



TRINIDAD AND TOBAGO

No. 2—1959

[L.S.]

I ASSENT,

E. B. BEETHAM

Governor.

10th February, 1959.

AN ORDINANCE to provide for the speedy remedying of insanitary conditions in slum areas and of overcrowding in dwelling-houses and for other purposes in connection therewith, and to indemnify members of the former Slum Clearance Committee, the Planning and Housing Commission, and officers of the Commission, from any legal consequences that may have been incurred by them by reason of the exercise of any functions formerly appertaining to that Committee after the expiry of the Slum Clearance and Housing (Temporary Provisions) Ordinance Ch. 37. No. 3. and to validate things done by them in the exercise of such functions.

[10th February, 1959.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Slum Clearance and Housing (Temporary Provisions) Ordinance, 1959, and shall be read as one with the Slum Clearance and Housing Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Ch. 37. No. 2.

(2) The provisions of this Ordinance shall have effect notwithstanding anything to the contrary in the Principal Ordinance.

2. (1) This Ordinance shall expire at the end of five years after its coming into force unless continued in force by resolution of the Legislative Council. The Ordinance may be continued in force by resolution as aforesaid for two years or such longer period as the Legislative Council may decide.

Application
and duration
of Ordinance.

(2) The expiry of this Ordinance as aforesaid shall be without prejudice to things previously done, omitted or suffered thereunder.

(3) This Ordinance shall apply only to land or buildings within the City of Port-of-Spain or the Borough of San Fernando as respectively described in the Port-of-Spain Corporation Ordinance and the San Fernando Corporation Ordinance.

Ch. 39. No. 1.

Ch. 39. No. 7.

3. (1) In this Ordinance—

Interpre-
tation.

“Committee” means the Slum Clearance Committee appointed under the provisions of section 4 of this Ordinance;

“special slum clearance area” means an area defined and declared as such for the purposes of this Ordinance in the manner hereinafter set out, and includes an area deemed to be a special slum clearance area under the provisions and for the purposes of this Ordinance.

(2) For the purposes of this Ordinance, the word “owner”, as defined in section 2 of the Principal Ordinance shall be deemed to include the agent or trustee of the “owner”.

4. (1) (a) For the purposes of this Ordinance, there shall be a Slum Clearance Committee which shall be a Committee of the Commission.

Slum
Clearance
Committee.

(b) Subject to the provisions of paragraph (c) of this subsection, the Committee shall consist of the following members :—

- (i) a chairman who shall be the Chairman of the Commission;
- (ii) three members of the Commission selected by the Commission, subject to the Governor's approval.

(c) Whenever the Committee has under consideration any matter affecting the area of a Local Authority, the Committee shall co-opt as members of the said Committee one member of such Local Authority, who shall be nominated by such Local Authority, and the Medical Officer of Health of such Local Authority, and such co-opted members shall have the right of deliberating and voting in the same manner as any other member of the Committee.

(d) In case of resignation, removal, absence or inability to act of any member of the Commission serving on the Committee the Commission shall forthwith proceed, subject to the provisions of paragraph (b) of this subsection, to fill the vacancy thus created by resignation or removal or to appoint a person to act during the absence or inability to act of such member of the Committee.

(e) Three members of the Committee, including the chairman, shall form a quorum for the transaction of business. All questions coming or arising before the Committee shall be decided by a majority of votes, and in the case of an equality of votes the chairman shall have a second or casting vote.

(f) The Committee shall be subject to such general or special directions as the Governor in Council may from time to time give.

(g) The Committee shall have power to regulate its procedure and, without prejudice to the generality of the foregoing words, may arrive at decisions by the circulation of papers save in respect of the powers exercisable by the Committee under sections 5 and 6 of this Ordinance.

(2) The Committee shall have and exercise such of the powers conferred upon the Commission by the Principal Ordinance, as may be necessary to carry out or facilitate the duties of the Committee under this Ordinance, and shall in addition have such further powers as are conferred upon it by this Ordinance.

Any decision, order or act of the Committee arrived at, given or done under the powers hereby conferred upon it shall be deemed to be a decision, order or act of the Commission and the Commission shall not do, or omit to do, anything which may conflict with or hinder any such decision, order or act of the Committee.

(3) This section shall have effect notwithstanding anything to the contrary in the Principal Ordinance and specially, but without prejudice to the generality of the foregoing words, in section 9 thereof.

