

TRINIDAD AND TOBAGO.

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No. 14—1937.

I ASSENT,

[L.S.]

M. FLETCHER,

Governor.

26th October, 1937.

28th October, 1937.

AN ORDINANCE to amend the San Fernando Corporation Ordinance, 1935.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title.

No. 40—1935.

Section 11 of
the Principal
Ordinance
replaced.Qualification
of women.Section 12 (1)
(a) of the
Principal
Ordinance
amended.

1. This Ordinance may be cited as the San Fernando Corporation (Amendment) Ordinance, 1937, and shall be read as one with the San Fernando Corporation Ordinance 1935, hereinafter referred to as the Principal Ordinance.

2. Section 11 of the Principal Ordinance is hereby repealed and replaced by the following:—

11. For all purposes connected with and having reference to the right to vote at elections, the qualifications and elections of aldermen and councillors and the election of the Mayor and Deputy-Mayor, words in this Ordinance importing the masculine gender include women, whether married or single.

3. Paragraph (a) of Section 12, sub-section (1), of the Principal Ordinance is hereby amended by deleting the words "is of the male sex" in the last line, and paragraph (a) of the Second Schedule to the Principal Ordinance is hereby amended by deleting the words "I am of the male sex, and" in the first line.

4. Section 16 of the Principal Ordinance shall be numbered 16 (1) and the following sub-section shall be added thereto :—

Section 16 of the Principal Ordinance added to.

(2) For the purpose of defraying the reasonable travelling and other expenses incidental to his office, the Mayor shall be paid out of the ordinary revenues of the Corporation the sum of forty dollars per month.

Mayor's Expenses to be defrayed

5. Section 21 of the Principal Ordinance is hereby amended by substituting for paragraph 2 (b) the following :

Section 21 (2) of the Principal Ordinance amended.

(b) Any person who, being above the age of sixty-five years, or having within five years before the day of his election, either served in any Corporate office or paid the fine for non-acceptance thereof, or having served in a Corporate Office or in different Corporate Offices for an aggregate period of six years, claims exemption within five days after notice of his election ; and

6. Section 24 of the Principal Ordinance is hereby amended by adding at the end of sub-section (3) the following :—

Section 24 (3) of the Principal Ordinance amended.

“nor shall any person holding a Corporate Office who resigns such office at any time be liable to pay any such fine if he has previously served in any Corporate Office for six years and any period of such service falls within five years of the date of such resignation.”

7. Section 26 of the Principal Ordinance is hereby amended by inserting after paragraph (d) of sub-section (1) the following :—

Section 26 of the Principal Ordinance amended.

“or (e) is convicted of treason or felony, or of any offence involving dishonesty, or

(f) ceases to be enrolled on the Burgess roll”.

8. Sub-sections (2) and (3) of Section 48 of the Principal Ordinance are hereby repealed and replaced by the following sub-section :—

Section 48 of the Principal Ordinance amended.

(2) Any Borough Constable who, after due inquiry by the Mayor or by any Committee of the Council, is found guilty of neglect of duty,

Offences by Borough constables.

breach of discipline, insubordination or misconduct or wilful breach of any of such regulations, shall be liable to any of the following punishments:—

- (a) a fine not exceeding twenty-four dollars, which may, at the discretion of the Mayor, be deducted from his pay by such instalments as may be ordered;
- (b) suspension by the Council from duty without pay or at such reduced pay as the Council may direct, for such period not exceeding three months as the Council may order;
- (c) reduction of salary by any amount not exceeding one quarter of his full pay for such period not exceeding one year as the Council may order.

Section 77 of
the Principal
Ordinance
replaced.

Returning
Officers at
Elections.
Mayor to
preside.

9. Section 77 of the Principal Ordinance is hereby repealed and replaced by the following:—

(1) The Mayor, if not otherwise disqualified, shall be returning officer at the elections of Councillors.

(2) Where more than one polling station is appointed at an election the Mayor shall appoint an Alderman or a Councillor other than a retiring Councillor to be Returning Officer at each such station, other than the one over which he presides, and he shall give notice in at least one newspaper circulating in the Borough of the situation of each such polling station.

(3) If the Mayor is dead or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this part of this Ordinance, and if the Deputy Mayor (if any) is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose an Alderman or a Councillor other than a retiring Councillor to execute those powers and duties in place of the Mayor.

