

TRINIDAD AND TOBAGO.

Town Board.

No. *19*.—1907.

8th April.

AN ORDINANCE to provide for the constitution and powers of the Port-of-Spain Town Board.

H. Jackson

Governor.

15th April, 1907

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 Port-of-Spain Short title. Town Board Ordinance, 1907.

2. In this Ordinance the term

Interpretation.

“The Waterworks Ordinances” means and includes the Ordinances Nos. 283, 33 of 1905 and 24 of 1906.

“The Sewerage Ordinances” means and includes the Ordinances Nos. 219, 284 and 32 of 1905.

“The Town” means the Town of Port-of-Spain as defined by the Port-of-Spain Ordinance, No. 211.

“The Water Authority” means the Water Authority constituted under Ordinance No. 283.

“The Sewerage Board” means the Sewerage Board constituted under Ordinance No. 284.

“The Town Commissioners” means the Commissioners appointed under the Port-of-Spain Ordinance, No. 211.

“The Board” means the Port-of-Spain Town Board constituted under this Ordinance.

“Waterworks District” means the district defined in Section 2 of Ordinance No. 283.

“Householder” means any male person of full age

(a.) who pays rates or taxes in respect of property within the Town or the Waterworks District, or

(b.) who on the last day of February in any year and for twelve months immediately previous thereto shall have occupied any house within the Town or the Waterworks District at a rental of not less than twenty pounds sterling.

Town Board
created.
Transfer of
powers,
property, etc.

3.—(1.) On the commencement of this Ordinance all the functions of the Town Commissioners, the Water Authority and the Sewerage Board shall cease and determine, and all appointments made by the Governor under Section 4 of Ordinance No. 211 and Section 3 of Ordinance No. 283 shall also be determined.

(2.) On the commencement of this Ordinance a Board shall be established, to be called the Port-of-Spain Town Board, to take the place of the Town Commissioners, the Water Authority and the Sewerage Board, and shall consist of eleven Commissioners to be nominated by the Governor, who shall be householders within the Town or the Waterworks District.

(3.) The Commissioners in this section mentioned (hereinafter called “the Commissioners,”) shall be a body corporate by the title of “the Port-of-Spain Town Board,” with perpetual succession and the right of suing and being sued, and shall have a common seal to be approved by the Governor and from time to time altered by him.

(4.) On the commencement of this Ordinance all the powers, authorities, interests, rights and privileges vested in the Town Commissioners, the Water Authority and the Sewerage Board or any of them shall be transferred to and vest in the Board. And all property, real and personal, dues, chattels and valuable securities belonging to the said bodies, and all moneys, funds, rates, tolls, dues, charges, rents, issues, fines, perquisites, profits, emoluments and advantages, claims and demands whatsoever or howsoever payable to which the said bodies are entitled shall also be transferred to and vest in the Board.

(5.) On the commencement of this Ordinance all debts and claims now or hereafter to become due from and payable by the Town Commissioners Water Authority and Sewerage Board or any of them shall be discharged and paid by the Board in the same manner at the same time and subject to the same conditions as the same respectively would have been due and payable from and by the respective bodies aforesaid if they had continued to exist.

4. The Governor may from time to time appoint for such period as he may think fit one of the members of the Board as Chief Commissioner who shall in respect of his duties as Chief Commissioner receive from the income of the Board such salary as the Legislative Council may from time to time prescribe.

Appointment
of Commis-
sioners.

5. A Commissioner shall be removable from office by order of the Governor in the event of his failing to attend any three consecutive meetings of the Board without leave or lawful excuse. In case of the absence on leave of any Commissioner, the Governor may appoint any person similarly qualified to act in his place.

Removal of
Commissioner
from office.

6. Where in any Ordinance any reference is made to the Port-of-Spain Town Commissioners, the Port-of-Spain Water Authority or the Port-of-Spain Sewerage Board, such reference shall after the commencement hereof be deemed to be to the Board.

Reference in
Ordinances to
existing bodies.

Saving existing
contracts etc.

7. All agreements, bonds, contracts, conveyances, deeds and other instruments affecting the Town Commissioners, the Water Authority and the Sewerage Board or any of them and in force at the commencement of this Ordinance shall after such commencement be as binding and of as full force and effect against or in favour of the Port-of-Spain Town Board, and may be enforced as fully and effectually, as if instead of the Town Commissioners, the Water Authority or the Sewerage Board, the Port-of-Spain Town Board had been a party thereto.

