Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note

This Act has effect notwithstanding sections 4 and 5 of the Constitution and has been certified by the Clerk of the House of Representatives and the Clerk of the Senate to have been enacted in compliance with section 13(2) of the Constitution.
CHAPTER 51:05

DISPOSAL OF UNCLEARED GOODS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
   Variance of Act with Constitution.
2. Interpretation.
3. Sale by auction.
4. Pre-requisite to sale.
5. Disbursement of proceeds of sale.
6. Manner of disposal other than by auction sale.
7. Restricted or prohibited goods.
8. Recovery before sale.
10. Duty payable.
CHAPTER 51:05

DISPOSAL OF UNCLEARED GOODS ACT

An Act to provide for the disposal by auction or otherwise of uncleared goods from customs areas occupied by the Port Authority.

[13TH DECEMBER 1978]

WHEREAS it is enacted inter alia by section 13(1) of 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 such Act does so declare, it shall have effect accordingly:

And whereas it is provided by 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 this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

1. (1) This Act may be cited as the Disposal of Uncleared Goods Act.

2. In this Act—

“Authority” means the Port Authority of Trinidad and Tobago;
“Comptroller” means the Comptroller of Customs and Excise;
“customs area” means any place appointed to be a customs area by the Comptroller by notice in writing under his hand and occupied by the Authority;

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“General Manager” means the General Manager of the Authority; 
“uncleared goods” means goods which have been imported into 
Trinidad and Tobago and which, six months after their receipt 
by the Authority, remain in the possession of the Authority, 
but does not include goods the ownership of which is the 
subject of a dispute involving the Authority.

3. Notwithstanding any law to the contrary, the General 
Manager may sell by auction uncleared goods other than goods 
the importation of which by law is restricted or prohibited.

4. At least fourteen days prior to any sale under section 3, 
the General Manager shall cause to be published in the Gazette 
and in at least two editions of a daily newspaper in circulation 
throughout Trinidad and Tobago an advertisement setting forth— 
(a) the date, time and place of the proposed sale; 
(b) the description of the goods intended to be sold; 
(c) the name of the auctioneer; and 
(d) the name of the consignee where known.

5. The proceeds of sale shall be applied in payment of— 
(a) all expenses incurred in respect of the sale; and 
(b) rents and other charges accruing to the Authority 
for storage and safe keeping of the goods, 
and the surplus, if any, shall be paid into the Consolidated Fund.

6. Uncleared goods which have been put up for sale by 
auction under section 3 and which have not been sold shall be 
disposed of in the following manner: 
(a) where the Comptroller certifies in writing to 
the Minister of Finance that he is of the opinion 
that the goods are unfit for use, they shall, with 
the approval of the Minister of Finance, be 
destroyed; and 
(b) where the goods are fit for use, they shall be 
donated to charitable or other institutions, given
7. Uncleared goods the importation of which by law is restricted or prohibited shall be disposed of in manner provided in section 6(b).

8. Where at any time prior to the disposal of any uncleared goods in accordance with section 3, 6 or 7, a person satisfies the authority that he is the owner or consignee of such goods, the General Manager shall allow such person to take delivery of such goods as if this Act had not been passed.

9. The destruction of uncleared goods under section 6 or 7 shall be certified to the Auditor General by the Comptroller.

10. Notwithstanding any law to the contrary a person who purchases goods by auction under this Act shall be entitled to take delivery of such goods upon payment of—

(a) the purchase price;

(b) the duty equal to thirty per cent of the purchase price;

(c) any taxes or duties chargeable under any law (other than duty imposed under the Customs Act) calculated by reference to the purchase price.