

TRINIDAD AND TOBAGO.

No. 34.—1912.

2nd July.

AN ORDINANCE to amend and consolidate the
Interpretation Ordinances.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

16th July, 1912.

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 Interpretation Ordinance, 1912.

Assent to and commencement of Ordinances. 2. When the Governor shall assent to any Ordinance, he shall, in proof of such assent, affix his signature and the day, month and year when the same shall be so affixed, to five printed copies of the Ordinance, sealed with the public seal of the Colony and immediately under such seal; and such signature, together with such statement of the day, month and year, shall be taken to be part of such Ordinance, and such day month and year shall be the date of its commencement, when no other commencement shall be therein provided.

Of such copies the Colonial Secretary shall deliver one to the Registrar of the Supreme Court, to be enrolled in the said Court, one to the Clerk of Council for the use of the Legislative Council, and shall forward two to His Majesty's Principal Secretary of State for the Colonies, and shall retain the other copy for the use of the Governor.

3. When any Act of Parliament is referred to, it shall be sufficient, for all purposes, if such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more statutes than one in the same year the statute, and where there are more chapters than one the chapter; and if such Act was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters or sections than one the chapter or section or chapter and section (as the case may require), without reciting the title of such Act, or the provision of such section, so referred to; and the reference in all cases may be made according to the copies of statutes printed by the King's Printer, or to the copies thereof contained in the reports of the Commissioners of Public Records.

Mode of citing Acts of Parliament.

4. When any Ordinance is referred to, it shall be sufficient for all purposes to cite such Ordinance either by the short title (if any) by which it is made citable, or by the year of Our Lord in which it was made and its number among the Ordinances of that year, or in the case of the revised edition of the Ordinances issued under the Ordinance No. 3 of 1899, or under any other Ordinance providing for the issue of a revised edition, by its short title or its number; and the reference may in all cases be made according to the copies of Ordinances printed in England or at the Government Printing Office or by the Government Printer.

Mode of citing Ordinances.

5. Whenever the principal Ordinance on any subject has been or shall be amended by any Ordinance, every amending Ordinance shall be construed together and as one with the principal Ordinance, and whenever the title or short title of the principal Ordinance admits of it, the principal Ordinance

Amending Ord. to be construed with principal Ord. and to be cited with that Ord. by a short title.

and every amending Ordinance may for all purposes be cited by the title or short title, as the case may be, of the principal Ordinance, substituting therein the word "Ordinances" for the word "Ordinance," and omitting the year or number; for example, the Immigration Ordinance, No. 161 and the Immigration Ordinance, 1912, may be cited as "the Immigration Ordinances."

Authorized short title to include all or any or either of Ordces. covered by it.

6. Whenever two or more Ordinances are cited in the manner authorized by the preceding section, the authorized short title used shall be construed to mean all of the Ordinances covered by such expression, and any or either of them.

Interpretation of certain words and expressions.

7. In this Ordinance and in every Ordinance already passed or hereafter to be passed, and in every rule, regulation, bye-law or form already made or hereafter to be made or issued under the authority of any such Ordinance, and in every Order in Council and Proclamation made under lawful authority and in all legal documents, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context inconsistent with such construction, or unless it be therein otherwise expressly provided, that is to say:

- (1.) "Government Analyst" includes any Assistant or other Analyst employed by the Government;
- (2.) "Government Printer" means and includes the Superintendent and the Manager of Government Printing, and any printer purporting to be the printer authorized to print the Ordinances and other documents of the Government;
- (3.) "Governor" includes the Officer administering the Government for the time being;
- (4.) "His Majesty," "The King," means His present Majesty, His Heirs and Successors;
- (5.) "Justice" means a Justice of the Peace ~~not being a Stipendiary Justice of the Peace~~;
- (6.) "Land" includes messuages, tenements and hereditaments, houses and buildings of any tenure;

repealed by H 1919

- (7.) ~~“Magistrate” means a Stipendiary Justice of the Peace;~~ *repealed by 4/18/19*
- (8.) “Month” means calendar month;
- (9.) “Oath,” “Swear,” “Affidavit,” include affirmation, declaration, affirming and declaring, in the case of persons allowed by law to declare or affirm instead of swearing;
- (10.) “Person” includes any body of persons, corporate or unincorporate.
- (11.) “Summary conviction” means conviction before a Magistrate or Justice;
- (12.) “Writing,” “Written,” or any term of like import includes printing, lithography, type-writing, photography and other modes of representing or reproducing words in a visible form.

8. In every such Ordinance, rule, regulation, bye-law, form, Order in Council and Proclamation, unless there is something in the subject or context inconsistent with such construction, or unless it be therein otherwise expressly provided, words importing the singular number or the masculine gender only shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males; and words importing the plural number shall be understood to apply to one matter as well as to more than one; and whenever any fine, penalty or forfeiture is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body is the party aggrieved. ^{Number and gender.}

9. With reference to the meaning of tenses and expressions relating to time, Ordinances shall, unless the contrary is expressed, or by necessary implication appears to be intended, be regarded as constantly speaking. ^{Words of time.}

Illustration.—The effect of this is to make “shall” in Ordinances imperative only.—Thus in the expression—Any person who *shall* be guilty of murder *shall* suffer death as a felon,—“shall” is in the first case a word of future time, in the second a word of command. The effect of the section is to confine “shall” to the latter function so that the same meaning would be expressed by “any person who is guilty of murder *shall* suffer death as a felon.”

Effect of
illustrations
and examples.

