

TRINIDAD AND TOBAGO.

Roads.

C.

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No. 11.—1904.

11th July.

AN ORDINANCE to amend the Roads Ordinances,
1894-1899.

[L.S.]

HUGH CLIFFORD,

ACTING GOVERNOR.

12th August, 1904.

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 Roads Ordinance Short title. 1904, and shall be read as one with the Roads Ordinances 1894-1899, which latter Ordinances and this Ordinance Construction. may be together cited as the Roads Ordinances 1894-1904.

2. Section 48 of Ordinance 10—1894 is hereby repealed and in lieu thereof shall be read the following:

No person shall be eligible to be or remain a member of a Local Road Board who is of unsound mind or an uncertificated or undischarged bankrupt, or who holds any office or place of profit in the gift or disposal of such Board, or who (except as a shareholder in a limited company) shall have any interest direct or indirect in any contract with or employment under such Board, or who as a member of such Board has been convicted of felony or any offence involving dishonesty. Disqualifications for election.

Qualifications
for election.

3. Section 50 of Ordinance 10 of 1894 is hereby repealed and in lieu thereof shall be read the following :

Subject to the provisions of the two last preceding sections—

(13-1884.)

(a.) Every person possessed of the qualifications specified in (a) (b) and (c) of Sub-section 6 of Section 4 of the Jury Ordinance 1884, in respect of property situate within the Road Union, whether he be resident in the Road Union or not, and

(b.) Every person resident in the Road Union, and enjoying for his own use and benefit a net annual income of not less than £150, the proof of which shall rest with such person,

shall be eligible for election as a member of the Local Road Board for such Road Union and to be Chairman thereof.

Provided that every person who having been elected a member of a Local Road Board ceases to be qualified, shall thereupon cease to be a member of such Board in all respects as if he had resigned his membership immediately on so ceasing to be qualified.

A member whether he be Chairman or not of a Local Road Board shall, subject to the provisions of this Ordinance, retain his office until he shall resign it in writing addressed to the Board, or cease to attend the meetings of the Board for three consecutive meetings without leave from the Board, or cease to be qualified for membership, or be convicted on indictment or otherwise of any felony or of any offence involving dishonesty.

The Returning Officer at every election shall examine into the qualification of every candidate for election, and if he shall be of opinion that any candidate has not the necessary qualification for membership, he shall declare the candidate disqualified and shall reject all votes tendered for him, making a return of all votes rejected on this ground.

4. The following shall be read as Sub-section (I) of Section 51 of Ordinance 10—1894 :

Time and
place of
election.

The election of a Local Road Board shall take place on the third Thursday in July in each year, at such place or places within the Road Union as the Returning Officer shall appoint.

5. In Sub-section (I.) of Section 52 of Ordinance 10—1894, after the first paragraph shall be read the words “The Chairman shall forthwith forward such notice or a copy thereof to the Returning Officer. Such notice shall be in the form in the Schedule A hereto annexed.” ^{Notice by Candidate.}

6. In Section 61 of Ordinance 10 of 1894, after the word “invalid” in line 5 shall be read the words “either by reason of the Returning Officer having erroneously declared that a candidate for election was disqualified or for any other reason.” ^{Invalid election.}

7. In lieu of the word “June” wherever the same occurs in Sub-sections (II) and (III) of Section 62 of Ordinance 10—1894, shall be read the word “July.”

8. Sub-section (I.) of Section 81 of the Ordinance 10-1894 is hereby amended by the addition at the end thereof of the words “and for the purposes of the Board incidental thereto.” ^{Income.}

9. Section 87 of Ordinance 10 of 1894 is hereby repealed and in lieu thereof shall be read the following:—

- (a.) It shall be the duty of the Chairman of every Local Road Board to forward to the Director of Public Works on or before the 31st day of December in each and every year an estimate of the proposed and probable expenditure of the Board on the local roads in the Road Union during the next ensuing financial year. ^{Estimates.}

At the same time each Local Road Board shall submit an estimate of the cost of any new works for the improvement of existing local roads, and the opening and construction of new local roads which in the opinion of the Board it is desirable to carry out during the year.

- (b.) Estimates of expenditure on local roads shall be submitted to the Legislative Council apart and separately from the estimates of expenditure on the main roads of the Colony.
- (c.) Each Local Road Board shall on or before the first day of May in each year or any other day appointed by the Governor, prepare and submit to the Governor a true estimate of the income estimated to be receivable and the annually

recurrent expenditure to be incurred during such year, and the Governor shall, if not satisfied that in any such estimate either the income or expenditure is properly stated estimated or provided for, or if it appears to him that any such expenditure is illegal or improper, return such estimate to the Board making the same, who shall thereupon amend it according to the directions which the Governor may be pleased to give in respect thereof. In all such estimates the sums proposed to be expended on each road shall be separately shown.

Provided that any sum may lawfully be expended in any year for any other proper purpose than as provided in such estimate, if the same has been included and provided for in a supplementary estimate to be from time to time similarly submitted and approved before the expenditure of the same.

