

TRINIDAD AND TOBAGO.

*Port-of-Spain Waterworks.*

No. 33—1905.

*6th November*

AN ORDINANCE to amend the Port-of-Spain Waterworks Ordinance, No. 283.

[L.S.]

H. M. JACKSON,

GOVERNOR.

*8th December, 1905.*

**B**E 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 Port-of-Spain Short title. Waterworks (Amendment) Ordinance 1905.

This Ordinance shall be read as one with the Port-of-Spain Waterworks Ordinance, No. 283, hereinafter called the Principal Ordinance, and the said Ordinance and this Ordinance may together be cited as the Port-of-Spain Waterworks Ordinances 1905.

2. In this Ordinance the expression "public land charge" Interpretation. shall have the meaning ascribed to it in the Land Charges and Land Taxes Ordinance, No. 204; and the terms "house" and "parcel of land" shall respectively have the meanings ascribed to them in Sections 5 and 6 of the Port-of-Spain Ordinance, No. 207.

3. The enactments specified in the Second Schedule Repeals. hereto are hereby repealed to the extent specified in the third column of the said Schedule.

Provided that 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 at the commencement of this Ordinance.

Seal.

4. The Water Authority incorporated by the Principal Ordinance shall have a Common Seal.

Acting Chairman.

*Repeal S. 25 of 19/07*

5. In case of the absence of the Chairman at any meeting of the Water Authority, the members present may elect one of their number to preside as acting Chairman of such meeting.

Warden to deliver copies of assessment rolls.

6. The Warden of St. Ann's and Diego Martin Ward Unions shall on the occasion of every assessment for house or land tax deliver to the Board at their office copies of the Ward Assessment Rolls within 30 days after the same shall have been made up.

Valuation on which rate computed.

7.—(1) The assessment of all tenements and premises for the payment of water rates shall be based for the town of Port-of-Spain as defined by the Port-of-Spain Ordinance (No. 211) upon the valuations in the House Rate Book of the said town, and for all tenements or premises outside the said town and within the district, upon the valuations in the Assessment Rolls of the Wards in which they are respectively situate.

Power to assess premises unassessed and insufficiently assessed.

(2.) Provided that where any tenements or premises within the district are not assessed in the said House Rate Book or Assessment Rolls, or where any tenements or premises assessed therein shall appear to the Board to be insufficiently assessed, the Board may assess the same at the correct annual value thereof.

Power to assess separately tenements assessed as one property, and vice versa.

(3.) Provided also that the Water Authority may in their discretion alter and amend any valuations in the said House Rate Book or Assessment Rolls where any tenements or premises valued and assessed in such House Rate Book or Assessment Rolls as one property ought in the opinion of the Water Authority for the purposes of this Ordinance to be assessed separately, or where any tenements or premises separately assessed in such House Rate Book or Assessment Rolls ought in the opinion of the Water Authority for the purposes of this Ordinance to be assessed as one holding or tenancy.

8. Except where otherwise provided in the Principal Ordinance or any Ordinance amending the same, all rates and charges payable thereunder shall be paid to the Water Authority not later than the 30th day of September in each year in respect of the year commencing on the next preceding first day of August, and until paid shall be a charge upon the tenements and premises liable for such rates and charges. When rates payable.

9. The Water Authority may levy in addition to the district and supply rates the following rates for a bath or baths exceeding in the aggregate two hundred (200) gallons in capacity, that is to say Additional rates for baths exceeding 200 gallons in capacity.

For one or more baths containing in the aggregate 201 to 300 gallons, an annual rate not exceeding 2 pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 301 to 400 gallons, an annual rate not exceeding 2½ pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 401 to 500 gallons, an annual rate not exceeding 3 pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 501 to 600 gallons, an annual rate not exceeding 3½ pence per gallon of its or their contents in excess of 200 gallons.

