

TRINIDAD AND TOBAGO.

*Central Road Board.*

No. 36.—1898.

*20th December.*

AN ORDINANCE to provide for the constitution of a Central Road Board, and to amend the Roads Ordinances, 1894-5.

*See Ord.  $\frac{15}{99}$ .*

[L.S.]

HUBERT E. H. JERNINGHAM,

GOVERNOR.

*31st December, 1898.*

WHEREAS it is expedient to provide for the constitution of a Central Road Board and to amend the Roads Ordinances, 1894-5. Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Roads Ordinance, 1898, and shall be read with the Roads Ordinances, 1894-5, and together with such Ordinances may be cited as the Roads Ordinances, 1894-8."

Formation and  
membership of  
Central Board.

2. There shall be from and after the 1st day of January, 1899, a Central Road Board consisting of the following persons, that is to say:—

- (a.) The Governor.
- (b.) The Attorney-General, or the Solicitor-General acting for him at his request.
- (c.) The Director of Public Works or an Officer of the Public Works Department acting for him at his request.
- (d.) The Wardens of the several Ward Unions in any part of which Unions there are Local Roads not administered by Local Road Boards.
- (e.) One delegate from each Local Road Board under the provisions of the Roads Ordinances, 1894-5.

Provided that any Chairman of a Local Road Board may be appointed by such Board to be the delegate from such Board, and in such case any member of such Board may, at the request of such Chairman attend any meeting of the Central Board in place of such Chairman.

- ~~(f.) Such persons not exceeding seven in number five of whom shall not be members of the public service of the colony as may from time to time be selected by the Governor to serve for a period of not more than three years, with power to the Governor to re-appoint the same persons or substitute others in their places on retirement, and to~~

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appoint other persons to replace them in the event of death or resignation during their ~~respective terms of appointment.~~

3. The Board shall meet at such times not less than four times in each year as the Governor shall by notice appoint, and in the absence of the Governor the Attorney-General shall act as Chairman of the Board, and in the absence of both the Board shall appoint a Chairman from among the members present, and no business shall be done unless six members are present except the adjournment of the meeting.

Meetings,  
Chairman,  
Quorum.

4. The Governor may appoint a Secretary to the Board at such salary as shall be sanctioned by the Governor and Legislative Council.

Secretary.

5. The money to be annually allotted for the upkeep, maintenance and repair of the Local Roads under Section 81 of the Ordinance No. 10 of 1894 shall no longer be granted or apportioned from the general revenue for the purposes of constructing, maintaining or repairing Local Roads within any Road Union specifically, but such sums of money as may from time to time be granted from general revenue for the purpose of constructing, maintaining or repairing Local Roads throughout the Colony shall be granted without any appropriation of the same for the roads of any particular Union and shall be paid as the Central Road Board constituted under this Ordinance shall apportion to and between the several Local Road Boards and for Local Roads in districts other than those of such Boards at its discretion.

Apportion-  
ment of sums  
voted for  
Roads.

6. Nothing herein contained shall be construed to affect the power of any Local Road Board to make or

levy any rate under the authority of the Roads Ordinances, 1894-1895, or to vest in the Central Road Board any moneys receivable by or payable to the Local Road Board under Sub-sections 3 and 4 of Section 81 of the Ordinance No. 10 of 1894.

7. The Receiver-General shall pay out of the moneys granted or apportioned from general revenue for Local Roads such sums not exceeding the moneys appropriated for the purpose by the Governor and Legislative Council as the Central Road Board shall by resolution from time to time direct to any Local Road Board or to the Director of Public Works in respect of any Local Road not within the district of any such Board.

Powers of  
Central Board

8. Besides the apportionment of the moneys in the preceding sections mentioned, the Central Road Board shall have the following powers exercisable in every case by resolution of the majority thereof, the Governor or other the Chairman for the time being having the casting vote in the case of an equality of votes in addition to his vote as a member that is to say:—

to make  
regulations:

- (a.) To make regulations under the provisions of Section 3 of the Ordinance No. 10 of 1894 in respect of any road other than a Main Road within the meaning of Section 1 of the said Ordinance.

and Bye-laws:

- (b.) In place of the Local Road Boards or any of them to make if they shall think fit, such Bye-laws under the provisions of Section 6 of Ordinance 41 of 1895, as they may from time to time deem necessary to apply to all Local Road Boards within the Colony.

Provided that any Regulations and Bye-laws already made under the provisions of the said section shall remain valid and in force in so far as the same may not be amended or altered by the substitution of other Bye-laws under the provisions hereof.

