

TRINIDAD AND TOBAGO.

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No. 17—1935.

I ASSENT,

[L.S.]

A. C. HOLLIS,

Governor.

25th June, 1935.

[On Proclamation.]

AN ORDINANCE to make provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary dwelling houses and barracks, the housing of persons of the working classes and for purposes connected with the matters aforesaid.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Slum Clearance Ordinance, 1935, and shall commence on a day to be fixed by the Governor by proclamation. Short title and Commencement.

2. This Ordinance shall apply only to the City of Port-of-Spain as defined in the Port-of-Spain Corporation Ordinance. Application of Ordinance Cap. 224.

3. In this Ordinance:

“Local Authority” means the Port-of-Spain City Council. Interpretation.

“Commission” means the Housing Commission of Trinidad and Tobago to be established under the provisions of the Housing Commission Ordinance, 1935.

“ Sanitary defects ” includes lack of air, space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or draining of courts, yards or passages.

“ Slum clearance area ” means an area defined and declared as such in the manner hereinafter contained to be acquired for the purposes of and in accordance with the provisions of this Ordinance.

Local authority may declare an unhealthy area to be a slum clearance area.

4. (1) Where the local authority, upon consideration of an official representation or other information in their possession are satisfied as respects any area that the housing conditions in that area are dangerous or injurious to the health and welfare of the inhabitants by reason of the disrepair or sanitary defects of dwelling houses or barracks therein or of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the streets and that those conditions can be effectively remedied—

- (a) by the demolition, reconstruction or repair, as the circumstances may require, of those dwelling houses or barracks which are unfit for human habitation ; and
- (b) if it is so desired, by the purchase by the local authority of any other land or buildings in the area which it is expedient for them to acquire for the reconstruction and development of the area,

the local authority shall cause that area to be defined on a map in such a manner as to exclude from the area any land or building in respect of which in their opinion sanitary defects do not exist or which they do not find it expedient to acquire for the remedying of overcrowded or badly arranged conditions, but including in such area buildings which in their opinion are in a state of disrepair ; and the local authority shall pass a resolution declaring the area so defined to be a slum clearance area.

(2) Where the local authority shall have passed a resolution declaring an area to be a slum clearance area, they shall forthwith forward a copy of such resolution for the approval of the Governor in Executive Council accompanied by a copy of the map shewing the slum clearance area and a scheme (hereinafter referred to as an improvement scheme) giving the details specified in the Schedule to this Ordinance.

Improvement scheme to be submitted to Governor in Executive Council.

(3) The Governor in Executive Council may approve such resolution subject to such modifications (if any) in the improvement scheme as in his discretion he may think fit, but shall not approve such resolution unless he is satisfied

Approval of improvement scheme by Governor in Executive Council.

- (a) that the size of the area is such that the housing conditions therein can be remedied within a reasonable period ;
- (b) that the financial resources of the local authority are or will be sufficient for the purpose of carrying the resolution into effect ; and
- (c) that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps the local authority propose to take for the improvement of the area does not already exist, the local authority will provide or secure the provision of such accommodation in advance of the displacements which will from time to time become necessary as those steps are taken.

(4) Upon notification to the local authority of the approval of the Governor in Executive Council the local authority shall forthwith publish in one or more newspapers circulating in the district a notice stating the terms of the resolution and the date on which it was approved by the Governor in Executive Council and naming a place at which a copy of the resolution and of the map referred to therein and of the improvement scheme prepared in relation thereto (with the modifications if any) as approved may be seen at all reasonable hours.

Notification of improvement scheme.

Acquisition by local authority of land and buildings in area.

Cap. 168.

Notice of acquisition.

Basis for assessing compensation.

5. (1) After the expiration of four weeks from the first publication of the notice as required by section 4 sub-section (4) hereof, any land and buildings within a slum clearance area or any part thereof which are intended to be acquired by the local authority for the purposes of this Ordinance may be acquired by the local authority in accordance with the provisions of the Land Acquisition Ordinance.

(2) Such acquisition shall be effected by notice by the local authority published in the *Royal Gazette* declaring that the land and buildings specified in such notice have been appropriated by the local authority for the purposes of this Ordinance and thereupon as from the date of publication of such notice such land and the buildings thereon shall become vested in the local authority absolutely in fee simple.

(3) In assessing the amount of compensation payable to the owners of such land and buildings no regard shall be had to the fact that such land and buildings are being acquired compulsorily, and in assessing the amount of compensation payable to the owners

- (a) of land with buildings thereon which are unfit for human habitation or are dangerous or injurious to health, the compensation payable shall be the value at the time when the valuation is made, of the site as a cleared site available for development without regard to any buildings existing thereon ;
- (b) of land with buildings thereon in respect of which sanitary defects exist but which are not otherwise unfit for human habitation or dangerous or injurious to health, the compensation payable shall be the site value as aforesaid together with the value of the buildings at their market value after deducting such amount as would be required to abate the sanitary defects ; and
- (c) of any other land and building, the compensation payable shall be the full market value at the time when the valuation is made.

