

No. 35—1941.

*San Fernando Corporation.*

AN ORDINANCE to amend the San Fernando Corporation Ordinance, Ch. 39. No. 7.

Commencement.

[31st December, 1941.]

Short title

1. This Ordinance may be cited as the San Fernando Corporation (Amendment) Ordinance, 1941, and shall be read as one with the San Fernando Corporation Ordinance, hereinafter referred to as the Principal Ordinance.

Ch. 39. No. 7.

Section 2 of the Principal Ordinance amended.

2. The definition of "house" in section 2 of the Principal Ordinance is hereby amended by deleting the words "the rate to be imposed and" in the first line of the definition.

Section 80 of the Principal Ordinance replaced.

3. Section 80 of the Principal Ordinance is hereby repealed and replaced by the following:—

Mayor to decide validity of objections.

80. (1) The Mayor shall hold an open Court at the Town Hall on a day to be fixed by him, not later than seven days after the last day for sending in nominations, for a sufficient time between the hours of ten o'clock in the morning and four o'clock in the afternoon, and shall decide upon the validity of the nominations to which objections have been sent in.

Legal assessor.

(2) The Mayor may, if he thinks fit, appoint a barrister as legal assessor in connection with any objection.

Evidence.

(3) The Court may examine on oath the Town Clerk or other person having the custody of any Rate Book, and any objector, any candidate to whom objection is made or any witness.

Representa-  
tion of party  
by counsel  
or solicitor.

(4) Any objector, or candidate to whom objection is made, may be represented at such Court by his counsel or solicitor.

Adjournment  
of Court.

(5) The Mayor may adjourn the Court from time to time, but so that no adjourned Court be held later than seven days after the last day for sending in nominations.

Decision.

(6) The decision of the Mayor on each objection shall be given in writing, and shall, if disallowing the objection, be final, but, if allowing the objection, shall be subject to reversal on petition questioning the election or return.

4. Section 94 of the Principal Ordinance is hereby amended by adding the following :—

Section 94 of  
the Principal  
Ordinance  
amended.

“ annual rateable value ” means the gross annual rental value, subject only to such deductions and allowances as the Corporation may make under this Part of this Ordinance.

5. Sections 97 to 107 inclusive of the Principal Ordinance are hereby repealed and replaced by the following :—

Sections 97 to  
107 inclusive  
of the Princi-  
pal Ordinance  
replaced.

Mode of fixing  
annual rate-  
able value.

97. (1) In determining the annual rateable value of any rateable hereditament for the purpose of this Ordinance, the Corporation shall, whether such hereditament be actually rented or not, consider in every case what amount of annual rent a tenant may reasonably be expected to pay, having regard to the purpose for which such hereditament is actually used, or, in case it is not actually used or occupied, the purpose or purposes for which it is reasonably suitable.

(2) Where any rateable hereditament is leased or rented to a tenant who is under an obligation to pay rates in respect thereof, or premiums of insurance against any loss or damage by fire or otherwise in respect thereof, or who is under any obligation to pay any land rent which his landlord is liable to pay to the

owner of the site of such rateable hereditament, then the annual rateable value of such hereditament shall be the amount of the valuation thereof ascertained in accordance with subsection (1) of this section, with the addition of a sum equal to the rate computed on such valuation, and the amount of the premium payable in respect of such insurance and the land rent which the landlord is liable to pay to the owner of the site.

Power to make deductions.

(3) The Corporation, in valuing any rateable hereditament for the purposes of this Part of this Ordinance, may in their discretion make such deductions or allowances, but in respect of voids and loss of rent only, as they may think proper.

Assessment Committee.

98. (1) The Corporation may, by resolution of the Council, appoint from amongst the members of the Council an Assessment Committee of not less than six members (a quorum to be fixed by the Council at the time of appointment), and may delegate to such Committee all or any of the powers and duties vested in or imposed upon the Corporation by this Part of this Ordinance. The Corporation may, in appointing such Committee, declare that the acts and proceedings of such Committee in relation to all or certain specified powers and duties so delegated need not be submitted to the Council for approval or confirmation; and in such case the acts done or proceedings taken by the Committee in relation to the powers and duties so delegated to them shall be as valid and binding against all parties as if such acts had been done and such proceedings taken by the Corporation.

Corporation may employ valuers and assistants.

(2) The Corporation may employ, at such remuneration and upon such terms and conditions as they may think fit, such valuers and other persons as the Corporation may consider necessary to assist the Corporation in

the work of valuing rateable hereditaments for the purposes of this Part of this Ordinance, and for any other work in relation to the duties of the Corporation under this Part of this Ordinance.

New valuations to be made every three years.

99. In the year 1942, and in every subsequent third year, the Corporation shall cause new valuations to be made of all rateable hereditaments in the Borough in accordance with the provisions of this Part of this Ordinance, and the valuations made in the first year of each triennial period, and entered in the House Rate Book for such period, shall, with and subject to such additions and alterations as may be made by the Corporation pursuant to the powers conferred by this Ordinance or in consequence of any decision by a Court of competent jurisdiction, be the valuations in force for such triennial period, and shall continue in force until new valuations in substitution for the same are made by the Corporation under this Ordinance.

House Rate Book to be kept.

100. (1) Every valuation made by the Corporation under the provisions of this Part of this Ordinance and the annual rate to be paid in respect of every rateable hereditament shall be entered in a book or books to be collectively called the "House Rate Book", and there may also be entered in the House Rate Book the names of the owners or reputed owners of every such hereditament and such other particulars as the Corporation may from time to time think proper.