~~Provided also that the power of the Local Road Boards to make such regulations in respect of the matters aforesaid may continue to be exercised by them subject to the control of the Central Board.~~

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- (c.) To exercise the powers heretofore exercised by the Legislative Council by virtue of Section 72 of Ordinance No. 10 of 1894 to empower a Local Road Board to open a new and close an old Local Road subject however to the control of the Legislative Council in the matter of providing funds applicable for the opening of any such new road. to open and close Local Roads.
- (d.) At its discretion in case of any dispute between two Local Road Boards or between a Local Road Board and the Director of Public Works as to the survey of or the direction to be taken by any new road or any contention as to an existing road or as to the upkeep and repair of any existing road intended to be hereafter made part of or incorporated in any Main Road, to decide such dispute by resolution of the Board and such resolution in such case shall be binding upon such Local Road Boards and on the Director of Public Works accordingly.

- (e.) As between different Wards in the district of the same Local Road Board the Central Board shall have power at its discretion to entertain any appeal by or on behalf of the inhabitants of any Ward against a decision of such Local Board in respect of the determination of such Board as to the apportionment and appropriation of any moneys which may from time to time be granted or appropriated to such Board, between the different Wards within the district of such Board.

Map showing  
all Roads to be  
prepared.

9. The Director of Public Works shall prepare and lay before the Central Road Board a plan or map of the Island showing the existing Main Roads and Local Roads in the Island and indicating the distinction between roads under the care of the Public Works Department and those under the care of Local Road Boards, and such map or plan shall also indicate and distinguish all roads in progress or sanctioned and all Main Roads surveyed, and such map or plan shall be amended or renewed from time to time as shall seem necessary to the Director of Public Works or to the Central Road Board.

10. The Central Road Board may by resolution recommend to the Governor any alteration of or any extension of roads shown in such map or plan or the abandonment of any of the same or the substitution of others or the acceleration or retardation of any work proposed to be done in respect of the same and the Governor may take such action on such resolution as he may be advised.

11. In respect of roads made or proposed to be made by Local Road Boards the Central Road Board in like manner by resolution may subject to the provisions of Section 4 hereof, direct the extension or alteration of any Local Roads intended or designed to be or which may be adopted as main lines of communication and may recommend such special expenditure on any such Local Road as may appear to them desirable.

12. The Central Road Board may also by resolution recommend such special provision for the establishment of quarries as sources of supply for road metal for Local Roads in the districts of Local Road Boards as they shall think desirable to become effective only by a special appropriation of funds by the Governor and Legislative Council.

13. Sub-section (1) of Section 51 of the Ordinance No. 10 of 1894 is hereby repealed.

14. Section 54 of the Ordinance No. 10 of 1894 shall be amended as follows, that is to say:—

Amendment  
of Section 54  
of Ordinance  
10 of 1894.

- (a.) By omitting from Sub-section 3 thereof, all words following the words "the voter," in the second line of such Sub-section;
- (b.) By omitting the whole of Sub-sections 4, 6 and 8; and
- (c.) By omitting from Sub-section 5 thereof, the words "or his proxy," in the first line of such Sub-section, and also all words following the words "to give," in the fifth line thereof.

Repeal.

15. Section 44 of Ordinance No. 10 of 1894 is hereby repealed and in lieu thereof shall be read the following :—

Governor in Council may supersede a Board.

In all cases where a Board shall not observe the provisions of the Roads Ordinances, 1894-5, or the decisions or directions of the Central Road Board constituted under this Ordinance, or in any other case when the Governor in Executive Council shall think fit in the interests of the public service, it shall be lawful for the Governor in Council to supersede any such Board and to exercise or depute the Director of Public Work to exercise all or any of the functions of such Board for such time as he shall think fit; notice of such supersession shall be given in the *Royal Gazette*.

Governor may re-constitute Board.

Provided that the Governor may at any time after any Local Road Board shall have been superseded under this Ordinance re-constitute a Local Road Board in and for such district or any part thereof in accordance with the provisions of the Roads Ordinances, 1894-5, as nearly as may be.

Residence not a necessary qualification for membership of Local Board.

16. Notwithstanding the provisions of Section 50 of Ordinance 10 of 1894, residence within the Road Union shall not be a necessary qualification for election as member of a Local Road Board.

Complainant in Election cases to deposit £10.

17. The Justice to whom complaint is made under the provisions of Section 61 of the Ordinance No. 10 of 1894 of the invalidity of any election shall require the person or persons making complaint to deposit with him by way of security, preliminary to the issuing of the summons in the first Sub-section of such section provided the sum of Ten Pounds. And in the event of

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such Justice making an order for costs against the person or persons so complaining then the sum so deposited shall to the extent to which the same/suffice be applied in discharge of the costs so awarded, and the balance thereof (if any) shall be returned to the complainant: Provided however that if it shall appear to such Justice on investigating such complaint that the same is frivolous and vexatious such Justice shall so certify and in such event the balance (if any) of the sum so deposited, after providing for the payment thereout of any costs so awarded as aforesaid shall be paid to the Local Road Board as part of their funds.

Passed in Council this 20th day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.

C. J. ROOKS,  
*Acting Clerk of the Council.*

