

CHAPTER 1. No. 1.

LAW REVISION.

Ordinance
No. 35—1938.

AN ORDINANCE TO MAKE PROVISION FOR THE PREPARATION AND PUBLICATION OF A REVISED EDITION OF THE LAWS OF THE COLONY.

Commencement.

[22nd December, 1938.]

Short title.

1. This Ordinance may be cited as the Law Revision Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“revised edition” means the edition of the laws of the Colony to be prepared under the authority of this Ordinance;

“law” or “enactment” includes the Ordinances and subsidiary laws in force in the Colony;

“subsidiary laws” includes any proclamation, rule, regulation, bye-law, order in council, order, notice or form made or issued under the authority of any law.

Appointment
of Commis-
sioner for
revision of the
Ordinances.

3. (1) The Governor shall, by writing under his hand, appoint a Commissioner or Commissioners for the purpose of preparing a revised edition of the Ordinances of the Colony in force on such date as the Governor shall determine.

(2) If more Commissioners than one are appointed, each Commissioner shall have full power to do any and all things authorised by this Ordinance to be done by the Commissioners, and the term “the Commissioner” as used in this Ordinance shall apply to such Commissioners and to each of them.

(3) If any Commissioner appointed under this Ordinance shall die, resign, or be otherwise unable to act, some fit and

proper person may be appointed by the Governor in his stead.

4. In the preparation of the revised edition of the Ordinances, the Commissioner shall have the following powers, that is to say—

Powers of the
Commissioner.

(a) to omit—

(i) all Ordinances or parts of Ordinances which have been repealed expressly or specifically or by necessary implication, or which have expired, or have become spent, or have had their effect;

(ii) all repealing enactments contained in Ordinances, and also all tables or lists of repealed enactments whether contained in Schedules or otherwise;

(iii) all preambles to Ordinances, where such omission can, in the opinion of the Commissioner, be conveniently made;

(iv) all introductory words of enactment in any Ordinance or section of an Ordinance;

(v) all enactments prescribing the date when an Ordinance or part of an Ordinance is to come into force, where such omission can, in the opinion of the Commissioner, be conveniently made; and

(vi) all amending Ordinances or parts of Ordinances where the amendments effected by such Ordinances or parts of Ordinances have been embodied by the Commissioner in the Ordinances to which they relate:

Provided that the provisions of section 11 of the Interpretation Ordinance shall apply to such omissions in the same way as if the Ordinances or enactments omitted had been repealed;

(b) to consolidate into one Ordinance any two or more Ordinances in *pari materia*, making the alterations thereby rendered necessary in the consolidated Ordinance, and affixing thereto such date as may seem most convenient;

(c) to alter the order of sections in any Ordinance, and, in all cases where it is desirable to do so, to re-number the sections of any Ordinance;

(d) to alter the form or arrangement of any section of an Ordinance, either by combining it in whole or in

part with another section or other sections, or by dividing it into two or more sub-sections, or by transposing words;

(e) to divide any Ordinance, whether consolidated or not, into parts or other divisions;

(f) to transfer any provision contained in an enactment from that enactment to any other enactment to which it more properly belongs;

(g) to arrange the Ordinances, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment;

(h) to add a short title to any Ordinance which may require it, and, if desirable, to alter the short title of any Ordinance;

(i) to supply or alter marginal notes;

(j) to correct cross references;

(k) to shorten and simplify the phraseology of any enactment;

(l) to correct grammatical, typographical and similar mistakes, and omissions, in the existing copies of enactments, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any enactment;

(m) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any enactment into conformity with the circumstances of the Colony;

(n) to insert in all sections in which His Majesty's Army and Navy are mentioned or referred to and in which the Royal Air Force is not mentioned or referred to such mention and reference to the Royal Air Force as may be appropriate;

(o) to make such adaptations of or amendments in any enactments as may appear to be necessary or proper as a consequence of any change in the constitution of any of His Majesty's dominions;

(p) to do all other things relating to form and method which may be necessary for the perfecting of the revised edition.

