

TRINIDAD AND TOBAGO.

Arima House Rate,

No. 13.—1906.

14th May.

THE ARIMA HOUSE RATE ORDINANCE, 1906.

[L.S.]

HUGH CLIFFORD,

ACTING GOVERNOR.

28th May, 1906.

WHEREAS it is expedient to consolidate and amend the law relating to rating in the Borough of Arima: Be it therefore enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance—

“The Council” means the Council of the Borough of Arima. Interpretation.

“The Mayor” means the Mayor of the Borough of Arima.

“The Town Clerk and Treasurer” and “The Borough Bailiff” mean respectively the Town Clerk and Treasurer, and the Bailiff of the Borough of Arima appointed under the Municipal Corporations Ordinance (No. 210).

“Assessor” means the Assessor appointed by the Council under this Ordinance.

2. From and after the commencement of this Ordinance the provisions of the Municipal Corporations Ordinance specified in the First Schedule to this Ordinance shall not apply to the Borough of Arima, Part of Ordinance No. 210 not to apply to Arima.

Power to Levy
House Rate.

3. The Council shall have power to levy and shall levy in every year on every house now erected or hereafter to be erected within the Borough of Arima and also on every parcel of land therein not appurtenant to nor occupied with any house, an annual rate not being less than one shilling nor more than one shilling and sixpence in the pound, as the Council shall from time to time determine, on the annual rateable value of such house or land. Every parcel of land not appurtenant to nor occupied with a house shall be rated separately.

Meaning of
"House."

4. The word "house" in this Ordinance and in any conveyance executed by the Town Clerk and Treasurer under this Ordinance shall be construed to extend to and include any dwelling house, warehouse, stable, counting house, store, manufactory, shop, workshop, shed, or other building whatsoever and the lands on which the same respectively are built erected or standing, and also any lands appurtenant to or occupied with the same.

What is An-
nual Rateable
value.

5. For the purposes of this Ordinance the annual rateable value of a house or a parcel of land shall be the gross annual rental or value thereof, subject only to such deductions as may appear to the Assessor to be just and reasonable.

Annual Rate-
able value to
be fixed on or
before 31st
March.

Notice to be
served.

6. The annual rateable value of every house and every parcel of land to be rated under this Ordinance shall be ascertained and fixed by the Assessor on or before the Thirty-first day of March in each year, and the Assessor shall on or before that day cause a notice signed by him and specifying such rateable value and the amount of the rate and when and where such rate is payable to be served on the owner or person in possession or occupation of every such house or parcel of land, or his attorney or agent, or to be left at such house or parcel of land with some person residing there, or, if no such person shall be found, to be attached to some conspicuous part of such house or land.

Objection to
Assessment.

7. Any owner or person in possession of any house or land assessed under this Ordinance who shall be dissatisfied with such assessment may by himself or his attorney or agent, within fourteen days next after the service of such notice lodge with the assessor a declaration in writing stating his objection and the grounds thereof, and every

such objection shall, as soon as practicable, be submitted by the Council to the Stipendiary Justice of the Peace having jurisdiction in the Borough, who shall hear such objection on some day to be fixed by him not being later than the first day of May, and shall either confirm the assessment or order the same to be altered or amended as shall appear to be just and reasonable.

For the purposes of this section the Stipendiary Justice of the Peace shall have power to summon, administer the oath to and examine witnesses, and if necessary to enter and inspect any house or land in respect of which the objection is made.

8. It shall be lawful for the Assessor to require the owner or occupier of, or the person in receipt of the rent of any house or land in respect of which the rate may be levied, or the attorney or agent of any such owner occupier or other person to make a declaration in writing before him of the rent payable in respect of such house or land, and if any such person shall refuse or neglect to make such declaration or shall make a false and untrue declaration he shall be liable to a penalty not exceeding Twenty Pounds, recoverable in a summary manner on the complaint of the Assessor. Any such declaration may be in the form A contained in the second schedule to this Ordinance.

Declaration as to rent of property to be rated.

9. The rate so levied shall be borne and paid by the owner of the house or land upon which the same is levied, and shall be payable to the Town Clerk and Treasurer on or before the First day of June in every year, and until payment shall be a lien or charge on such house or land prior and preferential to all mortgages and charges thereon save and except debts due to His Majesty His Heirs and Successors. Provided that the rate may be collected from any tenant or occupier of any such house or land, and if paid by him, may be deducted from the rent payable by him to the owner of such house or land.

By whom rate to be borne and paid.

10. After the expiration of one month from the First day of June in each year the Mayor shall cause to be made a list specifying the names of all persons who shall have made default in the payment of the rate and the amounts respectively unpaid, and it shall be lawful for the Mayor by writing under his hand to authorise and require the Borough

Enforcement of rate by distress after 1st July.

