

TRINIDAD AND TOBAGO.

Recovery of Rates and Charges.

No. 36 —1913.

10th December

AN ORDINANCE to embody in a single enactment provisions relating to the recovery of Rates and Charges by Public Authorities.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

19th December, 1913.

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

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Public Authorities (Rates and Charges Recovery) Ordinance, 1913. Short Title.

2. In this Ordinance,

“Chairman” means, in the case of a municipal corporation the Mayor of such corporation, in the case of the Port-of-Spain Town Board, the Chief Commissioner, or any other member of the Board for the time being performing the duties of the Chief Commissioner with the sanction of the Governor; and in the case of Interpretation.

other Public Authorities the person appointed under or by any Ordinance as Chairman thereof for the purposes of this Ordinance. It shall also include a single person declared to be a public authority for the purposes of this Ordinance ;

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

“Proportionate cost of Public Advertisement” means, with respect to each of the premises advertised for sale, the proportion of the total cost of any public advertisement in which such premises are named, determined by dividing such total cost by the total number of premises so advertised ;

“Rates” includes any rate, assessment, tax or imposition ;

“Charges” include any sum of money (other than a rate) due to any public authority ;

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

Public Authorities—Definition of.

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

- (a.) The Port-of-Spain Town Board, constituted under the Port-of-Spain Town Board Ordinance, 1907 (No. 19 of 1907), and any other body which may hereafter be substituted therefor ;
- (b.) The Mayor and Burgesses of San Fernando ;
- (c.) The Mayor and Burgesses of Arima ;
- (d.) The San Fernando Water Authority ;
- (e.) The Arima Water Authority ;

(f.) The Tunapuna and St. Joseph Water Authority; and such other bodies and such persons as may, by any Ordinance, be declared to be Public Authorities within the meaning and for the purposes of this Ordinance.

4. Notwithstanding anything contained in this Ordinance authorising any public authority to sell any land for the recovery of arrears of rates and charges, such sale and the conveyance executed to give effect thereto shall not affect any estate interest right or property of the Crown or of the Port-of-Spain Town Board in such lands.

Saving of Crown and Town Board rights in sales of lands for arrears of rates.

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

When premises sold are held on lease from the Crown or the Port-of-Spain Town Board—Effect and form of Conveyance.

(2.) The conveyance to be executed in any such case shall be an assignment to the purchaser of the unexpired residue of the term of years or other the chattel interest demised by the original lease or tenancy agreement from the Crown or the Port-of-Spain Town Board, and may be according to the form marked "A" in the First schedule hereto.

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

Powers of distress and sale to be exercised independently.

Distress.

7.—(1.) Where by any Ordinance, whether passed before or after the commencement of this Ordinance, any rates or charges due and payable to a public authority are declared to be recoverable by distress, it shall be lawful for the Chairman at any time after one month or such other time as may

List of defaulters—Power to distrain for arrears of rate.

be mentioned in any such Ordinance shall have elapsed since the same became due and payable to levy or cause to be levied by distress the rates or charges so in arrear and unpaid, together with any statutory increase thereof authorised by the Ordinance and the costs of and incidental to any previous abortive sale under the provisions of this Ordinance relating to the sale of premises, upon any goods and chattels found on the hereditaments in respect of which such rates or charges are payable.

(2.) Provided always that it shall not be necessary to issue a separate warrant in respect of every sum to be recovered by distress for rates or charges due to the public authority, but the direction to levy by distress any sums due for rates or charges due to the authority and so in arrear and unpaid, or any of them, with the statutory increases thereon, may be given by one warrant, the sums to be so levied by distress with the statutory increases to be specified in a list to be attached to and to form part of such warrant.

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

Authority to
levy.

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

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

Distress may
be sold.

9. The distress so taken shall be kept by the person authorised to levy the distress for at least 10 days, and if at the expiration of that time the rates or charges in respect

whereof such distress is levied together with such statutory increase as aforesaid, and the costs and charges of and incident to the distress and the keeping thereof and the costs of and incidental to any previous abortive sale under the provisions of this Ordinance relating to the sale of premises, are not paid, such distress may at any time thereafter be sold at public auction to the highest bidder.

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

Application of proceeds of sale of distress.

Sale.

