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No. 9 of 2013

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Third Session Tenth Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

**BILL**

AN ACT to validate actions done pursuant to section 4  
of the Sugar Industry Control Board (Repeal) Act,  
1995

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THE SUGAR INDUSTRY CONTROL BOARD (REPEAL)  
(VALIDATION) BILL, 2013

**Explanatory Note**

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

The Bill seeks to validate all acts required to be done under section 4 of the Sugar Industry Control Board (Repeal) Act, 1995 (Act No. 15 of 1995) which were done or purported to be done after the expiration of six months of the date of commencement of the Act, or were omitted to be done. The Bill needs to be passed with a three-fifths majority in both Houses of Parliament as it is inconsistent with sections 4 and 5 of the Constitution.

THE SUGAR INDUSTRY CONTROL BOARD (REPEAL)  
(VALIDATION) BILL, 2013

**Arrangement of Clauses**

*Clause*

1. Short title
2. Interpretation
3. Act inconsistent with Constitution
4. Validation
5. Report

## **BILL**

AN ACT to validate actions done pursuant to section 4 of the Sugar Industry Control Board (Repeal) Act, 1995

[ , 2013]

WHEREAS section 4 of the Sugar Industry Control Board (Repeal) Act, 1995 (Act No. 15 of 1995) (hereinafter referred to as “the Act”) provided that the Divestment Secretariat of the Ministry with responsibility for Finance (Investments), in conjunction with a Cabinet appointed Committee facilitate the orderly winding up of the affairs of the Sugar Industry Control Board (hereinafter referred to as “the Board”) within six months of the date of commencement of the Act: Preamble

And whereas the Act commenced on 18th July, 1995;

And whereas there were circumstances which prevented the winding up of the affairs of the Board within the six-month period prescribed by the Act, including a High Court matter which was resolved in 2005:

And whereas the former auditors for the Board, Price Waterhouse, were appointed to prepare a statement of affairs of the Board in order to aid in the winding up of the affairs of the Board:

And whereas the statement of affairs was submitted in 2006 by the auditors:

And whereas section 4(1)(d) of the Act provides that in the event of a surplus of assets over liabilities, the surplus shall be utilized in a project that would benefit the cane farmers:

And whereas the surplus in the amount of \$876,815.51 was paid into the Consolidated Fund in 2012 since there was no consensus on how the surplus should be utilized:

And whereas it is enacted by section 13(1) of the Constitution of the Republic of Trinidad and Tobago (“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:



IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of \_\_\_\_\_ members of the House.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of \_\_\_\_\_ Senators.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

No. 9 of 2013

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THIRD SESSION  
**TENTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

AN ACT to validate actions done pursuant to section 4 of the Sugar Industry Control Board (Repeal) Act, 1995

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Received and read the

First time .....

Second time .....

Third time .....

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