



**BERMUDA
1943 : 63**

ST. GEORGE'S SEWERAGE ACT 1943

ARRANGEMENT OF SECTIONS

- 1 Interpretation
- 2 Construction and maintenance of sewerage system
- 3 Corporation may acquire easements
- 4 Compulsory acquisition of easement
- 5 Appointment of jury to determine compensation
- 6 Notices
- 7 Relief from jury service
- 8 Assessment of compensation by jury
- 9 Payment into Consolidated Fund; vesting of easement
- 10 Payment out of Consolidated Fund to claimant on proof of title
- 11 Neglect of duty by juror
- 12 Payment of incidental charges by Corporation
- 13 Fees payable for services under Act
- 14 Power to enter on land and carry out works; compensation
- 15 Construction of works under public roads
- 16 St. George's Sewerage Commissioners
- 17 Regulations
- 18 Installation of house sewers
- 19 Disposal of sewage only through connecting sewer
- 20 Filling in of privies and cesspits
- 21 Prohibition of improper use of sewers
- 22 Prohibition of connection of steam or hot water pipes with sewers
- 23 Notice prohibiting injurious sewage
- 24 Control over house sewers and water closets
- 25 Inspection of house sewers and water closets

ST. GEORGE'S SEWERAGE ACT 1943

- 26 Corporation may do work and recover cost
- 27 Occupier may do work and recover cost
- 28 Remedy of Corporation
- 29 Corporation may allow time for payment of expenses
- 30 Corporation may execute works by agreement
- 31 Notices
- 32 Service on Corporation
- 33 Rate to defray cost of sewerage system
- 34 Sewerage tax
- 35 Special sewerage tax
- 36 Application of Municipalities Act 1923 to sewerage taxes
- 37 Appeals to Commissioners
- 38 Exclusion of further appeal concerning special sewerage tax
- 39 Savings for Crown and others

FIRST SCHEDULE
Fees payable by Corporation

SECOND SCHEDULE
Fees of Commissioners

[20 December 1943]

[preamble and words of enactment omitted]

Interpretation

1 In this Act and in any regulations made thereunder, where not inconsistent with the context—

"the Commissioners" means the St. George's Sewerage Commissioners for the time being holding office under this Act;

"the Corporation" means the Corporation of St. George's;

"Corporation Inspector" means any person appointed by the Corporation, either generally or specifically, to supervise and inspect the sewerage system, and houses, sewers and water-closets in the sewerage district;

"easement" means the perpetual right to enter on the land in question for the purposes of constructing or maintaining the works, or such parts thereof as are constructed on, under, or through such land, and to carry out on or under such land such works as are incident to the construction and maintenance of the works;

"owner" means the person for the time being receiving the rent of the premises in connection with which the expression is used, whether on his own account, or as attorney or agent or trustee for any other person, or who would so receive the same if such premises were rented;

"premises" includes any house or building and the land on which it stands and adjoining land held therewith;

"sewage" includes the wastes of animal life (other than stable manure), water discharged from water-closets, urinals, sinks, basins, baths, and all other water used for domestic purposes or in any industrial process;

"sewer" means any culvert, drain or pipe intended or used for the conveyance of sewage;

"the sewerage district" means those parts of St. George's which adjoin the streets under which the sewerage system, or any part thereof, has been or is to be constructed, and includes those parts of St. George's and of the premises adjacent thereto which from their proximity to the sewerage system are for the time being readily capable of being connected therewith;

"the sewerage system" means the sewerage system the construction and maintenance of which is authorized by this Act, and any authorized extension of such system, and includes all sewers, mains, pipes, drains, pumping stations and shafts and all apparatus and things forming part of or used or connected with such system;

"street" includes any public street, lane, alley or thoroughfare in St. George's, and any wharf or public place in St. George's the property of the Corporation;

"the works" means all sewers, mains, pipes, drains, pumping stations and shafts and all apparatus and things forming part of or used or connected with, the sewerage system authorized by this Act to be constructed and maintained.