5. (1) Notwithstanding the provisions contained in any other law, whenever any dwelling-house is in the opinion of the Committee ruinous or so dilapidated as to have become and to be unfit for human habitation or a nuisance or injurious to health, the Committee may order that such dwelling-house shall not be used for human habitation:

Dwelling-house unfit for human habitation.

Provided that prior to making any such order, the Committee shall cause the landlord of such dwelling-house or his agent to be notified of the proposed action and such landlord shall be given the opportunity of submitting in writing to the Committee any objection or suggestion within a specified period (not being less than two clear days after the date of the service of the notice):

Provided further that no such order shall be made by the Committee until the period for submitting objections or suggestions has elapsed and unless the objections or suggestions made (if any) have been considered by the Committee.

(2) An order made by the Committee under the provisions of subsection (1) of this section (hereinafter referred to as a Closing Order) shall be final and shall not be questioned in any court. Any such order shall take effect immediately after being served on the landlord concerned or his agent and may be cancelled by the Committee on its being satisfied that the dwelling-house has been rendered fit for human habitation, or for any other reason in the absolute discretion of the Committee.

Closing Order.

(3) The Committee may by notice served on the landlord (or on the agent of the landlord) of any dwelling-house, in relation to which a closing order has been made under this Ordinance and is still in force, require him to do to the satisfaction of the Committee any one or more of the following things within a reasonable time to be specified in such notice, namely; secure or repair such dwelling-house, furnish and supply it with all requisite fittings and conveniences, or do such other work as may be deemed expedient:

Provided that a notice under this subsection shall not be served unless the arrangements mentioned in paragraph (a) of subsection (1) of section 7 of this Ordinance have been made.

(4) If all the requirements of a notice served under subsection (3) of this section in relation to a dwelling-house are not complied with to the satisfaction of the Committee, the Committee shall have power to decide that the premises of which such dwelling-house forms part be acquired and thereupon such premises shall be acquired by the Commission with all due diligence and subject to the provisions of section 7 of this Ordinance:

Provided that no such decision shall be arrived at by the Committee unless the owner of the building of which the dwelling-house forms part has been notified at least five days before the day on which the matter is to be considered by the Committee that representations may be made in writing to the Committee before the said day.

Power of Committee to declare an area to be a special slum clearance area and re-declaration of special slum clearance areas.

6. (1) Where the Committee, as a result of an inspection or upon consideration of a report from any of the officers, servants or agents of the Commission, or of a representation made to the Committee by any person, or of information in the possession of the Committee, is satisfied that the housing conditions in any area are dangerous or injurious to the health and welfare of the inhabitants therein by reason of the disrepair or sanitary defects of, or the overcrowding in, dwelling-houses therein, or of the bad arrangement of the dwelling-houses, or of the narrowness or bad arrangement of the roads and that those conditions can be effectually remedied—

- (a) by ordering the demolition or repair, as the circumstances may require, of those buildings consisting wholly or in part of dwelling-houses which are unfit for human habitation; or
- (b) by the acquisition by the Commission of all or any of the lands or buildings comprised in the area and by the Committee undertaking or otherwise securing the demolition, reconstruction or repair, as the circumstances may require, of any such buildings or the development of any such land; or
- (c) if it is so desired, by the acquisition of any land or buildings adjacent to the area which it is expedient to acquire for the development thereof or the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions or for the satisfactory development or use thereof,

the Committee may cause that area to be defined on a plan in such a manner as to exclude therefrom any land or building in respect of which sanitary defects do not, in its opinion, exist, or which the Committee does not find it expedient to acquire for the remedying of overcrowding or badly arranged conditions, but so as to include buildings which are, in its opinion, in a state of disrepair and any adjacent lands or buildings which it is desired to acquire, and the Committee may declare the area so defined to be a special slum clearance area.

(2) When a declaration such as is mentioned in subsection (1) of this section has been made, the Committee shall cause notice thereof to be published once in the *Royal Gazette* and in one local daily newspaper, and the declaration of the special slum clearance area shall take effect as from the date of such publication if simultaneous or from the date of the later of the two publications, as the case may be.

(3) The plan on which a special slum clearance area has been defined, or a copy thereof, shall be deposited at the office of the Commission at Port-of-Spain, at the Warden's Office at San Fernando, at the office of the Local Authority of the area affected, and shall be open to inspection during office hours.

