

CHAPTER 2.

INTERPRETATION.

AN ORDINANCE TO DEFINE CERTAIN TERMS AND EXPRESSIONS WHEN USED IN ORDINANCES AND IN OFFICIAL DOCUMENTS; TO MAKE PROVISION WITH RESPECT TO THE COMMENCEMENT AND CONSTRUCTION OF ORDINANCES; AND FOR OTHER LIKE PURPOSES.

Ordinances
No. 34 of 1912,
,, 31 of 1925.

[16th July, 1912.]

1. This Ordinance may be cited as the Interpretation Ordinance. Short title.

Authentication and Commencement of Ordinances.

2. (1) When the Governor shall assent to any Ordinance, he shall, in proof of such assent, affix his signature, and the day, month, and year when the same shall be so affixed, to five printed copies of the Ordinance, sealed with the Public Seal of the Colony and immediately under such Seal; and such signature, together with such statement of the day, month, and year, shall be taken to be part of such Ordinance, and such day, month, and year shall be the date of its commencement, when no other commencement shall be therein provided. Assent to and commencement of Ordinances.

(2) Of such copies the Colonial Secretary shall deliver one to the Registrar of the Supreme Court to be enrolled in the said Court, one to the Clerk of Council for the use of the Legislative Council, and shall forward two to the Secretary of State, and shall retain the other copy for the use of the Governor.

3. (1) In this Ordinance and in every Ordinance, whether passed before or after the commencement of this Ordinance, the expression "commencement," when used with reference to any Ordinance, shall mean the time at which the Ordinance comes into operation. Meaning of "commencement."

(2) Where, in any Ordinance, whether passed before or after the commencement of this Ordinance, any order,

warrant, scheme, letters patent, rules, regulations, or bye-laws made, granted, or issued under a power conferred by any such Ordinance, is or are expressed to come into operation on a particular day, the same shall be considered as coming into operation immediately on the expiration of the previous day.

Form of
suspending
section.

4. Whenever any Ordinance contains any enactment in the terms following: that is to say, "the operation of this Ordinance is suspended until His Majesty's pleasure shall be made known," such Ordinance shall not come into operation unless or until the Governor notifies, by proclamation, that it is His Majesty's pleasure not to disallow the same, and subject as aforesaid every such Ordinance shall come into operation on such date as shall be fixed by such proclamation for the purpose.

Citing Enactments.

Mode of citing
Acts of
Parliament.

5. When any Act of Parliament is referred to, it shall be sufficient, for all purposes, if such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more statutes than one in the same year the statute, and where there are more chapters than one the chapter, and if such Act was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters or sections than one the chapter or section or chapter and section (as the case may require), without reciting the title of such Act, or the provision of such section, so referred to; and the reference in all cases may be made according to the copies of statutes printed by the King's Printer, or to the copies thereof contained in the reports of the Commissioners of Public Records.

Mode of
citing
Ordinances.

6. When any Ordinance is referred to, it shall be sufficient for all purposes to cite such Ordinance either by the short title (if any) by which it is made citable, or by the year of Our Lord in which it was made 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 printed in

England or at the Government Printing Office or by the Government Printer.

7. Whenever the principal Ordinance on any subject has been or shall be amended by any Ordinance, every amending Ordinance shall be construed together and as one with the principal Ordinance, and, whenever the title or short title of the principal Ordinance admits of it, the principal Ordinance and every amending Ordinance 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 or number.

Amending Ord. to be construed with principal Ord. and to be cited with that Ord. by a short title.

8. Whenever two or more Ordinances are cited in the manner authorized by the last preceding section, the authorized short title used shall be construed to mean all of the Ordinances covered by such expression, and any or either of them.

Authorized short title to include all or any or either of Ordces. covered by it.

Construction of Enactments.

9. (1) In this Ordinance and in every Ordinance already passed or hereafter to be passed, and in every regulation, bye-law, rule, order, or form already made or hereafter to be made or issued under the authority of any such Ordinance, and in every Order in Council and proclamation made under lawful authority, and in all official documents, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context inconsistent with such construction, or unless it be therein otherwise expressly provided, that is to say:—

Interpretation of certain terms.

- (a) "Colony" means the Colony of Trinidad and Tobago;
- (b) "Common Law" means the Common Law of England;
- (c) "Crown Agents" means the persons for the time being acting as Crown Agents for the Colonies in England, or any of them;
- (d) "Full Court" means the Full Court constituted under the provisions of the Judicature Ordinance;
- (e) "Government Analyst" includes any assistant or other analyst employed by the Government;

Cap. 35.

- (f) "Government" means the Government of the Colony;
- (g) "Government Printer" includes the Superintendent of Government Printing, and any printer purporting to be the printer authorized to print the Ordinances and other documents of the Government;
- (h) "Governor" includes the officer administering the Government for the time being;
- (i) "His Majesty" and "The King" mean His Majesty the King, His heirs and successors;
- (j) "Inspector-General" means the Inspector-General of Constabulary;
- (k) "Justice" means a Justice of the Peace;
- (l) "Land" includes messuages, tenements and hereditaments, houses and buildings, of any tenure;
- (m) "Month" means calendar month;
- (n) "Oath," "Swear," "Affidavit," include affirmation, declaration, affirming, and declaring in the case of persons allowed by law to affirm or declare instead of swearing;
- (o) "Person" includes any body of persons, corporate or unincorporate;
- (p) "Prescribed" means prescribed by or under any Ordinance in which the word occurs;
- (q) "Public Holiday" means any day which, under the provisions of any Ordinance for the time being in force, is declared to be or proclaimed as a public holiday;
- (r) "Secretary of State" means His Majesty's Principal Secretary of State for the Colonies;
- (s) "Supreme Court" means the Supreme Court of the Colony;
- (t) "Treasury" means the Treasury of the Colony;
- (u) "Writing," "Written," or any term of like import includes printing, lithography, typewriting, photography, and other modes

- of representing or reproducing words in a visible form;
- (v) Words importing the masculine gender include females;
- (w) Words in the singular include the plural, and words in the plural include the singular.

