

See also Order 9/45



TRINIDAD AND TOBAGO.

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No. 32—1943.

[L.S.]

I ASSENT.

A. B. WRIGHT,
Acting Governor,
4th October, 1943.

AN ORDINANCE to amend the San Fernando Corporation
Ordinance, Ch. 39. No. 7.

[15th October, 1943.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof.

1. This Ordinance may be cited as the San Fernando Corporation (Amendment) Ordinance, 1943, and shall be read and construed as one with the San Fernando Corporation Ordinance, as amended by the San Fernando Corporation (Amendment) Ordinance, 1941, which Ordinance as so amended is hereinafter referred to as the Principal Ordinance.

Short title and construction.
Ch. 39. No. 7.
No. 35 of 1941.

Section 110 (2) and (3) of the Principal Ordinance replaced.

2. Subsections (2) and (3) of section 110 of the Principal Ordinance are hereby repealed and replaced by the following subsections:—

“ Statutory increase.

(2) Subject to the provisions of sections 312C, 312D and 312E, every such rate remaining unpaid for a period of thirty days after the same shall have become due shall be increased by a sum equal to six per centum of such rate, and if such rate still remains unpaid for a period of one year after the expiration of the said period of thirty days it shall be further increased by an additional sum equal to six per centum of such rate.

Duty to sell hereditament.

(3) If any part of such rate or of the increase thereof remains unpaid for a period of two years after the date on which the said rate became due the Town Clerk shall forthwith thereafter cause the hereditament in respect of which the amount is due to be sold in accordance with the provisions of the Rates and Charges Recovery Ordinance, and the Mayor and every other officer of the Corporation shall forthwith do every act and thing requisite for effecting every such sale: Provided that the Mayor shall not be at liberty to exercise the discretion to postpone the sale given to him by the proviso to section 13 of the Rates and Charges Recovery Ordinance.”

Ch. 33, No. 8.

Section 164A of the Principal Ordinance repealed.

3. Section 164A of the Principal Ordinance is hereby repealed.

Subsection (2) of section 278 of the Principal Ordinance replaced by new subsections (2) and (3)

4. Subsection (2) of section 278 of the Principal Ordinance is hereby repealed and replaced by the following two subsections:—

“ Statutory increase.

(2) Subject to the provisions of sections 312C, 312D and 312E, any such rate remaining unpaid for a period of sixty days after the same shall have become due shall be increased by a sum equal to six per centum of such rate, and, if such rate shall remain unpaid for a period of one year after the expiration of the said period of sixty days, it shall be further increased by an additional sum equal to six per centum of such rate.

Duty to sell
hereditament.

(3) If any part of such rate or increase remains unpaid for a further period of eight months, the Town Clerk, the Mayor and every officer of the Corporation shall forthwith act in accordance with the provisions of subsection (3) of section 110 of this Ordinance, as if a case had arisen under the provisions of such subsection for the sale of the hereditament in respect of which such rate or increase is payable."

5. The Principal Ordinance is hereby amended by the addition thereto as Part XIIA thereof of the following sections numbered 297A and 297B, namely:—

New Part
XIIA of the
Principal
Ordinance.

"PART XIIA.

ERECTING, KEEPING OR USING PUMPS FOR SUPPLY OF
PETROL.

Licence for
petrol pumps.
Ch. 26. No. 2.

297A. (1) Subject to the provisions of the Petroleum Ordinance, it shall be lawful for the Corporation to grant a licence to any person to erect or keep or use a pump and other appliances for the sale of gasoline, air and water on any premises or places within the Borough; and such licences shall be subject to the payment of such fees as may be prescribed by the Council, and to the erection, keeping or using of such pump and appliances in such position and of such designs as may in each case be determined by the Council: Provided that, as regards any such pumps and appliances which have been erected prior to the 15th of October, 1943, the Council shall not refuse its licence if application therefor is duly made and the prescribed fee is paid.

(2) Any person who erects or keeps or uses any such pump or other appliances without having a licence in force under this section authorising him to do so, or who retains or keeps or uses any such pump or appliances on any premises or place after the date of the expiration of any licence granted under this section, shall be liable to a fine of forty-eight dollars, and to a further continuing fine of five dollars for every day on which such pump or other appliances remain so erected or kept or used without a licence in force under this section.

STORAGE AND KEEPING OF LUMBER, TIMBER, &C.

Licence to
store lumber
or timber.

297B. (1) It shall not be lawful for any person to use any premises or places within the Borough for storing or keeping lumber or timber for sale or delivery without first having obtained from the Corporation a licence for that purpose.

(2) The Corporation may grant a licence to any person to use any premises or places within the Borough for the storage or keeping of lumber or timber for sale or delivery, upon such terms and subject to such conditions, and upon the payment of such licence fee as may be appointed by resolution of the Council; and the Council may make such regulations in accordance with section 298 of this Ordinance as to the keeping or storage of lumber or timber for sale or delivery as they may deem necessary."

Heading above
section 311 of
the Principal
Ordinance
replaced.

