

TRINIDAD AND TOBAGO.

No. 44.—1912.

30th October.

AN ORDINANCE to provide for the method of payment for certain public works in the East Dry River District of the Town of Port-of-Spain and for the imposition of an additional house rate in connection therewith.

[L.S.]

S. W. KNAGGS,

ACTING GOVERNOR.

8th November, 1912.

WHEREAS under the Public Works Loan Ordinance 1912, a sum of twenty thousand pounds has been appropriated to the Dry River Improvement Scheme and improvement of the drainage system of the district to the East of the Dry River to be carried out by the Government, and it is intended that of the said sum of twenty thousand pounds there shall be repaid to the Government by the rate-payers in that part of the town of Port-of-Spain lying to the East of the Dry River the sum of five thousand pounds, being the one-fourth part of the said sum of twenty thousand pounds, together with such interest thereon as may be determined by the Governor in accordance with the terms and conditions under which the loan sanctioned by the said Ordinance may be raised: Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the East Dry River Short Title. Improvement Rate Ordinance, 1912.

2. In this Ordinance the terms "the Board," "the Chief Interpreta-
tion. Commissioner," and "the Town Clerk and Treasurer" shall have the respective meanings assigned to them in the Port-of-Spain Town Board Ordinance 1907 ; and the term "Improvement Area" means the area described in the Schedule to this Ordinance.

3.—(1.) There shall be raised levied and paid to the Rate to be
paid on lands
and houses in
improvement
area. Board on all houses now erected or which may hereafter be erected within the improvement area, yearly, for such number of years as may be determined by the Governor, in accordance with the terms and conditions under which the loan aforesaid may be raised, such annual rate or tax, not exceeding £2 per centum on the annual rateable value of every such house, as the Board may from time to time by resolution declare to be the rate to be levied in respect of the year named in such resolution.

(2.) Such rate or tax shall be due and payable in each year on the 30th day of June.

Provided that the Board, in respect of any year, may by resolution fix another date, not later than the 31st day of August of such year, as the date on which such rate or tax shall be due and payable under this Ordinance.

4. In this Ordinance the word "house" so far as regards "House." the rate to be imposed and any sale or conveyance under or by virtue of this Ordinance, shall be construed to extend to and include any dwelling house, warehouse, stable, counting house, store, manufactory, shop, workshop, shed or other building whatsoever and the lands on which the same respectively are built, erected or standing, and also any lands appurtenant to or occupied with the same and not rated separately.

5. Every parcel of land in the Improvement area not Parcel of land. appurtenant to or occupied with any house and not otherwise rateable under this Ordinance shall be rated separately at a rate not exceeding Two pounds per centum on the annual rateable value of every such parcel of land.

6.—(1.) The Board shall in every year, on some day Notice to rate
payers. before the date on which the rate or tax payable under this

Ordinance shall be due and payable in respect of such year, cause to be served on the owner of every house or parcel of land liable to be rated under this Ordinance a notice specifying the amount of the rate or tax payable in respect of such house or parcel of land, and the time when and the place where such rate or tax is to be paid.

Service and authentication of Notices, &c.

(2.) The provisions of Section 82 of the Port-of-Spain Town Board Amendment Ordinance (No. 14 of 1910) relating to the service, address, and authentication of notices, orders, accounts and other documents required to be given, served or delivered by the Board, shall apply to notices and other documents required by this Ordinance to be given served or delivered, and for this purpose the said Section shall be deemed to be incorporated with and to form part of this Ordinance.

Valuation on which rate to be computed.

7. For the purposes of this Ordinance the annual rateable value of every house and parcel of land liable to be rated under this Ordinance shall in respect of each year be that appearing in the house rate book in force for the same year.

Incidence of Rate.

8. The rate payable on all houses and lands under this Ordinance shall be borne and paid by the owner of such house or land, but the amount of such rate may be collected from and paid by the tenant or occupier of any such house or land or any part thereof, and such tenant or occupier may deduct the amount so paid from the rent payable by him in respect of such house or land.

Increase on arrears.

9. Any rate payable under this Ordinance if unpaid at the expiration of three months after the same shall have become due and payable shall be increased at the rate of ten per centum.

