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CHAPTER 33. No. 8.

RATES AND CHARGES RECOVERY.

Ordinance
 Ch.33. No.8-
 1940.

AN ORDINANCE TO PROVIDE FOR THE RECOVERY OF RATES
 AND CHARGES BY PUBLIC AUTHORITIES.

Commence-
 ment.

[1st February, 1914.]

Short title.

1. This Ordinance may be cited as the Rates and Charges Recovery Ordinance.

Interpre-
 tation.

2. In this Ordinance—

“Chairman” means, in the case of a municipal corporation, the Mayor of such corporation; and in the case of other Public Authorities, the person appointed under or by any Ordinance as Chairman thereof for the purposes of this Ordinance. It shall also include a single person declared to be a Public Authority for the purposes of this Ordinance;

“charges” includes any sum of money (other than a rate) due to any Public Authority;

“premises,” so far as regards any declaration of charge in any Ordinance, past or future, and so far as regards any sale under this Ordinance, includes any building whatsoever and the lands on which the same are respectively built, erected, or standing, together with any land appurtenant to or occupied therewith, and also every parcel of land not appurtenant to or occupied with any building, and assessed separately in any rate book;

“proportionate cost of public advertisement” means, with respect to each of the premises advertised for sale, the proportion of the total cost of any public adver-

tisement in which such premises are named, determined by dividing such total cost by the total number of premises so advertised;

“ public advertisement ” means advertisement in any newspaper published in the Colony circulating in the district in which the premises contained in the list attached to any warrant for sale are situated;

“ rates ” includes any rate, assessment, tax, or imposition.

3. The following shall be Public Authorities for the purposes of this Ordinance— Public Authorities.

(a) The Council of any Municipal Corporation;

(b) Local Authorities under the Public Health Ordinance;

(c) The Director of Works and Hydraulics under Part II of the Roads Ordinance;

(d) The Planning and Housing Commission of Trinidad and Tobago as Planning Authority under the Town and Regional Planning Ordinance;

(e) The Chief Plant Protection Officer under the Plant Protection Ordinance;

(f) The Warden, under section 41, and the Director of Works and Hydraulics, under section 65 of the Waterworks and Water Conservation Ordinance;

(g) The Central Authority under section 41 of the Central Water Distribution Authority Ordinance;

(h) The Board of the Agricultural Credit Bank under section 36 of the Agricultural Credit Bank Ordinance;

and such other bodies and such persons as may, by any Ordinance, be declared to be Public Authorities within the meaning and for the purposes of this Ordinance.

4. Notwithstanding anything contained in this Ordinance authorising any Public Authority to sell any land for the recovery of rates and charges, such sale and the conveyance executed to give effect thereto shall not affect any estate, interest, right, or property of the Crown or of the Public Authority in such lands.

Saving of certain rights when lands sold for arrears of rates.

When premises sold are held on lease from the Crown or a Public Authority.

5. (1) Where any premises sold under or by virtue of the powers conferred by this Ordinance are premises held by any person as lessee or tenant of the Crown or of any Public Authority, or as assignee of such lessee or tenant, the conveyance to the purchaser shall, notwithstanding anything contained in this Ordinance, operate to pass to such purchaser only the right, title, and interest of such lessee or tenant or his assignee to and in such premises free from all encumbrances thereon, save and except any debts due to the Crown or to such Public Authority and charged on such premises.

Schedule.

(2) The conveyance to be executed in any such case shall be an assignment to the purchaser of the unexpired residue of the term of years or other the chattel interest demised by the original lease or tenancy agreement from the Crown or the Public Authority as the case may be, and may be according to the form A in the Schedule hereto.

Powers of distress and sale to be exercised independently.

6. The powers of sale and of distress conferred by this Ordinance may be exercised independently of each other, and either simultaneously or consecutively, and shall be in addition to any remedy by action or otherwise which a Public Authority may have under the provisions of any Ordinance or otherwise at law or in equity.

DISTRESS.

Power to distrain for arrears of rate.

