

## TRINIDAD AND TOBAGO.

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No. 35—1938.

I ASSENT,

[L.S.]

J. HUGGINS,  
*Acting Governor.*

21st December, 1938.

22nd December, 1938.

AN ORDINANCE to make provision for the preparation and publication of a revised edition of the laws of the Colony.

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the Law Revision Ordinance, 1938.

Interpretation.

2. In this Ordinance—

“ Revised Edition ” means the edition of the laws of the Colony to be prepared under the authority of this Ordinance ;

“ Law ” or “ Enactment ” includes the Ordinances and subsidiary laws in force in the Colony ;

“ Subsidiary Laws ” includes any proclamation, rule, regulation, bye-law, order-in-council, order, notice or form made or issued under the authority of any law.

Appointment  
of Commis-  
sioner for  
revision of the  
Ordinances.

3.—(1) The Governor shall, by writing under his hand, appoint a Commissioner or Commissioners for the purpose of preparing a revised edition of the Ordinances of the Colony in force on such date as the Governor shall determine.

(2) If more Commissioners than one are appointed, each Commissioner shall have full power to do any and all things authorised by this Ordinance to be done by the Commissioners, and the term "the Commissioner" as used in this Ordinance shall apply to such Commissioners and to each of them.

(3) If any Commissioner appointed under this Ordinance shall die, resign, or be otherwise unable to act, some fit and proper person may be appointed by the Governor in his stead.

4. In the preparation of the revised edition of the Ordinances, the Commissioner shall have the following powers, that is to say :—

Powers of the  
Commissioner.

(1) To omit—

- (a) all Ordinances or parts of Ordinances which have been repealed expressly or specifically or by necessary implication, or which have expired, or have become spent, or have had their effect ;
- (b) all repealing enactments contained in Ordinances, and also all tables or lists of repealed enactments whether contained in Schedules or otherwise ;
- (c) all preambles to Ordinances, where such omission can, in the opinion of the Commissioner, be conveniently made ;
- (d) all introductory words of enactment in any Ordinance or section of an Ordinance ;
- (e) all enactments prescribing the date when an Ordinance or part of an Ordinance is to come into force, where such omission can, in the opinion of the Commissioner be conveniently made ; and
- (f) all amending Ordinances or parts of Ordinances where the amendments effected by such Ordinances or parts of Ordinances have been embodied by the Commissioner in the Ordinances to which they relate :

Provided that the provisions of section 11 of the Interpretation Ordinance shall apply to such omissions in the same way as if the Ordinances or enactments omitted had been repealed ;

- (2) To consolidate into one Ordinance any two or more Ordinances in *pari materia*, making the alterations thereby rendered necessary in the consolidated Ordinance, and affixing thereto such date as may seem most convenient ;
- (3) To alter the order of sections in any Ordinance, and, in all cases where it is desirable to do so, to re-number the sections of any Ordinance ;
- (4) To alter the form or arrangement of any section of an Ordinance, either by combining it in whole or in part with another section or other sections, or by dividing it into two or more sub-sections, or by transposing words ;
- (5) To divide any Ordinance, whether consolidated or not, into parts or other divisions ;
- (6) To transfer any provision contained in an enactment from that enactment to any other enactment to which it more properly belongs ;
- (7) To arrange the Ordinances, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment ;
- (8) To add a short title to any Ordinance which may require it, and, if desirable, to alter the short title of any Ordinance ;
- (9) To supply or alter marginal notes ;
- (10) To correct cross references ;
- (11) To shorten and simplify the phraseology of any enactment ;
- (12) To correct grammatical, typographical and similar mistakes, and omissions, in the existing copies of enactments, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any enactment ;
- (13) To make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any enactment into conformity with the circumstances of the Colony ;

- (14) To insert in all sections in which His Majesty's Army and Navy are mentioned or referred to and in which the Royal Air Force is not mentioned or referred to such mention and reference to the Royal Air Force as may be appropriate;
- (15) To make such adaptations of or amendments in any enactment as may appear to be necessary or proper as a consequence of any change in the constitution of any of His Majesty's dominions;
- (16) To do all other things relating to form and method which may be necessary for the perfecting of the revised edition.

