



# TRINIDAD AND TOBAGO GAZETTE

## (EXTRAORDINARY)

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### SUPPLEMENT TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as a Supplement to this issue of the *Trinidad and Tobago Gazette*:

*Legal Supplement Part B—*

Special Event (No. 12) Order, 2005—(Legal Notice No. 245 of 2005).

Traffic Restriction (Temporary Provisions) (Ceremonial Opening of Parliament) Order, 2005—(Legal Notice No. 246 of 2005).

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### VACANCY IN THE JUDICIAL AND LEGAL SERVICE

OFFICES OF STATE COUNSEL I, CUSTOMS AND EXCISE DIVISION, MINISTRY OF FINANCE

*Minimum Experience and Training Requirements*

Some experience in professional legal work and training as evidenced by possession of a certificate of having passed the Bar Finals Examination or the Legal Education Certificate from an accredited institution.

*Necessary Special Requirement*

Evidence of having been admitted to practice as an Attorney-at-law in Trinidad and Tobago.

*Kind of Work*

Responsible for professional legal work in the Ministry of Trade and Industry.

*Duties Include*

- (1) Assists with providing advice to Officers of the Customs and Excise Division on day-to-day legal problems pertaining to taxation.
- (2) Assists in the preliminary drafting of proposed amendments to the Customs and Excise legislation.
- (3) Assists in the drafting of agreements and other documents and the researching of relevant authorities to be used as reference material.
- (4) Prepares notes and recommendations on matters of litigation for the use of the Senior State Counsel.
- (5) Assists in the collection and recovery of revenue through administrative means or Court Action.
- (6) Assists in defending Appeals before the Tax Appeal Board against assessments made by the Comptroller of Customs and Excise.
- (7) Assists/Prosecute persons for breaches of the Customs and Excise Laws in the Magistrates Court.
- (8) Performs related legal work as may be required.

*Salary*

Group VI: \$9,800–\$10,400 per month (2003).

Applications should be sent with copies of the relevant documents no later than 26th September, 2005 to—

The Director of Personnel Administration  
Service Commissions Department  
Cipriani Plaza  
52–58, Woodford Street, Newtown  
Port-of-Spain.

Persons who applied previously and who are still interested are requested to re-apply.

Professional Application Forms are obtainable from any District Revenue Office, the Chief Administrator, Tobago House of Assembly or the Service Commissions Department.

**Government of the Republic of Trinidad and Tobago  
Public Statement of the Ministry of Legal Affairs  
In compliance with Sections 7,8 and 9 of  
The Freedom of Information Act 1999 (FOIA)**

**GENERAL INFORMATION FOR ALL DIVISIONS IN THE  
MINISTRY OF LEGAL AFFAIRS**

In accordance with Section 7, 8 and 9 of the Freedom of Information Act, 1999 (FOIA), the Ministry of Legal Affairs is required by law to publish the following statements, which list the documents and information generally available to the public.

**The Act gives members of the public:**

1. A legal right for each person to access information held by the Ministry of Legal Affairs.
2. A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
3. A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA.
4. A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

**Section 7 Statements**

**Section 7(1)(a)(i):**

**Function and Structure of the Ministry of Legal Affairs**

**Mission Statement**

*"Our mission is to serve our publics by achieving excellence in the protection of civil and property rights, the administration of legal services and the provision of consumer law related and regulatory services."*

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## **FUNCTION:**

The Ministry of Legal Affairs is a people-oriented, customer-focused Ministry engaged in unique service delivery that affects the lives of every citizen of Trinidad and Tobago.

The principal responsibilities of the Ministry of Legal Affairs are:-

- (i) the registration of births, deaths and marriages and the issue of these certificates;
- (ii) the registration of companies and land title documents and the issue of certified copies of these documents
- (iii) determining intellectual property rights and the legal means for the protection of those rights;
- (iv) the examination of patents, utility certificates, trademarks, industrial designs, geographical indications, layout designs (topographies) of integrated circuits and new plant varieties
- (v) consumer empowerment and the safeguarding of consumers' rights;
- (vi) providing technically sound draft legislation based on Government' policies and preparing, publishing and maintaining revised editions of the Laws of Trinidad and Tobago;
- (vii) the hearing and determination of applications for review of rent from landlords or tenants in respect of tenancies of dwelling houses falling under the Rent Restriction Act:
- (viii) providing legal aid and advice to persons of moderate or small means.
- (ix) Testing and certifying of measuring scales.