7. Where, under or by virtue of any Ordinance, any rates or charges are due and payable to a Public Authority, it shall be lawful for the Chairman, at any time after one month, or such other time as may be specified in any such Ordinance, shall have elapsed since the same became due and payable, to levy or cause to be levied, by distress upon any goods and chattels found on the premises in respect of which such rates or charges are due and payable, any rates and charges in arrear and unpaid, together with any statutory increase thereof authorised by such Ordinance, and the costs of and incidental to any previous abortive sale under the provisions of this Ordinance held in respect of such premises:

Provided that it shall not be necessary to issue a separate warrant in respect of every sum to be recovered by distress

for rates or charges due to the Public Authority, but the direction to levy by distress any sums due for rates or charges due to the Authority and so in arrear and unpaid, or any of them, with the statutory increases thereon, may be given by one warrant, the sums to be so levied by distress with the statutory increases to be specified in a list to be attached to and to form part of such warrant:

Provided also, that no such warrant of distress shall be enforced for the recovery of any arrears of such rate due at any time more than three years before the time of making such distress.

8. The warrant to be given by the Chairman to the person authorised by him to levy the distress under the last preceding section may be according to the form B in the Schedule hereto, and such warrant shall be sufficient authority to such person and his assistants to levy by distress the amount of the rates or charges, with the statutory increases thereof, specified in such warrant, in like manner as if a separate distress warrant had been issued for the recovery of such rates or charges with such statutory increases thereof respectively:

Authority to levy.

Provided that no misdescription or error in the name of any owner or reputed owner shall in any way invalidate such warrant or any distress levied under the authority thereof.

9. The distress so taken shall be kept by the person authorised to levy the distress for at least ten days, and if at the expiration of that time the rates or charges in respect whereof such distress is levied, together with such statutory increase as aforesaid, and the costs and charges of and incident to the distress and the keeping thereof, and the costs of and incidental to any previous abortive sale under the provisions of this Ordinance relating to the sale of premises, are not paid, such distress may at any time thereafter be sold at public auction to the highest bidder.

Distress may be sold.

10. Out of the proceeds of such sale there shall be paid in the first place the costs and charges of and incidental to the sale and keeping of the distress and the costs of and incidental

Application of proceeds of sale of distress.

to any previous abortive sale under the provisions of this Ordinance relating to the sale of premises, and in the next place the rates or charges so in arrear and unpaid with such statutory increase as aforesaid, and the residue, if any, shall be payable on demand to the owner of the goods and chattels distrained upon.

SALE.

Power of sale for recovery of rates and charges.

11. Where, under or by virtue of any Ordinance, any rates or charges are due and payable to a Public Authority, such Public Authority shall have power to sell the premises in respect of which such rates and charges are due and payable for the recovery of such rates or charges, together with any statutory increase thereof authorised by the provisions of any such Ordinance:

When exercisable.

Provided that the powers of sale conferred by this Ordinance shall not be exercised unless and until such rates or charges shall have been in arrear and unpaid for more than three months after the same became due:

Provided further, that where any sum of money charged on any premises is payable by instalments, the power of sale conferred by this Ordinance shall be exercisable for the recovery of the whole sum charged or the whole of the outstanding instalments whenever any of the instalments remains unpaid for more than three months after the date on which such instalment was payable.

Warrant for sale to be signed by Chairman.

12. (1) Where any premises are liable to be sold by any Public Authority under the powers conferred by this Ordinance, the Chairman may, at any time after the power of sale has become exercisable, by warrant under his hand addressed to some officer of the Public Authority or to any other person named in such warrant, order the sale of such premises or any of them on some day and at some place to be named and appointed in such warrant.

Form of warrant for sale.

(2) The warrant for sale may be according to the form C in the Schedule hereto, and, if the Public Authority think fit, may contain the names of the owners or reputed owners of the respective premises as entered in any Rate Book in force at the date of the warrant.

13. Every sale made in pursuance of the power of sale conferred by this Ordinance shall be by public auction and shall be conducted by the officer or person named in that behalf in the warrant for sale, and at the place thereby appointed; and notice of such sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of such sale:

Sale to be by public auction.

Provided that the Chairman of any Public Authority may, at any time before the sale of any premises so advertised, postpone, either generally or to some day specified, the sale of all or any of such premises.

Chairman may postpone sale.

