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TRINIDAD AND TOBAGO.

No. 15.—1915.

25th June.

They in in the 1-1-17
pre. 83/1916

AN ORDINANCE relating to Public Health.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

29th July, 1915.

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

Preliminary.

1. This Ordinance may be cited as the Public Health Short Title. Ordinance, 1915.

2. This Ordinance shall commence on such day as may Commence- be fixed by the Governor by proclamation. ment.

3. In the construction of this Ordinance the following Interpretation terms and expressions shall respectively have the meanings of terms. assigned to them by this section, unless there is something in the subject or context inconsistent therewith:

“Animal” includes bird.

“Barrack” or “barracks” includes any building or collection of buildings divided into rooms occupied singly or in sets by persons of the poorer class and to which there are a common yard and common conveniences.

"Barrack yard" includes a barrack or barracks and every yard appurtenant to a barrack.

"Board" means the Central Board of Health constituted under this Ordinance.

"Cesspit" means any receptacle for night soil or for offensive matter below or above the ground.

"Common lodging house" means that class of lodging house not being an hotel, inn or public house, in which persons of the poorer class are received for short periods and though strangers to one another are allowed to inhabit one common room, and includes in any case in which only part of a house is used as a common lodging house, the part so used of such house.

"Constable" means a member of the Constabulary Force, and includes City Constables or Borough Constables appointed under the Port-of-Spain Corporation Ordinance, 1914, or the Municipal Corporations Ordinance (No. 210) respectively.

"Conveniences" includes water supply, privies, surface and other drains.

"Dairy" includes any farm, farm-house, cowshed, milk store, milk shop or other place from which milk is supplied or in which milk is kept for the purposes of sale within (unless otherwise expressed) the district of the local authority.

"Dairyman" includes any cowkeeper, purveyor of milk or occupier of a dairy within (unless otherwise expressed) the district of a local authority.

"District" when used alone, means the district of a local authority.

"Infectious Disease" means Diphtheria, Membranous Croup, Typhoid or Enteric Fever, Cholera, Plague, Yellow Fever, Small Pox, and any other disease which the Governor by notice in the *Royal Gazette* declares to be an infectious disease within the meaning of this Ordinance. "Dangerous Infectious disease" means any infectious disease which the Governor by notice in the *Royal Gazette* declares to be a dangerous infectious disease within the meaning of this Ordinance.

“Injurious” includes dangerous.

“Local Authority” means Urban Sanitary Authority, and Rural Sanitary Authority.

Urban San. Auth.

“Medical Officer of Health” includes any person duly authorized to act temporarily as Medical Officer of Health.

“Medical Practitioner” means a member of the Medical Board of Trinidad.

“Occupier” means in the case of a building or part of a building, a person in occupation of or having the charge, management or control of the building, or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof.

“Offensive” includes noxious.

“Offensive trade” means and includes any trade specified in Schedule I to this Ordinance, or which may from time to time be added to such Schedule by resolution of the Board published in the *Royal Gazette*.

“Owner” shall apply to every person in possession of or in the receipt either of the whole or of any part of the rents or profits of any land or tenement, whether in his own right or as trustee or personal representative, committee, husband or guardian of any other person, or (except where the context otherwise implies) in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will.

“Premises” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and any ship, vessel, boat, hulk, barge, tent, van, shed or similar structure.

“Privy” includes earth-closet, water-closet, urinal and every place for the reception of faecal matter.

"Street" means and includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

"Town Engineer" means the City Engineer for Port-of-Spain and includes the Town Superintendent of any Borough.

Reference
to local
authority.

4. All references in this Ordinance to a local authority mean the local authority of the district in which the subject-matter of the reference arises or occurs.

Repeal.

5. The enactments referred to in Schedule II to this Ordinance are hereby repealed to the extent specified in the third column of such Schedule.

Saving.

All acts, matters and things done under the authority of any enactment hereby repealed and which are of any force and effect at the commencement of this Ordinance shall be deemed to have been done under and by virtue of this Ordinance.

PART I.

CONSTITUTION AND POWERS OF BOARD AND OF LOCAL AUTHORITIES.

Central Board
of Health
constituted.

6. For the purposes of this Ordinance there is hereby constituted an Authority to be called the Central Board of Health, to consist of nine members, to be appointed by the Governor and to hold office during his pleasure and for not more than two years. The Governor may remove any such member and appoint any other member in place of a member so removed, or in place of any member dying or resigning or becoming incapable to act, or being absent from the Colony, or failing to attend the meetings of the Board for three consecutive months.

Board to be a
body corporate
and to have a
common seal.

7.—(1.) The Board shall be a body corporate with the name of the Central Board of Health, and may sue and be sued under that name, and shall have perpetual succession and a common seal.

(2.) All Courts of law, Judges, Magistrates, Justices and persons acting judicially shall take judicial notice of the common seal of the Board when affixed to any document, and shall presume that it was duly affixed.

vide 25 1916
§ 47/16/1920

8. The Governor may with the consent of the Legislative Council from time to time place at the disposal of the Board such funds as may be necessary for carrying out their duties under this Ordinance. Funds.

9.—(1.) The ^{Chairman} Governor may appoint any member to be Chairman of the Board, who shall preside at all meetings of the Board at which he is present. In his absence such member as may be elected by the majority of members present shall preside. Chairman.
vide Sec: 3
25/1916

(2.) At any meeting of the Board five members shall form a quorum, and the Chairman shall have a second or casting vote. Quorum and casting vote.

(3.) The Board shall have an office in the City of Port-of-Spain. Office.

10. The Board may from time to time make regulations as to its own proceedings under this Ordinance, and as to the performance by its officers of their duties and as to the carrying out of the powers vested in the Board by this Ordinance or by any bye-laws or regulations made thereunder. Regulations.

11. For the purposes of this Ordinance the Governor may appoint a fit person to be Medical Inspector of Health; and with respect to such officer the following provisions shall apply:— Medical Inspector of Health.

- (a.) He shall be a member of the Medical Board of Trinidad, and the possessor of a Diploma in Public Health, Sanitary Science or State Medicine, registrable in Great Britain or Ireland.
- (b.) He shall hold office during the Governor's pleasure;
- (c.) He shall be the Medical Officer of the Board and shall have such functions and duties under this Ordinance as may from time to time be prescribed by the Board;
- (d.) He shall have all the functions and duties of the Medical Officer of Health of a Local Authority, and may when authorised by the Board exercise such functions and duties in any part of the Colony.

*Repealed by
Sec: 2 of 29/1915
which section
new section*

Secretary
and Officers
of Board.

12. The Governor may upon the recommendation of the Board from time to time appoint a Secretary to the Board and such officers and servants as may be necessary.

Colony
divided into
urban and
rural districts.

13.—(1.) For the purposes of this Ordinance the Colony shall be divided into Urban Sanitary and Rural Sanitary districts.

(2.) The City of Port-of-Spain as defined by the Port-of-Spain Corporation Ordinance, 1914, the Borough of San Fernando as defined by the Municipal Corporations (San Fernando Amendment) Ordinance No. 35 of 1912, the Borough of Arima as defined by the Charter of Incorporation thereof, and any other Borough which may be constituted after the commencement hereof, shall be Urban districts. *Vide Order 16 of 1920 S. S. S. 2 for added section*

(3.) Rural districts shall be such parts of the Colony outside of the Urban districts as may from time to time be fixed and defined by the Board by resolution to be approved by the Governor in Executive Council and to be published in the *Royal Gazette*.

(4.) Urban districts shall be subject to the jurisdiction of local authorities invested with the powers in this Ordinance mentioned. *Vide Order 16 of 1920 S. S. S. 3.*

(5.) Rural districts, or such parts thereof as the Governor may by Proclamation declare, shall be subject to the jurisdiction of local authorities invested with such of the powers in this Ordinance mentioned as the Governor in Executive Council shall by Proclamation from time to time declare.

Local authorities.

14. The following shall be the local authorities for the purposes of this Ordinance :—

(a.) In the City of Port-of-Spain, the Port-of-Spain City Council.

(b.) In a Borough, the Council of such Borough.

(c.) In the Rural districts, such person or body as may from time to time be appointed by the Governor or by virtue of the provisions of any Ordinance for the time being in force.

15. The local authority in every district may and shall, if so required by the Board, appoint a Medical Officer of Health, a Secretary, such Sanitary Inspectors and other Officers as may from time to time be necessary.

Local authority to appoint Health Officer and Sanitary Inspectors.

Provided that in the rural districts the District Medical Officer shall be the Medical Officer of Health.

16.—(1.) Subject to the provisions of this Ordinance and of the regulations and bye-laws made thereunder, the Board shall have and exercise general powers of supervision and inspection over the several local authorities, and may from time to time give such directions and make such orders for the due compliance with their directions as may from time to time to them seem fit.

General powers of supervision and control.

(2) The Board, on their being satisfied that any local authority have made default in doing their duty under any of the provisions of this Ordinance or in enforcing any of the provisions of this Ordinance which it is their duty to enforce, may make an order limiting a time for the performance of their duty in the matter of such default. If such duty is not performed within the time limited, the Board may appoint some person to perform such duty or may institute any proceedings and do any act which the local authority might have instituted or done for that purpose, and shall be entitled to recover from the local authority in default all such expenses in and about the said proceeding or act as the Board incur, and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding; and in every such case the Board by order shall direct that the expenses of performing the same, together with reasonable remuneration to the person appointed to perform or superintend the performance of the same and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into the Supreme Court and be enforced in the same manner as if the same were an order of such Court.

Be passed by 17/19
see in new
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Bye-laws.

17.—(1.) The Board may from time to time make bye-laws with respect to all or any of the following matters, that is to say:—

(a.) the definition and regulation of the powers and duties of local authorities and of the officers thereof;

(b.) the quorum, proceedings and place of meeting of local authorities in the rural districts and of committees thereof.

(2.) The Board may from time to time make bye-laws for any purpose for which a local authority are authorised to make bye-laws under this Ordinance, to have effect in the district of a local authority.

Committees of Board.

18.—(1.) The Board and every local authority may from time to time appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any of the purposes within their respective powers under this Ordinance which in the opinion of the Board or of the local authority respectively would be better regulated or managed by means of such committees.

(2.) The Board and every local authority may from time to time make regulations with respect to the number, chairmanship, quorum and powers of any such respective committees.

(3.) Every committee of the Board and every committee of a local authority shall, unless otherwise expressly authorised by the terms of its reference, report its proceedings to the Board or local authority.

(4.) The Board or the local authority may delegate to any committee appointed by itself any of the powers or duties vested in or imposed upon the Board or the local authority by this Ordinance, and may if the Board or the local authority think fit, direct that the acts and proceedings of such committee shall not be required to be submitted to the Board or the local authority for

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approval; and in every such case, the acts and proceedings done and taken by the committee shall be done and taken in the name of the Board or the local authority, and shall be as valid and binding upon all parties as if such acts and proceedings had been done and taken by the Board or the local authority.

19. The Board may cause to be made such enquiries as they think fit in relation to any matters concerning the public health, or in relation to any matters with respect to which their sanction, approval or consent is required by this Ordinance, and for that purpose any person authorised in writing by the Board may at any reasonable time enter any premises. *vide 17/1915 1912*

Inquiries as to public health matters.

20. The local authority in every district shall keep the Board informed by regular and special reports of the condition and progress of all matters concerning the public health in their district.

Local authorities to inform Board of conditions of district.

21. The Board and any of their officers authorised in writing shall at all times have access to all reports, books, plans, accounts, maps, documents, machinery, materials, and all other things whatsoever belonging to or in the custody of any local authority, or of any contractor with a local authority, and used in the execution of the provisions of this Ordinance or in any way in relation thereto.

Access to books, etc.

22. The Board may in addition to the powers and authorities conferred on them by this Ordinance, exercise all the powers and authorities vested in a local authority by this Ordinance within the district of such local authority.

Board may exercise powers of local authority.

23.—(1.) The Board, whenever they deem it necessary in the interest of the public health or the health of any persons, may enter any premises vested in or under the control of any local authority or of any other person or corporation, for the purposes of water supply or sewerage, and inspect the same and any works thereon and any other works belonging to such local authority, person or corporation or connected therewith and constructed or used for the said purposes.

Power to inspect Water and Sewerage works.

(2.) Any local authority, person or corporation as aforesaid, shall instruct their officers and servants to aid and assist the Board in making and causing to be made the said inspection, and shall permit the Board to inspect any apparatus and things used in connection with any works of water supply or sewerage of the said local authority, person or corporation, and any records, books or plans relating to the said works, or to any works connected therewith.

(3.) Whenever, in the opinion of the Board any danger to public health, or to the health of any person, could be removed or diminished by the exercise by any local authority or by any other person of their powers under any Ordinance dealing with the water supply or sewerage, and such local authority or person has made default in removing or diminishing such danger after reasonable notice by the Board requiring them so to do, the Board may at any time after such default make a report thereof to the Director of Public Works, and require him to take such steps as may be necessary for the purpose of removing or diminishing such danger. And the Director of Public Works shall thereupon be vested with all the powers and authorities of the local authority or of such person in that behalf, and shall proceed to remove or diminish such danger accordingly.

PART II.

STREETS.

Power of local authority to compel owners to pave, &c., streets not repairable by them.

