

TRINIDAD AND TOBAGO.

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No. 18—1935.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

25th June, 1935.

[On Proclamation.]

AN ORDINANCE to provide for the establishment of a Housing Commission.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :

Short title and commencement.

1. This Ordinance may be cited as the Housing Commission Ordinance, 1935, and shall commence on a day to be fixed by the Governor by proclamation.

Interpretation.

2. Terms and expressions used in this Ordinance shall have the same meanings as defined in the Slum Clearance Ordinance, 1935.

Establishment of Housing Commission.

3. For the purposes of management of slum clearance areas after reconstruction in accordance with the provisions of the Slum Clearance Ordinance, 1935, there shall be established a Housing Commission to be called the Housing Commission of Trinidad and Tobago (hereinafter referred to as the Commission) in which slum clearance areas shall be vested.

Incorporation of Commission.

4. The Commission are hereby incorporated and may sue and be sued under the name of the "Housing Commission of Trinidad and Tobago" and shall have perpetual succession and an official seal which shall be officially and

judicially noticed, and the seal shall be authenticated by the signature of the Chairman and one other member of the Commission.

5.—(1) The Commission shall consist of a Chairman to be appointed by the Governor in Executive Council and of six other members to be so appointed of whom three such members shall be nominated by the Port-of-Spain City Corporation (hereinafter referred to as the Corporation) for such appointment.

Constitution of
Commission.

(2) The Chairman shall hold office during the Governor's pleasure.

(3) The nominees of the Corporation shall be appointed to hold office from the 1st day of January in each year or so soon thereafter as is practicable and shall automatically retire on the 31st December following such appointment but shall be eligible for re-nomination and re-appointment. Other members shall hold office for a period of three years from the date of their respective appointments but may be re-appointed by the Governor in Executive Council.

(4) The Chairman shall have a casting as well as a deliberative vote.

(5) The Commission may act by any four of their members and may so act notwithstanding a vacancy in their numbers.

(6) Subject to the provisions of sub-section (1) of this section the Governor in Executive Council may appoint any person to act in the place of the Chairman or any other member of the Commission in case of the absence or inability to act as such Chairman or other member.

(7) Any member of the Commission may at any time resign his office by instrument in writing addressed to the Colonial Secretary and from the date of such instrument such member shall cease to be a member of the Commission and the vacancy caused by such resignation or by the death of a member shall, subject to the provisions of sub-section (1) of this section, be filled by the Governor in Executive Council by the appointment of another person for the remainder of the term of office of the member whom he replaces.

(8) The appointment of any member to the Commission shall be notified in the *Royal Gazette*.

Indemnity
to members
of the
Commission.

6. No member of the Commission shall incur any personal liability for any loss or damage by any act or omission in the administration of the affairs of the Commission unless such loss or damage be occasioned by an intentionally wrongful act or omission on his part.

Funds of
Commission.

7. The funds of the Commission shall be the proceeds of loans which shall be raised by the Governor from time to time for the purposes of this Ordinance or such other moneys as may be authorized by resolution of the Legislative Council to be paid to the Commission out of the revenues or surplus balances of the Colony and such other moneys as may accrue from the operations of the Commission: Provided that pending the raising of any such loans it shall be lawful for the Governor by warrant under his hand to authorize the Treasurer to make advances to the Commission in such sums and on such terms and conditions as he may think fit for the purposes authorized by this Ordinance.

Application
of the funds
of the
Commission.

8. The funds of the Commission shall be applied towards :
- (a) The payment of the cost of acquisition of any land or buildings authorized to be acquired under the provisions of this Ordinance ;
 - (b) The payment of all rates, taxes and insurance on any land or buildings acquired ;
 - (c) The payment of all expenses authorized by this Ordinance ;
 - (d) The creation of a reserve fund as the Commission may in their discretion consider sufficient ;
 - (e) The payment of interest on loans and the repayment of such loans.

Powers of
Commission.

