

STATUTORY AUTHORITIES ACT

CHAPTER 24:01

Act
16 of 1966
Amended by
45 of 1979
8 of 1983
19 of 1987
***21 of 1990**
5 of 2011

**See Note on page 2*

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Note on Act No. 21 of 1990

Section 35 of the Municipal Corporations Act, 1990 (Act No. 21 of 1990) provides as follows:

"Appointment of Officers. 35. The Statutory Authorities Service Commission established under the Ch. 24:01. Statutory Authorities Act shall appoint, remove, transfer and exercise disciplinary control over the officers of each Corporation.".

*The amendment made to regulation 93 of these Regulations by Act No. 47 of 1980 (Schedule C) was retrospective and has already been incorporated in the Regulations. A marginal amendment reference to "47 of 1980" should be inserted accordingly.

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STATUTORY AUTHORITIES ACT

An Act relating to Statutory Authorities.

16 of 1966.

[1ST JANUARY 1967]

Commencement.
151/1966.

1. This Act may be cited as the Statutory Authorities Act.

Short title.

PRELIMINARY

2. In this Act—

Interpretation.
[21 of 1990].

“allowance” means compensation payable—

- (a) in respect of a grade, or in respect of some offices in a grade by reason of duties of a special nature;
- (b) for duties that an officer is required to perform in addition to the duties of his grade, where those duties relate to an office in the same grade or a higher grade;

“appropriate recognised association” means a trade union or other organisation recognised in accordance with this Act by a statutory authority as the bargaining body for any category or categories of officers;

“Civil Service” means the Civil Service established under the Civil Service Act;

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“Commission” means the Statutory Authorities Service Commission established under section 4;

“dispute” means any matter respecting the service of a statutory authority upon which agreement has not been reached between the Personnel Organisation and the appropriate recognised association and which is deemed to be a dispute under section 19 or 20;

“local authority” means the council of a Municipal Corporation continued or established under the Municipal Corporations Act; Ch. 25:04.

“Minister” means the Minister responsible for Finance;

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“officer” means a person who is appointed to hold or to act in a pensionable office in the service of a statutory authority and whose remuneration is paid on a monthly basis;

“pay” means the rate of pay assigned to an office in a grade in accordance with this Act and the Regulations;

Ch. 23:01. “Personnel Department” or “Department” means the Personnel Department established under section 13 of the Civil Service Act;

“Personnel Organisation” means the Personnel Organisation established pursuant to section 14;

“public officer” has the meaning assigned to it in section 3 of the Constitution;

“Public Service Commission” means the Public Service Commission established by section 120 of the Constitution;

“remuneration” includes pay and allowances;

Ch. 81:01. “Statutory Authority” means a local authority and any commission, board, committee, council or body (whether corporate or unincorporated) established by or under an Act other than the Companies Act declared by the President under section 3 to be subject to the provisions of this Act;

Ch. 88:02. “trade union” means a trade union registered under the Trade Unions Act.

Application of Act.

3. (1) Subject to this section, this Act shall be construed as applying to a statutory authority notwithstanding any general or special power or authority vested in such statutory authority by any written law or by virtue of its incorporation.

(2) The President may by Order declare that any statutory authority or any specified class of statutory authority named in the Order is subject to the provisions of this Act.

ESTABLISHMENT OF COMMISSION AND PERSONNEL ORGANISATION

Establishment of Statutory Authorities Commission. [45 of 1979].

4. (1) There is hereby established for the purposes of this Act a Statutory Authorities Service Commission which shall consist of a Chairman, a Deputy Chairman and no fewer than three nor more than five other members.

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(2) The members of the Commission shall be appointed by the President.

(3) A person shall not be qualified to be appointed to or to hold the office of a member of the Commission if he holds or is acting in any public office or any office under a statutory authority or if he has held a public office or an office under a statutory authority within a period of three years preceding his proposed appointment.

(4) A person who has held office or acted as a member of the Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment as an officer.