24.—(1.) Where any street within an urban district (not being a street repairable by the local authority) or any part of such street is not laid out, levelled, paved, metalled, drained, channelled and made good to the satisfaction of the local authority, the local authority may, by notice addressed to the respective owners of the premises fronting, adjoining, or abutting on such street or part thereof as may require to be levelled, paved, metalled, drained, channelled or made good, require them to level, pave, metal, drain, channel or make good the same within a time to be specified in such notice.

(2.) Before giving such notice the local authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof to be made by the Town Engineer; and such plans, sections and estimate, when approved by the local authority, shall be deposited in the office of the Town Engineer, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice; and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

Plans, &c., of intended work to be kept in Town Engineer's office.

(3.) If such notice is not complied with within the time therein specified, the local authority may, if they think fit, execute the works mentioned or referred to therein, and the expenses incurred by the local authority in so doing, together with interest thereon at a rate not exceeding 5 per centum per annum from the date of the completion of the works, shall be a debt due to the local authority by the owners for the time being of the premises mentioned or referred to in such notice in such proportion as is settled by the Town Engineer and approved of by the local authority, and until payment thereof to the local authority, shall be a charge on the respective premises to the extent of the amount apportioned against each respectively.

Local authority may execute works on owner's default; cost to be a charge on premises.

(4.) Before commencing any works in such notice mentioned or referred to, the local authority shall cause to be prepared by the Town Engineer, as respects each street or part of a street in which it is intended to execute any such works, a provisional apportionment of the estimated expenses among the owners, and such apportionment shall be submitted to the local authority, who may by resolution approve the same with or without modification as they may think fit.

Provisional apportionments of expenses among owner of premises affected by the notice to be submitted to the local authority.

25.—(1.) The resolution approving such provisional apportionment shall be published once at least in each of two successive weeks in some local newspaper circulating within the district, and copies of such resolution shall be served on the owners of the premises shown as liable to be charged in such provisional apportionment, within ten days after the date of the first publication,

Publication resolution approving provisional apportionment.

Objections to
apportion-
ment.

(2.) The owner of any premises shown in the provisional apportionment as liable to be charged with any part of the expenses of executing the works may, at any time within one month from the service of the resolution, by written notice served on the local authority, object to the proposed works and the provisional apportionment on any of the following grounds; that is to say:

That the proposed works are insufficient or unreasonable, stating in what respect such works are considered by the objector to be insufficient or unreasonable, or that the estimated expenses are excessive;

That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection, or, (where the provisional apportionment is made with regard to other considerations than frontage as hereinafter provided) in respect of the degree of benefit to be derived by any person, or the amount of value of any work already done by the owner or occupier of any premises.

Local
authority may
amend plans,
&c., after
considering
objections.

26.—(1.) The local authority shall, at the expiration of the said month, consider any objection made by any owner or owners of any premises shown in the provisional apportionment, and may make such amendments as they shall think fit to the plan, specification, estimates and provisional apportionment.

(2.) Where by reason of any amendments made by the local authority, the amount apportioned upon any premises as shewn in the provisional apportionment served upon the owner or owners is increased, notice of such increased apportionment shall be served upon the owner or owners of the premises affected thereby, and objections may be made to such increased apportionment within such time as shall be fixed by resolution of the local authority, and if made within such time shall be dealt with and determined in like manner as objections to the provisional apportionment.

27.—(1.) At any time after the expiration of one month from the date of the first publication of the resolution approving any provisional apportionment, and after any objections have been considered and dealt with by the local authority, the local authority may proceed to execute the works shown in the specifications, plans, sections, estimates and provisional apportionment, and when such works have been completed and the cost thereof ascertained, the Town Engineer shall prepare a statement of the total cost of the works so completed and shall make a final apportionment of such expenses among the premises liable to be charged under this Part of this Ordinance.

Local authority may proceed to execute works at any time after one month from the 1st publication of resolution approving the works to be executed.

(2.) Such statement and final apportionment shall be submitted by the Town Engineer to the local authority, who, by resolution, may approve the same with or without modification or addition as they shall think fit; and such statement and apportionment, when so approved, shall be binding on all parties and conclusive for all purposes; and notice of such final apportionment shall be served on the owners affected thereby.

Statement of total cost and final apportionment.

(3.) Any premises included in the final apportionment and all estates and interests therein shall stand and remain charged with the sums finally apportioned on them respectively as from the date of the final apportionment, with interest at the rate of £5 per centum per annum, computed from the completion of the works.

Charge on premises.

(4.) The local authority shall keep a register of the charges under this Part of this Ordinance, and of the payments made in satisfaction thereof, and such register shall be open to inspection by all persons at all reasonable times on payment of a sum not exceeding one shilling for each property or name searched for.

Register of charges.

28. The local authority may, by order, declare any expenses apportioned upon any owner of any premises comprised in any final apportionment to be payable by annual instalments within such period not exceeding 5 years, as they may, in each case, think fit, with interest at a rate not exceeding £5 per centum per annum computed as aforesaid until the whole amount be paid.

Local authority may declare apportioned charge to be payable by instalments.

Local authority may contribute the whole or a portion of the cost of street works.

29. The local authority, if they think fit, may at any time, either before commencing any works which they are authorised to execute under Section 27 of this Ordinance or after the completion of such works, resolve to contribute a portion not exceeding one-half of the expenses of any such works, or resolve, upon motion carried by not less than two-thirds of the whole number of members of the local authority, to contribute any greater portion or the whole of such expenses out of the rates.

Incidental works.

30. The local authority may include in any works to be done under this Part of this Ordinance with respect to any street or part of a street any works which they think necessary for bringing the street, or any part of a street, as regards drainage, level, or other matters, into conformity with any other streets whether repairable or not by the local authority.

Commission of 5 per cent.

31. The local authority in any estimate of the expenses of works under this Part of this Ordinance may include a commission not exceeding £5 per centum on the estimated actual cost.

Apportionment of expenses.

32. In a provisional apportionment of expenses of any works carried out by the local authority, the apportionment of expenses against the premises fronting, adjoining, or abutting on the street or part of a street in respect of which the expenses are to be incurred shall, unless the local authority otherwise resolve, be apportioned according to the frontage of the respective premises; but the local authority may, if they think just, resolve that in settling the apportionment regard shall be had to the following considerations: that is to say:

- (a.) The greater or less degree of benefit to be derived by any premises from such works;
- (b.) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also, if they think just, include any premises which do not front, adjoin, or abut on the street or part of

a street, but access to which is obtained from the street through a court, passage or otherwise, and which in their opinion will be benefited by the works, and may fix the sum or proportion of the expenses to be charged against any such premises accordingly.

33. Where any premises are charged with a portion of the expenses of any work carried out by the local authority under the foregoing sections, and (a) the owner of such premises has sold or agreed to sell a portion of such premises or (b) such premises have been or are about to be divided into separate premises, the local authority may from time to time on the application of the owner and upon such terms and conditions as they shall think fit, apportion the sum charged on the original premises in such proportions as to them shall seem just.

Apportionment of charges on alienation or severance of portion of premises charged.

Every apportionment made under this section shall be binding on all parties and shall be conclusive for all purposes.

34. The local authority, if they think fit, may from time to time (in addition and without prejudice to any other remedy) recover as a simple contract debt in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due and on which such sum is charged for the expenses of any works executed under this Part of this Ordinance, the whole or any portion of such sum, including any interest chargeable on such sum under this Ordinance.

Power to recover expenses summarily or by action.

35.—(1.) The local authority may, with the sanction of the Governor in Executive Council, from time to time borrow such sum or sums of money as they shall deem necessary for the execution of any permanent works, or of any works which they are authorised to execute under this Part of this Ordinance.

Power to borrow subject to the Governor's sanction.

(2.) Every application for the sanction of the Governor in Executive Council to the raising of any loan shall state the amount proposed to be borrowed, and the rate of interest proposed to be paid in respect of such loan, the purposes to which the proposed loan is intended to be applied, the period within which it is proposed that such

Particulars to be given in application for leave to borrow.

loan shall be repaid, the method of repayment of such loan, whether by equal annual instalments of principal or of principal and interest combined on the annuity system, or otherwise, the security to be given, if any, for the repayment of the proposed loan, or, where no security is intended to be given, the provision intended to be made for the repayment of the loan and interest thereon from the ordinary revenue of the local authority.

PART III.

BUILDING AREAS.

Building lots to be filled in levelled and drained.

36. No area of land shall be let or laid out as building lots unless and until the owner has filled in and levelled such area to the satisfaction of the local authority and taken such measures for the general drainage of such area as may be required by such local authority.

Every person who does or causes or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding £100.

Notice to be given and plan furnished.

37. Every owner intending to utilize any area of land for the erection of buildings, or to let or lay out the same as building lots, shall give notice accordingly in writing to the local authority, and shall together with such notice furnish a plan of the site showing the access thereto, the streets to be laid out therein and the course of the proposed drainage, for the approval of the local authority.

Applications for out-fall to adjoining owner.

38. Any person interested in land or any local authority who think it expedient to drain any lands within their district, whether vested in them or not, and in order thereto deem it necessary that new drains should be opened through lands belonging to another owner, or that existing drains in lands belonging to another owner should be cleansed, widened, straightened, or otherwise improved, may apply to such owner, who is hereinafter referred to as the adjoining owner, for leave to make such drains or improvements in drains, through or on the lands of such owner.

39. Any such application as aforesaid shall be by notice in writing under the hand of the applicant or the local authority as the case may be, and shall be served on the owner, and also on the occupier, if the owner be not the occupier, in manner in which notices are required to be served on owners and occupiers under this Ordinance. The notice shall state the nature of such drains or improvements in drains, be accompanied by a map, on which the length, width and depth of the proposed drains or improvements in drains shall be delineated, and the approval in writing of the local authority of the scheme of drainage where such local authority are not the applicants, and shall further state the compensation, if any, which the applicant proposes to pay.

Mode of making application.

40. The adjoining owner may, by deed under his hand, assent to such application, upon such terms and on payment of such compensation as he may require, and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions :

Assent of adjoining owner.

Firstly : That any arrangement entered into by any adjoining owner under any disability or incapacity, or not having power to assent to such application, except under the provisions of this Part of this Ordinance, shall not be valid unless the same is approved by two valuers, one of whom is to be nominated by the applicant, and the other by the adjoining owner ; and each of such valuers, if they approve of the arrangement, shall annex to the document containing the same a declaration to that effect subscribed by them.

Secondly : That any compensation to be paid by the applicant to the adjoining owner, in cases where such owner is under any disability or incapacity, or has not power to assent to such application, except under the provisions of this Part of this Ordinance, shall be applied in manner in which the compensation coming to parties having limited interests, or prevented from treating, and not making title, is applicable under the Land Acquisition Ordinance (No. 42.)

Thirdly : That any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains, so that the claim

therefor be made within twelve months after completion of such drains or improvements in drains, the amount of such compensation to be determined, in case of dispute, in the manner in which disputed compensation for land is required to be determined by the said Land Acquisition Ordinance (No. 42.)

Record of
assent.

41. The applicant shall forward to the Clerk of the Peace for the County in which the land is situate the deed containing the assent of the adjoining owner to the proposed drains or improvements in drains, who shall keep the same in his office as a record of the proceedings between the parties.

Dissent of
adjoining
owner.

42. The adjoining owner shall be deemed to have dissented from the application made to him, if he fail to express his assent thereto within one month after the service of the notice of application on him; and in the event of such dissent there shall be decided by the Magistrate of the district, the questions following, that is to say,

- (1.) Whether the proposed drains or improvements in drains will cause any injury to the adjoining owner, or to the occupier or other person interested in the lands :
- (2.) Whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money :

Result of
decision.

The result of any such decision shall be as follows :
that is to say,

- (1.) If the decision is that no injury will be caused to the adjoining owner, to the occupier, or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains :
- (2.) If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, but that such injury is of a nature to admit of being fully compensated by money, the Magistrate shall

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proceed to assess such compensation, and to apportion the same amongst the parties in his ~~or their~~ judgment entitled thereto; and on payment of the sum so assessed the applicant may proceed to make the proposed drains or improvements in drains :

- (3.) If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the applicant shall not be entitled to make the proposed drains or improvements in drains.

43. Where any application is made under the last preceding section, the Magistrate may summon the parties to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the question and amount of the compensation, and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof. Such costs shall be recoverable in manner provided by Sections 45 and 46 of the Petty Civil Courts Ordinance, 1911. Procedure.

44. Where the compensation assessed by the Magistrate under the provisions of Section 43 hereof is payable to any owner or other person who is under any disability or incapacity, or is not entitled to receive the same for his own benefit, such compensation shall be applied in the manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Land Acquisition Ordinance (No. 42.) Application of compensation in case of owners under disability.

45. The Magistrate in the event of his finding that no injury will be caused to the adjoining owner or of his assessing compensation, shall certify under his hand the correctness of the plan or map of the scheme of drainage. Magistrate to certify plans, &c.

as submitted or modified by the parties with the consent of the local authority, and shall cause the same to be forwarded to the Clerk of the Peace of the County wherein the land is situate, who shall keep the same in his office as a record of the proceedings between the parties.

Power of applicant to clear drains.

46. After drains have been opened or improvements in drains made, in pursuance of this Part of this Ordinance, it shall be lawful for the applicant, his heirs and assigns, or for the local authority, as the case may be, and their successors in office for ever thereafter, from time to time, as it becomes necessary, to enter upon the lands through which such drains have been opened or improvements made, for the purpose of clearing out, scouring, and otherwise maintaining the same in a due state of efficiency, and if such drains or improvements in drains are not kept so cleared out, scoured, and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or on which such drains or improvements in drains are made may clear out, scour and otherwise maintain the same in a due state of efficiency and recover the expenses incurred in such clearing out, scouring or maintenance, as a simple contract debt in a Court of competent jurisdiction from the applicant, his heirs or assigns.

