

TRINIDAD AND TOBAGO.

No. 21.—1909.

6th December.

AN ORDINANCE to amend the law relating to Bailiffs.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

17th December, 1909.

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 Bailiffs Ordinance 1909. It shall be read as one with the Landlord and Tenant Ordinance No. 97, hereinafter called the principal Ordinance.

Repeal. 2. Section 38 of the principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

Bailiffs to be certified. 38. No person shall act as a bailiff to levy any distress for rent unless he shall be authorized to act as a bailiff by a certificate in writing under the hand of a Stipendiary Justice of the Peace; and such certificate may be general, or apply to a particular distress or distresses, and may be granted in such manner as may be prescribed.

Any such certificate may be cancelled or declared void by a Stipendiary Justice of the Peace, subject to the approval of a Judge of the Supreme Court; and such cancellation or declaration shall not be deemed to exempt such bailiff from any other penalty or proceeding to which he may be liable.

If any person not holding a certificate under this section shall levy a distress contrary to the provisions of this Ordinance, the person so levying and any person who has authorized him so to levy shall be deemed to have committed a trespass.

3. Section 39 of the principal Ordinance is hereby repealed ^{Repeal.} and in lieu thereof shall be read the following :—

39. The Chief Justice with the concurrence of a Puisne ^{Rules.} Judge may from time to time make alter and revoke rules—

- (i.) For regulating the security to be required from bailiffs ;
- (ii.) For fixing the duration of certificates and regulating the fees payable on the issue thereof ;
- (iii.) For carrying into effect the objects of this Ordinance.

All such rules shall be published in the *Royal Gazette* as soon as possible after the making thereof. Production of a copy of the *Royal Gazette* containing any such rules shall be *prima facie* evidence of the due making and tenor thereof.

4. If any person not holding a certificate for the time ^{Acting with-} being in force under this Ordinance, levies a distress ^{out certificate.} contrary to the provisions thereof, he shall without prejudice to any civil liability be liable on summary conviction to a fine not exceeding Ten Pounds.

5. A court of Summary Jurisdiction, on complaint that ^{Unlawful} goods or chattels exempt under Section 37 of the principal ^{distress.} Ordinance from distress for rent, have been taken under

such distress, may by summary order, direct that the goods and chattels so taken, if not sold, be restored; or if they have been sold, that such sum as the court may determine to be the value thereof shall be paid to the complainant by the person who levied the distress or directed it to be levied.

Evidence of
wife of
accused.

6. In any proceeding against any person for an offence under this Ordinance such person shall be competent but not compellable to give evidence, and the wife of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Saving clause.

7. The repeals by this Ordinance enacted shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

All rules made under Section 39 of the Landlord and Tenant Ordinance No. 97 and in force at the commencement hereof shall continue in force until amended or revoked by rules made under this Ordinance.

Passed in Council this sixth day of December, in the year of Our Lord one thousand nine hundred and nine.

HARRY L. KNAGGS,

Clerk of the Council.