Date when House Rate Book is to be completed.

(2) Every House Rate Book prepared under this Part of this Ordinance shall be completed on or before the 31st of March in the first year of every triennial period: Provided that the Corporation may, by resolution of the Council, extend the time for the completion of such book to a date not later than the 30th of April of such year.

Form of House  
Rate Book.

(3) The House Rate Book to be prepared under this Part of this Ordinance shall be according to form H in the Fourth Schedule hereto : Provided that the Corporation may, by resolution of the Council, alter, vary, amend or add to such form as they shall think proper.

Authen-  
tication of  
House Rate  
Book.

(4) Every House Rate Book prepared under this Part of this Ordinance shall, when completed, be signed by the Mayor or the Chairman of the Assessment Committee, and laid before the Council.

Notice of  
completion  
of House  
Rate Book.

(5) As soon as may be after such House Rate Book has been laid before the Council, notice of the completion thereof shall be published once a week at the least for two consecutive weeks in one local daily newspaper circulating in the Borough, and once at least in the *Royal Gazette*, and every person claiming to be either the owner or the occupier of any premises included in the House Rate Book, or the agent of any such owner or occupier, shall, at any time during the fourteen days following the first publication of the notice of completion of the House Rate Book, be at liberty to inspect such House Rate Book and to make extracts therefrom without charge. The notice may be according to the form I in the Fourth Schedule hereto with such additions or alterations as the Corporation may from time to time direct.

Notice of  
assessment to  
be served on  
the owner.

101. (1) The Corporation shall, in the first year of every triennial period, as soon as may be after fixing the annual rateable value of every rateable hereditament, cause a notice signed by the Town Clerk, specifying the annual rateable value of such hereditament fixed by them, the amount of the annual rate

or tax to be paid in respect thereof, the time when such rate or tax is to be paid, the name of the owner or reputed owner of such hereditament and such other matters as the Corporation may from time to time direct, to be served on the owner or person in possession or occupation of such hereditament or his agent or attorney, or to be left on the premises with some person actually residing thereon, or, if no person shall be found therein, then to be attached to the door of the house, if any, or some conspicuous part of the premises.

(2) The notice may be according to the form J in the Fourth Schedule hereto.

The provisions of this section to be directory only.

(3) Provided that any default or neglect in complying with the provisions of this section, or the non-receipt of a notice of assessment by the owner of any rateable hereditament, shall not affect the liability of such hereditament or of the owner thereof to the rate payable in respect thereof, nor shall it affect the validity of any act, proceeding, or sale which may be done, taken or affected for the recovery of such rate.

Objection to valuation or alteration of valuation.

102. (1) The owner of any rateable hereditament who is dissatisfied with any valuation or alteration of valuation of his premises made by the Corporation may, at any time not later than fourteen days next after the service of the notice of such valuation or alteration of valuation, give notice in writing to the Town Clerk of his objection thereto.

(2) Where no notice of assessment has been served as directed by section 101, the notice of objection under this section may be given by the owner of the rateable hereditament not later than fourteen days next after the date of first publication of the notice of completion of the House Rate Book.

Consideration  
of objection.

103. The Corporation shall consider every such objection, and may either confirm the valuation objected to, or may reduce or increase such valuation and make such other amendments in relation thereto as the Corporation may think proper. Notice in writing of the decision of the Corporation on every such objection shall be given to the objector.

Appeal from  
Corporation's  
decision on  
objections to  
assessment.

104. (1) The decision of the Corporation on every objection to any valuation or alteration of valuation made by the Corporation shall be final and binding on all parties and for all purposes, unless the owner who has objected to such decision shall, within seven days next after the decision shall have been communicated to him, lodge a notice of appeal against such decision with the Magistrate, and at the same time serve on the Corporation a copy of such notice of appeal: Provided that on any such appeal the exercise by the Corporation of their discretion under subsection (3) of section 97 in making or not making any deductions or allowances, or as to the sufficiency of such deductions or allowances, if they have made any, shall not be subject to review.

Magistrate to  
appoint day  
for hearing.

(2) The Magistrate shall appoint a day for the hearing of such appeal, not earlier than twenty-one days after the lodging of the notice of appeal with him; and he shall forthwith give notice in writing to the Corporation and to the appellant of the day so appointed: Provided that the Magistrate may, if he thinks fit in the interest of justice, postpone or adjourn the hearing of any appeal for such time, and on such terms, if any, as he shall think fit.

Magistrate  
may summon  
witnesses and  
inspect  
premises.

(3) On any such appeal the Magistrate shall have power to summon and compel the attendance of witnesses, to examine witnesses on oath and to administer such oath, to require the production by either party of any book or books containing entries relating to the rent charged or paid in respect of the hereditaments to which the appeal relates, and if necessary to enter and inspect such hereditaments ; and the Magistrate may either confirm such valuation, or, subject to the provisions of subsections (1) and (2) of section 97 and to the proviso of subsection (1) hereof, alter or amend the same as he may think fit.

Costs.

(4) Upon any such appeal the Magistrate may order the party against whom the same is decided to pay to the other party such costs as he may think proper.

Appeal from  
decision of  
Magistrate.

