

RATES AND CHARGES RECOVERY ACT

CHAPTER 74:03

Act

36 of 1913

Amended by

20 of 1923

16 of 1965

*24 of 1981

*See Note on Amendment on page 2

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Note on Amendment

Section 18 of this Act has been amended by Act No. 24 of 1981. However, Act No. 24 of 1981 has not up to the date of the revision of this Act been brought into operation.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 74:03

RATES AND CHARGES RECOVERY ACT

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CHAPTER 74:03

RATES AND CHARGES RECOVERY ACT

1950 Ed.
Ch. 33 No. 8.
36 of 1918.

**An Act to provide for the Recovery of Rates and Charges by
Public Authorities.**

Commencement.

[1ST FEBRUARY 1914]

Short title.

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

Interpretation.

2. In this Act—

“Chairman” means, in the case of a Municipal Corporation, the Mayor of such corporation and, in the case of other Public Authorities, the person appointed under or by any Act as Chairman thereof for the purposes of this Act; and includes a single person declared to be a Public Authority for the purposes of this Act;

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

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

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

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

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

3. The following shall be Public Authorities for the purposes of this Act: Public Authorities. [16 of 1965].

- (a) the Council of any Municipal Corporation;
- (b) Local Authorities under the Public Health Ordinance; Ch.12 No. 4 (1950 Ed.).
- (c) the highway authority or the local authority, as the case may be, under the Highways Act; Ch. 48:01.
- (d) the Minister as the authority responsible for carrying out the provisions of the Town and Country Planning Act; Ch. 35:01.
- (e) the Chief Technical Officer (Agriculture) under the Plant Protection Act; Ch. 63:56.
- (f) the Competent Authority under section 13 and under section 32 of the Waterworks and Water Conservation Act; Ch. 54:41.
- (g) the Water and Sewerage Authority under section 74 of the Water and Sewerage Act; Ch. 54:40.
- (h) the Board of Directors of the Agricultural Development Bank under the Agricultural Development Bank Act; Ch. 79:07.

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

4. Notwithstanding anything contained in this Act authorising any Public Authority to sell any land for the recovery of rates and charges, such sale and the conveyance executed to give effect thereto shall not affect any estate, interest, right or property of the State or of the Public Authority in such lands. Saving of certain rights when lands sold for arrears of rates.

5. (1) Where any premises sold under or by virtue of the powers conferred by this Act are premises held by any person as lessee or tenant of the State or of any Public Authority, or as assignee of such lessee or tenant, the conveyance to the purchaser shall, notwithstanding anything contained in this Act, operate to pass to such purchaser only the right, title and interest of such When premises sold are held on lease from the State or a Public Authority.

lessee or tenant or his assignee to and in such premises free from all encumbrances thereon, save and except any debts due to the State or to such Public Authority and charged on such premises.

(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 State or the Public Authority, as the case may be, and may be in the form set out as Form A in the Schedule.

Schedule.

Powers of distress and sale to be exercised independently.

6. The powers of sale and of distress conferred by this Act 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 Act or otherwise at law or in equity.

DISTRESS

Power to distrain for arrears of rate.

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

- (a) 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 the warrant;

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

8. The warrant to be given by the Chairman to the person authorised by him to levy the distress under section 7 may be in the form set out as Form B in the Schedule, and the 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 the warrant, in like manner as if a separate distress warrant had been issued for the recovery of the rates or charges with such statutory increases thereof respectively and no misdescription or error in the name of any owner or reputed owner shall in any way invalidate the warrant or any distress levied under the authority thereof.

Authority to levy.

Schedule.

9. The distress so taken shall be kept by the person authorised to levy the distress for at least ten days, and if at the expiration of that time the rates or charges in respect whereof the 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 Act relating to the sale of premises, are not paid, the distress may at any time thereafter be sold at public auction to the highest bidder.

Distress may be sold.

10. Out of the proceeds of the 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 Act 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. Where, under or by virtue of any Act, any rates or charges are due and payable to a Public Authority, the Public Authority shall have power to sell the premises in respect of which the rates

Power of sale for recovery of rates and charges.

and charges are due and payable for the recovery of the rates or charges, together with any statutory increase thereof authorised by the provisions of any such Act, except that the power of sale conferred by this Act—

When
exercisable.

- (a) shall not be exercised unless and until the rates or charges shall have been in arrear and unpaid for more than three months after the same became due;
- (b) shall, where any sum of money charged on any premises is payable by instalments, 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 the instalment was payable.

Warrant for sale
to be signed by
Chairman.

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

Form of
warrant for sale.
Schedule.

(2) The warrant for sale may be in the form set out as Form C in the Schedule, 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. Every sale made in pursuance of the power of sale conferred by this Act 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 the sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of the sale but the Chairman of any Public Authority may, at any time before the sale of any premises so advertised, postpone, either generally or to some day specified, the sale of all or any of such premises.

