

## TRINIDAD AND TOBAGO.

## No. 49.—1912.

*30th October.*

AN ORDINANCE to generalize and amend certain statutory provisions for the protection of persons acting in the execution of statutory and other public duties.

[L'S]

S. W. KNAGGS,

ACTING GOVERNOR.

*8th November, 1912.*

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

Short Title.

1. This Ordinance may be cited as the Public Authorities Protection Ordinance, 1912.

Proceedings  
against persons  
acting in  
execution of  
statutory or  
other public  
duty.

2. Where after the commencement of this Ordinance any action, prosecution or other proceeding is commenced in this Colony against any person for any act done in pursuance, or execution, or intended execution of any Ordinance, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such act, duty, or authority, the following provisions shall have effect:

Limitation of  
time.

(a.) The action, prosecution or proceeding shall not lie or be instituted unless it is commenced within

three months next after the act, neglect or default complained of, or, in case of a continuance of injury or damage, within three months next after the ceasing thereof.

- (b.) Wherever in any such action a judgment is <sup>Costs.</sup> obtained by the defendant, it shall carry costs to be taxed as between solicitor and client.
- (c.) Where the proceeding is an action for damages, <sup>Tender of amends.</sup> tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action.
- (d.) If, in the opinion of the Court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding, the Court may award to the defendant costs to be taxed as between solicitor and client.

This section shall not affect any proceedings by any <sup>Proceedings by Government department.</sup> department of the Government against any local authority or member or officer of a local authority.

3. There shall be repealed so much of any Ordinance as <sup>Repeal.</sup> enacts that in any proceeding to which this Ordinance applies

- (a.) the proceeding is to be commenced within any particular time; or
- (b.) notice of action is to be given; or

(c.) the defendant is to be entitled to any particular kind or amount of costs, or the plaintiff is to be deprived of costs in any specified event; or

(d.) the defendant may plead the general issue;

and in particular there shall be repealed the enactments specified in the Schedule to this Ordinance to the extent in that Schedule mentioned.

Saving.

This repeal shall not affect any proceeding in respect of any cause of action accrued at the commencement of this Ordinance.

Passed in Council this Thirtieth day of October, in the year of Our Lord one thousand nine hundred and twelve.

ALFRED TAITT,  
*Acting Clerk of the Council.*

### SCHEDULE.

TITLE.	EXTENT OF REPEAL.
The Summary Conviction Offences (Procedure) Ordinance, No. 1	Sections 156, 157, 158, 159.
The Weights and Measures Ordinance, No. 108	Section 54.
The Pawnbrokers Ordinance, No. 141	... Section 48.
The Spirits and Spirit Compounds Ordinance, No. 176	Sections 159, 160, 161, 162 163.
The Customs Ordinance, No. 178	... Sections 206, 207, 208, 209 210.
The Harbours Ordinance, No. 181	... Section 62.
The Merchant Shipping Ordinance, No. 182	... Sections 66, 67, 68, 69, 70.
The Lepers Ordinance, No. 190	... Section 21, all after the word "cause" in line 9.
The Roads Ordinance, No. 200	... Section 103.
The Municipal Corporations Ordinance, No. 210	Sections 107, 108.
The Port-of-Spain Waterworks Ordinance, No. 283	Section 49.
The Constabulary Ordinance, 1905 (No. 16)	... Section 51.
The Explosives Ordinance, 1907 (No. 15)	... Section 48.
The Quarantine Ordinance, 1910 (No. 17)	... Section 46.
The Plant Protection Ordinance, 1911 (No. 38)	Section 19.