(5) The office of a member of the Commission shall become vacant at the expiration of five years from the date of his appointment or such shorter period as may be specified at the time of his appointment.

(6) A member of the Commission may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the President.

(7) A member of the Commission shall be paid in respect of his office such remuneration and allowances as the President thinks fit and the payment of such remuneration shall be a charge on the Consolidated Fund.

5. (1) The Commission shall have power to appoint persons to be or act as officers and to transfer, promote, remove and exercise disciplinary control over persons so appointed. Appointment of officers.

(2) The powers conferred on the Commission may with the approval of the Prime Minister be delegated by directions in writing to any other person or authority.

6. The Commission may with the consent of the Prime Minister by Regulations or otherwise regulate its own procedure, including the procedure for appointment, promotion, transfer and removal from office of officers of statutory authorities and for the exercise of disciplinary control over such officers. Procedure of Commission.

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Quorum of
Commission.
[8 of 1983].

7. At any meeting of the Commission, a quorum is constituted if at least three members are present and, if a quorum is present, the Commission shall not be disqualified from the transaction of the business by reason of any vacancy amongst its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled to do so took part therein.

Transfer and
secondment of
staff.
[8 of 1983].

8. (1) An officer in the Civil Service may, with the approval of the appropriate Service Commission, be transferred from the Civil Service to the service of a statutory authority; and an officer in the service of a statutory authority may, with the approval of the Commission, be transferred to the Civil Service.

(2) Where an officer in the Civil Service is transferred to the service of a statutory authority he shall be treated as a member of the Pension Scheme, if any, and the provisions thereof with respect to the superannuation benefits and liabilities shall apply accordingly, save that where no Pension Scheme is established or authorised to be established the President shall by Regulations make such arrangements to protect the superannuation rights of the officer as is considered fit and proper.

(3) An officer in the Civil Service may, with the approval of the Commission and the appropriate Service Commission, be seconded to the service of a statutory authority and an officer in the service of a statutory authority may, with the like approval be seconded to the Civil Service.

(4) Where a secondment is effected, the President, or the statutory authority concerned, as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officers so seconded to any pension, gratuity, allowance or other superannuation benefit for which he would have been eligible had he remained in the service of the Government or of the statutory authority, as the case may be.

(5) Except with the approval of the President, a period of secondment shall not in any case exceed five years.

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(6) An officer in the service of a statutory authority may, whenever the Commission considers it appropriate or the Minister so recommends, be transferred to the service of another statutory authority, and upon such transfer the officer shall be treated as a member of a Pension Scheme, if any, and the provisions of the Pension Scheme with respect to the superannuation benefits and liabilities shall apply accordingly, save that where no Pension Scheme is established or authorised to be established, the President shall by Regulations make such arrangements to protect the superannuation rights of the officer as is considered fit and proper.

(7) In this section “Pension Scheme” means a superannuation plan established by a statutory authority under the provisions of any written law so authorising the statutory authority or otherwise.

STATUTORY AUTHORITIES APPEAL BOARD

9. (1) There shall be a Statutory Authorities Appeal Board (hereinafter referred to as the “Appeal Board”) to which appeals shall lie from such decisions against any officer as are specified in section 9B.

Constitution of
Appeal Board.
[8 of 1983].

(2) The Appeal Board shall consist of—

- (a) the Chairman and members of the Public Service Appeal Board; and
- (b) two other persons each of whom has experience in matters relating to industrial relations management, the Public Service or the statutory authorities.

(3) The Chairman referred to in subsection (2)(a) shall be the Chairman of the Appeal Board.

(4) The persons referred to in subsection (2)(b) shall be appointed to the Appeal Board by the President after consultation with the Prime Minister and the Leader of the Opposition and on such terms and conditions as the President may determine.

(5) Three members of the Appeal Board of whom one shall be the Chairman and another a person referred to in subsection (2)(b) shall hear and determine appeals under section 9B.

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Oath of Office.
[8 of 1983].

First Schedule.

Appeals in
disciplinary
cases.
[8 of 1983
19 of 1987].

