

TRINIDAD AND TOBAGO.

*Sewerage.*

No. 32.—1905.

*6th November.*

AN ORDINANCE to amend the Port-of-Spain Sewerage Ordinances, Nos. 219 and 284.

[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. Sewerage Ordinance, 1905.

It shall be read as one with the Port-of-Spain Sewerage Ordinance, No. 219, hereinafter called the principal Ordinance, and with the Sewerage (Amendment) Ordinance, No. 284.

The said Ordinances and this Ordinance may together be cited as the Port-of-Spain Sewerage Ordinances, 1905.

2. The enactments mentioned in the First Schedule of Repeals. this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.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.

*24 / 1914*

*repealed*

*Amended - vide - ord. 17 of 07*

Interpretation.

3. In this Ordinance the expression "Public Land Charge" 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 House Tax Ordinance, No. 207.

Seal.

4. The Board incorporated by the principal Ordinance shall have a Common Seal.

Acting Chairman.

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

*2 filed by S. 25 of 19/07.*

Regulations.

6. Sub-section (b) of Section 20 of the principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :-

(b.) As to materials to be used in house sewers and water-closets and surface drains for rain water.

(b1.) As to the situation, number, nature, size, pattern and quality of drains, water-closets, urinals, sinks, gullies, traps, pipes and other appliances to be used in connection with any given class of premises.

Warden to deliver copies of assessment rolls.

7. 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, and shall also deliver copies of the schedules of tenement houses mentioned in Section 27 of the Principal Ordinance and of the special assessments thereof required by the same section.

Rate to be fixed annually.

8. Subject to the provisions of the principal Ordinance the rate to be levied under the provisions of that Ordinance shall be fixed by the Board annually and shall be payable in advance on the first day of July in each year, in respect of the year commencing on the said first day of July, but the Board may in its discretion fix dates upon which proportionate parts of the rate may become due and payable.

Rate to be a charge on houses and lands.

9. Any rate payable under the provisions of the Port-of-Spain Sewerage Ordinances 1905, shall until paid be a charge on the houses and lands in respect whereof such rate is payable.

10. Any rate payable under or by virtue of the Port-of-Spain Sewerage Ordinances 1905, 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.

Increase of ten per cent. on arrears.

11.—(1.) In case any rates payable under the Port-of-Spain Sewerage Ordinances 1905 shall be in arrear and unpaid, and three months shall have elapsed since the same became due and payable, the Chairman of the Board may at any time thereafter cause to be made out a list, specifying the houses or parcels of land in respect of which such rates are so in arrear and unpaid, and the amount of the rate due and payable in respect of such houses and lands respectively. And it shall be lawful for the said Chairman to deliver such list to any bailiff to collect and recover the rates 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 with such increase as aforesaid.

Levy by distress for arrears of rates.

(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 second 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 so in arrear and unpaid with such increase as aforesaid in respect of each and every house or parcel of land contained in such list, in like manner as if a separate distress warrant had been issued for recovery of the rate and increase due in respect of each of the said houses or parcels of land.

Authority to bailiff to levy.

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

Bailiff may distrain goods found in house or land liable for rate.

(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 rate, together with such increase as aforesaid and the costs and charges of

Distress may be sold.

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.

Application of proceeds of sale of distress.

(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 the amount due in respect of such rate 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 house or land, when rate is 3 months in arrear.

12.—(1.) When any rate payable under the Port-of-Spain Sewerage Ordinances 1905, is 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 Board at any time thereafter by warrant under his hand addressed to the Secretary of the Board to make order for the sale of the house or parcel of land in respect of which such rate shall be so in arrear and unpaid, on some day to be named in such warrant, unless the amount of such rate together with the increase of ten per cent., and the costs and expenses of and incidental to such sale be paid to the Board before such sale.

Warrant for sale of house or land.

*Repealed - S. 25 - 07/19/07.*

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

Power of sale to be in addition to power to levy.

(3.) The power of sale conferred by this section shall be in addition to and independent of the power of distress conferred by Section 11, and may be exercised whether the power to distrain 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 sold be in arrear and unpaid.

By whom sale to be carried out.

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

13. 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 house or parcel of land put up for sale shall be deemed the purchaser thereof, and upon the execution of the conveyance thereof to him hereinafter mentioned such house or parcel of land 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 water rate in respect of such house or parcel of land); 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 sewerage rate and percentage, in the third place in or towards payment of any amounts due for any house rate, water rates or public land charge with any percentage thereon respectively in respect of such house or parcel of land, and the surplus, if any, shall be paid to the person who shall prove his title to the same.

