form of each meeting shall be kept by the Honorary Secretary and shall be confirmed by the Chairman or the Deputy Chairman or the Chairman presiding at the subsequent meeting. Certified copies of the minutes when so confirmed shall be forwarded to the Minister.

(11) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board but no such co-opted person or persons shall have any right to vote.

(12) Subject to this section, the Board may regulate its own proceedings.

Appointment of
Committees.

6. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under the Act.

(2) A committee appointed under subsection (1) shall consist of at least one member of the Board and such other members whether of the Board or not as the Board may decide whose assistance or advice the Board may desire.

(3) Where persons not being members of the Board are members of a Committee under this section, the Board may with the approval of the Minister first had and obtained appoint them on such terms and at such remuneration as the Minister may approve.

(4) The Board may reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

Directions as
to policy.

7. In the exercise and performance of its functions, powers and duties under this or any other written law, the Board shall act in accordance with any special or general directions given to it by the Minister, but subject to this section, the Board shall, when exercising and performing its functions, powers and duties, be subject to the control and direction of no other person or authority.

VESTING OF PROPERTY IN THE BOARD

- 8.** (1) Upon the commencement of this Act—
- (a) all land and other property of every kind including things in action, vested or deemed to be vested immediately before the commencement of this Part, in the former Board (under the Naparima Bowl Ordinance 1960—repealed by this Act— or by any other right or title) are hereby vested in the Board;
 - (b) all the rights, privileges and advantages, and all the liabilities and obligations that immediately before the commencement of this Part, the former Board in relation to the matter respectively referred to in paragraph (a) was entitled or subject to, as the case may be, are hereby transferred to, and conferred or imposed upon the Board for the purposes of this Act.
- (2) A reference in any deed, contract, bond or security or other document to the former Board shall, upon the commencement of this Act, be construed as a reference to the Board.
- (3) Legal proceedings pending immediately before the commencement of this Part by or against the former Board in relation to the matters mentioned in subsection (1) may be continued on and after that day by or against the Board as the party to the proceedings instead of the former Board.
- 9.** The Board may, subject to the approval of the Minister, pay to each member such allowances if any, as the Board thinks fit.

Assets and liabilities of the Board.

38 of 1960.

Remuneration of members of Board.

PART II

ADMINISTRATION

GENERAL

- 10.** Subject to this Act, the Board may do all such things as are necessary or convenient for the purpose of exercising the powers and performing the duties and functions conferred or imposed on it by this Act or any other written law.

Act to be administered as a whole.

PERSONNEL

Appointment of officers and other employees. [45 of 1979].

11. (1) The Board may appoint, subject to the approval of the Minister, on such terms and conditions as it thinks fit, a Manager and such other officers and staff as may be necessary and proper for the due and efficient performance by the Board of its duties under this Act.

(2) An annual salary in a sum that is equivalent to or exceeds the sum of twenty thousand dollars or such greater amount as the Minister may prescribe shall not be assigned to any post under this section without the prior approval of the Minister.

(3) The Manager is responsible for carrying out the decisions of the Board and in the performance of his duties the Manager is subject to the control of the Board.

Responsibility of officers.

12. (1) All officers charged with the receipt accounting for or disbursement of moneys or with the custody or delivery of stores or other property belonging to the Board shall be individually responsible for the due and efficient discharge of the respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

Exemption from liability.

(2) No officer or member of the Board shall be liable to surcharge and no action shall be brought personally against any officer or member of the Board in respect of any act done *bona fide* in the execution of their duties under this Act notwithstanding section 31 of the Exchequer and Audit Act.

Ch. 69:01.

(3) When any member of the Board is exempt from liability by reason only of the provisions of subsection (2), the Board shall be liable to the extent that it would be if the said member was a servant of the Board.

(4) The Board may require any officer or servant in its service to give security to its satisfaction for the due performance of his duties.

FINANCIAL PROVISIONS

13. (1) The Board shall so exercise and perform its functions Financial.
as to ensure that its revenues are not less than sufficient to—

- (a) cover operating expenses including taxes, if any, and to provide adequate maintenance and depreciation and interest payments on borrowings;
- (b) meet periodic repayment on any long-term indebtedness to the extent that any such repayment exceeds the provisions for depreciation;
- (c) create reserves for the purpose of future expansion,

and the sums required for any purposes of the Board shall be met out of the funds and resources of the Board.

