



TRINIDAD AND TOBAGO

No. 2—1956

[L.S.]

I ASSENT,

E. B. BEETHAM

Governor.

1st February, 1956.

AN ORDINANCE to amend further the Arima Corporation Ordinance, Ch. 39. No. 11.

[9th February, 1956.]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Arima Corporation (Amendment No. 2) Ordinance, 1956, and shall be read as one with the Arima Corporation Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Ch. 39. No. 11.
Ord. No. 43—
1955.

Sections 94 to
96 of Principal
Ordinance
repealed and
replaced.

2. Sections 94 to 96 inclusive of the Principal Ordinance are hereby repealed and in place thereof the following sections shall have effect:—

“HOUSE RATE

Interpre-
tation.

94. In this Part of this Ordinance—

“machinery and plant” means machinery and plant of an industrial or commercial character or used for industrial or commercial purposes affixed to a rateable hereditament, but does not include machinery or plant owned by a person who is enjoying concessions as a pioneer manufacturer under the Aid to Pioneer Industries Ordinance and used for the purposes of a pioneer factory within the meaning of that Ordinance;

Ch. 33. No. 3.

“rateable hereditament” means any dwelling-house, warehouse, store, shop, counting-house, manufactory, factory, workshop, electric substation, stable, shed, garage, racetrack, stadium, industrial or commercial storage tank, underground cable, or any other building installation, structure, or property whatsoever within the limits of the borough and the lands in, under or upon which any of the foregoing are built, erected, standing, kept or maintained, together with any lands appurtenant to or occupied with any of the same respectively; and includes every vacant parcel of land within the limits of the borough not appurtenant to or occupied with any of the same, but shall not include—

- (a) buildings occupied solely as churches, chapels, and places of public worship of any religious denomination;
- (b) school-houses, offices and playgrounds of any schools established under the Education Ordinance;
- (c) public hospitals and public asylums, and all almshouses and institutions for the relief of the poor, whether occupied for such purposes by public officers or by private persons;

Ch. 14. No. 1.
Laws 1951-53
Vol. I p. 56

(d) quarters occupied rent free by the members of the staff of any of the institutions referred to in the preceding paragraph, and within the curtilage thereof;

“premises” means rateable hereditament as defined above.

Annual house rate to be levied.

95. There shall be raised, levied and collected by and paid to the Corporation for each year beginning the 1st of January, upon and in respect of every rateable hereditament an annual rate or tax not exceeding ten per centum of the annual rateable value of such hereditament (hereinafter referred to as the “House Rate”) as determined by the Council in accordance with the provisions of this Part of this Ordinance.

Annual rateable value.

96. The annual rateable value of any rateable hereditament shall be the gross annual rental value of such rateable hereditament as ascertained in accordance with the provisions of section 100 of this Ordinance less such allowances for voids and loss of rent (and for these only) as the Commissioner may in his discretion think fit to make.”

3. Section 97 of the Principal Ordinance is hereby amended— Section 97 of Principal Ordinance amended.

(a) by renumbering the section as subsection (1) of section 97;

(b) by substituting for the words “said rate” occurring in the third line of the said subsection the words “annual rate or tax”; and

(c) by inserting as subsection (2) thereof the following:—

“When rate is to be ascertained.

(2) The annual rateable value of all rateable hereditaments on which such rate or tax shall be payable and the amount of such rate or tax shall be ascertained and fixed by the said Commissioner, and shall be so ascertained and fixed by him on or before the 31st of March in each year.”

4. Sections 98 and 99 of the Principal Ordinance are hereby repealed and in place thereof the following sections shall have effect:— Sections 98 and 99 of Principal Ordinance repealed and replaced.

“Commissioner and Corporation may require returns from owners.

98. (1) The Commissioner, the Corporation, or any officer of the Corporation duly authorised in that behalf by the Corporation, may at any time require any person who is the owner or the agent of the owner of

Fourth
Schedule.

any rateable hereditament in the borough, to send to the Commissioner or to the Corporation, as the case may be, a return in writing according to the form L in the Fourth Schedule hereto; and every such owner or agent shall comply with such order within fourteen days after the service thereof on him.

Commissioner
and Corpora-
tion may
require
returns from
occupiers.

(2) The Commissioner, the Corporation, or any officer of the Corporation duly authorised in writing in that behalf by the Corporation, may at any time require the occupier of any rateable hereditament in the borough to send to the Commissioner or to the Corporation, as the case may be, a return in writing stating the name of the owner of the premises occupied by him, or the person to whom such occupier pays rent in respect of such premises, the amount of the rent payable by such occupier, and such other particulars respecting such hereditament as the Commissioner or the Corporation may require for the due execution of this Part of this Ordinance, and every such occupier shall comply with such requisition within fourteen days after service thereof upon him.

Entry on
premises for
examination.

(3) The Commissioner, the Corporation, or any officers of the Corporation duly authorised in that behalf, may, for the purposes of this Part of this Ordinance, and after reasonable notice to the occupier of any rateable hereditament, enter and examine such hereditament for the purpose of inspecting the same and of ascertaining full particulars thereof, including the number and size of the internal divisions thereof, and of any outhouses used in connection therewith.

Penalties.