11.—(1.) Where by any Ordinance, whether passed before or after the commencement of this Ordinance, any rates or charges payable to any public authority are declared to be a charge upon any premises, such public authority shall have power to sell such premises for the recovery of such rates or any part thereof and any statutory increase authorised by the provisions of any such Ordinance.

Power of sale for recovery of rates and charges.

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

When exercisable.

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

12.—(1.) Where any premises are liable to be sold by any public authority under the powers conferred by this Ordinance, the Chairman of such public authority may at any time after the power of sale has become exercisable, by warrant under his hand addressed to some officer of the public authority or to any other person named in such war-

Warrant for sale to be signed by Chairman.

rant, order the sale of such premises or any of them on some day and at some place to be named and appointed in such warrant.

Form of warrant for sale.

(2.) The warrant for sale may be according to the form marked "C" in the First schedule hereto, and, if the public authority think fit, may contain the names of the owners or reputed owners of the respective premises as entered in any rate book in force at the date of the warrant.

Sale to be by public auction.

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

Chairman may postpone sale.

(2.) Provided that the Chairman of any public authority may at any time before the sale of any premises so advertised, postpone, either generally or to some day specified, the sale of all or any of such premises.

Procedure on sale after postponement.

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

(2.) The warrant for such sale may be according to the form marked "D" in the First schedule hereto.

Report of result of sale.

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

(2.) Provided that where the public authority upon consideration of such report, is satisfied that there has been some fraud or improper conduct with reference to the sale of any of the premises, or that there is some material error in the description of the premises, or that the rate or charge for the non-payment of which such premises were sold was paid at the time when the bid for the same was made, such public authority may declare such sale to be, and such sale shall thereupon be, null and void, and any deposit made by the highest bidder for the premises shall be repaid to him.

Board may declare sale null in certain cases.

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

Sale after resolution declaring previous sale null.

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

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

17.—(1.) Where upon any sale by any public authority pursuant to the powers conferred by this Ordinance there remains in the hands of such public authority any surplus after applying the proceeds of such sale in or towards payment of any rates, charges, debts, costs and expenses to which such proceeds are applicable, the public authority may, if they think fit, pay such surplus into the Supreme

Surplus proceeds of sale may be deposited into Court.

Court, to an account to be entitled "In the Matter of the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, and of the premises (*if situate in either of the towns of Port-of-Spain, San Fernando, or Arima, specifying them simply by reference to their number and to the street in which they are situated, and if not situated in one of those towns, then describing them by the description appearing in the rate book of the public authority by whom the premises were sold*), sold under the provisions of this Ordinance;" and the Supreme Court, or any Judge thereof, may on the petition of any person entitled or claiming to be entitled to such moneys or any part of the same, make order for the payment of the same or any part thereof to the person or persons entitled thereto.

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

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

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

Power to make regulations with respect to procedure at sales.

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

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

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

Power to annul sale on application of highest bidder.

21. The conveyance to the purchaser of any premises sold by any public authority may be according to the form "F" in the First schedule hereto.

Form of conveyance.

22. The enactments specified in the second schedule to this Ordinance are hereby repealed to the extent mentioned in the third column of the said schedule.

Repeals.

23. This Ordinance shall come into operation on a day to be proclaimed by the Governor.

Commencement.

Passed in Council this Tenth day of December, in the year of Our Lord one thousand nine hundred and thirteen.

HARRY L. KNAGGS,
Clerk of the Council.

THE FIRST SCHEDULE.

FORM "A."

