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Prisoners

TRINIDAD AND TOBAGO.

No. 14—1923.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

4th June, 1923.

AN ORDINANCE to provide for the maintenance of Reclaimed Lands.

[4th June, 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 Reclaimed Lands Short title. Ordinance, 1923.

2. In this Ordinance, unless the context otherwise Interpretation. requires—

The expression "Reclaimed Area" means any lands or area declared to be a reclaimed area under the provisions of this Ordinance;

The expressions "Maintenance Authority" and "Authority" mean a "Maintenance Authority" appointed under the provisions of this Ordinance;

[Price 4d.]

The expressions "Maintenance Inspector" and "Inspector" mean any person appointed to be a Maintenance Inspector under the provisions of this Ordinance.

Power to
declare
reclaimed area.

3.—(1) It shall be lawful for the Governor in Executive Council from time to time by Proclamation to declare any lands or area to be a reclaimed area, and from time to time by similar Proclamation to alter or revoke any such Proclamation or to alter the limits of any reclaimed area.

(2) Every Proclamation issued under this section shall be published in the *Royal Gazette*, and shall take effect as from such date as may be appointed in such Proclamation, or, if no date is appointed, then as from the date of such publication.

(3) Every Proclamation issued under this section shall be judicially noticed.

Creation of
Maintenance
Authority.

4.—(1) It shall be lawful for the Governor from time to time, by notice to be published in the *Royal Gazette*, to appoint five persons, including the Director of Public Works, to be the Maintenance Authority in any reclaimed area.

(2) The Director of Public Works shall be Chairman of the Authority and shall preside at all meetings at which he is present. In his absence, the members present and constituting a quorum shall elect a Chairman from among their number.

(3) The Authority shall meet at such times as the Director of Public Works shall by not less than seven days' notice appoint.

(4) At any meeting of the Authority three members shall form a quorum for the transaction of business.

(5) All acts of the Authority and all questions coming or arising before the Authority may be done and decided by the majority of such members as are present and vote at a meeting. In case of an equality of votes, the Chairman shall have a second or casting vote.

5. It shall be lawful for the Governor in Executive Council from time to time by order to be published in the *Royal Gazette* to specify the dams, trenches, drains, outfalls, sluices, pipes, banks, walls, bridges, buildings, erections, engines, machinery, pumps, appliances, tools or other works or things as may be necessary or convenient in connection with or in any reclaimed area which shall be maintained by the Maintenance Authority, and such Authority shall maintain, and is hereby authorised to do all acts necessary to maintain, in good order all such works and things as are ordered by the Governor in Executive Council to be maintained.

Works to be maintained by Maintenance Authority.

6.—(1) The Maintenance Authority may from time to time make regulations for ensuring the proper maintenance of the works and things ordered by the Governor in Executive Council to be maintained.

Regulations for maintenance of reclaimed areas.

(2) Such regulations may impose on the owner or occupier of land in any reclaimed area the obligation to make and keep clear drains of approved size and depth to carry off the water from the land so owned or occupied into the main draining trenches; and may also provide that where such work is not done in compliance with the regulations it may be done by the Authority and the cost thereof recovered from the owner or occupier.

(3) All regulations made under this section shall be subject to the approval of the Governor in Executive Council, who may alter or amend the same, and all such regulations when finally approved shall be published in the *Royal Gazette* and shall be judicially noticed.

(4) Any person failing to comply with any such regulations shall be liable on conviction to a penalty not exceeding ten pounds.

7. Subject to the approval of the Governor, the Maintenance Authority may appoint such number of persons to be Maintenance Inspectors as may be deemed expedient, and may from time to time assign to each such Inspector a reclaimed area or a specified portion thereof,

Appointment of Maintenance Inspectors.

and may fix the amount of remuneration to be allowed to each Inspector. Every Inspector appointed under this section shall hold office during the pleasure of the Authority appointing him.

Duties of
Maintenance
Inspector.

8. The Maintenance Inspector shall, under the direction of the Maintenance Authority, perform in the reclaimed area assigned to him, the following duties, that is to say:—

- (1) He shall cause the dams which are maintained by the Authority to be properly weeded and kept in good order;
- (2) He shall cause all trenches, drains, outfalls, sluices and pipes which are maintained by the Authority to be kept free from obstructions and in good order;
- (3) He shall enter from time to time, in a book to be kept for the purpose, a correct list of all the house lots in the area assigned to him, and of all lands belonging to different owners in such area, and the values of such lots with the buildings thereon, and of such lands, and the names of the owners; and such book shall contain such further particulars as the Maintenance Authority may from time to time direct;
- (4) He shall collect all sums of money, rents and rates payable for the lands or works under the charge of the Maintenance Authority; and
- (5) He shall obey such orders and directions as he may receive from the Maintenance Authority.