14. (1) Whenever and so often as any of the premises advertised for sale are not sold on the day appointed for the sale thereof, either by reason of the postponement of the sale thereof under the last preceding section, or for want of time, or by reason of the absence of any bids for the same, such premises may be again put up for sale; and notice of such sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of such sale.

Procedure on sale after postponement.

(2) The warrant for such sale may be according to the form D in the Schedule hereto.

15. (1) The officer or other person conducting the sale under this Ordinance shall report to the Public Authority the result of such sale, stating in such report the amount of the highest bid received for each of the properties for which any bids were made, and the name and address of the highest bidder, and such Public Authority may, by resolution, declare the highest bidder for each property mentioned in the report as the purchaser thereof, and direct that, upon payment of the purchase money, or of the balance thereof in cases where any prescribed deposit on account thereof has been made by the highest bidder, the premises be conveyed to such purchaser.

Report of result of sale.

(2) Provided that where the Public Authority, upon consideration of such report, is satisfied that there has been some fraud or improper conduct with reference to the sale of any of the premises, or that there is some material error in the description of the premises, or that the rate or charge

Authority may declare sale null in certain cases.

for the non-payment of which such premises were sold was paid at the time when the bid for the same was made, such Public Authority may declare such sale to be, and such sale shall thereupon be, null and void, and any deposit made by the highest bidder for the premises shall be repaid to him.

Sale after resolution declaring previous sale null.

(3) Where the sale of any premises has been declared null and void under this section, the Chairman of the Public Authority may issue a fresh warrant for the sale thereof.

Conveyance to purchaser—
Effect of—
Application of proceeds of sale.

16. Upon the execution of the deed of conveyance to the purchaser in accordance with any resolution of the Public Authority, the premises described in such conveyance shall, subject to the provisions of sections 4 and 5, become the property of the purchaser absolutely freed and discharged from all estates, charges, and encumbrances whatsoever, save and except any charge thereon in respect of any debts due to the Crown, and save and except also any charges thereon in respect of any rates or charges due or accruing due to such Public Authority or to any other Public Authority; and the purchase money shall in each case be applied in the first place in or towards payment of the cost of public advertisement of the premises, including the cost of public advertisement in respect of any previous abortive sales, and in the next place in or towards payment of any rates or charges due to the Public Authority by whom the premises were sold at the date of such conveyance, and any statutory increases thereof respectively, and the surplus, if any, shall be paid to the person or persons who shall be entitled thereto.

Surplus proceeds of sale may be deposited into Court.

17. (1) Where, upon any sale by any Public Authority pursuant to the powers conferred by this Ordinance, there remains in the hands of such Public Authority any surplus after applying the proceeds of such sale in or towards payment of any rates, charges, debts, costs, and expenses to which such proceeds are applicable, the Public Authority may, if they think fit, pay such surplus into the Supreme Court, to an account to be entitled "In the Matter of the Rates and Charges Recovery Ordinance, and of the premises (*if situate in Port-of-Spain, San Fernando, or Arima, specifying them simply by reference to their number and to the street in which they are situated, and if not so situated,*

then describing them by the description appearing in the Rate Book of the Public Authority by whom the premises were sold) sold under the provisions of this Ordinance;" and the Supreme Court, or any Judge thereof, may, on the petition of any person entitled or claiming to be entitled to such moneys or any part of the same, make order for the payment of the same or any part thereof to the person or persons entitled thereto.

(2) For the purpose of having such surplus proceeds of sale deposited in Court under this section, a formal request, according to the form E in the Schedule hereto, shall be addressed by the Public Authority to the Registrar of the Supreme Court.

18. Production of a copy of a deed of conveyance purporting to be executed under the authority of this Ordinance, duly stamped, and certified by the Registrar General to be a true and correct copy of the original registered in his office, shall be sufficient evidence of the title of the purchaser to the estate therein expressed to be conveyed to him and of his right to the immediate possession of the premises thereby conveyed.

Certified copy of deed of statutory conveyance to be evidence of title.