## **ORGANIZATIONAL STRUCTURE AND STAFFING**

The Ministry of Legal Affairs is divided into the following Divisions/Sections/Units/Statutory Bodies.

Registrar General's Department (including the Civil, Land and Companies Registry)  
Intellectual Property Office  
Consumer Affairs Division  
Human Resource Unit  
IT Unit  
Corporate Communications

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Legal Unit  
General Administration  
Rent Assessment Board  
Law Revision Commission  
Legal Aid and Advisory Authority  
Weights and Measures

### **Registrar General's Department**

The Registrar General's Department receives information relative to the nation's vital records and stores it accurately and securely. The Department makes such information available on request and issues certified copies of documents (where possible) in an efficient and timely manner. The Registrar General's Department is located at 72-74 South Quay, Port of Spain.

### **Intellectual Property Office**

The Intellectual Property Office is a division of the Ministry of Legal Affairs. The Intellectual Property Office was established on December 1, 1997 by the Patents Act, 1996. Under an interim staff structure, it comprises a staff of 33 and is headed by the Controller. The Intellectual Property Office has responsibility to:

- Grant Intellectual Property Rights
- Determine Opposition Hearings
- Make Intellectual Property information available to the public
- Receive international applications under the Patent Cooperation Treaty
- Provide advice to the Government on Intellectual Property matters
- Create and maintain public awareness
- Promote inventiveness among citizens
- Make Patent Technical Information available.
- Participate in the general development of International Intellectual Property and Intellectual Property Law in particular.

The rights granted are private rights used by individuals, entrepreneurs and corporations to support their strategic research, commercialization and marketing objectives.

The Office is located on the Third Floor, Registration House, 72-74 South Quay, Port of Spain.

## **Consumer Affairs Division**

The role of the Consumer Affairs Division is that of an empowering organization charged with the social responsibility of guarding consumers' rights through educational outreach, consumer guidance and the application of consumer laws. The office is located at Agostini Building, 3 Duncan Street, Port of Spain.

## **Human Resource Unit.**

The Human Resource Management Unit of the Ministry of Legal Affairs is charged with the responsibility to carry out those functions, which have been devolved to the Permanent Secretary by the Chief Personnel Officer and delegated by the Public Service Commission.

The responsibilities are Human Resource Planning, Institutional Strengthening through training and development, Performance Management and Employee Relations.

The focus of the Human Resource Unit is therefore to assure that the requisite strategic and operational functions are undertaken in order to ensure the desired staffing levels and skills mix are achieved, performance is managed and optimized and staff welfare is enhanced.

## **IT Unit**

This Unit provides the Ministry with the IT services required to fulfill the objective of providing quality customer service to all its clients.

The Unit is located at Registration House, 72-74 South Quay, Port of Spain.

## **Corporate Communications Unit**

The Corporate Communications Unit promotes comfort and confidence in the Ministry and the government by satisfying the public's need for information, knowledge and awareness of the goods and services that the Ministry provides.

Corporate Communications Unit is responsible for the development and implementation of the communications strategy for the Ministry of Legal Affairs and its constituent Divisions via:-

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- Image Management
- Issues Management
- Public Education and Outreach
- Internal Communications
- Events Management
- Creative services.

The Unit is based at the Agostini Building, 3 Duncan Street, Port of Spain.

### **Legal Unit**

The Legal Unit provides legal advice to the Honourable Minister, the Permanent Secretary and all Units of the Ministry. The Unit has responsibility for the Ministry's legislative reform programme and the drafting of contracts for the supply of goods and services.

The Unit is based at Agostini Building 3, Duncan Street, Port of Spain.

### **General Administration**

This Unit provides the administrative infrastructure to facilitate the various Departments of the Ministry of Legal Affairs to accomplish their goals efficiently and effectively.

This Unit is based at Registration House, Fourth Floor, 72-74 South Quay while the Accounting Section of the Unit is located at the Mode Alive Building 34, Frederick Street, Port of Spain

### **Rent Assessment Boards**

The Rent Assessment Boards hear and determine applications whether by landlords or tenants for a review of rent in respect of tenancies of dwelling houses coming under the Rent Restriction (Dwelling Houses) Act, 1981 as amended by the Rent Restriction (Restriction and Validation) Act, 1991 or in respect of land coming under the Land Tenants (Security of Tenure Act, 1981 as amended by the Land Tenants (Security of Tenure)(Amendment) Act 1983.