- 9.—(1) The Commission are hereby authorized—
- (a) To acquire from the local authority the whole or part of a reconstructed slum clearance area ;
 - (b) To acquire, subject to the conditions set out in the two following sections hereof any other land or buildings adjacent to a slum clearance area which in the opinion of the Commission it is desirable should be acquired for the satisfactory further development or uses of the slum clearance area and land adjacent thereto ;

- (c) To let or lease for any term of years or upon any conditions any land or buildings vested in them and to accept surrenders of any such leases as they in their absolute discretion think fit :

Provided that no lessee or tenant shall be permitted or allowed to assign, subdemise or sublet any land or buildings so let or leased without the permission in writing of the Governor in Executive Council ;

- (d) To sell with the approval of the Governor in Executive Council any land or buildings vested in them ; any application submitted for the approval of the Governor in Executive Council shall set forth—

- (i) full particulars of the land or buildings intended to be sold,
- (ii) the purchase price to be paid on such sale,
- (iii) the price paid by the Commission when the land or buildings were acquired by them,
- (iv) the name and address of the intended purchaser,
- (v) the purpose for which the land or buildings will be used ;

- (e) To invest at their discretion in any securities authorized by law for the time being for the investment of trust funds any monies (whether consisting of capital or income) at any time at the disposal of the Commission and not immediately required by the Commission for the purchase of lands or buildings as authorized by this Ordinance ;

- (f) With the approval of the Governor in Executive Council to make advances upon such securities as may likewise be approved, to suitable social organizations for the purpose of assisting the erection of hostels for single men and single women ;

- (g) To pay a manager and other persons for the management and maintenance of any land or buildings which may be vested in the Commission and to do all things needful or requisite for the development, preservation or maintenance of such land or buildings ;
- (h) To appoint and employ at such remunerations and on such terms and conditions as they may determine a secretary and such officers and servants as may be deemed necessary for the efficient administration of the Commission and to require any such secretary, officer or servant so appointed to give such security as may be considered proper for the due execution of his duties ;
- (i) To create a provident fund for the employees of the Commission upon the same terms and conditions as are contained in the Provident Fund Ordinance.

Ordinance
14 of 1934.

Method of
acquisition of
land by the
Commission.

10. The acquisition of land or buildings referred to in sub-section (1) (b) of the preceding section shall be subject to the following conditions :—

- (a) Any decision to acquire such land and buildings shall be contained in a resolution passed at a meeting of the Commission and shall be subject to the approval of the Governor in Executive Council ;
- (b) A copy of such resolution shall be forwarded by the Commission to the Governor in Executive Council accompanied by a scheme shewing the land and buildings which it is proposed to acquire, the reasons for such acquisition, the proposed development thereof in relation to the slum clearance area and the estimated cost of such acquisition and development ;
- (c) The Governor in Executive Council may approve such resolution subject to such modifications (if any) in the scheme as in his discretion he may think fit and upon notification of such approval to the Commission it shall be lawful for the Commission to acquire any such land and buildings specified in the resolution as so approved, in accordance with the provisions of the Land Acquisition Ordinance ;

- (d) Such acquisition shall be effected by notice by the Commission published in the *Royal Gazette* declaring that the land and buildings specified in such notice have been appropriated by the Commission for the purposes of this Ordinance and thereupon as from the date of publication of such notice such land and the buildings thereon shall become vested in the Commission absolutely in fee simple.

11.—(1) Upon the acquisition of any land and buildings as provided for in the preceding section it shall be the duty of the Commission who are hereby empowered so to do, to take steps for carrying into execution as soon as practicable the scheme of development approved by the Governor in Executive Council and for that purpose to alter, enlarge, repair, improve or reconstruct any of the buildings, or to demolish any or all of the buildings, to clear the whole or any part of the area and to rebuild or otherwise develop the area in the manner provided by the scheme.

Commission to carry out scheme of development.

(2) The Commission may in like manner and for the purposes of the scheme of development, but with the approval of the local authority, lay out, pave, sewer, and complete all such streets upon the land acquired by them as they may think fit; and all streets so laid out and completed shall thenceforth be public streets repairable by the local authority.

(3) The Commission may also engage with any person to carry the whole or any part of the scheme of development into effect upon such terms as the Commission may think expedient.

