

TRINIDAD AND TOBAGO.

No. 45.—1920.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor.

16th November, 1920.

AN ORDINANCE to provide for the regulation of the Opening Hours of shops and also of premises licensed for the sale of intoxicating liquor.

[16th November, 1920.]

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 Shop Hours Short title. Ordinance, 1920.

2. In this Ordinance, unless the context otherwise Interpre- requires, the expression "shop" includes any premises or tation. place where retail trade or business (including the businesses of a barber and pawnbroker) is carried on, and also refreshment houses, restaurants, and cook shops of any kind, and also all premises licensed for the sale of any intoxicating liquor except clubs registered under the Liquor Licenses (Amendment) Ordinance, 1917.

Ordinances
26—1917.

Power to make closing orders.

3.—(1.) The Governor in Executive Council may, if he thinks fit, from time to time make an order (in this Ordinance referred to as a "shop hours order") fixing the hours (in this Ordinance referred to as the "opening hours") on the several days of the week, including Sundays and public holidays, during which, either throughout the whole Colony or in any specified area of the Colony, all shops or shops of any specified class may be open for serving customers.

(2.) A shop hours order may be varied from time to time or revoked.

(3.) Every shop hours order and every variation of a shop hours order shall be published in the *Royal Gazette* (which shall be judicially noticed), and shall not become operative until it has been approved by resolution of the Legislative Council.

Number of opening hours.

4.—(1.) A shop hours order may limit to any extent the opening hours of, or may absolutely prohibit the opening of, a shop on any public holiday and on Sundays.

(2.) Save as aforesaid, the opening hours fixed by a shop hours order for any week day shall be not less than eight, except that on one specified week day in each week the opening hours may be not less than five.

(3.) The opening hours fixed by any shop hours order may from time to time be shortened (but not further than could have been done by the shop hours order) or extended for any specified day or period.

Hours of employment outside opening hours.

5. A shop hours order may prohibit or restrict the employment in or about any shop outside opening hours of any person who has been employed in or about any shop during opening hours, and may impose conditions on such employment.

Places other than shops.

6. A shop hours order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade or business outside the opening hours in any place (not

being a shop) within the area to which the order applies, and provide that any such place shall for the purposes of this Ordinance be deemed to be a shop.

7.—(1.) A shop hours order may—

Exemptions.

- (a.) Exempt shops below any specified rental value from the operation of the order, either absolutely or subject to any conditions.
- (b.) Permit a shop to be opened outside the opening hours for any purpose specified in the order.
- (c.) Authorize sales or transactions outside the opening hours for any purpose specified in the order or of any specified thing or in any circumstances specified in the order ; and
- (d.) Contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

(2.) Nothing in a shop hours order shall apply to a market lawfully held or to a bazaar for charitable, religious, or public purposes.

8. Where more trades or businesses than one are carried on in the same shop and any of those trades or businesses is of such a nature that, if it was the only trade or business carried on in the shop, the shop hours order would not apply to the shop, the shop may be open outside the opening hours for the purposes of that trade and business alone, but on such terms and under such conditions as may be specified in the shop hours order.

Shops carrying on more trades than one.

9.—(1.) If outside the opening hours fixed by any shop hours order, any shop to which the order applies is opened or kept open except as permitted by the shop hours order or, except as aforesaid, any retail sale or transaction is effected or attempted to be effected in any such shop, or if with respect to any such shop there is any contravention of the provisions or conditions of any shop hours order, the owner and manager of the shop, whether present at the time or not, shall each be liable on summary conviction before a magistrate to a fine not exceeding fifty pounds.

Fine for breach of closing order.

(2.) But nothing in this Ordinance or any shop hours order shall render any person liable to a fine by reason only that a transaction with a person in a shop at the end of the opening hours is commenced or completed after the end of the opening hours with reference to any article not being intoxicating liquor.

Consequential amendment to s. 62 of Ord. 177.

10. In sub-section (1) of section sixty-two of the Liquor Licenses Ordinance (of which the marginal note is "Penalty where person is found on licensed premises during closing hours") the words

"Subject as hereinbefore provided, if at any time
 "during which any licensed premises are
 "required under the provisions of this Ordinance
 "to be closed, such premises are open for the
 "sale of intoxicating liquor"

are hereby amended so as to read as follows:—

"Subject as hereinbefore provided, if at any time
 "outside the opening hours fixed by a shop hours
 "order made under the Shop Hours Ordinance,
 "1920, any licensed premises are opened for the
 "sale of intoxicating liquor except as permitted
 "by a shop hours order."

