

Fourth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 12 of 1980

AN ACT to establish and make provision for the good
government of the borough of Point Fortin.

[Assented to 24th March, 1980]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Point Fortin Corpora- Short title
tion Act, 1980.

PART I

PRELIMINARY

Interpretation

2. In this Act—

“borough” means the town of Point Fortin as defined by this Act together with any extensions thereof, subject to such modifications to its constitution as are effected by this Act;

“corporate land” means land belonging to or held in trust for the Corporation;

“corporate office” means the office of Mayor, Deputy Mayor, Alderman or Councillor;

“Corporation” means the Mayor, Aldermen, and Burgesses of the borough of Point Fortin;

“councils” means the Council of the Corporation;

“house”, in reference to the rate to be imposed and the qualification of burgesses under this Act includes any dwelling-house, warehouse, stable, counting house, store, manufactory, shop, workshop, shed, or other building used in carrying on any trade or business, and any lands appurtenant to or occupied with the same, and not rated separately;

“Minister” means the Minister of Local Government;

“officer” includes the Town Clerk, the Town Superintendent, and every other person employed by the Corporation at a fixed salary, but shall not include labourers or persons in casual employment;

“owner” means the person in possession of or in receipt of either of the whole or of any part of the rents or profits of any land or tenement, whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will;

“premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure;

“reputed owner” of any building or of any vacant lot of land means the person entered as the owner of such building or of such vacant lot of land in the House Rate Book for the time being in force, or in any register of ownership kept by the Corporation;

“statutory increase” means any increase surcharge or percentage added to any rate, charge, or sum of money whatsoever payable to the Corporation under this Act or any other Act for the time being in force in Trinidad and Tobago by reason of the non-payment of any such rate, charge or sum of money at or within the time after the lapse of which such increase, surcharge or percentage is expressed to become payable;

“street” includes any highway, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Town Clerk” means the person for the time being holding the office of Town Clerk and Treasurer under the Corporation, and any person acting as Town Clerk and Treasurer;

“Town Superintendent” means the person for the time being holding the office of Town Superintendent under the Corporation, and any other person for the time being performing the duties of the Town Superintendent with the authority of the Council and also includes the Assistant Town Superintendent;

“valuation” means the sum fixed by the Council or by any Commissioner appointed by the Council as the annual rateable value of any rateable hereditament.

PART II

CONSTITUTION AND GOVERNMENT OF THE BOROUGH

The Borough
and Corporation
of Point Fortin

3. (1) The town of Point Fortin is constituted a borough the burgesses of which are a corporation called "The Mayor, Alderman and Burgesses of Point Fortin".

(2) The Corporation shall act through the Council and the Council shall have and exercise all powers vested in the Corporation.

(3) The Corporation shall have and use a common seal which shall be judicially noticed.

Constitution of
the Council

4. The Council shall consist of the Mayor, Aldermen and Councillors.

Extent of
the borough

First Schedule

5. (1) The Borough of Point Fortin shall include all the lands and buildings within the boundaries set out in the First Schedule.

(2) The Council may by resolution, subject to confirmation by the President extend the limits of the borough.

(3) A resolution to extend the limits of the borough may not be voted on by the Council unless at least one month's notice of the intention to consider such a resolution, is given by advertisement in the *Gazette* and in at least one daily newspaper.

(4) The Council shall as soon as convenient after the incorporation of any area in the borough publish a notice in the *Gazette* and in at least one daily newspaper, describing the area so incorporated and indicating that such incorporation has been effected with the approval of the President.

(5) For all purposes relating to the qualification of burgesses and Councillors, any area incorporated in the borough under this section is deemed to have formed part of the borough during the whole of the twelve month period immediately preceding the date of such incorporation.

(6) Save as may be expressly provided all written laws in force and applicable to the borough at the date of incorporation of any area in the borough shall also apply to the area so incorporated.

6. Every person registered under the Representation of the People Act, 1967, as an elector in any of the unit registers of electors for the borough of Point Fortin is a burgess and the unit registers in which such burgesses are registered comprise the burgess roll.

Burgesses and
burgess roll.
Act No. 14 of
1967

MAYOR, DEPUTY MAYOR, ALDERMEN AND COUNCILLORS

7. (1) Subject to subsection (2), a person is qualified to be elected as a Councillor if, and is not qualified to be elected as or to continue to be a Councillor, unless he—

Qualification of
a Councillor

- (a) is a citizen of Trinidad and Tobago;
- (b) is qualified to be an elector under section 15 of the Representation of the People Act, 1967; and
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English Language.

(2) A person shall be disqualified for being elected and for being a Councillor if he—

- (a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign state; or
- (b) is an undischarged bankrupt; or
- (c) is a mentally ill person within the meaning of the Mental Health Act, 1975; or
- (d) is under sentence of death or is serving a sentence of imprisonment exceeding twelve months imposed on him by a court of competent jurisdiction in Trinidad and Tobago or is under such a sentence of imprisonment the execution of which has been suspended; or
- (e) is disqualified for such election under the Representation of the People Act, 1967; or
- (f) holds an office or place of profit, other than Mayor or Deputy Mayor, in the gift or disposal of the Corporation, but a person is not disqualified by reason of—
 - (i) receiving or being entitled to receive payment by way only of

Act No. 30 of
1975

travelling and subsistence allowances, or a refund of out-of-pocket expenses;

(ii) his receiving as a medical practitioner from the Corporation as the local authority of an urban sanitary district fees for the notification of cases of infectious diseases under the Public Health Ordinance;

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(g) is debarred from exercising the practice of his profession on account of any act involving dishonesty; or

(h) if he has within five years before the day of the election or since his election, been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.

Ord. No. 20
of 1959

Councillors,
representation,
term of office
and qualifications
Act No. 41 of
1967

8. (1) There shall be six Councillors elected by the burgesses in the manner provided for in the Representation of the People Act, 1967.

(2) One Councillor shall be returned for each electoral district.

(3) Except in the case of any Councillor who has resigned or whose term of office has previously been determined under this Act the term of office of Councillors is three years, and they shall retire together on the last day of every triennial period, the first day of which is deemed to begin on the day on which such Councillors were elected to office.

(4) Where a person is elected to fill a vacancy he shall hold office until the time when the person whose vacancy he filled would have gone out of office.

Number, qualification and term
of office of
Aldermen

9. (1) Aldermen shall be elected by the Councillors from among the burgesses, but a burgess who has been elected as a Councillor may not be elected as an Alderman.

(2) A person is not qualified to be elected as an Alderman unless he is qualified to be a Councillor.

(3) The number of Aldermen to be elected by the Councillors is two.

(4) Except in the case of an Alderman who has resigned or whose term of office has previously been determined under this Act the term of office of Aldermen is three years and they shall retire together on the last day of every triennial period, the first day of which is deemed to begun on the day on which the Councillors were elected to office.

(5) Where an Alderman is elected to fill a vacancy, he shall hold office until the time when the person whose vacancy he filled would have gone out of office.

10. (1) Subject to this Act, the election of Aldermen shall be held at a meeting of the Council convened for that purpose on the third day next following that on which the Councillors were elected to office. At this meeting which shall be presided over by the Town Clerk, the business to be transacted shall be in the following order—

- (a) the production to the Town Clerk by each Councillor of the copy of the declaration of his election as a Councillor delivered to him by the returning officer as required by the Election Rules, 1967;
- (b) the taking of the oath of office by all Councillors who have made and subscribed the declaration of acceptance of office and are in attendance at the meeting;
- (c) the election of Aldermen.

(2) At the election of the Aldermen the following shall apply—

- (a) a person entitled to vote may vote for any number of persons not exceeding the number of vacancies by completing, signing, and personally delivering to the Town Clerk a voting paper containing the surnames and given names and the place of abode and description of the persons for whom he is voting;

- (b) the Town Clerk, as soon as all the voting papers have been handed to him, shall openly produce and read them or cause them to be read, and after declaring the result of the election, shall keep them for twelve months in a sealed envelope; and at the end of that time, he shall destroy them;
- (c) in case of an equality of votes, the meeting shall determine by lot which of such persons shall be elected as Aldermen;
- (d) the persons, not exceeding the number of vacancies, who are found to have the most votes, shall be declared to be, and shall thereupon be elected Aldermen of the borough.

(3) An election under this section or under section 12 shall not be rendered null and void by reason of the fact that any Councillor voting in the election is later held under the Representation of the People Act, 1967 not to be elected to office as a Councillor or to be otherwise disqualified.

Act No. 41
of 1967

(4) Within thirty days of a vacancy in the office of an Alderman being reported to the Town Clerk, the Council shall hold a meeting for the purpose of electing a person to fill the vacancy.

(5) At any election under subsection (4) the provisions of subsection (2) shall apply except that—

- (a) in paragraphs (a) and (b) of subsection (2), the reference to the Town Clerk shall be construed as a reference to the Mayor or Deputy Mayor as the case may be; and
- (b) paragraph (b) of subsection (2) shall be construed as though there were substituted for the words beginning with “keep them” to the end of the paragraph, the following “deliver them to the Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time, the Town Clerk shall destroy them”.

11. (1) The Mayor and Deputy Mayor shall be elected from among the Aldermen and the Councillors.

Election, term of office and honorarium of Mayor

(2) The Mayor shall hold office for a term of one year but, subject to subsection (4), shall be eligible for re-election.

(3) Unless the Mayor resigns, ceases to be qualified or becomes disqualified, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.

(4) No person shall serve as Mayor for more than three years in succession.

(5) The reasonable travelling expenses incidental to the office of Mayor shall be paid out of the ordinary revenues of the Corporation: but such expenses shall not in any year exceed the sum of seven hundred and fifty dollars or such other sum as the Council with the approval of the Minister may determine.

(6) The Mayor shall receive an honorarium payable out of the ordinary revenues of the Corporation by equal monthly instalments at the end of each month.

(7) The honorarium shall be in an amount determined by the Council with the approval of the Minister.

12. (1) The Mayor and the Deputy Mayor shall be elected at a meeting of the Council convened for that purpose on the third day next following that on which the election of Aldermen was held; and no other business shall be transacted at the meeting except the taking of the oath of office by any Aldermen elected under section 10, and by such newly-elected Councillors as may not have previously done so, and the appointment of committees of the Council.

Election of Mayor and Deputy Mayor

(2) The election of the Mayor and the Deputy Mayor shall be by motion duly seconded and shall be presided over by the Town Clerk.

13. (1) The Mayor shall by virtue of his office, be a Justice of the Peace for the borough, and shall, unless disqualified to be Mayor, continue to be a Justice during the year next after he ceases to be Mayor.

Mayor to be Justice of the Peace

(2) The disqualification referred to in subsection (1) does not include disqualification because of ineligibility for re-election as Mayor by reason of any person having served as Mayor for three successive years.

Deputy Mayor

14. (1) The Deputy Mayor shall hold office during the term of office of the Mayor and in the absence of the Mayor shall have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under this Act and any other law, save that unless the Deputy Mayor is himself a Justice of the Peace, he may not act as a Justice.

(2) Where the Deputy Mayor discharges the duties of the Mayor for a period of not less than seven days, he is during that period entitled in lieu of the Mayor to be paid the reasonable travelling and other expenses incidental to the office of Mayor.

(3) In the event of the death, resignation or disqualification of the Mayor, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall continue in such office until the date when the Mayor would have gone out of office.

(4) In the event of the Deputy Mayor succeeding to the office of Mayor under subsection (3) or in the event of the death, resignation or disqualification of the Deputy Mayor, the Council may elect an Alderman or a Councillor to be Deputy Mayor and the person so elected shall hold such office until the time when the Deputy Mayor whom he succeeds would have gone out of office.

(5) Where the Mayor dies or is absent or otherwise incapable of acting in the exercise of his powers and duties and the Deputy Mayor is also incapable of acting, the Council shall forthwith elect an Alderman or Councillor to execute those powers and duties in place of the Mayor for such term as the Council may by resolution determine.

Penalty on
refusal to
accept office

15. (1) Every qualified person elected to a corporate office unless exempt under this section or otherwise by law shall either accept the office by making and sub-

scribing the declaration required by this Act within five days after notice of election or be liable to pay the Corporation a fine of five hundred dollars.

(2) The persons exempt under this section are—

- (a) a person who is mentally ill within the meaning of the Mental Health Act, 1975,^{No. 30 of 1975} or who is deaf, blind or suffering from some other permanent infirmity of body; and
- (b) a person who being above the age of sixty-five years or having within five years before the day of his election either served in a corporate office or paid a fine for non-acceptance thereof or having served in a corporate office or in different corporate offices for an aggregate period of six years claims exemption within five days after notice of his election.

16. A fine payable under section 15 is recoverable as civil debt. Recovery of fine

17. A person elected to a corporate office shall not act in that office until he makes a declaration before two members of the Council or the Town Clerk in the form set out in the Second Schedule. Declaration of acceptance of office
Second Schedule

18. (1) A person elected to a corporate office may, at any time by writing signed by him and delivered to the Town Clerk resign the office on payment of the fine provided for non-acceptance of office. Fine on resignation

(2) Where a person resigns from office (other than the office of Mayor), the Council shall forthwith declare the office vacant.

(3) Notice of the vacancy signed by two members of the Council and countersigned by the Town Clerk shall be affixed in some conspicuous place near the outer door of the Town Hall.

(4) In any case where the Council by resolution carried by not less than a three-fourths majority of the members present at a meeting attended by not less than two-thirds of the whole Council grants permission to the holder of a corporate office to resign—

- (a) on the grounds of ill health, or

- (b) because his residence or business is such a distance from Point Fortin that it would be difficult to attend meetings of the Council,

the person resigning is not liable to pay a fine nor is he so liable where he previously served in a corporate office for six years and any period of such service falls within five years of the date of such resignation.

Re-eligibility

19. A person ceasing to hold corporate office shall unless disqualified for holding the office and subject to this Act, be re-eligible to hold corporate office.

Disqualifications
for holding
corporate
office

20. (1) Where a person elected to a corporate office—

Second Schedule

- (a) refuses or neglects to make the declaration set out in the Second Schedule; or
- (b) is away from Trinidad and Tobago for a period in excess of thirty days without the leave of the Council; or
- (c) is absent from three consecutive meetings of the Council without leave of the Council; or
- (d) is not in Trinidad and Tobago at the date of his election and fails to return to Trinidad and Tobago within three months of such election; or
- (e) dies or ceases to possess any of the qualifications set out in section 7(1) or becomes disqualified for being a Councillor for any of the reasons set out in section 7(2),

his office is thereupon vacant.

(2) Where a person elected to a corporate office becomes disqualified for holding such office, the Council shall forthwith declare the office vacant.

(3) Notice of the vacancy signed by two members of the Council and countersigned by the Town Clerk shall be affixed in some conspicuous place near the outer door of the Town Hall.

Second Schedule

(4) A person who becomes disqualified by reason of refusal or neglect to make the declaration set out in the Second Schedule or by absence after having made

such declaration is liable to the same fine as for non-acceptance of office, but disqualification because of absence shall as regards subsequent elections, cease on his return.

(5) A person who becomes disqualified because of being away from Trinidad and Tobago at the time of his election and failing to return within the time specified in subsection (1)(d) shall as regards subsequent elections cease to be disqualified on his return and he is not liable to any penalty for non-acceptance of office.

21. (1) Where a person elected to a corporate office declares on oath before the Mayor that he is not qualified to make the declaration set out in the Second Schedule or, having made such a declaration, that he has ceased to be qualified or has become disqualified to hold such office, the Council shall forthwith declare the office to be vacant.

Person elected to corporate office may declare that he is not qualified

(2) Notice of the vacancy signed by two members of the Council and countersigned by the Town Clerk shall be affixed in some conspicuous place near the outer door of the Town Hall.

22. Non-acceptance of office by a person elected creates a vacancy.

Vacancy caused by non-acceptance of office

23. On being satisfied that the seat of a Councillor has become vacant, the President shall issue a writ addressed to the Returning Officer of the appropriate electoral district for the election of a new Councillor (hereinafter referred to as a "by-election").

Issue of writ for election

24. Where any difficulty arises as regards the election of any person to any corporate office other than the corporate office of Councillor and there is no provision in this Act for holding another election, the Council may order a new election to be held and may give such directions as may be necessary for holding the election.

New election in certain cases

25. A person holding a corporate office shall, once in every three months, where required in writing so to do by any two members of the Council, make a declaration in respect of his qualifying property, that he is qualified

Renewal of declaration

to the amount mentioned in the declaration originally made on his acceptance of the corporate office.

Penalty

26. (1) Where a person acts in a corporate office, without making the declaration set out in the Second Schedule, or without being qualified at the time of making the declaration, or after ceasing to be qualified or after becoming disqualified, he is guilty of an offence and liable for each such offence on conviction on indictment to a fine of one thousand dollars.

(2) A person who is enrolled in the burgess roll is not liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

Validity of acts of corporate officer notwithstanding disqualification

27. Acts done in the exercise of the powers and duties attaching to the holder of a corporate office by a person holding and acting in such office shall be valid notwithstanding that person's disqualification or want of qualification.

Validity of election notwithstanding want of qualification of returning officer

28. The election of a person to a corporate office shall not be questioned on the ground only of a defect in the title or want of title of the person who presided at the election, if that person was at the time of the election holding or acting in the office giving him the right to preside at the election.

OFFICERS OF THE CORPORATION

Appointment of officers

29. (1) There shall be appointed to the Council a Town Clerk and Treasurer, and a Town Superintendent which officers shall be known as the Chief Officers of the Corporation.

(2) In addition to the Chief Officers there shall be appointed a Chief Sanitary Inspector and such other officers and employees as are necessary for the efficient discharge of the functions of the Council under this or any other written law.

(3) A vacancy in any of the offices held by a Chief Officer shall be filled within three months after its occurrence, failing which, the fact shall forthwith be reported to the President by the Mayor.

30. The Statutory Authorities Service Commission (hereinafter called "the Commission") established under the Statutory Authorities Commission Act, 1966 shall appoint, remove, transfer and exercise disciplinary control over the officers and employees of the Council.

Statutory Authorities Service Commission to appoint and exercise disciplinary control

31. (1) A vacancy in the office of a Chief Officer shall be reported forthwith to the Commission.

Vacancy in office of Chief Officer

(2) In the case of the temporary absence of a Chief Officer for a period not in excess of fourteen days the Council may appoint a person, not being a member of the Council, to act in the place of such officer and notify the Commission forthwith of the acting arrangements.

32. The Council may require any officer of the Corporation to give such security as it may consider proper for the discharge of his duties.

Officers may be required to give security

33. (1) Every officer appointed to the establishment of the Council shall, at such times during his tenure of office, or within three months after his ceasing to hold it, deliver to the Council in such manner as it may direct a true account in writing of all property, money and other matters committed to his charge, and of his receipts and payments.

Accountability of officers

(2) The account shall be accompanied by vouchers supporting the entries therein, and shall contain a list of persons from or to whom money is due in connection with the office, showing the amount due from or to each person. Every officer to whom subsection (1) applies shall pay all money received by him in the execution of his duties to the Town Clerk and Treasurer.