Rate to be charge on premises, and to be recoverable by sale, action or distress.

10.—(1.) Any rates due under this Ordinance together with any percentage increase which may have accrued under the provisions of this Ordinance shall, until paid, be a charge on the house or parcel of land in respect whereof such rate is due and payable in priority to all other charges whatsoever affecting the same; and, without prejudice to such charge and to the power of sale for the enforcement thereof, the amount of such rates, together with the percentage increase (if any), may be recovered from the owner for the

time being of such house or parcel of land by action in any court of competent jurisdiction, or by distress on any goods and chattels which may be found in or upon such house or parcel of land, including any moveable tenement standing upon such parcel of land.

(2.) The provisions of Sections 59 to 62, both inclusive, of the Port-of-Spain Town Board Amendment Ordinance No. 14 of 1910 prescribing the procedure in cases where the Board are exercising powers of distress conferred on them by any Ordinance, shall apply where the Board are exercising the power of distress conferred by this Ordinance for the recovery of arrears of rates due under this Ordinance, and for this purpose the said sections shall be deemed to be incorporated with and to form part of this Ordinance.

Procedure in cases of Distress.

(3.) Provided that the Warrant of Distress referred to in Section 60 of the above named Ordinance may be given by the Chief Commissioner to any certificated bailiff, and the powers and authorities conferred on the Town Bailiff under the said section shall extend to and be exercisable by any certificated bailiff to whom such warrant may be given.

11.—(1.) The power of sale conferred by Section 63 of the Port-of-Spain Town Board Amendment Ordinance, No. 14 of 1910 shall apply for the recovery of any rates with any statutory increases thereof due under this Ordinance; and the provisions of Sections 64 to 73, both inclusive, of the said Ordinance, which prescribe the conditions on which the power of sale so conferred shall be exercised, the procedure to be followed in the carrying out of such sale, the form and effect of the conveyance by the Board and the application of the proceeds of sale, shall apply to every sale for the recovery of rates from time to time due under this Ordinance with any statutory increases thereof, and for this purpose the said sections shall be deemed to be incorporated with and to form part of this Ordinance.

Power of Sale for the recovery of arrears.

(2.) The power of sale conferred by this section shall be in addition to and independent of the power of distress conferred by Section 10 hereof, and may be exercised whether the power to distrain or to sue has been previously exercised or not, provided that at the time of such sale the rate payable in respect of the house or parcel of land to be

Power of sale to be independent of Power to distrain.

sold or some part thereof be in arrear and unpaid for not less than three months after the same became due under this Ordinance.

Appropriation
of rates col-
lected under
this Ordinance.

12.—(1.) The rates collected under the provisions of this Ordinance shall be carried by the Board to a separate account to be entitled "the East Dry River Improvement Rate Account," and from the amounts to the credit of such account there shall be paid annually to the Receiver-General such sum as may be fixed by the Governor in respect of interest and sinking fund on account of the sum of £5,000 payable by the ratepayers in the East Dry River Improvement Area, under the provisions of the Public Works Loan Ordinance, 1912.

(2.) Provided that if and whenever before the raising of the loan authorised for the improvement works to be carried out in the East Dry River District any such improvement works are undertaken and executed by the Government with the concurrence of the Board, there shall be paid to the Receiver-General from time to time out of such rates so levied and collected by the Board such sum or sums as represent interest at the current bank rate on the expenditure incurred by the Government in the execution of such works.

(3.) The surplus, if any, after paying such annual instalment of interest and sinking fund or such interest on the expenditure incurred by the Government on the execution of such works pending the raising of the loan, shall be expended from time to time by the Board in such further special improvement works in the Improvement Area as may be determined by them. Provided that any expenditure incidental to the provisions of this Ordinance may be paid from such surplus.

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

ALFRED TAITT,
Acting Clerk of the Council.

SCHEDULE.

IMPROVEMENT AREA.

The area lying within the following boundaries:—

North.—The southern boundary of the Belmont Improvement area.

South.—The Sea.

East.—The Eastern boundary of the Town of Port-of-Spain.

West.—The St. Ann's or Dry River.