Construction and maintenance of sewerage system

2 The Corporation shall have the following powers—

- (a) to establish, construct and maintain a sewerage system for St. George's in such parts of St. George's and the vicinity, and in such manner, as the Corporation may deem advisable, and to connect the sewerage system with the works to be constructed from a pumping station in St. George's along the route indicated by a red line on

ST. GEORGE'S SEWERAGE ACT 1943

the plan which was forwarded to the House of Assembly with the Governor's Message No. 95 of 2 December 1943, and such plan shall be deposited and kept for reference in the office of the Permanent Secretary of the Department of Works and Engineering;

- (b) to construct and maintain such of the works as are necessary to secure a proper outfall for the sewage into the ocean at the North Shore in St. George's at the place indicated on such map and to lay sewers and pipes on the foreshore and in the bed of the sea to such distance seaward from high water mark as the Minister responsible for health and related matters deems necessary to secure a proper dispersion of the sewage;
- (c) to cause underground main and branch sewers to be constructed and maintained under all or any of the streets in the sewerage district with such ventilating shafts, manholes, intercepting pits and other apparatus and things as may be necessary for the efficient working of the sewerage system;
- (d) to make and maintain connecting sewers from the main and branch sewers or any of them, to or into the several premises abutting on any of the streets in the sewerage district;
- (e) to authorize the entry by members or employees of the Corporation on any premises abutting on any of the streets in the sewerage district to inspect or examine the same, or to take measurements thereon, or to make such excavations thereon as may be reasonably necessary for determining the most suitable position for any connecting sewer for such premises.

Corporation may acquire easements

3 For the purposes expressed in paragraph (a) of section 2, the Corporation may acquire an easement in respect of the lands on, under or through which the works, or any part thereof, are or is to be constructed as shown on such map:

Provided that the Corporation shall not acquire any easement in respect of any land in the possession of the Secretary of State for Defence, or construct thereon or thereunder any portion of the works, except with the previous sanction of the Secretary of State for Defence, and on such terms and conditions as may be approved by him.

Compulsory acquisition of easement

4 (1) Whenever the Corporation desire an easement over any land, the acquisition of which has not been settled by agreement, the

Corporation shall, by advertisement to be published twice at least in the Gazette, give notice of the intention of the Corporation to acquire such easement, stating therein that a plan showing the land in respect of which such easement is desired to be acquired may be seen at the Corporation office in St. George's on certain days not fewer than three days in each week, and between certain hours not fewer than two hours on each of such days, to be named in such advertisement.

(2) If any owner or any person interested in the ownership of any such land objects to the construction of the works thereon or thereunder in the position shown on such plan, he may submit his objection in writing to the Corporation, and if the Corporation refuse to alter the position of the proposed works the person making the objection shall have the right of appeal to the Governor who shall hear and determine whether such objection is reasonable, and if it is determined that such objection is reasonable, then the Governor may determine what alteration is to be made in the position of the works to be constructed on such land, and such alteration shall accordingly be made, and the costs of all parties of and incidental to such hearing and determination shall be paid by such person or persons as the Governor may adjudge, and such costs, if disputed by any person adjudged to pay the same, or any part thereof, shall be determined by the Governor.

Appointment of jury to determine compensation

5 (1) After the expiration of two weeks from the date of the first publication of the advertisement prescribed by section 4, or at any time after the determination of any appeal to the Governor under this section, the Corporation may make a written application to a Justice of the Peace, being a disinterested person, and not a member of the Corporation, for the appointment of a jury to determine the amount of compensation to be paid by the Corporation in respect of the easement to be acquired over the lands in question, or any of them.

(2) Such Justice of the Peace shall thereupon issue a warrant under his hand and seal addressed to a police officer requiring him to summon a jury consisting of five impartial and disinterested persons named in such warrant, each of whom shall possess in his own right, or receive the profits to his own use of, a freehold rated at the last parish assessment at not less than \$240, to assemble at a convenient time and place to be appointed by such Justice of the Peace, such time to be not less than ten days and not more than twenty days from the date of the warrant, and it shall be the duty of such police officer to execute such warrant according to the tenor thereof

(3) Each of such jurors shall, before entering on the consideration of the matter, make and subscribe in the presence of a Justice of the Peace the following declaration—

ST. GEORGE'S SEWERAGE ACT 1943

"I do solemnly swear and sincerely declare that I will faithfully and honestly and to the best of my judgment, skill and ability, determine the matters referred to me under this Act.

Made and subscribed by (A.B., C.D., etc.) in the presence of: J.P."

(4) Such declaration shall be annexed to the award of the jury when made; and if any person having made such declaration acts contrary thereto he commits an offence against this Act:

Punishment on summary conviction: a fine of \$840 besides costs of prosecution.