(3) Where an officer to whom subsection (1) applies—

- (a) refuses or wilfully neglects to deliver any account or list which he ought to deliver or any voucher relating thereto, or to make any payment which he ought to make; or

- (b) refuses or wilfully neglects to deliver to the Council or as it may direct, any book or document which he ought so to deliver, or to give satisfaction in respect thereof to the Council, or as it may direct, within three days after a notice in writing signed by the Town Clerk and Treasurer or by two members of the Council and the Mayor and requiring him so to do has been served on him personally or left at his last known place of abode

a Magistrate or Justice shall upon complaint made on behalf of the Corporation by any person authorised in writing by the Council issue a warrant under his hand to bring the officer before a Magistrate who shall hear and determine the matter.

(4) Where it appears to the Magistrate that any sums of money are due by an officer to the Corporation, and the officer does not forthwith or within such time as the Magistrate allows pay them over to the Corporation, the Magistrate shall cause such sums to be levied by distress and sale of the goods of the officer.

(5) Where—

- (a) sufficient goods are not found to satisfy the moneys referred to in subsection (4) and the charges of the distress; or
- (b) it shall appear to the Magistrate that the officer has been guilty of any neglect or refusal specified in subsection (3),

the Magistrate shall commit the officer to prison there to remain without bail until he has paid the money to the Corporation, or compounded with it therefor or until he has purged himself of his neglect or refusal.

(6) No person committed to prison for want of sufficient distress shall be detained for a longer period than three months.

(7) Nothing in this section shall affect any remedy by action against any officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

34. (1) Subject to this Act—

Appointments
and conditions
of service

(a) the Council shall fix an establishment for every department, which establishment shall be submitted in each year along with the estimates to the President, who may make such amendments thereto as he considers expedient; and

(b) the Corporation shall make regulations providing for the conditions of service under the Corporation of all employees, and such regulations may deal with entrance and promotion, qualifications, appointments, discipline, suspension and dismissal.

(2) Subject to the provisions of this Act a Chief Officer of the Corporation shall, within the establishment laid down by the Council for his department be responsible for the appointment, suspension or dismissal of employees, but so however that any employee aggrieved by a decision of the Chief Officer to suspend or dismiss him may at any time within seven days after the decision to suspend or dismiss has been taken, appeal to the authority, having jurisdiction under section 7 of the Statutory Authorities Act, 1966, for the purposes of that Act, and the authority shall review the findings of the Chief Officer and make an award and such award shall be final.

Act No. 16
of 1966

(3) In this section "employee" means a person, not being an officer (as defined in section 2 of the Statutory Authorities Act, 1966) who is employed in the service of the Corporation.

The Town
Clerk and
Treasurer

35. The Town Clerk and Treasurer is the chief administrative officer of the Corporation and shall have the charge and custody of and be responsible for the charters, deeds, records and documents of the borough, which shall be kept as the Council may direct.

Functions of
Town Clerk and
Treasurer

36. The Town Clerk and Treasurer shall—

- (a) attend all meetings of the Council and of the General Purposes and the Finance Committees thereof and draw up minutes of such meetings and cause the same to be printed and bound and kept in annual volumes or otherwise as the Council may direct, and he shall also, whenever by general or special direction of the Mayor required so to do, attend meetings of any other Committee of the Council and draw up the minutes and reports thereof;
- (b) issue notices and prepare the agenda papers of all meetings of the Council and of the committees thereof;
- (c) see that the business of the Corporation is carried out in accordance with the by-laws, regulations and resolutions of the Council;
- (d) be responsible for the correspondence of the Council and conduct such negotiations on behalf of the Corporation as the Council may require;
- (e) be responsible for and supervise all sales carried out by the Corporation for the recovery of any rates or charges due to the Corporation;
- (f) see that the terms and conditions of appointment of the officers of the Corporation are carried out, that decisions of the Council relating to their work or conduct are conveyed to them, and that the duties of such officers are duly performed;

- (g) be responsible for the preparation and publication of the Burgess Roll and for the arrangement and conduct of the election of Councillors;
- (h) be responsible for the administration and co-ordination of the work of the several departments of the Corporation and advise the officers of the Corporation on general questions arising out of their duties and obligations;
- (i) not later than the 31st day of March in each year submit to the Mayor for the information of the Council a full and accurate report on the entire administration of the Corporation for the period ended the 31st December, in the preceding year, including a summary of the general state and condition of the borough, together with such observations and recommendations as may be expedient or necessary;
- (j) be the Secretary of the Council in its capacity as the Local Authority for the Borough of Point Fortin within the meaning of section 12 of the Public Health Ordinance;
- (k) be primarily charged with all matters of finance and accounts of the Corporation and for such purpose shall record and keep true and proper accounts of all money received and receivable and paid and payable on behalf of the Corporation, for the correctness of which he shall be responsible;
- (l) keep true accounts of all moneys received and receivable and paid and payable by the Mayor or the Corporation for any charitable purpose of which the Mayor or the Corporation may assume the charge;

- (m) be responsible for the raising of all loans, the issuing of bonds, the opening and closing of all accounts, the preparation of the annual accounts and balance sheet and such monthly or other statements as may be desirable, or as he may be directed to prepare by the Council;
 - (n) subject to the bye-laws and regulations of the Council and the approval of the Finance Committee, ensure that proper records are kept of all stores;
 - (o) be responsible for establishing and maintaining a proper and adequate system of accounting in such a way that the assets and liabilities of the Corporation are properly recorded and that the cost of any particular service may be easily ascertained and for insuring the effective financial control of the funds and affairs of the Corporation and for the balancing of all accounts and for the safe keeping of all records of his department;
 - (p) from time to time carry out departmental inspections of all transactions of the Corporation and shall immediately bring to the notice of the Council for the information of the Council any error or discrepancy apparent in the books of the Corporation;
 - (q) whenever required submit to the Finance Committee a trial balance sheet and such other financial reports and statements as may be necessary for their information: and shall, not later than the last day of February in every year, submit to the Finance Committee a report and balance sheet showing the complete and accurate financial position of the Corporation for the period ended the 31st December of the preceding year;
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- (r) not later than the 31st July in each year, prepare and submit to the Finance Committee, a full and proper estimate of the income receivable and the expenditure to be incurred during the financial year commencing on the 1st January next following;
- (s) at the request in writing of any member of the Council submit for inspection of such member any book of account or record of the Corporation.

37. The Town Superintendent is the principal engineer and survey officer of the Corporation. Town Superintendent

38. The Town Superintendent shall— Functions of Town Superintendent

- (a) be primarily charged with all survey, construction and engineering works of the Corporation and with ensuring that the public comply with the requirements of the bye-laws and regulations of the Corporation in respect of all construction, engineering and other works within the jurisdiction or under the authority of the Corporation; and, for such purposes shall make, prepare, require and keep true and proper specifications, plans and sections, estimates, reports and other appropriate documents and records relating to all such works;
 - (b) attend all meetings of the Buildings Committee and such other meetings as he may be required to attend by the Council;
 - (c) not later than 31st January in every year, submit to the Town Clerk and Treasurer for the information of the Council, a full and accurate report on the various buildings, roads, reservoirs and other engineering installations and works of the Corporation and of the state and condition thereof and of the work of his department
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for the period ended the 31st December, in the preceding year together with such recommendations as he may consider expedient or necessary;

- (d) not later than the 30th June in each year prepare and submit to the Town Clerk and Treasurer a full and proper estimate of the income receivable and the expenditure to be incurred by his department during the financial year commencing on the 1st January next following.

All officers and employees subject to this Act

39. Persons appointed to the establishment of the Council for the purpose of discharging functions under the Public Health Ordinance or any other written law other than this Act are subject to this Act insofar as it affects officers and employees of the Corporation.

Bailiff to be appointed

40. The Commission may on the recommendation of the Council appoint a fit and proper person not holding a corporate office to be the bailiff of the borough.

(2) A person appointed under this section shall take an oath before the Mayor to discharge the duties of bailiff faithfully and shall give security for such discharge as the Council may think proper.

(3) The bailiff may in writing under his hand appoint such number of assistants as he may consider necessary.

Salaries

41. The Council shall pay to the Town Clerk and to every other officer or employee such salary or allowance as the Council considers reasonable.

Regulations in respect of officers and employees

42. The Council may make regulations for—

- (a) the discipline, duties and obligations of officers and employees of the Corporation;
- (b) the granting of leave to such officers and employees;

- (c) the keeping and management of accounts;
- (d) the custody of moneys; and
- (e) the good government of such officers and employees.

BOROUGH POLICE

43. The Commissioner of Police may appoint such ^{Appointment of constables} persons to be borough policemen as may from time to time be nominated by the Council, and may, on the application of the Council, permit such persons to bear the title of sergeant or corporal as the case may be, and to wear the badge of their ranks and a uniform to be approved by the Commissioner of Police.

44. No person shall be appointed a borough police-^{Council to make provision for pay of policemen} man unless provision is made to the satisfaction of the Commissioner of Police by the Council for the payment of the salary and allowances of that person.

45. (1) The Council may make such regulations ^{Council to make regulations as to duties of policemen} as it considers expedient for regulating the duties of borough policemen, for preventing neglect or abuse on the part of such policemen, and for rendering such policemen efficient in the discharge of their duties; and such regulations when approved of and sanctioned by the President shall forthwith be transmitted by the Town Clerk to the Commissioner of Police.

(2) The Commissioner of Police may at any time command any borough policeman to perform and discharge within the limits of the borough, such duties as members of the Police Service may be required to perform and discharge.

(3) Any borough policeman who, after due inquiry by the Mayor or by any committee, of the Council, is found guilty of neglect of duty, breach of discipline, insubordination or misconduct or wilful

breach of the regulations, is liable to any of the following punishments:—

- (a) a fine of twenty-four dollars, which may, at the discretion of the Mayor, be deducted from his pay by installments;
- (b) suspension from duty without pay or at such reduced pay as the Council may direct, for such period not exceeding three months;
- (c) reduction of salary by any amount not exceeding one quarter of his full pay for such period not exceeding one year as the Council may order.

Rewards to
policemen

46. (1) Any regulations made under section 45 may provide for the granting of rewards and gratuities to such borough policemen as the Council may think deserving of reward or gratuity; and any sum so granted shall be paid out of the general funds and moneys of the Corporation by the Town Clerk upon the order of the Council.

(2) A reward or gratuity shall in no case exceed the sum of two hundred dollars.

Fine or penalty
to be deducted
from pay of
policemen

47. The Council may regulate the salary and allowances of the borough policemen, and in case of the imposition of any fine or penalty, the Council may direct that it should be paid and satisfied out of the pay or allowances of such policeman by the deduction of not more than half of the amount which may be due on any day of payment until the whole is paid.

Borough policemen
to have powers
of police

48. All borough policemen appointed under this Act have in addition to the special powers hereby vested in them, all the powers, authorities, privileges, immunities and liabilities which any member of the Police Service now has and may hereafter have, and every act done by or to any borough policeman in the execution of his duty as such has the same effect and is attended with the same liabilities and other consequences and is punishable in the same manner as if done by or to a member of the Police Service in the execution of his duty as such.

49. (1) The Commissioner of Police may at any time suspend or dismiss a Borough Policeman. When any such Policeman is so dismissed, all powers and privileges vested in him by virtue of this Act shall forthwith cease. Power to dismiss policemen

(2) Notice of suspension or dismissal shall forthwith be given by the Commissioner of Police to the Town Clerk.

50. (1) A borough policeman may arrest without warrant all persons, whose names and addresses are unknown to him, and who refuse to give their names and addresses to him and are found by him committing any offence against this Act or against any by-law or regulation made under this Act. Offenders may be arrested without warrant

(2) Subject to subsection (3) a person so arrested may be taken to a police station in the borough and the policeman on duty at such station shall, on receiving a warrant signed by the borough policeman who made the arrest and purporting to show that the person arrested was liable to arrest under this Act, detain the person at the station until he can be conveniently taken before some Magistrate or Justice to be dealt with according to law.

(3) A person arrested under this section may not be detained longer than is reasonably necessary for bringing him before a Magistrate or in any case for more than forty-eight hours, and no action shall lie against any borough policeman or police officer for anything done by him under a warrant according to this section.

(4) The warrant mentioned in this section shall be in the form set out in the Third Schedule. Third Schedule

51. (1) Where any person is brought under this Act without a warrant to a police station in the borough at any time by day or night at which a Magistrate is not actually sitting for the public administration of justice at the place used for that purpose in the borough, the police officer on duty at such station may, if he thinks fit, admit that person to bail by recognisance Power to bail

with or without sureties for an amount not exceeding five hundred dollars to appear before a Magistrate at a time and place specified in the recognisance.

(2) The police officer shall enter in a book kept for that purpose the name, residence, and occupation of the person entering into the recognisance and of his surety or sureties, if any, with the condition of the recognisance and the sums acknowledged and the book shall be laid before the Magistrate present at the time when and the place where the recognisor is required to appear.

(3) Where the recognisor does not appear at the place and time required or within one hour afterwards, the Magistrate may, by endorsement on such recognisance, declare the same to be forfeited and may issue a warrant for the imprisonment of the recognisor and his sureties or surety, if any, for any term not exceeding six months unless the amount mentioned in the recognisance is paid.

(4) Whether the recognisor does or does not appear, the Magistrate may, if he thinks fit, enlarge the recognisance to such further time as he appoints.

Borough policemen
may lay
informations and
conduct
proceedings

52. Informations and complaints in respect of any offences against this Act, or any by-laws, rules or regulations made by the Council under this Act or any other written law, may be laid and made by any borough policeman in his own name, and the policeman may also conduct the proceedings before the Magistrate in all cases in which he is the complainant under the powers conferred by this section.

PART III

MEETINGS AND PROCEEDINGS OF THE COUNCIL

Meetings

53. (1) The Council shall hold meetings at least once a fortnight in the Town Hall.

(2) The Mayor may at any time convene a special meeting of the Council.

(3) Where the Mayor neglects or refuses to call a meeting within seven days of receiving a written request therefor signed by not less than three members

of the Council any of the signatories to the request may thereupon call the meeting.

(4) The person presiding shall in the event of an equality in the voting exercise in addition to his original vote a casting vote.

54. (1) The Town Clerk shall give each member two clear days written notice of any fortnightly meeting and such notice shall specify the business to be transacted at the meeting. Notice of meetings

(2) At least twenty-four hours written notice shall be given to members by the Town Clerk in the case of a special meeting being called by the Mayor or by a signatory to the request for such a meeting in the case of a special meeting being called under section 53(3).

55. At a meeting of the Council three members shall form the quorum. Quorum

56. A member who has any direct or indirect pecuniary interest in any matter coming before the Council or any committee of the Council shall declare his interest to the meeting and shall not vote or take part in the proceedings relating to such matter. Declaration of interest

57. Subject to the provisions of sections 53 to 56, the Council may, subject to the approval of the President make rules and standing orders to provide for— Standing Orders

- (a) the regulation and conduct of the proceedings and meetings of Council as Council and Local Authority within the meaning of the Public Health Ordinance and of all committees thereof;
- (b) the maintenance of order and method in the despatch of business and in the conduct of debates in the Council;
- (c) the suspension of members; and
- (d) such other matters as may be deemed necessary to ensure the efficient functioning of the Council,

and in particular such rules or standing orders may provide that the minutes of the proceedings of any meetings, shall, when copies thereof have been circu-

lated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

Committees

58. (1) The Council may appoint from among its members committees, either of a special or general nature, for any function which, in the opinion of the Council, would be better regulated and managed by means of such Committees.

(2) Any committee appointed under subsection (1) shall consist of such number of members as shall be fixed by the Council at the time of the appointment thereof and shall be under the chairmanship of any member of the Council appointed by the Council.

(3) In addition to the Committees referred to in subsection (1), the Council may appoint advisory committees of persons not members of the Council and may also co-opt such persons to assist any committee of members.

Quorum

59. (1) The quorum of any committee of the Council shall be determined by the Council at the time of its appointment.

(2) Every committee of the Council shall, unless otherwise expressly authorised by its terms of reference, submit its proceedings and recommendations to the Council for approval.

(3) The proceedings and recommendations of every committee of the Council shall be submitted to the Council in the form either of minutes of the proceedings at the meetings of such committee or of a formal report signed by the Chairman of such committee.

(4) Any recommendations made by a committee, when adopted by the Council, shall become resolutions of the Council.

Sub-Committees

60. A Committee appointed by the Council may from among its members appoint sub-committees and may, subject to any standing orders or to any directions by the Council, delegate to a sub-committee any of its functions, but only so far as it is authorised to do so by standing orders or by any directions of the Council.

61. Minutes of the proceedings of a meeting of the Council or of a committee thereof, signed by the chairman of the meeting at which such minutes are signed, shall be received in evidence in any court without further proof. Minutes signed by person presiding

62. Until the contrary is proved, every meeting of the Council or of a committee thereof in respect of which minutes have been prepared as provided in subsection (3) of section 59, and every meeting of a committee the proceedings of which are embodied in a report signed by the chairman of such committee and received by the Council, is deemed to have been duly convened and held, and all the members taking part in any such meeting are deemed to have been duly qualified, and, where the proceedings are proceedings of a committee, the committee is deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes or in the report, as the case may be. Meetings deemed to have been duly convened

PART IV HOUSE RATE

63. In this Part—

“Commissioner” means the person appointed as such pursuant to section 66; Interpretation

“machinery and plant” means machinery and plant of an industrial or commercial character or used for industrial or commercial purposes affixed to a rateable hereditament, but does not include machinery and plant owned by an enterprise which is enjoying concessions as an approved enterprise under the Fiscal Incentives Act, 1979 and used for the purposes of that enterprise; Act No. 22 of 1979

“rateable hereditament” means any dwelling-house, warehouse, store, shop, counting house, manufactory, factory, workshop, electric sub-station, stable, shed, garage, racetrack, stadium, industrial or commercial storage tank, underground cable or any other building installation, structure

or property within the limits of the borough and the lands in, under or upon which any of the foregoing are built, erected, standing, kept or maintained together with any lands appurtenant to or occupied with any of the same and includes every vacant parcel of land within the limits of the Borough not appurtenant to or occupied with any of the same, but does not include—

- (a) buildings occupied solely as churches, chapels and other places of public worship of any religious denomination;
- (b) school-buildings, offices and playgrounds of schools within the meaning of the Education Act, 1966;
- (c) public hospitals, public asylums and all almshouses and institutions for the relief of the poor whether publicly or privately administered;
- (d) quarters occupied rent free by members of staff of any of the institutions mentioned in paragraph (a) and within the curtilage thereof;

“premises” means rateable hereditament.

Act No. 1 of 1966

Annual house
rate to be
levied

64. There shall be raised, levied and collected by and paid to the Corporation for each year beginning the 1st of January, upon and in respect of every rateable hereditament an annual rate or tax not exceeding ten per centum of the annual rateable value of such hereditament (hereinafter referred to as the “House Rate”) as determined by the Council in accordance with this Part.

Annual
rateable value

65. The annual rateable value of a rateable hereditament shall be the gross annual rental value of a rateable hereditament as determined by the Commissioner in accordance with the provisions of section 68 less such allowances for voids and loss of rent as the Commissioner may think fit to make.

66. (1) For the purposes of ascertaining and fixing the annual rateable value of all rateable hereditaments which may be subject to the House Rate, and of ascertaining the names of the several owners and occupiers thereof, the Council shall appoint annually a fit and proper person, other than a Councillor, Alderman or an auditor of the Corporation to be Commissioner.

Commissioner to
be appointed

(2) The Commissioner shall ascertain and assess the annual rateable value of each rateable hereditament and take the names of the owners, occupiers or tenants thereof and shall, before the 31st March of each year, fix the House Rate payable.

