



TRINIDAD AND TOBAGO

No. 35—1956

[L.S.]

I ASSENT,

M. H. DORMAN
Acting Governor.

17th July, 1956.

AN ORDINANCE to amend the Port-of-Spain Corporation (Electricity) Ordinance, Ch. 39. No. 6, and the Port-of-Spain Corporation (Electricity) (Amendment) Ordinance, 1955.

[19th July, 1956.]

Commencement.

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 Port-of-Spain Corporation (Electricity) (Amendment) Ordinance, 1956, and shall be read as one with the Port-of-Spain Corporation (Electricity) Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Ch. 39. No. 6.
Laws 1951-53
Vol. I, p. 456.
Ord. No. 36-
1955.

Section 16 of
Principal
Ordinance
amended.

2. Section 16 of the Principal Ordinance is hereby amended:—

(a) in subsection (6), by substituting a colon for the full stop at the end thereof and by inserting thereafter the following proviso:—

“Provided that—

- (a) no expenses paid by the Corporation shall be disallowed by the auditor, if they have been sanctioned by the Governor in Council;
- (b) a surcharge shall not be made under this section upon an officer of the Corporation by reason only of his signing a cheque or order in respect of any illegal payment if he satisfies the Governor in Council that before signing the cheque or order he advised the Board in writing that in his opinion the payment was illegal;
- (c) a surcharge shall not be made under this section upon a member of the Board by reason only of his signing a cheque or order in respect of an illegal payment if he satisfies the Governor in Council that the payment was made in pursuance of a resolution of the Board and that before he signed the cheque or order the Board had not been advised by any officer of the Corporation that in the opinion of the officer the payment was illegal.”;

(b) by inserting after subsection (6) the following subsection to be numbered (6A):—

“(6A) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of subsection (6) of this section, if it arises from failure through wilful neglect or wilful default to make or collect such charges as are necessary to cover the expenditure of the Corporation for any financial year (including any expenditure incurred in any previous year and not covered by charges previously made) or to collect other revenues.”;

- (c) by inserting after subsection (7) the following subsection to be numbered (7A):—

“(7A) A person surcharged may, whether or not he appeals under subsection (7) of this section, apply to the Governor in Council for relief in respect of the surcharge on the ground that he acted reasonably or in the belief that his action was authorised by law, and the Governor in Council may, if satisfied that he ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and any such decision of the Governor in Council shall be final.”; and

- (d) by substituting for subsection (9) thereof the following:—

“(9) Every sum certified by the auditor to be due from any person shall be paid by that person to the Corporation within fourteen days of the delivery to him of the auditor’s certificate of surcharge, or, if an appeal or application with respect to the surcharge has been made, within fourteen days after the appeal or application is finally dismissed or refused or abandoned or fails by reason of the non-prosecution thereof or is withdrawn, and if not so paid shall constitute a debt due to the Corporation. It shall thereupon be the duty of the Corporation forthwith to take all such steps as may be expedient to enforce payment of every such sum.”

3. The following section to be numbered 81A shall be inserted immediately before section 82 of the Principal Ordinance:—

New section
81A added to
Principal
Ordinance.

Acquisition and
disposal of
property
by the
Corporation.

81A. (1) For the avoidance of doubt, it is hereby declared that, in the exercise and performance of their powers and duties under this Ordinance, there is vested in the Corporation, subject as is hereinafter provided, the capacity to acquire, alienate or otherwise deal in land conferred by section 134 of the Port-of-Spain Corporation Ordinance and section 135 of the said Ordinance as enacted by the Port-of-Spain Corporation (Amendment) (No. 2) Ordinance, 1954.

Ch. 39. No. 1.
Ord. No. 36—
1954.

(2) For the reference to the City Engineer contained in the proviso to the said section 134 there shall, for the purposes of this Ordinance, be substituted a reference to the General Manager appointed by the Board.

(3) Any money received in respect of any such transaction as is contemplated by the said section 135 shall, notwithstanding the provisions of subsection (3) of the said section, form part of the funds of the Corporation for the purposes of this Ordinance.

Ch. 39. No. 1. (4) The common seal of the Corporation authorised under section 5 of the Port-of-Spain Corporation Ordinance shall, where necessary, be affixed to any document executed by the Corporation in the exercise and performance of their powers and duties under this Ordinance, and where so affixed the said seal shall be authenticated by the signatures of the Mayor of Port-of-Spain in his capacity as Chairman of the Board and of one other member of the Board authorised by the Board in that behalf."

Lease deemed to have been executed for purposes of this Ordinance.

4. The deed of lease dated the 10th day of June, 1952, and registered as No. 6940 of the year one thousand nine hundred and fifty-two, shall be deemed to have been executed by the Corporation in the exercise and performance of their powers and duties under this Ordinance.

Section 4 of Ord. No. 36—1955 amended.

5. Subsection (1) of section 4 of the Port-of-Spain Corporation (Electricity) (Amendment) Ordinance, 1955, is hereby amended by substituting the word "appliances" for the word "applies" occurring in the sixth line thereof.

Passed in Council this eighteenth day of May, in the year of Our Lord one thousand nine hundred and fifty-six.

G. E. L. LAFOREST
Clerk of the Council.