Mode of
dealing with
alterations of
substance.

5. (1) The power conferred upon the Commissioner in the preceding section shall not be taken to imply any power in

him to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance.

(2) Subject to the provisions of the succeeding sub-sections of this section, in every case where any such alteration or amendment is, in the opinion of the Commissioner, desirable, the Commissioner shall draft a Bill setting forth such alterations and amendments, and authorising them to be made in the revised edition. Any such Bill may have reference to more Ordinances than one, although such Ordinances may not be in *pari materia*.

(3) In any case where an Ordinance, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Bill accordingly.

(4) Every such Bill shall, subject to the approval of the Governor, be submitted to the Legislative Council and be dealt with in the ordinary way.

6. The Commissioner shall omit from the revised edition the enactments specified in the Schedule hereto: Provided that it shall be lawful for the Governor by notice in the *Royal Gazette* to make any addition to the said Schedule: Provided always that, anything in this Ordinance to the contrary notwithstanding, the said enactments shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

Omission of certain enactments from the revised edition. Schedule.

7. There shall be attached to each Ordinance contained in the revised edition a number showing its relevant chapter in the 1925 Revised Edition of the laws or its place among the Ordinances of the year to which it belongs, together with the number and year assigned to any other Ordinance or Ordinances incorporated with such Ordinance by virtue of the powers in this Ordinance contained.

Numbering of Ordinances.

8. The Commissioner shall prepare and cause to be printed together in a separate volume a chronological table of all the Ordinances of the Colony and a full and complete index to the Ordinances contained in the revised edition.

Chronological table and index to revised edition.

Printing of
revised
edition.

9. (1) The Commissioner shall, with the approval of the Governor, make such arrangements as he may think expedient for the printing and binding of the revised edition.

(2) The Governor shall give such directions as he may think fit with respect to the number of volumes into which the revised edition shall be divided, the number of copies to be printed, and the manner in which they shall be bound.

Bringing into
force and
validity of
revised
edition.

10. (1) The Commissioner shall, as soon as the revised edition is completed, transmit a copy thereof to the Governor, who shall lay the same before the Legislative Council.

(2) Upon the passing of a resolution of the Legislative Council authorising him so to do, the Governor may, by proclamation, order that the revised edition shall come into force from such date as he may think fit.

(3) From the date named in such proclamation, the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances in force on such date as shall be specified in such proclamation, save and except as otherwise provided by section 6 hereof.

(4) Notwithstanding the foregoing provisions of this section, the Governor may, upon the passing of a resolution of the Legislative Council authorising him so to do, by proclamation, bring into force such part or parts of the revised edition of the laws as may be completed from time to time and published, whereupon from the date named in such proclamation and to the extent specified therein, the enactments so proclaimed shall be substituted for the enactments therein reproduced and revised and shall for all purposes be of full force and effect and without any question whatsoever be recognized in all courts of justice.

Effect of
repealed or
omitted
Ordinances

11. The repeal or omission from the revised edition of any enactment repealed or omitted during and for the purpose of the preparation of such revised edition shall not affect the validity of any existing resolutions of the Legislative Council, or any subsidiary law made under any enactment so repealed or omitted, but such resolutions or subsidiary laws, so far as

they are not inconsistent with any other law of the Colony for the time being in force, shall continue in force until otherwise provided.

12. Where, in any enactment or in any document of whatever kind, reference is made to any enactment repealed or otherwise affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment in the revised edition.

Construction of reference to repealed, etc., enactment.

13. All subsidiary laws made under any enactment included in the revised edition, and in force at the date when such revised edition shall come into force, shall continue in force until otherwise provided; and references in any such subsidiary law to the enactment under which it is made, or to any other enactment, shall, where necessary and practicable, be deemed to apply to the corresponding enactment in the revised edition.

Saving of existing subsidiary laws.