67. (1) The Commissioner, the Corporation or any officer of the Corporation duly authorised in writing in that behalf by the Corporation, (hereinafter referred to as "an authorised officer"), may at any time require any person who is the owner or the agent of the owner of any rateable hereditament in the borough, to send to the Commissioner or to the Corporation as the case may be, within fourteen days of the requisition, a return in the form set out as Form A in the Fourth Schedule.

Commissioner and
Corporation may
require returns
from owners

(2) The Commissioner, the Corporation or an authorised officer may at any time require the occupier of any rateable hereditament to send to the Commissioner or to the Corporation, as the case may be, within fourteen days of the requisition, a return in writing stating the name of the owner of the hereditament or the person to whom he pays the rent, the amount of the rent payable in respect thereof and such other particulars respecting the hereditament as the Commissioner or the Corporation may require for the due execution of this Part.

Form A

(3) A person who—

- (a) fails to make a return within the prescribed time when requested so to do under subsection (1) or (2); or
- (b) makes a return which is defective or incomplete or which is to his knowledge false in any material particular,

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

(4) The Commissioner, or any authorised officer of the Corporation may, for the purposes of this Part and after giving reasonable notice to the occupier of a rateable hereditament enter and examine such hereditament for the purpose of inspecting the same and of ascertaining full particulars thereof, including the number and size of the internal divisions and of any outhouses used in connection therewith.

(5) An occupier of a rateable hereditament or his agent or servant who—

(a) refuses to permit the Commissioner or an authorised officer to enter and examine the hereditament; or

(b) obstructs the Commissioner or an authorised officer when exercising the power conferred on them by subsection (4),

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

Mode of
determining
gross annual
rental value

68. (1) In determining the gross annual rental value of any rateable hereditament for the purposes of this Part, the Commissioner shall, whether or not the rateable hereditament is tenanted, take into account—

(a) the amount of annual rent a tenant may be reasonably expected to pay for the rateable hereditament having regard to the purpose for which the hereditament is actually used or where it is not actually used to the purpose for which it is reasonably suitable; and

(b) subject to subsection (2) the machinery and plant in or upon the hereditament.

(2) The Corporation may from time to time by resolution declare that machinery and plant in or upon a hereditament shall be taken into account for the purpose of determining the gross annual rental value of the hereditament.

(3) Where a hereditament is leased or rented to a tenant who is required to pay in respect thereof—

(a) any premiums of insurance payable against loss or damage by fire or otherwise; or

- (b) any land rent which his landlord is liable to pay to the owner of the site of the hereditament,

the gross annual rental value of the rateable hereditament shall be the amount referred to in subsection (1) together with a sum equal to that amount and the amount of the premium and the land rent payable.

69. (1) A person who comes into possession of a rateable hereditament, whether in his own right, as a trustee for any other person, as the personal representative of a deceased person or Committee of any other person, shall within one month next after he comes into possession send to the Town Clerk a return, in such form as may be prescribed describing the rateable hereditament and stating the title under which he got possession.

Returns to be submitted to Town Clerk

(2) A person who—

(a) fails to comply with the provisions of subsection (1); or

(b) makes a return which is in any respect defective or incomplete or is, to his knowledge, false in any material particular,

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

70. (1) The gross annual rateable value of a hereditament as determined by the Commissioner shall be entered by him in a book to be called the "House Rate Book" according to the alphabetical order of the names of the land, streets, squares and other places in the borough.

House Rate Book to be delivered to Town Clerk

(2) The Commissioner shall also enter in the House Rate Book the number or other mark by which the rateable hereditament shall be known, the amount of the rate payable and where there is more than one occupier the name of each occupier and the amount of the monthly, annual or other rent or consideration payable by each occupier.

(3) Where pursuant to subsection (2) of section 68 the Corporation declares that machinery and plant in or upon any hereditament shall be taken into account

for the purpose of determining the gross annual rental value of the hereditament, the Commissioner shall cause to be entered in the House Rate Book, in addition to the amount referred to in subsection (1) of section 68 a separate statement showing what portion of the amount is, in his opinion, attributable to the fact that machinery and plant have been taken into account.

(4) The Commissioner shall, after making all the entries required to be made under subsections (1) and (2), deliver the House Rate Book to the Town Clerk on or before the 31st of March in each year to be laid before the Council for approval.

Notice of completion of House Rate Book to be published

71. (1) As soon as practicable after a House Rate Book has been laid before the Council, notice of the completion thereof shall be published at least once a week for two consecutive weeks in a local daily newspaper circulating in the borough and at least once in the *Gazette*.

(2) Every person who claims to be either the owner or the occupier of any hereditament entered in the House Rate Book or the agent of such owner or occupier may at any time during the fourteen days following the first publication of the notice inspect the House Rate Book and make extracts therefrom free of charge.

(3) A notice referred to in subsection (1) shall be in the form set out as Form B in the Fourth Schedule.

Form B
Fourth Schedule

Omission to enter hereditament in House Rate Book does not affect liability to pay rate

72. (1) A rateable hereditament which has for any reason not been assessed or entered in the House Rate Book shall not by reason of that fact be relieved from the liability to be rated under this Part and the Corporation may at any time value such hereditament and enter it, the rateable value thereof and the rate payable thereon in the House Rate Book and may fix the date on which the rate shall be due and payable and may levy and collect same.

(2) Notice of the valuation of a hereditament referred to in subsection (1) shall be given to the owner thereof and the provisions of sections 76 to 82 shall apply to a valuation made under this section.

(3) A notice referred to in subsection (2) shall be in a form approved by the Council.

73. (1) The Corporation may, whenever a house is erected in the borough after the completion of a House Rate Book but before the commencement of the next period, at any time after the completion of that house fix the annual rateable value of the house for the purposes of this Part.

House erected after completion of House Rate Book to be assessed after completed

(2) The rate payable for a house referred to in subsection (1) for the year in which it was erected shall be a proportion of the amount of the yearly rate corresponding to the period from the date of completion of the house to the end of the said year; the proportionate rate shall be due and payable on such date as may be fixed by the Corporation.

(3) Notice of the valuation of every house referred to in this section shall be given to the owner thereof in a form approved by the Council.

74. (1) Where a house referred to in this section is erected on premises which have already been assessed and entered in the House Rate Book in force under the same description as the house bears, the rate payable in respect of the house for the unexpired portion of the year in which it was erected shall be calculated on the difference between the annual rateable value of the premises before the erection of the house and the annual rateable value of the premises after its completion.

Rate payable where house is erected on premises which are already assessed

(2) The rate referred to in subsection (1) as well as the rate entered in the House Rate Book in force before the completion of the house shall be a charge on the house and all the necessary entries shall be made in the House Rate Book in force.

75. (1) The Commissioner shall, on or before the 31st March in each year, cause a notice signed by him and specifying the annual rateable value of each rateable hereditament, the amount of rate payable in respect thereof and the time when and where such rate

Commissioner to notify owner of annual rateable value of rateable hereditament

is to be paid to be served on the owner or occupier of the rateable hereditament or on his agent or attorney or to be left on the hereditament with a person actually residing there.

(2) Where the notice cannot be served or left in accordance with subsection (1), it shall be attached to the door or any other conspicuous part of the house.

(3) Any default or neglect in complying with the provisions of this section or the non-receipt of a notice of assessment by the owner of a rateable hereditament shall not affect the liability of the owner to pay rates in respect thereof nor shall it affect the validity of any action taken for the recovery of such rate.

Owner to notify
Town Clerk of
objection to
valuation

76. (1) The owner of a rateable hereditament who is dissatisfied with the valuation of the Commissioner may, within fourteen days next after the service of the notice, notify the Town Clerk in writing of his objection thereto.

(2) The Council shall consider every objection and may either confirm, reduce or increase the valuation or make such other adaptations thereto as it may consider just.

(3) The Council shall notify the objector of its decision in writing.

Council may
reconsider
valuation

77. (1) The Council may of its own motion reconsider the valuation made by the Commissioner in respect of a particular hereditament and as a result increase or reduce the valuation.

(2) Notwithstanding the provisions of subsection (1) the Council shall not increase a valuation unless it gives the owner of the hereditament at least seven days' notice in writing of the proposed increase and allows the owner an opportunity of being heard in that behalf by the Council.

Decision of
Council final
unless appeal
is filed

78. (1) The decision of the Council in respect of a valuation shall be final and binding on all parties and for all purposes, unless the person who objected to the valuation appeals against the decision to the Appeal Board in accordance with section 43D of the Income Tax Ordinance.

Ch. 53. No. 1

(2) On an appeal the Appeal Board may summon and compel the attendance of witnesses, examine witnesses on oath, require either party to produce any book containing entries relating to the rent charged or paid in respect of the hereditament to which the appeal relates and where necessary enter and inspect such hereditament.

(3) On an appeal the Appeal Board may either confirm the valuation or subject to section 68, vary the valuation as it thinks fit.

79. (1) A party who is aggrieved by the decision of the Appeal Board may appeal against such decision to the Court of Appeal but the decision of the Appeal Board shall be final and binding on all parties unless notice of appeal is given within twenty-one days of the decision.

Appeal from
decision of
Appeal Board

(2) The notice of appeal shall—

(a) be signed by the appellant or his counsel or solicitor;

(b) state the grounds on which the appeal is based.

(3) On an appeal the Court of Appeal may confirm or vary the decision of the Appeal Board.

80. An appellant, other than the Council, shall, within five days of giving notice of appeal, enter into a recognisance before a Justice of the Peace with a surety in the sum of one thousand dollars to appear and prosecute the appeal and to pay such costs as may be awarded by the Court.

Appellant to
enter into
recognisance

81. The Registrar of the Appeal Board shall cause to be served on the respondent or his solicitor a copy certified under his hand, of the notice of appeal and shall notify the appellant and the respondent or their solicitors of the day fixed for the hearing of the appeal.

Certified copy
of notice of
appeal to be sent
to respondent

Valuations
which have
been varied
or altered to be
entered in House
Rate Book

82. Where the Appeal Board or the Court of Appeal has varied a decision of the Council or where the Council has by virtue of the power conferred on it by this Part, altered the valuation of a rateable hereditament, the Council shall cause the variation or alteration to be entered in the House Rate Book in such places therein and in such manner and form and with such references across or opposite any entry as it may consider necessary or convenient.

Owner to pay
annual rate

83. (1) The annual rate to be paid in respect of every rateable hereditament shall be paid by the owner of the hereditament but the amount may be collected from the tenant or occupier of the hereditament or any part thereof and the tenant or occupier may deduct the amount he paid from the rent payable by him in respect of the hereditament.

(2) Nothing in subsection (1) shall be construed as affecting any contract between the landlord and tenant with respect to the payment of such rate.

(3) Where the owner of a rateable hereditament has contracted to let the same to a tenant at a stated rent and the gross annual rental value of the hereditament is subsequently increased by reason of the fact that account is taken of machinery and plant therein, then if—

- (a) the machinery and plant belong to the tenant; and
- (b) the contract was made without reference to the possibility that the machinery and plant might be taken into account for the purpose of determining the gross annual rental value of the hereditament,

the owner is entitled to recover from the tenant as a civil debt the amount by which the rate payable by him has been increased by reason of the fact that the machinery and plant had been taken into account.

84. (1) Any rate due under this Part together with any statutory increase which may have accrued under this Act shall, until paid, be a charge on the rateable hereditament in respect of which the rate is due and payable and without prejudice to such charge and to the power of sale conferred by the Rates and Charges Recovery Ordinance, the rate and the statutory increase, if any, may be recovered from the owner of the rateable hereditament by action in any Court of competent jurisdiction or by distress on any goods and chattels, including any moveable tenement standing on land forming part of the rateable hereditament which may be found in or upon the rateable hereditament.

Rate to be
a charge on
premises and
may be recovered
by distress

Ch. 33. No. 8

(2) Where the rateable hereditament consists of a moveable tenement and the land on which it stands and the tenement is removed before the rate due in respect thereof is paid, the rate shall remain a charge on the land and may, without prejudice to the charge and to the statutory power of sale for the enforcement thereof, be recovered from the owner of the land by action in any Court of competent jurisdiction.

85. (1) The rate shall be paid to the Town Clerk for the use of the Corporation on or before the 1st July in each year except the payments in lieu of rates on Government property.

Rate payable
on or before
1st July

(2) Where a person makes default in the payment of rates the Town Clerk shall at the first meeting of the Council in the month of August in each year lay before the Council a return specifying the names of all the defaulters.

(3) Any rate which is unpaid on the 31st July shall be surcharged and increased by six per cent and if the rate remains unpaid on the 31st July of the following year, it shall be further increased by six per cent.

(4) Where the rate or any part thereof remains unpaid for a period of two years, the Town Clerk shall cause the hereditament to be sold in accordance with the provisions of the Rates and Charges Recovery Ordinance.

Town Clerk
and Treasurer to
apply moneys
to arrears

86. (1) Where arrears of rates are outstanding, the Town Clerk and Treasurer shall, on receipt of moneys paid for rates or any statutory increases in respect of a hereditament for any year, apply such moneys towards the liquidation of any arrears of rates in respect of that hereditament in order as they became due for every previous year.

(2) Any rates or statutory increases remaining unpaid as a result of the application of moneys in accordance with subsection (1), shall be recovered in the same manner as any other rates which are due and payable.

Return of
warrant by
bailiff

87. (1) Where a warrant for the recovery of any rates and charges under this Part has been delivered to a bailiff, the bailiff shall, within three months after the delivery, return the warrant to the Town Clerk with a statement on the back thereof or attached thereto, signed by the bailiff setting out his proceedings in respect of the amount of arrears where he has made distress or that there are no goods or chattels on which distress could have been made.

(2) A bailiff who fails to make the return as required by subsection (1) or makes a false return, is guilty of an offence and liable on summary conviction to pay the equivalent of the arrears and costs together with the sum of two hundred and fifty dollars.

(3) The money payable under subsection (2), may, at the suit of the Corporation, be recovered from the bailiff in an action of debt in the High Court.

(4) Any moneys recovered pursuant to subsection (3), shall be applied towards the use of the Corporation.

Payment by
Government of
annual sum in
lieu of rates

88. (1) All premises belonging to the State situated in the borough and occupied for public purposes by the Government shall, for the purposes of this Act, be assessed at such annual rateable value as the Council with the approval of the President determines and a contribution to house rates based on such annual rateable value and computed at the rate imposed by this Part shall be made from the time when each of such

premises was first occupied by the Government for public purposes and shall be paid by the Comptroller of Accounts to the Council on the warrant of the Minister of Finance.

(2) The Minister of Finance may, by warrant authorise in addition the payment of such further sum by way of and in lieu of rates in respect of any land or house rented or leased by the Government for the public service of Trinidad and Tobago as would have been payable if the land or house had remained in the occupation of a private person, but the sum to be levied and collected in respect of house rates in the borough shall not be subject to diminution by reason of the fact that the land or house is rented or leased by the Government.

(3) Notwithstanding the provisions of subsection (1), where notice is given to the Council by the Minister of Finance during the months of January, February or March in any year that the Government has ceased occupying any of the premises belonging to the State for public purposes, then the amount payable by the Government by way of house rates shall be diminished by the amount of rates which would be payable in respect of the premises if they were in the occupation of a private person.

(4) The amount of the rateable value of the premises referred to in subsections (1) and (2) may be varied from time to time by mutual agreement between the Minister of Finance and the Council.

PART V

FINANCIAL PROVISIONS

89. (1) The Corporation shall keep its accounts in such form as shall have regard to its annual estimates and in such manner as the Minister of Finance may approve. Form of accounts and audit

(2) The accounts referred to in subsection (1) shall be audited by the Auditor General.

90. (1) The funds of the Corporation shall be paid into any bank which the Council may by Resolution approve for the purpose (hereinafter referred to as "an approved bank"). Moneys to be paid into approved banks

(2) The Town Clerk shall, as often as is practicable pay into an approved bank all moneys received by him except such sum as he is authorised by resolution of the Council to retain for the purpose of meeting incidental expenses.

Estimates

91. (1) The Council shall, on or before the 31st day of August in each year, prepare and submit to the President for approval a true estimate of the income receivable and the expenditure to be incurred during the financial year, commencing on the 1st day of January next following and the President may make such amendments thereto as may be deemed expedient.

(2) No sums shall be expended in any year save as provided in the estimates but the Council may from time to time submit a supplemental estimate of expenditure to the President for approval.

(3) The Council may at any time during the year utilise any saving under one head or sub-head of recurrent expenditure in the estimates for the purpose of meeting any excess under another head or sub-head of such recurrent expenditure.

(4) In respect of any portion of such year as may have elapsed before the sanction of the estimates for such year, the Council may provisionally expend in each week in respect of any matter any sum not exceeding one fifty-second part of the estimate for similar work, services or salaries in the previous financial year, or, by leave of the President, any such further sums as the President may sanction.

Application
of funds

92. (1) The funds of the Corporation shall be applied towards the payment of—

- (a) the salaries and other remuneration of the Town Clerk and the other officers of the Corporation;
- (b) the fees payable to the Revising Barrister appointed to revise the burgess list;
- (c) the pensions and gratuities under any written law applicable to the Corporation;

- (d) the expenses incurred as a result of prosecuting persons who have committed offences against this Act or any other written law;
- (e) the expenses incurred in forming and laying out, repairing, draining, cleaning and lighting the streets, footways, squares and other public places vested in the Corporation, but not including the paving or maintenance of natural ravines, main drains and watercourses;
- (f) the expenses incurred in the maintenance and management of markets, slaughterhouses, pastures, commons or recreation grounds, under the control or management of the Corporation;
- (g) the expenses incurred in the maintenance and preservation of all corporate property;
- (h) any sums payable by the Corporation as a result of a judgment of a court of law;
- (i) the expenses generally of and incidental to the carrying out of the provisions of—
 - (i) this Act;
 - (ii) the Public Health Ordinance; or Ch. 12. No. 4
 - (iii) any other written law imposing duties on the Corporation entailing expenditure; and
- (j) any other sums which have been specifically voted by the Council and the payment of which is approved by the President.

(2) Where the funds of the Corporation are more than sufficient to meet the expenses specified in subsection (1), the surplus may, with the consent of the President, be applied under the direction of the Council towards the establishing of buildings or the maintenance of lands or buildings or towards the acquisition of lands or buildings for any one or more of the following purposes:—

- (a) a library or other public institution for the diffusion of knowledge;

- (b) any public institution caring for the health of infants of the borough;
- (c) the erection and maintenance of monuments or foundations or both;
- (d) generally for the improvement of the borough and for the benefit of the inhabitants thereof.

BOROUGH FUND

Borough
Fund

93. Subject to section 94 all sums of money received by the Corporation, other than sums received by it as trustees under deed of Trust or other instrument, shall be credited to and form part of one fund to be known as the Borough Fund and all expenditure of the Corporation except in its capacity as a trustee as aforesaid shall be defrayed out of such Fund.

Mayor's Fund

94. (1) The Corporation may by resolution of the Council and with the approval of the Minister establish a fund, to be known as the Mayor's Fund, for the purposes specified in the resolution establishing the Fund.

(2) The revenue of the Mayor's Fund shall be derived from—

- (a) such donations and other contributions as may from time to time be received by the Mayor for the Fund;
- (b) such moneys as the Council may by resolution authorise to be paid into the Fund.

