

TRINIDAD AND TOBAGO.

Sewerage Works Construction.

No. 32.—1900.

12th November.

AN ORDINANCE to provide for the construction of a system of Underground Sewerage for the Town of Port-of-Spain.

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR,

21st November, 1900.

WHEREAS it is expedient to provide that a system of underground sewerage including main and street sewers, pumping stations and other appliances should be constructed and maintained in the Town of Port-of-Spain: Be 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 Port-of-Spain Sewerage Construction Ordinance, 1900."

Interpretation Clause.

2. In the construction of this Ordinance the following words shall have the following significations, that is to say:—

"The Town" shall mean the Town of Port-of-Spain as defined by the Ordinance 1 of 1899.

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"The Board of Health" shall mean the General Board of Health of the Colony acting under the Ordinance 16 of 1869, or any Ordinance repealing or amending the same.

"The Engineer" shall mean the Resident Engineer employed by the Governor to construct the sewerage system under the provisions hereof or any person appointed by the Governor to succeed him in such duty.

"Street Sewers" shall mean all sewers, pipes, intercepting sewers, manholes, gullies, flushing-tanks, ventilating openings or shafts on or under the roads and streets of the Town of Port-of-Spain or on or under lands acquired for the purposes of this Ordinance or which is otherwise public property and maintained out of loan funds or rates.

"Sewerage System" shall mean all street sewers and all pumping stations with the pumping machinery, engines, boilers and all other appliances, collecting wells, depositing tanks, outfall pipes and all other works for the purpose of disposing of sewage constructed on public property which are maintained out of loan funds or rates.

"Loan Funds" shall mean moneys borrowed by the Government for the purposes of constructing and maintaining the sewerage system under the provisions of Ordinance No. 13 of 1896, or of any Ordinance authorizing the borrowing of further money for the same purpose.

"Person" shall apply to and include corporations, joint stock companies, joint tenants and tenants in common.

"Premises" shall include lands, buildings and structures of any kind.

3. This Ordinance shall be in force throughout the Town from the commencement hereof and all works, of whatever nature constructed and all acts performed for the purposes of providing a system of underground sewerage for the Town until the commencement of this Ordinance shall be deemed to have been constructed and performed under the authority of this Ordinance. Application
of Ordinance.

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Engineer to
prepare plans.

4. The Engineer shall prepare or cause to be prepared general plans shewing the nature of the work to be performed and specifications and estimates for the construction of the sewerage system of the Town and for the disposal of sewage either by discharging it into the sea or by utilising it for irrigation or otherwise.

Plans to be
submitted for
approval of
Governor and
laid before
Legislative
Council.

5. The Engineer shall submit such plans, specifications and estimates to the Governor for consideration and approval in Executive Council, and shall make or cause to be made such modifications and alterations as the Governor in Executive Council may at any time direct and shall submit such modified or altered plans for like approval of the Governor in Executive Council. The plans, specifications and estimates shall be laid upon the table before the Legislative Council.

Powers of
Engineer to
construct
sewerage
system.

6. It shall be lawful for the Engineer :

(a.) To cause a sewerage system to be constructed in and under all or any of the streets, squares and public places in the Town not being private property, and in, under, through, over or upon any Crown lands in the Town, and in, under, through, over, upon any other lands to be acquired for that purpose under the provisions of the Lands Acquisition Ordinance, 1898. And such system shall be generally constructed in accordance with the plans, specifications and estimates aforesaid. And the Engineer shall cause the sewage of the Town to be conducted into and conveyed along such sewers to such place or places as the Governor in Executive Council may approve there to be discharged and disposed of as the Governor in Executive Council may approve.

To make con-
necting sewers.

(b.) To make connecting sewers from the street sewers or branch sewers or any of them up to the limit of any premises proper to be placed in connection with the same.

To enter
premises to
make surveys.

(c.) To enter at all reasonable times upon any premises as last aforesaid and examine the

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same and to make surveys and plans thereof and to make such excavations as may be necessary to determine the most suitable position for any such connecting sewer as aforesaid, and also to enter upon at all reasonable times, examine and survey any private premises necessary for the proper carrying out of the provisions of this Ordinance.