Provided always that in the cases of premises assessed as one premises in the Port-of-Spain House Rate Book, distinct portions of which are occupied by separate families under distinct tenancies, the Authority may in their discretion allow in respect of each such portion of the premises a bath not exceeding 200 gallons in capacity.

This section is hereby declared to be retrospective.

10. No bath or baths containing in the aggregate more than 600 gallons in capacity shall be allowed in the same tenement or premises except with the leave of the Water Authority and upon such terms and conditions as the Water Bath or baths over 600 gallons.

Authority may prescribe; provided that the maximum annual rate for any such bath or baths shall not exceed five pence per gallon of its or their contents.

Charges for garden taps and fountains in premises.

11. When water is supplied by the Water Authority to any tenements or premises for a garden tap or for a fountain there may be levied, in addition to the district and supply rates, the following charges, that is to say :—

For each garden tap a charge not exceeding £1.

For each fountain a charge not exceeding £3.

Fountains under control of Local Authorities.

12. The Water Authority may on such terms and conditions as they shall think fit supply water to any fountain or fountains under the control of any Municipal or Local Authority in any public place or square within the district.

Charge for Stock and Carriages.

13.—(1.) When Water is supplied by the Water Authority to any tenements or premises on which any stock or carriage is kept there may be levied, in addition to the district and supply rates, the following annual charge, that is to say :—

For each head of stock, a charge not exceeding 6/-

For each carriage, a charge not exceeding 6/-

To be paid quarterly in advance.

(2.) This charge shall be paid quarterly in advance on the first day of August, the first day of November, the first day of February and the first day of May in every year or on any subsequent day in each such quarter on which any stock, carriage or carriages shall be first brought on the tenements or premises, and in no case shall less than a quarter's charge be paid in respect of any stock or carriage on any such tenements or premises; and the owner shall at the time of making such payment deliver to the Water Authority a return in writing under his hand in such form as may be prescribed by the Water Authority.

Return by owner.

(3.) The owner of any tenements or premises within the district shall, whenever required to do so by the Water Authority, make and deliver to the Water Authority a return in writing under his hand according to such form as may be prescribed by the Water Authority, specifying the number of head of stock and carriages on the tenements and premises on the date of such return.

(4.) Any owner of any tenement or premises within the District who shall fail, omit, neglect or refuse to make and

deliver such a return or who shall make a return which is untrue in any particular shall be liable to a penalty not exceeding £5.

(5.) When there is any stock or carriage on any tenements or premises within the District, the onus of shewing that the water supplied by the Water Authority is not used for the purpose of watering such stock or washing such carriage shall lie on the owner of such tenements or premises.

14. The Water Authority may erect, maintain and keep in such places as they may deem proper such standpipes or other appliances for the supply of water for sale in small quantities to the Shipping and to persons not resident within the district at such prices and on such terms and conditions as the Authority shall think fit.

Standpipes for sale of water to Shipping and to persons outside District.

15. Notwithstanding anything contained in Section 38 of the principal Ordinance, the Water Authority may, upon the application of the owner of any place or places of public resort within the district, subject to such terms and conditions and at such charge as the Authority may deem proper, from time to time erect and maintain in such place or places one or more stand-pipes for the use of all persons frequenting the same.

Standpipes in places of public resort.

16.—(1.) The Water Authority shall furnish to any person whose property or premises is supplied or about to be supplied with water, and from time to time renew, repair or alter, any such cisterns, pipes, valves, ferules, cocks, apparatus, fittings and appliances in connection with such supply as are required or permitted by this Ordinance or by Bye-laws or Regulations made hereunder, and shall provide all materials and do all work necessary or proper in that behalf. The cost of all materials and things furnished by the Water Authority, with five per cent. in addition, and the cost of all labour furnished by the Water Authority shall be paid by the person furnished therewith. Provided that the Water Authority shall, in all cases where water taps of the pattern approved by them are used, bear the cost of re-leathering the same.

Supply and cost of water fittings.