This Deed made the _____ day of _____ in the year 19____
between [here insert name of Public Authority] _____ of the one part and
[name of purchaser] _____ of the other part Whereas by a deed of
lease dated the _____ and expressed to be made between [His
Majesty the King or the Port-of-Spain Town Board, as the case may be] of
the one part and [here insert name of lessee] _____ of the other part
the premises No. _____ were demised unto
the said [here insert name of lessee] _____ for the term of _____
years from the _____ day of _____ subject to the payment of the
rent thereby reserved and the performance and observance of the cove-
nants on the part of the lessee and the conditions therein contained And
Whereas pursuant to the power conferred by the Public Authorities (Rates
and Charges Recovery) Ordinance, 1913, the said premises were put up for sale
by the [here insert the name of the Public Authority] _____ by public
auction on the _____ and at such sale the said [here insert
name of purchaser] _____ offered the sum of _____ and was the highest bid-
der for the same And Whereas by resolution of the said [here insert the
name of the Public Authority] of the _____ day of _____ 19____ the said
[name of purchaser] was confirmed as the purchaser thereof Now This
Deed Witnesseth that in consideration of the sum of _____ [the purchase
money] [or in consideration of the sum of _____ paid by the said [_____
] on the _____ by way of deposit in
respect of his bid, and of the further sum of _____ paid by him
on the _____, (the said two sums making together the purchase
money or sum of _____) the receipt whereof the [name of the
Public Authority] hereby acknowledge The said [here insert the name
of the Public Authority] under or by virtue of the power conferred
by the Public Authorities (Rates and Charges Recovery) Ordinance 1913 and
of any other power enabling them in that behalf, and in pursuance of a
resolution of the [here insert the name of the Public Authority], of
the _____ day of _____ 19____ hereby Assign Unto the said
[name of purchaser] the premises No. _____ of _____ street
[description as in lease] To Hold the same Unto the said [here insert
the name of purchaser] his executors administrators and assigns hence-
forth for all the residue now unexpired of the said term of _____ years
granted by the said deed of lease subject to the payment of the rent now
due and henceforth to become due under the said deed of lease and the
performance and observance of the covenants on the part of the lessee and
the conditions in the same deed contained And subject also to all debts
due to the Crown and to the said [here insert the name of the conveying
Public Authority] or any other Public Authority and charged on the
said premises. In witness whereof, etc.

Seal of the Public Authority and
Signature of Chairman

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

FORM "B."

Distress Warrant.

To (here insert name of Officer or person directed by Chairman to levy.)
 I, _____ by virtue of the powers vested in me
 by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913,
 do hereby authorise you and your assistants to collect and recover the
 several amounts respectively due for (*State the particular rate, charge or
 other matter for which the sums are due*) in respect of the several premises
 contained in the list hereto attached together with the statutory increase
 thereof; and for the recovery thereof I further authorise you and your
 assistants to distrain on such goods and chattels as are liable to be distrained
 on, and for the levying of such distress and for the sale thereof this shall
 be your warrant.

Given under my hand at _____, this _____ day of _____ 19____

 Chairman.

List attached to the Distress Warrant issued by the Chairman
 dated.....19____

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

FORM "C."

To _____
 I, _____ Chairman of the [here insert name of Public
 Authority], do hereby order you _____ to sell or cause to
 be sold by public auction (here describe the place where the sale is to be
 carried out) on the _____ day of _____ 19____ the several premises
 described in the list hereto attached and marked "A" in respect of which
 the sums set opposite the description of such premises are respectively due
 for [here describe shortly the matter in respect of which the sums are
 due, e.g., "for house rates, 1913," or "for water rates, 1913" or "for
 stock and carriage charges for the quarter ended 31st October, 1913," or
 "for cost of house sewers constructed by the Port-of-Spain Town
 Board," &c.,] and have been for more than three months in arrear and
 unpaid, save and except those of the said premises in respect whereof there
 shall have been paid to the [here name the Public Authority] before the
 day of such sale the sums so due and payable, together with the statutory
 increase thereof, and the proportionate cost of public advertisement.

.....
 Chairman.

Dated _____ 19____

FORM "D."

To I, _____ Chairman of the _____ do hereby make order that you _____ do sell by public auction at _____ on the _____ day of _____ 19 _____ the premises contained in the list attached to the warrant for sale dated the _____ day of _____ 19 _____ save and except those which were sold at the sale held on the _____ day of _____ 19 _____ and save and except also those in respect of which there shall be paid before the sale the sums mentioned in such warrant as being then due, together with the statutory increases thereof, the proportionate cost of public advertisement of sale under this warrant and the proportionate cost of public advertisement of the same premises under any previous warrants for sale.

Chairman.

FORM "E."

In the matter of the Public Authorities (Rates and Charges Recovery) Ordinance 1913, and of the premises No. _____ of _____ Street sold under the provisions of the said Ordinance.

To the Registrar of the Supreme Court.

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

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

FORM "F."