Notices

6 The Justice of the Peace who issues a warrant under section 5 shall forthwith give notice in writing to the Corporation of the time and place appointed by him for the assembling of the jury, and the Corporation shall, as soon thereafter as practicable, give public notice thereof by advertisement in the Gazette and one other newspaper published in Bermuda.

Relief from jury service

7 After any juror named in any warrant issued by a Justice of the Peace under section 5 has been summoned to serve on any jury he may apply to such Justice to be relieved from such service, and, if such Justice sees fit to do so, he may relieve such juror accordingly, and shall in such case by endorsement on the warrant appoint another qualified juror in his place, and shall direct a police officer to summon such juror to attend accordingly.

Assessment of compensation by jury

8 (1) The jury summoned under this Act shall assemble at the time and place appointed by the warrant, and shall then in the presence of the representative or attorney of the Corporation attending, and of any owner, or any person interested in the ownership, or any occupier, of any of the land in question attending, or of his agent or attorney, proceed to view the land in respect of which any easement is to be acquired, and the jury shall assess what sums are to be awarded as compensation to the respective owners and occupiers of such lands in respect of the acquisition of such easement.

(2) The jury shall, within ten days after their assembling as aforesaid, deliver to the Corporation an award in writing in which shall be stated with respect to each parcel of land in respect of which an easement is to be acquired the sum of money to be paid by the Corporation for the acquisition of such easement, and the further amount (if any) to be paid by way of compensation to the occupier of

each such parcel of land for any damage to be sustained by him in respect of his occupation thereof by reason of the construction of the works.

Payment into Consolidated Fund; vesting of easement

9 Within seven days after the delivery to the Corporation of the award of the jury the Corporation shall deliver a certified copy of the award to the Accountant General, and shall pay into the Consolidated Fund for the use of the respective persons entitled thereto the amount of compensation awarded by the jury together with a commission thereon at the rate of two and one-half per cent., half of which the Accountant General shall be entitled to retain for his services in receiving such money, and the other half for his services in paying out the same; and upon such delivery of a certified copy of the award, and the payment into the Consolidated Fund of such compensation and commission the easement or easements in respect of which such compensation has been awarded shall vest in the Corporation.

Payment out of Consolidated Fund to claimant on proof of title

10 (1) The amounts awarded by the jury shall be paid out of the Consolidated Fund to such claimants as may make out a title as owners or occupiers to the satisfaction of the Attorney-General, to the lands in respect of which the easement or easements has or have been acquired:

Provided that—

- (a) whenever any claimant makes out a satisfactory title to any share, estate or interest less than the whole in any such land, such claimant shall be entitled to receive a proportionate part of the amount awarded according to his share, estate or interest as aforesaid;
- (b) whenever the compensation is payable in respect of any land in which two or more persons have limited or qualified interests the amount of the award shall, unless an agreement in respect of its apportionment is made by all the parties interested, and notified in writing to the Accountant General, be apportioned by the Governor among the parties entitled thereto as the Governor deems just and reasonable.

(2) In the event of a failure to make out a satisfactory title to any land over which any easement has been acquired for the purposes of this Act, or to any share, estate or interest therein, the compensation paid into the Consolidated Fund under any award as aforesaid, or the remainder of such compensation where a proportionate part thereof has been paid under subsection (1) shall, on the petition of any interested person, be disposed of in such manner as the Chief Justice, after hearing

ST. GEORGE'S SEWERAGE ACT 1943

the application in a summary way, may adjudge to be just and reasonable.

Neglect of duty by juror

11 If any person summoned upon any jury under this Act does not appear at the time or place named in the warrant for summoning the jury, unless he has been relieved from such service under section 7, or, if appearing he refuses to make the required declaration, or in any other manner unlawfully neglects his duty under this Act, he shall, unless he shows reasonable excuse to the satisfaction of the Justice of the Peace who issued the warrant, be liable to such fine not exceeding \$168, as the Justice, after a hearing in a summary manner, may impose and payment of such fine, if not paid within such time as may be fixed or allowed by such Justice for payment thereof may be enforced in the manner provided by the Summary Jurisdiction Act 1930 [*title 8 item 34*].