(4) Notwithstanding anything contained in subsection (1) of this section, any area which before the date of the commencement of this Ordinance had been declared or been deemed to be a special slum clearance area under the provisions of the Slum Clearance and Housing (Temporary Provisions) Ordinance, shall, as from the date of the commencement of this Ordinance, be deemed to be a special slum clearance area for the purposes of this Ordinance.

Ch. 37.No. 3.
(Laws 1951-
1953 Vol. 1:
p. 177)

7. (1) As from the date of the commencement of this Ordinance, in relation to any area deemed to be a special slum clearance area under the provisions of this Ordinance or whenever the Committee shall have declared any area to be a special slum clearance area or has made a closing order in relation to any dwelling-house, it shall be lawful for the Committee to do any one or more of the following things :—

Power of
Committee
in relation to
special slum
clearance
areas and
dwelling-
houses unfit
for human
habitation.

(a) to make such arrangements as may be necessary or practicable for the accommodation, temporary or otherwise, of all persons resident in such area or in such dwelling-house on the date at which such area becomes a special slum clearance area or such dwelling-house becomes subject to a closing order, and to notify all occupiers for whom accommodation has been arranged to remove from such area or dwelling-house within such period as may be specified in the order;

- (b) without any recourse to any court, to order the eviction, by force if necessary, of any occupier who has been notified as provided in paragraph (a) of this subsection and who has failed to comply with such notification, or of any other person found residing in any such area or dwelling-house;
- (c) to prohibit the use of any land or building included in a special slum clearance area or of any dwelling-house, in relation to which a closing order is in force, for any purpose other than a purpose approved by the Committee and in accordance with directions given by the Committee;
- (d) to cause to be served upon the owner of any building included in a special slum clearance area a notice requiring him, within such reasonable time as may be specified in such notice, to repair and improve the building by the execution of the works specified in the notice or to demolish the building, and in default of compliance with such notice, the Committee shall have the right to carry out the requirements of such notice and the cost of such repairs or demolition shall be a first charge on the premises. The Commission may also recover such cost as a simple contract debt from the owner and may, in its discretion, accept payment by instalment:

Provided that, where there is more than one owner—

- (i) the cost of such repairs, improvement or demolition may be apportioned among them in such shares as the Committee may consider to be just, and such cost may be recovered from them in such shares; and
 - (ii) any person who pays to the Committee the full amount or more than his just share of such cost shall be entitled to recover from any co-owner such contribution as the Committee may determine to be due to him from such co-owner;
- (e) to decide from time to time that any of the lands or buildings in a special slum clearance area be acquired by the Commission, and whenever a resolution to that effect, describing the lands or

buildings to be acquired, has been passed by the Committee—

- (i) the acquisition by the Commission of any such lands or buildings is hereby authorised and may be effected by private treaty or compulsory acquisition under the Land Acquisition Ordinance, and, notwithstanding any law, to the contrary, such acquisition shall not be subject to the approval of the Governor in Council;
- (ii) the publication of such resolution in the *Royal Gazette* shall be equivalent for all purposes to the notification for which provision is made in section 5 of the Land Acquisition Ordinance, and as from the date of such publication, the lands or buildings concerned shall vest absolutely in the Commission;
- (iii) subject to the provisions of sub-paragraphs (i) and (ii) of this paragraph, Part VI of the Principal Ordinance (excepting, however, the provisions of section 27 thereof, and of subsection (5) of section 28) shall apply, and the Committee shall have the right to exercise such consequential powers as are vested in the Commission by sections 36 and 37 of the Principal Ordinance;

Ch. 27. No. 10.

(f) to construct new buildings on lands acquired by the Commission as aforesaid, or improve or alter any existing buildings acquired by the Commission, as the Committee may decide.

(2) The powers conferred by paragraphs (c) and (d) of subsection (1) of this section shall not be exercised by the Committee unless the provisions of paragraph (a) of the said subsection have been complied with.

(3) Any order made by the Committee in exercise of the power conferred by paragraph (b) of subsection (1) of this section may be carried out by any person authorised in writing by the chairman of the Committee, and no action shall in any case be brought against any such person in respect of anything done in pursuance of such authority.

(4) Any prohibition made in exercise of the power conferred by paragraph (c) of subsection (1) of this section shall take effect seven days after notice thereof has been served on the owner of the land or building concerned, or on the landlord of the dwelling-house concerned or his agent, as the case may be:

Provided that the period of seven days specified above may be extended by the Committee in the exercise of its absolute discretion.