14. It shall be lawful for the Governor, by writing under his hand, to appoint a Commissioner or Commissioners for the purpose of preparing a revised edition of the subsidiary laws of the Colony in force on such date as the Governor shall determine, and thereupon the provisions of this Ordinance relating to the preparation of a revised edition of the Ordinances shall *mutatis mutandis* apply and have effect for the purpose of preparing and bringing into force the revised edition of such subsidiary laws.

Revision of subsidiary laws.

15. It shall be lawful for the Governor, by writing under his hand, from time to time to appoint a Commissioner for the purpose of preparing periodical supplements to the revised edition, and each supplement brought into force in accordance with the provisions of this Ordinance shall supersede all previous supplements.

Appointment of Commissioner to prepare supplements.

16. (1) In the preparation of such supplements, the Commissioner shall have *mutatis mutandis* the powers conferred by this Ordinance for the preparation of the revised edition, and each supplement shall contain—

Power of Commissioner in preparing supplements and contents of such supplements.

(a) the Ordinances enacted subsequent to those contained in the revised edition and in force;

(b) such of the subsidiary laws passed subsequent to the revised edition and in force as the Commissioner may consider of sufficient importance to be included;

(c) a reference table in respect of those subsidiary laws not included, indicating the date of their publication in the *Royal Gazette*, and such explanatory notes in respect thereof as the Commissioner shall think fit;

(d) such Imperial legislation affecting the Colony as the Commissioner may think fit to include, or a reference table or explanatory notes in respect thereof;

(e) a table of contents, a chronological table of the laws enacted subsequent to the revised edition and up to the date of the latest enactment included in the supplement, and an index.

(2) It shall be lawful for the Commissioner, if he shall see fit, to include in each supplement a table of corrections of grammatical, typographical and similar mistakes and omissions which may from time to time be discovered in the revised edition of the laws, and such laws shall thereupon be read and construed subject to the corrections contained in such table.

(3) The number and year of each Ordinance shall be set out at the beginning thereof, and, when another Ordinance is incorporated therein, the number and year of each amending or incorporated Ordinance shall also be set out at the beginning of the Principal Ordinance.

(4) The date on which any Ordinance came into operation shall be set out at the beginning of such Ordinance, but if the Ordinance has not yet come into operation, that fact shall be indicated.

Proclama-
tions bringing
supplements
into force.

17. The Governor may, by proclamation, approve of each supplement upon the issue thereof and order that it shall come into force from such date as he thinks fit. From the date named in such proclamation the supplement shall, until superseded by the next supplement, be deemed to be and shall be without any question whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances enacted subsequent to those contained in the revised edition and in force on such date as shall be specified in such proclamation, and in respect of the subsidiary laws included therein.

18. Where in any enactment or in any document of whatever kind reference is made to any enactment affected by any supplement proclaimed under this Ordinance such reference shall where necessary and practicable be deemed to extend and apply to the corresponding enactment in the supplement for the time being in force.

Application of references to supplements.

19. (1) Whenever an enactment has been amended by the repeal or omission of any part thereof, or the substitution or addition of words or figures, any re-print of the enactment as amended printed by the Government Printer and published by authority of the Governor shall be substituted for the enactments reproduced therein and shall be deemed to be authentic for all purposes.

Reprints of amended enactments.

(2) No amendment shall have any retrospective operation by force only of its incorporation in the reprinted enactment, and a reference shall be made, in the margin or in a footnote, to the enactment by which every amendment was made.

(3) In any supplement prepared under the authority of this Ordinance, an amended enactment may be reproduced therein in the manner provided by this section.

20. The Governor may by warrant addressed to the Treasurer direct the payment of all expenses of and incidental to the preparation and publication of the revised edition.

Expenses of publication.

SCHEDULE.

Ord. 35-1938. Enactments to be omitted from the revised edition, but kept in force under and R. G.
11.1.1940,
11.4.1940.

