



TRINIDAD AND TOBAGO.

No. 9—1945.

[L.S.]

I ASSENT,

A. B. WRIGHT,
Acting Governor.

5th May, 1945.

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

Commence-
ment,

[10th May, 1945.]

Enactment.

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

Short title.

1. This Ordinance may be cited as the San Fernando Corporation (Amendment Ordinance, 1945, and shall be read as one with the San Fernando Corporation Ordinance as amended by the San Fernando Corporation (Amendment) Ordinance, 1941, and by the San Fernando Corporation (Amendment) Ordinance, 1943, which Ordinance as so amended is hereinafter referred to as the Principal Ordinance.

Ch. 39, No. 7.
No. 35 of 1941.

No. 32 of 1943

2. Section 107D of the Principal Ordinance is hereby amended—

Section 107D
of Principal
Ordinance
amended.

(a) by substituting the following for all the words in the first four lines of the section:—

“Whenever after the completion of the House Rate Book and in any year of any triennial period it appears to the Corporation that any rateable hereditament upon which the house rate payable for that year has not yet been ” ;

(b) by adding the following at the end of the section :—

“The notice of any such amended valuation may be according to the form IA in the Fourth Schedule to this Ordinance.”

3. Section 208 of the Principal Ordinance is hereby amended—

Section 208 of
Principal
Ordinance
amended.

(a) by renumbering subsections (2) and (3) as (3) and (4) ;

(b) by adding the following subsection immediately after subsection (1) :—

“Licence for sale in shops, premises, streets and public places. (2) The Council may grant to any person a licence to sell or offer or expose or hawk about for sale marketable commodities or any of them other than fresh meat, fish or turtle in any shop or premises or in any street or public place within the borough ”.

(c) by adding the following subsection at the end of the section :—

“Commence- (5) Subsection (2) of this section shall be ment of subsection (2) and validation of bye-laws. deemed to have come into force on the 27th of December, 1935, and all bye-laws made by the Council, approved by the Governor in Council, and published in the *Royal Gazette*, in so far as they purport to authorise or relate to licences for the sale of any of the marketable commodities referred to in the said subsection and specify the sums payable for such licences and the conditions on which such licences may be granted shall be deemed to have been made under the authority of

section 205 hereof and of this section as though subsection (2) of this section had been inserted in this Ordinance on the 27th of December, 1935."

Subsections
(1), (2) and (3)
of Section 234
of Principal
Ordinance
repealed and
replaced.

4. Subsections (1), (2) and (3) of section 234 of the Principal Ordinance are hereby repealed and replaced by the following:—

"Register to
be kept.

(1) The keeper of every cemetery under the control of the Corporation shall keep a register in which shall be entered the name of every person to whom the exclusive right of burial in any allotment in such cemetery has been granted, the date of such grant, and also the names of the persons in whom such right from time to time becomes vested by assignment, bequest, or otherwise, and such other particulars as the Council may from time to time, by resolution, require.

Exclusive
right of burial.

(2) The exclusive right of burial in any part of any cemetery under the control of the Corporation shall be considered as the personal estate of the grantee or of any other person for the time being entitled thereto.

Form of
assignment of
right.

(3) Every assignment of the exclusive right of burial, whether granted by the Corporation or by any preceding San Fernando Corporation, shall be in such form and executed in such manner as the Council may from time to time, by resolution, prescribe; and such assignment may, if the Corporation so require, be endorsed on the original grant."

Subsection (4)
of section 26
of Principal
Ordinance
repealed and
replaced.

5. Subsection (4) of section 265 of the Principal Ordinance as enacted by section 13 of the San Fernando Corporation (Amendment) Ordinance, 1941, is hereby repealed and replaced by the following:—

"Premises not
assessed,
insufficiently
assessed,
or too highly
assessed.

(4) Whenever any rateable hereditament is not assessed in the House Rate Book, or whenever in any water rate year of any triennial period it appears to the Corporation that any rateable hereditament, upon which the water rate payable for that water rate year has not yet been paid, has been insufficiently or too highly assessed in the House Rate Book in force at the commence-

ment of such water rate year, it shall be lawful for the Corporation to fix the annual rateable value thereof for the purpose of determining the water rates payable thereon for that water rate year and for the subsequent water rate years during the residue of the triennial period, and to fix the dates on which such water rates computed on such valuation shall be due and payable.

