

TRINIDAD AND TOBAGO.

No. 33.—1895.

2nd September.

AN ORDINANCE to amend the law as to the Water-works:

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

18th September, 1895.

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 Waterworks Short title. Ordinance, 1895.”

It shall be read and construed as one with “The Construction. Waterworks Ordinance, 1880,” (3 of 1880) hereinafter called the Principal Ordinance.

The Principal Ordinance and this Ordinance may together be cited as “The Waterworks Ordinances, 1880-95.”

2. In this Ordinance the term “watercourse” means Explanation. any lake, pond, spring, river, stream, reservoir, aqueduct

or pipe from, through, to or along or by which water is conducted and supplied to or from the Waterworks or which contributes to any public water supply.

Repeal and
amendment of
Ordinance 3 of
1880, Section
15.

Offences.

3. Section 15 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

Every person who—

- (1.) Bathes in any part of the Waterworks, or in any watercourse ;
- (2.) Drives or permits or suffers any animal to be driven or to enter into the Waterworks or into any watercourse ;
- (3.) Washes in or throws into or causes or suffers to be washed in or thrown into the Waterworks or into any watercourse any animal ;
- (4.) Washes in or throws into the Waterworks or into any watercourse any dead animal or any part of any dead animal ;
- (5.) Puts or throws or causes or suffers to be put or thrown into the Waterworks or into any watercourse any rubbish, dirt, filth or any foul, offensive or noisome matter whether solid or liquid ;
- (6.) Washes or cleanses or suffers or causes to be washed or cleansed in the Waterworks or in any watercourse any cloth, wool, leather or skin of any animal or any clothes ;
- (7.) Causes or suffers the water from any sink, sewer, drain, steam engine or boiler or any foul or filthy water being and lying upon any land or premises of which he is the

owner or which is under his management and control or under the management and control of his servants or agents to run or flow into the Waterworks or into any watercourse ;

(8.) Does or commits any other thing or act whatsoever whereby any water flowing to or from the Waterworks is fouled or polluted, shall be guilty of an offence against this Ordinance, and on conviction thereof before any Stipendiary Justice of the Peace shall for every such offence forfeit and pay a penalty not exceeding £5, and a further penalty of £1 for each day after the first that the offence is continued, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding three months.

In proving interference with the due flow of the Waterworks or of any watercourse or the pollution thereof evidence may be given of repeated acts which together cause such interference or pollution although each act taken by itself may not be sufficient for that purpose.

4. It shall be lawful for the Director of Public Works Power of entry to inspect. or any Warden or other person authorized by the Director of Public Works or any such Warden together with any Assistants to enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the Waterworks, or of any lake, pond, spring, river, stream, reservoir, aqueduct or other watercourse from, to, through or along or by which water is conducted and supplied to or from the Waterworks or which contributes to any public water supply.

Assault and
obstruction.

5. If any person shall assault or molest or hinder or obstruct the Director of Public Works or any Warden or any person authorized by such Director of Public Works or Warden making or attempting to make any such entry and inspection, every such person shall be guilty of an offence against this Ordinance and on conviction thereof before any Stipendiary Justice of the Peace shall for every such offence pay a penalty not exceeding £10, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

Regulations.

6. It shall be lawful for the Governor, in addition to the powers vested in him by Section 20 of the Principal Ordinance, to make, alter, or revoke Rules and Regulations as to any or all of the following matters:—

- (1.) To prohibit the doing of anything tending to the pollution or fouling of the Waterworks or of any watercourse, and to provide for the compulsory removal therefrom of any foul, offensive or noisome matter or thing.
- (2.) To impose penalties for breaches of any Regulations made in pursuance of this Ordinance.

No penalty imposed by any such Regulation shall exceed Five Pounds, or in the case of a continuing offence One Pound for every day during which the offence is continued.

Regulations made under this Section shall not have any force or effect until they have been approved by the Legislative Council, and when so approved by Resolution shall have the same force and effect as if they were contained in and formed part of this Ordinance.

All Regulations made under this Ordinance shall be published in the *Royal Gazette*.

Production of a copy of the *Royal Gazette* purporting to contain any such Regulations shall be conclusive evidence until the contrary be proved of the making and tenour of such Regulations.

7. All acts or defaults in respect of which a penalty Procedure. is imposed by this Ordinance and all breaches of any Regulations made in pursuance of the provisions of this Ordinance shall constitute and be deemed offences against this Ordinance and shall be punishable on Summary Conviction, and the penalties may be recovered accordingly.

The provisions of the Ordinance 5—1868 intituled "An Ordinance respecting the Summary Administration of Justice" or the provisions of any future Ordinance respecting the Summary Administration of Justice shall so far as the same are applicable apply to proceedings under this Ordinance before a Stipendiary Justice of the Peace.

8. All actions and prosecutions to be commenced Protection of Officers. against the Director of Public Works or any Warden or any person authorized by them for anything done in pursuance of this Ordinance or in the discharge of their duties under this Ordinance shall be commenced within three months after the act committed and not otherwise.

Notice in writing of such action and of the cause or causes thereof shall be given to the defendant one month at least before the commencement of the action.

In any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence in any trial to be had thereupon.

No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court by or on behalf of the defendant after such action brought.

If a judgment shall pass for the defendant, or the plaintiff shall become non-suit or discontinue any such action, the defendant shall be entitled to treble costs and have the like remedy for the same as any defendant hath by law in other cases.

Saving.

9. The repeal by this Ordinance shall not affect any right accrued or any liability, obligation, penalty, or forfeiture incurred before the passing of this Ordinance or any remedy or proceedings to give effect to or otherwise in respect of any such right, liability, obligation or forfeiture.

Passed in Council this Second day of September, in the year of Our Lord one thousand eight hundred and ninety-five.

ALFRED TAITT,
Actg. Clerk of the Council.