Reference number of Ordinance.	Subject matter and Remarks.
GROUP I.—ORDINANCES RELATING TO CERTAIN PROPERTY RIGHTS.	
1905 REVISION.	
No. 139 (Ord. 29-1898) ...	Extinguishing certain right of way through Government buildings, Port-of-Spain.
No. 277 (Ord. 6-1863) ...	Vesting of Admiralty property in the Lord High Admiral or the Admiralty Commissioners.
No. 292 (Ord. 7-1862) ...	Vesting of securities taken by the Registrar, Supreme Court or his predecessors in office.
No. 45-1908	Extinguishing certain rights of way in Port-of-Spain over lands used by the Government Railway.
No. 26-1909	Appropriating certain lands in Port-of-Spain to the purposes of the Government Railway.
No. 31-1912	Incorporating the Cipero Tramroad in the Government Railway.
1925 REVISION.	
Cap. 117	The Caroni and Laventille reclamation scheme.
Cap. 300	Vesting in the Crown certain properties in Tobago.
No. 23-1926	Vesting in the Crown the property known as the Drill Hall, Port-of-Spain.
No. 15-1936	Vesting of La Coulee Land in the San Fernando Corporation.

SCHEDULE—continued.

Reference number of Ordinance.	Subject matter and Remarks.
GROUP II.—ORDINANCES RELATING TO CERTAIN MARRIAGES.	
No. 10-1863	Confirming certain marriages (re-enacted by Ord. 9-1908).
No. 23-1915	Validating certain marriages.
No. 45-1921	Validating certain marriages.
No. 31-1926	Authorising the registration of certain marriages.
No. 4-1928	Validating certain marriages between Indian Immigrants.
No. 7-1930	Authorising the registration of certain marriages.
No. 31-1930	Validating certain marriages.
GROUP III.—LOAN ORDINANCES.	
No. 47-1912	San Fernando market loan, 1912.
1925 REVISION. Cap. 219	Public Works Loan Ordinance, 1912—£551,042.
Cap. 220	Local Loan Ordinance, 1915—£100,000.
Cap. 221	Local Loan Ordinance, 1918—£100,000.
Cap. 222	Local Loan Ordinance, 1920—£1,000,000.
Cap. 234	San Fernando Improvement Loan Ordinance, 1921—£50,000.
No. 16-1930	Port-of-Spain Improvement (Eastern Market) Loan Ordinance, 1930—£24,000.
No. 41-1931	Waterworks and Agricultural Bank Loan Ordinance, 1931—£1,100,000.

SCHEDULE—*continued.*

Reference number of Ordinance.	Subject matter and Remarks.
No. 38-1932	Imperial Treasury War Loan (Repayment) Ordinance, 1932—£422,892.
No. 3-1934	Deep Water Harbour Loan Ordinance, 1934—£1,000,000.
No. 3-1935	Public Works and Housing Commission Loan Ordinance, 1935—\$1,440,000.
No. 8-1935	Port-of-Spain Improvement Loan Ordinance, 1935—\$446,400.
No. 9-1935	Electric Lighting and Tramway Works Loan Ordinance, 1935—\$1,760,000.
No. 21-1935	Deep Water Harbour Loan (Amendment) Ordinance, 1935. (Supplement to No. 3-1934.)
No. 38-1935	Cocoa Subsidy Loan Ordinance, 1935—\$2,500,000.
No. 34-1939	Port-of-Spain Improvement Loan Ordinance, 1939—\$682,877.
GROUP IV.—PRIVATE ORDINANCES.	
1925 REVISION.	
Cap. 301	Roman Catholic Archbishop Incorporation.
Cap. 304	Presbyterian Church Incorporation.
Cap. 305	Baptist Church Incorporation.
Cap. 306	Salvation Army Incorporation.
Cap. 307	Young Men's Christian Association Incorporation.
Cap. 308	St. Mary's College Trustees Incorporation.
Cap. 309	Royal Prince of Wales Lodge of Freemasons Incorporation.
Cap. 315	British Guiana and Trinidad Mutual Fire Insurance Company Limited (Trinidad Branch).