105. (1) In case the Corporation or any owner shall be dissatisfied with the decision of the Magistrate on any appeal to such Magistrate against the decision of the Corporation on such owner's objection to any assessment made by the Corporation, the Corporation or such owner may appeal from the decision of the Magistrate to the Full Court : Provided that, unless such notice of appeal shall be given within fourteen days of the date of such decision, the decision of the Magistrate shall be final and binding and conclusive against all parties.

Form of  
notice of  
appeal.

(2) The notice of appeal shall be signed by the appellant or his counsel or solicitor, shall state the grounds on which the appeal is based, and shall be according to the form K or the form L in the Fourth Schedule hereto.

Appellant to  
enter into  
recognizance.

106. Within five days after giving such notice, the appellant shall enter into a recognizance before some Justice with a surety or sureties in the sum of one hundred and forty-four dollars at least conditioned to appear and prosecute such appeal at the next sitting of the Full Court and to abide the order of and to pay such costs as shall be awarded by such Court at such sitting or any adjournment thereof. Such recognizance shall be according to the form M in the Fourth Schedule hereto: Provided that in the event of any appeal by the Corporation it shall not be necessary for the Corporation to enter into any recognizance whatsoever.

Copy of  
notice of  
appeal to be  
sent to  
respondent.

107. The Clerk of the Peace shall cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and shall notify the appellant and the respondent or their solicitors respectively of the day on which the appeal will in the ordinary course of business be on the list for hearing before the Full Court.

Altered valua-  
tions to be  
entered in  
House Rate  
Book.

107A. Where the valuation of any rateable hereditament has been altered or amended by a Court of competent jurisdiction, or where the Corporation have, under the powers conferred by this Part of this Ordinance, altered the valuation of any rateable hereditament, the Corporation shall cause such alteration or amendment to be made and entered in the House Rate Book in such places therein, and in such manner and form and with such references across or opposite any entry or entries therein, as they may consider necessary or convenient.

Omission to  
enter in  
House Rate  
Book or to  
assess not to  
affect lia-  
bility to rate.

107B. (1) No rateable hereditament omitted from any cause whatever to be assessed or to be entered in any House Rate Book shall, by reason of such omission, be relieved from the liability to be rated under this Part of

this Ordinance, and the Corporation may at any time value such hereditament and enter the same and the rateable value thereof and the rate payable thereon in the House Rate Book in force and may levy and collect the rate to which the same is liable under this Part of this Ordinance, and fix the date on which such rate shall be due and payable.

(2) Notice of the valuation of such hereditament shall be given to the owner thereof and the provisions contained in sections 102 to 107A, both inclusive, relating to the owner's objection to valuations made by the Corporation and to appeals from decisions of the Corporation and the Magistrate in relation to such valuations, shall apply to the valuations made under and by virtue of this section.

(3) Such notice may be according to the form N in the Fourth Schedule hereto.

New house  
erected after  
the completion  
of the House  
Rate Book.

107c. (1) Whenever at any time after the completion of any House Rate Book and before the commencement of the next triennial period, a new house is erected in the Borough, the Corporation may, at any time after the completion of such house, fix the annual rateable value thereof for the purposes of this Part of this Ordinance. The rate payable for such new house for the year in which it was erected shall be a proportion of the amount of the yearly rate corresponding to the period from the date of the completion of such house to the end of the said year, and such proportionate rate shall be due and payable on such date as the Corporation may fix.

Notice to  
owner.

(2) Notice of the valuation of every such new house shall be given to the owner thereof. The notice may be in the form O in the Fourth Schedule hereto.

Proportionate  
rate.

(3) Where the new house valued under this section stands upon premises already assessed and rated to the house rate in the House Rate Book in force under the same description as the new house bears, the rate payable in respect of such new house for the unexpired portion of the year in which it was erected shall be calculated upon the difference between the annual rateable value of the premises before the erection of such new house and the annual rateable value of the premises after the completion of such new house ; and such rate, as well as the rate appearing in the House Rate Book in force before the erection of such new house shall be a charge upon such new house ; and all necessary entries and alterations shall be made in the House Rate Book in force.

Objections to  
assessments  
after com-  
pletion of the  
House Rate  
Book.

107D. Whenever after the completion of the House Rate Book, it appears to the Corporation that any rateable hereditament upon which the house rate has not yet been paid has been insufficiently or too highly assessed, the Corporation may, if they think fit, value such rateable hereditament anew, and may order the amended rateable value thereof and the rate payable thereon to be entered in the House Rate Book in force in place of the previously entered annual rateable value and rate, and may levy and collect the amended rate under this Part of this Ordinance, and may fix the date on which such amended rate shall become due and payable: Provided that notice of such amended valuation shall be served on the owner of such rateable hereditament or on the person or in the manner prescribed by subsection (1) of section 101, and the provisions of sections 102 to 107A, both inclusive, relating to objections to valuations by the Corporation, and to appeals to the Magistrate against the decision of the

Corporation on such objections, shall apply to any amended valuations made by the Corporation under this section.

Alteration of valuations in House Rate Book.

107E. (1) It shall be lawful for the Corporation at any time during the months of January, February and March in each of the two last years of any triennial period to alter the valuation of any hereditament contained in the House Rate Book for the time being in force, where, in the opinion of the Corporation, there has been a substantial increase or a substantial decrease in the rateable value of such hereditament since the last valuation thereof by the Corporation.

Time when alterations made under this section takes effect.