(2.) Such cost when payable by the person furnished with the said materials and labour shall be forthwith recoverable from him in the District Court of Port-of-Spain, without limit of amount.

Recovery of cost.

Public wash-  
ing houses.

17. In section 37 of the Port-of-Spain Waterworks Ordinance No. 283 after the words "baths" in line 2 shall be read the words "and washing houses."

Bye-laws and  
regulations as  
to public baths  
and washing  
houses.

18. The provisions of Section 46 of the Principal Ordinance immediately following Sub-section (k) are hereby repealed, and in lieu thereof shall be read the following:—

(l.) The government and use of public baths and washing houses and buildings and the hours of opening and closing such houses and buildings and the approaches thereto; the admission of persons to such houses and buildings and the maintenance of order and decency therein and the payment of the moneys payable on such admission; the removal or immediate apprehension of any person guilty of any offence against such Bye-laws and Regulations: and the amount of the payments to be made by persons making use of such baths washing houses and buildings.

(m.) The use at public fountains of water taken therefrom.

(n.) In respect of all such other matters not hereinbefore specially mentioned as may conduce to the better and more effective carrying out of this Ordinance.

All Bye-laws and Regulations made under this Ordinance shall be published in the *Royal Gazette* and upon publication thereof shall have the force of law in the same manner as if such Bye-laws and Regulations were contained in and formed part of this Ordinance.

Production of a copy of the *Royal Gazette* containing such Bye-laws and Regulations shall be deemed conclusive evidence of the making and tenor of such Bye-laws and Regulations.

Increase of ten  
per cent. on  
arrears.

19. Any rate, charge or sum payable under or by virtue of the Principal Ordinance or of this Ordinance if unpaid at the expiration of three months after the same shall have become due shall be increased at the rate of ten per cent.

List of  
defaulters.

20.—(1.) In case any rates, charges or sums payable under the principal Ordinance or this Ordinance shall be in arrear and unpaid, and three months shall have elapsed since the same became due and payable, the Chairman of the Water Autho-

Authority may at any time thereafter cause to be made out a list or lists, specifying the tenements and premises in respect of which such rates, charges or sums are so in arrear and unpaid, and the amount of the rates, charges or sums due and payable in respect thereof respectively. And it shall be lawful for the said Chairman of the Water Authority to deliver such list or lists to any Bailiff to collect and recover the rates, charges or sums so in arrear and unpaid, together with such increase as aforesaid, and such Chairman may by writing under his hand authorise the said Bailiff and his assistants to levy by distress the amounts of such rates, charges or sums with such increase as aforesaid.

List to be handed to Bailiff.

Levy by distress.

(2.) The authority to be given by the Chairman to the Bailiff under this section may be according to the form marked A in the first Schedule to this Ordinance, and such authority shall be a sufficient warrant and authority to such Bailiff to levy by distress the amount of rates, charges or sums so in arrear and unpaid with such increase as aforesaid in respect of each and every tenement or premises contained in such list or lists in like manner as if a separate distress warrant had been issued for recovery of the rates charges or sums and increase due in respect of each of the said tenements and premises.

Authority to levy.

(3.) In execution of the power to distrain so given, the Bailiff and his assistants may, for the recovery of the rates, charges or sums so in arrear and unpaid in respect of any tenements or premises comprised in the said list or lists together with such increase as aforesaid, distrain upon any goods and chattels found in such tenements or premises and upon any house, being a chattel, liable for such rates, charges or sums.

Power of Bailiff.

(4.) The distress so taken may at the cost of the owner thereof be kept for 14 days, at the end of which time, if the amount due in respect of such rates charges or sums together with such increase as aforesaid and the costs and charges of and incidental to the distress and the keeping thereof be not paid, the same may be sold to the highest bidder at a sale thereof by public auction.

Distress may be sold.