The offices are located at Independence Avenue, San Fernando, 110 Henry Street, Port of Spain and 32 E Pro-Queen Street, Arima.

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## **Law Revision Commission**

The principal function of the Commission is to prepare, publish and maintain a revised edition of the written laws of Trinidad and Tobago in accordance with provisions of the revised Act Chapter 3:03.

The Commission is located at Park Plaza, St. Vincent Street, Port of Spain

## **Legal Aid and Advisory Authority**

The Legal Aid and Advisory Authority established by the Legal Aid and Advice Act of 1976, makes legal aid and advice readily available to persons of small or moderate means. These services are provided by legal officers attached to the Authority and Attorneys-at-Law in private practice who have applied to be included on the panels of Attorneys maintained by the Authority.

The main office is located at Corner Edward and Oxford Streets, Port of Spain

## **Weights and Measures**

The Weights and Measures Unit is responsible for checking the accuracy and justness of all weighing and measuring instruments used by vendors to conduct their trade.

### **Section 7(1)(a)(ii):**

Categories of Documents in the possession of the Ministry which are common to all Divisions of the Ministry of Legal Affairs.

1. General administration files and documents dealing with the operations of the Ministry.
2. Personnel files which detail staff appointments, job applications, job specifications, promotions, transfers, resignation, retirements, deaths etc.
3. Files dealing with the accounting and financial management function of the Ministry
4. Financial records
5. Cabinet documents
6. News releases or speeches originating in the Ministry of Legal Affairs
7. Policy and Procedure documents

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8. Customer files
9. Training Plans
10. Legislation and Legal instruments
11. Legal opinions
12. Minutes of Meetings
13. Files dealing with memoranda, circulars, memoranda, bulletins etc.
14. Reports
15. Complaints files
16. Periodicals and Publications

### **Registrar General's Department**

- Registers of Births, Deaths and Marriages and Muslim Divorces
- Registers of Deeds, Polls, Bills of Sale, Lis Pendens, Judgement, Wills, Charges, Real Property Ordinance, Vesting Orders and Court Orders.
- Registers of business, names, newspapers and incorporation of Companies.

### **Intellectual Property Office**

- CD-ROMS and DVD-ROMS of patent documents (US Patent and Trademarks Office, Japanese, Patent Corporation Treaty, French BREF) and new plant varieties.
- Draft and certified copies of granted industrial property applications (patents, utility certificates, trademarks, industrial designs, geographical indications, layout designs (topographies) or integrated circuits, new plant varieties) upon payment of prescribed fees; access to registers of granted applications upon payment of prescribed fees (ungranted applications are not open to public scrutiny). Copies of certificates can only be provided to rightsholders or their agents upon payment of prescribed fees.
- Bibliographic information on all industrial property applications.
- Industrial property statistics, annual technical reports, annual reports etc.

### **Consumer Affairs Division**

- Consumer warnings re: trends, persistent conduct and commercial activities
- Interpretation of laws administered by the Consumer Affairs Division
- Comments and evaluation of proposed legislation affecting the interests of consumers



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- Advice to the Director of Consumer Guidance
- Pricing Trends: Poultry and basic food items

Documents for public inspection can be viewed at the Library, Agostini Building, 3 Duncan Street, Port of Spain.

### **Law Revision Commission**

- Revised Edition of the Laws of Trinidad and Tobago.

### **Legal Aid and Advisory Authority**

- Documents filed by the Authority in the various Registries of the Judicial System
- Panel of Attorneys-at-Law registered with the Authority/Approval/Declined/Deferred list of applications before the Board of the Authority

Documents for public inspection can be viewed at the Legal Aid and Advisory Authority Library, Corner Oxford and Edward Streets, Port of Spain, between the hours of 8.00 a.m. to 12.00 noon.

### **Rent Assessment Boards**

Certified copies of the entries in the appropriate Registers kept by the boards may be obtained on payment of the requisite fee.