(3) All moneys to be expended out of the Fund shall be authorised by resolution of the Council.

(4) An annual report on the Fund together with an audited statement of its revenue and expenditure shall be submitted to the Minister.

Council
may make
regulating

95. The Council may by resolution make regulations as to all or any of the following matters:—

- (a) as to the title of an account with an approved bank;
- (b) the custody of the pass book and cheques;

- (c) authorising the transfer from an account referred to in paragraph (a) to a deposit account or the re-transfer of any sum from a deposit account to a current account and;
- (d) generally as to all matters necessary for the proper keeping of its accounts.

96. Cheques against the banking account required by this Act to be kept shall be signed by the Town Clerk and counter signed by the Mayor.

Town Clerk
to sign
cheques

97. The Town Clerk shall effect no payment on behalf of the Corporation except on the written authority of the Council signed by two of its members.

Council to
authorise
payment by
Town Clerk

98. Receipts for moneys paid to the Corporation may be signed for the Town Clerk by the officer appointed by the Council to receive such moneys.

Officers may
sign receipts
for moneys

99. The Council shall cause proper and sufficient accounts to be kept in such manner as it may by resolution prescribe of the revenue derived from the rates, charges and other sums payable to the Corporation and of all expenditure incurred by it.

Council to
keep accounts

100. (1) All matters of a financial nature relating to the affairs of the Corporation and all vouchers for the payment of any moneys disbursed by the Corporation except petty disbursements not exceeding a sum to be fixed by resolution of the Council shall be submitted to the Council at its regular meeting.

Payments to
be made by
Town Clerk
with approval
of Council

(2) All payments from the funds of the Corporation shall be made by the Town Clerk and no such payment shall be made by the Town Clerk except upon vouchers submitted to and approved by the Council.

(3) Notwithstanding the provisions of subsection (2), in cases of urgency, moneys may be paid out on vouchers signed by the Mayor and one other member of the Council, such vouchers shall however be laid before the Council at its next regular meeting.

Corporation
may borrow
money for
the execution
of permanent
works

101. (1) The Corporation may apply to the President for approval to borrow such sums of money as it considers necessary for the execution of any permanent works or of any works which it is authorised to execute under this Act or any other written law or for the repayment of any loan or part thereof or for any other purpose.

(2) An application for approval to borrow money shall state—

- (a) the amount to be borrowed and the proposed rate of interest;
- (b) the purposes for which the loan is intended;
- (c) the period within which it is intended to repay the loan and the method of repaying whether by equal annual instalments or principal and interest combined, on the annuity system or otherwise;
- (d) the security, if any, to be given for the repayment of the loan; and
- (e) where no security is intended to be given, the provision to be made for the repayment of the loan and interest thereon from the several revenues of the Corporation.

(3) Where works carried out by the Corporation for any of its departments are being wholly or partly financed by loans, they shall be executed according to such plans and estimates and subject to such provisions for the obtaining of the necessary funds as the President may approve.

(4) The President may alter the plans, estimates and provisions referred to in subsection (3) in such manner and to such extent as he may consider necessary before giving his approval under that subsection.

Power to
alter
allocation
of funds

102. The President may on the application of the Council approve an application for the allocation of funds to purposes other than those to which such funds are allocated under any written law, or by any approval given by the President under this Act.

103. (1) The Council may, with the approval of the President—
Temporary advances

- (a) borrow as temporary advances such sums as it may think necessary for defraying expenses included in the approved estimates and payable out of the general revenue of the Corporation; and
- (b) enter into arrangements with the manager of an approved bank with which it has a current account, for the purpose of overdrawing its account to such extent as may be specified in the approval.

(2) The temporary advance shall be repaid before the expiration of the financial year in which it was made.

104. The Corporation may apply such portion of its general revenue as may be required to give effect to the terms and conditions of any approval given by the President under this Act in or towards the payment of the principal or interest, or both, of any loan secured under this Part.
Corporation may apply ordinary revenue towards repayment of loan

105. (1) Where a member of the Council has any pecuniary interest direct or indirect in any contract or proposed contract or any other matter whatsoever and is present at the meeting of the Council at which the contract or other matter is the subject of consideration, he shall at the meeting as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract or other matter.
Disability of member of Council for voting on account of interest in contract, etc.

(2) This section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service provided by the Corporation, including the supply of goods, is offered to the public.

(3) Subject to subsection (4) a person shall be treated as having an indirect pecuniary interest in a contract or other matter if—

(a) he, or any nominee of his, is a member or a director of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(4) A person shall not be treated as having a pecuniary interest by reason only of his being a member of or employed by any public body.

(5) Where a member of the Council has an indirect pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then where the total nominal value of his shares does not exceed one-hundredth of the total nominal value of the issued share capital of the company or other body, he may take part in the consideration or discussion of the contract or other matter and vote thereon so long as he discloses the nature and extent of his interest.

(6) The interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also the interest of the other spouse.

(7) A general notice given in writing to the Town Clerk and Treasurer by a member of the Council to the effect that he or his spouse is a member, or is in the employment, of a specified company or other body or that he or his spouse is a partner, or is in the employment, of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person, which may be the subject of consideration after the date of the notice.

(8) The Town Clerk and Treasurer shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (7), and the book shall be open at all reasonable hours to the inspection of any member of the Council.

(9) Any person who fails to comply with the provisions of subsection (1) is liable on summary conviction to a fine of one thousand dollars, unless he proves that he did not know that a contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(10) In any case where the number of members of the Council disabled by the provisions of this section at any one time would be so great a proportion of the whole as to impede the transaction of any particular item of business, the President may, on the application of the Council or otherwise and subject to such conditions as he may think fit to impose, remove any disability imposed by this section respecting such business or, with the consent of the Council and after such inquiry as he may direct, himself transact the business on their behalf.

(11) Business transacted by the President under subsection (10) shall be of full force and effect and binding upon the Corporation—and the President may also, subject to such conditions as he may think fit to impose, remove any disability in any other case in which it appears to him that it is in the interest of the inhabitants of the borough that he should do so.

(12) Notwithstanding anything in this section, every member of the Council may take part in the consideration or discussion of and vote on the question whether any such application shall be made or any such consent granted.

(13) Standing Orders may provide for excluding a member of the Council from a meeting of the Council while any contract or other matter in which he has such an interest is under consideration.

(14) In this section the expression "shares" includes stock and the expression "share capital" shall be construed accordingly.

Officers to
declare
interest in
contracts

106. (1) Where it comes to the knowledge of an officer employed by the Council that a contract in which he has a pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been or is proposed to be, entered into by the Council or a committee thereof, he shall as soon as practicable give notice in writing to the Council of the fact that he is interested therein.

(2) An officer employed by the Corporation shall not, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(3) A person who fails to comply with the provisions of subsection (1) or contravenes any of the provisions of subsection (2) is for each offence liable on summary conviction to a fine of one thousand dollars.

PART VI

ACQUISITION AND ALIENATION OF CORPORATE PROPERTY

Corporation
may acquire
land

107. (1) The Corporation may, with the approval of the President, purchase or otherwise acquire or may lease any land for such purposes and on such terms and conditions as the President may approve.

Ch. 27. No. 10

(2) The Corporation may, where it acquires lands for public purposes follow the same procedure as prescribed under the Land Acquisition Ordinance for the compulsory acquisition of lands and the Mayor shall have the same powers as the Commissioner of State Lands under that Ordinance.

Corporation
may with
consent
dispose of
land

108. (1) The Corporation may with the consent of the President and under the Seal of the President sell and alienate any land vested in it and demise any such land.

(2) Land vested in the Corporation which is to be let, leased, rented, demised or sold shall, except where the President otherwise determines and in accordance with such scheme as may be approved by him, be let, leased, rented, demised or sold for the best rent or at the best price which can be reasonably obtained.

(3) Any capital money received in respect of any dealing in land pursuant to sub-section (2) shall be applied towards the discharge of the capital debt of the Corporation or for any other purpose to which capital money may properly be applied.

PART VII

STREETS AND BUILDINGS

109. In this Part and in any bye-laws, rules and regulations made under this Part—

“commercial building” means a shop, warehouse, factory, foundry, workshop, depot, powerhouse, a building constructed or used or adapted to be used for a commercial or industrial purpose and every other building other than a domestic or public building;

“domestic building” means a dwelling-house and any out-building appurtenant thereto whether attached to it or not;

“dwelling-house” means a dwelling used or constructed or adapted to be used wholly or principally for human habitation;

“inhabited” in relation to a room means a room in which a person spends the night or which is used as a living room and includes a room with regard to which (until the contrary is proved) there is a presumption that a person spends the night therein or that it is used as a living room;

“Minister” means the member of the Cabinet to whom responsibility for the subject of Health is assigned;

“public building” means a building used, constructed or adapted to be used either ordinarily or occasionally as a church or a chapel or other place of public worship or as a hospital, workhouse, college, school (not being merely a dwelling-house so used) theatre, public hall, public concert room, public ball room or public exhibition room, or as a public place of assembly for persons admitted thereto by

tickets or otherwise, or used, constructed or adapted to be used either ordinarily or occasionally for any public purpose;

“streets maintainable by the Council” means streets in the borough which were in existence at the commencement of this Act and any streets in the borough which may at any time be classified as such under the Highways Act, 1970;

“vehicle” has the meaning assigned to it under section 2 of the Motor Vehicles and Road Traffic Ordinance.

Act No. 3
of 1970

Ch. 16 No. 3

Breaking up
of pavement
or soil in
any street
or erection of
structure in
any street
prohibited

110. (1) No person may break up or open the surface, pavement, or soil of any street in the borough maintainable by the Council or lay any pipe or wire or any other matter or thing in or under any such street or any part of the sub-soil thereof for any purpose, or place or erect any pole, post, hoarding, or barricade or other structure in any such street without the prior consent of the Council.

(2) A person who contravenes the provisions of this section is guilty of an offence and liable to a fine of five hundred dollars and to a further fine of fifty dollars for every day that the offence continues after conviction thereof.

(3) This section shall not apply to any person while discharging a duty imposed upon him by any written law.

(4) The Council may, by resolution or by agreement under the common seal of the Corporation for such consideration as they may think proper, allow any person, for such purposes as shall be specified in such resolution or agreement, to break up or open the surface or soil of any street vested in the Corporation or to lay any pipe or wire or any other matter or thing whatsoever in or under any such street, and at any depth in the sub-soil thereof, or to place or erect any pole, post, hoarding, barricade or other structure in any such street upon such terms and conditions as the Council shall in each case think proper.

Restoration
of pavement

111. Any damage done by the breaking up or opening of the pavement, surface, or soil of any street shall be made good by the person interested in such operation, or may, at the option of the Council, be made good by them at the

expense of such person, and such expense may be recovered in any Court of competent jurisdiction by action in the name of the Corporation.

- 112.** (1) Any person who encroaches on any street— ^{Encroaching upon streets}
- (a) by erecting any structure of any kind or any signboard; or
 - (b) by erecting, planting, or digging any fence, hedge, ditch, arch, bridge, or drain; or
 - (c) by undertaking any works on or adjacent to such street,

is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

(2) The Town Superintendent may remove every obstruction or cause any building or other encroachment referred to in subsection (1) to be removed, taken down, or filled up or opened at the cost of the person who encroached.

113. The Council may remove any bridge or other ^{Bridge over side drains} structure erected or standing over the side drains of any street.

114. (1) The Council may, by notice in writing require ^{Fencing lands adjoining street} the owner of land adjoining any street, to cause such land to be properly fenced to its satisfaction within the time specified in the notice and, where the fence of any such land is allowed to be or to remain in disrepair to require the fence to be repaired to their satisfaction.

(2) An owner who fails to comply with the requirements of a notice under subsection (1) is guilty of an offence and liable to a fine of five hundred dollars, and to a further fine of fifty dollars for every day that the default continues after conviction.

115. (1) The owner of any lot of land in the borough ^{Enclosure of land} shall, whenever required by the Council, cause such land to be enclosed to the satisfaction of the Council.

(2) The owner of any lot of land in the borough on which houses have been erected shall, whenever required by the Council, cause the site of every such house, with the land appurtenant thereto, to be enclosed to the satisfaction of the Council.

(3) Any person who fails or neglects to comply with any requisition of the Council under this section within the time therein prescribed, shall be guilty of an offence and liable to a fine of five hundred dollars and to a further fine of fifty dollars for every day during which such non-compliance continues after conviction.

(4) Where the fence erected by the owner of any land in compliance with a notice served on him by the Council under this section divides the land of such owner from the land of an adjoining owner, one-half of the cost of such dividing fence shall be borne by the adjoining owner, and shall be a debt due by him to the owner on whom the notice was served by the Council and who erected the fence, and may be recovered in a summary manner by complaint before a Magistrate.

Taking over streets and widening or other improvements effected by the Council

116. (1) The Council may with the approval or under the direction of the Minister take over any existing street which is not repairable by the Council for the purpose of widening or effecting improvements to the drainage or surface of such street and for such purposes to acquire compulsorily, in the manner provided by section 107 any land or buildings abutting on such street.

(2) For the purpose of defraying all or any part of the expenses incurred by the Council in exercising the powers conferred by subsection (1) the Council may with the approval or under the direction of the Minister levy a rate within any part of the borough affected by such improvements to be called "The Streets Improvement Rate" in the same manner as is provided for the levying of a General Health Rate by section 171 of the Public Health Ordinance.

Fountains, statues and monuments

117. (1) The Council may authorise the erection in any street or public place within the borough of any fountain, statue or monument.

(2) The Council may maintain or remove any fountain, statue or monument erected under subsection (1) or erected within the limits of the borough before the commencement of this Act.

Council may plant trees in streets

118. The Council may plant or maintain trees in any street or square vested in the Corporation, or may, cut down, trim, or remove any such trees, and may where it thinks fit erect rails for the protection of any trees.

119. (1) Where any tree or bush overhangs a street, the Town Superintendent may serve a notice on the owner or occupier of the lands on which such tree, or bush is planted or standing, requiring the owner or occupier to cut off or remove the overhanging portion of the tree or bush within the time specified in the notice.

(2) Where any tree standing on lands abutting on a street is in the opinion of the Town Superintendent, dangerous to persons passing along the street, he may serve a notice on the owner or occupier of the lands on which the tree is planted or standing, requiring such owner or occupier to cut down or trim the tree within a time to be specified in such notice.

(3) Where an owner or occupier refuses or neglects to comply with a notice served upon him under this section, within the time therein specified, the Council, or any person authorised by them in writing may cause the tree or bush to be cut down or trimmed, and for that purpose, if necessary may enter into and upon the lands whereon such tree, brushwood or hedge is planted or standing; and the expenses incurred by the Council in cutting down and removing such tree or bush may be recovered summarily from the owner or occupier on whom the notice was served.

120. (1) The Council may make bye-laws for all or any of the following purposes, that is to say—

- (a) for declaring and limiting the use by the public of any street, both or either as to the time of such public use, or as to the character of the traffic on such street;
- (b) for the control, management, construction and repair of streets, and for the prevention and removal of any obstruction or projection thereon, and for the prevention of the use of streets other than as a means of passage;
- (c) for prohibiting the use upon any street of any vehicle, and for regulating and declaring the manner in and the conditions under which the same may be used or driven over a street;
- (d) generally for the purpose of carrying out the provisions of this Part of this Act and for authorising the persons named in such bye-laws to carry out, supervise or control the carrying out of such bye-laws, and for providing for the

manner in which and the persons from whom the expenses of carrying out the provisions of such bye-laws are to be recovered.

(2) There may be imposed in respect of any breach of any of such bye-laws a penalty not exceeding fifty dollars, or, in case of a continuing offence, a penalty not exceeding five dollars for each day during which such offence continues after conviction thereof.

(3) Bye-laws made under this section, shall be subject to negative resolution of Parliament.

Seizing
animal or
vehicle on
street

121. The Mayor or any person authorised by him or any constable may seize and detain any animal or vehicle being used upon any street in contravention of this Part or any bye-law made thereunder.

Sanitary
conveniences

122. The Council may provide and maintain in proper and convenient locations, sanitary conveniences in any street, square, or public place vested in the Corporation, and may employ and pay attendants and make reasonable charges for the use of any sanitary convenience (other than a urinal) so provided.

Bye-laws

123. The Council may make bye-laws with respect to the management of any sanitary conveniences provided under section 112 and for the proper conduct of persons using such conveniences.

Definition
of sanitary
conveniences

124. In sections 122 and 123 "sanitary conveniences" includes urinals, water closets, earth closets, privies, ashpits, and every similar conveniences.

Naming of
streets and
numbering of
houses

125. The Council shall name all streets and shall number all buildings, and renumber any vacant lots of land in the borough.

126. The Council shall cause the name of every street and the number of every building to be conspicuously displayed on that street or building as the case may be.

Publication
of resolution
relating to
naming or
numbering

127. The Council shall, as soon as possible after naming any street or numbering any building or vacant lot of land, cause to be published in the *Gazette* and in at least one daily newspaper circulating in the borough, the resolution relating to the naming of such streets, and the numbering of

such houses or vacant lots, and shall cause one sealed copy of every such resolution to be deposited in the offices of the Registrar General, the Commissioner of State Lands, the Registrar of the Supreme Court, the Minister of Local Government and the Town Clerk.

128. (1) In any court of law and for all purposes, the production of any one of such sealed copies or of a copy of the *Gazette* containing a notice of such resolution shall be conclusive evidence that the name or number of any street, building, or vacant lot of land has been altered as specified in such resolution; and the several premises therein mentioned shall be entered in the House Rate Book by the numbers and names specified in the resolution as the proper numbers and names by which to identify the same after the naming or numbering.

(2) In the construction of legal assurances or documents later in date to a resolution, the description of any premises according to the altered designation specified in the resolution shall until the contrary is proved, be taken to apply to and comprise the same premises as were intended and included under the designation referred to in the resolution as that under which such premises were known before the date of the resolution.

129. (1) Every person who destroys, pulls down, or defaces any number-plate or any street name-plate put up by the Council, or puts up any number-plate or street name-plate different from the number-plate or street name-plate put up by the Council, is guilty of an offence, and liable to a fine of one hundred dollars.

(2) The Council may remove any such number-plate or name-plate substituted for the one put up by it.

130. (1) Where any person authorised by any written law to erect any posts or poles or any streets vested in or under the control of the Corporation intends to erect any posts or poles in any street, such person shall make application in writing to the Council, stating the circumstances which require the erection of the posts or poles, the purpose for which they are intended, and specifying the name of the street and the particular part thereof in which the posts or poles are to be erected, and the day on which the work is proposed to be commenced (not being less than seven days from the date of the application).

(2) A person referred to in subsection (1) shall not erect any post or pole except with the consent of the Council, and every post or pole shall be erected at such particular part or place in the street as the Town Superintendent may approve of and under his superintendence.

(3) Where consent is refused or withheld, an appeal shall lie, within ten days of the refusal to the President and a copy of the appeal shall be delivered to the Corporation.

(4) The President may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

Erecting pole
without previous
consent of
Council

131. A person who erects any post or pole without the prior consent of the Council in any street in the borough not approved by the Town Superintendent, is guilty of an offence and liable to a fine of five hundred dollars, and to a further fine of fifty dollars for each day during which any such post or pole is left standing after conviction.

Council may
order removal
of poles

132. (1) Where, in the opinion of the Council, it is necessary or expedient in the public interest, or for any purpose, that any post or pole erected in any street of the borough should be removed from its location, the Council may give notice to that effect to the person by whom such post or pole was erected.

