

TRINIDAD AND TOBAGO.

No. 22—1923.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

13th November, 1923.

AN ORDINANCE to continue in force and amend the
Increase of Rent Ordinance, 1920.

[13th November, 1923.]

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 Increase of Rent Short title.
(Amendment) Ordinance, 1923, and shall be read as one Construction.
with the Increase of Rent Ordinance, 1920, hereinafter (44-1920.)
called the Principal Ordinance.

2. Subject to the provisions of this Ordinance, the Principal
Principal Ordinance shall continue in force until the thirty-Ordinance
first day of December, nineteen hundred and twenty-five. continued in
force.

[Price 3d.]

Limitation of application of Principal Ordinance.

3. As from the commencement of this Ordinance, the Principal Ordinance shall cease to apply to any premises used for business, trade or professional purposes, or for the public service; and shall also cease to apply to any house where the annual amount of the standard rent exceeds seventy-five pounds.

Provided that the application of the Principal Ordinance to any house or part of a house shall not be excluded by reason only that part of the premises is used for business, trade or professional purposes, or for the public service.

Amendment of section 2 of the Principal Ordinance.

4. The definition of the expression "rateable value" in section 2 of the Principal Ordinance shall be read with the addition of the following:—

and in the case of a house situated elsewhere means the amount at which it is for the time being assessed under the Lands and Buildings Taxes Ordinance, 1920.

(14-1920.)

Application of Ordinance.

5. Section 3 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

3.—(1) This Ordinance shall apply to a house, part of a house or room let as a separate dwelling, and every such house, part of a house or room shall be deemed to be a dwelling house to which this Ordinance applies.

(2) This Ordinance shall also apply to every parcel of land let for the purpose of erecting a dwelling house thereon.

(3) But this Ordinance shall not apply to a dwelling house let in good faith at a rent which includes payments in respect of board, attendance, or use of furniture.

(4) This Ordinance shall apply to houses and land situated within the City of Port-of-Spain and the Borough of San Fernando, and to any area to which it may be extended by order under section 4 of this Ordinance.

(5) This Ordinance shall not apply to a house erected after or in the course of erection on the thirtieth day of June, nineteen hundred and nineteen.

6. The following shall be inserted as section 5A of the Principal Ordinance:—

Statement as to standard rent to be supplied.

5A. The landlord of any dwelling house or land to which this Ordinance applies shall, on being requested in writing by the tenant thereof, supply him with a statement in writing as to what is the standard rent of such dwelling house or land, and if without reasonable excuse he fails within fourteen days to do so, or supplies a statement which is false in any material particular, he shall on summary conviction before a magistrate be liable to a fine not exceeding ten pounds.

7. The following shall be inserted as section 7A of the Principal Ordinance:—

Apportionment to determine standard rent.

7A. Where for the purpose of determining the standard rent of any dwelling house to which this Ordinance applies, it is necessary to apportion the rent at the date in relation to which the standard rent is fixed, the magistrate may, on the application of either party or of the superior landlord, make such apportionment as seems just, and the decision of the magistrate as to the amount to be apportioned to the dwelling house shall be final and conclusive.

8. The following shall be inserted as sub-sections (5), (6), (7) and (8) of section 9 of the Principal Ordinance:—

Amendment of section 9 of the Principal Ordinance.

(5) An order or judgment against a tenant for the recovery of possession of any dwelling-house or ejectment therefrom under this section shall not affect the right of any sub-tenant to whom the premises or any part thereof have been sub-let with the consent of the landlord in writing before proceedings for recovery of possession or ejectment were commenced, to

retain possession under this section, or be in any way operative against any such sub-tenant, but such sub-tenant shall, subject to the provisions of this Ordinance, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

- (6) Where a landlord has obtained an order or judgment for possession or ejection under this section on the ground that he requires a dwelling-house for occupation as a residence for himself or for any member of his family or for some person in his employment, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the order or judgment.
- (7) Where a landlord has obtained an order or judgment for possession or ejection under this section on the ground that the dwelling-house is required for the purpose of being repaired, improved or rebuilt and has given an undertaking that the tenant will be given an opportunity of renewing his tenancy after completion of the repairs, improvements or alterations, and it is subsequently made to appear to the court that the landlord has failed to carry out such undertaking, the court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the failure on the part of the landlord to carry out such undertaking.
- (8) An appeal shall lie to the Full Court from any order or judgment made or given under this section, including an order for adjournment of an application, or stay or suspension of

execution, or postponement of the date of possession, and the procedure in respect of such appeals shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance, 1918, except that the time for giving notice of appeal shall be seven days and that it shall not be obligatory to give any notice of reasons for appeal.