5.—(1) The power conferred upon the Commissioner in the preceding section shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance.

Mode of dealing with alterations of substance.

(2) Subject to the provisions of the succeeding sub-sections of this section, in every case where any such alteration or amendment is, in the opinion of the Commissioner, desirable, the Commissioner shall draft a Bill setting forth such alterations and amendments, and authorising them to be made in the revised edition. Any such Bill may have reference to more Ordinances than one, although such Ordinances may not be in *pari materia*.

(3) In any case where an Ordinance, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Bill accordingly.

(4) Every such Bill shall, subject to the approval of the Governor, be submitted to the Legislative Council and be dealt with in the ordinary way.

6. The Commissioner shall omit from the revised edition the enactments specified in the First Schedule to this Ordinance: Provided that it shall be lawful for the Governor by notice in the *Royal Gazette* to make any addition to the said Schedule: Provided always that, anything in this Ordinance to the contrary notwithstanding, the said enactments shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

Omission of certain enactments from the revised edition.

First Schedule.

Numbering of Ordinances.

7. There shall be attached to each Ordinance contained in the revised edition a number showing its relevant chapter in the 1925 Revised Edition of the laws or its place among the Ordinances of the year to which it belongs, together with the number and year assigned to any other Ordinance or Ordinances incorporated with such Ordinance by virtue of the powers in this Ordinance contained.

Chronological table and index to revised edition.

8. The Commissioner shall prepare and cause to be printed together in a separate volume a chronological table of all the Ordinances of the Colony and a full and complete index to the Ordinances contained in the revised edition.

Printing, &c., of revised edition.

9.—(1) The Commissioner shall, with the approval of the Governor, make such arrangements as he may think expedient for the printing and binding of the revised edition.

(2) The Governor shall give such directions as he may think fit with respect to the number of volumes into which the revised edition shall be divided, the number of copies to be printed, and the manner in which they shall be bound.

Bringing into force and validity of revised edition.

10.—(1) The Commissioner shall, as soon as the revised edition is completed, transmit a copy thereof to the Governor, who shall lay the same before the Legislative Council.

(2) Upon the passing of a resolution of the Legislative Council authorising him so to do, the Governor may, by proclamation, order that the revised edition shall come into force from such date as he may think fit.

(3) From the date named in such proclamation, the revised edition shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances in force on such date as shall be specified in such proclamation, save and except as otherwise provided by section 6 hereof.

(4) Notwithstanding the foregoing provisions of this section, the Governor may, upon the passing of a resolution of the Legislative Council authorising him so to do, by proclamation, bring into force such part or parts of the

revised edition of the laws as may be completed from time to time and published, whereupon from the date named in such proclamation and to the extent specified therein, the enactments so proclaimed shall be substituted for the enactments therein reproduced and revised and shall for all purposes be of full force and effect and without any question whatsoever be recognized in all Courts of Justice.

11. The repeal or omission from the revised edition of any enactment repealed or omitted during and for the purpose of the preparation of such revised edition shall not affect the validity of any existing resolutions of the Legislative Council, or any subsidiary law made under any enactment so repealed or omitted, but such resolutions or subsidiary laws, so far as they are not inconsistent with any other law of the Colony for the time being in force, shall continue in force until otherwise provided.

Effect of  
repealed or  
omitted  
Ordinances.

12. Where, in any enactment or in any document of whatever kind, reference is made to any enactment repealed or otherwise affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment in the revised edition.

Construction  
of reference to  
repealed, &c.,  
enactment.

13. All subsidiary laws made under any enactment included in the revised edition, and in force at the date when such revised edition shall come into force, shall continue in force until otherwise provided; and references in any such subsidiary law to the enactment under which it is made, or to any other enactment, shall where necessary and practicable, be deemed to apply to the corresponding enactment in the revised edition.

Saving of  
existing  
subsidiary  
laws.

14. It shall be lawful for the Governor, by writing under his hand, to appoint a Commissioner or Commissioners for the purpose of preparing a revised edition of the subsidiary laws of the Colony in force on such date as the Governor shall determine, and thereupon the provisions of this Ordinance relating to the preparation of a revised edition of the Ordinances shall *mutatis mutandis* apply and have effect for the purpose of preparing and bringing into force the revised edition of such subsidiary laws.