12.—(1) The Commission may with the approval of the Governor in Executive Council by an order extinguish any public right of way over any land purchased by them in accordance with the preceding sections but an order intended to be made under this sub-section shall prior to such approval be published in the *Royal Gazette* and in one or more newspapers circulating in the Colony at least once in every week for a period of six weeks and if any objection thereto is made to the Governor in Executive Council before the expiration of six weeks from the date of the

Extinguishment of ways, easements, &c.

first publication thereof, the Governor in Executive Council shall not approve the order until he has caused a public enquiry into the matter under the Commissions of Enquiry Ordinance.

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(2) Any such order when so approved shall be published in the *Royal Gazette* and shall take effect from the date of such publication or from the date specified in such order.

(3) Upon the completion by the Commission of the purchase by them of any land in accordance with the preceding sections all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the Commission and the person entitled to the rights in question, vest in the Commission and any persons who suffer loss by the vesting of any such right or property as aforesaid shall be entitled to be paid by the Commission compensation to be determined under and in accordance with the provisions of the Land Acquisition Ordinance.

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Recovery of
possession of
buildings.

13.—(1) Where the acquisition of land and buildings has been approved by the Governor in Executive Council under the provisions of section 10 of this Ordinance the Commission shall serve on the occupier of any such land, building or any part of any such building a notice stating the date by which the Commission require the land or building to be vacated and requiring him to quit the said land or building before the said date or before the expiration of 28 days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the land or building to be vacated any person is in occupation of the land or building or any part thereof the Commission may make complaint to the Magistrate of the district within which the land or building is situate and thereupon the Magistrate shall by a warrant in the form set out in the Third Schedule to the Summary Ejectment Ordinance or in a form to the like effect, order vacant possession of the

Cap. 68.

land or building or any part thereof to be given to the complainants within such period as may be determined by the Magistrate.

(2) Any expenses incurred by the Commission under this section in obtaining possession of any land or building may be recovered by them from any of the owners of such land or building summarily as a civil debt.

(3) Any person who, knowing that the acquisition of any land or buildings has under section 10 of this Ordinance been approved by the Governor in Executive Council enters into occupation of that land or of any of such buildings or any part thereof which are unfit for human habitation after the date of such approval or permits any person to enter into such occupation after that date shall be liable on summary conviction before a Magistrate to a fine not exceeding fifty dollars and to a further penalty of ten dollars for every day or part of a day on which the occupation continues after conviction.

14. The rents payable in respect of any land or buildings vested in the Commission shall be arranged from time to time so as to produce an annual amount sufficient to discharge all expenses incidental to the carrying out of the provisions of this Ordinance as nearly as may be. Rental to be charged by Commission.

15. The Commission shall meet not less than once a month and shall keep or cause to be kept minutes of the proceedings of all meetings of the Commission. Copies of such minutes duly confirmed at a subsequent meeting shall be forwarded every six months to the Colonial Secretary. Meetings and minutes of Commission.

16. The Commission shall keep true accounts of— Accounts.

(a) the sums of money received and expended by the Commission and the matters in respect of which such receipts and expenditure take place; and

(b) the assets and liabilities of the Commission.

17. The Commission shall cause to be kept proper books of account and other books in relation thereto and such books shall be kept at the office of the Commission and shall always be open to the inspection of every member of the Commission and the Auditor. Books.

Report
and audited
accounts
to be
forwarded
annually.

18. The Commission shall furnish to the Governor as soon as possible after the expiration of each financial year a report upon the administration of the affairs of the Commission together with a balance sheet and statement of the revenue and expenditure of the Commission duly audited by the Government Auditor or such other Auditor as may be approved by the Governor in Executive Council.

Exemption
in respect
of stamp
duties and
registration
fees.
Cap. 206 and
Cap. 173.

19. Notwithstanding anything contained in the Stamp Duty Ordinance or the Registrar-General's Ordinance any instruments necessary for transferring or vesting any land and buildings acquired by the Commission upon which or in respect of which stamp duties are payable to the Government shall be exempt from the payment of such stamp duties or registration fees.

Exemption in
respect of
income tax.
Cap. 203.

20. Notwithstanding anything contained in the Income Tax Ordinance the income of the Commission shall be wholly exempt from payment of any income tax.

Passed in Council this thirty-first day of May, in the year of Our Lord one thousand nine hundred and thirty-five.

J. O'CONNOR,
Clerk of the Council.