(2) Where terms are defined in an Ordinance, 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. Definitions to apply subject to context.

(3) Where terms defined in any Ordinance are used in any regulations, bye-laws, rules, orders, forms, or proclamations under such Ordinance, such terms shall have the meanings assigned to them by the Ordinance, unless they are otherwise defined in such regulations, bye-laws, rules, orders, forms, or proclamations or are inconsistent with the subject or context. (*Substituted by 31 of 1925, s. 2.*) Definition in Ordinance to apply to regulations, etc.

10. Where, in any Ordinance, Order in Council, regulation, bye-law, rule, order, proclamation, 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 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. (*Added by 31 of 1925, s. 3.*) Procedure where offences punishable on summary conviction. Cap. 24.

11. (1) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers powers on any authority to make regulations, the following provisions shall, unless a contrary intention appears, have effect with reference to the making and operation of such regulations:— Powers of authorities to make regulations.

- (a) Any regulation 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 attached to the breach of any regulation such penalty not exceeding ten pounds as the authority making the regulation may think fit;
- (c) No regulation shall be inconsistent with the provisions of any enactment;
- (d) All regulations shall have the force of law and shall be judicially noticed; and
- (e) The production of a copy of the *Royal Gazette* containing any regulation shall be *primâ facie* evidence in all Courts and for all purposes whatever of the due making and tenor of such regulation.

(2) In this section, "regulation" includes bye-laws, rules, orders, and proclamations. (*Substituted by 31 of 1925, s. 4.*)

Provisions as to exercise of powers and duties.

12. (1) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised, and the duty shall be performed, from time to time as occasion requires.

(2) Where any Ordinance, whether passed before or after the commencement of this Ordinance, confers a power or imposes a duty on the holder of an office, as such, then, unless a contrary intention appears, the power may be exercised, and the duty shall be performed, by the holder for the time being of the office.

Official designation to include officer executing duties.

13. When reference is made in any Ordinance, Order in Council, rule, regulation, bye-law, or proclamation to any public officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office, and such other officer as may from time to time be appointed to undertake any portion of such duties.

Power to appoint includes power to remove, etc.

14. In any Ordinance, past or future, words authorizing the appointment of any public officer shall include the power of removing or suspending him, reappointing or reinstating him, or appointing another in his stead in the discretion of the authority in whom the power of appointment is vested.

15. In the measurement of any distance for the purposes of any Ordinance, whether passed before or after the commencement of this Ordinance, that distance shall, unless a contrary intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.

16. Where an Ordinance passed after the commencement of this Ordinance is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any order, warrant, scheme, letters patent, rules, regulations, or bye-laws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Ordinance, that power may, unless a contrary intention appears, be exercised at any time after the passing of the Ordinance, so far as may be necessary or expedient for the purpose of bringing the Ordinance into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless a contrary intention appears in the Ordinance, or the contrary is necessary for bringing the Ordinance into operation, come into operation until the Ordinance comes into operation.

Exercise of statutory powers between passing and commencement of Ordinance.

17. Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive such former enactment unless words be added reviving the same.

Effect of repeal.

18. Whenever any Ordinance, past or future, repeals any former Ordinance and substitutes some enactment instead of the enactment repealed, such repealed enactment shall remain in force until the substituted enactment shall come into operation.

Repealed enactment to remain in force until substituted enactment comes into operation.

19. Whenever any Ordinance has already been, or shall hereafter be, repealed, such repeal shall not—

Repeal of enactment not to affect its past operation.

- (1) revive anything not in force or existing at the time at which the repeal takes effect; or
- (2) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (3) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or

- (4) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (5) affect any investigation, legal proceeding, 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 Ordinance had not been passed.

Effect of repeal of Ordce. on bye-laws, etc., made under it.

20. 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, or forms made under the repealed Ordinance, and in force at the time of such repeal, shall, until they are annulled, continue good and valid in so far as they are not inconsistent with the substituted Ordinance or provisions.

Reference to repealed Ordce. to be deemed to refer to subsequent similar Ordce. or enactment.

21. Whenever, in any Ordinance, past or future, a prior Ordinance is referred to, and such prior Ordinance has subsequently been repealed, and a substantially similar Ordinance passed in lieu thereof or in substitution therefor, whether in a consolidating Ordinance or otherwise, all references in any Ordinance to such prior Ordinance shall, unless it shall be otherwise provided in such subsequent Ordinance, be deemed and construed as referring to such Ordinance passed in lieu of, or in substitution for, such repealed Ordinance.

Power of majority of more than two persons.

22. When, by any Ordinance, past or future, any act or thing is required to be done by more than two persons, a majority of them may do it.

Deviations from forms.

23. Whenever forms are prescribed, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not vitiate them.

Rights of the Crown.

24. No Ordinance, past or future, shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly stated, or unless it appears by necessary implication that the Crown is bound thereby.