

TRINIDAD AND TOBAGO.

No. 30.—1911.

4th December.

AN ORDINANCE to amend the Roads Ordinance, No. 200.

[L.S.]

*Repealed by
28/1911*

GEORGE R. LE HUNTE,

GOVERNOR.

26th December, 1911.

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

1. This Ordinance may be cited as the Roads (Amendment) Ordinance, 1911, and shall be read as one with the Roads Ordinance, No. 200, the Roads (Amending) Ordinance No. 288, the Roads (Amendment) Ordinance, 1905, the Roads Ordinance, 1908, and the Roads Ordinance, 1911, and the five last mentioned Ordinances and this Ordinance may together be cited as the Roads Ordinances.

Title and citation.
[25-1905.]
[38-1908.]
[14-1911.]

2. The following section shall be inserted after Section 51 of Ordinance No. 200:—

51A.—(1.) If any person acts as a member of a Board without being qualified at the time of his election, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action in the Supreme Court.

Penalty on unqualified person acting as member of Board.

(2.) An action to recover a fine may not be brought except by an elector of the Road Union, and shall not lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(3.) A Judge of the Supreme Court shall, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(4.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(5.) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie in him to prove he was so qualified.

Amendment
of s. 64 of
Ordinance 200.

3. Sub-section (5) of Section 64 of Ordinance No. 200 is amended by striking out the words "or the election is had without a ballot" in the second and third lines thereof.

Board may
alter or revoke
resolution to
levy rate.

4. The following paragraph shall be added at the end of Section 84 of Ordinance No. 200:—

"The Board may at any time before the same has begun to be collected, alter or revoke any resolution to make and levy a rate, provided always that if the consent of the Governor in Executive Council has been obtained to make and levy such rate, such resolution to alter or revoke shall not be valid or of any effect whatever unless the consent of the Governor in Executive Council is given thereto.

Cost of
inserting road
rate in
assessment
roll.

5. The following paragraph shall be added at the end of Section 85 of Ordinance No. 200:—

The cost of inserting and including a road rate in the assessment roll shall be borne by the Board, and shall be paid to the Warden by the Receiver-General out of the rate paid into the Treasury

as in this section directed: provided always that where a resolution to rescind a rate becomes valid under the provisions of the last preceding section, any expenses incurred by a Warden in altering or correcting the assessment roll may by direction of the Governor be deducted from any sums due or to become due to the Board in respect of any allocation, past or future, made by the Central Road Board, and the amount of such expenses shall be paid to the Warden by the Receiver-General out of the sums so allocated.

6. It shall be lawful for the Governor in Executive Council to direct that all sums paid under and by virtue of the rate made and levied by the Diego Martin Road Board on the 18th day of September, 1910, shall be returned to the persons who have paid the same, and as from the commencement of this Ordinance such rate shall be deemed to have been invalid and of no effect whatsoever and the liability of any person to pay the same and every other liability in respect thereof shall absolutely cease and determine.

Refund of rates collected by Diego Martin Road Board.

7. The following shall be added as Sub-sections (6) and (7) to Section 96 of Ordinance No. 200:—

Liability for unauthorised expenditure to continue after supersession.

(6.) The supersession of a Board under the provisions of Section 45 of this Ordinance shall not affect the joint and several liability, in respect of expenditure certified either before or after such supersession to be unauthorized in the manner provided in this section, of any person who but for such supersession would have been liable, but every such person shall be and continue liable to make good all sums due in respect of such unauthorized expenditure in all respects and to the same extent as if the Board of which he was a member had not been superseded, and shall pay the amount of such sums into the Colonial Treasury.

(7.) In case such sums are not paid into the Colonial Treasury within fourteen days after such certificate is given, the Attorney-General may sue for the same, and the provisions of this section with regard to a suit by the

Attorney-General in the name and on behalf of a Board shall apply to such first mentioned suit, except that any sums recovered in any such suit shall be paid into the Colonial Treasury.

Passed in Council this Fourth day of December, in the year of Our Lord one thousand nine hundred and eleven.

HARRY L. KNAGGS,
Clerk of the Council.