(5) When there is any infringement of a prohibition duly made and notified or of any direction given under the provisions of subsection (1) of this section, the Committee shall have power to order that any person or thing found or anything done on any land or in any building or dwelling-house to which such prohibition or direction applies shall be evicted, taken out, or demolished, as the case may be, by force if necessary, without recourse to any court, and such order shall be carried out by any person authorised in writing by the chairman of the Committee and any expenses incurred may be recovered by the Commission as a simple contract debt from the owner or landlord, as the case may be, unless such owner or landlord proves to the satisfaction of the court that he had taken all reasonable steps to guard against such infringement.

Restrictions
on building in
special slum
clearance
area.

8. (1) As from the date of the commencement of this Ordinance, in relation to any area deemed to be a special slum clearance area under the provisions of this Ordinance, or whenever the Committee shall have declared any area to be a special slum clearance area—

(a) no new building shall be constructed therein;

(b) no alterations or repairs shall be effected to any existing building therein; and

(c) no building under construction therein at the time of such declaration shall be completed,

without the consent of the Committee and except in accordance with such directions as may be given by the Committee.

(2) In the event of any contravention of any of the provisions of subsection (1) of this section it shall be lawful for the Committee to cause to be served upon the owner of any building which is the subject of such contravention a notice requiring him, within such reasonable time as may be specified in such notice, to demolish the building or to alter it by the execution of the works specified in the notice and in default of compliance with such notice the Committee may carry out the requirement

of such notice and the cost of such demolition or alteration shall be a first charge on the premises. The Commission may recover such cost as a simple contract debt from the owner and may, in its discretion, accept payment by instalments :

Provided that where there is more than one owner—

- (i) the cost of such demolition or alteration may be apportioned among them in such shares as the Committee may consider to be just, and such cost may be recovered from them in such shares; and
- (ii) any person who pays to the Committee the full amount or more than his just share of such cost shall be entitled to recover from any co-owner such contribution as the Committee may determine to be due to him from such co-owner.

9. In the proviso to subsection (1) of section 14 of the Rent Restriction Ordinance, the reference to paragraph (i) of the said subsection, shall be disregarded in the case of the landlord of a dwelling-house or the owner of a building making an application for the possession of such dwelling-house or building for the purpose of complying with a notice served upon him under the provisions of subsection (3) of section 5 or of paragraph (d) of subsection (1) of section 7 of this Ordinance.

Certain provisions of Rent Restriction Ordinance not to apply. Ch. 27. No. 18.

10. For the avoidance of doubt, it is hereby declared and provided that—

- (a) the provisions of sections 6, 38, 39 and 40 of the Principal Ordinance shall apply *mutatis mutandis* to the Committee and to officers of the Commission in relation to the duties imposed and the powers conferred by this Ordinance, and the reference in subsection (1) of section 38 of the Principal Ordinance to a scheme shall be deemed to be a reference to the making of a closing order or to the declaration of a special slum clearance area under this Ordinance;
- (b) the provisions of section 30 of the Principal Ordinance shall apply in relation to persons displaced from any dwelling-house or building as a result of action taken by the Committee under this Ordinance;
- (c) the provisions of sections 25 and 35 of the Principal Ordinance shall apply in the case of premises in respect of which an order has been made or a notice requiring the execution of works has been served, in the exercise of powers conferred by this Ordinance;

Application of certain sections of the Principal Ordinance.

- (d) the provisions of section 46 of the Principal Ordinance shall have effect in relation to any housing accommodation provided for persons of the working class as a result of the exercise of the powers conferred by this Ordinance:

Provided that it shall not be necessary to establish that the approval of the Governor in Council was first obtained (as specified in subsection (1) of the aforesaid section 46);

- (e) the provisions of sections 6 and 7 of this Ordinance shall have effect notwithstanding anything to the contrary in the Principal Ordinance.

Forms,
authentication
and service of
notices, &c

11. (1) Notices, orders, and any other documents required to be served or given by the Committee under this Ordinance may be in writing or print, or partly in writing and partly in print; and, if the same require authentication, shall be sufficiently authenticated by the name of the chairman of the Committee, or any duly authorised officer of the Commission being affixed thereto in writing or in print.

(2) Notices, orders, and any other documents required to be served or given by the Committee under this Ordinance may be served by delivering the same or a true copy thereof to or at the residence of the person to whom they are addressed, or, when addressed to the "owner" or "landlord" or "occupier" of premises, by delivering the same or a true copy thereof to some person on the premises, or, if there is no person on the premises who can be served, by affixing the same on some conspicuous part of the premises. Such notices or orders may also be served on a person by being sent in a prepaid letter addressed to that person at his usual or last known place of abode :

Provided that such places of abode be within a postal delivery district.