(2) Alterations made under this section in the valuation of any hereditaments shall come into force and have effect as from the 1st of January of the year in which such alterations are made, and shall continue in force until a new valuation for the next triennial period, or until further alterations (if any) are made by the Corporation by virtue of the powers conferred by this section.

Notice to owner of alteration.

(3) Whenever any alteration of the valuation of any rateable hereditament is made by the Corporation pursuant to the provisions of this section, notice of such alteration shall be given to the owner of such hereditament or on the person or in the manner prescribed by subsection (1) of section 101.

(4) The notice of any such alteration may be according to the form P in the Fourth Schedule hereto.

(5) The altered valuations made under this section, during the time that they are in force, shall be deemed to be the valuations of the rateable hereditaments to which they relate.

Rate Book to  
be evidence of  
valuations  
and rates.

107F. The production of the House Rate Book for the time being in force shall be received as sufficient evidence of the due making and validity of the valuations and rates therein contained.

Errors, etc.,  
not to affect  
liability to  
rate.

107G. (1) No error, misnomer, or misdescription in any notice or House Rate Book, and no omission to enter therein the names of owners or reputed owners nor any error in the names entered therein as those of the owners or of the reputed owners of any rateable hereditament, shall in any way vitiate any such notice or any valuation or assessment contained in such House Rate Book or in any way affect the liability of any rateable hereditament to any rate payable in respect thereof.

Corporation  
may correct  
errors in  
notice or  
House Rate  
Book.

(2) The Corporation may, at any time, correct any such errors, misnomers, or misdescriptions, and supply any such omissions, and make such other alterations in any notices, valuations and House Rate Book as may be necessary to correct any errors therein or to make such notices, valuations and House Rate Book and all the particulars therein conformable to fact, to any resolutions of the Council relating to any entries to be made therein and to the provisions of this Part of this Ordinance.

Change of  
ownership  
may be noted  
in House  
Rate Book.

107H. The Corporation may cause to be noted or entered in the House Rate Book for the time being in force, in such places therein and in such manner and form as they may think proper, any changes duly notified to them in the ownership of any rateable hereditament contained in such House Rate Book.

Corporation  
may require  
returns from  
owners.

107I. (1) The Corporation, or any officer of the Corporation duly authorised in that behalf by the Corporation, may at any time require any person who is the owner or the agent of the owner of any rateable hereditament in the Borough to send to the Corporation a

return in writing in the form Q set forth in the Fourth Schedule hereto ; and every such owner or agent shall comply with such order within fourteen days after the service thereof on him.

Corporation  
may require  
returns from  
occupier.

(2) The Corporation, or any officer of the Corporation duly authorised in writing in that behalf by the Corporation, may at any time require the occupier of any rateable hereditament in the Borough to send to the Corporation a return in writing stating the name of the owner of the premises occupied by him, or the person to whom such occupier pays rent in respect of such premises, the amount of the rent payable by such occupier, and such other particulars respecting such hereditament as the Corporation may require for the due execution of this Part of this Ordinance, and every such occupier shall comply with such requisition within fourteen days after service thereof on him.

Return of  
persons  
coming into  
possession of  
premises.

(3) Every person who comes into possession, whether in his own right, or as trustee for any other person, or as personal representative of any person deceased, or committee of any person of any rateable hereditament in the Borough shall, within one month next after he comes into possession, send to the Corporation a return according to such form as may from time to time be prescribed by the Council describing such rateable hereditaments in the manner indicated in such form, and stating the title under which such possession has been acquired.

Entry on  
premises for  
examination.

(4) The Corporation, or any officer of the Corporation duly authorised in that behalf, may, for the purposes of this Part of this Ordinance, and after reasonable notice to the occupier of any rateable hereditament, enter and examine such hereditament for the purpose of inspecting the same and of ascertaining full

particulars thereof, including the number and size of the internal divisions thereof, and of any outhouses used in connection therewith.

Penalties.

107J. If any owner or agent of any owner or any occupier, or any other person, required to make a return under this Part of this Ordinance, refuses, fails or neglects to make such return within the prescribed time, or makes a return which is defective or incomplete or which is wilfully untrue in any particular, or, if the occupier of any rateable hereditament refuses permission to the Corporation, or to any duly authorised officer, to enter and examine the same for any of the purposes aforesaid, every such owner, agent, occupier or other person upon conviction therefor at any time within two years, shall be liable, for every such offence to a fine of forty-eight dollars.

Section 110 of the Principal Ordinance amended.

6. Section 110 of the Principal Ordinance is hereby amended by substituting the following subsection for subsection (1) thereof—

When rate payable.

(1) Except in the case of payments to be made by the Government under section 112 of this Part of this Ordinance, and except where otherwise expressly prescribed by resolution of the Council in those cases where the Corporation are authorised by this Ordinance to fix a different date, the annual house rate or tax payable under this Part of this Ordinance shall be due and payable on the 1st of July in each and every year.

New section 164A added to the Principal Ordinance.

7. The following new section to be numbered as 164A shall be inserted after section 164 of the Principal Ordinance :—

Licences for petrol pumps.  
Ch. 26. No. 2.

164A. (1) Subject to the provisions of the Petroleum Ordinance, it shall be lawful for the Corporation to grant a licence to any person to erect a pump and other appliances for the supply of gasolene, air and water on any

footway within the Borough ; and such licence shall be subject to the payment of such fees as may be prescribed by the Council, and to the erection of such pump and appliances in such positions and of such designs as may in each case be determined by the Council.