(2) Notice under subsection (1) may require that such post or pole be removed within a fixed time specified in the notice, not being less than seven days from the date of the service of the notice.

(3) A person who refuses or neglects to comply with a notice is guilty of an offence and liable to a fine of five hundred dollars, and to a further fine of fifty dollars, for each day after conviction that the posts or poles so required to be removed shall remain standing.

Obstruction of
drains

133. A person who impedes the free flow of water in—

- (a) any ditch, drain or watercourse in or adjoining any street; or
- (b) any ditch, drain or watercourse on any land into or through which water from any street flows; or
- (c) any ditch, drain or watercourse under any street,

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day that offence continues after conviction thereof.

134. (1) The owner of any premises may, subject to sub-section (2) pave the footway of any street on which such premises abut with such materials and in such manner as may be approved by the Town Superintendent. Owner of premises may pave footways

(2) Before paving the owner shall give notice in writing to the Town Superintendent of his intention to pave the footway.

(3) The notice shall state the extent of footway to be paved and the day not being less than ten days from the date of such notice on which it is proposed to commence the work.

(4) One-half of the expenses incurred in such paving shall be paid to the owner by the Council upon the certificate of the Town Superintendent that the work has been executed to his satisfaction and that the expenses incurred therefor are fair and reasonable.

135. (1) Where any footway in any street in the borough is not, in the opinion of the Council, properly paved, the Council may pave the footway with such materials and in such manner as it thinks fit, and one-half of the expenses incurred by the Council in executing such paving or repaving work shall be paid by the owners of the premises abutting on such footway according to the frontage of their respective premises and in such proportion as shall be settled by the Town Superintendent and approved by the Council. Council may pave or repave footway

(2) Where an owner of premises abutting on the footways fails to pay his apportioned share of the expenses, the unpaid expenses shall be a charge on his premises.

(3) Once a footway has been paved under this section, the owner or occupier of the premises abutting on such footway shall not be again chargeable with any other repavement thereof.

136. (1) Before commencing with any work under section 135, the Town Superintendent shall, by notice addressed to the respective owners or occupiers of the premises abutting on a footway or which the Council intends to pave, notify them of the Council's intention. Superintendent to notify owner of intention to pave

(2) The Town Superintendent shall prepare an estimate of the cost of the paving and such estimate shall be kept in his office open at all reasonable hours of the day during the period specified in the notice referred in subsection (1), for the inspection of all persons interested.

(3) When the paving works contained in the estimate of the Town Superintendent have been completed and the expenses thereof ascertained, the Town Superintendent shall prepare a statement of the total cost of the paving work so completed, and shall make an apportionment of one-half of such expenses among the premises liable to be charged therewith under this Act.

(4) The statement and apportionment shall be submitted to the Council for approval with or without modification or addition, as it thinks fit, and the statement and apportionment when so approved, shall be conclusive and binding on all parties and the sum appearing in the apportionment as payable by the owner of each of the premises mentioned as abutting on the footway included in such statement and apportionment shall be payable by each such owner by three equal yearly instalments (the first of such instalment to be paid one year from the date of the service on such owner of the notice of such apportionment) together with interest at the rate not exceeding five per centum per annum until the whole apportioned sum is paid.

(5) Any instalment together with interest thereon or any part thereof, may, without prejudice to the power of sale conferred by the Rates and Charges Recovery Ordinance, be recovered by action in any court of competent jurisdiction from the present or any future owner, or from any tenant or occupier, for the time being, of such premises.

(6) Any tenant or occupier paying any such instalment and interest may deduct the amount so paid by him from the rent payable by him in respect of such premises, or recover the same from the owner as money paid at the request of the owner.

(7) The notice of apportionment to be served on the owner under this section shall be in the form set out in the Fifth Schedule.

Fifth Schedule

Crossings for
vehicles over
footways

137. Every person desirous of having an entrance for vehicles across any footway so as to afford access to and premises from a street maintainable by the Council shall give notice in writing of such desire to the Corporation, any

the Council upon being satisfied of the necessity for such an entrance and upon deposit by such person of the estimated cost of the work, shall execute the work.

138. (1) No person may retain, erect, fix or hang on, or ^{Certain signs prohibited} along any building any sign except at the height of not less than ten feet from the footway abutting on the building, and in such a manner that the sign shall not project more than twelve inches over such footway measured at right-angles to the front wall of the building.

(2) No person may retain, erect, fix, or hang, on, or along the balcony, verandah, hood, or roof of any building any sign except under a licence from the Council.

(3) In granting a licence under this section, the Council may prescribe the size of any sign, its situation, the extent, if any, to which it may project beyond the edge of any balcony, verandah, hood, or roof, and the measures to be taken by the licensee for maintaining the sign in good order and condition and securely fixed.

139. A licence granted by the Council under section 138 ^{When licence to be void} to erect or hang a sign shall become void if—

- (a) any addition is made to any sign other than in accordance with the direction of the Town Superintendent for the purpose of making it more secure;
- (b) any change is made in the sign;
- (c) the sign or any part thereof falls either through accident, decay, or any other cause; or
- (d) any addition or alteration is made to the building on, over, or to which any sign is placed or attached, if such addition or alteration involves the disturbance of the sign; or
- (e) the building over, on, or to which the sign is placed or attached becomes unoccupied.

140. No person may hang or allow to project over any ^{Awnings} street any blind, shade or awning.

141. (1) No person may hang or allow to project over any ^{Length of awnings} footway any blind, shade, or awning at a height less than ten feet from such footway or to use any blind, shade, or awning for purposes of advertisement.

(2) Nothing in subsection (1) shall be construed as precluding any person in occupation of the building to which any such blind, shade, or awning is hung or fixed from having his name and address, or the name of his firm and company, and the name of the trade or business carried on in such premises, printed or painted on such blind, shade, or awning.

No advertise-
ment on foot-
ways

142. No person may write, paint, stencil or otherwise mark, or cause to be written, painted, stencilled, or otherwise marked any advertisement, matter, or thing on any footway or street.

Hanging goods
over footways

143. No person may fix, hang, or expose any merchandise in such a manner that it projects or hangs over any part of a footway or street.

Signs contrary
to the Act
may be removed

144. Where a sign is erected or retained contrary to the provisions of sections 138 and 139 or after the licence for the erection, maintenance or retention thereof shall have expired or become void the Council may cause the sign to be removed and taken away after giving twenty-four hours notice in writing to the owner or occupier of the premises of its intention so to do, and the expenses of and incidental to such removal, if unpaid, shall be recovered in a summary manner as a fine in addition to the penalty incurred for contravening sections 138 and 139.

Interpretation

145. In sections 136 to 144—

“sign” means any sign, signboard, frame, glass or metal plate, transparency or other contrivance or thing employed wholly or in part for the purpose of an advertisement or announcement;

“footway” means the space between any line of buildings and the inner edge of the side-drain of a street;

“street” means the space between the side-drains of a roadway and includes the side-drains.

Penalty

146. A person who contravenes any of the provisions of sections 138 to 143 is guilty of an offence and liable to a fine of two hundred and fifty dollars, and to a further fine of twenty-five dollars for every day during which the offence continues after conviction.

147. (1) Every addition to or alteration of any building, and any other work made or done for any purpose in or upon any building (except that of necessary repair not affecting the construction of any external or party wall), shall, so far as regards such alterations or additions, or such other work, be subject to the provisions of this Part and of the regulations in the Sixth Schedule or of any other building regulations made under any power conferred by this Act or any other written law.

Additions to
and altera-
tions of
buildings

Sixth Schedule

(2) A person who without the consent of the Council makes such alterations to a building with the result that the building is not in conformity with the provisions of this Act or the regulations herein contained or made under this Act, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

148. (1) A new building shall not be constructed in any part of the borough otherwise than subject to and in accordance with the regulations set out in the Sixth Schedule or any other regulations made under this Act in substitution for or in addition to such regulations.

New building
to conform
to regula-
tions

Sixth Schedule

(2) Subject to the approval of the House of Representatives the Council may vary or revoke any of the regulations in the Sixth Schedule, and may make such other and further regulations as may be necessary for the carrying out of this Part.

(3) The regulations may provide for a fine of one thousand dollars for any breach thereof and may also provide a penalty of one hundred dollars for every day during which such breach shall continue after conviction.

149. (1) For the purposes of this Part and of the regulations in the Sixth Schedule, and of any regulations made in addition to or in substitution for such regulations, each of the following operations shall be deemed to be the erection of a new building, namely—

"New build-
ing" extended
definition
of

- (a) the re-erection wholly or partially of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey;

- (b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;
- (c) the reconversion into a dwelling-house of any building which has been discontinued as, or appropriated for any purpose other than that of, a dwelling-house;
- (d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only;
- (e) the roofing or covering over of any open space between walls or buildings.

(2) The Council may with the approval of the President vary the regulations in the Sixth Schedule.

Certificate
of compliance
with building
regulations

150. (1) A person may not let or occupy, or suffer to be occupied (except by caretakers not exceeding two in number) any new building unless the Town Superintendent certifies in writing that such building complies in every respect with the provisions of this Part and of all regulations made by the Council with respect to new buildings.

(2) A person who contravenes the provisions of this section is guilty of an offence and liable to a fine of one thousand dollars.

No building
to be removed
except after
notice to the
Corporation

151. (1) No person may pull down or remove any building from the site on which it stands unless, not more than fourteen days and not less than two days before such removal, he gives notice in writing to the Town Clerk of his intention to pull down or remove such building.

(2) The notice to be given under this section shall be in the form set out as Form A in the Seventh Schedule, or in such form as may be prescribed by the Council.

(3) Any person who pulls down or removes any building from its site, and any owner of any building who causes, permits, or suffers any building to be removed from its site, without having first given the notice prescribed by this section is guilty of an offence and liable to a fine of five hundred dollars.

(4) Every building pulled down or removed in contravention of this section shall be deemed to have been pulled down or removed by the owner thereof.

Form A
Seventh Schedule

152. (1) The owner of the land from which any house is removed shall, within seven days after such removal, notify the Town Clerk of its removal.

Owner of vacant land to notify the Corporation of removal of house therefrom Form B

(2) The notice to be given by such owner shall be in the form set out as Form B in the Seventh Schedule.

(3) Every owner of any land who fails or neglects to give such notice within the time prescribed by this section is guilty of an offence and liable to a fine of two hundred and fifty dollars.

153. (1) No person may remove any building from the site from which it stands unless and until all rates and charges due to the Corporation in respect of the rateable hereditament of which such building forms part are paid.

Payment of rates before removal of house

(2) Every person who contravenes the provisions of this section is guilty of an offence and liable to a fine of two hundred and fifty dollars.

(3) Where a building referred to in subsection (1) is re-erected on some other site, the Council may in assessing the building for the current house rate year take into account the rates paid by the owner of such building before its removal from its original site.

Buildings

154. (1) Subject to the Town and Country Planning Ordinance, no person may convert or alter an existing building for a different purpose to that for which it was originally erected, or to erect a new building without having first obtained the written permission of the Council.

Restrictions on the alteration or erection of certain buildings Ordinance No. of 1960

(2) The Council may, in its discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building intended to be used as a public or commercial building in any particular part of the borough, if it appears to the Council that the building is of a type or intended for a purpose not suitable to that part of the borough.

(3) The Council may, in their discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building, intended as a barrack for the letting out of rooms therein.

(4) No building may be constructed over any drain, ravine or storm water channel, unless specifically agreed to by the Council and upon such conditions as the Council may consider necessary to impose.

(5) A person aggrieved by the refusal or prohibition of the Council under this section, may, within ten days of his being notified of the Council's decision, appeal to the President and deliver a copy of his appeal to the Town Clerk.

(6) The President may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

Precautions for
safety of the
public

155. A person who erects a public building shall cause the same to be erected and maintained with such precautions for the safety of the public as, having regard to the special purpose for which such building is intended to be used, shall be prescribed or approved by the Council.

Superintendent
may enter and
inspect

156. The Town Superintendent and any other person authorised in that behalf by the Council, may at all reasonable times during the construction and after the completion of any public building, and at all times during which any building is used as a public building, enter and inspect it for the purpose of ascertaining whether such building is in conformity with the provisions of this Act or of any regulations made by the Council with regard to public buildings or any other written law.

Public buildings
not to be used
until approved

157. (1) No public building may be used as such unless and until the Council, by notice in writing addressed to the owner declares its approval of the construction of the building and of its suitability for the purpose for which it is proposed to be used.

(2) After the Council gives its approval, no work affecting or likely to affect the building shall be done to, in, or on such building without the approval of the Council.

Conversion into
a public building
of building
erected for
other purposes

158. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building, the conversion or alteration shall be carried out, and such building shall be constructed in the manner approved by the Town Superintendent and the provisions of this Part and of any other written law, applicable to public buildings shall apply to the alteration or construction as if it were the construction of a public building.

159. (1) Where it appears to the Council that any building in the borough used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Council may, by notice in writing, require the owner of the building within the time specified in the notice, to make such alterations to the building as the Council may approve.

Council may require alterations necessary for safety of the public

(2) An owner who fails to comply with the requirements of the notice referred to in subsection (1) within the specified time is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for each day that the offence continues after conviction.

(3) The Council may, in lieu of a notice referred to in subsection (1) or concurrently with such notice or at any time after service of such notice and without prejudice to the recovery of penalties for non-compliance, by notice in writing served upon the owner of a building, require the owner on or before the date specified in the notice, by statement in writing under his hand addressed to the Corporation, to show cause why the building should not cease to be used as a public building or require the owner on such date and at such time and place as may be specified in the notice to attend personally, or by an agent duly authorised in writing in that behalf, before the Council and show sufficient cause why the building should not cease to be used as a public building.

(4) Where an owner fails to show sufficient cause why a building should not cease to be used as a public building, the Council may, by prohibition order addressed to him prohibit the use of the building as a public building.

(5) An owner who after notice of a prohibition order issued by the Council under this section, uses, or allows or suffers the building referred to in this Order to be used as a public building, shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars for every day during which he uses or allows the building to be used, as a public building.

160. (1) A person who is aggrieved by any order or requirement of the Council under this Part or under any regulations relating to new buildings for the time being in force, may, within seven days, after the service of such order

Appeal to the Magistrate by person aggrieved

or requirement, appeal to a Magistrate, and such Magistrate may confirm or vary such order or requirement, and may make such order in the matter as to him may seem proper.

(2) Where an order made under subsection (1) is not complied with, the person on whom it is made is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for every day during which the offence continues after conviction.

Appeal to
Court of Appeal

161. (1) A person who is aggrieved by an order, determination, or conviction of the Magistrate under this Part, may appeal therefrom to the Court of Appeal, subject to the following—

(a) the appellant shall, within ten days from the date of the order, determination, or conviction, give notice to the other party and to the Magistrate of his intention to appeal, and along with such notice he shall give a statement in writing of his grounds of appeal;

(b) within seven clear days after giving notice of intention to appeal, the appellant shall subject to subsection (2) enter into a recognisance before a Magistrate or Justice with a surety or sureties in a sum not less than five hundred dollars, conditioned to appear and prosecute such appeal at the next sitting of the Court of Appeal, and to abide the order of and pay such costs as shall be awarded by the Court.

(2) Where the Corporation is the appellant no recognisance is necessary.

(3) The Clerk of the Peace shall forthwith cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and shall notify the appellant and the respondent or their solicitors respectively of the day on which the appeal shall in the ordinary course of business be on the list for hearing before the Court of Appeal.

(4) An appellant shall not be heard in support of such appeal unless such notice and statement have been given and such recognisance entered into as aforesaid, nor, on the hearing of the appeal, shall he give evidence of any grounds of appeal other than those set forth in his statement.

162. (1) No person may put up any verandah, balcony, sunshade, weather frame, or any other similar projection, so as to project over the footway of any street, except with the permission of and subject to the terms and conditions prescribed by the Council. Verandahs projecting over street

(2) Where permission is given under subsection (1), the verandah, balcony, sunshade, weather frame, or similar projection, shall not be supported on pillars resting on the footway.

163. No person may make any door, window, or gate in such manner as to open over a public thoroughfare, nor to project any door-step or landing into or across any public footpath, nor to extend or affix any sunshade, signboard, lamp grating, gutter, or other unauthorised projection on any building in such manner as may cause obstruction, danger, or annoyance in any street or to persons passing along any street or so as to cause encroachment on or over any street save that— Doors not to open over public thoroughfare

- (a) in case of theatres and other public buildings, the doors may, with the consent of the Council, be made to open outwards over a public thoroughfare; and
- (b) with respect to all buildings, the mouldings, cornices or other architectural embellishments and eaves-gutters may project over a street to an extent not exceeding eighteen inches.

164. Where any structure abutting on any street in the borough is in the opinion of the Town Superintendent dangerous to persons using the street, he shall give notice in writing to the owner of such structure requiring him forthwith to demolish or repair the same, as the case may require, within such time as may be specified in the notice. Dangerous building notice to owner

165. Where any structure in the borough is in the opinion of the Town Superintendent ruinous or so dilapidated as to be unfit for use or occupation, or to be from any cause in a structural condition dangerous or prejudicial to property in, or to the inhabitants of, the neighbourhood, he may give notice in writing to the owner of such structure requiring him to demolish, secure, repair, or rebuild the same or any part thereof or to fence in the ground on which such structure stands, or otherwise to put the same in a state of Ruinous or dilapidated structure to be demolished or repaired

good repair, as the case may require to the satisfaction of the Town Superintendent, within the time specified in the notice.

Structure dangerous or prejudicial to occupier to be demolished or repaired

166. Where it is brought to the knowledge of the Council that any internal part of a building is in a state dangerous or prejudicial to the occupier thereof, or of any neighbouring building, the Council shall cause the same to be surveyed and examined by the Town Superintendent, and if as a result of the survey and examination the Town Superintendent is satisfied that the structure is in a state dangerous or prejudicial to the occupier, he shall serve a notice in writing on the owner thereof requiring him to have the same shored up, demolished, secured, repaired, or rebuilt, as the case may require, to the satisfaction of the Town Superintendent within such time as may be specified in the notice.

Failure to comply with notice

167. Where the owner fails to comply with the requirements of a notice served on him under sections 165 and 166, within the time specified in the notice, the Council or any person authorised by it in writing may make complaint of the non-compliance before a Magistrate who may by order require the owner to comply with the requirements of such notice within a time specified by him in the order.

Penalty

168. Where an order under section 167, is not complied with within the time specified therein, the person against whom such order is made is guilty of an offence and liable to a fine of five hundred dollars and to a further fine of fifty dollars for every day during the continuance of such non-compliance, and the Council may, without prejudice to their right to recover such penalties, enter upon the structure or on the ground upon which it stands and execute the order.

Sale of structure or part thereof

169. Where an order directs the demolition of a neglected structure or any part thereof, the Council, in executing the order, may remove the materials to a convenient place, and, unless the expenses incurred by the Council under this section in respect of the structure are paid to them within fourteen days after such removal, sell the same or any part thereof as and if they in their discretion think fit.

Expenses to be paid from proceeds of sale

170. (1) All expenses incurred by the Corporation under section 169 in relation to a structure, may be deducted by the Council out of the proceeds of sale of the structure and the surplus, if any, may be paid into the Supreme Court to

an account to be entitled "In the matter of the Point Fortin Borough and of premises No. the materials of which were sold under the provisions of the Point Fortin Borough Act".