Contribution by adjoining owner who uses drain.

47. Whenever the adjoining owner shall use such drains or improvements in drains for his own purposes or for the benefit of any buildings erected thereon, such adjoining owner shall contribute such proportion of the expenses of clearing out and maintaining such drains as may be agreed upon between himself and the applicant, or in default of such agreement as may be fixed by the local authority; provided always that in any case where the local authority is directly interested, an appeal shall lie from their decision to the Magistrate of the County; and the procedure relating to appeals from the assessment to house and land rates in the urban and rural districts respectively shall govern such appeals, and the applicant may recover from the adjoining owner, his executors, administrators or assigns such proportion of the expenses as a simple contract debt in a court of competent jurisdiction.

48. It shall be lawful for the local authority from time to time to make bye-laws with respect to all or any of the following matters, that is to say:—

- (a.) the access to areas to be used as building lots;
- (b.) the level, width, construction and drainage of streets to be formed in such areas;
- (c.) the keeping of drains clean and in repair.

PART IV.

DWELLING HOUSES.

49.—(1.) Except with the sanction of the local authority, it shall not be lawful to fill up or to raise the level of any land to be used as a building site with refuse matter containing or impregnated with faecal, animal or vegetable matter.

Bye-laws.
Building sites not to be filled in with refuse matter.

(2.) It shall not be lawful to erect any new building on any ground which has been filled up with any such refuse matter or upon which any such refuse matter has been deposited, unless and until such refuse matter shall have been properly removed by excavation or otherwise or shall have been rendered or become innocuous to the satisfaction of the local authority.

(3.) Every person who does or causes or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding £10, and in case of a continuing offence to a penalty not exceeding £2 for each day during which the offence continues.

50.—(1.) No site which is below the level of the adjacent streets or land and actually or liable to be in a swampy condition shall be built upon until the same shall have been filled in levelled and drained to the satisfaction of the local authority.

Swampy and low-lying sites.

(2.) Every person who does or causes or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding £10, and in case of a continuing offence to a penalty not exceeding £2 for each day during which the offence continues.

Houses in
filthy
unwholesome
condition

51. Where, on the certificate of the Medical Officer of Health or of any two medical practitioners, it appears to any local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any persons is affected or endangered thereby, or that the whitewashing, cleansing or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash,^{cleanse} cleanse or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Bye-laws.

52.—(1.) The local authority may, from time to time, make bye-laws for the whole or any part of their district as to all or any of the following matters in relation to houses and buildings intended for human habitation, that is to say:—

- (a.) the drainage of the subsoil of sites;
- (b.) the height of the groundfloor of the building above the ground;
- (c.) the ventilation of and the sufficiency of the space about buildings to secure a free circulation of air;
- (d.) the regulation of eaves and gutterings;
- (e.) the paving of yards and of open spaces for the purposes of health;
- (f.) the structure of foundations, walls and roofs of new buildings for the purposes of health.

(2.) Bye-laws made by a local authority with respect to (c), (d) and (e) may be made to apply to buildings and houses already in existence as well as to buildings and houses to be erected in the future.

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PART V.

PRIVIES, DUSTBINS AND DRAINS.

53. Every dwelling house shall be provided with a sufficient privy and with proper drains for the efficient carrying off of storm and slop water to the satisfaction of the local authority. House to be provided with privy, etc.

54. No dwelling house shall be erected or rebuilt nor shall any building be occupied as nor be converted by alteration into a dwelling house unless the same is provided with a sufficient privy and proper drains for the efficient carrying off of storm and slop water to the satisfaction of the local authority. Idem.

Every person who does or causes to be done anything in contravention of this section shall for every such offence be liable to a penalty not exceeding £20.

55. It shall be the duty of the local authority to provide and maintain the necessary street drains for the carrying off of all storm and (except within a sewered district) slop water flowing from buildings and the lands occupied therewith. Main drains.

56. A privy shall not be deemed to be sufficient within the meaning of this Ordinance unless it is of such class or description, and is furnished with such coverings, fittings and connections as the local authority by bye-law may prescribe, or as in the absence of bye-laws the Board may direct. When privy sufficient.

57. It shall be the duty of the local authority to provide to the satisfaction of the Board that all privies and drains within their district are so constructed and maintained as not to be or likely to become a nuisance or injurious to health. Privies and drains to be properly constructed and maintained.

58. The local authority may, and shall when so directed by the Board, provide and maintain in proper and convenient situations in their district sufficient privies and dustbins for the public use, Public privies and dustbins.

Local authority may enforce provision of privy accommodation.

59. If a house within the district of a local authority appears to such authority by the report of their Medical Officer of Health or Sanitary Inspector to be without a sufficient privy, the local authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient privy.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover as a simple contract debt in a Court of competent jurisdiction from the owner the expenses incurred by them in so doing; provided that where a privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a privy may be so used, they need not require a separate privy to be provided for each house.

Provision for filling up cesspits and wells.

60. If it shall appear to the local authority by the report of their Medical Officer of Health or Sanitary Inspector that any cesspit or other receptacle used or formerly used as a receptacle for excreta or other offensive matter, or for the whole or any part of the drainage of a house, or that any well or disused well belonging to any such house or part of a house is prejudicial to health, or otherwise objectionable for sanitary reasons, and that it is desirable that the same should be filled up or removed, or so altered as to remove any such objection as aforesaid, the local authority may, if they think fit, by notice in writing, require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice, to cause such cesspit, receptacle or well to be filled up or removed, and any drain communicating therewith to be effectually disconnected, destroyed or taken away, or to cause such cesspit, receptacle or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspit, receptacle or well is used in common by the occupiers of two or more houses, or parts of houses, the notice for filling up

or removal of any such cesspit, receptacle or well may be served on any one or more of the owners or occupiers of such houses, and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section, the local authority may themselves carry out the requisitions, and may recover the expenses incurred by them in so doing from the owners or occupiers in default as a simple contract debt in a Court of competent jurisdiction. Default in complying with terms of notice.

60 ² 61. ~~The~~ local authority may make bye-laws for the whole or any part of their district as to all or any of the following matters, that is to say:— Bye-laws;

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- (a.) the sufficiency and type of privy and drain to be used;
 - (b.) the position and situation of such privies and drains with regard to the buildings in connection with which they are used;
 - (c.) the cleaning, disinfecting and keeping clean and in good repair of such privies and drains;
 - (d.) the material to be used and the design and mode of construction of drains used in connection with buildings;
 - (e.) the use of privies and dustbins provided for the public convenience.

PART VI.

SCAVENGING AND CLEANSING.

62. A local authority may, and shall when and as the Board may direct, undertake or contract for the efficient execution of the following services within their district, or any specified part of their district:— Local authority to provide for scavenging and cleansing.

- (1.) the removal of house refuse and other rubbish from any premises;
- (2.) the supply or sale of disinfectants for use in privies or in any specified class or description of privy;

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- (3.) the cleansing and disinfecting of privies, dustbins and drains, and the collection, removal and disposal of nightsoil, upon such charges as the local authority may from time to time fix;
- (4.) the sweeping, cleansing and watering of streets;
- (5.) the provision and maintenance in sanitary condition of suitable places buildings and appliances for the deposit or destruction of refuse, rubbish and nightsoil.

Disposal of refuse.

63.—(1.) All refuse, rubbish, nightsoil and waste matter collected by the local authority or their contractor in the execution of any of the services in the last preceding section hereof mentioned shall be destroyed, sold or otherwise disposed of in such manner as, with the approval of the Board, the local authority think fit.

(2.) All moneys derived therefrom shall be carried to the fund applicable to services under that section, or if there is no such fund, then shall form part of the funds of the local authority applicable for the general purposes of this Ordinance.

Obstruction.

64. Every person shall be liable to a penalty not exceeding five pounds if he in any way obstructs or hinders the local authority or their contractor in the execution of any services under either of the two last preceding sections.

Procedure when local authority undertakes work.

65. In every case where the local authority have themselves undertaken or contracted for the execution of any of the services referred to in Sub-sections (1), and (3) of Section 62 hereof, the following provisions shall apply:—

- (1.) The service shall be executed promptly, efficiently and at regular and prescribed intervals to the satisfaction of the Board:—
- (2.) If in respect of any premises default is made in executing any such service efficiently, or at the prescribed intervals, and by reason thereof refuse, rubbish or nightsoil has accumulated, or any privy, dustbin or drain is offensive or is not cleansed, the occupier of the house or an Officer of the Board may serve notice thereof on the local authority:

- (3.) If the notice is served as aforesaid, the local authority shall forthwith inform the contractor (if any) :
- (4.) If such notice is served on the local authority, then, unless within forty-eight hours after the notice has been served the requisite service is done and the cause of the complaint is removed, the person in default shall be liable to a penalty not exceeding one pound for each day thereafter until the requisite service is efficiently done and the cause of complaint is removed :
- (5.) For the purposes of the last preceding subsection hereof, the person in default means the contractor if the service is being executed by contract, or the officer in charge of the service if it is being executed by the local authority.

66. Where the local authority do not themselves undertake or contract for the service of cleansing privies, dustbins or drains belonging to any premises, removing house refuse, rubbish or nightsoil from any premises, or cleansing footways or pavements adjacent to any premises and drains under footways or pavements, they may from time to time, and shall whenever the Board so recommend, make bye-laws imposing on the owner or occupier of such premises the duty of effectually doing such service in such manner and at such regular intervals as are prescribed by such bye-laws.

Bye-laws
imposing duty
on occupier.

67. The local authority may, and shall if directed by the Board, make bye-laws for the whole or any part of their district as to all or any of the following matters, that is to say:—

Bye-laws.

- (1.) preventing the accumulation of dust, filth, ashes and refuse on premises, and the duties of owners or occupiers with regard thereto ;
- (2.) for prescribing the size material and make of dustbins or movable receptacles for refuse to be provided by owners or occupiers of premises, and the places where, and the times at which such dustbins or receptacles shall be deposited for facilitating the removal of their contents by the local authorities ;

- (3.) the duties of owners or occupiers in connection with house refuse, so as to facilitate the removal of it by the scavengers ;
- (4.) regulating the keeping of swine in rural districts ;
- (5.) regulating or preventing the keeping of live or dead animals where the keeping of them (although not prohibited by law) is or is likely to be a nuisance or injurious to health ;
- (6.) regulating the situation, construction, drainage and use of stables and disposal of manure ;
- (7.) for prescribing the times for the removal or carriage through the streets of any fæcal or offensive matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through their district ;
- (8.) for providing that the vessel, receptacle, cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid ;
- (9.) for compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage ;
- (10.) for prescribing that no person shall engage in the business of carrying or removing fæcal or offensive matter or liquid except with a permit from the local authority.

Throwing of
offensive
matter in
public places.

68.—(1.) No offensive matter whether animal or vegetable shall be thrown or placed, or allowed to flow or fall on any street or other public place, or in any river, drain, or water course.

“ Offensive matter ” in this section shall include dead animals, offal, swill, brine, drainings from salt fish, and garbage.

Throwing dead
animals in
cesspits, &c.

(2.) No dead animal, offal, garbage or putrid flesh or fish shall be thrown into any privy or cesspit.

(3.) Any person contravening the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one pound.

PART VII.

NUISANCES.

69. It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Part of this Ordinance, and to enforce the provisions of this Part of this Ordinance for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health, so as to secure the proper sanitary condition of all premises within their district.

Local authority to inspect district for detection of nuisance.

70.—(1.) For the purposes of this Ordinance,

- (a.) any premises or part thereof of such construction or in such a state as to be a nuisance or injurious to health ;
- (b.) any street, ditch, sink, cistern, pool, borrow-pit, watercourse, drain, gutter, privy, dustbin or manure pit so foul or in such a state or so situated as to be a nuisance or injurious to health ;
- (c.) any stable, cowshed or pig-sty, or other building in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious to health ;
- (d.) any animal so kept as to be a nuisance or injurious to health ;
- (e.) any accumulation or deposit of any material wherever situated, which is a nuisance or injurious to health ;
- (f.) any work, manufactory, trade or business injurious to the health of the neighbourhood or so conducted as to be a nuisance or injurious to health ;
- (g.) any house or part of a house or other structure used for human habitation so overcrowded as to be injurious to the health of the inmates, whether or not members of the same family ;

What nuisances may be abated summarily.

- (h.) any schoolhouse, workroom, shop, office, factory, workshop, warehouse or other place of business:—
- i. so unclean as to be a nuisance or injurious to health; or
 - ii. not so ventilated as to render harmless, as far as practicable, all gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health; or
 - iii. so overcrowded as to be injurious to the health of the persons therein employed; or
 - iv. not provided with sufficient privy accommodation;
- (i.) any offensive trade or business so carried on as to be injurious to health or unnecessarily offensive to the public;
- (j.) the drainage, refuse or washings of any town, village or building falling into any harbour, river, water course, ravine, pond or ditch or on to any foreshore so as to be a nuisance or injurious to health;
- (k.) any churchyard, cemetery or place of sepulture so situated or so crowded or otherwise so conducted as to be a nuisance or injurious to health;
- (l.) any well or water supply injurious to health;
- (m.) any chimney emitting black smoke in such quantity so as to be a nuisance,
- shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Ordinance.