(2) Any person who erects any such pump or other appliance without having a licence in force under this section authorising him to do so, or who retains any such pump or other appliance on any footway or street after the date of the expiration of any licence granted under this section, shall be liable to a fine of forty-eight dollars, and to a further continuing fine of five dollars for every day on which such pump or other appliance remains so erected without a licence in force under this section.

8. The Principal Ordinance is hereby amended by the addition thereto of the following section as section 192A thereof :—

New section  
192A added  
to the  
Principal  
Ordinance.

Power of the  
Town  
Engineer to  
order dis-  
continuance  
of building  
operations.

192A. (1) If any person shall commence to make any alteration or addition to any building or to do any work in or upon any building in contravention of the provisions of this Ordinance or of the Regulations made thereunder or of any other Building Regulations made under any of the powers conferred by this Ordinance, the Town Engineer may serve a written notice on the owner of the premises on which such operations are being done, or on the builder, or on both such owner and builder, requiring him or them forthwith to cause such operations to be discontinued.

Interpretation.

(2) In this section the term " builder " has the meaning assigned to it in subsection (2) of section 194.

Penalty.

(3) Every owner who, after service of such notice upon him by the Town Engineer under this section, continues, or allows or suffers

to be continued, such building operations, and every builder who, after service of such notice upon him as aforesaid, continues such building operations, shall be liable to a fine of ninety-six dollars for every day during which he so continues, or allows or suffers to be continued, such building operations, as the case may be.

Appeal to the Magistrate by person aggrieved.

(4) Where any person deems himself aggrieved by any such notice of the Town Engineer under this section, such person may, within seven days after the service of such notice appeal to the Magistrate, and such Magistrate may confirm or vary such notice and may make such order in the matter as to him may seem proper.

Penalty.

(5) If such order is not complied with, the person on whom it is made shall be liable for every such offence to a fine of ninety-six dollars and to a further fine of fifty dollars for every day during which such non-compliance shall continue.

Section 214 of the Principal Ordinance replaced.

9. Section 214 of the Principal Ordinance is hereby repealed and replaced by the following:—

Interpretation.

214. In this Part of this Ordinance the expression "cold stores" means any premises or plant used for the keeping and preserving by a refrigerating process for the purposes of sale any fresh meat, game, fish, fruit, vegetables or other articles intended for the food of man.

Section 241 of the Principal Ordinance amended.

10. Section 241 of the Principal Ordinance is hereby amended by substituting the following for the definition of "premises":—

- (a) "premises" means "rateable hereditament" as in this section defined;
- (b) by inserting after the definition of "public standpipe" the following new definition:—  
"rateable hereditament" means any house, dwelling-house, warehouse, store, shop, counting-house, manufactory, workshop,

stable, shed and any other building whatsoever in the district and the lands on which the same respectively are built, erected or standing, together with any lands appurtenant to or occupied with the same respectively, and includes every yard whether open or enclosed and every parcel of land in the district not appurtenant to or occupied with any house, dwelling-house, warehouse, store, shop, counting-house, manufactory, workshop, stable, shed or any other building and every other parcel of land in the district ; but shall not include buildings occupied solely as churches, chapels and other places of public worship of any religious denomination ;

(c) by inserting after the definition of "service" the following new definition :—

" water rate year " means the period between the 1st of September in any year and the 31st of August in the next following year, both days inclusive ;

**11.** Section 253 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 253  
of the  
Principal  
Ordinance  
replaced.

Cost of laying  
service.

253 (1) The cost of laying any service shall be paid by the person requiring it to be laid, and any way-leave and any other permission to lay such service along or through any land intervening between the distributing mains and the premises of such person shall be obtained by him and at his expense.

(2) The Council may enter into an agreement with the person requiring such service to be laid for the repayment to the Council of the cost of materials and fittings and the charges of laying such service. Such agreement may provide for re-payment with

interest at the rate of ten per centum per annum at such times and on such conditions as may be agreed upon and the premises on which the service is laid shall be deemed to be the premises in respect of which costs and charges are due and payable.

(3) The provisions of section 280 shall apply in respect of any sums or interest which may become payable under an agreement made under the provisions of the preceding subsection save that any such sums or interest shall become a charge on the premises on which they are payable forthwith upon their becoming payable.

12. Section 263 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 263  
of the  
Principal  
Ordinance  
replaced.

Valuation on  
which water  
rates are to be  
computed.

263. For the purpose of computing the water rates payable under this Part of this Ordinance, the annual rateable value of every rateable hereditament shall, for each water rate year, be the annual rateable value thereof according to the House Rate Book in force at the commencement of such water rate year with such amendments and alterations as may be made therein during such water rate year in accordance with the provisions of this Ordinance.

13. Section 265 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 265  
of the  
Principal  
Ordinance  
replaced.

Power to  
assess  
separately  
premises  
assessed as one  
property and  
vice versa.

265 (1) The Corporation may, in their discretion alter and amend any valuations in the House Rate Book where any premises valued and assessed in such House Rate Book ought in the opinion of the Corporation, for the purposes of this Part of this Ordinance, to be assessed separately or where any premises separately assessed in such House Rate Book ought, in the opinion of the Corporation, for the purposes of this Part of this Ordinance to be assessed as one property.

Proportionate  
service rate  
where a  
service is laid  
after com-  
mencement of  
water rate  
year.