6. The heading "Statutory charge on premises to have priority over all encumbrances" immediately above section 311 of the Principal Ordinance is hereby replaced by the following:—

"GENERAL PROVISIONS AS TO RATES, CHARGES, &c."

New sections
312B, 312C,
312D, and
312E added
to the
Principal
Ordinance.

7. The Principal Ordinance is hereby amended by the addition thereto immediately after section 312A thereof of the following sections:—

"Rates to be
based on the
valuations in
House Rate
Books.

312B. All rates leviable by the Corporation under the provisions of this Ordinance or of any other Ordinance, whether passed before or after the commencement of this Ordinance, shall be based on the valuations in the House Rate Book for the time being in force for the current year, and shall become due on the days prescribed in this Ordinance for the payment thereof and the rates payable in respect of any rateable hereditament shall be recoverable at the times and in the manner prescribed by this Ordinance or by any other Ordinance, whether passed before or after the commencement of this Ordinance, notwithstanding (save as otherwise expressly provided) any objection or appeal which may be pending under the provisions of this Ordinance.

Rates to be
due not with-
standing
objection or
appeal.

Cases where additional or smaller sum payable as a result of objection or appeal.

312C. (1) In this section and in sections 312D and 312E, the expression "prescribed date" in relation to any hereditament means the date on which any period specified in this Ordinance as the period during which notice of objection or appeal may be given comes to an end or, if notice of objection or appeal is given within any such period, the date on which notice of the decision of the Corporation is given to the objector or the date of the decision of the Magistrate or the Full Court, as the case may be, or, if the appeal is abandoned or fails by reason of the non-prosecution thereof, the date on which it is so abandoned or fails.

(2) Where, as the result of the determination of any objection or appeal under this Ordinance as to the rateable value of a hereditament or as the result of any such objection or appeal being abandoned or failing by reason of the non-prosecution thereof, it appears that any sum should be refunded, or that any additional sum should be paid, in respect of any rate, the following provisions shall have effect, that is to say—

- (a) the refund shall be made as soon as possible after the prescribed date;
- (b) the additional sum shall be due and payable within twenty-one days after the prescribed date, and shall be liable to the statutory increases, and shall be recoverable and recovered, according to the provisions applicable to the rate save that those provisions shall have effect as if the first statutory increase was due on the expiration of the twenty-one days aforesaid or the date on which any other sum (if any) payable in respect of the rate first becomes liable to the statutory increase, whichever last happens.

Cases in which rateable value of a hereditament increased since it was last determined.

312D. (1) This section shall apply in every case in which all the following circumstances are present as regards any hereditament, namely:—

- (a) the prescribed date is less than seven clear days before the day on which the rate payable in respect of the hereditament would have first become liable but for this section to the statutory increase thereof; and
- (b) the rateable value of the hereditament which is or may be in question was not that determined for the first time and the rateable value as then determined is more than the rateable value last previously determined.

(2) In cases to which this section applies, so much of the rate as would have been payable if the rateable value had not been increased shall be payable in the first instance and shall be so payable, and shall be liable to the statutory increases, and shall be recoverable and recovered, as if it was the actual rate. Subject thereto, the amount payable shall be adjusted in accordance with the provisions of subsection (2) of section 312C.

Special provisions as to the year 1942.

312E. Where the rateable value of any hereditament determined by the Corporation in the year 1942 has been questioned by objection or appeal, this Ordinance shall have effect as respects any rate payable in respect of the hereditament and not paid on the 1st of November, 1943, subject to the following modifications, that is to say—

- (a) where section 312D would, save as provided in this section, apply but for the fact that the rateable value determined in the year 1942 does not exceed the rateable value last previously determined, the rate shall be payable on the 1st of November, 1943, and shall be liable to the statutory increases and shall be recoverable and

recovered according to the provisions applicable to the rate save that those provisions shall have effect as if the first statutory increase was due on the 1st of November, 1943 ;

(b) where section 312D would, save as provided in this section, apply, the sum mentioned in that section shall be payable on the 1st of November, 1943, and shall be liable to the statutory increases and shall be recoverable and recovered according to the provisions applicable to the rate save that those provisions shall have effect as if the first statutory increase was due on the 1st of November, 1943 ;

(c) section 312c shall have effect subject to the following modifications, that is to say—

(i) any refund not already made shall be made as soon as possible after the 1st of November, 1943 ;

(ii) any additional sum, if the date on which the same was due and payable has expired before the 1st of November, 1943, shall be due and payable on the 1st of November, 1943, and paragraph (b) of sub-section (2) of the section shall apply accordingly.”

8. If any statutory increase which has become chargeable since the 1st of April, 1942, or any part of any such statutory increase, has been paid before the coming into force of this Ordinance, and the amount paid or any part thereof would not have been payable if this Ordinance had been enacted before the statutory increase became chargeable, such amount or part thereof shall be repaid by the Corporation to the person who paid the same.

Refunds of
amounts
overpaid.

Passed in Council this first day of October, in the year of Our Lord one thousand nine hundred and forty-three.

W. J. BOOS,
Clerk of the Council.

TRINIDAD AND TOBAGO.
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