9A. Before entering upon the duties of his office a member of the Appeal Board shall take and subscribe the oath of office set out in the First Schedule.

9B. (1) An appeal shall lie to the Appeal Board from any decision of the Commission as a result of disciplinary proceedings brought against an officer and notwithstanding the provisions of any other written law, the Appeal Board shall have jurisdiction to hear and determine all such appeals filed on or after the 1st day of August 1976.

(2) An appeal under subsection (1) shall lie to the Appeal Board at the instance of the officer in respect of whom the decision is made.

(3) The Appeal Board may, where it considers it necessary that further evidence be adduced—

- (a) order such evidence to be adduced either before the Board or by affidavit;
- (b) refer the matter back to the Commission to take such evidence and—
 - (i) to adjudicate upon the matter afresh; or
 - (ii) to report for the information of the Appeal Board specific findings of fact.

(4) Where a matter is referred to the Commission under paragraph (b) of subsection (3), the matter, so far as may be practicable or necessary, shall be dealt with as if it were being heard at first instance.

(5) Upon the conclusion of the hearing of an appeal under this section, the Appeal Board may—

- (a) affirm, modify or amend the decision appealed against;
- (b) set aside the decision;
- (c) substitute any other decision which the Commission could have made;
- (d) refer the matter back to the Commission with directions to rehear it.

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(6) Every decision of the Appeal Board shall require the concurrence of the majority of its members.

(7) No decision, order, direction, declaration, ruling or other determination of the Appeal Board shall be questioned in any proceedings whatsoever.

(8) The Appeal Board may by Regulations make provision for—

- (a) procedure of its own;
- (b) the procedure in appeals under this section.

(9) With the consent of the Prime Minister, the Appeal Board may by Regulations or otherwise confer powers and impose duties on any officer or any authority of the Government for the purpose of the exercise of the functions of the Appeal Board.

(10) This section and sections 9 and 9A shall be in addition to and not in derogation of any other provisions for review of the decision of the Commission.

TERMS AND CONDITIONS OF EMPLOYMENT

10. An officer shall, subject to the provisions of this Act or any other written law hold office upon such terms and conditions as may be prescribed or as are agreed to in the manner provided below. Terms and conditions of employment.

11. Officers who hold office in a statutory authority at the commencement of this Act shall be deemed to have been appointed under and subject to the provisions of this Act. Existing officers.

12. An officer who intends to resign his office in the service of a statutory authority shall give such period of notice as may be prescribed. Resignation.

13. The modes by which the service of an officer of a statutory authority may be terminated are as follows: Manner of termination of employment.

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;

- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation;
- (f) on the expiry or on the termination of an appointment—
 - (i) for a specified period;
 - (ii) on probation;
- (g) on the abolition of office;
- (h) on such other grounds as the Commission may determine.

PERSONNEL ORGANISATION

Power to establish Personnel Organisation.

Ch. 23:01.

Powers and duties of Personnel Organisation. [45 of 1979].

14. (1) The President may establish a Personnel Organisation for the purpose of performing such duties and exercising such powers as are imposed or conferred on it by this Act.

(2) The Personnel Organisation shall comprise a Chief Personnel Officer whose office shall be an office in the Civil Service and such other officers and servants (whether members of the civil service or not) as the Commission may consider necessary to appoint.

(3) Until the Personnel Organisation is established, the Personnel Department established under section 13 of the Civil Service Act shall be responsible for the exercise and performance of the powers and duties of the Personnel Organisation.

15. (1) The Personnel Organisation shall be responsible for—

- (a) establishing and maintaining a classification of the offices in the service of the several statutory authorities;
- (b) keeping under review the remuneration payable to officers;
- (c) administering the regulations respecting the service of the statutory authorities;

(d) providing for and establishing procedures for consultation and negotiation between the statutory authority concerned and the appropriate recognised association in respect of—

- (i) the classification of offices;
- (ii) any grievances;
- (iii) remuneration;
- (iv) the terms and conditions of employment.