Defraying of
expenses of
Maintenance
Authority.

9. The expenses of the Maintenance Authority in maintaining the works under the provisions of this Ordinance directed to be maintained, including the remuneration of Maintenance Inspectors, shall be defrayed:—

- (a) by a yearly maintenance rate levied on lands and buildings within the reclaimed area, hereinafter called "the rate," and
- (b) by such moneys as are from time to time appropriated for the purpose by the Legislative Council.

10. The rate shall be levied, as regards house lots and buildings thereon, on the annual rental value thereof, and as regards land other than house lots, on the acreage. Mode in which maintenance rate is to be levied.

11. The rate shall be determined in the manner following, that is to say :— Mode of determining maintenance rate.

- (1) The Maintenance Authority shall, on or before the first day of October in each year, by writing signed by the Chairman of the Authority, fix the rate for the ensuing calendar year, and shall, on or before the said day, give public intimation thereof by notice to be published in the *Royal Gazette* and one other newspaper ;
- (2) Any person objecting to the proposed rate may file his objections in writing at the office of the Authority on or before the first day of November following ;
- (3) The Chairman of the Authority, as soon as may be practicable, shall forward to the Colonial Secretary to be laid before the Governor in Executive Council, the document in writing fixing the rate and all objections thereto ;
- (4) On receiving the said papers, the Governor in Executive Council may finally determine what the rate shall be, and the rate so determined shall be the rate for the ensuing calendar year ;
- (5) The rate as finally determined shall be payable to the Authority by the owner or occupier of any lands, house lot or building on or before the thirty-first day of March in each year.

12.—(1) As soon as may be after the rate has been finally determined as aforesaid the Authority shall issue or cause to be issued to every occupier a notice in writing specifying :— Notice to ratepayers.

- (a) the local situation of the premises in respect of which the rate is payable,
- (b) the amount of such rate, and
- (c) the day on which such rate is due and payable.

(2) Such notice shall further state that unless such amount be paid on or before the thirtieth day of June next ensuing the date of such notice, a further sum of ten pounds per centum will be added thereto by way of percentage increase and that the same may be levied on the goods, chattels and effects of the occupier.

Increase in
case of default.

13. The rate or any part thereof, if unpaid at the expiration of three months after the same shall have become due, shall be increased at the rate of ten pounds per centum.

Rate to be a
charge on
premises and
recoverable
by distress
and sale.

14.—(1) The rate is hereby declared to be a first charge on the premises in respect of which the same is levied after prior debts due to His Majesty, His Heirs and Successors, and if not paid on or before the thirtieth day of June in any year shall be recoverable by distress and sale.

(2) Each person having an undivided interest in any premises in respect of which the rate is payable shall be liable for the whole rate payable in respect thereof.

(3) The occupier of any premises may deduct any amount recovered from him or paid by him in respect of the rate from any rent payable by him to the owner in respect of such premises.

Dispute as to
value of lands,
house lots or
buildings.

15. Where there is any dispute as to the annual rental value of any lands or of any house lot or building in respect of which a rate is payable, the person objecting to the amount entered in the book kept by the Maintenance Inspector may apply to the Magistrate of the district, who shall enquire into the matter, and after investigation, certify under his hand what is the true annual rental value thereof; and the annual rental value so certified shall be deemed to be the annual rental value for the purposes of the rate.

Maintenance
Authority
declared to be
a Public
Authority.
(36—1913.)

16. The Maintenance Authority is hereby declared to be a Public Authority within the meaning of and for the purposes of the Public Authorities (Rates and Charges Recovery) Ordinance, 1913.

17. Every person who wilfully damages or injures or in any manner interferes with any dam, trench, drain, outfall, sluice, pipe, bank, wall, bridge, building, erection, engine, pump, appliance, tool, or any other work or thing in connection with or in any reclaimed area shall be liable on conviction to a penalty not exceeding fifty pounds. Penalty for damaging work in reclaimed area.

18. Penalties incurred under this Ordinance shall be recoverable on summary conviction before a magistrate; and the procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance, (9-1918,) 1918. Recovery of penalties.

19.—(1) It shall be lawful for the Governor in Executive Council to make regulations for the better carrying out of the provisions of this Ordinance. Regulations.

(2) All such regulations shall be published in the *Royal Gazette* and shall be judicially noticed.

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

G. D. OWEN,
Clerk of the Council.
