

# TRINIDAD AND TOBAGO.

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No. 19—1933.

I ASSENT,

[L.S.]

A. C. HOLLIS,  
*Governor.*

23rd November, 1933.

AN ORDINANCE to repeal and re-enact certain provisions of the Interpretation Ordinance, Cap. 2 and to make further provisions for the definition and interpretation of certain terms and expressions and matters incidental thereto.

[23rd November, 1933.]

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 Interpretation Ordinance, 1933. Short title.

2. In this Ordinance and in all other laws, and in all public documents, enacted, made or issued before or after the commencement of this Ordinance, the following words and expressions shall have the meanings hereby assigned to them respectively unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided—

“Act” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions.

[Price 6d.]

- “British Empire” means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, the territories administered by His Majesty’s Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and Protected States and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.
- “Christian name” means any name prefixed to the surname whether received in Christian baptism or otherwise.
- “Coin” means gold, silver, and bronze or other coin legally current in the Colony.
- “The Colony” means the Colony of Trinidad and Tobago.
- “Commencement” used with reference to a law means the time at which the law comes into operation.
- “Common law” means the common law of England.
- “Court” means any court of the Colony of competent jurisdiction.
- “Court of Criminal Appeal” means the Court of Criminal Appeal constituted under the provisions of the Criminal Appeal Ordinance, 1931.
- “Full Court” means the Full Court constituted under the provisions of the Judicature Ordinance, Cap. 35.
- “Supreme Court” means the Supreme Court constituted under the provisions of the Judicature Ordinance, Cap. 35.
- “West Indian Court of Appeal” means the Court of Appeal constituted under the West Indian Court of Appeal Act, 1919 (9 and 10 Geo. V. c. 47).
- “Constable” includes any member of the Constabulary Force.
- “Constabulary”, “Constabulary Force”, “Police” “Police Force”, means the Constabulary Force constituted under the Constabulary Ordinance, Cap. 88.

- “Crown Agents” means the persons for the time being acting as Crown Agents for the Colonies in England, or any of them.
- “Financial year” means the twelve months ending the 31st day of December in any year.
- “Government” means the Government of the Colony.
- “Government Analyst” includes any assistant or other analyst employed by the Government.
- “Government Printer” includes the Superintendent of Government Printing and any printer purporting to be the printer authorised to print laws and other documents of the Government.
- “Governor” means the Governor of the Colony or the Officer for the time being administering the Government.
- “Governor in Executive Council” means the Governor acting with the advice of the Executive Council of the Colony, but not necessarily in accordance with such advice.
- “His Majesty” or “Her Majesty”, “the King” or “the Queen” or “the Crown” means His Majesty the King, or Her Majesty the Queen, a Sovereign for the time being of Great Britain, Ireland and the British Dominions beyond the Seas and includes predecessors and the heirs and successors of such King or Queen.
- “Imperial Parliament” and “Parliament” means the Parliament of the United Kingdom.
- “Inspector General” means the Inspector General of Constabulary.
- “Judge” includes the Chief Justice and any Puisne Judge of the Supreme Court.
- “Justice” means a Justice of the Peace.
- “Land” includes messuages, tenements, hereditaments, houses and buildings of any tenure.
- “Law” includes any Legislative enactment and any Proclamation, Rule, Regulation, Bye-law, Order in Council, Order or Rule of Court made under the authority of any law.

- “Medical Practitioner” means a Member of the Medical Board of Trinidad.
- “Medical Officer” means a Medical Practitioner in the service of the Government.
- “Month” means a calendar month, unless words be added showing lunar month to be intended.
- “Oath” and “affidavit”, in the case of persons for the time being allowed by law to affirm or declare instead of swearing include affirmation and declaration, and “swear”, in the like case, includes “affirm” and “declare”.
- “Order-in-Council” includes an Imperial Order-in-Council, an Order of the Governor in Executive Council, and a Resolution of the Legislative Council having the force of law.
- “Person” includes any body of persons, corporate or unincorporate.
- “Prescribed” means prescribed by the Ordinance in which the word occurs or by any regulation made thereunder.
- “Public holiday” means any day which under the provisions of any law for the time being in force is or is declared to be or proclaimed as a public holiday.
- “Registered” used with reference to a document means registered under the provisions of the law for the time being applicable to the registration of such document.
- “Regulation” includes any rule, bye-law, order, form of notice, issued or made under the authority of any law.
- “Royal Gazette” means the ‘Gazette’ published by the order of the Government and includes supplements thereto and any ‘Extraordinary Gazette’ so published.
- “Rule” includes regulation.
- “Rules of Court”, when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court.
- “Sale” and “sell” include exchange and barter.