(2) The High Court or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make an order for the payment of the moneys or any part thereof to the person or persons entitled thereto.

171. Where a structure or any part thereof is not demolished, and the materials are not sold by the Council, or where the proceeds of sale are insufficient to defray the expenses, incurred by the Council in respect of the structure the Council may recover the expenses, together with costs from the owner of such structure in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Expenses may be recovered from owners

172. For the purposes of sections 164 to 171, "structure" includes any building, or any part thereof, and any wall or fence or any other structure and anything fixed to or projecting from any building, wall, fence, or other structure.

Definition of "structure"

Demarcation of Lands

173. (1) The owners of any lands in the borough shall, whenever required by the Council by notice in writing, cause to be prepared and delivered to the Council, within a period of fourteen days from the service of the notice, a plan of such lands showing the boundaries thereof in relation to some fixed point and where any portion of such lands has been leased or let in plots on which any building has been erected, showing also the boundaries of every such plot, and the building or buildings, if any, standing on such plot, and the name of the tenant or occupier of every such plot.

Demarcation of lands appurtenant to buildings

(2) An owner who fails to comply with the requirements of any notice served upon him under this section is guilty of an offence and liable to a fine of five hundred dollars, and to a further fine of fifty dollars for every day during which such non-compliance continues after conviction thereof.

Hoardings, etc.
not allowed on
footway or street,
except by permis-
sion of Town
Superintendent

174. (1) Except with the permission of the Town Superintendent, who may grant permission upon a written application and upon such terms and conditions as he may consider necessary to provide for the safety and convenience of passengers and of the occupiers of adjoining premises, no public footway or thoroughfare shall, during any building operations or otherwise, be occupied by any hoarding or scaffolding or by any building materials.

(2) Where permission is granted in pursuant to subsection (1), the ground occupied shall be enclosed by the person who obtained the permission with a hoarding for the protection of passengers, and the side drains shall not be obstructed by the hoarding or by any building materials or any building debris.

Owner as well as
builder to be
liable for contraven-
tion of bye-laws

175. (1) The owner as well as the builder shall each be liable for any act, matter, or thing done or omitted to be done in contravention of any of the provisions of this Act or any regulations in force relating to new buildings.

(2) The provisions of subsection (1) shall not prejudice any remedy of an owner or other person against the builder.

(3) In this section "builder" means the person who is employed to build or to execute any work on a building or structure; or, where no such person is so employed, the owner of the building or structure.

Authentication
of notices

176. All notices or orders under this Part or under any regulations for the time being in force relating to new buildings shall be sufficiently authenticated if signed by the Town Superintendent, or by any officer duly authorised in that behalf by the Council.

Notice served

177. All notices served by the Council or the Town Superintendent on the builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on the owner.

PART VIII

MARKETS AND SLAUGHTERHOUSES

178. In this Part—

Interpretation

“fresh meat” means fresh meat of any cattle, sheep, goat or pig, slaughtered for sale, and includes imported fresh meat;

“lands” includes messuages, easements, and hereditaments of any tenure;

“market clerk” means the person appointed by the Council to be in charge of any market, and includes any other person for the time being performing the duties of the market clerk;

“market” means any place appointed a market by the Council under this Act for the sale of any marketable commodities, and includes all buildings, works, sheds, covered and open spaces, and grounds comprised within the said places;

“marketable commodities” means any fresh meat, deer, lappe, quenk, agouti, fowls, eggs, fish, turtle, ground provision, vegetables, and fruits.

179. (1) It shall not be lawful to hold any market for the sale of any fresh meat, fish, turtle, and other commodities in any place in the borough not being a market under this Act. ^{Markets only in specified places}

(2) A person who contravenes the provisions of this section is guilty of an offence and liable to a fine of two hundred and fifty dollars, and to a further fine of fifty dollars for each day on which the offence continues after conviction thereof.

(3) A person who attends a market referred to in subsection (1) and sells at the same is guilty of an offence and liable to a fine of ten dollars for every such offence.

(4) For the purposes of this section, the owner or occupier of any place or premises within the borough who permits or allows two or more persons to attend at any time to sell at such place or premises in contravention of this section shall at such time be deemed to be holding a market.

Existing markets

180. Any market established in the borough at the commencement of this Act is hereby declared to be a market within the meaning of this Act and market may be held therein on such days and during such hours as, at the time of the passing of this Act, have been fixed for the purpose, or on such days, and during such hours, as the Council may from time to time fix bye-laws.

Appointing places as markets

181. (1) The Council may, with the consent of the President appoint any place within the borough to be a market and construct market houses or other conveniences in connection therewith.

(2) For all or any of the purposes of this section and also for the purpose of enlarging or improving any market, the Council may set apart and appropriate any land belonging to the Corporation which it considers suitable for such purposes, or any of them, and, with the approval of the President acquire or take or lease any land which it considers necessary for such purposes or any of them.

Power to close markets

182. The Council may at any time discontinue the use of any market or any part thereof as such, and, with the consent of the President sell or dispose of the same or any part thereof, or use and convert the same or any part thereof to or for any other purpose.

Appointment of market clerk and other servants

183. (1) The Council may appoint a fit and proper person to be clerk of a market, and such other officers and employees as may be necessary, and may assign reasonable remuneration to such clerk and other officers and employees and may require such clerk and other officers and employees to give security for the due discharge of their duties.

(2) The clerk and the other officers and employees appointed under subsection (1) shall hold office during the pleasure of the Council.

Resistance or obstruction

184. Every person who unlawfully assaults, resists or obstructs the clerk of any market, or other person authorised by the Council to receive any stallages, rents, dues, tolls, and charges payable in respect of such market, or any person employed to superintend such market or keep order therein whilst in the execution of his duty is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

185. (1) The Council may demand and take from every ^{Market dues} person occupying or using any stall, stand, table, shed, or place in any market, or bringing into any such market any marketable commodities or any other article or thing which the Council may permit to be sold therein, or using any weighing instrument kept in such market, such stallages, rents, dues, tolls and charges as the Council shall from time to time appoint and fix by any bye-law made in pursuance of this Part.

(2) The several stallages, rents, dues, tolls, and charges payable in respect of any market, shall be paid at such times and in such manner as the Council may prescribe to the market clerk or any other person authorised by the Council to receive these payments.

(3) Where any person liable for the payment of any stallage, rent, due, toll, or charge does not pay the same when required by the market clerk or other duly authorised person, the market clerk or other person so authorised may recover the same by seizure and immediate sale of a sufficient part of any marketable commodities in the market which belong to the person liable to any such stallage, rent, due, toll, or charge; or such stallage, rent, due, toll or charge may be recovered as a debt to the Corporation in any court of competent jurisdiction.

186. (1) The Council may make such bye-laws as it ^{Bye-laws} thinks fit for all or any of the following purposes—

- (a) for regulating the use of public markets, and directing the manner of occupying and using the several stalls, stands, tables, sheds and places therein;
- (b) for prescribing the pattern and description of the scales to be used by occupiers of stalls, stands, tables and places in the markets;
- (c) for prescribing the conditions subject to which the several stalls, stands, tables, sheds, and places shall be held, occupied, or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council may deem necessary for ensuring that the stalls, stands, tables, sheds, and places occupied by them and all blocks, axes, saws, and other implements or instruments and all scales used by them are properly cleaned and kept clean by them;

- (d) for regulating the use of weighing instruments belonging to the Corporation and used in such markets, and preventing the use of false or defective weights, scales, or instruments by any person selling in any such markets;
- (e) for regulating the sale of any marketable commodity;
- (f) for prescribing the areas in the vicinity of any public market within which it shall not be lawful to sell or offer for sale any marketable commodity;
- (g) for preventing nuisances or obstructions in any such markets or in the immediate approaches thereof;
- (h) for imposing on the occupier of any stall, stand, table, shed, or place in such markets the duty of taking such steps and using such means as may be prescribed by the Council for protecting from contamination by flies and dust any articles of food offered or exposed for sale in or on such stall, stand, table, shed, or place occupied by him;
- (i) for maintaining order and prohibiting, fighting or disorderly behaviour;
- (j) for excluding and removing from any such markets persons suffering from any infectious or contagious disease;
- (k) for prescribing the measures to be taken by vendors of marketable commodities in any such markets in order to protect such commodities from contamination by flies and dust or otherwise;
- (l) for prohibition, restricting or controlling the introduction of fresh meat for sale in the borough;
- (m) generally for the good government of such markets and for the carrying into effect the provisions of this Part.

Bye-laws to be
exhibited in market
and published

(2) All bye-laws made by the Council under this section shall be printed, and a copy thereof exhibited in a conspicuous part of every public market to which the bye-laws respectively apply. The bye-laws shall also be published in the *Gazette* and in one newspaper circulating in the borough.

187. (1) No person may sell meat or fish in any public market without having first obtained a licence for the purpose from the Council. Licence to salesman of meat or fish

(2) A licence shall be granted for such period, and upon payment of such fee, and upon such conditions as the Council may prescribe.

(3) Every person who offends against the provisions of this section is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

188. (1) No person may sell or offer or expose for sale any fresh meat, fish or turtle within the borough, or within half a mile from any part of the limits thereof except in a market or under and in accordance with the terms of a licence granted under this Part. Licence for sale of fresh meat and other articles within the borough

(2) No person may sell or expose for sale any marketable commodities (other than fresh meat, fish and turtle) in any street or public place within the borough except in a market or under and in accordance with the terms of a licence granted under this Act.

(3) No fish for sale within the borough shall be exposed or offered for sale before being first brought to the market.

(4) A person who contravenes any of the provisions of this section is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars for every such offence.

189. (1) The Council may grant to a person a licence authorising him to sell or offer or expose for sale fresh meat, fish or turtle in any shop or premises within the borough. Licence for sale in shops and premises

(2) A licence granted under subsection (1) shall be granted for such period on payment of such sums and upon such terms and conditions as the Council may by bye-laws prescribe, and shall be revocable by the Council on breach by the licensee of any of the conditions subject to which it was granted.

(3) Any of the bye-laws made under section 186 may, so far as they are applicable, be embodied in the conditions which the Council is authorised to prescribe in any licence issued under this section.

Inspection for
detecting unsound
marketable
commodities

190. (1) An Inspector appointed by the Council may inspect any marketable commodities which he finds in any market or licensed shop or premises, or which are sold or offered or exposed for sale elsewhere under any licence granted under this Part and for that purpose he may enter any such shop or premises with proper assistants and if in his opinion any such marketable commodities are unfit for food, cause the same to be removed and destroyed.

(2) A person who—

- (a) prevents or attempts to prevent any such Inspector or any assistant of such Inspector from entering such shop or premises, or from making such inspection, or
- (b) attempts the removal of any marketable commodities which in the opinion of the Inspector is unfit for food,

is guilty of an offence and is liable on summary conviction to a fine of two hundred and fifty dollars.

Recovery of
penalties

191. (1) All penalties imposed under this Part or under any bye-laws made thereunder shall be recoverable on summary conviction before a Magistrate or Justice on complaint made in the name of the Corporation or of the market clerk or of any constable, and shall be payable to the Council for the use of the Corporation.

(2) On a second conviction for any offence under this Part or any bye-law made thereunder, the convicting Magistrate may in his discretion, in addition to any penalty which he may impose, order that the offender be not allowed to sell in any market and that his licence be forfeited.

Bye-laws for
slaughterhouse
and detention
station

192. (1) The Council may make bye-laws with respect to the management, good government and use of any slaughterhouse and detention station under the control of the Corporation and the feeding and the watering of animals taken there, and it may by such bye-laws fix the charges to be made for the lairage, slaughtering, and where necessary the destruction of animals.

(2) An owner who fails to comply with any bye-law made under this section imposing any duty on him with respect to any animal belonging to him, the Council may without prejudice to its right to institute summary pro-

ceedings for the breach of such bye-law, undertake the execution of such duty, and the expenses incurred for the purpose shall be a debt due from such owner to the Corporation.

(3) Where default is made by an owner in respect of any expenses due to the Corporation under this section or any bye-law made thereunder, the Council may recover the expenses due by summary proceedings before a Magistrate, or by sale of any animal of the owner then in the slaughterhouse or the detention station.

(4) Any sale under this section shall be by public auction after seven days advertisement thereof, and the Council shall apply the proceeds of such sale firstly in or towards the payment of the cost and expenses of such sale, and secondly in or towards the payment of the sums due by the owner to the Corporation and the surplus, if any, shall be paid to the person entered as the owner of the animal in the books of the Corporation.

193. (1) Subject to subsection (2), no person may in the borough slaughter any animal intended for the food of man elsewhere than in a public slaughterhouse provided by the Council. All animals to be slaughtered at public slaughterhouse

(2) Any person of the Moslem or Hindu Faith may, on a requisition signed by him, obtain a permit to be issued by the Town Clerk permitting such person to slaughter animals for religious purposes, and not for sale, at premises to be named in such permit outside the public slaughterhouse.

(3) No person shall sell, offer or expose for sale in the borough the carcass or meat of any animal not slaughtered in a public slaughterhouse provided by a local authority.

(4) The onus of proof as to the place where the animal was slaughtered lies on the defendant.

(5) The meat of any animal for sale not slaughtered in the borough shall, on arrival thereat, be forthwith taken to the slaughterhouse for inspection and shall remain there until taken to the market.

(6) For the purposes of this section "animal" means ox, calf, pig, sheep and goat.

(7) A person who contravenes the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars for every such offence.

Appointment of
Inspectors

194. (1) The Council may appoint fit and proper persons to be Inspectors of meat and other articles of food at such salaries and other allowances as the Council may think fit and such Inspectors shall hold office during the pleasure of the Council.

(2) The Council may charge a fee not exceeding five dollars for the inspection of the carcass of each ox; and not exceeding one dollar for that of each calf, pig, goat or sheep slaughtered outside the borough and brought into it for sale. Such fee may be recovered in like manner as provided in this Part for the recovery of market dues.

Interpretation

195. In this Part "cold stores" means any premises or places used for the keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for the food of man.

Cold stores to be
licensed

196. No person may use any premises or places in the borough as cold stores without having first obtained from the Council a licence for that purpose.

Council may issue
licence

197. The Council may grant a licence for the use of any premises or places in the borough as cold stores and such licences may be granted on such terms and on such conditions, and upon payment of such licence fees as the Council may from time to time appoint by resolution.

Penalty for using
unlicensed
premises

198. Every person who uses or permits to be used any premises or places in the borough as cold stores without having first obtained a licence for that purpose from the Council is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars and to a further fine of twenty-five dollars for each day that the offence continues after conviction thereof.

Licence to sell
fresh meat and
fish

199. No licensee of any cold stores may sell any fresh meat or fresh fish at or from such cold stores without having first obtained from the Council a licence for that purpose.

Conditions of
licence to sell
fresh meat and
fish

200. (1) The Council may grant to the licensee of any cold stores a licence to sell fresh meat or fresh fish at or from such cold stores.

(2) A licence granted under subsection (1) may be for such term and subject to such conditions and to the payment of such licence fees as may from time to time be prescribed by resolution of the Council.

201. A licence granted under subsection (1) of section 200 for the use of any premises or places as cold stores or to sell fresh meat or fresh fish from any licensed cold stores shall be under the hand of the Town Clerk, and shall state the period during which such licence shall remain in force.

All licences to be under hand of Town Clerk

202. Any fresh meat or fresh fish delivered from any cold stores whether such delivery is made in pursuance of a contract of sale or otherwise (except meat or fish delivered at any premises licensed for the sale of meat or fish under this Part or at any public market of the borough) shall be deemed to be sold within the meaning of this Part.

Selling meat or fish what it includes

203. The licensee of any premises or places used as cold stores shall pay to the Council, in respect of all fresh meat or fresh fish sold from such cold stores, tolls or dues at such rates as may from time to time be appointed by resolution of the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public market and in premises licensed for the sale of meat under this Part.

Dues payable on meat or fish sold from licensed cold stores

204. A person who sells any fresh meat or fresh fish from any cold stores without having first obtained a licence for that purpose from the Council is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for each day that the offence continues after conviction thereof.

Penalty for selling meat or fish without a licence

205. The Council may make bye-laws for enforcing cleanliness in all cold stores in the borough, for fixing the hours during which any fresh meat or fresh fish may be delivered therefrom, for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and description of any fresh meat or fresh fish received into such cold stores, and delivered therefrom, and the destination of any fresh meat or any fresh fish delivered therefrom, as the Council may deem necessary for the purpose of this Part and generally for more efficiently carrying out the provisions of this Part.

Bye-laws

PART IX

BYE-LAWS

Bye-laws, etc., for good rule and government of the borough

206. (1) The Council may, in addition to any bye-laws or regulations which they are authorised to make under this Act, make such bye-laws and regulations as they consider necessary for the good rule and government of the borough, and for the prevention and suppression of all such nuisances as are not already punishable in a summary manner by virtue of any other written law in force throughout the borough and to impose by such bye-laws or regulations such penalties not exceeding five hundred dollars as they shall deem necessary for the prevention and suppression of any offence against such bye-laws or regulations.

(2) Penalties imposed pursuant to subsection (1) shall be recoverable in a summary manner before a Magistrate having jurisdiction within the borough.

(3) No bye-laws or regulations referred to in subsection (1) may be made, amended, or revised unless two-thirds of the total membership of the Council is present.

Bye-laws and regulations to be approved by the President and published

207. (1) Bye-laws or regulations made by the Council shall not take effect unless and until they have been approved by the President.

(2) All bye-laws or regulations made by the Council shall, when approved by the President be published in the *Gazette* with a statement of the approval thereof by the President.

(3) This section shall not apply to any rule made by the Council relating to the duties or conduct of their officers and servants, or with respect to the proceedings at meetings of the Council, or of any committee thereof, and the form and order of their debates.

Saving bye-laws and regulations in force

208. All bye-laws, rules and regulations in force at the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue to be in force after the commencement of this Act until altered or revoked by the Council.

PART X

LEGAL PROCEEDINGS

209. (1) All offences under this Act or under any bye-law or regulation made thereunder shall be deemed to be offences punishable on summary conviction under the Summary Courts Ordinance, unless expressly stated to the contrary, and all such offences and all penalties, fines, forfeitures, costs, and expenses under this Act or under any such bye-law or regulation directed to be recovered in a summary manner or the recovery of which is not otherwise provided for, may be prosecuted and recovered in the manner provided by the Summary Courts Ordinance.

Recovery of penalties

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(2) All penalties, fines, forfeitures, costs and expenses recovered for offences under this Act or under any such bye-law, or regulation shall be received by the Magistrate and paid in by him to the Town Clerk for the use of the Corporation.

(3) Any information or complaint for any offence against the provisions of this Act or of any other Act for the time being in force for the breach of the provisions whereof the Council may institute proceedings, or for the breach of any bye-laws or regulations made by the Council, may be made or laid in the name of the Corporation by the Town Clerk or any officer or officers of the Corporation duly authorised in that behalf by resolution of the Council, either generally or in respect of offences against the provisions of specific enactments, or of specified bye-laws or regulations; and any officer of the Corporation authorised in that behalf by resolution of the Council, may conduct the proceedings before a summary court in all cases in which the Corporation is either a complainant or a defendant.