Procedure in case of sales of house or land for recovery of arrears of rates.

Application of moneys arising from such sale.

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

Form of conveyance.

14. Section 35 of the principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

Repeal.

On receipt of notice in writing from the Board, owners of premises any part of which is situate within 150 feet of a street sewer in any part of the district which shall be proclaimed in pursuance of Section 13 of the principal Ordinance shall within the period of time specified in such notice proceed to construct house sewers, and provide and fix within their premises such and so many water-closets, urinals, sinks, gullies, traps, pipes and other appliances as may be prescribed in such notice, and shall within the further period of time specified in such notice complete the works prescribed therein.

Notice to owner to install.

Powers of Board of Health.

**15.** After Section 59 of the principal Ordinance shall be read the following :—

Provided that the Board of Health shall not within the District exercise the powers vested in them by section 11 of the Public Health Ordinance No. 187 except with the concurrence of the Sewerage Board.

Order to install sewerage system where insanitary conditions reported.

**16.** Notwithstanding anything contained in the Public Health Ordinance (No. 187) no Sanitary Inspector shall have power to make any order requiring the construction of House Sewers in any premises within the district. Provided that it shall be the duty of the Medical Officer of Health for the Colony appointed under the provisions of the said Ordinance, in consultation with the Engineer to report from time to time to the Sewerage Board any premises within the District which, in his opinion, by reason of insanitary conditions, should be connected with the new sewerage system, and the Board shall thereupon cause an order to be served upon the owner of such premises requiring him within the period of time therein specified to proceed to connect the said premises with the new sewerage system, and for that purpose to execute such works as may be prescribed in such order, and to complete such works within the further period of time therein specified.

Repeal.

**17.** Section 8 of the Sewerage (amendment) Ordinance No. 284 is hereby repealed and in lieu thereof shall be read the following :—

Owner failing to comply with notice or order to instal new sewerage system.

If after the expiration of the periods of time respectively prescribed by the Board in any notice given in pursuance either of Section 14 of the Port-of-Spain Sewerage Ordinance 1905 or Section 36 of the principal Ordinance, or after the expiration of the periods of time respectively limited by any order served under Section 16 of the Port-of-Spain Sewerage Ordinance 1905 the owner of any premises shall have failed or neglected either to proceed with the works prescribed in such notice or order or to complete the same to the satisfaction of the Board, it shall be lawful for the Board by its Officers, servants and workmen to enter on such premises and execute or complete the works prescribed in such notice or

order, and the cost thereof with ten per centum added, shall be a debt due by the owner and shall be a charge on such premises till recovered in manner herein provided.

Provided that if the Board are satisfied that any contrivance or arrangement in actual operation for the removal of faecal matter is inoffensive and sanitary, the Board may in their discretion suspend for such time as they shall continue to be satisfied with the working and efficiency of such contrivance or arrangement the construction of any water-closets or house sewers in connection with water-closets on such premises which they may deem to be unnecessary while such contrivance or arrangement remains in effective and sanitary operation.

18. Section 9 of the Sewerage (Amendment) Ordinance, No. 284, is hereby repealed and in lieu thereof shall be read the following:—

Procedure for  
recovery of  
House connec-  
tion expenses.

An account under the hand of the Secretary of the Board of the expenses incurred by the Board under the preceding section together with ten per centum added shall be delivered to the owner of such premises or his agent or attorney in the Colony, or if he or they are not known or cannot be found then to the occupier thereof, and if in such case there is no occupier then a notice of the amount of such expenses and the percentage added with the name of the street in which such premises shall be situated and the number if any of such premises shall be published in the *Royal Gazette*, and in at least one local newspaper, and if the amount of such expenses and the percentage added shall not be paid to the Board within twenty-one days after the delivery of such account or the publication of the same as the case may be, the Board may sue the owner for the amount of such expenses and percentage in any Court of competent jurisdiction, and may also recover the amount of such expenses and percentage by sale of such premises, and until payment thereof the same shall be a charge on such premises prior and preferential to all existing or future charges or incumbrances thereon save and except debts due to His Majesty the King.

Power of Board in cases of poverty to execute works at owner's cost.