Payment of incidental charges by Corporation

12 All charges and expenses incident to the acquisition of any easement under this Act, and the costs of or incident to the investigation of the title of any claimants to any compensation awarded under this Act, or of any petition under section 10(2), shall be paid by the Corporation, and if any question is raised by the Corporation with respect to any such charges, expenses, or costs, such question, unless otherwise adjusted, shall be referred to the Chief Justice in chambers and settled by him in a summary way and he may allow any reasonable costs or charges incident to such reference.

Fees payable for services under Act

13 The fees and allowances specified in the First Schedule shall be payable by the Corporation to the persons concerned for their services under this Act on the certificate of the Justice of the Peace on whose warrant the jury was summoned.

Power to enter on land and carry out works; compensation

14 If and whenever after the construction of the works or any part thereof, it becomes necessary for the purpose of examining, repairing, altering, re-laying or renewing the works, or any part thereof, to enter on any land on, under or through which the works are constructed, and to carry out any works thereon or thereunder, it shall be lawful for the Corporation and their servants and agents, after reasonable notice to the owner or occupier, to enter on such land and to carry out thereon or thereunder any necessary works for any or either of the purposes aforesaid, and the compensation to be paid by the Corporation in respect thereof shall, when not ascertained by agreement, be ascertained, determined and paid in all respects, as nearly as circumstances permit, in the manner prescribed by this Act with respect to the compensation to

be paid by the Corporation in respect of the acquisition to the easement over such land.

Construction of works under public roads

15 (1) Where any part of the work is, under this Act, authorized to be constructed under any public road, the works shall be constructed under such part of such road, and in such manner, as may be sanctioned by the Minister responsible for Works and Engineering.

(2) The Corporation shall comply with such reasonable directions as are given by the Minister responsible for Works and Engineering with respect to the breaking up of any of such roads and the construction thereunder of the works.

(3) The Corporation shall as soon as practicable after each section of the works, not exceeding one hundred feet in length, is constructed under any such road, and to the satisfaction of the Permanent Secretary of the Department of Works and Engineering, fill in the ground and make good the surface of the road, and restore the portion of the road broken up, and all gutters and drains connected therewith to as good condition as that in which they respectively were before such road was broken up, and shall clear away and remove all surplus material and rubbish occasioned thereby.

St. George's Sewerage Commissioners

16 (1) Three Commissioners, to be called the St. George's Sewerage Commissioners, shall from time to time be appointed by the Governor for the purposes of this Act, and all vacancies occurring among such commissioners by death or resignation or by the termination of the period of appointment, or by the cancelling by the Governor of any such appointment, shall from time to time be filled by new appointments made by the Governor.

(2) A majority of the Commissioners shall form a quorum for the transaction of business.

(3) During the absence from Bermuda of any commissioners the Governor may appoint a substitute to act during such absence, and during the incapacity from illness of any commissioner to perform the duties of his office the Governor may appoint a substitute to act until such commissioner is able to resume his duties.

(4) Each of the commissioners shall be entitled to receive from the Corporation for his services under this Act fees at the rates specified in the Second Schedule for the services therein mentioned, except as otherwise provided in such Schedule, and for any special services not therein mentioned such fees as may be fixed by the Corporation with the approval of the Governor.

ST. GEORGE'S SEWERAGE ACT 1943

Regulations

17 (1) The Corporation may from time to time make regulations for carrying into effect the objects of this Act, and particularly—

- (a) for regulating the construction, extension, alteration and repairs of house sewers and water-closets in the sewerage district, and the materials to be used in such house sewers and water-closets and in surface drains for rain water; and
- (b) as to the situation, nature, size, pattern and quality of drains, water-closets, traps, pipes and other appliances to be used in connection therewith; and
- (c) as to the repair of and the removal of obstructions from, house sewers, water-closets and drains and other appliances used in connection therewith; and
- (d) for the inspection of the same from time to time.

(2) [omitted] [covered by Interpretation Act 1951 section 35]

(3) The negative resolution procedure shall apply to regulations made under this section.

(4) The regulations may impose fines for contraventions of regulations not exceeding \$168 for a single offence, and not exceeding \$16.80 for each day for a continuing offence, and such fines may be imposed on summary conviction.