(2) The Minister may from time to time make recommendations with regard to remuneration to be paid to officers and employees.

(3) The Minister shall, before making recommendations on remuneration under subsection (2)—

- (a) consider the requirements of the statutory authorities;
- (b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the service of the statutory authorities, and the relationship of the duties of the various classes and grades within the service of the statutory authorities; and
- (c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act. Ch. 88:01.

CONSULTATION, NEGOTIATION AND THE SETTLEMENT OF DISPUTES

16. Prior to formulating any recommendations under section 15(1), the Minister may require the Personnel Organisation to consult with representatives of the appropriate recognised associations with respect to the matters specified in that subsection. Consultation with organisation.

17. In the exercise of its duties and functions under sections 19 and 20 and section 21(1), the Personnel Organisation shall be subject to the direction of the Minister. Personnel Organisation in negotiations subject to direction of Minister.

Consultation with association.

18. The Personnel Organisation shall on behalf of the statutory authority concerned, consult with representatives of the appropriate recognised association with respect to the matters specified in section 15, at the request of such representatives or whenever in the opinion of the Minister such consultation is necessary or desirable.

Where no agreement reached on proposals of association.

19. Where the Personnel Organisation consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 15, at the request of such representatives, and the Personnel Organisation and the appropriate recognised association are within twenty-one days of the commencement of such consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matters, the Personnel Organisation or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister, and on such report being made a dispute shall be deemed to exist as to such matter.

Personnel Organisation to submit proposals to association for approval.

20. Where the Personnel Organisation before making proposals with respect to matters specified in section 15 does not consult with representatives of the appropriate recognised association, the Personnel Organisation shall submit the proposals to the appropriate recognised association for consideration and agreement, but where the Personnel Organisation and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any of the matters, the Personnel Organisation or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister and on such report being made a dispute shall be deemed to exist as to such matter.

Agreement reached with Personnel Organisation.

21. (1) Where the Personnel Organisation and the appropriate recognised association reach agreement on any of the matters specified in section 15 after consultation and negotiation, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the statutory authority concerned and by a person designated by the appropriate recognised association on behalf of the association.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the statutory authority and the officers to whom the agreement relates.

22. For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association and any dispute under this Act shall be dealt with in accordance with the provisions of the Industrial Relations Act. Ch. 88:01. Parties to disputes.

23. (1) An award made by the Industrial Court on any dispute under this Act shall be binding on the parties to the dispute and on all officers to whom the award relates, and shall continue to be binding for a period to be specified in the award, not less than five years from the date upon which the award takes effect. Awards to be binding on parties for fixed period.

(2) The Industrial Court may with the agreement of the parties to an award review such award at any time after the expiry of the third year.

(3) In this section “Industrial Court” means the Industrial Court established under the Industrial Relations Act. Ch. 88:01.

ASSOCIATIONS OF OFFICERS OR EMPLOYEES

24. In this section and in sections 25 and 26—

Definitions.

“class” means the division into which an office is assigned by Regulations made by the President under section 28, and includes any category or categories of offices assigned to a division;

“existing association” means any trade union or other association recognised as the bargaining body for any class or classes of officers immediately before the commencement of this Act.

25. (1) Subject to any other written law to the contrary, every existing association may continue to represent any class or classes of officers and, subject to the provisions of this Act, shall be recognised by the statutory authority as the appropriate association for the purpose of consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning such officers other than officers who are holders of prescribed offices. Representation of officers.

(2) Officers may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the statutory authority as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 15 and any other matters concerning such officers.

(3) For the purposes of recognition by the statutory authority an association formed pursuant to subsection (2) or, subject to subsection (1), an existing association, may be representative of any class or classes of officers but may not be representative of any class or classes of such officers already represented by an appropriate recognised association; and an association formed pursuant to subsection (2) or an existing association may not admit to its membership an officer who is a member of an appropriate recognised association.

(4) The statutory authority shall withdraw recognition from an appropriate recognised association that contravenes any of the requirements of subsection (3).