6. (1) The local authority may with the approval of the Governor in Executive Council by order extinguish any public right of way over any land purchased by them in accordance with the preceding section, but an order intended to be made under this sub-section shall prior to such approval be published in one or more newspapers circulating in the district at least once in every week for a period of six weeks and if any objection thereto is made to the Governor in Executive Council before the expiration of six weeks from the date of first publication thereof, the Governor in Executive Council shall not approve the order until he has caused a public inquiry into the matter under the Commissions of Enquiry Ordinance.

Extinguishment of ways, easements, &c.

Cap. 282.

(2) Any such order when so approved shall be published in the *Royal Gazette* and shall take effect from the date of such publication or from the date specified in such order.

(3) Upon the completion by the local authority of the purchase by them of any land in accordance with the preceding section, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the rights in question, vest in the local authority and any person who suffers loss by the vesting of any such right or property as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the provisions of the Land Acquisition Ordinance.

Cap. 168.

7. (1) Where a slum clearance area has been approved in accordance with the provisions of section 4 of this Ordinance the local authority shall serve on the occupier of any building or any part of any building situate within the area a notice stating the effect of the declaration of the slum clearance area and specifying the date by which the local authority require the building to be vacated and requiring him to quit the building before the said date or

Recovery of possession of buildings within a slum clearance area.

Cap. 68. before the expiration of 28 days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building or any part thereof, the local authority may make complaint to the Magistrate of the district within which the slum clearance area is situate and thereupon the Magistrate shall by a warrant in the form set out in the Third Schedule to the Summary Ejectment Ordinance or in a form to the like effect, order vacant possession of the building or of any part thereof to be given to the complainants within such period as may be determined by the Magistrate.

Recovery of expense.

(2) Any expenses incurred by the local authority under this section in obtaining possession of any building may be recovered by them from the owner or from any of the owners of that building summarily as a civil debt.

Penalty.

(3) Any person who, knowing that a slum clearance area has been declared and applies to any building, enters into occupation of that building or any part thereof after the date of declaration of the slum clearance area or permits any person to enter into such occupation after that date, shall be liable on summary conviction before a Magistrate to a fine not exceeding fifty dollars and to a further penalty of ten dollars for every day or part of a day on which the occupation continues after conviction.

Local authority to carry out improvement scheme.

3. (1) It shall be the duty of the local authority, who are hereby empowered so to do, to take steps for carrying into execution as soon as practicable the improvement scheme within the slum clearance area as approved, and for that purpose to alter, enlarge, repair, improve or reconstruct any of the buildings, or to demolish any or all of the buildings, to clear the whole or any part of the area and to rebuild or otherwise develop the area in the manner provided by the improvement scheme.

(2) The local authority may in like manner and for the purposes of the improvement scheme lay out, pave, sewer, and complete all such streets upon the land acquired by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets repairable by the local authority.

(3) Subject to the approval of the Governor in Executive Council the local authority may also engage with any person to carry the whole or any part of the improvement scheme into effect upon such terms as the local authority may think expedient.

9. (1) Notwithstanding the publication of a notice by the local authority in accordance with the provisions of section 4 sub-section (4) of this Ordinance the owner of any land and buildings specified in such notice may with the permission of the local authority and the approval of the Governor in Executive Council undertake for himself the clearance and reconstruction of the land and buildings so specified subject to the provisions hereinafter contained.

Owner of land and buildings may be permitted to carry out improvement scheme.

(2) Application for such permission with full particulars shall be made by the owner in writing addressed to the local authority within four weeks of the date of publication of the notice by the local authority. The local authority shall as soon as practicable after the receipt of such application consider the same at a meeting of the local authority and shall by resolution passed at such meeting either refuse or accept the application. If the application is accepted the resolution together with the application shall be submitted to the Governor in Executive Council who may either reject the application or grant same with such modifications (if any) as he may think fit.

Application to be submitted.

(3) If the application is granted, the owner shall within four weeks of the date of his being notified of the granting of his application enter into a bond with one or more sureties to be approved by the local authority in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings specified in the application as approved by the Governor in Executive Council, which said bond shall be conditioned that the owner shall pay such sum as aforesaid to the local authority upon failure to complete the clearance and reconstruction of the said land and buildings within a period to be specified in the bond and in accordance with the improvement scheme: Provided that if the owner of any such land and buildings fails to complete the clearance and reconstruction thereof in accordance with the improvement scheme to the

Bond to be furnished.

satisfaction of the local authority and within the period specified in the bond, the local authority may, notwithstanding the enforcement of the bond, acquire such land and buildings and clear and reconstruct the same in accordance with the provisions of this Ordinance.