Chairman may
postpone sale.

14. (1) Whenever and so often as any of the premises advertised for sale are not sold on the day appointed for the sale thereof, either by reason of the postponement of the sale under section 13, 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 the sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of the sale.

Procedure on sale after postponement.

(2) The warrant for the sale may be in the form set out as Form D in the Schedule.

Schedule.

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

Report of result of sale.

(2) Where the Public Authority, upon consideration of the 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 the premises were sold was paid at the time when the bid for the same was made, the Public Authority may declare the sale to be, and the sale shall thereupon be, null and void, and any deposit made by the highest bidder for the premises shall be repaid to him.

Authority 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 of the premises.

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 the conveyance shall, subject to sections 4 and 5, become the property of the purchaser

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

absolutely freed and discharged from all estates, charges, and encumbrances whatsoever, save and except any charge thereon in respect of any debts due to the State, 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 the conveyance, and any statutory increases thereof respectively, and the surplus, if any, shall be paid to the person or persons who shall be entitled thereto.

Surplus proceeds of sale may be deposited into Court.

17. (1) Where, upon any sale by any Public Authority pursuant to the powers conferred by this Act, there remains in the hands of the Public Authority any surplus after applying the proceeds of the sale in or towards payment of any rates, charges, debts, costs and expenses to which the proceeds are applicable, the Public Authority may, if they think fit, pay the surplus into the High Court, to an account to be entitled “In the Matter of the Rates and Charges Recovery Act, and of the premises (*if situated in Port-of-Spain, San Fernando or Arima, specifying them simply by reference to their number and to the street in which they are situated, and if not so situated, then describing them by the description appearing in the Rate Book of the Public Authority by whom the premises were sold*) sold under the provisions of this Act;” and the High Court 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.

Schedule.

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

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

Certified copy of Deed of Statutory Conveyance to be evidence of title.

19. (1) Any Public Authority may make Regulations with respect to the procedure at sale by public auction under the power of sale conferred on them by this Act and may, by such Regulations, fix the amount of the deposit to be made by the highest bidder, and may prescribe the time within which the deposit shall be made and the events in which the 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 the premises.

Power to make Regulations with respect to procedure at sales.

(2) Any Regulations made under this section shall be submitted for the approval of the Minister and when so approved shall have the same force and effect as if they were enacted and formed part of this Act.

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

Form of conveyance.
Schedule.

SCHEDULE

Section 5.

FORM A

CONVEYANCE

This Deed made theday ofin the year 20....., between [*here insert name of Public Authority*] of the one part and [*name of purchaser*] of the other part. Whereas by a Deed of Lease dated the day of, 20....., and expressed to be made between [*the State or the as the case may be*] of the one part and [*here insert name of lessee*] of the other part the premises No. were demised unto the said [*here insert name of lessee*] for the term of years from the day of, 20, subject to the payment of the rent thereby reserved and the performance and observance of the covenants on the part of the lessee and the conditions therein contained. And Whereas pursuant to the power conferred by the Rates and Charges Recovery Act, the said premises were put up for sale by the [*here insert the name of the Public Authority*] by public auction on the and at such sale the said [*here insert name of purchaser*] offered the sum of and was the highest bidder for the same. And Whereas by resolution of the said [*here insert the name of the Public Authority*] of the day of....., 20..... 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 ofpaid by the said.....*] on theby way of deposit in respect of his bid, and of the further sum ofpaid by him on the (the said two sums making together the purchase money or sum of) the receipt whereof the [*name of the Public Authority*] hereby acknowledge. The said [*here insert the name of the Public Authority*] under or by virtue of the power conferred by the Rates and Charges Recovery Act 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 20....., hereby Assign Unto the said [*name of purchaser*] the premises No. of street [*description as in lease*]. To Hold the same Unto the said [*here insert the name of purchaser*] his executors, administrators and assigns henceforth for all the residue now unexpired of the said term ofyears 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 State 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

Section 8.

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 Rates and Charges Recovery Act, 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, 20.....

.....
Chairman

LIST ATTACHED TO THE DISTRESS WARRANT
ISSUED BY THE CHAIRMAN, DATED, 20.....

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

FORM C

Section 12.

WARRANT FOR SALE

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 theday of, 20, 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, 20.....," or "for water rates, 20.....," or "for stock and carriage charges for the quarter ended 31st October, 20.....," or "for cost of house sewers constructed by the"] and have been for more than three months in arrear and unpaid, save and except those of the said premises in respect whereof there shall have been paid to the[here name the Public Authority] before the day of such sale the sums so due and payable, together with the statutory increase thereof, and the proportionate cost of public advertisement.

Dated, 20.....