### **Section 7(1)(a)(iii)**

#### **Material Prepared for Publication or Inspection**

- Registers of granted industrial property applications are open for inspection from 10.00 a.m. to 4.00 p.m.
- CD-ROMS, DVD-ROMs and other documents within the Technical Library of the IPO are open to the public by appointment (an information officer is needed to guide users).
- Draft and certified copies of granted industrial property applications may be obtained upon submission of a letter of request to the Controller and payment of the prescribed fees.
- Copies of CD-ROMs of public education materials and seminars, where recorded.

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- Copies of brochures and leaflets of public education and procedural issues.
- Update on Poultry Industry for the quarter ending September 2001
- Report on Consumer Complaints for the period July to September 2001
- Report on Consumer Complaints for the period October to December 2001
- Update on Poultry Industry for the quarter ending September 2001
- Annual Report on Consumer Complaints for 2001
- Report on Consumer Complaints for the period January to March 2002
- Poultry Report for the period January to March 2002
- Poultry Report for the period April to June 2002
- Report on Consumer Complaints for the period July to September 2002
- Poultry Report for the period July to December 2002
- Report on Consumer Complaints for the period October to December 2002
- Report on Gymnasiums, Health and Fitness Centres in Trinidad
- Report on Consumer Complaints for the period October to December 2002
- Report on Gymnasiums, Health and Fitness Centres in Trinidad
- Report on Consumer Complaints for the period January to March 2003
- Report on Consumer Complaints for period April to June 2003
- Poultry Report for the period January to June 2002
- Report on Increased Chicken Prices
- Report on the first 20 weeks of the CAD/CFDD project on Testing of Pesticide Residue on Agricultural Produce in Trinidad and Tobago
- Report on Consumer Complaints for the period July to September 2003
- Report on Soya Meal
- Report on Processed Chicken Prices
- Report on Consumer Complaints for the period October to December
- Annual report on Consumer Complaints for 2003
- Report on Consumer Complaints for the period January to March 2004
- Brief Chicken Report as at April 12, 2004
- Report on Consumer Complaints for the period April to June 2004
- Brief Chicken Report as at June 12, 2004
- Poultry Prices Report for the period January to June 2004
- Poultry Report for the period June to July 2004
- Brief Chicken Report July 24, 2004

**Section 7(1)(a)(iv)**

Literature Available by Subscription.

Not applicable.

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## **Section 7(1)(a)(v)**

General Policy for Accessing a Document from all Divisions of the Ministry of Legal Affairs

How to request Information:

### **General Procedure**

Our policy is to answer all requests, both oral and written, for information. However, in order to have the rights given to you by the FOIA (for example the right to challenge a decision if your request for information has been refused), you must make your request in writing. The applicant must therefore, complete the appropriate form (request for Access to Official Documents) available in any Public Authority in order to access information that is not readily available in the public domain.

### **Addressing Requests:**

It will help us to answer your question sooner if you address it to the Designated Officer or Alternate of the respective Division of the Ministry of Legal Affairs.

### **Details in the Request**

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided clarification will be sought from the applicant. If you are not sure how to write your request or what details to include, communicate with our Designated Officer.

### **Requests not handled under the FOIA**

A request under the FOIA will not be processed to the extent that it asks for information that is currently available in the public domain, either from us or another public authority, for example, brochures and pamphlets etc.

## **Responding to your Request**

The Ministry of Legal Affairs is required to furnish copies of documents only when they are in our possession or those we can retrieve from storage. If we have stored the information you want in the National Archives or another storage center, we will retrieve it where possible, in order to process your request.

### **Furnishing Documents:**

- (i) We are required to furnish copies of information we have in our possession, custody or power. We are not compelled to create new documents. For example, we are not required to write a new programme so that a computer will print information in the format you prefer.
- (ii) We are not required to perform research for you
- (iii) We are required to furnish only one copy of a document
- (iv) If we cannot make a legible copy of a document to be released, we may not attempt to reconstruct it. Instead, we will furnish the best copy possible and note its quality in our reply.

### **Time Limits:**

#### **General**

The FOIA sets certain limits for us to decide whether to disclose the documents you have requested. If we fail to meet the deadlines, the FOIA gives you the right to proceed as if your request has been denied. We will try diligently to comply with the time limits, but if it appears that processing your request may take longer than the statutory limit, the request will be acknowledged and we will advise you of its status. Since there is a possibility that requests may be misaddressed to misrouted, you may wish to call or write to confirm that we have received the request and to ascertain its status.