SCHEDULE—*continued.*

Reference number of Ordinance.	Subject matter and Remarks.
No. 46-1925	Seventh-day Adventist Church Incorporation.
No. 21-1927	Mount St. Benedict Monastery Incorporation.
No. 7-1929	St. Andrew Lodge of Freemasons Incorporation.
No. 14-1930	Church of England Incorporation.
No. 39-1931	Tackveeyatul Islamic Association of Trinidad Incorporation.
No. 15-1932	Hindu Sanatam Dharam Association of Trinidad Incorporation.
No. 19-1932	Sanatan Dharma Board of Control Incorporation.
No. 36-1932	Kabir Association of Trinidad Incorporation.
No. 24-1935	Anjuman Sunnat-ul-Jammat Association of Trinidad Incorporation.
No. 25-1935	Royal Philanthropic Lodge of Freemasons Incorporation.
GROUP V.—MISCELLANEOUS.	
Ord. 13-1873	Procedure in addressing the Jury in civil actions. (Re-enacted by Ord. 9-1908.)
No. 2-1916	Preserving certain pension rights.
No. 5-1931	Port-of-Spain Corporation (Validation of certain expenditure) Ordinance, 1931.
No. 38-1933	Preserving certain pension rights (and <i>see</i> Proclamations No. 58 of 1934, 42 of 1935, 15, 50 and 58 of 1938).
No. 9-1937	Port-of-Spain Corporation (Validation of Insurance Expenditure) Ordinance, 1937.
No. 24-1939	Preserving certain pension rights.
No. 28-1939	Appropriation Ordinance, 1939.
No. 32-1939	Emergency Taxation Ordinance, 1939.
No. 1-1940	Preserving certain pension rights.

CHAPTER 1. No. 2.

INTERPRETATION.

Ordinances AN ORDINANCE TO MAKE PROVISIONS FOR THE DEFINITION AND
 No. 19—1933. INTERPRETATION OF CERTAIN TERMS AND EXPRESSIONS,
 „ 23—1933. AND MATTERS INCIDENTAL THERETO.
 „ 24—1934.
 „ 13—1939.
 „ 14—1939,
 s. 37.

Commencement.

[30th November, 1933.]

Short title.

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

Interpretation of certain terms.

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;

“ 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;

“ Comptroller ” means the Comptroller of Customs and Excise;

“ constable ” includes any member of the Police Force;

“contravention” includes, in relation to any provision, a failure to comply with that provision; and the expression “contravenes” or “contravening” shall be construed accordingly;

“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;

“Full Court” means the Full Court constituted under the provisions of the Judicature Ordinance;

“Supreme Court” means the Supreme Court constituted under the provisions of the Judicature Ordinance;

“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);

“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 of December in any year;

“gazetted” means published in the *Royal Gazette*;

“general revenue” or “public revenue” or “public funds” means the revenues of the Government of the Colony receivable by or paid into the Treasury;

“Government” means the Government of the Colony;

“Government Chemist” includes any assistant or other chemist 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 Council” or “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 Act” or “Statute” means an Act passed by the Imperial Parliament;

“Imperial Parliament” and “Parliament” means the Parliament of the United Kingdom;

“Judge” includes the Chief Justice and any Puisne Judge of the Supreme Court;

“Justice” means a Justice of the Peace;

“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;

“Marshal” means the Marshal of the Supreme Court or his Deputy;

“Medical Board” means the Medical Board of Trinidad established under the Medical Board Ordinance;

“medical practitioner” means a member of the Medical Board;

“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;

“Police Force” means the Police Force established and maintained under the Police Force Ordinance, and whenever the term “Constabulary Force” or “Constabulary” is used in any law, the same shall be taken to refer to the Police Force or the Police;