Revision of  
subsidiary  
laws.

Appointment  
of Com-  
missioner to  
prepare  
supplements.

15. It shall be lawful for the Governor, by writing under his hand, from time to time to appoint a Commissioner for the purpose of preparing periodical supplements to the revised edition, and each supplement brought into force in accordance with the provisions of this Ordinance shall supersede all previous supplements.

Power of  
Commissioner  
in preparing  
supplements  
and contents  
of such  
supplements.

16.—(1) In the preparation of such supplements, the Commissioner shall have *mutatis mutandis* the powers conferred by this Ordinance for the preparation of the revised edition, and each supplement shall contain—

- (a) the Ordinances enacted subsequent to those contained in the revised edition and in force ;
- (b) such of the subsidiary laws passed subsequent to the revised edition and in force as the Commissioner may consider of sufficient importance to be included ;
- (c) a reference table in respect of those subsidiary laws not included, indicating the date of their publication in the *Royal Gazette*, and such explanatory notes in respect thereof as the Commissioner shall think fit ;
- (d) such Imperial legislation affecting the Colony as the Commissioner may think fit to include, or a reference table or explanatory notes in respect thereof ;
- (e) a table of contents, a chronological table of the laws enacted subsequent to the revised edition and up to the date of the latest enactment included in the supplement, and an index.

(2) It shall be lawful for the Commissioner, if he shall see fit, to include in each supplement a table of corrections of grammatical, typographical and similar mistakes and omissions which may from time to time be discovered in the revised edition of the laws, and such laws shall thereupon be read and construed subject to the corrections contained in such table.

(3) The number and year of each Ordinance shall be set out at the beginning thereof, and, when another Ordinance is incorporated therein, the number and year of each amending or incorporated Ordinance shall also be set out at the beginning of the Principal Ordinance.

(4) The date on which any Ordinance came into operation shall be set out at the beginning of such Ordinance, but if the Ordinance has not yet come into operation, that fact shall be indicated.

17. The Governor may, by proclamation, approve of each supplement upon the issue thereof and order that it shall come into force from such date as he thinks fit. From the date named in such Proclamation the supplement shall, until superseded by the next supplement, be deemed to be and shall be without any question whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances enacted subsequent to those contained in the revised edition and in force on such date as shall be specified in such proclamation, and in respect of the subsidiary laws included therein.

Proclamations  
bringing  
supplements  
into force.

18. Where in any enactment or in any document of whatever kind reference is made to any enactment affected by any supplement proclaimed under this Ordinance such reference shall where necessary and practicable be deemed to extend and apply to the corresponding enactment in the supplement for the time being in force.

Application of  
references to  
supplements.

19.—(1) Whenever an enactment has been amended by the repeal or omission of any part thereof, or the substitution or addition of words or figures, any re-print of the enactment as amended printed by the Government Printer and published by authority of the Governor shall be substituted for the enactments reproduced therein and shall be deemed to be authentic for all purposes.

Reprints of  
amended  
enactments.

(2) No amendment shall have any retrospective operation by force only of its incorporation in the reprinted enactment, and a reference shall be made, in the margin or in a footnote, to the enactment by which every amendment was made.

(3) In any supplement prepared under the authority of this Ordinance, an amended enactment may be reproduced therein in the manner provided by this section.

Expenses of  
publication.

20. The Governor may by warrant addressed to the Treasurer direct the payment of all expenses of and incidental to the preparation and publication of the revised edition.

Repeals.  
Second  
Schedule.

21. The enactments specified in the Second Schedule to this Ordinance are hereby repealed.

Place of this  
Ordinance in  
the revised  
edition.

22. This Ordinance shall be printed at the commencement of the revised edition.

## FIRST SCHEDULE.

Enactments to be omitted from the revised edition, but kept in force under and by virtue of Section 6 of this Ordinance.