(2) Where, any time after the commencement of the water rate year, any premises which up to that time were liable to the general district water rate only, are supplied with water by means of a service pipe, there shall be paid in respect of such premises, in addition to the general district water rate a proportionate service rate calculated for the period from the date of the laying of such service to the end of the current water rate year ; and such proportionate rate shall be due and payable on such date as may be fixed by the Corporation.

Water rate  
on new house.

(3) When any new house is erected in the Borough after the commencement of the water rate year, there shall be paid in respect of such new house, in addition to any rates already levied and payable in respect of the premises already assessed and rated to water rates in the Water Rate Book in force under the same description as the new house bears, an additional district rate calculated for the period from the date of the completion of such new house to the end of the current water rate year, upon the difference between the annual rateable value of the premises before the erection of such new house and the annual rateable value thereof after the completion of such new house ; and in case a service pipe shall be laid in such new house, there shall also be levied a service rate computed on the annual rateable value of such new house, or, if there was a service pipe laid in the premises before the erection of such new house, then on the difference between the annual rateable value of the premises before the erection of such new house and the annual rateable value thereof after the completion of such new house, for the period from the date of the completion thereof to the end of the current water rate year ; and such district and service rates shall be due and payable on such date as may be fixed by the Corporation.

Premises not assessed, insufficiently assessed, or too highly assessed.

(4) Where any rateable hereditament is not assessed in the House Rate Book or where it is made to appear to the Corporation that any rateable hereditament upon which the water rate is not yet paid is insufficiently or too highly assessed in the House Rate Book in force at the commencement of the water rate year, it shall be lawful for the Corporation to fix the annual rateable value thereof for the purpose of determining the water rates payable thereon for that year and to fix the date on which such water rates computed on such valuation shall be due and payable. Notice of the rateable value so fixed by the Corporation, and of the rates payable thereon, and of the date on which such rates are due and payable, shall be given to the owner of such rateable hereditament.

Appeal.

(5) Where the Corporation have fixed the annual rateable value of any rateable hereditament under the last preceding subsection, the provisions of sections 102 to 107A, both inclusive, relating to the owner's right of objection to valuations made by the Corporation for house rates and to appeals from the decisions of the Corporation and of the Magistrate with respect to such valuations shall apply to the valuations made under the power conferred by the last preceding subsection.

Rate on adjoining premises under same ownership.

(6) Where a service is laid in any premises and the water from such service is, with the consent of the Council, used in the said premises and adjoining premises under the same ownership and occupation but separately assessed, the water supply rate shall be calculated on the aggregate of the annual rateable values of both premises so served.

Section 278 of the Principal Ordinance replaced.

14. Section 278 of the Principal Ordinance is hereby repealed and replaced by the following section :—

When rate payable.

278 (1) Except in the case of payments to be made by the Government under section 271 of this Part of this Ordinance, and in the

case of amounts payable for water supplied by meter (which are payable quarterly), and except where otherwise expressly prescribed by resolution of the Council in those cases where the Corporation are authorised by this Ordinance to fix a different date, all rates and charges and all water supply rates and all other annual payments under this Part of this Ordinance shall be due on the 1st of October in each year in respect of the water rate year commencing on the next preceding 1st of September and until paid shall be a charge on the premises liable for the same.

Surcharge and power of sale.

(2) Any such rate remaining unpaid on the 30th of November in the year in which it became due shall be surcharged and increased by six per centum, and if on the 30th of November in the following year the said rate still remains unpaid, it shall be further increased by an additional six per centum. If any part of the rate and surcharge remains unpaid for a further period of eight months, the Town Clerk shall forthwith thereafter cause the premises in respect of which the amount is due to be sold in accordance with the provisions of the Rates and Charges Recovery Ordinance. Ch. 33. No. 8.

15. Section 290 of the Principal Ordinance is hereby repealed.

Repeal of section 290 of the Principal Ordinance.

16. Section 302 of the Principal Ordinance is hereby amended by substituting "ninety-six" for "forty-eight" in the tenth line and "fifty" for "five" in the twelfth line thereof.

Section 302 of the Principal Ordinance amended.

17. The Principal Ordinance is hereby amended by the addition thereto as section 312A of the following section:—

New section 312A added to the Principal Ordinance.

Powers of the Town Clerk with respect to the order of payment of house rates.

312A. (1) The Town Clerk shall refuse to accept payment of any amount tendered by any person in payment of any house rates or any statutory increases thereof payable in

respect of any premises in any year, unless such rates and all statutory increases thereof payable in respect of such premises in every previous year shall have been paid.

Powers of the Town Clerk with respect to the order of payment of water rates.

(2) The Town Clerk shall refuse to accept payment of any amount tendered by any person in payment of any water rates or water supply rates or charges or any other annual payments or any statutory increases thereof payable under Part XI of this Ordinance in respect of any premises in any year, unless such rates, charges, annual payments and statutory increases payable in respect of such premises in every previous year shall have been paid.

Rates refused by the Town Clerk deemed to be unpaid.

(3) Any such rates, charges, annual payments or statutory increases mentioned in the two preceding subsections of this section, payment whereof shall be refused by the Town Clerk in accordance with the provisions of the aforesaid subsections shall be deemed to be and to remain unpaid and in arrear in the like manner, to the like extent, and with the like consequences as if such tender had not been made.

Errors, &c. not to affect liability to rates.