9. Where, at any time after the commencement of this Ordinance, the landlord of a dwelling-house to which the Principal Ordinance applies grants to the tenant a valid lease of the dwelling-house for a term ending at some date after the thirty-first day of December, nineteen hundred and twenty-six, being a term of not less than two years, or enters into a valid agreement with the tenant for a tenancy for such a term, the Principal Ordinance shall, as from the commencement of the term, cease to apply to the dwelling-house, and nothing in the Principal Ordinance shall be taken as preventing or invalidating the payment of any agreed sum as part of the consideration for such lease or agreement.

Right of parties to contract out of Principal Ordinance.

Provided that where part of the dwelling-house is lawfully sub-let at the commencement of the term, and is a dwelling-house to which the Principal Ordinance applies, that part shall, notwithstanding anything in the foregoing provisions of this section, continue to be a dwelling-house to which the Principal Ordinance applies.

10. Proceedings in respect of offences against this Ordinance may be commenced at any time within twelve months from the date on which the offence was committed.

Limitation.

11. Sub-section (1) (e) of section 9 of the Principal Ordinance is hereby repealed.

Repeal.

Passed in Council this ninth day of November, in the year of Our Lord one thousand nine hundred and twenty-three.

G. D. OWEN,
Clerk of the Council.

No. 23

THE LICENSING OF VEHICLES ORDINANCE, 1923.

Table showing sources of the Ordinance.

| SECTION OF ORDINANCE. | CORRESPONDING PROVISIONS OF EXISTING LAW. |
|--------------------------|--|
| 1 | Short Title. |
| 2 | Section 2 of 40—1914 as amended by section 2 of 60—1921. Definitions of “motor cab” and “motor omnibus” amended. Definition of “Inspection Officer” omitted. |
| 3(1) | Supersedes definition of “Inspection Officer” in section 2 of 40—1914. |
| 3 ⁽²⁾ (3) | } Section 2 of 41—1922. |
| 4 | |
| 5 | Do. 5 (2) of 40—1914 and section 5 of 60—1921. Sub-section (3) of section 5 of 40—1914 omitted. The second proviso is extended to changes to a lower licence duty. |
| 6 | Do. 4 of 60—1921. |
| 7 | Do. 6 of 40—1914 and section 9 of 60—1921. |
| 8 | Do. 10 of 60—1921. Do. 7 of 40—1914. |
| 10 | Do. 8 of 40—1914 except (6) which is unnecessary in view of section 6. (7) is new. |
| 11 | Do. 6 of 60—1921. |
| 12 | Do. 10 of 40—1914. |
| 13 | Do. 7 of 60—1921. |
| 14 | New. |
| 15 | Section 12 of 40—1914. The last 4 lines of (1) are new. See section 10 (7). |
| 16 | Do. 13 of 40—1914. Sub-section (5) omitted and inserted as section 20. |
| 17(1) | Do. 14 (1) of 40—1914. |
| 17(2) | Do. 11 of 60—1921. |
| 18 | Do. 15 of 40—1914. |
| 19 | Do. 16 of 40—1914. |
| 20 | Do. 13 _a (5) of 40—1914. |

Table showing sources of the Ordinance.—*Continued.*

| SECTION OF ORDINANCE. | CORRESPONDING PROVISIONS OF EXISTING LAW. |
|--------------------------|--|
| 21 | Section 12 of 60—1921. |
| 22, 23, 24 & 25 | Sections 3, 4, 5 and 6 of 41—1922. |
| 26 | Do. 17 and 18 of 40—1914. |
| 27 | Section 3 of 60—1921. |
| 28 | Do. 3 of 40—1914. |
| 29 | Do. 7 of 41—1922. (<i>f</i>) is new. |
| 30 | Do. 20 of 40—1914. |
| 31 | Do. 21 of 40—1914. |
| 32 | Do. 11 of 40—1914, extended to certificates. |
| 33 | Do. 13 of 60—1921. |
| 34 | Do. 23 of 40—1914. |
| 35 | Repeal |
| 36 | Commencement. |
| Schedule | Section 8 of 41—1922 amended. |