Notice of the rateable value so fixed by the Corporation, and of the rates payable thereon, and of the dates when such rates are due and payable shall be served on the owner of such rateable hereditament or on the person or in the manner prescribed by subsection (1) of section 101.

Such notice may be according to the Form R in the Fourth Schedule to this Ordinance in cases where the premises have been omitted from the House Rate Book, and according to Form S in the said Fourth Schedule where the rateable value of the said premises has been altered by the Corporation."

6. The Principal Ordinance is hereby amended by the addition thereto as Part XIA thereof of the following sections numbered 289A, 289B, 289C, 289D, 289E, 289F and 289G:—

New Part
inserted in the
Principal
Ordinance.

"PART XIA.

Drainage.

Applications
for outfall to
owners.

289A. (1) Whenever the Corporation shall desire to construct any drains or to carry out any drainage scheme, and in order thereto deem it necessary that new drains should be opened through lands belonging to any owner, or that existing drains in lands belonging to any owner should be cleansed, widened, straightened or otherwise improved, the Corporation may apply to such owner, who is hereinafter referred to as the owner, for leave to make such drains or improvements in drains through or on the lands of such owner.

Mode of
making
application.

(2) Any such application as aforesaid shall be by notice in writing under the hand of the Town Clerk and shall be served on the owner, and also on the occupier, if the owner be not the occupier, in the manner in which notices are required to be served under this Ordinance. The notice shall state the nature of such drains or improvements in drains, and be accompanied by a plan, on which the length, width and depth of the proposed drains or improvements in drains shall be delineated, and shall further state the compensation, if any, which the Corporation proposes to pay; provided always that nothing in this section shall be deemed to invalidate a deed executed by an owner in accordance with the provisions of the next succeeding section if the application does not comply with the requirements of this section.

Assent of
owner.

289B. The owner may by deed under his hand assent to such application, upon such terms and on payment of such compensation as may be agreed upon, and any assent so given shall be binding at all times on all parties having estate or interest in the land, subject to the following provisions—

- (a) it shall be lawful for married women, whether they be of full age or not, as if they were sole and of full age, and for guardians on behalf of their wards, and for committees on behalf of persons of unsound mind, and for persons having the care and custody of illegitimate persons not of full age on behalf of such last-mentioned persons, to accept service of the notices and statement of particulars mentioned in section 289A, or to waive service of such notices and to grant the assent in this section mentioned, and that to the same extent as such wives, wards, persons of unsound mind or illegitimate persons respectively could have exercised the same powers under the authority of this Part of this Ordinance, if they had been under no disability or incapacity; provided that the person executing such deed shall annex thereto a statutory declaration to the effect that she is a married woman not of

full age, or that he stands in one of the aforesaid relations to the owner, and such declaration shall be sufficient evidence till the contrary be proved of the truth of the facts contained therein and provided also that any arrangement entered into by the person executing such deed shall not be valid, unless the same is approved by two valuers, one of whom is to be appointed by the Corporation, and the other by the person executing such deed; and each of such valuers, if they approve of the arrangement, shall annex to the deed containing the same a declaration to that effect subscribed by them;

(b) any compensation to be paid by the Corporation to the owner, in cases where such owner is under any disability or incapacity, or has not power to assent to such application except under the provisions of this Part of this Ordinance, or is absent from the Colony, shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title is applicable under the Land Acquisition Ordinance;

No. 14 of 1941.

(c) any occupier or person other than the owner interested in the lands, shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains, so that the claim therefor be made within twelve months after the completion of such drains or improvements in drains, the amount of such compensation to be determined in case of dispute, in the manner in which disputed compensation is required to be determined by the Land Acquisition Ordinance;

No. 14 of 1941.

(d) the Corporation shall forward to the Clerk of the Peace of the district in which the land is situate the deed containing the assent of the owner to the proposed drains or improvements in drains, who shall keep the same in his office as a record of the proceedings between the parties.

Dissent of
owner.

289c. (1) The owner shall be deemed to have dissented from the application made to him, if he fail to express his assent thereto within one month after the service of the notice of application on him, and in the event of such dissent there shall be decided by the Magistrate of the district the questions following, that is to say—

- (a) whether the proposed drains or improvements in drains will cause any injury to the owner, or to the occupier or other person interested in the lands ;
- (b) whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money.

Result of
decision.