“ A Secretary of State ” means one of His Majesty’s Principal Secretaries of State.

“ The Secretary of State ” means His Majesty’s Secretary of State for the Colonies.

“ Service by post ”—Where an Ordinance authorises or requires any document to be served by post, whether the expression “ serve ”, or the expression “ give ” or “ send ”, or any other expression is used, then, unless a contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

“ Sign ” with its grammatical variations and cognate expressions, with reference to a person who is unable to write his name, includes “ mark ”, with its grammatical variations and cognate expressions.

“ Statutory declaration, ” if made,

- (a) in the Colony, means a declaration made by virtue of the Statutory Declarations Act, 1835, or under the Statutory Declarations Ordinance, Cap. 73 ;
- (b) in any part of the British Empire beyond the Colony, means a declaration made before a justice of peace, notary public, or other person having authority therein under any law for the time being in force to take or receive a declaration ;
- (c) in any other place, means a declaration made before a British consul or vice-consul or before any person having authority under any Act of Parliament for the time being in force, to take or receive a declaration.

“Treasurer” means the Principal Financial Officer of the Colony by whatever name such officer may be designated.

“Treasury” means the Treasury of the Colony and includes a Sub-Treasury.

“United Kingdom” means Great Britain and Northern Ireland.

“Vessel” includes any ship, boat, lighter or other floating craft used for transport by water.

“Will” includes codicil.

Words importing the masculine gender include females.

Words in the singular include the plural, and words in the plural include the singular.

“Writing”, and expressions referring to writing include printing, lithography, type-writing, photography, and other modes of representing or reproducing words in visible form.

“Year” and “month” mean respectively a year or a month reckoned according to the British Calendar.

Definitions in Ordinance to apply subject to context and to subsidiary legislation made thereunder.

**3. (1)** Where terms are defined in any law, such terms shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to or inconsistent with such meaning.

(2) Where terms defined in any Ordinance are used in any instrument (that is to say, any order-in-council, proclamation, rule, regulation, bye-law, order form or notice) made or issued under such Ordinance, such terms shall have the respective meanings assigned to them by the Ordinance, unless they are otherwise defined in such instrument or are inconsistent with the subject or context.

Ordinances to be public Ordinances.

**4.** Every Ordinance shall be a public Ordinance and shall be judicially noticed as such, unless the contrary is expressly provided by the Ordinance.

Citation of Ordinances.

**5. (1)** When an Ordinance is referred to, it shall be sufficient for all purposes to cite the Ordinance either by

the short title, if any, by which it is made citable, or by the year of its passing and its number among the Ordinances of that year or in the case of the revised edition of the Ordinances issued under any Ordinance providing for the issue of a revised edition, by its short title or its number and the reference may in all cases be made according to the copies of Ordinances purporting to be printed by the Government Printer.

(2) Whenever the Principal Ordinance on any subject is amended by any Ordinance and the title or short title of the Principal Ordinance admits of it, the Principal Ordinance and every Ordinance amending it may for all purposes be cited by the title or short title, as the case may be, of the Principal Ordinance, substituting therein the word "Ordinances" for the word "Ordinance" and omitting the year and number; and whenever two or more Ordinances are cited in the manner authorised by this sub-section, the authorised short title used shall be construed to mean all the Ordinances covered by that short title, or either or any of them.

6. When any Ordinance, or part of an Ordinance, or any instrument made thereunder (that is to say, any order in council, proclamation, warrant, scheme, letters patent, rule, regulation, bye-law, order, or notice) came or comes into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day next preceding such day.

Time when Ordinance or subsidiary legislation comes into operation.

7. Every Ordinance and any order-in-council, proclamation, rule, regulation, bye-law, order, or notice made under any Ordinance or other lawful authority and having legislative effect shall be published in the *Royal Gazette* and unless it be therein otherwise provided shall take effect and come into operation as law on the date of such publication and shall be judicially noticed.

Commencement of legislation.

8. Where, in any Ordinance, order-in-council, proclamation, rule, regulation, bye-law, order or other enactment for the time being in force in the Colony, whether passed or made before or after the commencement of this Ordinance, any offence is declared to be punishable, or any penalty is declared to be recoverable, on summary

Procedure where offences punishable on summary conviction.

conviction, the procedure in respect of the trial and punishment of such offences and the recovery of such penalties, and of all matters incidental to or arising out of the trial and punishment of such offences or the recovery of such penalties, shall, in the absence of and subject to any express provision to the contrary, be in accordance with the Summary Conviction Offences (Procedure) Ordinance.