.....
Chairman

Section 14.

FORM D

WARRANT FOR SALE AFTER POSTPONEMENT

To

I, Chairman of the [*here insert name of Public Authority*] do hereby make order that youdo sell by public auction at [*here describe the place where the sale is to be carried out*] on the day of, 20, the premises contained in the list attached to the warrant for sale dated the day of, 20....., save and except those which were sold at the sale held on the day of, 20, 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

Section 17.

FORM E

**In the Matter of the Rates and Charges Recovery Act, and of the premises
No..... of Street sold under the provisions of the said Act**

To the Registrar of the Supreme Court.

Please issue the necessary cash lodgment order to the Comptroller of Accounts to place to the account of the Suitors' fund of the High 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 Act, being the surplus of the proceeds of the sale of the said premises No. of Street, which were sold on the day of, 20....., under the provisions of the said Act.

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

FORM F

This Deed made theday ofin the yearBetween the [*here insert the name of the Public Authority*] (hereinafter referred to as the Public Authority) of the one part and [*name of purchaser*] of [*address and occupation or profession of purchaser*] of the other part. Whereas pursuant to the power conferred by the Rates and Charges Recovery Act, the premises hereinafter described were put up for sale by the [*name of Public Authority*] by public auction on theday of, 20....., 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 theday of, 20....., the said [*name of purchaser*] was confirmed as the purchaser thereof. Now this Deed Witnesseth that in consideration of the sum of [*amount of purchase money*] [*or in consideration of the sum of* paid by the said purchaser on the day of, 20..... by way of deposit in respect of his bid and of the further sum of paid by him on the day of, 20..... the said two sums making together the purchase money or sum of] (the receipt whereof the [*name of Public Authority*] hereby acknowledge). The said [*name of Public Authority*] under and by virtue of the powers conferred by the Rates and Charges Recovery Act, 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, 20....., hereby convey unto the said [*name of purchaser*] the premises known as [*here insert description of premises*]— (if in Port-of-Spain, San Fernando or Arima, simply by reference to the number and the street in which the premises are situated; if elsewhere, by the description of such premises appearing in the Rate Book of the Public Authority by whom the premises were sold). To Hold the same unto and to the use of the said [*name of purchaser*] in fee simple.

In witness whereof, etc.

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

SUBSIDIARY LEGISLATION

G. 1.6.16. **RATES AND CHARGES RECOVERY (SALES)
REGULATIONS**

made under section 19

Citation. **1.** These Regulations may be cited as the Rates and Charges Recovery (Sales) Regulations.

Deposit by highest bidder. **2.** At every sale by public auction by the Corporation of the City of Port-of-Spain under the power of sale conferred upon them by the Act, or any other Act, the highest bidder for every house or parcel of land put up for sale shall, within one hour after his bid, pay to the officer conducting the sale a deposit of twenty dollars per cent on the amount of his bid.

Deposit forfeited. **3.** In case the person reported by the officer of the Corporation conducting the sale to be the highest bidder for any property in accordance with these Regulations fails to pay the balance of his bid within eight days after service upon him of a resolution of the Council under section 15(1) of the Act declaring him to be the highest bidder of the premises to which his bid relates, the amount of the deposit so made shall be absolutely forfeited to the Corporation.

**RATES AND CHARGES RECOVERY
(WATER AND SEWERAGE AUTHORITY)
REGULATIONS**

122/1951.

made under section 19

1. These Regulations may be cited as the Rates and Charges Recovery (Water and Sewerage Authority) Regulations. Citation.

2. At every sale by public auction by the Water and Sewerage Authority under the power of sale conferred upon them by the Act, or any other Act, the highest bidder for every premises put up for sale shall within one hour after he shall have been declared by the officer conducting the sale to be the highest bidder for the premises, pay to the officer a deposit of twenty dollars per cent on the amount of his bid. Deposit by highest bidder.

3. In case the person reported by the officer conducting the sale to be the highest bidder for any premises in accordance with these Regulations fails to pay the balance of his bid within eight days after service upon him of a resolution of the Water and Sewerage Authority under section 15(1) of the Act declaring him as the highest bidder to be the purchaser of the premises to which his bid relates, the amount of the deposit so made shall be absolutely forfeited to the Water and Sewerage Authority. Deposit forfeited.

4. In the event of the highest bidder for any premises failing to make the prescribed deposit within the time fixed by regulation 2 or failing to complete the purchase of any premises, of which he may have been declared the purchaser, within the period fixed by regulation 3, the Water and Sewerage Authority may by resolution declare that the next highest bidder for the premises shall be deemed to be the highest bidder and purchaser of the premises, and thereupon the next highest bidder shall pay to the Water and Sewerage Authority the amount of his highest bid within eight days after service upon him of the resolution. Next highest bidder.