

No. 37—1941.

United States Bases (Temporary Provisions).

AN ORDINANCE to implement the Agreement signed on the 27th of March, 1941, between the Government of the United Kingdom and the Government of the United States of America relating to the Bases leased to the United States of America in certain territories including the Colony of Trinidad and Tobago and to provide for other matters arising out of the establishment of such Bases.

[31st December, 1941.]

Commencement.

1. This Ordinance may be cited as the United States Bases (Temporary Provisions) Ordinance, 1941. Short title.

2. In this Ordinance—

Interpretation.

“the Agreement” means the Agreement signed on the 27th of March, 1941, between the Government of the United Kingdom and the Government of the United States of America relating to the Bases leased to the United States of America in certain territories including the Colony of Trinidad and Tobago ;

“Bases” means the Bases established in the Colony in pursuance of the communications set out in Annex I to the Agreement ;

“existing law” means any Ordinance or regulation in force in the Colony at the commencement of this Ordinance ;

“Leased Area” means an area in the Colony in respect of which there is for the time being subsisting a lease entered into in pursuance of the communications set out in Annex I to the Agreement or which has been declared by the Governor by notification in the *Royal Gazette* to be deemed a Leased Area for the purposes of this Ordinance.

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Proof of Agreement.

3. Production of a copy of the *Royal Gazette* purporting to set forth the terms of the Agreement and (in so far as they affect the Colony) of the Annexes thereto shall be *prima facie* evidence of the terms of the Agreement and of any documents set forth in the Annexes.

Proof of certain leases and surrenders.

4. Production of a copy of the *Royal Gazette* purporting to set forth the terms of—

- (a) any lease entered into, whether before or after the commencement of this Ordinance, in pursuance of the communications set out in Annex I to the Agreement ; or
- (b) any lease entered into, whether before or after the commencement of this Ordinance, in pursuance of paragraph (6) of the Special Provisions appertaining to Trinidad set forth in Annex III to the Agreement ; or
- (c) the surrender, whether before or after the commencement of this Ordinance, of the whole or any part of any area comprised in any such lease as is contemplated by paragraphs (a) and (b) ;

shall be *prima facie* evidence of the fact that any such lease or surrender has been executed, and of the terms thereof and of its validity.

Power to make Regulations.

5. (1) The Governor in Council may make Regulations for implementing the Agreement and for providing for other matters, as to which provision seems to him to be necessary or expedient, arising out of the establishment of the Bases, and, without prejudice to the generality of this power, any such Regulations may provide for the control by or on behalf of the United States of America of—

- (a) the Leased Areas and the territorial waters and air spaces adjacent to, or in the vicinity of, the Leased Areas, as contemplated by Article I of the Agreement ;

- (b) the areas comprised in the watershed of the Aripo River north of the Leased Area at Cumuto so far as may be necessary in order to safeguard, or prevent the pollution of, the waters of and in the said watershed or otherwise to ensure their purity as contemplated by paragraph (2) of the Special Conditions appertaining to Trinidad set forth in Annex III to the Agreement ;
 - (c) the United States Fleet Anchorage contemplated by paragraph (4) of the Special Provisions appertaining to Trinidad set forth in Annex III to the Agreement and the territorial waters and air spaces adjacent thereto or in the vicinity thereof.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), Regulations made under that subsection may make provision for—
- (a) the arrest of persons found committing an offence against the Regulations ;
 - (b) the seizure of things in respect of which an offence against the Regulations has been, or is reasonably suspected of having been, committed or which have been used in the commission of any such offence or suspected offence, and the disposal (including the forfeiture) of any things so seized ;
 - (c) the steps which may be taken, and the persons by whom they may be taken, to prevent the commission of offences against the Regulations or to remove from any area persons or things which have entered, or are in, that area in contravention of the Regulations ;
 - (d) the punishment of persons who have committed offences against the Regulations ;
 - (e) the exclusion, restriction or modification of the application of any existing law.

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(3) Regulations made under this section shall, unless otherwise provided, have effect notwithstanding the existence of any public rights.

(4) Regulations made under this section shall not have any force or effect until confirmed by resolution of the Legislative Council: Provided that the foregoing provision of this section shall not apply to Regulations certified by the Governor to be urgently required and that, with regard to Regulations so certified, the following provisions shall have effect, namely—

(a) they shall expire at the end of one month after the coming into force thereof unless they have meanwhile been confirmed by resolution of the Legislative Council ;

(b) such expiry shall be without prejudice to things done or suffered thereunder.

Production of a copy of the *Royal Gazette* purporting to set forth the terms of a certificate of the Governor under this subsection shall be *prima facie* evidence of such certificate having been given.