Section 127 of
the Principal
Ordinance
amended.

10. Section 127 of the Principal Ordinance is hereby amended by the addition thereto of the following proviso:—

Provided that for the purpose of acquiring any lands required for public purposes the Mayor shall have the same powers and may follow the same procedure as prescribed under the Land

Acquisition Ordinance, for the compulsory acquisition of lands by the Director of Works and Transport, and the appropriation of moneys for such purposes by the Corporation shall be deemed to be equivalent to the appropriation of moneys towards public works within the meaning of Section 3 of that Ordinance. Cap. 168.

11. Section 129 of the Principal Ordinance is hereby amended by deleting therefrom the definitions of "Warehouse Building", "Domestic Building", and "Dwelling House," and substituting therefor the following definitions respectively :— Section 129 of the Principal Ordinance amended.

"Commercial Building" means a shop, warehouse, factory, foundry, workshop, depot, power-house, every building constructed or used or adapted to be used for a commercial or industrial purpose, and every other building not being a domestic or public building.

"Domestic Building" means a dwelling-house and any out-building appurtenant to a dwelling-house, whether attached thereto or not.

"Dwelling-house" means a dwelling used or constructed or adapted to be used wholly or principally for human habitation.

12. Section 138 of the Principal Ordinance is hereby repealed and replaced by the following :— Section 138 of the Principal Ordinance replaced.

138 (1) It shall be lawful for the Council, with the approval or by direction of the Central Board of Health to take over any existing street which is not repairable by the Council for the purpose of widening or effecting improvements to the drainage or surface of such street and for such purposes to acquire compulsorily in the manner provided by Section 127 of this Ordinance, any land or buildings abutting on such street. Taking over streets and widening or other improvements effected by the Council.

(2) For the purpose of defraying all or any part of the expenses incurred or paid or to be incurred or paid by the Council in exercising the powers contained in sub-section (1) of this section,

the Council may with the approval or by direction of the Central Board of Health levy a rate within any part of the Borough affected by such improvements to be called "The Streets Improvement Rate" in the same manner as is provided for the levying of a General Health Rate by Section 171 of the Public Health Ordinance.

Cap. 98.

Section 178 (1) of the Principal Ordinance amended.

13. Section 178 (1) of the Principal Ordinance is hereby amended by substituting "Town Clerk" for "Town Engineer" in the fifth line thereof.

Section 179 (1) of the Principal Ordinance amended.

14. Section 179 (1) of the Principal Ordinance is hereby amended by substituting "Town Clerk" for "Town Engineer" in the last line thereof.

Section 181 of the Principal Ordinance replaced.

15. Section 181 of the Principal Ordinance is hereby repealed and replaced by the following:—

BUILDINGS.

Restrictions on the alteration or erection of certain buildings.

181.—(1) It shall not be lawful for any person to convert or alter an existing building for a different purpose to that for which it was originally erected, or to erect a new building, without having first obtained the written permission of the Council.

(2) The Council may, in its discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building, intended to be used as a public or commercial building in any particular part of the Borough, if it should appear to the Council that the building is of a type or intended for a purpose not suitable to that part of the Borough, or the Council may grant such permission upon such conditions as the Council may consider necessary to impose.

(3) The Council may, in its discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building, intended as a barrack for the letting out of rooms therein.

(4) No building shall be constructed over any drain, ravine or storm water channel, unless specifically agreed to by the Council and upon such conditions as the Council may consider necessary to impose.

(5) Where any person deems himself aggrieved by any refusal or prohibition on the part of the Council under this section, such person may, within ten days of his being notified of the Council's decision, appeal therefrom by memorial addressed to the Governor in Executive Council (a copy of which shall at the same time be delivered to the Town Clerk), and the Governor may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

16. Section 189 of the Principal Ordinance is hereby repealed and replaced by the following :—

Section 189
of the
Principal
Ordinance
replaced.

189. No person shall put up any verandah, balcony, sunshade, weather frame, or the like, so as to project over the footway of any street, except with the permission of the Council, and in the event of such permission being given, then under and subject to such terms and conditions as shall be therein prescribed :

Verandahs
projecting
over street.

Provided that in no case shall any such verandah, balcony, sunshade, weather frame, or the like projection, be supported on pillars resting on the footway.

17. Sub-section (1) of section 198 of the Principal Ordinance is hereby repealed and replaced by the following :—

Section 198(1)
of the
Principal
Ordinance
replaced.