Installation of house sewers

18 (1) The owner or occupier of any house or building in the sewerage district abutting on any street, or within one hundred and fifty feet of any connecting sewer, shall within thirty days after receiving from the Corporation written notice to that effect, construct or lay therefrom to such connecting sewer covered branch drains or pipes, of such size and materials, at such level, with such fall and connections, and in such position, as the Corporation may require for the drainage of the sewage from such house or building, its areas, water-closets, baths, offices and stables.

(2) Such branch drains or pipes shall be furnished with such traps, sinks, coverings, means of ventilation, gratings and other accessories, as the Corporation may require, all of which are hereinafter referred to as "house sewers".

(3) Every inlet to any such house sewer shall be protected to such extent as the Corporation may direct or require against the entry of any rain water draining off the roofs of buildings, or off any yard, or land.

Disposal of sewage only through connecting sewer

19 (1) Whenever any house or building has been provided with a house sewer and also with a water-closet or water-closets approved by the Corporation Inspector, it shall not be lawful for the occupier of such house or building to allow any sewage to flow, or to be deposited or thrown, from such house or building, or from the premises whereon it stands, or any part thereof, into St. George's Harbour, or into any privy, cesspit, or other receptacle, either on such premises or elsewhere, except by the connecting sewer between such house, building or premises and the sewerage system.

(2) The occupier of any such house or building from which any sewage is allowed to flow, or to be deposited or thrown, contrary to the foregoing subsection, and the person depositing or throwing the same each commit an offence against this Act:

Punishment on summary conviction: a fine of \$84 besides costs of prosecution.

Filling in of privies and cesspits

20 Whenever any house or building has been provided with a house sewer and a water-closet or water-closets, approved by the Corporation Inspector, the owner or occupier of such house or building shall within one month after written notice to that effect from the Corporation, cause any privy or cesspit existing on the premises on which such house or building stands to be emptied and cleaned out, and, if so required by the Corporation, to be disinfected, filled up and effectually covered to the satisfaction of the Inspector.

Prohibition of improper use of sewers

21 If any garbage, hair, ashes, fruit, vegetables, peelings, grease, rags, bottles, tins, refuse or any other matter or thing whatsoever, except sewage as defined in this Act, and the necessary closet paper, is thrown into or deposited in any receptacle connected with the sewer, or if any house sewer becomes stopped from any cause other than the fault of the Corporation, the occupier of such premises shall be liable for the expenses incurred by the Corporation in removing any such matter or thing from the sewer, or in removing the cause of stoppage, and the person who threw or deposited such matter or thing in such receptacle or who caused such stoppage also commits an offence against this Act:

Punishment on summary conviction: a fine of \$168 besides costs of prosecution.

ST. GEORGE'S SEWERAGE ACT 1943

Prohibition of connection of steam or hot water pipes with sewers

22 Any person who connects, or who allows to be connected, with any sewer any pipe for conveying steam or hot water at a temperature exceeding 150 degrees Fahrenheit commits an offence against this Act:

Punishment on summary conviction: a fine of \$168 besides costs of prosecution.

Notice prohibiting injurious sewage

23 If, in the judgment of the Corporation, sewage of any particular kind would be injurious to the sewers, the Corporation may, by a written notice to the occupier of any premises, prohibit him from permitting such sewage to be run into, or allowed to enter, any sewer after the expiration of ten days from the delivery of such notice, and if after the expiration of such period any such sewage is run into, or allowed to enter, any sewer from such premises, the occupier of such premises, and also the person permitting such sewage to run into, or allowing such sewage to enter, such sewer, commits an offence against this Act:

Punishment on summary conviction: a fine of \$168 besides costs of prosecution.

Control over house sewers and water closets

24 All house sewers and water-closets in the sewerage districts shall be subject to the survey and control of the Corporation, and shall be re-constructed, altered, repaired, and kept in proper order, at the cost of the owners of the premises to which the same belong, or for the use of which they are constructed or continued.

Inspection of house sewers and water closets

25 (1) Any Corporation Inspector may inspect any house sewer or water-closet, and for that purpose may, at all reasonable times in the day, enter on any premises, with such assistants and workmen as he may deem necessary, and cause the ground to be opened, doing as little damage as may be.

(2) If on any such inspection any such house sewer or water-closet is found to be in proper order and condition the Inspector shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing, and making good such ground, house sewer or water-closet shall be defrayed by the Corporation.