Conveyances
of land, etc.

8. All conveyances, grants of land or of easements, rights, powers or privileges in over or affecting any lands made and executed to or in favour of the Town Commissioners, the Water Authority and the Sewerage Board or any of them, which would have been good and valid if made and executed to or in favour of the Port-of-Spain Town Board, shall, after the commencement of this Ordinance, be as good valid and effectual to all intents and purposes as if made and executed to or in favour of the Board.

Chairman
Quorum.

9. The Chief Commissioner shall be *ex officio* Chairman of the Board and shall preside at all meetings of the Board at which he is present. In case of his absence the members present and constituting a quorum shall elect a Chairman from among their number. At any meeting of the Board five members shall form a quorum for the transaction of business.

The Board shall meet at such times as may be appointed by the Chief Commissioner but not less than once in each calendar month.

No act or proceeding of the Board shall be invalidated or questioned on account of any vacancy among the members of the Board or of any defect in their appointment.

Appointment
of committees.

10. The Board 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 think fit, for any purposes which in the opinion of the Board would be better regulated and managed by means of such committees; but the acts of every such committee shall be submitted to the Board for their approval.

No act or proceeding of any committee shall be invalidated by reason of any vacancy or vacancies among its members, or by any defect in the mode of appointment of such committee.

11. It shall be lawful for the Board to make such rules and regulations for the good government of the Board and of the proceedings at its meetings and the form and order of its debates as to the Board shall seem proper. Provided that such rules and regulations shall not be inconsistent with the provisions of this Ordinance. Rules for meetings and debates.

12. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, purporting to be signed by the Chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the Chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings, and until the contrary is proved every meeting when minutes of the proceedings have been so made shall be deemed to have been duly convened and held and all proceedings thereat to have been duly had. Evidence of proceedings of Board.

13.—(a.) All powers duties and acts vested in, imposed on and required to be done by the Chief Commissioner and the Town Clerk and Treasurer under the Port-of-Spain House Tax Ordinance No. 207 and the Port-of-Spain Ordinance No. 211, or any other Ordinance, and all powers duties and acts vested in imposed on and required to be done by the Chairman or the Secretary under the Waterworks Ordinances and the Sewerage Ordinances or under any other Ordinance, shall from and after the commencement of this Ordinance and subject to the provisions hereof be vested in imposed on and done by the Chief Commissioner appointed under this Ordinance and the Town Clerk and Treasurer respectively. Transfer of powers of certain officers.

(b.) All powers, duties and acts vested in, imposed on, or required to be done by or to the Town Superintendent by the Port-of-Spain Ordinance No. 211, the Port-of-Spain Streets Management Ordinance No. 201 or any other Ordinance or under any bye-laws, rules and regulations in force at the commencement of this Ordinance, shall from and after such commencement vest in, be imposed on and be done by or to an officer of the Board to be designated "the

Town Engineer," and "the Town Engineer" shall be deemed to be substituted for "the Town Superintendent" wherever the latter expression occurs in any such Ordinance, bye-law, rule or regulation.

(c.) All powers, duties and acts vested in imposed on or required to be done by or to the Director of Public Works by the Port-of-Spain Building Ordinance No. 220 and by the Port-of-Spain Suburban Building Ordinance No. 221 so far as such parts of the suburbs as are now included within the limits of the Town of Port-of-Spain as defined in the Port-of-Spain Ordinance No. 211 are concerned or under any bye-laws rules or regulations framed thereunder in force at the commencement of this Ordinance shall from and after such commencement vest in be imposed on and be done by or to the Town Engineer and the Town Engineer shall be deemed to be substituted for the Director of Public Works wherever the latter expression occurs in any such Ordinance bye-law rule or regulation.

Continuance of
officers and
servants.

14. The officers and servants of the Town Commissioners, the Water Authority and the Sewerage Board who hold office at the commencement of this Ordinance shall after such commencement continue to hold their offices by the same tenure and upon the same terms and conditions as if this Ordinance had not passed, and the Board shall with regard to its officers have the powers relating to superannuation allowances which are conferred by Sections 69 to 75 of Ordinance No. 210.