Land, &c.,
withdrawn
from slum
clearance
area.

(4) Upon the completion by the owner of the clearance and reconstruction of the said land and buildings to the satisfaction of the local authority, the local authority shall, at the expense of the owner, cause the notice published by the local authority in accordance with section 4 sub-section (4) of this Ordinance to be amended by the publication of an amending notice deleting from the first mentioned notice the land and buildings specified in the bond.

Certificates as
to the
condition of
houses and
exemption
from slum
clearance area.

10. (1) Any owner of a dwelling-house, which is occupied, or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair but including fittings and fixtures) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the local authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the local authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is in all

respects fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section, no action shall be taken under this Ordinance with a view to the demolition of the house as being unfit for human habitation and its reconstruction as part of a slum clearance area.

11. The cost of acquisition and reconstruction of a slum clearance area shall be met from the funds of the local authority, or from the proceeds of any loan authorised to be raised for such purpose.

Cost of acquisition and reconstruction of slum clearance area.

12. When and so soon as a slum clearance area has been acquired and the reconstruction thereof has been completed by the local authority in accordance with the provisions of this Ordinance, the local authority shall certify such fact to the Governor in Executive Council and specify the date upon which the reconstruction of such area was completed and the buildings within such area or any part thereof were ready for habitation.

Certificate by local authority of completion of reconstruction.

13. It shall not be lawful for any person to occupy nor for the local authority to permit the occupation by any person of any buildings within a slum clearance area during or after the reconstruction thereof and prior to the transfer of such area to the Commission without the permission in writing of the Commission.

Restriction on occupation of buildings during reconstruction, &c.

14. When and so soon as the reconstruction of a slum clearance area has been certified as having been completed as provided in section 12 of this Ordinance, the local authority shall convey the land and buildings situate within the area by deed or transfer the same by memorandum under the provisions of the Real Property Ordinance, as the case may require, to the Commission and the land and buildings or the part thereof as the case may be therein described shall become vested in the Commission absolutely in fee simple.

Transfer of slum clearance area to Commission.

Cap. 160.

Provided that at the request of the Commission any part of a slum clearance area which has been completely or only partly reconstructed shall be so transferred notwithstanding that the whole of such slum clearance area has not then been completely acquired or reconstructed.

Purchase price payable to local authority by Commission.

15. (1) The purchase price to be paid by the Commission to the local authority upon the transfer of the whole or part of a slum clearance area shall be such sum as may be agreed upon by the local authority and the Commission and shall be based upon the fair economic value of the land and buildings so transferred having regard to the rents to be charged to the tenants thereof and in the absence of such agreement the purchase price so to be paid shall be finally determined by the Governor in Executive Council.

(2) If the said purchase price to be paid by the Commission to the local authority is less than the cost of acquisition and reconstruction of the land and buildings so transferred the local authority shall be repaid one-half of such deficit from the General Revenues and Assets of the Colony or from any loan authorized to be raised by the Governor for such purposes.

Exemption in respect of stamp duties and registration fees. (Cap. 206 and Cap. 173).

16. Notwithstanding anything contained in the Stamp Duty Ordinance or the Registrar-General's Ordinance any instruments necessary for transferring or vesting any land and buildings acquired by the local authority to or in the Commission upon which or in respect of which stamp duties are payable to the Government shall be exempt from the payment of such stamp duties or registration fees.

Section 4 (2)

SCHEDULE.

Improvement Scheme.

To be accompanied by a map showing the area proposed to be acquired in relation to adjoining or adjacent property and distinguishing by numbers the plots variously owned which it is proposed to acquire.

The general outlines of the improvement scheme to be stated.

The following details to be given in respect of each plot.

PLOT I.—DETAILS.

- (a) Name and address of owner.
- (b) Brief description of buildings.
- (c) Superficial area of plot, also showing that covered by buildings.
- (d) Water Supply.

- (e) Sanitary arrangements.
- (f) Number of occupants per room and total.
- (g) Rentals payable, in detail with total.
- (h) Value of buildings as per assessment roll. Amount of rates payable and by whom.
- (i) Estimated amount of compensation payable.
- (j) If demolition proposed and new building to be erected, specification and plan of proposed new building to be submitted, and estimated cost.
- (k) If total demolition not proposed, nature of repairs, improvements and reconstruction intended to be made, and estimated cost.
- (l) Number of occupants intended to be accommodated.
- (m) Proposed water supply and sanitary arrangements.
- (n) Proposed date of commencement of work.
- (o) Approximate date of completion of work.
- (p) Arrangements for temporary accommodation elsewhere of occupants during reconstruction.
- (q) Proposed future rents payable showing total income from reconstructed property.

Passed in Council this thirty-first day of May, in the year of Our Lord one thousand nine hundred and thirty-five.

J. O'CONNOR,
Clerk of the Council.