(4) In the event of the Town Clerk through error or inadvertence not acting in accordance with the provisions of subsections (1) and (2) of this section, any such rates, charges, annual payments or statutory increases, which shall in fact be unpaid, shall be deemed to remain unpaid and in arrear in the like manner, to the like extent, and with the like consequences as if this section had not been passed.

Amendments of Fourth Schedule to the Principal Ordinance.

**18.** (1) Form H of the Fourth Schedule to the Principal Ordinance is hereby deleted.

(2) The forms in the Schedule hereto are hereby inserted in their appropriate alphabetical position in the Fourth Schedule to the Principal Ordinance.

THE SCHEDULE.

(Section 100 (3))

Form H.

HOUSE RATE BOOK FOR THE TRIENNIAL PERIOD FROM 1ST JANUARY, 19—, TO 31ST DECEMBER, 19—.

NAME OF STREET \_\_\_\_\_

Premises number.	Name of owner or reputed owner.	Valuation for triennial period from 1st January, 19 , to 31st December, 19 .	Rate payable.	Alteration of valuation (if any) made by the Corporation in Jan., Feb. and Mar., 19 , to come into force on 1st Jan., 19 .	Rate payable.	Alteration of valuation (if any) made by the Corporation in Jan., Feb. and Mar., 19 , to come into force on 1st Jan., 19 .	Rate payable.	Remarks.

No. 35.

San Fernando Corporation.

1941.

**Form I.**

(Section 100 (5)). NOTICE OF COMPLETION OF HOUSE RATE BOOK FOR THE TRIENNIAL PERIOD FROM 1ST JANUARY 19 , TO 31ST DECEMBER, 19

Notice is hereby given, pursuant to the provisions of the San Fernando Corporation Ordinance, that the House Rate Book for the three years from 1st January 19 to 31st December, 19 is now completed, and deposited in the office of the Town Clerk and will be open during the office hours thereat to the inspection of all ratepayers without payment of any fee from this date until the

*N.B.*—Any owner who has not been served with an assessment notice may at any time not later than 14 days next after the first publication of this Notice, send in to the Corporation an objection in writing to the annual rateable value at which his premises are assessed in the House Rate Book.

.....  
Town Clerk.

**Form J.**

NOTICE OF ASSESSMENT FOR THE THREE YEARS FROM 1ST JANUARY, 19 TO 31ST DECEMBER, 19

(Section 101 (2)).

Premises No .....  
Owner or reputed owner.....  
Annual rateable value \$.....  
Annual House Rate \$.....

The Annual House Rate in respect of each of the years of the triennial period above-named becomes due on the 1st day of July in each of such years and will be received without any Statutory increase until the 31st day of July in such year.

NOTE.—If you are dissatisfied with the annual rateable value at which the above-named premises have been assessed by the Corporation, you may send in an objection thereto in writing at any time not later than 14 days after the date of the service upon you of this notice.

*Please produce this notice when tendering payment.*

.....  
Town Clerk.

**Form K.**

NOTICE OF APPEAL BY CORPORATION.

(Section 105 (2)).

Trinidad and Tobago.

*In the matter of the objection by* \_\_\_\_\_ *to the assessment of*  
*the premises known as No.* \_\_\_\_\_ *Street.*

To A.B.,  
Clerk of the Peace.

Take notice that the Mayor, Aldermen and Burgesses of San Fernando, being dissatisfied with the decision of the Magistrate in the above matter, fixing the annual rateable value of the premises No. \_\_\_\_\_ at

§ \_\_\_\_\_ do appeal against such decision on the following grounds:—  
(Here state grounds of appeal.)

Dated \_\_\_\_\_ 19

E.F.  
Counsel or Solicitor for the Corporation.

Form L.

(Section 105(2))

NOTICE OF APPEAL BY RATEPAYER.

Trinidad and Tobago.

In the matter of the objection by of the premises known as No. Street. to the assessment

To A.B.,

Clerk of the Peace.

Take notice that I, C.D., being dissatisfied with the decision of the Magistrate in the above matter,

(Here state decision appealed against.)

do appeal against such decision on the following grounds:—

(Here state grounds of appeal.)

Dated

19 .

E.F., Counsel or Solicitor for C.D.

Form M.

(Section 106.)

FORM OF RECOGNIZANCE TO BE ENTERED INTO BY APPELLANT (RATEPAYER).

Be it remembered that on the day of in the year 19 , A.B., (Appellant) and C.D. and E.F. of (Surety or Sureties as the case may be) came before me the undersigned Justice of the Peace for the (district) and severally acknowledge themselves to owe to Our Sovereign Lord the King the several sums following, that is to say, the said A.B. the sum of \$ the said C.D. the sum of \$ and the said E.F. the sum of \$ :

Whereas on the day of in the year 19 , in the matter of the objection of to the assessment of the house or parcel of land known as No. at the annual rateable value of \$ the Magistrate (here state decision of the Magistrate)

And Whereas the said A.B., being dissatisfied with the said decision has appealed against the same.

Now the condition of this recognizance is such that if the said A.B. shall personally appear at the sittings of the Full Court when his appeal comes on to be heard and shall then and there duly prosecute his appeal and shall abide by the judgment of the said Full Court, and pay all such costs as shall be awarded against him by the said Court, then this recognizance shall be void, but otherwise shall be in full force and effect.

.....  
.....  
.....

Taken and acknowledged before me

Justice of the Peace.

Dated

19

(Section 107B.)