210. Any person who does any act in contravention of any of the provisions of this Act, or of any bye-laws or regulations made under any power conferred by this Act, or who fails, neglects, or refuses to execute any work, or to do anything which he is under obligation or required to do

Penalties for offences not otherwise provided for

by virtue of any of the provisions of this Act or of any such bye-laws or regulations or of any order or notice served upon him by the Council by virtue of this Act is, unless some other penalty is provided therefor, liable to a fine of five hundred dollars, and, in case of a continuing offence, to a further fine of fifty dollars, for each day that such offence is continued after written notice thereof from the Council.

Procedure in
penal actions
against corporate
officers

211. (1) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may be brought by any burgess of the borough, but no action shall lie unless the plaintiff has within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(2) The Court or a Judge shall, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(3) Unless judgement is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4) Where any action is brought against a person on the ground of his not being qualified in respect of estate it shall lie on him to prove that he was so qualified.

(5) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

Quo warranto
and mandamus

212. (1) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of three months from the time when he became disqualified after election.

(2) In the case of an application referred to in subsection (1) or an application for a mandamus to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5) The respondent may show cause in the first instance against the application.

(6) Where sufficient cause is not shown, the Court, on proof of due service of the notice, statement, and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or mandamus absolute.

(7) The Court may, if it thinks fit, direct that any writ of mandamus issued shall be peremptory in the first instance.

213. (1) Where the Council has incurred expenses for the repayment whereof the owner of the premises for or in respect of which those expenses are incurred is liable under any of the provisions of this Act, or under any agreement with the Council, such expenses may be recovered, together with interest thereon at the rate of six per centum per annum computed from the date of the service of a demand for the same to the date of payment, from the owner for the time being of such premises and, until the recovery of such expenses and interest, they shall be a charge on the premises for or in respect of which they were incurred. Recovery of expenses from owners

(2) Subject to subsection (3) the Council may, by order, or in any agreement with such owner, declare such expenses to be payable by annual instalments within a period not exceeding five years with interest at six per centum per annum until the whole is paid; and such instalments and interest on any part thereof may, without prejudice to the power of sale vested in the Corporation by virtue of the Rates and Charges Recovery Ordinance, be recovered by action in any court of competent jurisdiction from the owner or occupier for the time being of such premises, and, if paid by or recovered from the occupier, may be deducted by him from the rent due or accruing due to the owner.

(3) Where any of the instalments, or the interest thereon, or any part thereof respectively shall be in arrears and unpaid for the period of three months after the time

appointed for the payment thereof, the whole amount of the expenses charged on such premises which shall for the time being remain unpaid shall forthwith become payable to the Corporation, and the power of sale vested in the Corporation for the enforcement of the charge in respect of the amount of such expenses, shall forthwith become exercisable for the recovery of the outstanding instalments and interest thereon at the rate of six per centum per annum computed from the date of payment of the last instalment, or, if no instalment has been paid, from the date when the expenses charged on such premises first became due and payable by the owner.

Certified copies of documents to be prima facie evidence thereof

214. (1) Where in any legal proceedings, it becomes necessary to prove any document of the Corporation, a copy of or an extract from such document, purporting to be certified to be true by the Mayor or by the Town Clerk, shall be sufficient *prima facie* evidence of such document.

(2) No proof shall be required of the handwriting or of the official position of the Mayor or Town Clerk certifying in pursuance of this section to the truth of any such copy of or extract from any document.

(3) For every certified copy of or extract from any document supplied by the Council in pursuance of this section, there shall be paid to the Corporation for every one hundred words or part thereof contained in such copy or extract the sum of five dollars.

(4) No officer of the Corporation shall, in any legal proceedings whatsoever, be compellable to produce any document, the contents of which can be proved by a certified copy under the provisions of this section, unless on the order of a Judge or Magistrate made for special cause.

(5) Where any officer of the Corporation is required under any order of a Judge or Magistrate made for special cause in pursuance of this section to produce any original document of the Corporation there shall be paid to the Corporation for the attendance of such officer upon subpoena in court for that purpose the sum of twenty dollars.

(6) For the purposes of this section "document of the Corporation" includes notices, orders, and authorities given, made and issued by the Council, and any entry in any rate book, account book, register, or other book of the Corporation and any resolution or other matter recorded in any minute book of the Corporation and all orders, rules, bye-laws, regulations, warrants, lists, certificates,

requisitions, letters, notices, receipts, and any other documents whatsoever in the custody of, or proceeding from the Corporation of the Council.

(7) The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proving documents given in this Act or in any other written law.

(8) Notwithstanding anything contained in this section, it shall be lawful for the Town Clerk to grant any person desiring the same for any other purpose than as evidence in legal proceedings, a certified copy of or extract from any document of the Corporation upon payment of such fee and upon such terms as may be fixed by resolution of the Council.

215. (1) Where any officer of the Corporation or any other person is duly authorised by the Council or by a Magistrate or Justice to enter any premises for any of the purposes of this Act, the officer or other person shall, on entering such premises, if required by the occupier thereof, produce to such occupier either the original or a duly authenticated copy of his authorisation or some other sufficient evidence of his being so authorised. Procedure for enforcing powers of entry Authority to be produced

(2) The copy of the written authorisation referred to in this section shall be deemed to be duly authenticated if it purports to be signed by the Town Clerk.

(3) A person who refuses to permit any duly authorised officer or servants of the Corporation to enter any premises for any of the purposes for which their duly authorised officers or servants are authorised to enter premises by virtue of this Act, or obstructs, hinders, or delays the duly authorised officers or servants of the Corporation in execution of any of their duties under this Act or any bye-laws made thereunder is guilty of an offence and (unless a different penalty is hereinbefore provided for the offence charged) is for every such offence liable to a fine of five hundred dollars.

(4) In any information or complaint preferred or made by the Corporation or by any of its officers or servants against any person who refuses to permit the duly authorised officers and servants of the Corporation to enter any premises for any of the purposes for which they are authorised to enter such premises by virtue of this Act, and who obstructs, hinders, or delays such officers or servants in the execution

of any of their duties under this Act or under any bye-laws made thereunder, the complainant may add a notice that he intends at the hearing to apply to the Magistrate for a warrant authorising him to enter such premises by force, if need be, for the purpose specified in the notice. In such cases the Magistrate may, either, in addition to the penalty provided for such offence under this Act or without imposing any penalty for the offence, by warrant under his hand, authorise the duly authorised officers and servants of the Corporation to enter such premises, by force if need be, and, with such assistance as they may require, and there to execute their duties under this Act.

(5) A warrant issued under subsection (4) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) The warrant may be according to the form in the Eighth Schedule.

(7) A person who obstructs the execution of any such warrant is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars for every day on which he obstructs the execution thereof.

PART XI

GENERAL PROVISIONS

Form, authentication and service of notices

216. (1) Notices, orders, accounts, demands, and any other documents required to be served, given, or delivered by the Council under this Act or any other written law for the time being in force, or under any bye-law, rule, or regulation of the Council, may be in writing or print, or partly in writing or partly in print, and where they require authentication, shall be sufficiently authenticated by the name of the Town Clerk, or any other duly authorised officer of the Corporation, being affixed thereto in print or in writing.

(2) Service of any notice under this Act or any bye-law, rule, or regulation made thereunder, on any owner or occupier shall be effected by handing the same to him or leaving the same at his usual place of abode, or where the owner or occupier is absent from Trinidad and Tobago, or is unknown, or cannot be found by posting a copy of such notice on the premises to which it is related.

(3) Any notice, order, or document required or authorised to be served upon any body or person under this Act or any bye-law, rule or regulation made thereunder, may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (a) in the case of the President, the office of the Cabinet Secretariat;
- (b) in the case of the Postmaster General, the General Post Office;
- (c) in the case of the Chief Technical Officer (Works), the Permanent Secretary, Ministry of Transport and Communications;
- (d) in the case of any highway authority, the Permanent Secretary, Ministry of Transport and Communications;
- (e) in the case of any company having a registered office, the registered office of such company;
- (f) in the case of a company having an office or offices, but no registered office, the principal office of such company; and
- (g) in the case of any other person, the usual or last known place of abode of such person.

(4) Any notice, order or document by this Act required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

217. (1) No error, misnomer, or inaccurate description of any person, body corporate, or place in any notice, list, register, roll or rate book required by this Act shall in any way hinder the full operation of this Act with respect to that person, body corporate or place, or affect the liability of any premises to any rate or charge payable in respect thereof. ^{Misnomer or} ^{misdescription}

(2) The Council may at any time correct any such errors, misnomers, or inaccurate descriptions, and make such amendments in any such notices, lists, registers, rolls or rate books as may be necessary to correct any such errors and to make entries therein conformable to fact, to any resolutions of the Council relating to such entries, and to the provisions of this Act.

Charges on premises to be preferential to other encumbrances

218. Where any rate, charge, or sum of money payable to the Corporation under this Act or any other Act for the time being in force, is declared to be a charge on any premises such charge shall be deemed to be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to the State and charges thereon in respect of other rates and charges or sums of money due to the Corporation.

Statutory increase

219. (1) Every rate, charge, or sum of money due to the Corporation under and by virtue of any of the provisions of this Act or any other written law for the time being in force, if unpaid for a period of three months after the same becomes due, shall be increased by a sum equal to six per centum per annum of the rate, charge or sum so unpaid.

(2) This section shall not apply to sums due to the Corporation in respect of which interest after the date on this or any other written law for the time being in force, nor to any rate or charge to which any other period of time is herein prescribed for the imposition of the said increase.

Power to attach conditions to consent

220. (1) Where the Council is authorised under this Act or any other written law for the time being in force or any bye-laws, rules, or regulations made by the Council to refuse to consent to the execution of any work or the doing or omitting to do any act or thing by the owner of any premises, the Council may, if it thinks fit, instead of refusing such consent, grant the same subject to such terms and conditions in relation to the subject matter of such consent as the Council thinks fit, and any breach of any such terms or conditions shall be deemed as regards liability to penalties and other consequences, equivalent to the doing or omitting to do such act or thing without the required consent.

(2) All consents given by the Council under this Act, or any other written law, for the time being in force, shall be given in writing, and unless otherwise prescribed, shall be under the hand of the Town Clerk or the Town Superintendent or any other officer of the Corporation duly authorised in that behalf.

Computation of time

221. (1) Where by this Act, any payment, act, or proceeding is required, directed, or allowed to be made, done or taken on a certain day, then if that happens upon a Sunday, Good Friday, Christmas Day, or any other day, declared by any other written law for the time being in force,

or by any proclamation by the President issued under any written law, present or future, to be a close holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time it is made, done or taken on the next day afterwards, not being one of the days in this section specified.

(2) Where, by this Act, any payment, act or proceeding is required, directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

222. (1) All licences which the Council is or may be authorised to grant under this Act or any other written law for the time being in force may, unless otherwise expressly provided, be granted by and under the hand of the Town Clerk or any other officer of the Corporation duly authorised in that behalf. Authentication of licences

(2) If any person to whom a licence has been granted by the Council under this Act or any other written law for the time being in force, satisfies the Mayor that this licence has been lost or defaced the Mayor may, if he thinks fit, and on payment of a fee of five dollars order the issue to him of a duplicate licence, and the duplicate so issued shall have the same effect as the original licence. Issue of duplicate licence

(3) This subsection shall not apply to any other written law wherein it is expressly otherwise provided.

223. Where under the provisions of this Act or any bye-laws, rules or regulations made thereunder, any work of any kind is required to be executed or carried out by the owner of any premises, and default is made in the execution of such works within the prescribed time, the Council may, if it shall think fit, cause such work to be executed or carried out, and the expenses incurred by the Council in respect thereof, with six per centum added thereto, shall be a debt due to the Corporation by the owner for the time being of such premises and until paid to the Corporation, shall be a charge on the premises in or in respect of which such work was executed. Execution of works on default of owner

224. Where, under any of the provisions of this Act, the Council constructs, carries out, or does any works which are for the common benefit of two or more premises belonging to different owners, the expenses which are recoverable Apportionment of expenses of works between different owners

from the owners shall be paid by the owners of such premises in such proportions as shall be determined by the Town Superintendent, and until payment, the sum apportioned to each of such premises shall be a charge on such premises.

Plans, etc.,
deposited to
become property
of Corporation

225. All applications, notices, plans and other documents delivered at the office of the Town Clerk or of the Town Superintendent in pursuance of this Act or any other written law for the time being in force, or of any bye-law, rule, or regulation made thereunder, shall, on delivery, become the property of the Corporation.

Power of
President to
dissolve the
Council and appoint
Commissioner

226. (1) Subject to subsections (2) and (3), on receipt of an address from the House of Representatives on a petition signed by not less than one-third in number of the burgesses on the burgess roll of the borough, the President may, by an order published in the *Gazette*, dissolve the Council.

(2) An order for the dissolution of the Council shall be valid, unless in and by such order a time is fixed for the election of a new Council under the provisions of this Act in lieu of the Council so dissolved, not more than two years from the date of such order.

(3) The President may at any time vary such order to the extent of diminishing the time fixed for the election of a new Council and substituting an earlier date for such election; but notice of such change of date shall be given by publication in the *Gazette* at least one calendar month in advance.

(4) When the Council is dissolved, the following consequences shall ensue—

- (a) the Mayor, Deputy Mayor, Aldermen and Councillors shall, as from the date specified in the order, vacate their offices as such;
- (b) all powers, duties and liabilities of the Council shall as from such specified date and until a new Council is constituted under this Act, be exercised, performed and discharged by such persons not less than three in number as the President may from time to time appoint in that behalf to be designated Commissioner for the Borough, one of the Commissioners shall be appointed by the President as Chief Commissioner on whom shall devolve all the powers and duties assigned to the Mayor under this Act;

- (c) all property, real and personal, dues, chattels and valuable securities belonging to or vested in the Corporation, or in its occupation, control or management, shall during the period aforesaid, vest in the Commissioners aforesaid, or be in their occupation, control and management;
 - (d) all moneys, funds, rates, tolls, dues, charges, rents, fines, profits and advantages, claims and demands whatsoever or howsoever payable to which the said Corporation is entitled shall also be transferred to and vest in the Commissioners;
 - (e) all debts and claims then due or thereafter to become due from and payable by the Corporation shall be discharged and paid by the Commissioners in the same manner at the same time and subject to the same conditions as the same respectively would have been due and payable if the Council had continued to exist.
- (5) The Commissioners may in respect of their duties as such receive from the revenues of the Corporation such remuneration as the President may from time to time prescribe.
- (6) A Commissioner shall be removable from office for any cause deemed sufficient by the President.

FIRST SCHEDULE

(Section 5)

BOUNDARIES OF THE BOROUGH OF POINT FORTIN

The Borough of Point Fortin comprises the area which is bounded as follows—

- NORTH**—From a point on the sea coast at the northern end of Erin Road at the eastern boundary of Cedros Ward proceeding in a generally north-easterly direction along the said coast to the point on the West bank of Vance River.
- EAST** —From the last mentioned point proceeding in a generally south-easterly direction along the West bank of the said river to the point where it meets the southern side of the Southern Main Road.
- SOUTH**—From the last mentioned point proceeding in a generally south-westerly direction along the southern side of the Southern Main Road to the point where it crosses the eastern boundary of Cedros Ward at Erin Road.
- WEST** —From the last mentioned point proceeding in a generally north-erly direction along Erin Road (The eastern boundary of Cedros Ward) to the sea coast at the point of commencement.

SECOND SCHEDULE

(Section 17)

DECLARATION TO BE MADE BY PERSON ELECTED TO A CORPORATE OFFICE

I, _____ having been elected (Mayor, Deputy Mayor, Alderman or Councillor) for the Borough of Point Fortin, do hereby declare that I take the said office upon myself and will duly and faithfully fulfill the duties thereof according to the best of my judgment and ability and declare that I am qualified as follows—

(a) I am entitled to be and I am in fact enrolled as a burgess of the borough for the year commencing the 1st November, _____ ;

(b) I am a citizen of the Republic of Trinidad and Tobago.

THIRD SCHEDULE

[Section 50(4)]

WARRANT

To the Police Officer on duty at the Police Station and to all other police officers.

Whereas A.B. was found by me the undersigned a borough policeman for the Borough of Point Fortin, under circumstances which rendered him the said A.B. liable to be arrested by me under the Point Fortin Corporation Act and I arrested him accordingly; now these presents are to authorise and require you the police officer on duty at the police station above-mentioned and to authorise all other police officers to keep and detain the said A.B. at the said police station until he is taken before some Justice of the Peace to be dealt with according to law or until the expiration of forty-eight hours from the time when he is received into custody at the said station whichever first happens, and for so doing this shall be your warrant.

Witness my hand this _____ day of _____, 19 _____.

Signed (rank),
Point Fortin Borough Police

FOURTH SCHEDULE

[Section 67(1)]

FORM A

Assessment Return

To the Owner of Premises No.....

Take notice that you are hereby required pursuant to the provisions of section 67(1) of the Point Fortin Corporation Act, to send in to the Commissioner/Town Clerk, at his office at the Town Hall, Point Fortin within fourteen days after the service of this notice, a return on this form for the purpose of enabling the Commissioner/Corporation to fix the assessment of your premises for the year.

.....
Commissioner/Town Clerk

Return required under section 67 of the Point Fortin Corporation Act

I hereby declare that I am the Owner or Agent of the premises mentioned hereunder, and that the several particulars stated in this return are to the best of my knowledge and belief true and correct.

- 1. Premises
- 2. Name of Owner.....
- 3. For what purpose used.....
- 4. Whether Rented or Leased or Occupied by Owner.....

(a) If rented,

(i) Number of Rooms occupied by Tenants.....

(ii) Name of Tenant or Tenants, with monthly rent payable by each

(If space here provided is not sufficient details must be given on the back hereof, or on a separate sheet)

(iii) Number of Rooms untenanted, with rental value of each:

(iv) Rent paid

(v) Whether tenant pays land rent of site; if so, how much?

FIFTH SCHEDULE

(Section 136)

PAVING OF FOOTWAYS—NOTICE OF APPORTIONMENT
OF ONE-HALF OF COST

To the owner of premises No. _____, Street
in the Borough of Point Fortin.

Whereas the Mayor, Aldermen and Burgesses of Point Fortin in exercise of the power vested in them by Part VII of the Point Fortin Corporation Act, 1980 have caused the footway (or portion of the footway) on the side of the street known as _____ Street, in the Borough of Point Fortin to be paved; and whereas the expenses incurred by the Council in such paving amount to the sum of \$ _____ one-half thereof being the sum of \$ _____; And Whereas the Town Superintendent has made apportionment of the sum of \$ _____ among the several premises abutting on such footway; And whereas such apportionment was approved by the Council at a meeting of the Council held on the _____ day of _____, 19 _____; And Whereas in such apportionment the sum of \$ _____ is entered as representing the apportioned share payable in respect of the said premises No. _____ Street.

Take notice that the said sum of \$ _____ is due and payable by you to the Council by three equal yearly instalments, the first whereof to be paid one year from the date of the service of this notice, with interest thereon at the rate of _____ per centum per annum.

And further take notice that, until payment of the said sum of \$ _____ and interest thereon as aforesaid, the said premises shall stand and remain charged with the said sum of \$ _____ or so much thereof as shall from time to time remain unpaid, with interest thereon at the rate above-mentioned.

N.B.—You may pay the whole of the said sum of \$ _____ (the apportioned share) within one month from the date of the service of this notice, and if so paid, the same will be received without interest in full satisfaction of the above claim.