(5) An association formed pursuant to subsection (2) may not be registered as a trade union.

Rules governing
recognition.

26. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the statutory authority of existing associations and of associations formed pursuant to section 25(2).

Association to
make Rules.
[8 of 1983]

Second
Schedule.

27. (1) An appropriate recognised association shall make Rules providing for the good government of the association and for carrying out the objects of the association and with respect to such Rules the following provisions shall have effect:

- (a) the Rules shall contain provisions in respect of the several matters mentioned in the Second Schedule;
- (b) a copy of the Rules and of every amendment thereof shall be delivered by the association to every officer who is a member of that association on demand on payment of the prescribed sum.

(2) The Rules of the association shall be filed with the Registrar General.

(3) Amendments to the Rules of an association shall be filed with the Registrar General and shall have effect from the date of such filing unless some later date is specified from which they shall have effect.

MISCELLANEOUS AND GENERAL

28. The President may make Regulations generally for carrying this Act into effect and, subject to this Act, for prescribing all matters which are required or permitted to be prescribed and in particular for the following: Regulations generally.

- (a) for prescribing the terms and conditions of employment in the service of a statutory authority;
- (b) for prescribing remuneration;
- (c) for prescribing the probationary period on first appointment and for the reduction of such period in appropriate cases;
- (d) for prescribing conditions for the termination of first appointments on probation;
- (e) for prescribing the procedure for the recovery of any penalties from an officer;
- (f) for regulating the hours of attendance of officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;
- (g) for regulating the granting of leave to officers;
- (h) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (i) for prescribing and providing for the use of powers under this Act and the Regulations;
- (j) for regulating generally the terms and conditions of temporary employment.

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Grant of one
month's salary
on the death of
an officer.
[5 of 2011].

29. (1) When an officer dies, the Minister shall order that an amount equal to one month's salary of the officer, as at the date of his death, be paid to the officer's spouse.

(2) Where the officer has no spouse, the payment referred to in subsection (1) may be made to the officer's cohabitant.

(3) Where the officer has no spouse or cohabitant, the payment referred to in subsection (1) may be made to the children of the officer and where the officer has no children, the payment may be made to the parents of the officer.

(4) For the purposes of this section—

“spouse” means a husband or wife and in relation to a deceased person, a widow or widower;

“cohabitant” means a person of the opposite sex who, while not married to the officer, continuously cohabited in a bona fide domestic relationship with the officer for a period of not less than five years immediately preceding the death of the officer; and

“children” means children born to the officer, or children in respect of whom an Adoption Order has been made under the Adoption of Children Act, and includes those who have attained the age of eighteen years.

Ch. 46:03.

(5) Any payment made in the pursuance of this section shall be valid against all persons and all persons acting under this section shall be absolutely discharged from all liability in respect of monies duly paid by them under this section.

FIRST SCHEDULE

Section 9A.
[8 of 1983].

OATH OF OFFICE

I, A.B., having been appointed

of Trinidad and Tobago do swear by
(solemly affirm) that I will bear true faith and allegiance to Trinidad and Tobago
and will uphold the Constitution and the law, that I will conscientiously,
impartially and to the best of my knowledge, judgment and ability discharge the
functions of my office and do right to all manner of people after the laws and
usages of Trinidad and Tobago without fear or favour, affection or ill-will.

SECOND SCHEDULE

Section 27.
[8 of 1983].

**MATTERS TO BE PROVIDED FOR BY THE RULES OF
AN ASSOCIATION REGISTERED UNDER THIS ACT**

1. The name of the Association and the place of meeting for its business.
2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, a trustee, treasurer and other officers.
5. A provision for the investment of the funds and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the Association by every person having an interest in its funds.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and general conduct of elections.

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9. The powers, duties and functions of the Executive Committee of the Association.

10. Disputes between members of the Association and the Executive Committee thereof.

11. A prohibition against admission to membership with respect to an officer who is a member of an appropriate registered association.

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