Reference number of Ordinance.	Subject matter and remarks.
	GROUP I.—ORDINANCES RELATING TO CERTAIN PROPERTY RIGHTS.
1905 REVISION.	
No. 139 (Ord. 29-1898) ...	Extinguishing certain right of way through Government buildings, Port-of-Spain.
No. 277 (Ord. 6-1863) ...	Vesting of Admiralty property in the Lord High Admiral or the Admiralty Commissioners.
No. 292 (Ord. 7-1862) ...	Vesting of securities taken by the Registrar, Supreme Court or his predecessors in office.
No. 45-1908 ...	Extinguishing certain rights of way in Port-of-Spain over lands used by the Government Railway.
No. 26-1909 ...	Appropriating certain lands in Port-of-Spain to the purposes of the Government Railway.
No. 31-1912 ...	Incorporating the Ciperó Tramroad in the Government Railway.
1925 REVISION.	
Cap. 117 ...	The Caroni and Laventille reclamation scheme.
Cap. 300 ...	Vesting in the Crown certain properties in Tobago.

## FIRST SCHEDULE.—CONTINUED.

Reference number of Ordinance.	Subject matter and Remarks.
No. 23-1926 ...	... Vesting in the Crown the property known as the Drill Hall, Port-of-Spain.
No. 15-1936 ...	... Vesting of La Coulee Land in the San Fernando Corporation.
GROUP II.—ORDINANCES RELATING TO CERTAIN MARRIAGES.	
No. 10-1863 ...	... Confirming certain marriages (re-enacted by Ord. 9-1908).
No. 23-1915 ...	... Validating certain marriages.
No. 45-1921 ...	... Validating certain marriages.
No. 31-1926 ...	... Authorising the registration of certain marriages.
No. 4-1928 ...	... Validating certain marriages between Indian Immigrants.
No. 7-1930 ...	... Authorising the registration of certain marriages.
No. 31-1930 ...	... Validating certain marriages.
GROUP III.—LOAN ORDINANCES.	
No. 47-1912 ...	... San Fernando market loan, 1912
1925 REVISION.	
Cap. 219 ...	... Public Works Loan Ordinance, 1912— £551,042.
Cap. 220 ...	... Local Loan Ordinance, 1915—£100,000.
Cap. 221 ...	... Local Loan Ordinance, 1918—£100,000.
Cap. 222 ...	... Local Loan Ordinance, 1920—£1,000,000.
Cap. 234 ...	... San Fernando Improvement Loan Ordinance 1921—£50,000.
No. 16-1930 ...	... Port-of-Spain Improvement (Eastern Market) Loan Ordinance, 1930—£24,000.
No. 41-1931 ...	... Waterworks and Agricultural Bank Loan Ordinance, 1931—£1,100,000.
No. 38-1932 ...	... Imperial Treasury War Loan (Repayment) Ordinance, 1932—£422,892.
No. 3-1934 ...	... Deep Water Harbour Loan Ordinance, 1934— £1,000,000.

## FIRST SCHEDULE.—CONTINUED.

Reference number of Ordinance.	Subject matter and Remarks.
No. 3-1935	... Public Works and Housing Commission Loan Ordinance, 1935—\$1,440,000.
No. 8-1935	... Port-of-Spain Improvement Loan Ordinance 1935—\$446,400.
No. 9-1935	... Electric Lighting and Tramway Works Loan Ordinance, 1935—\$1,760,000.
No. 21-1935	... Deep Water Harbour Loan (Amendment) Ordinance, 1935. (Supplement to No. 3 1934.)
No. 38-1935	... Cocoa Subsidy Loan Ordinance, 1935—\$2,500,000.
GROUP IV.—PRIVATE ORDINANCES.	
1925 REVISION. Cap. 301	... Roman Catholic Archbishop Incorporation.
Cap. 304	... Presbyterian Church Incorporation.
Cap. 305	... Baptist Church Incorporation.
Cap. 306	... Salvation Army Incorporation.
Cap. 307	... Young Men's Christian Association Incorporation.
Cap. 308	... St. Mary's College Trustees, Incorporation.
Cap. 309	... Royal Prince of Wales Lodge of Freemasons, Incorporation.
Cap. 315	... British Guiana and Trinidad Mutual Fire Insurance Company Limited (Trinidad Branch).
No. 46-1925	... Seventh-day Adventist Church Incorporation
No. 21-1927	... Mount St. Benedict Monastery Incorporation.
No. 7-1929	... St. Andrew Lodge of Freemasons Incorporation.
No. 14-1930	... Church of England Incorporation.
No. 39-1931	... Tackveeyatul Islamic Association of Trinidad, Incorporation.
No. 15-1932	... Hindu Sanatam Dharam Association of Trinidad, Incorporation.
No. 19-1932	... Sanatan Dharma Board of Control Incorporation.
No. 36-1932	... Kabir Association of Trinidad Incorporation.
No. 24-1935	... Anjuman Sunnat-ul-Jammat Association of Trinidad, Incorporation.
No. 25-1935	... Royal Philanthropic Lodge of Freemasons Incorporation.