Powers of
Board as to
assessment.

15. From and after the 30th day of June 1907 Section 13 of Ordinance No. 211 shall be repealed and all powers and duties incident or attaching to the office of Town Assessor shall be transferred to and be exercisable by the Board; and as regards property situate outside the limits of the Town and within the Waterworks and Sewerage districts, the Board shall have all the powers relating to assessment conferred upon the Water Authority and the Sewerage Board by the Waterworks Ordinances and the Sewerage Ordinances.

In this section the term "Waterworks and Sewerage Districts" means the districts defined in Section 2 of Ordinance No. 283 and Section 2 of Ordinance No. 219.

16. The Board shall on or before the first day of March in each year prepare and submit to the Governor a true estimate of the income receivable and the expenditure to be incurred during such year, and the Governor shall submit the same at their next meeting to the Legislative Council which may approve or amend the same ; and no further sums shall be expended in each year thereafter than as provided in such estimates, unless the same has been included in a supplemental estimate of expenditure to be from time to time submitted and approved in like manner when deemed necessary. Provided that the Board may by resolution at any time during the year authorize a saving under any sub-head of recurrent expenditure in such estimates to be applied to meet an excess under another sub-head. Provided always that in respect of such portion of any year as may have elapsed before the sanction of the estimate for such year, it shall be lawful for the Board provisionally to expend in each week in respect of any matter, any sum not exceeding one fifty-second part of the estimate for similar work services or salaries in the previous financial year, or by leave of the Governor any such further sum as the Governor shall sanction.

Estimates of
income and
expenditure.

Provided further that for the year beginning on the 1st day of April 1907 and ending on the 31st day of March 1908 the estimates of revenue and expenditure prepared by the Town Commissioners, the Water Authority and the Sewerage Board respectively and approved by the Governor shall be the approved estimates of the Board.

17. The Board shall keep separate accounts of the revenue from rates charges and other sums paid under the Waterworks Ordinances and the Sewerage Ordinances respectively and of the expenditure under the same in accordance with the provisions of the said Ordinances.

Water and
sewerage
accounts.

18. The accounts of the Board shall be subject to audit by the Auditor-General in all respects as if the Board were a department of the Public Service of the Colony accountable to the Governor in respect of moneys received or expended in the business of such department, and with the same right of surcharge against the Chief Commissioner as

Audit of
accounts.

if he were the chief of such Department authorizing the expenditure thereof, or if he shall have recorded his dissent from any expenditure, against such Commissioners as shall have authorized the same.

The Board shall pay from its income in each year in respect of such audit, such amount as may from time to time be fixed by the Legislative Council.

Warrants for
sale.

19. The warrant for sale under Section 17 of the Port-of-Spain House Tax Ordinance (No. 207) and under Section 12 of the Port-of-Spain Sewerage Ordinance 1905 (No. 32-1905) and under Section 21 of the Port-of-Spain Waterworks Amendment Ordinance, 1905, (No. 33-1905) may be for the sale of all tenements and premises in respect of which house rates sewerage rates or water rates respectively are due as provided by the said Sections, and may be in the form in Schedule A to this Ordinance, with such additions and variations as circumstances may require.

Notices,
orders, etc.

20. Notices, orders, accounts and any other documents required or authorized to be given served or delivered under this Ordinance or under the Ordinances Nos. 211, 207 and 201 or any of the Waterworks or Sewerage Ordinances or any other Ordinance under which notices, orders, accounts or other documents are required or authorized to be given served or delivered by the Board, or under any Bye-laws and Regulations made under any of such Ordinances, may be either in print or in writing or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the Town Clerk or any other duly authorized officer of the Board being affixed thereto in print or in writing; and it shall be sufficient in all cases where any such 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 by his description as "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 or any of the Ordinances aforesaid or

any of such Bye-laws or Regulations, 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.

21. All such bye-laws, rules, regulations, orders, notices, accounts and other documents of the Town Commissioners, the Water Authority and the Sewerage Board or any of them as are in force at or have been made given served delivered or issued before the commencement of this Ordinance, shall after such commencement continue in force and operation, until revoked or amended by the Board and the Board may enforce the same and take action thereon in the same manner as if the same had been made issued or served by the Board.