Saving of provisions of Liquor Licenses Ordinance, No. 177.

11. Nothing in any shop hours order shall—

- (a.) Prevent a person licensed to sell intoxicating liquors for consumption on the premises from selling such liquors to a *bona fide* guest or traveller at any time,
- (b.) Affect the power of the Governor under section sixty-one of the Liquor Licenses Ordinance to authorize an extension of time during which any licensed premises may be kept open for the sale of intoxicating liquor,
- (c.) Affect the power of a magistrate or two Justices of the peace under section seventy-two of the Liquor Licenses Ordinance to order the closing of licensed premises, or
- (d.) Affect the power of granting special licenses conferred by section fifty-eight of the Liquor Licenses Ordinance.

12.—(1.) The enactments mentioned in the schedule to this Ordinance are hereby repealed to the extent specified in the third column of that schedule.

(2.) But the foregoing repeals shall not be operative with respect to any enactment unless and until a shop hours order purporting to be in substitution for that enactment comes into operation.

(3.) A statement in a shop hours order that the order or any provision in the order is in substitution for any such enactment shall be conclusive.

SCHEDULE

Enactments Repealed.

Ordinance No. or No. and year.	Short Title.	Ext. of Repeal.
No. 177	The Liquor Licensing Ordinance	Section 61 except the proviso of which the municipal notice "extension order on special grounds."
of 1916	The Summary Convictions (Offences) (Amendment) Ordinance, 1916	Sections 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36.
of 1920	The Summary Convictions (Offences) (Amendment) Ordinance, 1920	Sections 2, 3, 4 and 7.

Passed in Council this fifth day of November, in the year of Our Lord one thousand nine hundred and twenty.

G. D. OWEN,
Acting Clerk of the Council.

THE OIL POLLUTION AND WATER CONSERVATION ORDINANCE, 1920.

ARRANGEMENT OF SECTIONS.

PART I.

Interpretation and constitution of Oil and Water Board.

SECTION

1. Short title.
2. Interpretation.
3. Constitution of Oil and Water Board.
4. Style and Seal of Board.
5. Procedure of Board.
6. Power to fix and enlarge time.
7. Appeals.
8. Representation of persons under disability.
9. Power to examine witnesses.
10. Evidence.

PART II.

Licences for oil mining operations causing pollution to land.

11. Meaning of pollution.
12. Duty of Board to assess damages for pollution.
13. Licences for oil mining operations causing pollution.
14. Who may apply for oil licence.
15. Form of application.
16. Public inquiry.
17. Contents of oil licence.
18. Power to vary and revoke oil licence.
19. Works for preventing pollution.
20. Offers to purchase polluted land.
21. Pollution of water supply.
22. Clearing obstructions in watercourses.
23. Prescriptive and granted rights to pollute.
24. Regulation of right to compensation.
25. Injunctions restraining oil mining operations.

PART III.

Licences to abstract water for industrial purposes.

26. Licences for abstraction of water.
27. Who may apply for water licence.
28. Form of application.
29. Consent of owner of site of waterworks.
30. Public inquiry.
31. Contents of water licence.
32. Existing waterworks.
33. Power to vary and revoke water licence.
34. Compensatory water for lower riparian owners.
35. Supply to lower riparian owner for industrial purposes.
36. Supply to persons other than riparian owners.

ARRANGEMENT OF SECTIONS.—CONTINUED.

PART III.—Continued.

37. Several licences for same watercourse.
38. Prevention of waste.
39. Entry by licensee on other persons' lands.
40. Abandonment of industry by licensee.
41. Prescriptive and granted rights to water.
42. Compensation for damage by abstraction of water.
43. Injunctions with respect to water licences.

PART IV.

*Inspection of reservoirs and dams and matters common to both
oil and water licences.*

44. Inspection of reservoirs and dams.
45. Offers to purchase.
46. Transfer of licences.
47. Proof of negligence.
48. Award of damages by courts of justice.
49. Security for compensation.
50. Evidence as to damage.
51. Costs.
52. Apportionment of compensation among persons liable.
53. Disposal of compensation where land does not belong to single owner.
54. Employment of inspectors.
55. Enforcement of orders of the Board.
56. Fine for contravention of Ordinance.
57. Power to make rules and prescribe fees.
58. Commencement.