Bailiff to distrain the goods and chattels of the person or persons by whom such rate shall be payable, or who may be in possession or occupation of the house or land or of any part of the house or land in respect of which such rate shall be payable, for the amount in arrear, together with a percentage of ten per cent. on every such amount and the costs of such distress and sale. Such authority may be in the form B in the Second Schedule to this Ordinance and shall operate in like manner as though a separate warrant of distress had been issued to such Bailiff in respect of each of the houses or parcels of land referred to in the same.

Increase of
arrears by ten
per cent.

Goods and
chattels liable
to distress.

Sale after 14
days.

Application of
proceeds of
sale.

Enforcement
of rate by sale
of property
rated.

11. In the execution of such warrant the Borough Bailiff may for the recovery of the rate in arrear and the percentage thereon distrain any goods and chattels found in the house or upon the land in respect of which the rate is in arrear, and any goods and chattels of the owner of such house or land wherever the same may be found, and may cause such goods and chattels to be removed to some place, and may sell the same to the best bidder at public auction, at any time not less than fourteen days after such distress.

12. The proceeds of any such distress, after deducting the costs of distress and sale, shall be forthwith paid over to the Town Clerk and Treasurer in or towards satisfaction of the rate in arrear and the percentage thereon, and the balance, if any, shall be paid over to the person or persons whose goods may have been so distrained as aforesaid.

13. If in any year the rate shall be in arrear and unpaid for more than three months from the First day of June, then it shall be lawful for the Mayor by warrant under his hand addressed to the Town Clerk and Treasurer to make order for the sale, on a day to be named in such warrant, of any house or land in respect of which the rate shall be so in arrear, unless the amount so in arrear together with a percentage of ten per cent. and the costs of and incidental to such sale be paid to the Town Clerk and Treasurer before the day of such sale. The power of sale hereby conferred is in addition to, and independent of, the power of distress, and may be exercised irrespective of any such power of distress, provided that at the time of any such sale the rate be still in arrear and unpaid in respect of the house or land to be sold.

The warrant for sale under this Section may be in the form C in the Second Schedule to this Ordinance.

Notice of every intended sale under this Section shall be published at least once in one daily newspaper not less than one month before the day of such sale. Notice of sale.

14. Every such sale shall be by public auction before the doors of the Town Hall of Arima, and the house or land sold shall become the property of the highest bidder for the same upon payment of the purchase money, absolutely discharged from all estates charges or incumbrances whatsoever save and except debts due to His Majesty, His Heirs and Successors, and shall at the expense of the purchaser be conveyed to him by the Town Clerk and Treasurer, and such conveyance may be according to the Form D in the Second Schedule to this Ordinance. Conduct and effect of sale.

15. The proceeds of every such sale shall after deducting the costs and expenses of and incidental to such sale be applied in or towards payment of the rate in arrear and the percentage thereon, and the balance, if any, shall be paid to the person who shall be entitled to and shall claim the same. Application of proceeds of sale.

16. Any rate due and payable to the Council at or before the commencement of this Ordinance may be recovered in the manner provided by this Ordinance. Recovery of rate.

17. The Assessor shall enter in a book to be called the House Rate Book the number or other mark by which every house and every parcel of land rated under this Ordinance is known, the annual rental or value thereof, the rateable value thereof, and the amount of rate payable in respect thereof, and any alteration or amendment of such rateable value and rate which may be ordered by the Stipendiary Justice of the Peace, and the names of the several persons by whom such rate is payable, and if there be more than one occupier or tenant of any such house or parcel of land the names of every such occupier or tenant, and the amount of monthly, annual, or other rent payable by every such occupier or tenant. Such entries shall be made in the alphabetical order of the names of the several streets, squares and other places in which such houses and lands are situated. The house rate book.

The Assessor shall deliver such book to the Town Clerk and Treasurer on or before the First day of May in each year, and the same shall be open to the inspection of every person liable to the payment of the rate to be levied under this Ordinance.

Appointment
of Assessor.

18. For the purpose of ascertaining the annual rateable value of the several houses and lands within the Borough, and the names of the several owners and occupiers thereof, the Council shall appoint yearly and every year some fit and proper person not being a Councillor or Auditor, to be the Assessor to ascertain and assess the annual rental or value of such houses and lands and to take the names of the owners occupiers and tenants thereof; and such Assessor shall have an allowance of three pounds in the hundred on the total amount of the rate assessed, or such other remuneration as the Council shall think reasonable.

Commutation
of rates on
Crown property.