(2) The result of any decision shall be as follows, that is to say—

- (a) if the decision is that no injury will be caused to the owner, occupier or other parties interested in the lands, the Corporation may proceed forthwith to make the proposed drains or improvements in drains ;
- (b) if the decision is that injury will be caused to the owner, occupier or other parties interested in the lands, but that such injury is of a nature to admit of being fully compensated by money, the Magistrate shall proceed to assess such compensation, and to apportion the same amongst the parties in his judgment entitled thereto ; and on payment of the sum so assessed the Corporation may proceed to make the proposed drains or improvements in drains ;
- (c) if the decision is that injury will be caused to the owner, occupier or other parties interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the Corporation shall not be entitled under this Part of this Ordinance to make the proposed drains or improvements in drains.

Procedure.

289D. (1) Where any application is made under the last preceding section) the Magistrate may summon the parties and such other persons interested in the lands as he may, in his discretion, deem

necessary in the circumstances (or, if such parties or persons be under a disability or incapacity, their guardians or committees, or, if they be illegitimate and not of full age, the persons having their care or custody) to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or, in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the question and amount of the compensation, and for that purpose to examine such parties or any of them and their witnesses on oath and the costs of every such enquiry shall be in his discretion, and he shall settle the amount thereof. Such costs shall be recoverable in the Petty Civil Court of the district without limit of the amount.

(2) For the purpose of compelling the attendance of and the giving of evidence by any witness, the Magistrate shall have the powers conferred on him by the Summary Courts Ordinance.

(3) Where the compensation assessed by the Magistrate under this section is payable to any owner or other person who is under any disability or incapacity, or is not entitled to receive the same for his own benefit, such compensation shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating, and not making title, is applicable under the Land Acquisition Ordinance.

Magistrate to certify plans and forward same to Clerk of Peace.

289E. The Magistrate, in the event of his finding that no injury will be caused to the owner or in the event of his assessing compensation, shall certify under his hand the correctness of the plan of the scheme of drainage as submitted or modified by the parties and the Corporation, and shall cause the same to be forwarded to the Clerk of the Peace of the district wherein the land is situate who shall keep the same in his office as a record of the proceedings between the parties,

Power to clear
drains.

289F. After drains have been opened or improvements in drains made in pursuance of this Part of this Ordinance, it shall be lawful for the Corporation for ever thereafter from time to time, as it becomes necessary to enter upon the land through which such drains have been opened or improvements made, for the purpose of clearing out, scouring and otherwise maintaining the same in a due state of efficiency, and if such drains or improvements in drains are not kept so cleared out, scoured and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or on which such drains or improvements in drains are made, after having given to the Corporation three days previous notice in writing of such intention, may clear out, scour and otherwise maintain the same in a due state of efficiency and may recover the expenses incurred in such clearing out, scouring, or maintenance as a simple contract debt in any court of competent jurisdiction from the Corporation.

Contribution
by owner who
uses drain.

289G. Whenever the owner shall use such drains or improvements in drains for his own purposes or for the benefit of any buildings erected thereon, such owner shall contribute such proportion of the expenses of clearing out and maintaining such drains as may be fixed by the Corporation; provided that an appeal shall lie from the decision of the Corporation to the Magistrate of the district, and the procedure relating to appeals from the assessment to house rates prescribed by this Ordinance shall govern such appeals, and the Corporation may recover from the owner, his executors, administrators or assigns such proportion of the expenses as a simple contract debt.

Application of
section 312B
of Principal
Ordinance to
certain rates.

7. The provisions of section 312B of the Principal Ordinance shall apply to all rates payable under the provisions of sections 107B, 107C, 107D, 107E and 265 of the Principal Ordinance to the like extent and with the like consequences as if the valuations on which such rates are leviable were contained in the House Rate Book in force for the current year, and as if the dates fixed by the Corporation under the provisions of the Principal Ordinance for the payment of such rates had been prescribed in the Principal Ordinance.

8. The Forms in the Schedule to this Ordinance are hereby inserted in their appropriate alphabetical position in the Fourth Schedule of the Principal Ordinance.

Insertion of Forms in Principal Ordinance

9. The Ninth Schedule to the Principal Ordinance is hereby repealed and replaced by the following :—

Ninth Schedule to Principal Ordinance repealed and replaced.

“NINTH SCHEDULE.

(SECTION 229)

CEMETERIES.

For permission to open a grave and digging one.

For every person over 12 years who at the time of death was living within the Borough	...	...	...	\$ c.	4 00
For every child under 12 years who at the time of death was living within the Borough	...	...	...		2 00
For every person over 12 years who at the time of death was living outside the Borough	...	...	...		6 00
For every child under 12 years who at the time of death was living outside the Borough	...	...	...		3 00

For exclusive right of burial in perpetuity.