99. If any person required to make a return under this Part of this Ordinance, refuses, fails, or neglects to make such return within the prescribed time, or makes a return which is defective or incomplete or which is to his knowledge untrue in any particular, or if the occupier of any rateable hereditament or his agent or servant refuses permission to the Commissioner or to the Corporation, or to any duly authorised officer of the Corporation, to enter and examine the same for any of the purposes aforesaid, or obstructs any of them in any such examination, every such person, agent or servant, upon conviction therefor at any time within two years, shall be liable, for every such offence, to a fine of forty-eight dollars."

5. The following section is hereby substituted for section 100 of the Principal Ordinance:—

Section 100 of Principal Ordinance repealed and replaced.

“Duty to fix gross annual rental value.

100. (1) The Commissioner shall determine the gross annual rental value of every rateable hereditament within the limits of the borough.

Mode of fixing gross annual rental value.

(2) In determining the gross annual rental value of any rateable hereditament for the purposes of this Part of this Ordinance, the Commissioner shall, whether the rateable hereditament be actually used, or rented or not used or rented, consider in every case what amount of annual rent a tenant may be reasonably expected to pay for such rateable hereditament having regard to the purpose for which such rateable hereditament is actually maintained, used or occupied or rented, or if not actually used or occupied or rented, for which it is reasonably suitable; and, where in accordance with the provisions of subsection (3) of this section there is for the time being in force a resolution of the Corporation to that effect, the machinery and plant in or upon any such hereditament shall be taken into account in determining the gross annual rental value thereof.

(3) It shall be lawful for the Corporation from time to time to pass a resolution declaring that machinery and plant shall be taken into account in determining the gross annual rental value of rateable hereditaments, or rescinding any such resolution.

(4) Where any rateable hereditament is leased or rented to a tenant who is under obligation to pay any rates or premiums of insurance against loss or damage by fire or otherwise in respect thereof, or who is under obligation to pay any land rent which his landlord is liable to pay to the owner of the site of such rateable hereditament then the gross annual rental value of such rateable hereditament shall be the amount of the valuation thereof ascertained in accordance with subsection (1) of this section with the addition of a sum equal to the rate computed on such valuation, and the amount of the premium payable in respect of such insurance and the land rent which the landlord is liable to pay to the owner of the site.”

Section 102
of Principal
Ordinance
amended.

6. Section 102 of the Principal Ordinance is hereby amended—

(a) by renumbering the section as subsection (1) of section 102; and

(b) by inserting as subsection (2) thereof the following—

“(2) Where by reason of any resolution for the time being in force under subsection (3) of section 100 of this Ordinance machinery and plant are taken into account, the Commissioner shall cause to be entered in the House Rate Book, in addition to the valuation of the hereditament as a whole, a separate statement showing what portion of such valuation is in his opinion attributable to the fact that machinery and plant have been included in such valuation.”

Section 108
of Principal
Ordinance
amended.

7. Section 108 of the Principal Ordinance is hereby amended—

(a) by renumbering the section as subsection (1) of section 108; and

(b) by inserting as subsection (2) thereof, the following—

“(2) Where the owner of a rateable hereditament has contracted to let the same to a tenant at a stated rent and the gross annual rental value of such hereditament is subsequently increased by reason that account is then taken of machinery and plant therein, then if—

(a) the machinery and plant therein belong to the tenant, and

(b) the contract was made without reference to the possibility that the machinery and plant might be taken into account for the purposes of determining the gross annual rental value of such rateable hereditament,

such owner shall be entitled to recover from the tenant as a civil debt the amount by which the rate payable by him has been increased by reason of the fact that such machinery and plant have been taken into account; and for the purposes of any adjustment authorised by this section regard shall be had to the statement of the valuation entered in the House Rate Book in respect of such machinery and plant, as provided for in subsection (2) of section 102 of this Ordinance.”

8. The Fourth Schedule to the Principal Ordinance, as amended by the Arima Corporation (Amendment) Ordinance, 1955, is hereby further amended by inserting after Form K, the following form as Form L:—

Fourth Schedule to Principal Ordinance amended. Ord. No. 43 - 1955.

“FORM L.

(section 98)

ASSESSMENT RETURN

To the Owner of Premises No.....

Take notice that you are hereby required, pursuant to the provisions of section 98 of the Arima Corporation Ordinance, to send in to the Commissioner/Town Clerk, at his office at the Town Hall, Arima, within 14 days after the service of this notice, a return on this form for the purpose of enabling the Commissioner/Corporation to fix the assessment of your premises for the year.

Commissioner/Town Clerk.

RETURN REQUIRED UNDER SECTION 98 OF THE ARIMA CORPORATION ORDINANCE

I hereby declare that I am the Owner or Agent of the premises mentioned hereunder, and that the several particulars stated in this return are to the best of my knowledge and belief true and correct.

1. Premises
2. Name of Owner.....
3. For what purpose used.....
4. Whether Rented or Leased or Occupied by Owner.....
 - (a) If rented,
 - (i) Number of Rooms occupied by Tenants.....
 - (ii) Name of Tenant or Tenants, with monthly rent payable by each
 - (iii) Number of Rooms untenanted, with rental value of each :
 - (iv) Rent paid
 - (v) Whether tenant pays land rent of site; if so, how much?
 - (b) If leased—Name of Lessee.....

Rent reserved under lease.....per year.

Whether Lessee pays the rates.....

Whether Lessee pays premiums of insurance and if so, how much they amount to?... ..