(3) Any notice, order, or other document required by this Ordinance to be served or given by the Committee on or to the owner, landlord, or occupier of any premises may be addressed by the description of the "owner" or "landlord" or "occupier" of the premises (naming such premises) in respect of which the notice, order, or other document is given or served, without further name or description.

12. Nothing in this Ordinance shall prejudice or interfere with the right or remedies of the owner of a building or the landlord of a dwelling-house for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any building or dwelling-house in respect of which an order is made or a notice requiring the execution of works is served, by the Committee under this Ordinance; and if any owner or landlord is obliged to take possession of a building or dwelling-house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

Provision for protection of owners, &c.

13. If any person after receiving notice of the intended action—

Penalty for preventing execution of repairs, &c.

- (a) being the occupier of any building or dwelling-house, prevents the owner or landlord, as the case may be, or his agents, servants or workmen, from carrying into effect with respect to such building or dwelling-house any requirement of the Committee of which notice has been served upon such owner or landlord or his agent; or
- (b) being the owner of any building or the landlord of any dwelling-house or the agent of any such landlord or the occupier of any such building or dwelling-house, prevents any officer, servant or agent or workman authorised in writing by the chairman of the Committee from taking any action authorised by this Ordinance; or
- (c) being an inmate of any building or dwelling-house, prevents the owner or landlord or any other person upon whom any obligations are under the provisions of this Ordinance imposed, or who is authorised by the chairman of the Committee under the provisions of this Ordinance to carry into effect, with respect to such building or dwelling-house, any requirement of the Committee, from so doing,

he shall be liable on summary conviction to a fine of one hundred dollars and to a further fine of fifty dollars for every day or part of a day during which such offence continues after conviction.

Penalty on being found in dwelling-house in respect of which a closing order is in force.

14. (1) Without prejudice to the provisions of sections 6 and 7 of this Ordinance, if any person is found in any dwelling-house declared to be unfit for human habitation after the expiry of the period fixed by the Committee for removal therefrom, he shall, unless he has been permitted by the Committee to remain therein, be liable on summary conviction to a fine of one hundred dollars.

(2) If any person uses any dwelling-house in relation to which a closing order is in force, or permits such dwelling-house to be used, for any purpose other than a purpose authorised by the Committee, he shall be liable on summary conviction to a fine of one hundred dollars and to a further fine of fifty dollars for each day or part of a day during which such offence continues after conviction.

Expenditure by Committee to be defrayed by Commission.

15. Any expenditure incurred by the Committee shall be deemed to have been incurred on behalf of the Commission and shall be defrayed by the Commission on the certificate of the chairman of the Committee.

Rent of temporary premises provided for persons removed from slum clearance area, &c.

16. Where temporary accommodation has been provided by the Committee for persons removed from any special slum clearance area or from any dwelling-house in relation to which a closing order has been made, the rents in respect of such temporary accommodation shall be collected by the Commission which shall be deemed to be the landlord for all the purposes of such collection.

Validation and Indemnity. Ch. 37, No. 3. (Laws 1951-1953 Vol. 1: p. 177).

17. Notwithstanding the expiry of the Slum Clearance and Housing (Temporary Provisions) Ordinance, where at any time between the date of such expiry and the date of the commencement of this Ordinance anything has been done by any persons who, immediately prior to the date of such expiry, had been members of the Slum Clearance Committee provided for by that Ordinance, and such thing would have been validly and properly done by such persons in the exercise of the powers or performance of the duties conferred or imposed on that Committee by that Ordinance if that Ordinance had continued in force until the date of the commencement of this Ordinance and such persons had continued to be members of that Committee, such thing shall be deemed to have been validly and properly done by such persons, and liability by reason of the doing of such thing shall not attach, and shall be deemed never

to have attached, to any person, or to the Commission, or to any such officer of the Commission who was concerned with the carrying out of any direction by any such person acting as aforesaid; and every such person, the Commission, and every such officer of the Commission, shall be and are hereby discharged, freed and indemnified from all legal consequences incurred by them respectively by reason of the doing of such thing.

Passed in Council this sixteenth day of January in the year of Our Lord one thousand nine hundred and fifty-nine.

P. A. GRANNUM
Acting Clerk of the Council