With the right to construct any vault or place of burial, or to erect any monument, gravestone or tablet (including digging in first instance)—

For an allotment (single grave) 4 ft. x 10 ft.	...	...	...	\$ c.	16 00
For every double allotment 8 ft. x 10 ft.	...	...	...		25 00
For every triple allotment 12 ft. x 10 ft.	...	...	...		40 00
For every additional space of 4 ft. x 10 ft.	...	...	...		10 00
For digging every grave after the first	...	...	...		1 00
Additional sum for breaking up concrete work for each grave					1 00
For persons who at the time of death were living outside the Borough, extra charge in respect of each allotment	...	...	...		2 00

If the purchase of any allotment be made within five years of the payment of the fees for opening a grave the amount so paid shall be deducted from the purchase money”.

SCHEDULE.

SECTION 107D

FORM IA.

Notice of alteration of valuation in the House Rate Book now in force.

To.....or other the owner of premises No..... Street.

Take Notice that it appearing to the Corporation that the premises described in the first column hereunder have been insufficiently (too highly) assessed in the House Rate Book, the Corporation, pursuant to the power contained in section 107D of the San Fernando Corporation Ordinance, have altered the annual rateable value thereof, the alteration so made appearing in the third column, and the rate payable thereon and the date on which such rate is due and payable are shown in the fourth and fifth columns respectively.

Premises.	Valuation in the House Rate Book now in force.	Valuation as altered by the Corporation.	Annual Rate payable.	Date on which the Annual House Rate is due and payable in respect of current year.
1.	2.	3.	4.	5.

In respect of each of the other years of the current triennial assessment period ending on the 31st December, 194 , the above annual House Rate shall be due and payable on the.....in each of such years.

Dated the.....

Town Clerk.

N.B.—If you are dissatisfied with the above alteration of the assessment you may send in an objection thereto in writing not later than 14 days after the service of this notice on you.

FORM R.

SECTION 265 (4)

Notice of valuation for determining the water rates of premises omitted from the House Rate Book.

To.....or other the owner of premises No.....Street.

Take Notice that pursuant to the power contained in subsection (4) of section 265 of the San Fernando Corporation Ordinance the annual rateable value of the premises described in the first column hereunder (which were omitted from the House Rate Book) has been fixed by the Corporation at the sum appearing in the third column, and the rate payable thereon and the date on which such rate in respect to the current water rate year is due and payable are shown in the fourth and fifth columns respectively.

Premises Street No.	Owner or reputed owner.	Valuation or annual rateable value.	Annual Water Rate payable.	Date on which the annual water rate is due and payable in respect of the current water rate year.
1.	2.	3.	4.	5.

In respect of each of the other water rate years of the current triennial assessment period ending on the 31st August, 194 , the above annual water rate shall be due and payable on the in each of such years.

Dated the....., 194.....

.....
Town Clerk.

N.B.—If you are dissatisfied with the above alteration of assessment you may send in an objection thereto in writing not later than 14 days after the service of this notice on you.

FORM S.

SECTION 265 (4)

Notice of alteration of valuation in the House Rate Book now in force.

To.....or other the owner of premises No.....Street.

Take Notice that it appearing to the Corporation that the premises described in the first column hereunder have been insufficiently (too highly) assessed in the House Rate Book, the Corporation, pursuant to the power contained in sub-section (4) of section 265 of the San Fernando Corporation Ordinance, have altered the annual rateable value thereof for the purpose of determining the water rates thereon, the alteration so made appearing in the third column, and the rate payable thereon and the date on which such rate is due and payable are shown in the fourth and fifth columns respectively.

Premises.	Valuation in House Rate Book now in force.	Valuation as altered by the Corporation	Annual Water Rate Payable.	Date on which the annual water rate is due and payable in respect of the current water rate year.
1.	2.	3.	4.	5.

In respect of each of the other water rate years of the current triennial Assessment period ending on the 31st August, 194 , the above annual water rate shall be due and payable on the.....in each of such years.

Dated the.....194.....

.....
Town Clerk.

N.B.—If you are dissatisfied with the above alteration of assessment you may send in an objection in writing not later than 14 days after the service of this notice on you.

Passed in Council this twentieth day of April in the year of Our Lord one thousand nine hundred and forty-five.

W. J. BOOS,
Clerk of the Council.