(2) Subject to subsection (1), the Board may in such manner as is considered appropriate, but subject to the approval of the Minister of Finance borrow sums required by it for meeting any of its obligations and discharging any of its functions.

14. (1) With the prior approval of Parliament, the Minister Guarantee of borrowings by Minister. may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and interest on any authorised borrowing of the Board.

(2) Immediately after any guarantee is given under this section, the Minister shall lay a statement of the guarantee before Parliament.

(3) Where the Minister is satisfied that there has been default in the payment of any principal or interest guaranteed under the provisions of this section, he may direct the repayment out of the general revenue of Trinidad and Tobago of the amount in respect of which there has been default.

(4) Where any sum is issued for fulfilling such a guarantee, the Minister shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued

and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before Parliament a statement relating to that sum.

(5) In this section “Minister” means the Minister responsible for Finance.

Repayment of sums issued to meet guarantee.

15. (1) The Board shall make to the Comptroller of Accounts, at such time and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under section 14, and payments of interest on what is outstanding for the time being in respect of any sums so issued, at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

(2) The Minister shall lay before Parliament a statement of any payment due from the Board under this section which is not duly paid to the Comptroller of Accounts as required thereunder.

(3) In this section “Minister” means the Minister responsible for Finance.

Funds and resources of Authority.

16. The funds and resources of the Board shall consist of—

- (a) such amounts as may be appropriated by Parliament;
- (b) all sums from time to time falling due to the Board in respect of its operation;
- (c) sums borrowed by the Board in accordance with section 13(2);
- (d) all other sums or property that may in any manner become payable or vested in the Board in respect of any matter incidental to its powers and duties.

Application of revenue.

17. (1) The revenue of the Board for any financial year shall be applied in defraying the following charges:

- (a) the remuneration, fees and allowances of the members of the Board, or of any committee of the Board;

- (b) the salaries, fees, remunerations and gratuities of the officers, agents and servants and technical and other advisers of the Board;
- (c) interest on any loan raised by the Board;
- (d) such sums as it may be considered appropriate to set aside in respect of depreciation on the property of the Board;
- (e) any other expenditure authorised by the Board and properly chargeable to revenue.

(2) The balance of the revenue of the Board shall be applied to the creation of reserve funds to finance future expansion or where there is already a sufficient reserve fund on the direction of the President shall be paid into the general revenue.

18. Funds of the Board not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Board may be invested from time to time in securities approved by the Minister for investment by the Board.

Investment of excess funds.

19. (1) The accounts of the Board shall be audited by auditors to be appointed annually by the Board or under the supervision of the Auditor General in accordance with the Exchequer and Audit Act if so directed by resolution of Parliament.

Auditing of accounts.

Ch. 69:01.

(2) After the end of each financial year of the Board, the Board shall as soon as the accounts of the Board have been audited cause a copy of the statement of account to be transmitted to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Board.

(3) The Minister shall cause a copy of every such statement and report to be laid before Parliament.

MISCELLANEOUS

20. (1) The Board may, by and with the approval of the Minister, by Order make bye-laws for the management, control

General provisions as to bye-laws.

and use of the Bowl and in particular may by such bye-laws provide for all or any of the following matters:

- (a) the days and hours during which and the conditions under which, the general public may be admitted into the Bowl or the premises or any part thereof;
- (b) the manner in which the entrances, passages, staircases or outbuildings of the Bowl may be used;
- (c) the exclusion or removal from any part of the Bowl or its premises or any part thereof of any person or class of persons whom the Board may consider undesirable or who may have committed a breach of any bye-law or otherwise misbehaved in the Bowl, its premises or any part thereof;
- (d) any other matter or thing which the Board may consider necessary for or conducive to the good management and control of the Bowl and the securing of its orderly use by persons lawfully resorting thereto;
- (e) terms and conditions for the use of the Bowl by organisations.

(2) Any person who contravenes the provisions of any bye-law made under this Act is liable on summary conviction to a fine not exceeding one hundred and fifty dollars.

(3) Notwithstanding any other written law all fines recovered on the summary conviction of any person or persons under subsection (2) shall be paid into the Consolidated Fund upon recovery.

Act binds
the State.

21. This Act binds the State.