

TRINIDAD AND TOBAGO.

Road-drain Improvement.

No. 15.—1914.

8th April.

AN ORDINANCE providing for the cost of improving and repairing Road-drains in certain cases.



[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

24th April, 1914.

**B**E 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 Road-drain Improvement Ordinance, 1914. Short Title.

2. In this Ordinance—

Interpretation.

“Owner” means the person in possession or in receipt of the whole or of any part of the rents and profits of any land or tenement, whether in his own right or as trustee or personal representative of any other person, or a person in possession of land under a lease having an unexpired term of not less than three years, but it shall not include a person in occupation of such land or tenement under a lease having less than three years to run, or as a tenant from year to year or for any less term, or as a tenant at will, or a person in possession of land under a contract within the Agricultural Contracts Ordinance.

“Village” means any small assemblage of houses for dwellings or business, or both, in the country, whether they are situated upon regularly laid out streets and alleys or not.



Improvement  
of road-drains.

**3.** Whenever any drain or any part thereof in, over or along any road passing through or by any town or village and repairable by the Director of Public Works is in the opinion of the Director of Public Works in a defective or insanitary condition, it shall be lawful for the Director of Public Works, subject to the provisions of this Ordinance, to grade, pave, or make good the same with such materials and in such manner as he shall think fit.

Notice before  
commencing  
work.

**4.** Before commencing any work under the provisions of the preceding section, the Director of Public Works shall by notice addressed to the owners of premises whom it is proposed to make contribute to the cost of carrying out such work in the manner hereinafter appearing inform them of his intention to carry out the work, and that an estimate of the probable cost thereof is in his office or in some other place to be named in such notice and open to the inspection of all such persons at all reasonable hours of the day for a period to be specified in the notice.

Apportion-  
ment of cost  
of work.

**5.—(1.)** When the work shall have been completed the Director of Public Works shall prepare a statement of the total cost thereof and one half shall be payable by Government and the other half by the persons hereinafter mentioned.

**(2.)** The Director of Public Works shall prepare a list of owners who in his opinion are benefitted by reason of the carrying out of such work and shall apportion the share of the cost hereinbefore provided among them in such manner and to such extent and in such shares as is in his opinion represented by the benefit gained by them from the execution of the work.

Recovery of  
amounts  
apportioned.

**6.—(1.)** The amount appearing in the list shall be payable by the person therein named by three equal yearly instalments (the first of such instalments to be paid one year from the date of the service on him of a notice of the amount due from him in the form in the Schedule hereto set forth) together with interest at a rate not exceeding six pounds per centum per annum until the whole amount is paid; provided always that any such person may at any time within one month of the service of the notice upon him, pay the whole of the amount so apportioned, and in such case the Director of Public Works shall receive the same in satisfaction of all claims under this Ordinance, including interest.

(2.) Any instalment, together with the interest due thereon, may, in addition and without prejudice to any other remedy, be recovered by action in the name of the Director of Public Works in any Court of competent jurisdiction from the person named in the list.

7.—(1.) The amount apportioned shall be a charge on the premises, having priority over all other charges and encumbrances, other than prior charges or encumbrances in favour of His Majesty His Heirs and Successors, to the extent of the share so apportioned. Amount to be a charge on premises.

(2.) The Director of Public Works is declared hereby to be a public authority for the purposes of the Public Authorities (Rates and Charges Recovery) Ordinance, 1913.

8. Any owner or other person disputing the decision of the Director of Public Works as to any premises being situated in a village or aggrieved by any decision of the Director of Public Works as to his liability to contribute or as to the amount payable by him under the provisions of this Ordinance may submit his objections in writing to the Governor in Executive Council, whose decision therein shall be final. Appeal to Governor in Executive Council.

9.—(1.) Any notice or other document required or authorised to be served given or delivered under this Ordinance may be served given or delivered by delivering the same or a true copy thereof either to or at the usual or last known residence in the Colony of the person to whom it is addressed, or, where addressed to the owner of premises, then to some person on the premises, or, if there is no person on the premises who can be so served, then by fixing the same or a true copy thereof on some conspicuous part of the premises; it may also be served by sending the same or a true copy thereof by post addressed to a person at such residence or premises as above mentioned. Service of notices.

(2.) Any notice by this Ordinance required to be given to or served on the owner of any premises may be addressed by the description of the "owner" of the premises (naming them) in respect of which the notice is given or served, without further name or description.

Passed in Council this Eighth day of April in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,  
*Clerk of the Council.*

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SCHEDULE.

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NOTICE OF APPORTIONMENT.

To

Whereas the Director of Public Works, in exercise of the power vested in him by Section 3 of the Road-drain Improvement Ordinance, 1914 has caused the drain on the \_\_\_\_\_ side of the road known as \_\_\_\_\_ to be \_\_\_\_\_ ;

And whereas the expenses incurred by the said Director of Public Works in such work amount to the sum of \_\_\_\_\_, one half thereof being the sum of \_\_\_\_\_ ;

And whereas the Director of Public Works has made an apportionment of the said sum of \_\_\_\_\_ (the half of the total expenses incurred) among owners of the several premises benefited by the execution of the said work ;

And whereas in such apportionment the sum of \_\_\_\_\_ is entered as representing the apportioned share payable by you ;

Wherefore take notice that the said sum of \_\_\_\_\_ is due and payable by you to the said Director of Public Works by three equal yearly instalments, the first thereof to be paid one year from the date of the service of this notice, with interest thereon at the rate of \_\_\_\_\_ per centum ;

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

*Director of Public Works.*

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N.B.—You are at liberty to 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.

*Director of Public Works.*