19. (1) Any Public Authority may make regulations with respect to the procedure at sale by public auction under the power of sale conferred on them by this Ordinance, and may, by such regulations, fix the amount of the deposit to be made by the highest bidder, and may prescribe the time within which such deposit shall be made and the events in which such deposits shall be forfeited, and they may further provide that in the event of the highest bidder in respect of any premises failing to make the prescribed deposit or to complete the purchase within the time fixed therefor respectively, the next highest bidder shall be deemed to be the highest bidder and purchaser of such premises.

Power to make regulations with respect to procedure at sales.

(2) Any regulations made under this section shall be submitted for the approval of the Governor in Council, and when so approved shall have the same force and effect as if they were enacted by and formed part of this Ordinance.

Power to annul sale on application of highest bidder.

20. It shall be lawful for any Public Authority, upon the application of the highest bidder at any sale, to rescind and annul such sale upon such terms and conditions as to the payment of any rates or charges due to such Public Authority, and any statutory increases thereof in respect of any of the premises sold, and of any cost of public advertisement of such sale and any previous abortive sales, or otherwise as such Public Authority may think proper.

Form of conveyance.

21. The conveyance to the purchaser of any premises sold by any Public Authority may be according to the form F in the Schedule hereto.

SCHEDULE.

FORM A.

Conveyance.

(Section 5).

THIS DEED made the _____ day of _____ in the year 19____, between
(here insert name of Public Authority) of the one part and *[name of purchaser]* of the other part Whereas by a deed of lease dated the _____ day of _____, 19____, and expressed to be made between *[His Majesty the King or the _____ as the case may be]* of the one part and *[here insert name of lessee]* of the other part the premises No. _____ were demised unto the said *[here insert name of lessee]* for the term of _____ years from the day of _____, 19____, subject to the payment of the rent thereby reserved and the performance and observance of the covenants on the part of the lessee and the conditions therein contained. And Whereas pursuant to the power conferred by the Rates and Charges Recovery Ordinance, the said premises were put up for sale by the *[here insert the name of the Public Authority]* by public auction on the _____ and at such sale the said *[here insert name of purchaser]* offered the sum of _____ and was the highest bidder for the same And Whereas by resolution of the said *[here insert the name of the Public Authority]* of the _____ day of _____, 19____, the said *[name of purchaser]* was confirmed as the purchaser thereof Now This Deed Witnesseth that in consideration of the sum of *[the purchase money]* *[or in consideration of the sum of _____ paid by the said _____]* on the _____ by way of deposit in respect of his bid, and of the further sum of _____ paid by him on the _____ (the said two sums making together the purchase money or sum of _____,) the receipt whereof the *[name of the Public Authority]* hereby acknowledge The said *[here insert the name of the Public Authority]* under or by virtue of the power conferred by the Rates and Charges Recovery Ordinance and of any other power enabling them in that behalf, and in pursuance of a resolution of the *[here insert the name of the Public Authority]* of the _____ day of _____, 19____, hereby Assign Unto the said *[name of purchaser]* the premises No. _____ of _____ street *[description as in lease]* To Hold the same Unto the said *[here insert the name of purchaser]* his executors administrators and assigns henceforth for all the residue now unexpired of the said term of _____ years granted by the said deed of lease subject to the payment of the rent now due and henceforth to become due under the said deed of lease and the performance and observance of the covenants on the part of the lessee and the conditions in the same deed contained And subject also to all debts due to the Crown and to the said *[here insert the name of the conveying Public Authority]* or any other Public Authority and charged on the said premises. In witness whereof, etc.

Seal of the Public Authority
 and Signature of Chairman
 or (where the Public Authority has no
 seal) Signature of the Chairman.

FORM B.

Distress Warrant.

(Section 8.)

To [here insert name of Officer or person directed by Chairman to levy]

I, by virtue of the powers vested in me by the Rates and Charges Recovery Ordinance, do hereby authorise you and your assistants to collect and recover the several amounts respectively due for [state the particular rate, charge, or other matter for which the sums are due] in respect of the several premises contained in the list hereto attached together with the statutory increase thereof; and for the recovery thereof I further authorise you and your assistants to distrain on such goods and chattels as are liable to be distrained on, and for the levying of such distress and for the sale thereof this shall be you warrant.

Given under my hand at , this day of , 19 Chairman.