(2.) Provided that

- (i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury to health thereby; and

Saving for accumulation or deposit necessary to business.

- (ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop or workplace, or whether any factory, workshop or workplace used also as a dwelling-house is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

71. Information of a nuisance liable to be dealt with summarily under this Part of this Ordinance in the district of a local authority may be given to that authority by any person, and it shall be the duty of every officer of that authority to give that information. Information of nuisances to local Authority.

72.—(1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Part of this Ordinance, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and if the local authority think it desirable (but not otherwise) specifying any works to be executed. Notice requiring abatement of nuisance.

(2.) The local authority may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the local authority consider that it is likely to recur on the same premises.

(3.) Provided that—

- (a.) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, or consist of a barrack yard, the notice shall be served on the owner;

(b.) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the local authority may themselves abate the same and may do what is necessary to prevent the recurrence thereof ;

(c.) where the Medical Officer of Health certifies to the local authority that any house or part of a house in their district is so overcrowded as to be injurious to the health of the inmates, whether or not members of the same family, the local authority shall take proceedings under this section for the abatement of such nuisance.

(4.) Where a notice has been served on a person under this section, and either

(a.) the nuisance arose from the wilful act or default of the said person ; or

(b.) such person makes default in complying with any of the requisitions of the notice within the time specified,

he shall be liable to a fine not exceeding ten pounds for each offence, whether any such nuisance order as in this Part of this Ordinance mentioned is or is not made upon him.

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On non-compliance with notice order to be made.

73.—(1.) If either

(a.) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified ; or

(b.) the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises,

the local authority shall make a complaint before the Magistrate of the district, and such Magistrate may make on such person a summary order (in this Part of this Ordinance referred to as a nuisance order).

(2.) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.

(3.) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

(4.) A prohibition order may prohibit the recurrence of a nuisance.

(5.) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the Magistrate considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6.) A closing order may prohibit a dwelling house from being used for human habitation.

(7.) A closing order shall only be made where it is proved to the satisfaction of the Magistrate that by reason of a nuisance a dwelling house is unfit for human habitation, and if such proof is given the Magistrate shall make a closing order, and may impose a fine not exceeding twenty pounds.

(8.) A Magistrate, when satisfied that the dwelling house has been rendered fit for human habitation, may declare that he is so satisfied and cancel the closing order.

(9.) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless he satisfies the Magistrate that he has used all due diligence to carry out such order, be liable to a fine not exceeding twenty shillings a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order, he shall be liable to a fine not exceeding forty shillings a day during such contrary action; moreover the local authority may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

Appeal against
nuisance
order.

74.—(1.) Where a person appeals to the Supreme Court against a nuisance order, no liability to a fine shall arise, nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

(2.) There shall be no appeal to the Supreme Court against a nuisance order, unless it is or includes a prohibition or closing order, or requires the execution of structural works.

(3.) Where a nuisance order is made and a person does not comply with it and appeals against it to the Supreme Court, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty shillings a day during the non-compliance with the order, unless he satisfies the court before whom proceedings are taken for imposing a fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay, and where the appeal is heard by the Supreme Court, that court may, on dismissing the appeal, impose the fine as if the court were that of the Magistrate.

(4.) Where a nuisance order is made on any person and appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be injurious to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the local authority immediately to abate the nuisance; but the local authority, if they do so, and the appeal is successful, shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement; but, if the appeal is dismissed or abandoned, the local authority may recover the cost of the abatement from the said person.

When order
may be
addressed to
local
authority.

75. Where it appears to the satisfaction of the Magistrate that the person by whose act, default or sufferance a nuisance liable to be dealt with summarily under this Part of this Ordinance arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the local authority.

76. Any matter or thing removed by the local authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance liable to be dealt with summarily under this Part of this Ordinance may be sold by public auction or, if the authority think the circumstances of the case require it, may be sold otherwise, or be disposed of without sale; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Sale of matter or thing removed in abating nuisance.

77. The local authority shall have the right to enter from time to time any premises :—

Power of entry.

- (a.) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Part of this Ordinance, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any time when that business is in progress or is usually carried on, and
- (b.) where under this Part of this Ordinance a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid, until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be, and
- (c.) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order.

78. All costs and expenses incurred in serving notice, making a complaint, or obtaining a nuisance order, or in carrying the order into effect, or in abating or suppressing any nuisance, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the local authority, or if no order is made but the nuisance is proved to have existed when

Recovery of costs and expenses.

the notice was served or the complaint made, then of the person by whose act, default or sufferance the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises in a Court of competent jurisdiction.

Power of individual to complain to Magistrate of nuisance.

79.—(1.) Complaint of the existence of a nuisance liable to be dealt with summarily under this Part of this Ordinance on any premises within the district of any local authority may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, fines for disobedience of orders, appeal and otherwise as in the case of a like complaint by the local authority.

(2.) Provided that the Magistrate may, if he thinks fit,—

(a.) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for that purpose; and

(b.) authorise any constable or other person to do all necessary acts for executing an order made on a complaint under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(3.) Any constable or other person authorised under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the local authority authorised under the foregoing provisions of this Part of this Ordinance to enter any premises and do any acts thereon.

Penalty for injuring privy, etc., so as to cause nuisance.

80. If a person causes any drain, privy or dustbin to be a nuisance or injurious to health by wilfully destroying or damaging the same, or any water supply, apparatus, pipe, or work connected therewith, or by

otherwise wilfully stopping up or wilfully interfering with or improperly using the same, or any such water supply, apparatus, pipe or work, he shall be liable to a fine not exceeding five pounds.

PART VIII.

OFFENSIVE TRADES.

81.—(1.) It shall not be lawful to establish or carry on an offensive trade anywhere within the district of a local authority unless with the consent in writing of such local authority. Consent of local authority.

(2.) Every person who establishes or carries on an offensive trade in contravention of this section shall be liable to a penalty not exceeding fifty pounds and to a penalty not exceeding five pounds for every day on which he carries it on, whether there has or has not been a conviction in respect of the establishing of the trade.

82. With respect to offensive trades heretofore or here-Bye-laws. after lawfully established within their district, the local authority may make bye-laws as to the conditions subject to which and the places in which such trades may be carried on, in order to prevent or diminish the offensiveness of the trades and to safeguard the public health.

PART IX.

SALE OF MILK.

83.—(1.) Every local authority may make bye-laws for Bye-laws. the following purposes or any of them, that is to say:—

- (a.) for the registration of all persons keeping cows ;
- (b.) for the licensing of all places in which cows are kept for the sale of milk ;
- (c.) for the licensing of dairymen and the fixing of the fees payable in respect of such licenses ;

- (d.) for the inspection by the local authority or any person authorised by the local authority of cattle in dairies, and for prescribing and regulating the cleansing and drainage of dairies and other places in the occupation of persons carrying on the trade of dairymen, and of any pasturage used for the grazing of cows kept for the sale of milk ;
- (e.) for the situation, construction, water supply, and regulation of dairies and cowsheds ;
- (f.) for prescribing places for the milking of cows ;
- (g.) for the precautions to be taken for protecting milk against infection or contamination ;
- (h.) for securing the cleanliness of vessels used for keeping milk for sale and of the milk therein ;
- (i.) for the issue of licenses to persons vending milk to carry on such business and to vend, hawk for sale or deliver milk, and for the issue of badges for persons actually vending or carrying milk on behalf of such licensed persons ;
- (j.) to compel all persons selling or delivering milk to carry and exhibit when lawfully thereto required badges denoting the issue of such licenses, to be supplied as in Sub-section (i) provided ;
- (k.) to charge fees for the licenses and badges mentioned in Sub-sections (i) and (j) hereof, such fees to be paid to the local authority ; provided that Sub-sections (i) and (j) shall only apply to such part or parts of a district as the local authority may by bye-laws define ;
- (l.) for the prohibition of the sale, within their district, of milk supplied from cattle, dairies or other places in the occupation of persons carrying on the trade of dairymen with respect to which cattle, dairies or places the ~~regulations~~ made under this section are not observed, whether such cattle, dairies or places are kept or situated within or without their district, or in the case

Bye Laws
17/14

made 7/14 for new sub. Sect.

of cattle, dairies or places kept or situated without their district, with respect to which such persons do not allow inspection thereof by the local authority.

(2.) Every such license shall be under the hand of a duly authorized officer of the local authority, and shall, in the case of a Municipal Corporation, be under the hand of the Town Clerk, or other officer of the Corporation duly authorized by the Council in that behalf.

(3.) Every license granted under this Part of this Ordinance shall be and continue in force from the date of its issue until the thirty-first day of December next thereafter.

84. The local authority may at any time enter upon any premises:— Power of entry.

- (a.) for the purpose of inspecting cattle and of inspecting the cleansing and drainage of all dairies and other places in the occupation of persons carrying on the trade of dairymen, and otherwise for making such inspection as may be necessary to give effect to this part of this Ordinance, and
- (b.) to enforce obedience to all bye-laws made under Section 83 hereof.

85.—(1.) If at any time disease exists among the cattle in a dairy or cow shed, or other building or place, the milk of a diseased cow therein— Prevention of use of milk from diseased cows.

- (a.) Shall not be mixed with other milk; and
- (b.) Shall not be sold or used for human food; and
- (c.) Shall not be sold or used for food of swine, or other animals, unless and until it has been boiled.

(2.) Any person contravening, or counselling or procuring the contravention of any of the provisions of the preceding sub-section is liable, for a first offence to a penalty not exceeding £10 and for a second or subsequent offence to a penalty not exceeding £20 or to imprisonment with or without hard labour, for any period not exceeding three months.

(3.) For the purposes of this section "disease" includes cattle plague or rinder pest, contagious pleuropneumonia, anthrax, splenic fever, foot and mouth disease, rabies, tuberculosis, cowpox, trypanosomiasis, strongylosis, Texas fever and mange, and any other disease specified by the Governor in Executive Council by Proclamation in the *Royal Gazette*.

PART X.

WATER SUPPLY.

86.—(1.) A local authority may make bye-laws for securing the cleanliness and freedom from pollution of wells and tanks for storing water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man; and in such bye-laws may prescribe the means by which such wells and tanks shall be made and kept clean and free from pollution.

(2.) In this part of this Ordinance, the expression "tank" includes any receptacle, whether moveable or fixed, and whether made of wood, metal, stone, brick, concrete or other material.

Polluting
water supply.

87. Every person who in any way:—

- (1.) defiles or pollutes any well, watercourse, stream, lake, pond or reservoir forming part of the water supply of the district of a local authority; or
- (2.) permits or suffers drainage or refuse from his land or premises to flow into or be deposited in such well, watercourse, stream, lake, pond or reservoir;

shall be guilty of an offence and on conviction shall forfeit and pay a penalty not exceeding ten pounds, and in case of a continuing offence a penalty not exceeding £2 for each day during which the offence continues.

Sole control of
specified
water-course.

88. In any case where, on the report of the Board the Governor thinks it expedient in the interests of the public health to do so, he may, for the purposes of this Part of this Ordinance, by notice in the *Royal Gazette*, place any specified well, water-course, stream, lake, pond or reservoir, or any specified portion thereof, under the sole control of any one specified local authority, notwithstanding that it may not

be within the district of such local authority, or on land belonging to such local authority; and every such notice shall, until revoked by the Governor, have full effect.

89. Subject to the provisions of the last preceding section hereof, the local authority shall, for all the purposes of this Part of this Ordinance, be deemed to have control of all wells, water-courses, streams, lakes, ponds and reservoirs within their district. General control.

90. Any local authority having control of any well, water-course, stream, lake, pond or reservoir may make bye-laws to enforce the cleansing and prevent the polluting or defiling of such wells, water courses, streams, lakes, ponds and reservoirs, and to require the discontinuance of any conditions (including the residence of persons) in the vicinity of such well, watercourse, stream, lake, pond, or reservoir likely to expose the same to risk of pollution or defilement. Bye-laws.

91.—(1.) A local authority may, and when required by the Board shall, give notice that with respect to a particular area to be named in such notice the owner of every building not being on a plantation, and the owner of every plantation, shall erect and maintain in good order tanks for the storage of rain water, and capable of storing the quantity of water prescribed under the provisions of this Part of this Ordinance and in this Part of this Ordinance referred to as the prescribed quantity, unless he can satisfy the Local Authority that there is a sufficient supply of wholesome fresh water available for the premises. Obligation on owner of building to maintain tanks.

(2.) The Board may, from time to time, direct what shall be the prescribed quantity, and, when made, may alter or revoke any such direction.

(3.) Until the Board otherwise direct, the quantities specified in the Tables contained in the Fourth Schedule to this Ordinance shall be the prescribed quantities for the buildings and plantations therein described.

92. A local authority may make bye-laws:—

(1.) For the cleansing of tanks;

(2.) For prescribing the size, and method of connecting to the roofs, of the gutters and pipes of such tanks, the apparatus for drawing off water and the appliances for discharging the overflow. Bye-laws as to tanks.

Provision
for securing
water supply
for school
houses, etc.

93.—(1.) It shall not be lawful, except with the permission of the Board, for any person having the control of any school house, or of any building built for the purposes of public entertainment, to permit the same to be used, unless :—

(a.) A sufficient tank has been erected to the satisfaction of the Local Authority ;

(b.) Such tank has been connected with such school-house or building by proper gutters and pipes, of sufficient size to receive all the rain falling on the roof and to convey the same to such tank.