## FIRST SCHEDULE.—CONTINUED.

Reference number of Ordinance.	Subject matter and Remarks.
GROUP V.—MISCELLANEOUS.	
Ord. 17-1873 ...	... Procedure in addressing the Jury in civil actions. (Re-enacted by Ord. 9-1908.)
No. 2-1916 ...	... Preserving certain pension rights.
No. 38-1933 ...	... Preserving certain pension rights (and <i>see</i> Proclamations Nos. 58 of 1934, 42 of 1935, 15, 50 and 58 of 1938).
No. 5-1931 ...	... Port-of-Spain Corporation (Validation of certain expenditure) Ordinance, 1931.
No. 9-1937 ...	... Port-of-Spain Corporation (Validation of Insurance Expenditure) Ordinance, 1937.

## SECOND SCHEDULE.

## Enactments repealed by Section 21 of this Ordinance.

Reference Number of Ordinance.	Subject matter and Remarks.
1905 REVISION.	
No. 271 (Ord. 6-1843) ...	... Disposition of certain property.
No. 272 (Ord. 14-1844) ...	... Husband's interests in wife's property, and provision for the wife or widow.
No. 273 (Ord. 7-1858) ...	... Disposition of property—Supplements No. 271—1905 Revision.
1925 REVISION.	
Cap. 161 sections—2-4 ...	... Disposition of property—reproduces No. 273 of 1905 Revision. NOTE.—Ordinances Nos. 271, 272 and 273 of the 1905 Revision and Cap. 161 secs. 2-4 of the 1925 Revision either have no further effect or other provisions have been made in lieu thereof.
Cap. 237 ...	... Arima Loan Ordinance, 1892. (No money has been raised under the Ordinance.)
No. 16-1914 ...	... Railway Extension and Public Works Loan Ordinance, 1914. (Amounts for the purposes of the Ordinance were borrowed from the Imperial Treasury; Ordinance No. 38-1932 now provides for their repayment.)
No. 14-1916 ...	... Preserving certain pension rights.
No. 8-1931 ...	... Borough of Arima (Borrowing Powers) Ordinance, 1931. (Provided for by sections 123-6 of Ord. 11-1938.)
No. 11-1937 ...	... Commissioners' Powers (Conferment of) Ordinance, 1937.

## SECOND SCHEDULE.—CONTINUED.

Reference number of Ordinance.	Subject matter and Remarks.
WAR LEGISLATION.	
No. 37-1914 ...	... Alien enemies.
3-1915 ...	... Trading with the enemy.
6-1915 ...	... Alien enemies.
4-1916 ...	... Trading with the enemy
19-1916 ...	... Trading with the enemy.
10-1917 ...	... Trading with the enemy.
15-1917 ...	... Enemy trade marks.
16-1917 ...	... Alien enemies.
23-1917	... Enemy trade marks.
16-1918 ...	... Alien enemies.
24-1920 ...	... Enemy debts clearing-house.
52-1920 ...	... Enemy debts clearing-house (Austria).
56-1921 ...	... Enemy debts clearing-house (Hungary).
57-1921 ...	... Custodian of Enemy property.

Passed in Council this ninth day of December, in the year of Our Lord one thousand nine hundred and thirty-eight.

W. E. BOARDMAN,  
*Clerk of the Council.*