19. It shall be lawful for the Governor by his warrant in each year to direct the Receiver-General to pay and the Receiver-General shall accordingly pay to the Town Clerk and Treasurer on behalf of the Council the annual sum of £40 in lieu of any annual rate or tax that had the same been legally leviable could have been levied in respect of any house belonging to His Majesty the King His Heirs and Successors or leased for the public service of the Colony which is so belonging or leased at the commencement of this Ordinance; and also it shall be lawful for the Governor from time to time by like warrant to authorize in addition the payment of such further sum by way of and in lieu of rates in respect of any land or houses hereafter to be acquired by or leased by the Governor for the public service of the Colony as would have been payable if the same had remained the property of and in the occupation of any private person, to the intent that the sum to be levied and collected in respect of rates of the Borough shall not be subject to diminution by reason of any such land having been so acquired or leased.

Repeal.

20. The Arima House Rate Ordinance (No. 300) is hereby repealed.

21. This Ordinance may be cited as the Arima House Short title.
Rate Ordinance 1906.

Passed in Council this Fourteenth day of May, in
the year of Our Lord one thousand nine hundred and six.

ALFRED TAITT,
Acting Clerk of the Council.

THE FIRST SCHEDULE.

The Municipal Corporations Ordinance, Sections 85, 86, 87, 88, 89,
90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 103.

THE SECOND SCHEDULE.

FORM A.

Declaration as to rent.

I, A. B. of do hereby declare that the rent payable
by (or to) me in respect of the house or land (or of the upper or lower
part of the house or of the room or rooms in house) No. in
Street (or Square) in the Borough of Arima rented by me from C. D.
(or let by me to E. F. as the case may be) is at the rate of per
month (or quarter or year) [and if the declaration is made by the owner
he must say] and that the names of my tenants (or other occupiers of the
house or land) are and that I receive
from (respective names of tenants) \$
per month (or per quarter or per annum as the case may be.)

FORM B.

Warrant of distress on default of payment of rate.

To Bailiff of the Borough of Arima.
I, Mayor of the Borough of Arima, by virtue of the power
vested in me by Section 10 of the Arima House Rate Ordinance 1906, do
hereby authorize and require you to collect and recover the several amounts
due for the house rate in respect of the several houses and parcels of land
described in the list of defaulters hereto annexed and marked "A"
together with an increase of ten per cent. on every such amount; and I
hereby authorize and require you to distrain such goods and chattels as by
Section 11 of the said Ordinance are liable to be distrained for such rate
and such increase, and to proceed thereon for the recovery of the said
rate as the law directs.

Given under my hand at the Town Hall, Arima, this day
of 190 ,

Mayor.

FORM C.

Warrant for Sale.

ARIMA.

To Town Clerk and Treasurer.

Whereas the sum of \$ being the amount of house rate for the year 190 , in respect of the house (or parcel of land) described in the House Rate Book for the said year as No. of due and payable on the First day of June, 190 , is and has for more than three months been in arrear and unpaid ; Now therefore, I , Mayor of the Borough of Arima, do hereby in pursuance of the power vested in me by Section 13 of the Arima House Rate Ordinance 1906, make order that you , Town Clerk and Treasurer, do sell the said house (or parcel of land) No. of , by public auction before the doors of the Town Hall, on the day of 190 , between the hours of and o'clock, p.m., unless such house rate together with a percentage of ten per cent. thereon and the cost of all notices be paid to you before the day of sale.

Given under my hand at the Town Hall, Arima, this day of 190 .

Mayor.

FORM D.

This Deed made the day of 190 , between Town Clerk and Treasurer of the One part and of the Other part. Whereas in pursuance of a warrant under the hand of the Mayor dated the day of 190 , the house (or parcel of land, as the case may be) number of was put up for sale by Public Auction before the doors of the Town Hall on the day of 190 , between the hours of and o'clock, p.m., and at such sale the said offered the sum of \$ for the said house (or parcel of land) and was the highest bidder for the same. Now this Deed Witnesseth that in consideration of the sum of \$ paid by the said to the said as such Town Clerk and Treasurer (the receipt whereof is hereby acknowledged) the said as such Town Clerk and Treasurer under and by virtue of the power vested in him by Section 14 of the Arima House Rate Ordinance 1906, and of every other power enabling him in this behalf, hereby conveys unto the said

All that certain house (or parcel of land, as the case may be) number of To Hold the same unto and to the use of the said in fee simple. In Witness whereof the said as such Town Clerk and Treasurer has hereunto set his hand the day and year first herein written.

Signed and delivered by the within named as such Town Clerk and Treasurer in the presence of

Town Clerk and Treasurer.