“prescribed” means prescribed by the Ordinance in which the word occurs or by any regulation or order made thereunder, and in relation to any regulation or order means prescribed by the Governor in Executive Council unless some other authority is mentioned in the Ordinance;

“prison” has the meaning assigned to that term in the Prisons Ordinance;

“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;

“Registrar General” means the officer appointed as such under the Registrar General Ordinance;

“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; and any reference to the Government Gazette or the official gazette of the Colony shall be taken to mean a reference to the *Royal Gazette*;

“rule” includes regulation and has the same meaning as that term;

“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;

(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;

“summary offence” has the meaning assigned to that term by section 2 of the Summary Courts Ordinance;

“Treasurer” means the financial Officer in charge of the Treasury by whatever name that 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.

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.

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

(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.

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

Ordinances to be public Ordinances.

5. 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 chapter and number and the reference may in all cases be made according to the copies of Ordinances purporting to be printed by the Government Printer.

Citation of original or revised Ordinances.

6. 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, or adding the years of the first and last Ordinances referred to; 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.

Citation of amended Ordinances.

Ord. 19-1933,
s. 5 (2).
" 13-1939,
s. 3.

7. When any Ordinance, or part of an Ordinance, or any instrument made thereunder (that is to say, any order in

Time when Ordinance or subsidiary

legislation comes into operation.

Ord. 19-1933,
s. 6.

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.

Commencement of legislation.

Ord. 19-1933,
s. 7.

8. 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.

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

Power to appoint includes power to remove, etc.

shall be construed as including the power to remove or suspend any person appointed, and to reappoint or reinstate 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 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.

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.

Signification of orders of Governor.

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.

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

22. (1) 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 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 forty-eight dollars, 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.

(2) When an Ordinance provides that any regulation (which term includes any rule, bye-law or order) made thereunder shall be approved or confirmed by the Legislative Council before such regulation shall have effect or come into force as law, such approval or confirmation shall be deemed to have been given or obtained when such regulation shall have been approved or confirmed by the Rules Committee constituted by and under the Standing Rules and Orders of the Legislative Council. Regulations approved by the Legislative Council or the Rules Committee shall be published in the *Royal Gazette* and from the date specified in such regulations or if no date be therein specified then from the date of publication such regulations shall have the same force and

Rules
Committee.
Ord. 13-1939,
s. 4.

effect as if they were contained in and formed part of the Ordinance under which they are made.

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.

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

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

Computation of time.

(a) 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;

(b) 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;

(c) 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;

(d) 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.

Measurement
of distances.

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.

Power of
majority of
more than
two persons.

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.

Deviation
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.
Ord. 13-1939,
s. 5.

32. (1) Whenever in any law a penalty is provided for an offence against that law, such provision shall, unless the contrary intention appears, be construed as fixing the maximum penalty for that offence, and the offender, on being found guilty, shall be liable to any penalty not exceeding the prescribed penalty; and it shall not be necessary in the law prescribing the penalty to use the expressions "not exceeding," "a term

not exceeding," "on conviction thereof" or any similar expressions.

(2) 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.

Statement of penalty at foot of section.

Ord. 19-1933, s. 33.

(3) Where by any law a court is empowered to order imprisonment, either peremptorily or in default of payment of any pecuniary penalty, upon conviction for an offence, the court may, in the absence of express provision to the contrary in the same or any other law, order the offender to be imprisoned either with or without hard labour, and it shall not be necessary in the law prescribing the penalty to state that any such imprisonment may be with or without hard labour.

Imprisonment may be imposed with or without hard labour.

Ord. 13-1939, s. 5.

33. 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 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 Courts Ordinance.

Procedure where offences punishable on summary conviction.

Ord. 19-1933, s. 8.

34. Whenever in any enactment in force in the Colony on the 15th of July, 1939, any of the amounts indicated in the first column of the following Table has been prescribed as the maximum penalty that may be imposed on the conviction of an offender for an offence, there shall be substituted therefor the amount set out in the corresponding line in the second column of the said Table, namely:—

Penalties.