(1) It shall not be lawful to hold any market for the sale of any fresh meat, fish, turtle, and other commodities in any place in the Borough not being a market under this Ordinance.

Markets
appointed.

18. Section 205 of the Principal Ordinance is hereby amended by adding at the end of paragraph (e) of sub-section (1) the following :—

Section 205 o
the Principal
Ordinance
amended.

and for prohibiting, restricting, or controlling the introduction of fresh meat for sale in the borough ;

Section 263 of
the Principal
Ordinance
amended.

19. Section 263 of the Principal Ordinance is hereby amended by substituting the word "March" for the word "June" in the last line thereof.

Section 278 (2)
of the Princi-
pal Ordinance
replaced.

20. Sub-section (2) of Section 278 of the Principal Ordinance is hereby repealed and replaced by the following :—

Surcharge and
Power of Sale.

(2) Any rate remaining unpaid on the 31st day of December in the year in which it became due shall be surcharged and increased by six per centum, and if on the 31st day of December in the following year the said rate still remains unpaid, it shall be further increased by an additional six per centum. If any part of the rate and surcharge remains unpaid for a further period of seven months 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.

Section 316 of
the Principal
Ordinance
amended.

21. Section 316 of the Principal Ordinance is hereby amended by substituting the words "six per centum" for the words "five per centum" in the 8th line thereof.

1st Schedule
to the Princi-
pal Ordinance
replaced.

22. The First Schedule to the Principal Ordinance setting out the Boundaries of San Fernando as extended by Notice published in the *Royal Gazette* of the 4th March, 1937, is hereby replaced by the First Schedule to this Ordinance.

Regulation 9
in the 7th
Schedule to
the Principal
Ordinance
amended.

23. Regulation 9 of the Building Regulations in the Seventh Schedule to the Principal Ordinance is hereby amended by substituting for the last paragraph thereof the following :—

In places of public assembly, work-shops, retail shops, and similar buildings, not less than one hundred and twenty pounds per superficial foot; in other buildings of the Commercial class, not less than two hundred and twenty-four pounds per superficial foot.

24. Paragraph 13 of the Building Regulations in the Seventh Schedule to the Principal Ordinance is hereby repealed and replaced by the following :—

Regulation 13
in the 7th
Schedule to
the Principal
Ordinance
replaced.

13. Every person who shall erect a new building shall leave between the face or building line and the street alignment an open space which shall be free from any erection thereon above the level of the ground. Such open space shall be at least of such depth, not being less than six feet or more than twelve feet, as the Town Engineer may prescribe for any particular locality.

Open space
between
buildings and
streets.

25. Section 2 of the San Fernando (Rates Recovery) Ordinance, 1932 is hereby repealed.

Repeal.
No. 3—1932.

FIRST SCHEDULE.

BOUNDARIES OF THE BOROUGH OF SAN FERNANDO.

- On the North—By a line starting from a point on the Sea coast in the projection of the southern boundary of Vistabella Estate, and running in a more or less easterly direction along this projected line and along the southern boundary of the Vistabella Estate to a point one hundred and fifty feet from the Pointe-a-Pierre Road, thence running parallel to and one hundred and fifty feet from Pointe-a-Pierre Road, Cane Street and the Circular Road to the point where it intersects London Street: Section 7.
- On the East—From the last mentioned point by a line running parallel to and one hundred and fifty feet from and to the east of the Circular Road till it crosses the Naparima-Mayaro Road, thence in an easterly direction along the southern side of the Naparima-Mayaro Road to a point two hundred feet from Torrance Street, thence running in a more or less southerly direction parallel to and two hundred feet from Torrance Street, Skinner Street, Jones Street, and South Street to the western boundary of Felicity Estate at a point two hundred feet south of South Street, thence in a southerly direction along the western boundary of Felicity Estate to a point two hundred feet south of its junction with the northern boundary of Les Efforts Estate:
- On the South—By a line running from the last mentioned point parallel to and two hundred feet from Rushworth Street to the western boundary of Les Efforts Estate, thence in a southerly and westerly direction along the boundaries of the Les Efforts Estate to the Sea:
- On the West—By the Sea.

Passed in Council this 22nd day of October, in the year of Our Lord one thousand nine hundred and thirty-seven.

W. E. GOCKING,
Clerk of the Council.