7. The Engineer may from time to time for the purposes of the execution of the works to be undertaken by him open up the ground in the public streets and other public places in the Town as may be necessary for the due construction and maintenance of the sewerage system and may divert the traffic from time to time from one street to another and may make and erect barriers, hoardings, fences, culverts and other structures in and about such streets and public places, and make and keep up for such time as is necessary such barriers, hoardings, fences, culverts and other structures as may be necessary to enable the works hereby authorized to be carried out. The Engineer may also from time to time use any part of any street or other public place for the purpose of depositing materials, implements or things in or about such work or in or about executing the purposes of this Ordinance.

Powers of
Engineer to
open up streets
and divert
traffic.

8. In every year on or before such date as the Governor shall direct the Engineer shall prepare and submit to the Governor and Legislative Council a statement of the estimated cost of the construction works to be completed during the forthcoming year. And the Engineer shall prepare and submit to the Governor and Legislative Council periodical reports shewing the progress and cost of the several construction works undertaken and shall also prepare and submit a financial statement shewing the total amounts expended previous to the date of such statement and the balance available of the loan raised for the purposes hereof under Ordinance No. 13 of 1896 or of such other loans as may be raised for the same purpose.

Engineer to
prepare and
submit
estimates to
Governor and
Legislative
Council.

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Power to
acquire land.

9. The Engineer may from time to time acquire under the Lands Acquisition Ordinance, 1898, or any Ordinance which may for the time being be in force in place thereof any premises that may be required for the purposes of this Ordinance.

Appointment
of Consulting
Engineer.

10. The Governor may from time to time appoint a Consulting Engineer in the Colony or elsewhere to advise, prepare plans, reports and estimates in respect of the construction and maintenance of the sewerage system of the Town at such remuneration as the Governor in Executive Council may from time to time sanction.

Provision of
funds for
construction of
works.
Works to vest
in Her
Majesty.

11. The sewerage system shall be constructed and maintained and all necessary premises for the same shall be acquired by the Engineer out of loan funds provided under the authority of Ordinance No. 13 of 1896, or of any Ordinance which may hereafter be brought into force with a like purpose and in accordance with the provisions hereof in such order and manner as the Governor in Executive Council shall from time to time direct; and the sewerage system as constructed and made and all works connected therewith from the time of their construction and all premises acquired for the purposes of this Ordinance from the time of their acquisition shall vest in Her Majesty. Provided that any lands acquired for the purposes of this Ordinance which may from time to time be not further required for the purposes of this Ordinance may be sold or otherwise disposed of and the proceeds of such sale or disposition of such lands shall be placed to the credit of the fund for the construction of the sewerage system.

Power to add
to loan.

12. For the purposes of this Ordinance the Governor may from time to time with the sanction of the Legislative Council raise money by loan in addition to the loan authorized by Ordinance No. 13 of 1896. Such loans shall be expended in the construction of the sewerage system hereby authorized in such sums and

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at such times as the Governor and Legislative Council shall sanction and shall be paid as so authorised by the Receiver-General on the warrant of the Governor.

13. All moneys raised for and lent by way of loan for the purposes of this Ordinance shall be paid to the Receiver-General to an account to be entitled "The Port-of-Spain Sewerage Loan Account" and the Receiver-General shall therefrom from time to time pay such sums as the Governor shall from time to time sanction under the provisions hereof for the construction and maintenance of the sewerage system of the town.

Moneys to be paid to Port-of-Spain Sewerage Loan Account.

14. All payments in respect of the interest and the repayment of the principal of all loans raised for the purposes of this Ordinance shall be made by the Receiver-General and the Receiver-General shall during the construction of the sewerage system and until such time as rates for the payment of interest and the repayment of the principal of such loans are levied and raised from the inhabitants of the town add such payments for interest to the capital cost of the works herein authorised to be constructed and the sums so paid shall form part of the amount to be hereafter charged as the total cost of the sewerage system.

Payments in respect of interest, &c., to be made by the Receiver-General and added to loan.

15. The Engineer may employ for the purposes of this Ordinance such assistant engineers, accountants, storekeepers, clerks, foremen, artificers, labourers and other workmen as may from time to time be necessary. Provided that the assent of the Governor be obtained in all cases where the emoluments of the office to be filled exceed £100 per annum.

Engineer may employ assistants, clerks, &c.

16. In excavating the soil in, under, or through any streets, roads or premises within the Town in connection with the works herein authorized the Engineer shall adopt such measures of precaution and disinfection for the purpose of preventing the generation of disease by reason of the disturbance of infected or polluted soil as shall from time to time be required by the Board of Health by notice in writing.

Disinfection of excavated soil.

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Obstruction of
Engineer.