Cap. 24.

Repeal of a  
repealing  
enactment.

9. Where any law repealing in whole or in part any former law is itself repealed, such last repeal shall not revive the law before repealed unless words be added reviving such law.

Repeal and  
substitution.

10. Where any law repeals wholly or partially any former law and substitutes provisions for the law repealed, the repealed law shall remain in force until the substituted provisions come into operation.

Effect of  
repeal.

11. (1) Where any law repeals and re-enacts, with or without modification, any provision of a former law, references in any other law to the provision so repealed, shall, unless the contrary intention appears; be construed as references to the provision so re-enacted.

(2) Where any law repeals any other law, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any law so repealed or anything duly done or suffered under any law so repealed; or
- (c) affect any right, privilege, or obligation or liability acquired, accrued, or incurred under any law so repealed; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any law so repealed; or
- (e) affect any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing law had not been passed.

12. Whenever any Ordinance has already been or shall hereafter be repealed and other provisions are substituted by the repealing Ordinance all orders-in-council, proclamations, rules, regulations, bye-laws, orders, forms, notices or appointments made under the repealed Ordinance, and in force at the time of such repeal, shall until annulled, continue good and valid in so far as they are not inconsistent with the substituted Ordinance or provisions.

Effect of  
repeal of  
Ordinance on  
subsidiary  
legislation.

13. Where one law amends another law the amending law shall, so far as it is consistent with the tenor thereof and unless the contrary intention appears, be construed as one with the amended law.

Construction  
of amending  
law with  
amended law.

14. Whenever any Act of Parliament is extended or applied to the Colony, such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties, and otherwise as may be necessary to make the same applicable to the circumstances.

Imperial Act  
to be read with  
necessary  
modifications.

15. Where by or under any law, the Governor or any public authority is empowered to appoint or name a person to have and exercise any powers or perform any duties the Governor or such public authority may either appoint a person by name or direct the person for the time being holding the office designated by the Governor or by such public authority to have and exercise such powers and perform such duties; and thereupon or from the date specified by the Governor or by such public authority, the person appointed by name or the person for the time being holding the office aforesaid shall have and may exercise such powers and perform such duties accordingly.

Appointment  
of officers by  
name or office.

16. Where any law confers upon any person or authority power to make appointments to any office or place the power shall be construed as including the power to remove or suspend any person appointed, and to reappoint or re-instate him, and to appoint another person temporarily in the place of any person so removed or suspended or in place of any holder of the office or place, who has died or is ill or absent, and to appoint another person temporarily to fill any vacancy in the office or place arising from any other cause: Provided that where the power of the person

Power to  
appoint  
includes power  
to remove, &c.

or authority to make any such appointment is only exercisable upon the recommendation or subject to the approval, consent or concurrence of some other person or authority the power of removal shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval, consent or concurrence of that other person or authority.

Power of Governor to provide for execution of duties of public officer during temporary absence or inability.

17. Where by or under any law, any powers are conferred or any duties are imposed upon a public officer, the Governor may direct that if during any period owing to absence or inability to act from illness or any other cause such public officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by the person named by or by the public officer holding the office designated by the Governor; and thereupon such person or public officer, during any period as aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions, and qualifications as the Governor may direct.

Power of Governor to delegate authority.

18. When by any law the Governor is empowered to exercise any powers or perform any duties, he may unless by law expressly prohibited from so doing depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions, and qualifications as the Governor may prescribe and thereupon or from the date specified by the Governor the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid: Provided that nothing herein contained shall authorise the Governor to depute any person to make regulations under the power in that behalf conferred upon him by any law.

Signification of orders of Governor.

19. When power is given to the Governor to make any order or give any direction, it shall be sufficient, unless it is otherwise expressed, for such order or direction to be signified under the hand of the Colonial Secretary: Provided that any proclamation, warrant or other instrument issued under the public seal of the Colony shall be signed by the Governor himself.

**20.** (1) Where any law confers a power or imposes a duty then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Construction of provisions as to exercise of powers and duties.

(2) Where any law confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(3) Where any law confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the holder of such office, if he has occasion to be temporarily absent therefrom, may, by instrument in writing, appoint the Deputy or Assistant of such office to exercise such powers and duties and during the period of such temporary absence, as may be specified in such instrument.