LIST ATTACHED TO THE DISTRESS WARRANT ISSUED BY THE CHAIRMAN, DATED , 19

Premises.	Owner or reputed owner.	Rate, charge, etc., in respect of which levy is to be made.	Amount.	Statutory increase.	Total.

FORM C.

Warrant for Sale.

(Section 12.)

To Chairman of the [here insert name of Public Authority], do hereby order you to sell or cause to be sold by public auction [here describe the place where the sale is to be carried out] on the day of , 19 , the several premises described in the list hereto attached and marked " A " in respect of which the sums set opposite the description of such premises are respectively due for [here describe shortly the matter in respect of which the sums are due, e.g., " for house rates, 19 " or " for water rates, 19 " or " for stock and carriage charges for the quarter ended 31st of October, 19 " or " for cost of house sewers constructed by the "] and have been for more than three months in arrear and unpaid, save and except those of the said premises in respect whereof there shall have been paid to the [here name the Public Authority] before the day of such sale the sums so due and payable, together with the statutory increase thereof, and the proportionate cost of public advertisement.

Dated , 19 Chairman.

FORM D.

Warrant for Sale after Postponement.

(Section 14.)

To Chairman of the [here insert name of Public Authority] do hereby make order that you do sell by public auction at [here describe the place where the sale is to be carried out] on the day of , 19 , the premises contained in the list attached to the warrant for sale dated the day of , 19 , save and except those which were sold at the sale held on

the day of , 19 , and save and except also those in respect of which there shall be paid before the sale the sums mentioned in such warrant as being then due, together with the statutory increases thereof, the proportionate cost of public advertisement of sale under this warrant, and the proportionate cost of public advertisement of the same premises under any previous warrants for sale.

Chairman.

FORM E.

(Section 17.) **In the Matter of the Rates and Charges Recovery Ordinance, and of the premises No. of Street sold under the provisions of the said Ordinance.**

To the Registrar of the Supreme Court.

Please issue the necessary cash lodgment order to the Accountant General to place to the account of the Suitors' fund of the Supreme Court for and on behalf of the Supreme Court of Trinidad and Tobago the sum of to be lodged pursuant to section 17 of the above-named Ordinance, being the surplus of the proceeds of the sale of the said premises No. of Street, which were sold on the day of , 19 , under the provisions of the said Ordinance.

Signature of Town Clerk and Treasurer,
(or Secretary, or other duly authorised
officer of the Public Authority).

FORM F.

(Section 21 .)

This Deed made the day of in the year Between the [*here insert the name of the Public Authority*] (hereinafter referred to as the Public Authority) of the one part and [*name of purchaser*] of [*address and occupation or profession of purchaser*] of the other part Whereas pursuant to the power conferred by the Rates and Charges Recovery Ordinance, the premises hereinafter described were put up for sale by the [*name of Public Authority*] by public auction on the day of , 19 , and at such sale the said [*name of purchaser*] offered the sum of and was the highest bidder for the same And Whereas by resolution of the said [*name of Public Authority*] of the day of , 19 ; the said [*name of purchaser*] was confirmed as the purchaser thereof Now this Deed Witnesseth that in consideration of the sum of [*amount of purchase money*] [*or in consideration of the sum of paid by the said purchaser on the day of , 19 , by way of deposit in respect of his bid and of the further sum of paid by him on the day of , 19 , the said two sums making together the purchase money or sum of] (the receipt whereof the [*name of Public Authority*] hereby acknowledge) The said [*name of Public Authority*] under and by virtue of the powers conferred by the Rates and Charges Recovery Ordinance, and of every other power enabling them in that behalf, and in pursuance of a resolution of the [*insert name of Public Authority*] of the day of , 19 , hereby convey unto the said [*name of purchaser*] the premises known as [*here insert description of premises*](—(if in Port-of-Spain, San Fernando, or Arima, simply by reference to the number and the street in which the premises are situated; if elsewhere, by the description of such premises appearing in the Rate Book of the Public Authority by whom the premises were sold) To Hold the same unto and to the use of the said [*name of purchaser*] in fee simple.*

In witness whereof, etc.

(Seal of Public Authority) and
Signature of Chairman
or (where the Public Authority has no seal)
Signature of Chairman.