(2.) Every person who acts in contravention of this section shall be liable to a penalty not exceeding Twenty Pounds. *and in the rule - see (3)*

Penalty for
not erecting
or maintaining
tank.

94.—(1.) Every owner of any building or plantation required under this Part of this Ordinance to erect and maintain a tank who fails to erect a tank capable of storing the prescribed quantity of water, or who fails to maintain such tank in good order, shall be liable to a penalty not exceeding one penny for each gallon of the prescribed quantity of water, for which he was bound to provide storage, and to a further penalty not exceeding one pound for each day during which such failure may continue after conviction.

(2.) In any proceeding against any person under this section, the burden of proving that a tank capable of storing the prescribed quantity has been erected, or that such tank is maintained in good order, shall be on the person proceeded against.

Mode of
enforcing
obligation
to erect or
maintain
tank.

95.—(1.) When there has been any failure to erect or maintain any tank required under this Part of this Ordinance to be erected or maintained, and whether proceedings have been or are to be instituted for recovery of any penalty for such failure, the local authority may, by a written notice, require the owner, within a reasonable time therein specified, to erect a tank capable of storing the prescribed quantity, or to do such work as may be necessary to put the tank in good order.

(2.) If such notice is not complied with, the local authority may, at the expiration of the time specified in the

notice, erect such tank, or do the work specified in such notice, and may recover the expenses incurred by them in so doing as a simple contract debt in a Court of competent jurisdiction.

96. Every local authority may, and, when required by the Board, shall, construct and maintain such tanks and reservoirs for the storage of rain or fresh water as may be necessary, and may sell the water so stored or permit the free use thereof.

Power to local authority to erect and maintain tanks.

97—(1.) Any local authority may, for the purpose of collecting and storing rain water, attach gutters to the roof of any church, chapel or school, or any building used for public entertainment, within their district, and convey the water collected thereby by pipes to tanks or reservoirs maintained by them, unless there is a tank connected with such church, chapel, school or building of sufficient size to contain five gallons of water for every square foot of the horizontal area covered by the roof thereof.

Power to local authority to use roof of church, etc., to collect water for tank.

(2.) The officers of every local authority may at all reasonable times enter on the land whereon is such church, chapel, school or building, or on the land used therewith, and may erect tanks thereon, and may so attach such gutters and lay down such pipes over, or on, or under such land, and may at all reasonable times enter on such land and examine and repair such tanks, gutters, and pipes: Provided always that, before proceeding to erect any tank on any land belonging to or under the control of the persons having the control of such church, chapel, school or building, the local authority shall apply to a Magistrate for permission to do so; and the Magistrate, after having afforded such persons full opportunity of being heard, is hereby required to grant such permission, unless it is proved, to his satisfaction, that the granting of such permission would cause such an injury to the persons owning or having the control of such land as could not be compensated by money; and if the Magistrate considers that a substantial injury would be occasioned to such persons by the erection of such tank but that the same could be compensated in money, he shall determine what sum ought to be paid by the local authority to such persons, and thereupon

shall grant permission to the local authority to erect such tank on condition that such sum is so paid; and the local authority shall not commence to erect such tank until such sum is so paid. No permission shall be required to attach such gutters or lay down such pipes: Provided, also, that no tank shall be placed by any local authority under the provisions of this section on any land belonging to or under the control of the persons having the control of such church, chapel, school or building within one hundred and fifty feet of such church, chapel, school or building, except with the consent of such persons, and that the local authority shall be bound to place their pipes underground if such persons so require.

(3.) Every person who obstructs any officer entering as aforesaid for any such purpose shall be liable to a penalty not exceeding Five Pounds.

Bye-laws relating to issue of water.

98. Every local authority may make bye-laws for regulating the issue of water from any tank or reservoir under their charge or on a plantation.

Penalty on persons fouling or wasting water, etc.

99. Every person who—

- (1.) Wilfully fouls any water in a tank or reservoir; or
- (2.) Wilfully wastes any water stored in a tank or reservoir, or
- (3.) Wilfully damages any tank or reservoir or any guttering, pipe, cover, platform, roof, tap, or pump connected therewith,

shall be liable to a penalty not exceeding Ten Pounds; and shall in addition be ordered by the Magistrate to pay to the person aggrieved such sum, not exceeding Twenty Pounds, by way of compensation for so fouling or wasting such water as the Magistrate may consider adequate, and, in the case of damage, to pay to such person the cost of repairing the same, and such cost shall be ascertained and determined by the Magistrate; and all sums so ordered to be paid may be recovered in the same manner as the penalty.

PART XI.

INFECTIOUS DISEASES.

100. The Governor may from time to time by Proclamation in the *Royal Gazette* declare any disease (in addition to the diseases specifically mentioned in Section 3 of this Ordinance) to be an infectious disease or a dangerous infectious disease within the meaning of this Ordinance, and so long as the Proclamation remains unrevoked the disease specified therein shall be deemed to be an infectious disease or a dangerous infectious disease as the case may be.

Declaration
of infectious
disease.

101. The Governor shall have power:—

Power of
Governor in
certain cases?

(1.) To cause to be provided in such parts of the Colony as he may deem fit, one or more hospitals or camps for the reception and isolation of persons suffering from infectious diseases;

(2.) To expend from the public funds of the Colony such sums of money as may be necessary for the purpose of carrying out the provisions of this part of this Ordinance or any regulations made thereunder;

(3.) To do all such other matters and things as the Governor in Executive Council may deem necessary for the protection of the public health.

102. The Board shall have the direction of all measures dealing with dangerous infectious diseases, and may make regulations with regard to the control of any dangerous infectious disease for all or any of the following purposes:—

Power of
Board to
deal with
dangerous
infectious
diseases.

(a.) The restraint, segregation, and isolation of persons suffering from any dangerous infectious disease or likely from exposure to infection to suffer from any such disease;

(b.) The removal to hospital and the curative treatment of persons suffering from any dangerous infectious disease;

(c.) The removal, disinfection and destruction of personal effects, goods, houses and other property exposed to infection from any dangerous infectious disease;

- (*d.*) The speedy burial or cremation of the dead, and in such last mentioned case the provision of crematoria;
- (*e.*) House to house visitation and inspection;
- (*f.*) The provision of medical aid and accommodation;
- (*g.*) The promotion of cleanliness, ventilation and disinfection;
- (*h.*) The prevention of the spread of dangerous infectious diseases as well on the seas and rivers and waters of the Colony, and on the high seas within three miles of the coast thereof as on land;
- (*i.*) The doing of any such matter or thing as may appear advisable for preventing or checking such diseases.

Provided always that with respect to any hospital or asylum or to any institution for the relief of the sick and destitute poor under the control of the Government or to any patient therein, the powers given by this section shall not be exercisable by the Board, but such powers shall be exercised by the Governor in Executive Council.

Provided further that in the event of immediate action becoming, in the opinion of the Governor, necessary to deal with any dangerous infectious disease under the provisions of this section or of any regulations made thereunder, and of its not being practicable, in the opinion of the Governor, to have a meeting of the Board forthwith, the Governor may, pending the holding of such a meeting, take all such measures, do all such things, exercise all such powers and enjoy all such privileges and immunities as might be taken, done, exercised or enjoyed by the Board, and all such measures and things and the exercise of such powers shall be as effectual, valid and protected in all respects as if they had been taken done or exercised by or under the authority of the Board.

(2.) The provisions of Sections 130 and 131 of this Ordinance shall apply to all regulations made under this section.

(3.) There may be attached, by way of penalty, to any breach of any regulation made under this section, a fine not exceeding £100, or a term of imprisonment, with or without hard labour, not exceeding six months.

103. For the purposes of this part of this Ordinance the Board may, if they shall see fit, order that any work or nuisance, which any local authority or any person is required by this or any other Ordinance relating to the public health to execute or remove, be executed and removed at the charge of the public revenue by any person whom they may for that purpose appoint, and the expenses incurred in the execution of such work and in the removal of such nuisance shall be a debt due to His Majesty the King by such local authority or person as aforesaid.

Board to order execution of works in certain cases.

104.—(1.) Where an inmate of any premises used for human habitation is suffering from any infectious disease, or any disease the symptoms of which may raise a suspicion that it may be an infectious disease, then, unless such premises are a hospital in which only persons suffering from infectious disease are received, the following provisions shall have effect, that is to say,

Notification of infectious disease.

(a.) The head of the family to which such inmate (in this part of this Ordinance referred to as the patient) belongs, and in his default the nearest relative of the patient present in the premises or being in attendance on the patient, and in default of such relative every person in charge of or in attendance on the patient, and in default of any such person the occupier of the premises shall, as soon as he becomes aware that the patient is suffering from any infectious disease or a disease suspected to be infectious, send notice thereof to the Medical Officer of Health of the District where such patient resides, and such Medical Officer of Health shall forthwith send a copy of such notice to the Surgeon-General and to the Board.

in case of these words see 17/19

(b.) Every Medical Practitioner attending on or called in to visit the patient shall forthwith on becoming aware that the patient is suffering from infectious disease or a disease suspected to be infectious send to the Medical Officer of the District where such patient resides, a certificate stating the name of the patient, the situation of the premises and the disease from which, in the opinion of such

Health see 17/19.

Medical Practitioner, such patient is suffering or suspected to be suffering and such Medical Officer of Health shall forthwith send a copy of such certificate to the ~~Surgeon General and to the Board.~~ *Secretary of Health*

(2.) Every person required by this section to give a notice or certificate, who fails to give the same, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding Two Pounds.

"Occupier."

105. The expression "occupier" in Section 104 hereof includes a person having the charge, management or control of any premises or of any part thereof in which the patient is, and in the case of a house the whole or any part of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a ship, vessel or boat, the master or other person in charge thereof.

Forms of certificates.

106. The Board may from time to time prescribe forms for certificates under this Ordinance, and any forms so prescribed shall be used in all cases to which they apply.

Fees for notification.

107. The local authority of every district shall gratuitously supply such forms for certificates to any Medical Practitioner residing or practising in their district who applies for the same, and shall pay to every Medical Practitioner for each certificate duly sent by him in accordance with the provisions of Section 104 hereof a fee of one shilling.

Power of entry by Health Officer.

108. The Medical Officer of Health or a Medical Practitioner authorised by the local authority may, at any time, enter and inspect premises in the district in which he has reason to believe that any infectious disease exists, or has recently existed, and may examine any person found on such premises with a view to ascertaining whether such person is suffering, or has recently suffered, from any infectious disease, and may also examine any dead body found on such premises, and in the event of admission, inspection or examination being refused, the Magistrate of the district may grant a warrant authorising such entry, inspection and examination, and on such warrant being exhibited, any person refusing to admit

such Medical Officer of Health or Medical Practitioner to such premises, or obstructing him in making the inspection or examination aforesaid, shall be liable to a penalty not exceeding two pounds for every such offence.

Such Medical Officer of Health or Medical Practitioner may for the purpose of examination order the removal of the body of any person suspected to have died of any infectious disease.

Repealed by Sec. 9 of Ord. 16 of 1920

109.—(1.) Where any suitable hospital or place for the reception of the sick, not being a hospital established under the provisions of the Immigration Ordinance (No. 161), is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering or is suspected to be suffering from any infectious disease, and is without proper lodging or accommodation, or is so lodged that proper precautions cannot be taken for preventing the spread of the disease, or is on board a ship or vessel, may on a certificate signed by the Medical Officer of Health or by any Medical Practitioner authorized by the local authority and with the consent of the persons in the next sub-section mentioned, be removed to such hospital or place at the cost of the local authority; and any person so suffering who is lodged in any common lodging house may on a like certificate and with the like consent be ~~so removed~~, and such person may be detained in such hospital or place so long as he continues in an infected condition.

Removal to Isolation Hospital. vide 17/191

" " added in

vide AUTO

(2.) In the case of a district hospital the consent in the preceding Sub-section mentioned shall be that of the District Medical Officer in charge thereof, in the case of the Colonial Hospitals in Port-of-Spain and San Fernando that of the respective Resident Surgeons thereof, and in the case of any other hospital or of any other place for the reception of the sick, that of the Medical Officer or Medical Practitioner in immediate charge thereof.

110.—(1.) If the Medical Officer of Health certifies to the local authority that any person in the district is suffering from infectious disease which the Medical Officer of Health has reason to suspect is attributable to milk supplied within the district, the local authority may require the dairyman supplying the milk to furnish to the Medical

Power to require dairyman to furnish list of sources of supply.

Officer of Health within a reasonable time fixed by them a complete list of all the farms, dairies or places from which his supply of milk is derived or has been derived during the last six weeks, and, if the supply or any part of it, is obtained through any other dairyman, may make a similar requisition upon that dairyman.

(2.) The local authority shall pay to the dairyman for every list furnished by him under this section the sum of sixpence, and, if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.

(3.) Every dairyman shall comply with the requisition of the local authority under this section, and, if he fails to do so, shall be liable in respect of each offence to a penalty not exceeding five pounds and a daily penalty not exceeding two pounds.

Dairymen
to notify
infectious
diseases
existing
among their
servants.

111.—(1.) Every dairyman supplying milk within the district of a local authority from premises whether within or beyond the district aforesaid shall notify to the Medical Officer of Health all cases of infectious disease among persons engaged in or in connection with his dairy, as soon as he becomes aware or has reason to suspect that such infectious disease exists.

(2.) Any dairyman who fails to comply with this section shall for every such offence be liable to a penalty not exceeding two pounds.

Infected
person not
to carry
on occupation.