(5.) Out of the proceeds of such sale there shall in the first place be paid the costs and charges of and incidental to the levy sale and keeping of the distress and in the next place

Proceeds of sale of distress.

the amount due in respect of such rates charges or sums with such increase as aforesaid, and the residue, if any, shall be payable on demand to the owner of the goods and chattels distrained upon.

Sale of property when rate three months in arrear.

21.—(1.) When any rates, charges or sums payable under the Principal Ordinance or this Ordinance are in arrear and unpaid, and more than three months have elapsed since the same became due and payable, it shall be lawful for the Chairman of the Water Authority at any time thereafter by warrant under his hand addressed to the Secretary of the Water Authority to make order for the sale of the tenements and premises in respect of which such rates, charges or sums shall be so in arrear and unpaid, on some day to be named in such warrant, unless the amount of such rates, charges or sums together with the increase of ten per cent. and the costs of and incidental to such sale be paid to the Water Authority before such sale.

Warrant for sale.

(2.) The warrant for sale to be given by the Chairman of the Water Authority under this section, may be according to the form marked B in the first Schedule to this Ordinance.

*Rejrd. S. 8. 7/21/08*

Power of sale when exercisable.

(3.) The power of sale conferred by this section shall be in addition to and independent of the power of distress conferred by Section 20, and may be exercised whether the power to distrain has been previously exercised or not, provided that at the time of such sale the rates, charges or sums or any part thereof payable in respect of the tenements or premises to be sold be in arrear and unpaid.

By whom sale to be conducted.

(4.) Every sale to be made in pursuance of the power conferred by this Ordinance shall be conducted and carried out either by the Secretary of the Water Authority, or by some officer in his department deputed by him or by the Chairman for the purpose.

Procedure at sale.

22.—(1.) Every sale made in pursuance of the power conferred by the preceding section shall be by public auction, and one notice at least of such intended sale shall be published in at least one local newspaper one calendar month at least before the day of such sale, and at such sale the highest bidder for each of the tenements or premises put up for sale shall be deemed the purchaser thereof and upon the execution of the

conveyance thereof to him hereinafter mentioned such tenement or premises shall become the property of such purchaser absolutely discharged from all estates charges or incumbrances whatsoever save and except debts due to His Majesty the King, and save and except also any sums due for house rate and sewerage rate in respect of the said tenements and premises; and the moneys arising from such sale shall be applied in the first place in or towards payment of the costs and expenses of and incidental to such sale, in the second place in or towards payment of the amount due for such rates charges or sums and percentage and in the third place in or towards payment of any amounts due for any house rate sewerage rate or public land charge with any percentage thereon respectively in respect of the said tenement or premises, and the surplus, if any, shall be paid to the person who shall prove his title to the same.

Application of  
purchase  
money.

(2.) The conveyance to the purchaser on a sale under this section may be according to the form marked C in the first Schedule to this Ordinance.

Form of  
conveyance.

23. At the end of Section 27 of the Principal Ordinance shall be read the following :

And such water rate or any increase thereof shall be due and payable on such date or dates as may be fixed by the Authority.

24. The following proviso shall be read at the end of Section 29 of the Principal Ordinance :

Provided also that where any tenements or premises to be so supplied with water by such service are not assessed in the house rate book or in the assessment rolls of the Wards as the case may be, or are in the opinion of the Authority insufficiently assessed therein, the Authority may assess the same at the correct annual value thereof and may levy in respect of the unexpired portion of the current year of assessment additional rates and charges calculated on such annual value.

Appd. by S. + G.

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

HARRY L. KNAGGS,  
*Acting Clerk of the Council.*

FIRST SCHEDULE.

Form A.

To I Chairman of the Port-of-Spain Water Authority by virtue of the power vested in me by Section 20 of the Port-of-Spain Waterworks (Amendment) Ordinance 1905, do hereby authorize you to collect and recover the several amounts respectively due for water rates charges or sums due in respect of the several houses and parcels of land or premises contained in the list of defaulters for the year forwarded to you herewith, together with the increase of ten per cent. accruing under Section 19 of the said Ordinance; and for the recovery thereof I further authorize you to distrain on such goods and chattels as by Section 20 of the said Ordinance are liable to be distrained upon for such rates charges or sums with such increase as aforesaid, and for the levying of such distress and for the sale thereof in accordance with the provisions of Section 20 of the said Ordinance, this shall be your Warrant.