(3) If on any such inspection any such house sewer or water-closet is found not to be in proper order and condition, or to need reconstruction, alteration or repair, the Corporation may give notice to the owner or occupier of the premises, requiring him, within a reasonable time therein specified, to execute the necessary works, specifying them; and if such notice is not complied with the person to whom it is given commits an offence against this Act:

Punishment on summary conviction: a fine of \$8.40 for each day during which default in complying with the notice continues, besides costs of prosecution;

and the Corporation may, if they think fit, execute such works, and may recover from the owner or occupier the expenses incurred by the Corporation in so doing, with costs, in the manner provided by Magistrates Act 1948 [*title 8 item 15*], for the recovery of a debt or liquidated demand.

Corporation may do work and recover cost

26 Whenever under this Act, or the regulations, any work of any kind is required to be executed by the owner or occupier of any premises, or by any other person, and default is made in the execution of such work, the Corporation may (whether or not a fine is imposed for such default) cause such work to be executed, and the expense thereby incurred by the Corporation shall be forthwith repaid to the Corporation by the owner, occupier, or other person in default.

Occupier may do work and recover cost

27 Whenever under this Act, or the regulations, any work of any kind is required to be executed by the owner of any premises, and default is made by him in the execution of such work, the occupier of such premises may, with the sanction of the Corporation, cause such work to be executed, and the expense thereof may, at the option of the occupier, be forthwith recovered from the owner of such premises, or may be retained by the occupier out of the rent thereafter from time to time becoming due by him to the owner.

Remedy of Corporation

28 (1) If the owner of any premises who, under this Act, or the regulations, or under any agreement with the Corporation, is liable for the repayment of any expenses incurred by the Corporation, does not pay the expenses within one week after a written demand on him from the Corporation for payment thereof, the Corporation may, without prejudice to any other remedy under this Act, or otherwise, recover such expenses, with interest thereon at the rate of five per cent. per annum from the date of the delivery of such demand until payment thereof, in the manner provided by the Magistrates Act 1948 [*title 8 item 15*] for the recovery of a debt or liquidated demand, from the person who was the owner of such premises when the works were completed; and until payment or recovery of such expenses and interest the same shall be a charge on such premises in priority to all mortgages and other charges thereon.

(2) The Corporation may, by way of additional remedy, require payment of all or any part of any such expenses and interest from the person who then, or within three years thereafter, is the occupier of such

ST. GEORGE'S SEWERAGE ACT 1943

premises under the person who was the owner thereof, when such expenses were incurred, and, in default of payment thereof by such occupier within such period as the Corporation may allow for such payment, the Corporation may recover such expenses and interest from such occupier, with costs, in the manner provided by the Magistrates Act 1948 [*title 8 item 15*] for the recovery of a debt or liquidated demand.

(3) Every such occupier shall be entitled to retain out of the rent payable by him to such owner as aforesaid such amount as may be recovered from such occupier under subsection (2), with interest thereon at the rate of five per cent. per annum from the date of payment, and, if the amount so retained is not sufficient to meet the amount recovered against such occupier with interest as aforesaid, the occupier shall be entitled to recover the unpaid residue from the owner, with costs, in the manner provided by the Magistrates Act 1948 [*title 8 item 15*] for the recovery of a debt or liquidated demand.

(4) No occupier of any premises shall be liable to pay more, in respect of any sums payable by the owner under this Act, or under the regulations, or under any agreement with the Corporation, than the amount of rent then due or thereafter to become payable by him for the premises in question, or for any part of such premises, unless such occupier, on application made to him by or on behalf of the Corporation, has refused or neglected truly to disclose the amount of the rent payable by him, the times when such rent is payable, the amount then due for such rent, and the name and address of the person to whom such rent is payable.

(5) In any proceeding against the occupier of any premises for the recovery of any monies under the foregoing provisions of this section the burden of proof that the sum sought to be recovered from such occupier is greater than the rent due by him at the time payment was demanded, or which has since accrued, shall lie upon the occupier.

(6) Nothing herein contained shall be construed so as to affect any special contract made between any such owner and occupier respecting the payment of the expenses of any such works as aforesaid.