112.—(1.) A person who knows himself to be suffering from an infectious disease shall not milk any animal or engage in any occupation connected with food or carry on any trade or business in such a manner as to be likely to spread the infectious disease, and if he does so he shall be liable to a penalty not exceeding £2.

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(2.) If any person:—

(a.) While suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street, public place, shop, hotel, or public conveyance; or

(b.) Being in charge of any person so suffering, so exposes such sufferer, or causes such sufferer to be so exposed:

he shall be liable to a penalty not exceeding £2.

113.—(1.) No person shall give, lend, sell or transmit or expose without previous disinfection any bedding, clothing, rags or other things which have been exposed to infection from any infectious disease. *non communicable - m. 17/19*

Infected clothes not to be sent to laundry, &c.

ive (2.) No person shall take or send to any public washhouse or to any laundry or to any person, for the purpose of being washed, any bedding, clothes, or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected by or to the satisfaction of the local authority or their Medical Officer of Health. *annual*

(3.) If any person acts in contravention of the foregoing provisions of this section, he shall be liable in respect of each offence to a penalty not exceeding ten pounds.

(4.) The local authority may, on the application of any person, pay the expenses of the disinfection of any such bedding, clothes, or other things, if carried out by them or under their direction.

114. Where the local authority on the certificate of the Medical Officer of Health are satisfied that the cleansing purification or destruction of any article in a dwelling house is, by reason of the filthy condition of the article, necessary to prevent injury or to remove or obviate risk of injury to the health of any person in the dwelling house, the local authority may cause the article to be cleansed, purified or destroyed at their expense.

Filthy and dangerous articles to be purified.

Where a person sustains damage in consequence of the exercise by the local authority of their powers under this section, and the condition of the article with respect to which those powers have been exercised is not attributable to his act or default, the local authority shall make reasonable compensation to that person.

115. When the local authority on the certificate of the Medical Officer of Health are satisfied that the cleansing or disinfection of any premises or part thereof or of any

Disinfection of premises to check or prevent spread of disease.

articles therein likely to retain infection or the destruction of these articles would tend to prevent or check any infectious disease, the local authority shall serve a notice on the occupier, or if the premises are unoccupied, on the owner of the premises, requiring the cleansing or disinfection of the premises or part thereof or the disinfection or destruction of any articles therein to the satisfaction of the Medical Officer of Health within a time to be specified in the notice.

If the occupier or owner fails to have the premises or part thereof cleansed or disinfected or the articles disinfected or destroyed within the time specified in the notice, the same may be cleansed disinfected or destroyed by the local authority at the cost of the local authority. *such notice to occupier.*

Provided always that if in the opinion of the Medical Officer of Health the owner or occupier is unable effectually to cleanse or disinfect the premises or any part thereof or to disinfect or destroy such articles, the same may without such notice be cleansed disinfected or destroyed by the local authority at the cost of the local authority.

id 17/19

Child suffering from infectious disease not to attend school.

116.—(1.) No person being the parent or having the care or charge of a child within the district of the local authority who is or has been suffering from infectious disease or has been exposed to infection shall, after a notice from the Medical Officer of Health that the child is not to be sent to school, permit such child to attend school without having procured from such medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

(2.) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding ten pounds.

List of scholars to be furnished where scholar in a school is suffering from an infectious disease.

117.—(1.) The principal of a school in which any scholar is suffering from an infectious disease shall if required by the local authority, furnish to them within a reasonable time fixed by them a complete list of the names and addresses of the scholars in or attending at the school or any specified department thereof other than boarders.

(2.) The local authority of the district shall pay to the principal of the school for every list furnished by him under

this section the sum of sixpence, and if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.

(3.) If the principal of a school fails to comply with any of the provisions of this section, he shall be liable in respect of each offence to a penalty not exceeding two pounds.

(4.) In this section the expression "the principal" used in relation to a school means the person in charge of the school, and includes, where the school is divided into departments and there is no single person at the head of the whole school, as respects each department the head of that department.

118.—(1.) If any person knows that he is suffering from an infectious disease, he shall not take or use any book or cause any book to be taken for his use from any public or circulating library. Provisions as to Library books.

(2.) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3.) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority that the book has been so exposed to infection, and the local authority shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4.) The local authority shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

(5.) If any person acts in contravention of or fails to comply with this section, he shall be liable in respect of each offence to a penalty not exceeding two pounds.

vide 17/19 p. 10
119. The owner or driver of a public vehicle within the district of the local authority, used for the carrying of passengers at separate fares, shall not knowingly convey, or any other person shall not knowingly place, in any such Prohibiting conveyance of infected persons in public vehicles

public vehicle a person suffering from any infectious disease, or a person suffering from any such disease shall not enter any such vehicle, and every person who shall offend against this section shall for every such offence be liable to a penalty not exceeding two pounds.

Penalty on failing to provide for disinfection of public vehicle.

120. Every owner or driver of a public vehicle shall immediately provide for the disinfection of such vehicle after it has to his knowledge conveyed any person suffering from an infectious disease; and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Driver, &c., of infected person to give notice.

121.—(1.) If any person suffering from any infectious disease is conveyed in any public vehicle within the district of the local authority, the owner or driver thereof as soon as it comes to his knowledge shall give notice to the Medical Officer of Health, and shall cause such vehicle to be disinfected, and, if he fails so to do, he shall be liable to a penalty not exceeding five pounds, and the owner or driver of such vehicle shall be entitled to recover in a court of competent jurisdiction from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him in connection with such disinfection.

(2.) It shall be the duty of the local authority when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge, except in cases where the owner or driver conveyed a person knowing that he was suffering from infectious disease.

Disinfection of public vehicles if used for carrying corpses.

122. Any person who hires or uses a public vehicle for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public vehicle that the person whose body is or is intended to be so conveyed has died from infectious disease, and after any such notification as aforesaid, any owner or driver of a public vehicle, which has been used for conveying the body of a person who has died from infectious disease, who shall not immediately afterwards

~~Disinfection of public vehicle~~ (1/17/15) 1/17/15

more than a year since 17/14 1/17/15 5 10 -

provide for the disinfection of such vehicle to the satisfaction of the local authority, shall be liable to a penalty not exceeding £5.

123. Every person who shall cease to occupy any house, room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house, room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health, as testified by a certificate signed by him, or without first giving to the owner of such house, room or part of a house, notice of the previous existence of such disease, and every person ceasing to occupy any house, room or part of a house and who on being questioned by the owner thereof, or by any person negotiating for the hire of such house, room, or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable to a penalty not exceeding ten pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner, or persons making false answers.

124. Any person who knowingly lets for hire any house room or part of a house in which any person has been suffering from any infectious disease, without having such house, room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by a certificate signed by him, shall be guilty of an offence under this Ordinance and be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for a period not exceeding one month.

Penalty on letting houses in which infected persons have been lodging.

125. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be guilty of an offence under this Ordinance and be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Penalty on persons letting houses making false statements as to infectious disease.

Power of
Magistrate
to order
removal of
dead body.

126.—(1.) Where either—

- (a.) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or
- (b.) the body of a person who has died of any infectious disease is retained without the sanction in writing of the Medical Officer of Health or any medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room; or
- (c.) any dead body is retained in any house or room or ship under circumstances which, if continued, may endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building; or
- (d.) any dead body found within the district is unclaimed or no sufficient person undertakes to bury it;

a Magistrate may on a certificate signed by a Medical Officer of Health or other medical practitioner, direct that the body be removed, at the cost of the local authority, to any available mortuary, and be buried within the time limited by the Magistrate; and may, if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately without removal to the mortuary.

(2.) If any person obstructs the execution of any direction given by a Magistrate under this section, he shall be liable to a penalty not exceeding ten pounds.

Bodies of
persons dying
of infectious
disease in
hospital, etc.
to be removed
only for burial.

127. If any person shall die from any infectious disease in any hospital or place of temporary accommodation for the sick, and the Medical Officer of Health or the medical practitioner in charge of such hospital or place certifies that in his opinion it is desirable, in order to prevent the risk of communicating any infectious disease or of spreading infection, that the body shall not be removed from such

hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such body from such hospital or place except for the last-mentioned purpose; and when the body is taken out of such hospital for that purpose it shall be forthwith carried or taken direct to some cemetery or place of burial, and shall be forthwith there buried; and any person wilfully offending against this section shall be liable to a penalty not exceeding ten pounds. Nothing in this Ordinance shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary, and such mortuary shall for the purposes of this section be deemed part of such hospital or place as aforesaid.

128.—(1.) The local authority may provide nurses for attendance on patients suffering from any infectious disease in their district who, owing to want of accommodation at the hospital or danger of infection, cannot be removed to the hospital, or in cases where removal to the hospital is likely to endanger the patient's life.

Provision of nursing attendance by local authority.

(2.) The local authority may charge such reasonable sums for the services of nurses provided by them as they think fit.

129. It shall not be lawful to hold any wake over the body of any person who has died of infectious disease, and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises, or part of a house or premises, and every person who attends to take part in such wake shall be liable to a penalty not exceeding two pounds.

Wake not to be held over body of person dying of infectious disease.

130. All regulations made under this part of this Ordinance shall be published in the *Royal Gazette*, and when so published shall thenceforth have the same effect and operation as if they were enacted by and formed part of this Ordinance.

Publication and effect of regulations.

131. For the purposes of this Part of this Ordinance, any person authorised to act under the provisions hereof or of any Regulations made in pursuance of any authority contained in this Part of this Ordinance may at any time with or without assistants :—

General power to enter and carry out work

- (1.) enter on lands and buildings and inspect and examine the same and all things thereon or therein ;
- (2.) do on any land or in any building any sanitary or other work authorised or directed ;
- (3.) generally do with respect to persons, places, land, buildings, animals or things, whatever is necessary or expedient in order to carry out the foregoing provisions of this Part of this Ordinance or any direction or requirement given or arising thereunder.

PART XII.

COMMON LODGING HOUSES AND BARRACK YARDS.

Return by
owner of
barrack.

132.—(1.) The owner of a barrack yard shall immediately upon the commencement of this Ordinance make a return in writing to the local authority, signed by him or his authorized agent, giving the situation and area of such yard, the number of rooms therein and his name and address and the name and address of his agent, if any.

(2.) The owner shall cause every room in his barrack yard to be distinctly and separately numbered.

Penalty.

133. The owner of any barrack yard who shall fail to comply with the provisions of the preceding section shall on conviction forfeit and pay a penalty not exceeding one pound in respect of every day on which he fails so to comply.

Register of
common
lodging houses
and barrack
yards.

134. Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging houses and owners of barrack yards within the district of such authority, and the situation of every such house and barrack yard, and the number of lodgers authorised under this Ordinance by such authority to be received in any such lodging house.

Evidence.

135. A copy of any entry in the register in the preceding section mentioned, certified by an officer of the local authority to be a true copy, shall be received in all Courts and on all occasions as evidence, and shall be sufficient

proof of the matter registered, without production of the register, or of any document or thing on which the entry is founded.

136. A person shall not keep a common lodging house or receive a lodger therein or suffer any room in a barrack to be occupied unless the house or barrack is registered in accordance with the provisions of this Ordinance, and unless his name as the keeper or owner thereof is registered under this Ordinance. Provided that when the registered keeper of a common lodging house dies, his widow or any member of his family may keep the house as a common lodging house for not more than four weeks after his death without being registered as the keeper thereof.

Lodging house or barrack not to be occupied unless registered.

Death of keeper of; lodging house

137. A house or barrack yard shall not be registered as a common lodging house or barrack yard as the case may be until it has been inspected and approved for the purpose by the local authority.

Premises to be inspected before registration.

138. Any keeper of a common lodging house who receives any lodger in such house, and any owner of a barrack yard who lets any room or rooms in such barrack yard without registering the same under this Ordinance shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding two pounds for every day during which the offence is continued.

Penalty for using unregistered premises.

139. In any proceeding under the provisions of this Ordinance relating to common lodging houses, if the inmates of any house or room or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Burden of proof as to persons being of same family.

140. The local authority may, and shall if directed by the Board, make bye-laws as to all or any of the following matters in relation to common lodging houses, barracks and barrack yards, that is to say:—

Bye-laws.

- (a.) the fixing and from time to time varying the number of persons who may be received as lodgers in each common lodging house and in

each room thereof and the separation of the sexes in such common lodging houses ;

- (b.) the promoting of cleanliness and ventilation ;
- (c.) the sufficiency of the water supply and privy, washing, drainage and dustbin accommodation and other appliances and means of cleanliness in proportion to the number of lodgers and occupiers ;
- (d.) the giving of notices and the taking of precautions in the case of any infectious disease ;
- (e.) the inspection and the time of inspection thereof ;
- (f.) the collection and removal of refuse ;
- (g.) the painting, ~~white~~ ^{lime}-washing or ~~colour~~ ^{lime}-washing of walls and buildings ;
- (h.) the keeping by the owner in proper condition of all drains and sanitary arrangements ;
- (i.) the paving of yards ;
- (j.) generally the keeping and well ordering of such houses and barrack yards.

Default in
complying
with bye-law.

141. If it appears to the local authority that in the case of any common lodging house, barrack, or barrack yard, default is made in any respect in complying with any bye-laws made under the last preceding section, the local authority may, by notice in writing specifying the default, require the keeper or owner of such common lodging house, barrack or barrack yard to remedy the default within such time as may be specified in such notice.