Given under my hand at the \_\_\_\_\_, Port-of-Spain this  
day of \_\_\_\_\_ in the year \_\_\_\_\_

Chairman of the Port-of-Spain Water Authority.

Form B.

To Whereas the sum of \_\_\_\_\_ being the amount due and payable on the \_\_\_\_\_ day of \_\_\_\_\_ under the Port-of-Spain Waterworks Ordinances 1905 in respect of the house or parcel of land described in the Water Rate Book for the year \_\_\_\_\_ as No. \_\_\_\_\_ of \_\_\_\_\_ is and has for more than three months been in arrear and unpaid, Now, therefore, I Chairman of the Port-of-Spain Water Authority, do hereby in pursuance of the power vested in me by Section 21 of the Port-of-Spain Waterworks (Amendment) Ordinance 1905, make order that you Secretary of the Port-of-Spain Water Authority do sell or cause to be sold the said house or parcel of land or premises No. \_\_\_\_\_ of \_\_\_\_\_ by Public Auction before the doors of the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_, unless the amount so due in respect of the said house or parcel of land with the increase at the rate of ten per cent. prescribed by the said Port-of-Spain Waterworks (Amendment) Ordinance 1905, be paid to the Port-of-Spain Water Authority before such sale.

Given under my hand at the \_\_\_\_\_, Port-of-Spain, this  
day of \_\_\_\_\_

Chairman of the Port-of-Spain Water Authority.

*Handwritten note:* S. S. 8. 24/10

**Form C.**

THIS Deed made the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ between the Port-of-Spain Water Authority of the one part and \_\_\_\_\_ of the other part. Whereas in pursuance of a Warrant under the hand of the Chairman of the Port-of-Spain Water Authority dated the \_\_\_\_\_ day of \_\_\_\_\_ the house (or parcel of land as the case may be) number \_\_\_\_\_ of \_\_\_\_\_ was put up for sale by Public Auction before the doors of the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ o'clock and at such sale the said \_\_\_\_\_ offered the sum of \_\_\_\_\_ for the said house (or parcel of land as the case may be) and was the highest bidder for the same, Now this Deed Witnesseth that in consideration of the sum of \_\_\_\_\_ paid by the said \_\_\_\_\_ to the said Port-of-Spain Water Authority (the receipt whereof is hereby acknowledged), the Port-of-Spain Water Authority under and by virtue of the power conferred by Section 22 of the Port-of-Spain Waterworks (Amendment) Ordinance 1905 and of every other power in that behalf enabling them hereby convey unto the said \_\_\_\_\_ the said house (or parcel of land as the case may be) number \_\_\_\_\_ of \_\_\_\_\_ to hold the same unto and to the use of the said \_\_\_\_\_ in fee simple. In Witness whereof the Port-of-Spain Water Authority have caused their Common Seal to be affixed hereto the day and year first herein written.

The Common Seal of the Port-of-Spain Water Authority was hereto affixed in the presence of

Chairman of the Port-of-Spain Water Authority  
and  
Secretary of the Port-of-Spain Water Authority.

**SECOND SCHEDULE.**

**ENACTMENTS REPEALED.**

No. of Ordinance.	Short Title.	Extent of Repeal.
Ordinance No. 283	The Port-of-Spain Waterworks Ordinance.	Section 3, the part commencing with the words "Provided that" and ending with the words "in his place," Sections 11, 12, 18, 21, 23 and 30.
Ordinance No. 215	The Public Washing Houses Ordinance.	The whole.
Ordinance No. 134	The Public Baths Ordinance.	The whole.