10. An illustration, explanation or example appended to any enactment shall have the same effect as if the words used in such illustration, explanation or example, were contained in a judgment of the Supreme Court delivered in reference to such enactment: Provided that such illustration, explanation or example shall not be overruled.

Powers of
Authorities to
make
regulations.

11.—(1.) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers powers on any authority to make regulations, the following provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such regulations:—

(a.) Any regulation may be at any time amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made;

(b.) There may be attached to the breach of any regulation such penalty not exceeding ten pounds as the authority making the regulation may think fit;

(c.) No regulation shall be inconsistent with the provisions of any enactment; and

(d.) The production of a copy of the *Royal Gazette* containing any regulation shall be *prima facie* evidence in all Courts and for all purposes whatever of the due making and tenor of such regulation.

(2.) In this section the term “Regulations” includes Rules and Bye-laws.

Provisions as
to exercise of
powers and
duties.

12.—(1.) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised, and the duty shall be performed from time to time as occasion requires.

(2.) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers a power or imposes a duty on the holder of an office, as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

13. When reference is made in any Ordinance, rule, regulation, bye-law, Order in Council or Proclamation to any public officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office, and such other officer as may from time to time be appointed to undertake any portion of such duties.

Official designation to include officer executing duties.

14. In any Ordinance, past or future, words authorizing the appointment of any public officer, shall include the power of removing or suspending him, re-appointing or reinstating him, or appointing another in his stead in the discretion of the authority in whom the power of appointment is vested.

Power to appoint includes power to remove, etc.

15. In the measurement of any distance for the purposes of any Ordinance, whether passed before or after the commencement of this Ordinance, that distance shall, unless a contrary intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.

16.—(1.) In this Ordinance and in every Ordinance, whether passed before or after the commencement of this Ordinance, the expression "commencement," when used with reference to any Ordinance shall mean the time at which the Ordinance comes into operation.

Meaning of "commencement."

(2.) Where in any Ordinance, whether passed before or after the commencement of this Ordinance, any order, warrant, scheme, letters patent, rules, regulations, or bye-laws made, granted, or issued, under a power conferred by any such Ordinance, is expressed to come into operation on a particular day, the same shall be considered as coming into operation immediately on the expiration of the previous day.

17. Where an Ordinance passed after the commencement of this Ordinance is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant or issue any instrument, that is to say, any order, warrant, scheme, letters patent, rules, regulations or bye-laws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Ordinance, that power may, unless the contrary intention appears,

Exercise of statutory powers between passing and commencement of Ordinance.

be exercised at any time after the passing of the Ordinance, so far as may be necessary or expedient for the purpose of bringing the Ordinance into operation at the date of the commencement thereof subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Ordinance, or the contrary is necessary for bringing the Ordinance into operation, come into operation until the Ordinance comes into operation.

Effect of
repeal.

18. Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive such former enactment unless words be added reviving the same.

Repealed
enactment to
remain in force
until sub-
stituted enact-
ment comes
into operation.

19. Whenever any Ordinance, past or future, repeals any former Ordinance and substitutes some enactment instead of the enactment repealed, such repealed enactment shall remain in force until the substituted enactment shall come into operation.

Repeal of
enactment not
to affect its
past operation.

20. Whenever any Ordinance has already been, or shall hereafter be, repealed, such repeal shall not

- (1.) revive anything not in force or existing at the time at which the repeal takes effect; or
- (2.) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (3.) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (4.) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (5.) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation,

legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance had not been passed.

21. Whenever any Ordinance has already been or shall hereafter be repealed, and other provisions are substituted by the repealing Ordinance, all Orders in Council, Proclamations, rules, regulations, bye-laws or forms made under the repealed Ordinance, and in force at the time of such repeal, shall until they are annulled continue good and valid in so far as they are not inconsistent with the substituted Ordinance or provisions.

Effect of repeal of Ord. on bye-laws, etc., made under it.

22. Whenever in any Ordinance, past or future, a prior Ordinance is referred to, and such prior Ordinance has subsequently been repealed and a substantially similar Ordinance passed in lieu thereof or in substitution therefor, whether in a consolidating Ordinance or otherwise, all references in any Ordinance to such prior Ordinance shall, unless it shall be otherwise provided in such subsequent Ordinance, be deemed and construed as referring to such Ordinance passed in lieu of or in substitution for, such repealed Ordinance.

Reference to repealed Ordce. to be deemed to refer to subsequent, similar Ordce. or enactment.

23. When by any Ordinance, past or future, any act or thing is required to be done by more than two persons, a majority of them may do it.

Power of majority of more than 2 persons.

24. Whenever forms are prescribed, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not vitiate them.

Deviations from forms.

25. Whenever any Ordinance contains any enactment in the terms following, that is to say, "the operation of this Ordinance is suspended until His Majesty's pleasure shall be made known," such Ordinance shall not come into operation unless or until the Governor notifies by proclamation that it is His Majesty's pleasure not to disallow the same, and subject as aforesaid every such Ordinance shall come into operation on such date as shall be fixed by such proclamation for the purpose.

Form of suspending section.

Rights of the
Crown.

26. No Ordinance past or future shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly stated, or unless it appears by necessary implication that the Crown is bound thereby.

Repeal.

27. The Interpretation Ordinance, No. 137, the Interpretation Ordinance, 1908 and the Interpretation Ordinance, 1910 are hereby repealed.

Passed in Council this Second day of July, in the year of Our Lord one thousand nine hundred and twelve.

HARRY L. KNAGGS,
Clerk of the Council.