### **Time Allowed:**

We will determine whether to grant your request for access to information as soon as practicable but no later than thirty (30) calendar days as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents or be provided with copies, if you so request.

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## **Section 7(1)(a)(vi)**

Officers in the Ministry of Legal Affairs:

1. The initial receipt of an action upon notices under Section 10
2. Requests for access to documents under Section 13 and
3. Applications for correction of personal information under Section 36 of the FOIA.

### **The Designated Officer of the Ministry of Legal Affairs is**

Mr. Kenneth Sealy  
Administrative Officer V (Ag.)  
Fourth Floor  
Registration House  
72-74 South Quay  
Port of Spain  
Telephone No. 623-1235  
Fax 625-9803

### **The Alternate Officer is**

Ms. Allison Hughes  
Administrative Officer IV  
Consumer Affairs Division  
3 Duncan Street  
Port of Spain  
Telephone No. 723-7741  
Fax 625-4737

### **The Designated Officer for the Legal Aid and Advisory Authority is**

Mr. Richard Ragoobarsingh  
Legal Officer,  
Legal Aid and Advisory Authority  
Corner Edward & Oxford Streets  
Port of Spain  
Telephone No. 625-0454

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## **The Alternate Officer is**

Ms. Nancy Arneaud  
Secretary, Legal Aid and Advisory Authority  
Corner Edward & Oxford Streets  
Port of Spain  
Telephone No. 625-0454

### **Section 7(1)(a)(vii)**

Advisory Boards, Councils, Committees and other bodies (Meetings/Minutes are open to the Public)

Not applicable at this time

### **Section 7(1)(a)(viii)**

#### **Library/Reading Room Facilities**

Information in the Public Authority domain can be accessed by a request to the relevant Designated Officer and the necessary accommodation will be made available.

## **Section Statements**

### **Section 8(1)(a)(i)**

Documents containing interpretations or particulars of written laws or schemes administered by the public authority, not being particulars contained in another written law.

- Legal Aid and Advice Act Chapter 7:07
- The Rent Restriction Act Chapter 59:50
- The Land Tenants (Security of Tenure) Act, 1981 (Act No. 11 of 1981) as amended by the Land Tenants (Security of Tenure)(Amendment) Act, 1983 (Act No.1 5 of 1983
- The Rent Restriction (Re-enactment and Validation) Act, 1991 (Act No. 36 of 1991)
- The Rent Restriction (Dwelling houses) Act, 1981 (Act No. 45 of 1981)
- Civil Service Act and Regulations Ch 23:01
- Financial Regulations 1965

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- Public Service Commission Regulations 1966 and Amendments
- Central Tenders Board Ordinance No. 22 of 1961 and Amendments
- Freedom of Information Act No. 26 of 1999 as amended by Act No. 92 of 2000
- Consumer Protection and Safety Act 1985 and amendments
- Trade Description Act 1984 and amendments
- The Adverse Trade Practices Order, 2000
- Sale of Goods Act No. 37 of 1985 as amended by Act. No. 11 of 1983
- Hire Purchase Act No. 17 of 1957
- Unfair Contract Terms Act No. 28 of 1985
- Misrepresentation Act No. 12 of 1983

**Section 8(1)(a)(ii)**

Not applicable

**Section 8(1)(b)**

Not applicable

**Section 9 Statements**

**Sections 9(1)(a) to (e) and 9(1)(h) to (m)** are not applicable.

**Section 9(1)(f)**

- Aquing, Bernard K. *Evaluation of Insurance Products and Services for Private Motor Vehicles in Trinidad and Tobago*, Port of Spain: Insurance Advisory and Consulting, 2001.
- Mary King and Associates Limited. *Credit Card Services in Trinidad and Tobago*. Port of Spain: Mary King and Associates, 2002.
- Boodoosingh, Joseph and Sirju, Ann Marie. *An Investigation into the Quality of Safety Matches available locally*. Tunapuna TTBS, 2002.

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### **Section 9(1)(g)**

- Research Reports: Evaluation Consumer Products
- Research Reports: Evaluation of Consumer Services
- National Consumer Policy
- Policy with respect to Testing and Rating of Consumer Appliances

**Ministry of Legal Affairs**

**April 14, 2005**