Corporation may allow time for payment of expenses

29 The Corporation may, at the request of any owner or occupier, allow him such time for the repayment of any expenses for which he is liable under the foregoing provisions of this Act, or under the regulations, or under any agreement with the Corporation, and may receive the same by such instalments as, under the circumstances of the case, the Corporation consider reasonable, but so that the time for payment shall not exceed three years, and that such owner or occupier shall with each instalment pay to the Corporation interest at the rate of five per cent. per annum on the principal sum due immediately before the payment of such instalment computed from the date when such expenses became payable, or from the date of the last previous

instalment, whichever last happens; and, if any such instalment is not paid on or within thirty days after the date on which the instalment should be paid, then the whole of the unpaid portion of the principal sum with all interest due thereon shall be recoverable forthwith in like manner as if time for repayment by instalments had not been allowed.

Corporation may execute works by agreement

30 The Corporation may, either before or after calling upon the owner or occupier of any premises to execute any work of any kind, agree with such owner or occupier to supply materials for and to execute any such work; and all expenses thereby incurred by the Corporation, with interest thereon at the rate aforesaid, shall be recoverable by any of the methods hereinbefore provided.

Notices

31 Except where in this Act, or in the regulations, it is otherwise expressly provided, the following provisions shall apply with reference to any notice given, or any requisition or demand made, by the Corporation under this Act or under the regulations, that is to say—

- (a) it may be in print or writing, or partly in print and partly in writing, and authenticated by the name of the Mayor, or of the Secretary of the Corporation, being affixed thereto in print or in writing;
- (b) it may be addressed "To the Owner", or "To the Occupier", without naming him, of the premises to which it relates, describing them with reasonable certainty;
- (c) it may be given or made by delivering it to the person to whom it is addressed, or by leaving it for him with some person at his usual or last known place of abode, or place of business, in Bermuda, or by forwarding it by post properly addressed to him at his usual or last known place of abode, or at his place of business, in Bermuda, or, in the event of the absence from Bermuda of the addressee, by delivering it or forwarding it by post to his known agent in Bermuda, or, if there is no agent known to the Corporation, then by affixing it on a conspicuous part of the premises to which it relates;
- (d) any such notice given, or requisition or demand made, by the Corporation may be cancelled by the Corporation in writing, and a new notice may be given to or requisition or demand made on, the same or any other person in respect of the subject matter thereof.

ST. GEORGE'S SEWERAGE ACT 1943

Service on Corporation

32 Any notice to, or demand on, the Corporation may be served by delivering the notice or demand to the Secretary of the Corporation, or by leaving the notice or demand for him with some person at the Corporation office in St. George's.

Rate to defray cost of sewerage system

33 (1) It shall be lawful for the Corporation to raise annually during the continuance of this Act, in the manner hereinafter provided, such sum as is estimated by the Corporation to be sufficient to defray the annual interest on the debentures, the annual contribution to the Sinking Fund, and the maintenance and working expenses of the sewerage system for the then current year.

(2) In estimating the amount of the annual expenditure for the purposes expressed in subsection (1) the Corporation shall take into account any other monies which are available for such purposes under this Act, or under any other Act for the time being in force.

Sewerage tax

34 The Corporation may during the continuance of this Act raise by an equal rate (to be called "sewerage tax") on all real and personal property within the area of the Town of St. George as defined in section 4(1) of the Municipalities Act 1923 [*title 4 item 1*], an annual sum to be applied for the purposes expressed in section 33(1), and for other incidental purposes:

Provided that such rate shall not exceed fifty cents on the hundred dollars of the assessed value of the property liable to such tax.

Special sewerage tax

35 The Corporation may also during the continuance of this Act raise by a special rate (to be called "special sewerage tax") on all hotels and other premises with their furniture, fixtures, fittings and plant within the area of the Town of St. George as defined in section 4(1) of the Municipalities Act 1923 [*title 4 item 1*], which in the judgment of the Corporation, by reason of the purposes for which such premises are occupied or used, or the nature of the business carried on on such premises, or for any other special reason, derive a larger benefit from the establishment and maintenance of the sewerage system than premises occupied or used as dwelling-houses or for other ordinary purposes, such further annual sum, as is, with the annual sum to be derived from the sewerage tax, and any other monies available for the like purposes under this Act, or any other Act, sufficient to make up the sum estimated by the Corporation to be sufficient for the then current year for the purposes expressed in section 33(1).

Application of Municipalities Act 1923 to sewerage taxes

36 Sewerage tax and special tax shall each be a rate within the meaning of the Municipalities Act 1923 [*title 4 item 1*].