THIS DEED made the _____ day of _____ in the year _____ Between the (here insert the name of the Public Authority) (hereinafter referred to as the Public Authority) of the one Part and (name the purchaser) of (address and occupation or profession of purchaser) of the other Part Whereas pursuant to the power conferred by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, the premises hereinafter described were put up for sale by the (name of Public Authority) by public auction on the _____ day of _____ and at such sale the said (name of purchaser) offered the sum of _____ and was the highest bidder for the same AND WHEREAS by resolution of the said (name of Public Authority) of the _____ day of _____ 19 _____ the said (name of

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purchaser) was confirmed as the purchaser thereof NOW THIS DEED WITNESSETH that in consideration of the sum of (amount of purchase money) (or in consideration of the sum of paid by the said purchaser on the day of by way of deposit in respect of his bid and of the further sum of paid by him on the day of, the said two sums making together the purchase money or sum of (the receipt whereof the [name or Public Authority] hereby acknowledge) The said (name of Public Authority) under and by virtue of the powers conferred by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, and of every other power enabling them in that behalf, and in pursuance of a resolution of the (insert name of Public Authority) of the day of 19 hereby convey unto the said (name of purchaser) the premises known as (here insert description of premises),—(if in the Town of Port-of-Spain, San Fernando or Arima, simply by reference to the number and the street in which the premises are situated; if elsewhere, by the description of such premises appearing in the Rate Book of the Public Authority by whom the premises were sold) TO HOLD the same unto and to the use of the said (name of purchaser) in fee simple.

In Witness whereof, &c.

(Seal of Public Authority) and
Signature of Chairman

or, where the Public Authority has
no seal, Signature of Chairman.

THE SECOND SCHEDULE.

No. OF ORDINANCE.	SHORT TITLE.	EXTENT OF REPEAL.
No. 201 ...	The Port-of-Spain Streets Management Ordinance	Section 13. The last paragraph of this section commencing with the words "for the enforcement" to the end of the paragraph.
No. 210 ...	The Municipal Corporations Ordinance	Sections 97 (except as regards duty of the Town Clerk and Treasurer to lay before the Mayor the return in this section mentioned, and the power to distrain for a rate in arrear and the provision for a statutory increase), 98, 99, 100, 101, 102 and 103.
No. 32 of 1905	The Port-of-Spain Sewerage Ordinance, 1905	Sub-sections 1 and 2 of Section 11 (except as regards the period for which the rate shall be in arrear). Forms A and C in Schedule 2.

THE SECOND SCHEDULE.—CONTINUED.

No. of ORDINANCE.	SHORT TITLE.	EXTENT OF REPEAL.
No. 33 of 1905	The Port-of-Spain Waterworks (Amendment) Ordinance, 1905	Sections 19, 20 (1) (except as regards the period for which the rate or charge shall be in arrear) 21 (1, 3, 4) and Forms A and C in the First Schedule.
No. 1 of 1906	The District Waterworks (Amendment) Ordinance, 1906	Sections 5 (except as regards the period for which the rate or charge shall be in arrear), 6 and 7 and Forms A, B, and C in the Schedule.
No. 13 of 1906	The Arima House Rate Ordinance, 1906	Sections 10 (except in so far as it provides for a percentage increase) 11, 12, 13, 14, 15, and 16, and Forms B, C, and D in the Second Schedule.
No. 17 of 1907	The Port-of-Spain Sewerage Ordinance, 1907	Sub-section 3 of Section 2, Section 3, and Forms A, B, and C in the Second Schedule.
No. 19 of 1907	The Port-of-Spain Town Board Ordinance, 1907	Section 19 and Schedule A.
No. 20 of 1907	The Belmont Improvement Rate Ordinance, 1907	Sections 11 (except as regards the date at which the rate shall be in arrear) 12, 13, 14, 15, and 16, and Forms A, B and C in the Second Schedule.
No. 11 of 1910	The Port-of-Spain Town Board Amendment Ordinance, 1910	Sections 59 to 74 (both inclusive) and Forms D, E, and F in Second Schedule.
No. 35 of 1912	The Municipal Corporations (San Fernando Amendment) Ordinance, 1912	Sections 4, 5, 6 and 7.
No. 44 of 1912	The East Dry River Improvement Rate Ordinance, 1912	Section 10 (2) and (3) and Section 11.
No. 48 of 1912	The Sale of lands (non-payment of Rates) Ordinance, 1912.	The whole.
No. 51 of 1912	The Port-of-Spain House Tax Ordinance, 1912	Sub-section 2 of Section 33 and Section 34.