**21.** Where any law which is not to come into operation immediately on the passing thereof, confers power to make any appointment or to make, grant, or issue any instrument (that is to say, any order in council, proclamation, warrant, scheme, letters patent, rule, regulation, bye-law or order), or to give notices, or to do any other thing for the purposes of the law, such power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary or expedient for the purpose of bringing the law into operation at the date of the commencement thereof, subject to the restriction that any appointment, instrument, notice, or thing, made, granted, issued, given, or done, under such power shall not, unless the contrary intention appears in the law, or the appointment, notice, or thing, is necessary for bringing the law into operation, have any effect until the law comes into operation.

Exercise of statutory power between passing and commencement of law.

**22.** Where any law confers power on any authority to make any appointment or to make, grant or issue any instrument (that is to say any order in council, proclamation, warrant, scheme, letters patent, rule, regulation, bye-law, order, form or notice) the following provisions shall, unless

General provision with respect to power given to any authority to make subsidiary legislation.

the contrary intention appears, have effect with reference to the making, issue, and operation of such instrument—

- (a) any instrument as aforesaid may be at any time amended, varied, rescinded, or revoked by the same authority and in the same manner by and in which it was made ;
- (b) there may be annexed to the breach of any rule, regulation, bye-law, or order such penalty not exceeding ten pounds, as the authority making the rule, regulation, bye-law or order may think fit ;
- (c) where any law confers power on any authority to make any rule, regulation, bye-law or order for any general purposes, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose ;
- (d) no rule, regulation, bye-law or order shall be inconsistent with the provisions of any Ordinance.
- (e) the production of a copy of the *Royal Gazette* containing notice of any appointment or of the granting or issuing of any instrument as aforesaid shall be *prima facie* evidence in all Courts and for all purposes whatever of the due making of the appointment or of the granting or issuing of such instrument and the tenor thereof.

Acts done under subsidiary legislation to be deemed done under law by which subsidiary legislation authorised.

**23.** An act shall be deemed to be done under any law or by virtue of the powers conferred by any law or in pursuance or execution of the powers of or under the authority of any law if it is done under or by virtue of or in pursuance of any order-in-council, proclamation, rule, regulation, bye-law, order, or notice made or issued under any power contained in such law.

**24.** In computing time for the purposes of any law unless the contrary intention appears— Computation of time.

- (1) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done.
- (2) If the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day.
- (3) when any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day.
- (4) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

**25.** Whenever any expression of time occurs in any law, deed, or other legal instrument, the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for the Colony. Time.

**26.** Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises. Provisions when no time prescribed.

**27.** In the measurement of any distance for the purposes of any law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane. Measurement of distances.

**28.** Save as is otherwise expressly provided by any law, whenever any act or thing is required to be done by more than two persons, a majority of them may do it. Power of majority of more than two persons.

Deviations  
from forms.

**29.** Save as is otherwise expressly provided, whenever forms are prescribed, slight deviations therefrom, or necessary alterations thereto not affecting the substance or calculated to mislead, shall not vitiate them.

Provisions as  
to offences  
under two or  
more laws.

**30.** Where an act or omission constitutes an offence, under two or more Ordinances, or both under an Ordinance and under any other law which applies to the Colony, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Ordinances or under such other law, but shall not be liable to be punished twice for the same offence.

Disposal of  
forfeits.

**31.** (1) Where under any law any money or any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the money or the net proceeds of the animal or thing, if it is ordered by competent authority to be sold, shall be paid into the Treasury and shall form part of the public revenue, unless other provision is made.

(2) Nothing in this section shall affect any provision in any law whereby any portion of any fine or forfeit or of proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

Penalties  
prescribed to  
be maximum  
penalties.

**32.** Whenever in any law a penalty is provided for an offence against that law such provision shall indicate, unless the contrary intention appears, that the offence shall be punishable by a penalty not exceeding the penalty prescribed.

Statement of  
penalty at foot  
of section.

**33.** Whenever in any law a penalty is set out at the foot or end of any section the same shall indicate that any contravention of the section whether by act or omission shall be an offence against that law and shall, unless the contrary intention appears, be punishable by a penalty not exceeding the penalty stated,

34. No law shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby. <sup>Rights of the Crown.</sup>

35. The Interpretation Ordinance, Cap 2 is hereby <sup>Repeal.</sup> repealed.

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

J. O'CONNOR,  
*Clerk of the Council.*