Ord. 14-1939, s. 37.

<i>Existing penalties.</i>		<i>Substituted penalties.</i>	
£0	4 0 or \$ 0.96	...	\$ 1.00
£0	5 0 or \$ 1.20	...	\$ 1.00
£1	0 0 or \$ 4.80	...	\$ 5.00
£2	0 0 or \$ 9.60	...	\$10.00
£3	0 0 or \$14.40	...	\$15.00
£4	0 0 or \$19.20	...	\$20.00

Substitution
of dollars and
cents for
pounds,
shillings
and pence.

Ord. 13-1939,
s. 7.

35. Where in any law in force in the Colony reference is made to pounds, shillings and pence, such law shall have effect as if instead reference had been made therein to an equivalent number of dollars and cents at the rate of four dollars and eighty cents for every pound, twenty-four cents for every shilling, and two cents for every penny; and half a cent shall be the equivalent of a farthing.

Provision for
future change
of titles.

Ord. 23-1933.
„ 13-1939,
s. 6.

(See *Schedule*
attached.)

36. Whenever the Governor considers it necessary to change the title of any public officer, he shall cause a notice to that effect to be published in the *Royal Gazette* setting out the former title and the substituted title of such officer, and thereupon the substituted title shall replace the former title wherever the former title appears in any law in force or in any deed or other instrument made or issued pursuant to or consequent upon such law.

Rights of the
Crown.

Ord. 19-1933,
s. 34.

37. 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.

SCHEDULE.

Public Officers whose titles have been changed under Ordinance No. 23 of 1933; now replaced by Section 36 of the Interpretation Ordinance.

Abbreviations :

Ord. = Ordinance; P. = Proclamation; R.G. = *Royal Gazette.*

Former Title.	Substituted Title.	Authority.
General Manager of Railways ...	Superintendent of Railways.	Ord. 23 of 1933.
Director of Public Works... ..	Director of Works and Transport.	Ord. 23 of 1933. P. No. 45—1934. R.G. 26.7.1934.
Crown Counsel	Assistant Law Officer	P. No. 21—1934. R.G. 22.3.1934.
Surgeon General	Director of Medical Medical Services	P. No. 17—1936. R.G. 12.3.1936.
Deputy Surgeon General	Deputy Director of Medical Services	
Government Veterinary Surgeon...	Senior Veterinary Officer.	P. No. 21—1937. R.G. 8.4.1937.
Assistant Officer in Charge Govern- ment Stock Farm.	Veterinary Officer	
Manager Stock Farm and Veteri- nary Surgeon, Tobago.	Veterinary Officer	
Assistant Director of Agriculture...	Deputy Director of Agriculture.	P. No. 31—1937. R.G. 13.5.1937.
Mycologist	Plant Pathologist	
Assistant Director of Public Works	Deputy Director of Public Works.	P. No. 37—1937. R.G. 3.6.1937.
Surveyor General	Director of Surveys	P. No. 24—1938. R.G. 2.6.1938.
Deputy Surveyor General	Deputy Director of Surveys.	

SCHEDULE—*continued.*

Former Title.	Substituted Title.	Authority.
Collector of Customs and Excise...	Comptroller of Customs and Excise.	P. No. 44—1939. R.G. 20.7.1939.
Deputy Collector of Customs and Excise.	Deputy Comptroller of Customs and Excise.	
Inspector-General	Commissioner of Police.	Ord. No. 5 of 1938, section 77.
Inspector of Constabulary ...	Superintendent of Police.	
Sub-Inspector of Constabulary ...	Assistant Superintendent of Police.	
Sergeant Superintendent	Station Sergeant	
Constabulary	Police.	
Government Analyst	Government Chemist.	R.G. 11.4.1940.
Assistant Government Analyst ...	Assistant Government Chemist.	