

No. 6—1941.

*Port-of-Spain Corporation*

AN ORDINANCE to amend the Port-of-Spain Corporation Ordinance, Ch. 39. No. 1.

[29th May, 1941.]

Commencement.

1. This Ordinance may be cited as the Port-of-Spain Corporation (Amendment) Ordinance, 1941, and shall be read as one with the Port-of-Spain Corporation Ordinance, Ch. 39. No. 1. hereinafter referred to as the Principal Ordinance.

2. Section 289 of the Principal Ordinance is hereby amended by deleting therein the definition of "way-leave" and substituting therefor the following:—

"way-leave" means a right to the user of land for the laying of pipes, mains, aqueducts and conduits, together with the right of access to and of opening such land from time to time for the inspection, renewal, repair, replacement or removal of any such pipes, mains, aqueducts or conduits, and the right to restore any such land which has been opened, without in any such case affecting the ownership of such land.

3. The Principal Ordinance is hereby further amended by inserting immediately after section 294 thereof the following sub-title and section:—

*Power to lay pipes, &c., through, across or under streets.*

Power to lay pipes.

294A. (1) Notwithstanding any provision of law (other than this section) to the contrary, but subject to the provisions hereinafter contained in this section, the Corporation may cause such pipes, mains, aqueducts and conduits as they may require for the purpose of carrying out the provisions of this Part of this Ordinance to be carried through, across, along or under any street, or any place laid out as or intended for a street, and shall at all times have the right of access to and of opening any such street or place for the purpose of inspecting, renewing, repairing, replacing or removing and such pipes, mains, aqueducts or

Short title.  
Construction.

Ch. 39. No. 1.

Section 289 of the  
Principal Ordinance amended.

New section 294A  
of the Principal  
Ordinance.

conduits, and shall at all times have the right of access to any such street or place which has been opened up by the Corporation for the purpose of restoring the same.

(2) The power conferred by the preceding subsection to cause pipes, mains, aqueducts or conduits to be carried through, across, along or under any street or place shall not be exercised by the Corporation in any case unless the Corporation shall have caused notice in writing describing the particular work intended to be done to be served on the person interested, as hereinafter defined, at least fourteen days before the commencement of the work and, if written notice of objection to the work is served upon the Corporation within the said fourteen days by or on behalf of the person interested, until such objection has been determined by the Governor in Council.

A notice required by this subsection to be served by the Corporation on any person to whom paragraph (c) of the definition of "person interested" in subsection (5) of this section relates may be served in any manner provided in section 402 or by affixing the same to a notice board in the street or place concerned and the Corporation is hereby authorised to erect any such notice board as may be necessary for such purpose.

(3) Where the Corporation shall have opened any street or place in pursuance of the powers conferred by subsection (1) of this section, the following provisions shall have effect, namely—

- (a) the Corporation shall, with all convenient speed, complete the work on account of which the street or place was opened and fill in the ground and make good the surface and generally restore such street or place to as good a condition as that in which it was before being opened ;
- (b) the Corporation shall cause the place where any street or place is opened to be protected and properly lighted by night.

(4) In the exercise of the powers conferred by subsection (1) of this section, the Corporation shall not stop or impede traffic in any street or place, or into or out of any street or place, further than is necessary for the proper execution of the work.

(5) In this section—

“person interested” means—

- (a) in the case of any such street or place as is mentioned in subsection (1) of this section, being a street or place which is declared by any enactment for the time being in force to be repairable by any statutory corporation or body, such corporation or body ;
- (b) in the case of any other such street or place, being a street or place which is on Crown land or which is repairable by Government or by the Director of Works and Transport, the Director of Works and Transport ;
- (c) in the case of any such street or place other than a street or place described in paragraphs (a) and (b) of this subsection, the owner of such street or place.

“street” includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not and whether the public have a right of way thereover or not ; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street.

4. Subsection (2) of section 314 of the Principal Ordinance is hereby amended by deleting the words “thirty cents” therein and substituting therefor the words “fifty cents”.

Section 314  
of the  
Principal  
Ordinance  
amended.