17. Any person who obstructs or endeavours to obstruct the Engineer or any officer, servant or workman employed by him in the exercise of any of the powers in this Ordinance contained unless the Stipendiary Justice of the Peace is satisfied that such obstruction or act was in ignorance that the person obstructed or endeavoured to be obstructed was at the time acting by the authority of the Engineer shall be deemed to commit an offence against this Ordinance and on summary conviction thereof before a Stipendiary Justice of the Peace shall be liable to a penalty not exceeding Five Pounds.

Parties injured
by acts of
Engineer may
recover
damages.

18. If any person shall suffer any injury or any damage to his premises or property by reason of any negligence, omission, or wrongful act or breach of duty done or committed by the Engineer in the execution of or under any of the powers and authorities hereby granted or by reason of the default or neglect of the Engineer or of any person employed by him in the execution of the several works directed or authorized by this Ordinance, or otherwise by reason of the default or neglect of the Engineer or any person employed by him to perform and complete any of the acts matters and things by this Ordinance required, compensation for such injury or damage shall be recoverable by action against the Engineer in the Supreme Court or in the Port-of-Spain District Court according as the damage suffered shall or shall not exceed the sum of £10.

Contractor a
servant of the
Engineer but
to provide
indemnity
bond.

19. For the purposes of the last section any contractor executing work under this Ordinance shall be deemed to be a servant of the Engineer, and the bond of each such contractor shall contain a sufficient indemnity to the Engineer against any damages expenses or costs that may be occasioned by reason of any breach of duty, default or neglect of such contractor.

One calendar
month's notice
of action
necessary.

20. No such action as in the 18th section hereof provided shall be commenced until after one calendar

month's notice in writing shall have been delivered to the Crown Solicitor by the plaintiff therein in which the cause of action shall be clearly and explicitly stated, and such notice shall contain the name and place of abode of the plaintiff and the name and place of business of his Solicitor, and the defendant may at any time within such month tender to the plaintiff or his Solicitor such sum of money as he may think fit as amends for the injury complained of, and such tender if held sufficient at the trial shall entitle the defendant to a verdict with costs against the plaintiff on satisfactory evidence being given thereof. If such tender is accepted the plaintiff shall be entitled to tax and recover his costs in such action up to the time of such tender. Provided however that in the case of an action in the District Court such costs instead of being taxed shall be paid according to the scale of the said Court and in accordance with the usual practice of such Court.

21. There shall be no pleadings in any such action ^{Pleadings.} in the Supreme Court except by order of a Judge thereof, but the notice of action and particulars of damage or injury mentioned in Section 18 hereof shall (unless so ordered) be taken as equivalent to a statement of claim, and the defendant shall be entitled to give in evidence any matter of defence, excuse, justification, or reduction of damages, including such tender, without any plea thereof, and the action may (unless otherwise directed by a Judge), be set down for hearing by the plaintiff on notice according to the practice of the Supreme Court as if issue had been joined therein at any time not sooner than six weeks and not later than 20 weeks after the service of notice (the vacation not being counted in such times respectively) and if the same has not been set down and entered for trial in accordance with the provisions hereof the defendant shall be entitled to judgment on production of such notice and on its being made to appear that such action has not been so set down for trial.

22. It shall not be lawful for any person to make or construct any sewer or drain and to connect the same

No sewer to be connected to sewerage system.

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with the sewerage system without the knowledge and approval of the Engineer given in writing, and any breach of the provisions of this section shall be deemed an offence against this Ordinance and the person so offending shall be liable on summary conviction thereof before a Stipendiary Justice to a penalty not exceeding Five Pounds and to a further penalty of One Pound per diem until the removal of such connection after notice to remove it is given by the Engineer.

Damage to
works.

23. Any person who shall wilfully or negligently injure or damage or cause to be injured or damaged any of the works constructed under the provisions of this Ordinance shall be deemed to commit an offence against this Ordinance and on summary conviction thereof before a Stipendiary Justice of the Peace shall be liable to a penalty not exceeding Five Pounds, and he shall be further liable for the cost of making good any such injury or damage.

Recovery of
penalties.

24. All penalties under this Ordinance may be enforced in the same manner as any penalty under the Summary Conviction Offences (Procedure) Ordinance, 1895, or any Ordinance regulating procedure on Summary Conviction which may hereafter be passed.

Passed in Council this Twelfth day of November,
in the year of Our Lord one thousand nine hundred.

ALFRED TAITT,
Acting Clerk of the Council.