Saving existing bye-laws, rules, etc.

22. All resolutions and decisions of the Town Commissioners, the Water Authority and the Sewerage Board or any of them in force at the commencement of this Ordinance shall, subject to the provisions of this Ordinance, continue in force after such commencement and shall be binding on the Board as if the same were resolutions and decisions of the Board.

Saving resolution of existing bodies.

23 All notices accounts and orders given served and delivered and all acts done and proceedings taken by the Town Commissioners, the Water Authority and the Sewerage Board or any of them in execution of any of their powers and duties under any Ordinance or in pursuance of any resolutions or decisions of such bodies or of any of them, shall be deemed to be orders and notices served or given by the Board and acts or proceedings of the Board.

Notices and orders of existing bodies.

24. Any action suit prosecution or other proceeding whatsoever commenced either by or against the Town Commissioners, the Water Authority or the Sewerage Board or any of them or any of their officers or servants on their behalf before the commencement of this Ordinance shall not abate or be discontinued or prejudicially affected by the passing of this Ordinance, but may be continued prosecuted and enforced by or against the Board as successors of the said Town Commissioners, Water Authority and Sewerage Board or any of them in like manner to all intents and

Pending actions, etc.

purposes as if this Ordinance had not been passed, save only that the Board shall be substituted therein for the Town Commissioners, the Water Authority and the Sewerage Board as the case may be.

Repeal.

25.—(a.) The enactments referred to in Schedule B to this Ordinance are hereby repealed to the extent specified in the third column of the said Schedule.

(b.) All laws, bye-laws, rules and regulations inconsistent with the provisions of this Ordinance are hereby repealed.

(c.) The repeals by this Ordinance enacted shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or incompleated at the commencement of this Ordinance.

Commence-
ment.

26. This Ordinance shall commence on the First day of May in the year of Our Lord one thousand nine hundred and seven.

Passed in Council this Eighth day of April, in the year of Our Lord one thousand nine hundred and seven.

Alfred Gaird.

Acting Clerk of the Council.

SCHEDULE A.

Warrant for Sale.

I,....., Chief Commissioner of the Port-of-Spain Town Board in pursuance of the powers vested in me by the.....Ordinance, No..... do hereby order you.....to sell or cause to be sold by public auction aton the.....day of..... between the hours of.....and.....the several houses and parcels of land enumerated in the list attached hereto in respect of which the sums set opposite the description of such houses and parcels of land are respectively due and payable under the provisions of the.....Ordinance, No.....and have been for more than three months in arrear and unpaid; Save and except those of the aforesaid houses and parcels of land in respect of which there shall have been paid to the Port-of-Spain Town Board before such sale the sums so due and payable together with the increase of ten per centum prescribed by the said Ordinance, and the costs and expenses of and incidental to such sale.

Chief Commissioner.

SCHEDULE B.

Enactments repealed.

No. of Ordinance.	Title.	Extent of repeal.
207	The Port-of-Spain House Tax Ordinance.	<p>In Section 10 the words "and the Assessor shall deliver such book so completed to the Town Clerk on or before the 15th day of May, in every year."</p> <p>In Section 17 the words "The warrant for sale to be given by the Chief Commissioner under this section may be according to the form marked B in the schedule to this Ordinance," and Form B of the schedule.</p>
211	The Port-of-Spain Ordinance	Sections 4, 8, 9, 17 and 18 and Sub-section (a) of Section 10 and in Section 3 the words "in the next section hereof mentioned."
219	The Port-of-Spain Sewerage Ordinance.	Sections 9, 18, 19, 21 and 27.
283	The Port-of-Spain Waterworks Ordinance.	Sections 3, 4, 23 and 24.
284	The Sewerage (Amendment) Ordinance.	Section 4.
32-1905	The Port-of-Spain Sewerage Ordinance, 1905.	Sections 4 and 5 Sub-section (2) of Section 12 and Form B of Schedule II.
33-1905	The Port-of-Spain Waterworks (Amendment) Ordinance, 1905.	Sections 4 and 5.
24-1906	The Port-of-Spain Waterworks (Amendment) Ordinance, 1906.	Section 9 and the Schedule.