And such supplementary estimate may with the approval of the Governor from time to time provide for the payment of any costs claims or other unforeseen expenses and charges out of moneys unexpended by appropriating for the purpose of the payment thereof any funds previously otherwise appropriated.

Provided further that any Local Road Board may by resolution from time to time for good cause transfer to work to be done on any road any sum not exceeding £15 of the unexpended balance to the credit of any other road, and expenditure in accordance with such resolution shall not be deemed unauthorized expenditure.

Provided that in respect of such portion of any year as may have elapsed before the sanction of the estimate for such year, it shall be lawful for a Local Road Board provisionally to expend in each week on any road or for any service or salary any sum not exceeding such proportionate part of the estimate of recurrent expenditure for similar work services or salaries for the previous year as the Governor may approve, and such further sum as the Governor may sanction.

Such estimates when finally approved by the Governor shall be laid before the Legislative Council as approved.

10. Sub-sections (I) and (II) of Section 89 of the Roads Ordinance 1894, are hereby repealed and in lieu thereof shall be read the following:—

Inspection and
audit of
books and
chests.

- (I.)—(a.) Every Local Road Board shall cause books to be provided and kept in such form, (if any), as may from time to time be prescribed by the Governor, and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the Board, and the several purposes for which such sums of money have been received and paid.
- (b.) Such books and the chest or safe in which the moneys of the Board are kept shall between the hours of 10 a.m. and 4 p.m. on every day, all Saturdays, Sundays and Public Holidays excluded, be open to the inspection of the Auditor-General or any person appointed by him.
- (c.) Such books shall between the hours of 10 a.m. and 4 p.m. on every day, all Saturdays, Sundays and Public Holidays excluded, be open to the inspection of any member of the Board, rate-payer, or creditor of the Board.
- (d.) No fee or reward shall be payable for any such inspection by the persons mentioned in (b) and (c) hereof, and any such person may take copies of or extracts from the said books without paying anything for the same.
- (II.) Any person having the custody of such books chest or safe who shall refuse to allow or prevent any such inspection or taking of copies or extracts as provided for in Sub-section (I) hereof shall be guilty of an offence, and on conviction before a Stipendiary Justice shall be liable to a penalty not exceeding Five Pounds for every such offence.

11. In Sub-section (I.) of Section 90 of Ordinance 10—1894 in lieu of the words “thirty-first day of December” shall be read the words “thirty-first day of March.”

Annual
Balance Sheet.

In Sub-section (II.) of the same section in lieu of the words “31st day of January” shall be read the words “thirtieth day of April.”

The following shall be read after Sub-section (III.) of the same section:—

Vouchers and cash book.

(IV.) It shall be lawful for the Auditor-General to require that certified duplicates of all paid vouchers of a Local Road Board shall be forwarded to him at monthly intervals after they have been entered in the books of the Board, together with a certified copy of the Board's Cash-book, for the period to which such duplicate vouchers refer, and the Auditor-General may, whenever he considers it necessary, order the original of every such voucher to be impounded and detained for such time as may be necessary for the purposes of such enquiry as he may see fit to make.

Publication of Auditor-General's surcharges, etc.

12. Section 93 of Ordinance 10—1894 is hereby repealed, and in lieu thereof shall be read the following:—

The Auditor-General shall, if he shall find that any account or statement submitted to him for audit under the provisions of this Ordinance is credited with any unauthorized payment or that such account or statement is in any particular erroneous or defective, unless such unauthorized payment is on demand at once refunded or such error or defect made good by the person or persons liable for the same, instead of signing such account or statement, forthwith publish in the *Royal Gazette* and in some one newspaper circulating in the Colony a statement showing in what respects he has found that such account or statement is credited with unauthorized payments or is erroneous or defective.

Limitation of proceedings.

13. (a.)—In line 2 of Section 101 of Ordinance 10—1894, the words "save as otherwise provided" shall be read before the words "all actions and prosecutions."

(b.) Notwithstanding anything contained in the said Section 101 as hereby amended, any action by the Attorney-General under the provisions of Section 9 of the Ordinance 41—1895 may be commenced as soon as possible after such unauthorized expenditure has been disclosed by the examination of the vouchers relating thereto, and any prosecution under the provisions of Sections 49 or 95 of the Ordinance 10—1894 may be commenced at any time within one year from the commission of the act in respect of which such prosecution has been commenced; and the publication in the *Royal Gazette* in Section 12 hereof directed

shall for all purposes be deemed sufficient notice in writing to the defendant in such action.

(c.) In lieu of Sub-section 5 of Section 9 of Ordinance 41 of 1895, the following shall be read:—

In case in any such action judgment shall be given for the defendant, the costs of suit recovered by such defendant shall be paid out of the public funds of the Colony.

14. Section 4 of Ordinance 41—1895 is hereby repealed and in lieu thereof shall be read the following:— Constitution of Board.

A Local Road Board shall consist of six persons or any other number that the Governor may from time to time by order in Executive Council direct. Such persons shall be elected as hereinafter provided.

Any three members of such Board shall be a quorum for the transaction of business, and every such Board shall be elected by a majority of votes of the persons for the time being on the Assessment Rolls of any Ward or part of any Ward comprised in the Road Union.