Appeals to Commissioners

37 (1) Any person who is aggrieved by any notice, requirement or demand of the Corporation under any of the powers contained in section 18, section 20, section 23, section 24 or section 25(3), or with any special sewerage tax imposed under the authority of section 35, may by written notice (hereinafter referred to as "the notice of appeal") given to the Corporation within seven days after such notice being given, or such requirement or demand being made, appeal to the Commissioners, and may prosecute such appeal on complying with the following requirements—

(a) the notice of appeal shall state specifically the grounds of the appeal, which on the hearing of the appeal shall be the only grounds upon which the appellant may rely, except with the special permission of the Commissioners;

(b) the appellant shall, within one week after giving the notice of appeal, deliver a copy thereof to the Commissioners and shall deposit with them the sum of twenty pounds as security for the costs of the appeal, or shall give to the Corporation some other security satisfactory to the Corporation for the payment of such costs, in the event of the costs becoming payable by the appellant, and, if the security is given to the Corporation, the Corporation shall forthwith give written notice thereof to the Commissioners.

(2) The Commissioners shall, as early as conveniently may be after the requirements of subsection (1) have been complied with, fix a time, within fifteen days thereafter at the latest, for the hearing of the appeal, giving at least three days' written notice thereof to the appellant and to the Corporation.

(3) On the hearing of the appeal the Commissioners may examine on oath or affirmation, which may be administered by any Commissioner, any witnesses produced by either party to the appeal and may call for and examine any books or documents in the possession of either party relating to the subject matter of the appeal, and may also enter and examine the premises with reference to which the appeal has arisen.

(4) The hearing of the appeal may be adjourned from time to time by the Commissioners for such period as they may deem expedient and at the conclusion of the hearing, or as soon as practicable thereafter,

ST. GEORGE'S SEWERAGE ACT 1943

the Commissioners shall give a written decision thereon, a copy of which shall be delivered to each party to the appeal.

(5) The decision of the Commissioners, or of a majority of them, with respect to the subject matter of the appeal shall be final and conclusive as between the parties thereto and their successors.

(6) The costs and expenses incidental to the hearing and decision of the appeal shall be borne and paid by the party against whom the decision is given unless the Commissioners otherwise direct by such decision.

(7) If any dispute arises between the parties as to such costs and expenses it shall, on the written request of either party, be referred to the Commissioners, whose decision thereon shall be final.

(8) Witnesses attending before the Commissioners at the request of either party to an appeal and giving evidence, or producing documents required in evidence, shall be allowed witness money at the same rates as are, under the Rules of the Supreme Court, allowed to witnesses in civil cases, and such witness money shall be treated as a part of the costs and expenses of the appeal.

Exclusion of further appeal concerning special sewerage tax

38 In the event of an appeal to the Commissioners with reference to any special sewerage tax, and of subsequent proceedings by the Corporation for the recovery of such tax, no further appeal shall lie in the manner allowed by the Civil Appeals Act 1971 [*title 8 item 85*], from the judgment of the court of summary jurisdiction before which such tax is sued for so far as the amount of such tax is concerned.

Savings for Crown and others

39 Nothing in this Act shall affect the rights of Her Majesty, Her heirs and successors, or of any body politic or corporate, or of any other person or persons except such as are mentioned in this Act, and those claiming by, from or under them.

SCHEDULES

FIRST SCHEDULE

FEES PAYABLE BY CORPORATION

	\$
To a Justice of the Peace for summoning a jury	2.40
To a Justice of the Peace for taking the declaration of a juror	0.24
To a juror for every day's attendance	1.44

SECOND SCHEDULE

FEES OF COMMISSIONERS

	\$
On receiving a notice of appeal	0.48
On receipt of a deposit as security for costs	0.48
On giving a notice of hearing an appeal	0.24
On hearing an appeal:	
for the first day of hearing:	2.52
for each subsequent day or part of a day, according to the time occupied	from 0.96 to 2.52
On preparing a written decision on an appeal according to length	from 0.48 to 0.96
On a decision as to disputed costs and expenses on an appeal	0.48
For copies [*] of decisions, or other documents, for delivering to the parties on request, per folio of 72 words, counting each figure as a word	0.06

^{*}
[the charge for copies shall not be payable to each Commissioner]

[Amended by

1968 : 321
1969 : 666
1970 : 178
1971 : 83

ST. GEORGE'S SEWERAGE ACT 1943

1977 : 35