Form. N.

NOTICE OF VALUATION OF PREMISES OMITTED FROM THE HOUSE RATE BOOK.

To A.B., or other the owner of Premises No. \_\_\_\_\_ Street.

Take notice that, pursuant to the power contained in section 107B of the San Fernando Corporation Ordinance, the annual rateable value of the premises described in the first column hereunder (which were omitted from the House Rate Book now in force) has been fixed by the Corporation at the sum appearing in the third column, and the rate payable thereon and the date on which such rate in respect to the current year is due and payable are shown in the fourth and fifth columns respectively.

No.	PREMISES	Owner or reputed owner.	Valuation or annual rateable value.	Annual rate payable.	Date on which the annual rate is due and payable in respect of the current year.
	Street.				
	1	2	3	4	5

In respect of each of the other years of the current triennial assessment period ending on the \_\_\_\_\_ December, 19\_\_\_\_, the above annual rate shall be due and payable on the 1st day of July in each of such years.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

.....  
Town Clerk.

N.B.—If you are dissatisfied with the above assessment, you may send in an objection thereto in writing not later than 14 days after the service of this notice on you.

**Form O.**

NOTICE OF VALUATION OF NEW HOUSE ERECTED AFTER COMPLETION OF HOUSE (Section 107C.)  
RATE BOOK IN FORCE.

To A.B., or other the owner of premises No. \_\_\_\_\_ Street.

Take notice that the Mayor, Aldermen and Burgesses of San Fernando, pursuant to the power contained in section 107C of the San Fernando Corporation Ordinance, have fixed the annual rateable value of the premises described in the first column hereunder (being a new house erected since the completion of the House Rate Book in force) at the sum appearing in the third column, for the triennial assessment period ending 31st December, 19\_\_.

The annual rate payable in respect of such house is shown in the fourth column; and the proportion of such annual rate payable in respect of the current year and the date on which such proportionate rate is due and payable are shown in the fifth and sixth columns respectively:—

Premises.	Owner or reputed owner.	Annual rateable value.	Annual rate payable.	Proportion of annual rate (computed from to ) payable for the year ending 31st Dec., 19__.	Date on which the proportionate house rate in column 5 is due and payable.
1	2	3	4	5	6

Dated \_\_\_\_\_ 19\_\_  
.....  
*Town Clerk.*

*N.B.*—If you are dissatisfied with the above assessment, you may send in an objection thereto in writing not later than 14 days after the service of this notice on you.

**Form P.**

NOTICE OF ALTERATION OF VALUATION IN THE HOUSE RATE BOOK IN FORCE. (Section 107E.)

Take notice that the Mayor, Aldermen and Burgesses of San Fernando, pursuant to the power contained in section 107E of the San Fernando Corporation Ordinance, have made the alteration indicated below in the valuation of the premises described in the first column hereunder:—

Premises.	Valuation in the House Rate Book now in force.	Valuation as altered by the Corporation.
1	2	3

Dated \_\_\_\_\_ 19\_\_  
.....  
*Town Clerk.*

*N.B.*—If you are dissatisfied with the above alteration of the assessment of the premises above described, you may, not later than 14 days after the service of this notice on you, give notice to the Corporation of your objection to the alteration of the value by the Corporation, stating the grounds of your objection.

(Section 107 I.)

Form Q.

ASSESSMENT RETURN.

To the Owner of Premises No.....

Take notice that you are hereby required, pursuant to the provisions of Section 107I of the San Fernando Corporation Ordinance to send in to the Town Engineer, at his office at the Town Hall, San Fernando, within 14 days after the date of the service of this notice, a return on this form for the purpose of enabling the Corporation to fix the assessment of your premises for the year 19 .

.....  
Town Clerk.

RETURN REQUIRED BY THE CORPORATION UNDER SECTION 107I OF THE SAN FERNANDO CORPORATION ORDINANCE.

I hereby declare that I am the Owner or Agent of the premises mentioned hereunder, and that the several particulars stated in this return are to the best of my knowledge and belief true and correct.

- 1. Premises :.....
- 2. Name of Owner :.....
- 3. For what purpose used :.....
- 4. Whether Rented or Leased or Occupied by Owner :.....

[a] If Rented,

[i] Number of Rooms occupied by Tenants.....

[ii] Name of Tenant or Tenants, with monthly rent payable by each :

.....  
.....  
.....

[iii] Number of Rooms untenanted, with rental value of each :

.....  
.....

[iv] Rent paid .....

[v] Whether tenant pays land rent of site ; if so, how much and to whom ?

.....

[b] If leased : Name of Lessee :.....

Registered No. of Lease .....

Rent reserved under lease.....per year.

Whether Lessee pays the rates.....

Whether Lessee pays premiums of insurance, and if so, how much they amount to ? } .....

Whether Lessee pays land rent of site, and if so, how much ? ... ..

[c] If occupied by owner or relatives—Rental Value thereof :

.....do.....in part.....do..... \$.....

5. Additions or alterations to buildings [if any] since date of last return :

.....  
.....  
.....

.....  
Signature of Owner or his Agent.

Dated.....19.....

Address { .....  
of Owner { .....  
or Agent { .....

N.B.—Every person who fails to send in the above return to the Town Engineer at the Town Hall, San Fernando, within 14 days next after service of the form on the premises above described or who makes a return which is defective or incomplete or wilfully false in any particular, is liable to a fine of \$48.