19. Section 7 of the Sewerage (Amendment) Ordinance, No. 284 is hereby repealed, and in lieu thereof shall be read the following:—

(1.) Whenever it shall be made to appear to the Board on any representation by the owner of any house or land and on due investigation of the circumstances that such owner is from poverty or other inability unable to defray the expenses of any works which he is required to carry out in pursuance of a notice served upon him by the Board under Section 14 of the Port-of-Spain Sewerage Ordinance 1905 or in pursuance of an order of the Board under Section 16 of the Port-of-Spain Sewerage Ordinance 1905 it shall be lawful for the Board to undertake the execution of such works, and the expenses incurred in the execution thereof shall be deemed a debt due by such owner to the Board and shall bear interest from the date of the same being incurred at the rate of five per cent. per annum, and the amount of such expenses with such interest shall be a charge on such house or land prior and preferential to all existing or future charges or incumbrances thereon save and except debts due to His Majesty the King, and shall be repayable with such interest as aforesaid within such time not exceeding fifteen years and by such instalments as the Board shall think fit.

(2.) In case at any time any of the said instalments or interest or any part thereof respectively shall be in arrear and unpaid for the period of three months after the time appointed by the Board for the payment thereof, the whole amount of such expenses for the time being unpaid shall immediately become payable, and may be recovered by action in any Court of competent jurisdiction as well as by sale of such house or land.

Procedure in cases of sales under Sections 12 and 19.

20. Every sale authorized by this Ordinance for the recovery of any monies due to the Board under the provisions of Sections 18 and 19 of this Ordinance shall be by public auction, and notice of such sale shall be published once at least in each of four consecutive weeks in one local newspaper circulating in Port-of-Spain and at such sale the highest bidder for any house or land put up for sale shall be deemed the purchaser thereof, and upon the execution of the conveyance thereof to him hereinafter mentioned

such house or parcel of land 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 water rates, house rates or public land charges in respect of the said house or parcel of land, and the purchase money 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 to the Board for the expenses incurred by the Board in executing any works in pursuance of the provisions of Section 18 or Section 19 of this Ordinance with the interest thereon, and in the third place in or towards payment of any sewerage rate, water rate, house rate and land charge then due with any added percentages accrued in respect thereof, and the surplus, if any, of the said purchase money shall be paid to the person who shall prove his title to the same.

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.*

SCHEDULE I.

ENACTMENTS REPEALED.

No. of Ordinance.	Short Title.	Extent of Repeal.
No. 219	The Port-of-Spain Sewerage Ordinance.	The whole of Sections 26, 30, and 60, and the words "six months after" in Section 28.

SCHEDULE II.

FORM A.—(SECTION 11.)

To Bailiff.

I Chairman of the Port-of-Spain Sewerage Board by virtue of the power vested in me by the Port-of-Spain Sewerage Ordinances 1905, do hereby authorize you to collect and recover the several amounts respectively due for sewerage rates in respect of the several houses and parcels of land contained in the list of defaulters for the year forwarded to you herewith, together with the increase of ten per cent. accruing under Section 10 of the Port-of-Spain Sewerage Ordinance 1905; and for the recovery thereof I further authorize you to distrain on such goods and chattels as by the said Ordinances are liable to be distrained upon for such sewerage rates with such increase as aforesaid, and for the levying of such distress and for the sale thereof in accordance with the provisions of Section 11 of the said Port-of-Spain Sewerage Ordinance 1905, this shall be your warrant.

Given under my hand at the Port-of-Spain, this day of 190

Chairman of the Port-of-Spain Sewerage Board.

FORM B.—(SECTION 12.)

PORT-OF-SPAIN.

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

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

Chairman of the Port-of-Spain Sewerage Board.

*Repld. 45.25 of 19/07*

## FORM C.—(SECTION 13.)

This Deed made the \_\_\_\_\_ day of \_\_\_\_\_, between the Port-of-Spain Sewerage Board 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 Sewerage Board 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 Town Hall on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, 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) 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 Board (the receipt whereof is hereby acknowledged) the said Port-of-Spain Sewerage Board under and by virtue of the power conferred by the Port-of-Spain Sewerage Ordinances 1905, and of every other power enabling them in this behalf, hereby convey unto the said \_\_\_\_\_ all that certain 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 Sewerage Board have caused their Common Seal to be affixed hereto the day and year first herein written.

The Common Seal of the Port-of-Spain Sewerage Board was hereto affixed in the presence of

Chairman of the Port-of-Spain Sewerage Board  
and  
Secretary of the Port-of-Spain Sewerage Board.