If within the time specified in the notice the default is not remedied to the satisfaction of the local authority, they may themselves do the work required to be done, and may recover as a simple contract debt in a court of competent jurisdiction from the keeper of the common lodging house or owner of the barrack or barrack yard as the case may be, the expenses incurred by them in so doing.

Cancelling
registration.

142. The local authority, if at any time they are of opinion that any person registered as the keeper of a

common lodging house is not a fit person for the purpose, may cancel the registration.

143.—(1.) After the commencement of this Ordinance, no person shall take any steps to establish a barrack yard or to convert any premises into a barrack yard or to reconstruct or rebuild any existing barrack yard except with the consent of the local authority, which consent shall only be granted on the conditions following, that is to say:—

Conditions on which barrack yard may be established.

- (a.) That the barrack yard is to be established and constructed in conformity with a model plan and specification to be drawn up by the Board;
- (b.) That each room shall be sufficiently ventilated directly to the outside air on at least two sides, and that sufficient provision is made for the access of light thereto;
- (c.) That no room shall ventilate into another;
- (d.) That the roofs of all rooms are close boarded and ventilated and that every room shall be rat proof;
- (e.) That the whole or such part of any yard as the local authority may direct shall be paved to the satisfaction of the local authority;
- (f.) That the privy accommodation and the provision for the collection of refuse shall be such as may be prescribed in each case by the local authority.

(2.) For the purposes of this section each of the following operations namely:—

Definition of "reconstruction and rebuilding."

- (1.) The re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within five feet of the ground floor;
 - (2.) The making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only; and
 - (3.) The roofing or covering over of an open space between walls or buildings,
- shall be deemed to be the reconstruction or rebuilding of a barrack yard.

Existing
barrack yards.

144. With regard to barrack yards existing at the commencement of this Ordinance, the local authority shall in any case in which a Medical Officer of Health reports that a barrack yard is in such a condition as to be unfit for human habitation or injurious to the health of the occupants or to the public health or that the premises should be made rat proof, take such proceedings as may be necessary to have the same put in proper sanitary condition or made rat proof, or where the premises are incapable of being put in such condition or made rat proof to have the same closed. Provided always that the local authority may at any time after the commencement of this Ordinance order the whole or any part of any barrack yard to be paved to their satisfaction.

In case of non-compliance with the provisions of this Section the procedure provided by Section 73 hereof shall apply.

PART XIII.

BAKEHOUSES.

Interpretation
of terms.

145. For the purposes of this Part of this Ordinance, the words hereinafter mentioned shall be construed as follows, that is to say:—

“Bakehouse” means any place in which are commonly baked or exposed or offered for sale or deposited for the purpose of sale or of preparation for sale or have been recently sold for human consumption, bread, biscuits, cakes or confectionery, in the baking or selling of which a trade is carried on.

“Employed” as applied to any person, includes any person working in a bakehouse, whether he receives wages or not.

“Occupier” includes any person in possession.

Application to
use place as
bakehouse.

146. Every person who at the commencement of this Ordinance is using or who intends to use any place as a bakehouse shall make application in writing to the local authority, setting out his full name and a correct description of the premises so used or intended to be used. If the local authority are satisfied that the premises specified in

the application are such as can properly be used as a bakehouse under this Ordinance, they shall issue to the applicant a certificate to that effect.

The particulars of such application and certificate shall be entered in a book to be kept by the local authority and to be called "The Bakehouses Register."

Any person who shall use any place as a bakehouse without having first obtained a certificate as hereinbefore provided, shall be liable on conviction to a penalty not exceeding five pounds and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

147. The inside walls of the rooms of a bakehouse and the ceilings or tops of such rooms, whether such walls ceilings or tops be plastered or not, and all passages and staircases of such bakehouse shall either be painted with oil or varnish or be limewashed: when painted with oil or varnish there shall be three coats of paint or varnish and the paint or varnish shall be renewed once at least in every three years and shall be washed with hot-water and soap once at least in every six months: when limewashed the limewashing shall be renewed in each of the months of April, August and December in every year. The occupier of any bakehouse who fails to keep the same in conformity with this section shall be guilty of an offence against this Ordinance and be liable to a penalty not exceeding ten pounds.

Painting and
washing
premises.

148. It shall not be lawful to let or suffer to be occupied as a bakehouse or to occupy as a bakehouse any room or place unless the following regulations are complied with:—

Conditions
of use of
bakehouse.

- (a.) No privy or dustbin shall be within or communicate directly with the bakehouse.
- (b.) Any cistern or pipe for supplying water to a bakehouse shall be separate and distinct from any cistern or pipe for supplying water direct to a privy.
- (c.) No drain or pipe for carrying off fœcal matter or sewage shall have an opening within the bakehouse.

(d.) Every bakehouse shall be efficiently ventilated to the satisfaction of the Medical Officer of Health.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be guilty of an offence against this Ordinance and be liable on conviction to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

Bye-laws.

149. The local authority may make bye-laws as to all or any of the following matters, that is to say:—

- (1.) the structure of floors and walls of bakehouses;
- (2.) the keeping of bakehouses in a clean and sanitary condition;
- (3.) the prevention of the accumulation of dust, ashes and refuse, and the duties of occupiers of the premises with regard thereto.

Penalty for using insanitary premises.

150. Where a Magistrate is satisfied on the prosecution of the local authority that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be guilty of an offence and be liable on conviction to a penalty not exceeding five pounds, and on a second and subsequent conviction to a penalty not exceeding ten pounds.

The Magistrate in addition to or instead of inflicting such fine may order means to be adopted by the occupier within the time named in the order for the purpose of removing the ground of complaint.

The Magistrate may on application enlarge the time so named, but if after the expiration of the time so originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable on conviction to a penalty not exceeding one pound for every day that such non-compliance continues.

The occupier of any bakehouse his agents and servants shall furnish the means required by the Medical Officer of Health or Sanitary Inspector for entry, inspection, examination and enquiry in relation to such bakehouse.

Obstruction.

Every person who wilfully delays the Medical Officer of Health or Sanitary Inspector in the exercise of any power under this section or who fails to comply with any requisition of such Medical Officer of Health or Sanitary Inspector in pursuance of this section shall be deemed to obstruct the Medical Officer of Health or Sanitary Inspector in the execution of his duties under this Ordinance.

PART XIV.

MOSQUITOES.

Bye-laws.

154. For the purpose of preventing the breeding of mosquitoes, a local authority may make bye-laws relating to all or any of the following matters, that is to say:—

- (a.) The protection of receptacles for storing water by wire gauze or other efficient means;
- (b.) The keeping of premises free from stagnant water liable to breed mosquitoes, and from articles, appliances, trees or plants which may retain stagnant water liable to breed mosquitoes;
- (c.) The disinfecting and oiling of cesspits and the cleaning out of catchpits;
- (d.) The keeping in repair and free of obstruction of eaves-gutters and down-pipes;
- (e.) The cutting down of bush or undergrowth liable to harbour mosquitoes.

PART XV.

RETAIL SHOPS.

Bye-laws.

155. A local authority may make bye-laws as to all or any of the following matters, that is to say:—

- (a.) The inspection of shops, appliances and places, where any article, cooked, or uncooked, and intended for human consumption is exposed or offered for sale;

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- (b.) The duties of occupiers with regard to the removal and disposal of all refuse and waste matters from such shops and places ;
- (c.) The protection from contamination by dust and flies or otherwise of all articles intended, exposed, or offered for sale for human consumption ;
- (d.) The protection from contamination by dust and flies or otherwise of all foodstuffs, cakes, pastry and other confectionery kept, sold, or offered for sale outside of any building, or in any street or public place.

~~Section 176/19~~ PART XVI.

FACTORIES AND WORKSHOPS.

156.—(1.) A local authority may make bye-laws as to all ^{Bye-laws.} or any of the following matters relating to factories and workshops, that is to say :—

- (a.) The cleanliness of rooms and freedom from effluvia ;
- (b.) The removal of refuse ;
- (c.) Ventilation and light ;
- (d.) Sufficiency, type, and position of sanitary conveniences ;
- (e.) Precautions against the contamination of any article of food or drink manufactured or in the course of manufacture for human consumption ;
- (f.) Precautions against the spread of infection.

(2.) In this section

“ Factory ” means any premises wherein or within the close or curtilage of which mechanical power is used to move or work any machinery.

“ Workshop ” means any premises, room or place, not being a factory, wherein or within the close or curtilage of which any manual labour is exercised by way of trade or for the purposes of gain, and to or over which premises room or place the employer of the persons working therein has the right of access or control.

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PART XVII.

MISCELLANEOUS.

Entry and Obstruction.

Delegation of powers.

157. Where the Board or a local authority have by virtue of this Ordinance or any regulations or bye-laws thereunder power to examine or enter any premises, they may examine or enter by any of their members or by any officer or person authorised by them, either generally or in any particular case.

General rules as to entry.

158.—(1.) Except in cases otherwise specially provided for by this Ordinance, where the Board or a local authority or their officers or any persons acting under the Board or authority have power to examine or enter as aforesaid, the following provisions shall apply, that is to say:—

- (a.) The person so claiming the right to enter shall, if required, produce some written document, properly authenticated on the part of the Board or local authority, showing the right of the person producing the same to enter.
- (b.) Any person refusing or failing to admit any person who is authorised and claims to enter the premises shall if—
 - (i.) the entry is for the purpose of carrying into effect an order of a Magistrate, and either is stated in the said document to be for that purpose, or is claimed by an officer of the Board or of a local authority to be for that purpose ; or
 - (ii.) it is proved that the refusal or failure is with intent to prevent the discovery of some contravention of this Ordinance or any regulation or bye-law under this Ordinance ; or
 - (iii.) the refusal or failure is declared by the enactment conferring the right of entry to render the person refusing or failing subject to a penalty ;

be liable to a penalty not exceeding five pounds.

(2.) If a Magistrate is satisfied by information on oath—

- (a.) that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a Magistrate for a warrant has been given, or that the giving of notice would defeat the object of the entry; or
- (b.) that there is reasonable cause to believe that there is on the said premises some contravention of this Ordinance, or of any regulation or bye-law under this Ordinance, and that an application for admission, or notice of an application for the warrant would defeat the object of the entry;

the Magistrate may by warrant under his hand authorise the Board or the local authority or their officers or other persons, as the case may require, to enter the premises, and if need be by force, with such assistance as they or he may require, and there execute their duties under this Ordinance.

(3.) Any person obstructing the execution of any such warrant shall be liable to a penalty not exceeding twenty pounds, or where the offence is a continuing one, to a penalty not exceeding two pounds for every day that the offence is continued.

(4.) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

159. Subject to any express provisions of this Ordinance, ^{Obstruction.} whosoever hinders or obstructs any person in the discharge of a duty imposed on him by or under any authority conferred by this Ordinance or by any regulations or bye-laws made thereunder shall be liable to a penalty not exceeding twenty pounds, or where the offence or breach is a continuing one, not exceeding two pounds for every day that the offence or breach is continued.

160.—(1.) Where the occupier of premises prevents the ^{Obstruction of owner by Occupier.} owner thereof from obeying or carrying into effect any

provision of this Ordinance, a Magistrate on complaint shall, by order, require such occupier to permit the execution of any works which appear to him necessary for the purpose of obeying or carrying into effect the said provision; and if within twenty-four hours after service on him of the order, such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

(2.) If the occupier of any premises, when requested by or on behalf of the local authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall be guilty of an offence and on conviction thereof be liable to a penalty not exceeding five pounds.

Regulations and Bye-laws.

Penalties for breaches of bye-laws.

161. Except as in this Ordinance expressly provided, regulations or bye-laws made under this Ordinance may provide for the imposition on offenders against the same of penalties not exceeding five pounds for each offence, and in the case of a continuing offence, a further penalty not exceeding forty shillings for each day during which the offence continues.

Confirmation and publication of bye-laws.

162.—(1.) Regulations or bye-laws made by the Board under this Ordinance shall not take effect until they have been confirmed by the Governor in Executive Council.

(2.) Regulations or bye-laws made by a local authority under this Ordinance shall not take effect unless and until they have been approved by the Board, and confirmed by the Governor in Executive Council.

Effect and publication of bye-laws.

163. When confirmed by the Governor in Executive Council, all such regulations or bye-laws shall come immediately into effect and have the force of law and shall be published in the *Royal Gazette* and at least one newspaper circulating in the Colony for at least four weeks.

Recovery of Costs and Expenses.

Recovery of costs and expenses.

164. Where any local authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Ordinance or by any agreement with the local

authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest, the same shall be a charge on the premises in respect of which they were incurred.

165. Every local authority under this Ordinance is hereby declared to be a public authority within the meaning and for the purposes of the Public Authorities (Rates and Charges Recovery) Ordinance, 1913.

Local
Authority to
be Public
Authority
under
Ordinance
36—1913.

Offences.

166.—(1.) All offences under this Ordinance, or any regulations or bye-laws made thereunder shall be deemed to be offences punishable under the Summary Conviction Offences (Procedure) Ordinance and all such offences and all penalties, forfeitures, costs and expenses under this Ordinance directed to be recovered in a summary manner on information or complaint, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in a summary manner on information or complaint before any Magistrate, and the procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance.

Procedure for
offences and
penalties.

(2.) Any information or complaint for any offence against the provisions of this Ordinance or of any regulations or bye-laws made thereunder for the breach whereof the Board or any local authority may institute proceedings, may be laid or made in the name of the Board or local authority by any officer or officers of such Board or local authority authorised in that behalf by resolution of the Board or local authority either generally or in respect of offences against certain provisions of this Ordinance or against certain regulations or bye-laws to be named in such resolution; and any officer or officers of the Board or any local authority authorised in that behalf by resolution of such Board or local authority may conduct the proceedings before the Magistrate in all cases where the Board or local authority are complainants or defendants.