Provided that until a Local Road Board shall have been duly elected and constituted under this Ordinance, all the powers herein given to elected Boards may lawfully be exercised by the Boards nominated by the Governor under the provisions of Section 38 of the principal Ordinance (No. 10 of 1894).

15. It shall be lawful for the Governor on a resolution of the Central Road Board to order the amalgamation of any two or more Road Unions and the election of a Local Road Board for such amalgamated Union by such name as the Governor shall direct, and such amalgamation shall take effect at such time within six months after the passing of the resolution as the Governor shall in such order direct, and the funds in the hands of the Local Road Boards in the Road Unions so amalgamated shall on the day fixed for such amalgamation to take place be dealt with and paid over as the Governor shall direct, and the amount of the sums remaining payable to each Local Road Board in the Unions so amalgamated shall from such day be payable to the Local Road Board elected for the amalgamated Union, and the existing members of the several amalgamated Boards shall be deemed to Amalgamation of Road Unions.

have resigned as and from such day, and fresh elections shall be held for the return of members of a fresh Local Road Board for the amalgamated Union, subject to the provisions in force for the time being in that behalf relating to the election of members of Local Road Boards.

Bye-laws.

16. The powers to make Bye-laws contained in Section 6 of the Ordinance 41—1895 shall be exercisable by the Central Road Board in respect of the districts of all Local Road Boards, and not by the Local Road Boards, and Section 8 of Ordinance 36—1898 shall be read as if the words “if they shall think fit” had been omitted from the second line of Sub-section (b.) of such section.

Provided that the power given in Sub-section (1) of the said section 6 may continue to be exercised by Local Road Boards subject to the sanction of the Central Road Board, but by way of regulation and not of Bye-law; and any such regulation hereafter to be made by a Local Road Board shall be entered on the minutes and a copy of such minute shall forthwith be forwarded by the Secretary of the Local Road Board to the Secretary of the Central Road Board for approval and shall be referred to the Central Road Board at their next meeting, and shall not become effective or binding except on approval thereof by resolution of the Central Road Board. Provided however that any resolution or regulation with respect to remuneration to officers, clerks and servants shall only be effective subject to the approval of the Governor as provided in Section 9 of this Ordinance.

Saving existing
Bye-laws.

Provided that every Bye-law in force at the commencement of this Ordinance made by a Local Road Board shall remain in force and be effective until amended or otherwise dealt with in accordance with the provisions hereof.

Travelling
expenses.

17. The expenses incurred by members of a Local Road Board in travelling to inspect roads in their Road Union under unforeseen and extraordinary circumstances may be allowed to such members from the funds of such Local Road Board. Ordinary travelling expenses incurred in attending meetings of the Local Road Board or in the inspection of roads shall not be so allowed.

18. Section 5 of Ordinance No. 36—1898 is hereby repealed and in lieu thereof shall be read the following :

Appropriation
of sums voted
for specific
purpose.

The money to be annually allotted by the Governor and Legislative Council from general revenue for the construction, maintenance and repair of the local roads under Section 81 of the Ordinance 10—1894 shall be granted for the purposes of local roads in districts where there are Local Road Boards without any apportionment of the same to any particular Road Union, and the money to be allotted for the purposes of local roads in districts where there are no Local Road Boards shall be specifically apportioned by the Governor and Legislative Council for each such district.

Such sums of money as may be granted from general revenue for the purposes of local roads in districts where there are Local Road Boards as aforesaid shall be apportioned between the several Local Road Boards in such manner as the Central Road Board shall by resolution from time to time direct.

Provided that the Central Road Board may if it thinks fit grant to a Local Road Board any particular sum of money for a specific purpose, and the Local Road Board shall be bound to apply such money to such purpose in the same manner as if such proposed expenditure had been included in its approved estimates for the year.

19. In Sub-section (III) of Section 9 of Ordinance 41 of 1895, the words after the word "expenditure" in the third line of such Sub-section shall be omitted.

20. Section 16 of Ordinance 36—1898 is hereby repealed. Repeal.

21. The repeals and amendment by this Ordinance Saving. 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 at the commencement of this Ordinance.

Passed in Council this Eleventh day of July, in the year of Our Lord One thousand nine hundred and four.

C. J. ROOKS,
Clerk of the Council.

Section 5.

SCHEDULE A.

FORM OF NOTICE.

I the undersigned [A. B.] am desirous of being a Candidate for election as
 member of the Local Road Board.

My qualification is:—

Set out one of
 these qualifica-
 tions.

- (a.) I am possessed of a freehold interest in land of the clear annual value of Thirty Pounds, or
- (b.) I am possessed of a leasehold interest in land of the clear annual value of Forty Pounds, or
- (c.) I am in the occupation of a house of the clear annual value of Fifty Pounds, [or which is rated or assessed to some general or local tax on an annual value of not less than Thirty Pounds], or
- (d.) I enjoy for my own use and benefit a net annual income of not less than £150, and I reside within the Road Union.

The property in respect of which I hold the aforesaid qualification is situated
 at within the Road Union.