SIXTH SCHEDULE

(Section 147)

BUILDING REGULATIONS

**Drainage of
sub-soil and main-
tenance of drains**

1. (1) If required by the Council the owner of any building site shall arrange for the satisfactory drainage of the sub-soil of any building site.

(2) The drain of any lot and the main drain of any area shall be kept clean and maintained in a sanitary condition to the satisfaction of the Council by and at the cost of the owner.

Foundations

2. (1) Every person who erects a new building which is not supported on pillar trees or hardwood shall cause every wall, pier, column, or buttress thereof to be built on a foundation of cement concrete of such width as the Town Superintendent may require; except that the width shall in every case be such that the super-imposed load on the soil shall not exceed one and a half tons per superficial foot.

(2) The under side of the concrete foundation shall be laid at a depth below the underside of the superimposed wall of not less than two-thirds of the thickness of such wall at the base thereof, nor in any case less than nine inches deep.

(3) The width of the foundation shall be reduced from below upwards by even steps or batter; in either case at an inclination to the horizon not flatter than two and a quarter inches vertical to three inches horizontal, to a width not less than that of the superimposed wall.

**Provision of
proper damp-proof
course**

3. A person who erects a new dwelling-house or any other new building having enclosing walls constructed of brick, stone or cement concrete and having a timber floor, shall cause every wall of such building to have a proper damp-proof course of asphalt or cement mortar composed of one part of cement and two parts of sand (such asphalt or cement mortar to be not less than three-eighths of an inch thick), or other imperishable material approved by the Town Superintendent throughout the whole thickness of the wall beneath the lowest timber and nearer to the grounds but in no case at a height of less than six inches above the surface of the ground adjoining such walls.

Materials for walls

4. (1) A person who erects a new building shall subject to paragraph (2) cause such building to be enclosed with walls constructed—

(a) of good bricks, stone, or such other incombustible material as the Town Superintendent may approve, properly bonded and solidly put together; or

(b) with a framework of timber properly and securely put together the space between the timbers being completely filled with good bricks, stone, cement concrete, or other fire-resisting material efficiently secured thereto, and the timbers themselves being protected so as to be fire-resisting.

(2) Where there is a clear open space of land exclusively appurtenant to the building of not less than ten feet in width on every side of such building (except on the front or on any side towards a street) the external walls may be constructed of a framework of timber, properly and securely put together and covered with wood.

SIXTH SCHEDULE—CONTINUED

- (3) Walls constructed of bricks or stone shall be bonded with—
 - (a) good mortar compounded of good lime and clean sharp sand in the proportion of not less than one part by measure of lime to three parts by measure of sand; or
 - (b) good cement; or
 - (c) good mortar compounded of not less than one part by measure of good cement to four parts by measure of clean sharp sand.

(4) Cement shall be of slow setting quality to comply with the requirements of the last revise of the British Engineering Standards Committee, or otherwise of a brand and description approved by the Town Superintendent.

(5) All sand is to be clean and sharp and free from organic or earthy matter and is to be screened, if required by the Town Superintendent.

(6) The aggregate may be broken stone or brick or gravel and must be approved by the Town Superintendent.

(7) No weaker mixture of concrete shall be used than that specified in the following formula:—

	<i>Cement</i>	<i>Sand</i>	<i>Aggregate</i>
(i) For walls six inches or less in thickness, floors, and slabs	1	2	5
(ii) for foundations, surface water drains, pavements, and walls more than six inches thick	1	3	6

(8) The size of the broken stone or brick used for making concrete shall depend on the thickness of the wall or other construction in which the concrete is used, and shall be as follows—

Walls 6 inches thick and under...	Of a size which will pass through a ring 2 inches internal diameter
Walls over 6 inches thick including foundations, surface water, drains and pavements	Of a size which will pass through a ring 2½ inches internal diameter

(9) All concrete shall be mixed on an artificial platform, and in a manner satisfactory to the Town Superintendent.

5. All timber used in the framework of the walls, roofs, and floors of Timber framed buildings shall be of hardwood, pitchpine, douglas fir or other wood of a buildings description approved by the Town Superintendent.

6. (1) The joints between the horizontal and vertical members of the framework of the walls of any building of which the sills are required to be bedded in cement mortar shall be securely put and held together with mortice and tenon joints, or any sill or wall plate may be checked into and securely bolted to the uprights as may be approved by the Town Superintendent. Horizontal and vertical joints of framework to be held together by mortice and tenon joints

(2) The braces in the framework of the walls of such building shall be of adequate size and number.

SIXTH SCHEDULE—CONTINUED

**Architectural
projections**

7. Every coping, cornice, fascia, window dressing, portico, verandah, balcony and balustrade, and every architectural projection and architectural decoration whatsoever, and also the eaves and cornices to any roof (except the cornices and dressings to the window fronts overhanging of ships, and joists, mouldings, handrails, and flooring of verandahs and balconies, and the eaves and cornices to detached dwelling houses distant at least fifteen feet from any other building or from the land of any adjoining owner) shall be of brick, tile, stone, artificial stone, slate, cement, or other incombustible material approved by the Town Superintendent.

Roofs

8. Every person who erects a new building shall construct the roof of such building in accordance with the following regulations—

- (a) all roofs shall be of a design approved by the Town Superintendent;
- (b) the flat, gutter, and roof of every building and every turret dormer, lantern light, skylight, or other erection placed on the flat or roof thereof shall be externally covered with slates, tiles, metal, or other incombustible materials, except wooden cornices and barge boards not exceeding twelve inches in depth, and the doors, door-frames, windows and window-frames of such dormers, turrets, lantern lights, skylights, or other erections;
- (c) no eaves, gutters, or down fall pipes for carrying storm water from the roof of any building or from any verandah or balcony or other projection forming part of such building shall be allowed, except with the express approval in writing of the Council;
- (d) except where a ceiling is provided, the underside of the roof of every inhabited room shall be close boarded.

Floors

9. Every person who constructs a new building shall construct the floor thereof in accordance with the following regulations—

- (a) no new building shall have the underside of the lowest floor at such a level as will render it liable to flooding, or shall be constructed so that the site thereof cannot be efficiently and properly drained to the satisfaction of the Town Superintendent;
- (b) the level of the ground floor of every building shall be at least six inches higher than the highest point of the contiguous ground, where the level of the ground floor is less than two feet above the surface of the underlying ground, the floor shall be constructed of concrete, asphalt, masonry or other impervious material to the satisfaction of the Town Superintendent, which may be boarded over if it is so desired. The floor (if built of wood) of a dwelling-house shall be at least two feet above the ground in every part;
- (c) all wooden floors shall be properly grooved and tongued or otherwise jointed as to be reasonably water-tight;

SIXTH SCHEDULE—CONTINUED

- (d) the floors of all buildings shall be constructed to bear safely the maximum load to be carried. The live load on floors shall be computed as follows—

In dwelling-houses, hotels, lodging-houses, and similar buildings, not less than seventy pounds per superficial foot. In places of public assembly, workshops and similar buildings, not less than one hundred and twenty pounds per superficial foot; in other buildings of the commercial class, not less than two hundred and twenty-four pounds per superficial foot.

10. The ground floor of every new building used or intended to be used for the manufacture, or for the storage for the purpose of sale, of any articles intended for the food of man shall be constructed of cement concrete, not less than six inches in thickness or of such other impermeable material as the Town Superintendent may approve. Ground floor of building to be of cement where food is manufactured

11. (1) Every person who erects a new building shall construct the staircases therein according to the following regulations— Staircases

(a) he shall cause the treads to be not less than eight inches in width measured horizontally from face of riser, and the risers to be not more than eight and a half inches in height measured vertically from top of tread to top of tread;

(b) he shall cause every such staircase to be provided with proper and sufficient handrails securely fixed.

(2) Every building which is used for public purposes, such as entertainment, meetings, or other purposes, shall have a sufficient number of suitable staircases to the satisfaction of the Town Superintendent, if above ground level.

12. No person shall, except with the permission of the Council and subject to such conditions as the Council may consider necessary erect any building exceeding thirty-six feet in height measured from the level of the street to the junction of the eaves and walls. Height of buildings

13. Every person who erects a new building shall leave between the face or building line and the street alignment an open space which shall be free from any erection thereon above the level of the ground. Such open space shall be at least of such depth, not being less than six feet or more than twelve feet, as the Town Superintendent may prescribe for any particular locality. Open space between buildings and streets

14. (1) Every person who erects or extends in ground area a dwelling-house shall provide an open space of not less than six feet wide extending along the entire depth of such dwelling-house and its out-buildings and exclusively belonging thereto, and shall provide at the rear of such dwelling-house and its out-buildings an open space free from any erection thereon and exclusively belonging to such dwelling-house of an area not less than 750 square feet and a minimum depth of 20 feet in the rear of such dwelling-house and its out-buildings. Open space around buildings

SIXTH SCHEDULE—CONTINUED

(2) Notwithstanding paragraph (1) the Council shall have power to allow the erection or extension of a dwelling-house not in conformity with this regulation so far as the space at the rear of such dwelling-house concerned. In this bye-law "out-buildings" shall not apply to a privy or to a garage erected outside of such area to be provided at the rear of such dwelling-house.

Out-buildings not allowed in certain cases

15. No out-building shall be erected on any part of the site of any dwelling-house which, in the opinion of the Town Superintendent, would interfere unduly with the free circulation of air around and about such dwelling-house.

Superficial area of habitable rooms

16. (1) Every habitable room in any building shall be in accordance with the following specifications—

Every habitable room shall have—

- (a) a clear superficial area of not less than 100 square feet and shall not be less in length or width than 8 feet except that this regulation shall not apply to a dressing or other room attached to such room, but not used as a sleeping room;
- (b) in the case of an attic or a room wholly or partly in the roof of such building, for at least two-thirds of the area of the room a height of not less than 9 feet;
- (c) in the case of a room other than an attic, or a room wholly or partly in the roof of such building, a height not less than 10 feet in any part measured from the floor to the wall-plate;
- (d) except where there is a ceiling, the underside of the roof constructed of close-boarded.

(2) The provisions of paragraph (a) shall not apply to a dressing or other room attached to a habitable room.

Penalty

17. If any person knowingly suffers any room not constructed in conformity with the preceding regulation to be inhabited, he is guilty of an offence and liable on summary conviction to a fine of fifty dollars for every day during which such room is inhabited.

Windows

18. Every dwelling-house shall have, in the wall of each storey of such building which shall immediately front or abut on such open spaces as in pursuance of the regulations shall be provided in connection with such building, a sufficient number of suitable windows or doors constructed in such a manner and placed in such a position as to afford effectual and adequate means of ventilation by direct communication with the external air.

Ventilation of rooms in domestic building

19. Every domestic building shall have in every habitable room one window at least opening directly into the external air or into a gallery or verandah, and the total area of such window or windows shall be equal to at least one-tenth of the floor area of the room, and every such window shall be so constructed that one-half at the least may be opened so that the opening in every case shall extend to the top of the window, but a room having no external wall, or a room constructed wholly or partly in the roof may be ventilated through the roof by a dormer window or skylight, provided that such dormer or skylight shall have a clear superficial area clear of the sash frame equal to at least one-tenth of the floor area of the room and constructed as described above.

SIXTH SCHEDULE—CONTINUED

20. (1) Every habitable room shall, in addition to such window or door opening directly into the external air or into a gallery or verandah, be provided by means of standing jalousies or lattice work or otherwise, with apertures of an aggregate area of not less than one-twentieth of the floor area of the room, opening directly into the external air, or into a gallery or verandah which, as regards the ventilation thereof, satisfies the requirements of the regulations in force with respect to the ventilation of a habitual room, or which is otherwise adequately ventilated to the satisfaction of the Council.

Jalousies and
lattice work to be
provided

(2) This regulation shall not apply where the windows or the upper parts of the doors required in the last three preceding regulations consist of standing jalousies, or are otherwise so constructed as, in the opinion of the Town Superintendent, to afford adequate and free ventilation at all times.

(3) Every habitable room in any dwelling-house which is not provided with more than the minimum ventilating area laid down in the preceding regulations shall have also along the entire length of at least two sides of the room an open space of at least six inches below the ceiling or close-boarding. This opening may be protected by louvre boards of any width required.

21. Every person who constructs a privy in connection with a building shall do so in accordance with the following regulations:—

Privies

- (a) he shall cause the pit of such privy to be dug not less than four feet deep, with a clear internal area of not less than sixteen square feet or such larger dimensions as the Council may prescribe;
- (b) he shall cause the sides of the pit to be constructed of cement concrete not less than six inches thick carried up to a height of not less than twelve inches above the ground level;
- (c) where water is reached at a less depth than four feet the sides and the bottom of the pit shall be constructed of cement concrete and the pit shall be made water-tight;
- (d) the minimum dimensions of the privy building shall be four feet in length by three feet in width and seven feet in height up to the wall plate;
- (e) every privy shall have a suitable door, and shall be ventilated in the upper part of the opposite sides by means of openings not less than three square feet in aggregate area, and communicating directly with open air;
- (f) privies shall in all cases be entirely disconnected from any building or part of a building used for human habitation and shall be erected at a distance of at least fifteen feet therefrom;
- (g) every privy shall be constructed in such a manner and in such a position as to afford ready access to the pit of such privy for the purpose of cleansing the same and of removing filth therefrom, without such filth being carried through any dwelling-house or public building;
- (h) the pit of every privy shall be effectively secured from mosquitoes and flies.

SIXTH SCHEDULE—CONTINUED

- Kitchens** 22. In every kitchen the external walls and (if it forms part of any domestic building) the partitions shall be built of bricks, brick nogging, stone concrete, concrete nogging, galvanised iron, or such other material as the Council in its discretion may approve, and the floor shall be constructed of or protected by some incombustible material to the satisfaction of the Council.
- Out-buildings not to project beyond building line** 23. (1) No garage, kitchen, servant's room, water closet, or other out-building shall hereafter be erected in such a position as to project beyond the line facing the street of any building without the express permission of the Council.
- (2) No stable, cowshed, pigsty or any other structure for the keeping of horses, cattle, swine, or similar animal stock shall be erected and no such stock shall be kept at a lesser distance than 30 feet from any dwelling-house.
- Barracks** 24. (1) A new barrack shall not consist of more than three rooms or pairs of rooms, each pair being occupied by one tenant.
- (2) Every room in a new barrack must be provided with apertures for ventilation of an aggregate area of not less than one-tenth part of the floor area of the room opening directly into the open air, or into an open gallery or verandah, such ventilation to be in addition to doors and windows.
- (3) All partitions between rooms or sets of rooms occupied by different tenants must be carried up to the roofs with no spaces or openings for ventilation, provided that where two or more adjoining rooms are constructed so as to be intended for occupation by one tenant, such rooms may ventilate into one another.
- (4) Every barrack yard must be provided with a shed for cooking affording an area of not less than thirty square feet for every room or set of rooms or with a kitchen of the same area constructed according to the regulations. All walls around sheds and floor of sheds to be of incombustible material.
- Drainage of buildings and yards** 25. Every person who erects a new building shall provide, in connection with such building, good and sufficient surface water drains of brick, stoneware, masonry or concrete or other approved material located, constructed, and graded to the satisfaction of the Town Superintendent, delivering into the side channel of an adjacent street or into such other stream or channel as the Council may direct, and all yards, open spaces, and passages, appurtenant to or used in connection with a new building shall be drained in a similar manner.
- Raising level of ground** 26. The owner of every dwelling in connection with which there is an open space, shall, wherever, in the opinion of the Council, it is necessary, raise the level of such open space with gravel or approved dry soil to such level as the Council may direct to ensure good drainage.
-

SIXTH SCHEDULE—CONTINUED

27. (1) Every person who is about to erect a new building or to alter a building shall give to the Council at its office at least seven days' notice in writing of such intention together with a dimensioned plan and section and a fully detailed description of such intended building or alterations, which shall show the position, form and dimensions of the several parts of such building, and he shall also at the same time give a description in writing of the materials to be used and of every latrine, kitchen, and every other appurtenance, and whether the building is to be used as a dwelling-house or otherwise. **Notice of intention to build**

(2) Every person shall, whenever required by the Council, deliver to it a block plan of such building, when drawn to a scale not less than 50 feet to one inch, which shall show the position of the building and any additions and its appurtenances immediately adjoining and the level of the lowest floor of such building in relation to the levels of the street or road abutting thereon and of the grounds belonging thereto, and the intended lines of drainage.

(3) The Town Superintendent shall, within fourteen days after the delivery to the Council of such notice, signify in writing approval or disapproval of the intended work.

(4) Every person who intends to execute any work to which any of these Regulations applies before beginning to execute such work, deliver to the Council a notice in writing in which shall be specified the date on which such work is to be commenced, and a description of the said work.

28. Every person who erects a building or executes any other work to which any of these Regulations applies, shall at all reasonable times during the execution of such work, afford the Town Superintendent and his duly authorised assistants free access to such work for the purpose of inspection, and shall within fourteen days after the completion of any such work deliver to the Council notice in writing of the completion of any such work, and where such person shall, at any reasonable time during the progress or after the completion of the erection of such building or of the execution of such work receive from the Council notice in writing specifying any matters in respect of which the erection or execution may be in contravention of these Regulations, and requiring such person within a reasonable time specified in such notice to cause anything done contrary to any such regulations to be amended, or to do anything which may by any such regulations be required to be done but which has been omitted to be done, such person shall, within the time specified, comply with the several requirements of such notice, and shall within a reasonable time, deliver to the Council a notice in writing of the completion of such work. **Free access to be allowed to Town Superintendent for inspection**

29. Any person who obtains leave to erect a building of a certain category or type to be used for certain purposes and afterwards put the building to uses other than those for which such building was intended in contravention of the regulations shall be guilty of an offence. **Offence to use building for other purposes**

SEVENTH SCHEDULE

(Section 151)

FORM A

Removal of House—Notice by Owner of House

To the Town Clerk of the Borough of Point Fortin

I, the undersigned, the owner of the house now numbered and assessed as No. _____, standing on land belonging to _____ do hereby give you notice that I intend to remove (or pull down, as the case may be) the said house from its present site on or before the _____ day of _____, 19____.

Dated this _____ day of _____, 19____.

*Signature of Owner of House**Address:—*

FORM B

(Section 152)

Removal of House—Notice by Owner of Land on which House stood

To the Town Clerk of the Borough of Point Fortin

I, the undersigned, the owner of the land on which stood the house heretofore numbered and assessed as No. _____ hereby notify you that the said house was removed (or pulled down, as the case may be), from my said land on or about the _____ day of _____, 19____.

*Signature of Owner of Land**Address:—*

EIGHTH SCHEDULE

(Section 215)

Warrant for Entry on Premises

WHEREAS A.B., being a person authorised under the Point Fortin Corporation Act, 1980 to enter certain premises (here describe the premises) has made application to me to authorise him the said A.B., to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and there has been a refusal or failure to admit the said A.B., to such premises.

Now, therefore, I, the said C.D., do hereby authorise the said A.B., to enter the said premises, by force if need be, with such assistants as he may require, and there to execute his duty under the Point Fortin Corporation Act, 1980.

Dated this day of , 19 .

Magistrate.

Passed in the House of Representatives this 14th day of March, 1980.

J. E. CARTER

Clerk of the House

Passed in the Senate this 18th day of March, 1980.

R. L. GRIFFITH

Clerk of the Senate