(3.) All fines penalties and costs recovered from any persons for any offences under this Ordinance or any regulation or bye-law made thereunder, in cases where any local Authority are either complainants or defendants, shall be recovered by the Magistrate for the use of such local authority.

General Health Rate.

General
Health rate.

167.—(1.) It shall be lawful for the local authority with the approval or by direction of the Board from time to time, as occasion may require, to levy a rate to be called "the General Health Rate" for the purpose of defraying any expenses incurred or paid or to be incurred or paid by such local authority under this Ordinance, which rate shall be assessed in the urban districts in like manner and with like powers as a rate under Part VI of the Port-of-Spain Corporation Ordinance, 1914, and in the rural districts in like manner and with like powers as a rate under the Land Charges and Land Taxes Ordinance (No. 204) may be assessed levied and recovered.

(2.) Where any local Authority is, by direction of the Board required to levy a health rate under this section, it shall be lawful for the local authority to make to the Governor in Executive Council such representations in regard thereto as such local Authority may think proper, and no such directions of the Board shall be binding on a local Authority until and unless the same shall have been approved and confirmed by the Governor in Executive Council.

Moneys
recovered to
be carried to
separate
account.

168. All moneys received or recovered by any such local authority in respect of any such general health rate, or from the author of any nuisance, or the owner of any premises, or in respect of any penalty under this Ordinance, shall be carried by such local authority to a separate account; and it shall not be lawful for any such local authority to apply any such moneys to any purpose except the carrying of this Ordinance into execution.

General.

169.—(1.) Subject to the express provisions of this Ordinance, notices, authorities, orders and other such documents under this Ordinance shall be in writing; and notices, authorities and documents other than orders when issued or given by the Board or a local authority shall be sufficiently authenticated if signed by the Chairman or Secretary of such Board or local authority, or if the local authority consists of one person, then by such person.

Authentica-
tion of notices
etc.

(2.) Orders shall be under the Seal of the Board or of any incorporated local authority duly authenticated, and in the case of an unincorporated local authority shall be under the hand of the Chairman thereof, or if such authority consists of one person, then under the hand of such person.

170. It shall be sufficient in all cases where any notices, orders, accounts or other documents are required to be given to or served on or delivered to the owner or occupier of any premises to address the same to such "owner" or "occupier" (as the case may be) of the premises (naming them) in respect of which such notices, orders, accounts or other documents are to be given or served or delivered, without further name or description; and if required or authorized to be given served or delivered under this Ordinance, may be given served or delivered by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or where addressed to the "owner" or "occupier" thereof, to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; and they may also be served by sending the same through the post by registered letter, and such registered letter shall be deemed to have been received in the ordinary course of post as if there had been delivery thereof.

Service of
notices, etc.

171. Where any nuisance shall be caused by the joint act or default of two or more persons, or shall exist on the premises of two or more owners, it shall be sufficient to proceed against one or more of them without proceeding

Nuisance
caused by, or
existing on
premises of
two or more
owners.

against the others or other of them; but nothing herein contained shall prevent the persons so proceeded against from recovering contribution in any case in which they would be entitled to contribution by law.

Proceedings
not to abate
by reason of
death.

172. Proceedings under this Ordinance against several persons included in one complaint, shall not abate by reason of the death of any of the persons so included, but all such proceedings may be continued against the survivors or survivor as if such deceased person or persons had not been so included.

Owner of
premises need
not be
otherwise
designated.

173. Whenever in any proceeding under this Ordinance, whether written or otherwise, it shall become necessary to mention or refer to the owner of any premises, it shall be sufficient to designate him as the owner of such premises without name or further description.

Proceedings
not removable
by *certiorari*.

174. No order or other proceeding, matter or thing made or done in the execution of this Ordinance shall be removable by *certiorari*, or by any other writ or process whatsoever, into any Court, or be vacated, quashed or set aside for want of form.

Right of
appeal.

175. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Ordinance may, subject to the provisions of the Summary Conviction Offences (Procedure) Ordinance, No. 1, Part VIII, relating to appeals, and save as otherwise provided in this Ordinance, appeal therefrom to the Supreme Court.

Protection of
authorities
and their
servants.

176. The Board, a local authority, a Medical Officer of Health, Sanitary Inspector or other person acting under the authority or in execution or intended execution of this Ordinance, shall be entitled to such protection and privilege in actions and suits as any Justice of the Peace is entitled to under the Summary Conviction Offences (Procedure) Ordinance (No. 1), or any Ordinance amending or repealing the same.

Forms.

177. The forms contained in Schedule III to this Ordinance or any forms to the like effect, varied as circumstances may require, may be used for the purposes of this Ordinance, and shall be sufficient for the purposes intended.

178. Nothing in this Ordinance contained shall be construed to take away, affect or diminish any right of action, or remedy by criminal proceeding, to which any person would be entitled in respect of any nuisance if this Ordinance had not been passed. ^{Saving.}

Passed in Council this Twenty-fifth day of June, in the year of Our Lord one thousand nine hundred and fifteen.

Byjus
1-1-17 P.M.
MO. 83/1915

HARRY L. KNAGGS,
 Clerk of the Council.

SCHEDULE I.

OFFENSIVE TRADES. (Section 3.)

Blood or offal boiling or treating.
 Bone boiling or crushing.
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 Chemical or acid making.
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 Slaughtering.
 Soapboiling.
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 Gut scraping
 Gut spinning.
 Glue making.
 Manure manufacturing.
 The collection of house and street refuse.

SCHEDULE II. (Section 5.)

ENACTMENTS REPEALED.

No. of Ordinance.	Short title.	Extent of repeal.
No. 187	... The Public Health Ordinance ...	The whole.
„ 188	... The Public Health (Special Powers) Ordinance	do.
„ 193	... The Sale of Milk Ordinance ...	do.
„ 195	... The Medical Service Ordinance	Section 7 so far as it relates to the Medical Officer of Health.
„ 15—1905	The Bakehouses Ordinance, 1905	The whole.
„ 36—1905	The Bakehouses (Amendment) Ordinance, 1905	do.
„ 33—1907	The Public Health Ordinance, 1907	do.
„ 23—1908	The Public Health Ordinance, 1908	do.
„ 28—1911	The Public Health (Special Powers) Amendment Ordinance, 1911	do.
„ 24—1914	The Port-of-Spain Corporation Ordinance, 1914	Sections 166. to 176 (both inclusive,) 215, 311, 312, 313, 314, 315.

SCHEDULE III.

FORM A.

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE.

To (person causing the nuisance, or owner or occupier of the premises at which the nuisance exists, as the case may be).

Take notice that under the provisions of the Public Health Ordinance 1915 the (describe the local authority) being satisfied of the existence at (describe premises where the nuisance exists) of a nuisance being (describe the nuisance) do hereby require you within (specify the time) from the service of this notice to abate the same [and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to (specify any works to be executed)], [and the said (authority) do hereby require you within the said period to do what is necessary for preventing the occurrence of the nuisance, and for that purpose to, &c.]

Where the nuisance has been abated, but is likely to recur, say, being satisfied that at &c. there existed recently, to wit, on or about the day of the following nuisance, namely (describe nuisance), and

that although the said nuisance has since the last mentioned day been abated, the same is likely to recur at the said premises, do hereby require you within (*specify time*) to do what is necessary for preventing the recurrence of the nuisance and for that purpose to, &c.

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance before a Magistrate to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of

FORM B.

FORM OF SUMMONS.

To A. B. of (*or to the owner or occupier of*) (*describe premises*) situated (*insert such description of the situation as may be sufficient to identify the premises.*)

You are required to appear before Magistrate for at on the day of next at the hour of to answer the complaint this day made to me by that at the premises above mentioned (*or at certain premises situated at*) in the district of the (*describe the local authority*); the following nuisance exists (*describe the nuisance and add, where the person causing the nuisance is summoned,*) and that the said nuisance is caused by the act, default, or sufferance of you A. B.

*Where the nuisance is discontinued, but is likely to be repeated, say, to answer the complaint &c., that at, &c., there existed recently, to wit, on or about the day of , the following nuisance (*describe the nuisance, and add, where the person causing the nuisance is summoned,*) and that the said nuisance was caused, &c.), and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur at the said premises.*

Dated this day of

S.J.P.

FORM C.

FORM OF NUISANCE ORDER.

To A. B. of (*or to the owner or occupier of*) (*describe premises*) situated (*insert such description of the situation as may be sufficient to identify the premises*).

Whereas the said A.B. (*or the owner or occupier of the said premises within the meaning of the Public Health Ordinance, 1915*) has this day appeared before me to answer the matter of a complaint made by, &c., that at, &c. (*follow the words of complaint in summons*) (*or in case the party charged do not appear, say, Whereas it has been now proved to my satisfaction that a summons has been duly served according to the Public*

Health Ordinance, 1915, requiring the said A. B. (or the owner or occupier of the said premises) to appear this day before me to answer the matter of a complaint made by, &c., that at, &c.)

(Any of the following orders may be made or a combination of any of them as the case seems to require).

Now on proof here had before me that the nuisance so complained of does exist at the said premises (add where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A. B.), I, in pursuance of the Public Health Ordinance 1915, do order the said A. B. (or the said owner or occupier) within (specify the time) from the service of this order according to the said Ordinance (here specify the nuisance to be abated) (and state any works to be executed).

Prohibition
Order No. 1.

And I, being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said A. B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance (and for that purpose I direct the said A. B. or the said owner or occupier, here specify any works to be executed).

Prohibition
Order No. 2.

Now, on proof here had before me that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the same has since been abated (add where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default or sufferance of A. B.) yet, notwithstanding such abatement, I, being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit (continue as in Prohibition Order No. 1).

Closing order.

Now, on proof here had before me that the nuisance is such as to render the dwelling house (describe the house) situated at (insert such a description of the situation as may be sufficient to identify the dwelling house) unfit in my judgment for human habitation, I, in pursuance of the Public Health Ordinance, 1915, do hereby prohibit the use of the said dwelling house for human habitation.

Dated this day of

FORM D.

FORM OF NUISANCE ORDER TO BE EXECUTED BY LOCAL AUTHORITY.

To the (describe the local authority.)

Whereas a complaint has been made by that at certain premises situated at in the district of (describe the local authority) the following nuisance exists (describe the nuisance).

And it has been now proved to my satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person by whose act, default, or sufferance the nuisance is caused, is known or can be found (as the case may be); Now I, in pursuance of the Public Health Ordinance 1915 do (continue as in any of the orders in Form C. with the substitution of the name of the local authority for that of A. B. or the owner or occupier).

Dated, etc.

FORM E.

WARRANT OF JUSTICE FOR ENTRY TO PREMISES.

Whereas A.B., being a person authorized under the Public Health Ordinance 1915 to enter certain premises (*describe the premises*) has made application to me to authorize the said A.B. to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and (*either* that reasonable notice of the intention to apply to a Magistrate for a warrant has been given *or* that the giving of notice of the intention to apply to a Magistrate for a warrant would defeat the object of the entry).

(*Or* am satisfied by information on oath that there is reasonable cause, to believe that there is on the said premises a contravention of the Public Health Ordinance 1915, (*or* of a bye-law made under that Ordinance), and that an application for admission or notice of an application for a warrant would defeat the object of the entry).

Now therefore I, the said C.D., do hereby authorize the said A.B. to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Ordinance.

Dated, etc.

SCHEDULE IV. (Section 91.)

TABLES RELATING TO THE STORAGE OF WATER IN BUILDINGS AND PLANTATIONS.

The owner of any building or plantation described in the first columns of the following tables shall provide tanks to store the quantity of water specified in the second columns of the said tables in relation to the said buildings and plantations respectively :—

TABLE I.

Buildings in Village and Country Districts.	Quantity of water in Imperial gallons.
Each house used as a dwelling house of more than one storey and the rent or annual value of which exceeds £10	1,600
Each house used as a dwelling house of one storey only, or, if of more than one storey the rent or annual value of which does not exceed £10, for each room therein	100
Each house of which the different rooms are occupied by different families or different persons not members of the same family, for each room so occupied	100

TABLE II.

Description of Plantation.	Quantity of water in Imperial gallons.
Each plantation on which any quantity of sugar exceeding fifty tons in weight and not exceeding five hundred tons has been made during the preceding year	25,000
Each plantation on which any quantity of sugar of or exceeding five hundred tons has been so made, then, for every additional quantity of one hundred tons of sugar or less so made, an additional ...	2,500
Each plantation on which any quantity of cocoa exceeding 100 bags of 168 lbs. net weight and not exceeding 250 bags has been made during the preceding year	1,600
Each plantation on which any quantity of cocoa exceeding 250 bags of 168 lbs. net weight and not exceeding 600 bags has been made during the preceding year	3,000
Each plantation on which any quantity of cocoa of or exceeding 600 bags of 168 lbs. net weight has been so made, then, for each additional quantity of 100 bags or less so made, an additional	400
Each plantation on which any quantity of coconuts exceeding 200,000 in number and not exceeding 500,000 have been picked during the preceding year	1,200
Each plantation on which any quantity of coconuts exceeding 500,000 and not exceeding 1,000,000 has been so picked, then, for every additional quantity of 100,000 nuts or less so picked, an additional ...	150

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