



**TURKS AND CAICOS ISLANDS**

**CHAPTER 18.05**  
**HURRICANE RELIEF ORDINANCE**

**Revised Edition**  
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

**HURRICANE RELIEF ORDINANCE**

Ordinance 7 of 1946 .. in force 13 September 1945

Amended by Ordinances: 2 of 1947

6 of 1949

23 of 1968

Page

3

No Subsidiary Legislation has been made under this Ordinance





**TURKS AND CAICOS ISLANDS**

**CHAPTER 18.05**  
**HURRICANE RELIEF ORDINANCE**

**Revised Edition**  
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

**HURRICANE RELIEF ORDINANCE**

Ordinance 7 of 1946 .. in force 13 September 1945

Amended by Ordinances: 2 of 1947

6 of 1949

23 of 1968

Page  
3

No Subsidiary Legislation has been made under this Ordinance

Published in 2011  
On the authority and on behalf of the Government of the Turks and Caicos Islands  
By  
The Regional Law Revision Centre Inc.

Available for purchase from—

Attorney General's Chambers  
Waterloo Plaza  
Airport Road  
Grand Turk  
Turks and Caicos Islands  
British West Indies

Tel: (649) 946-2096  
Fax: (649) 946-1329  
Email: [attorneygeneral@tciway.tc](mailto:attorneygeneral@tciway.tc)

Printed on the authority and on behalf of the Government of the Turks and Caicos Islands  
by  
The Regional Law Revision Centre Inc.  
P.O. Box 1626, Hannah-Waver House, The Valley, AI-2640, Anguilla  
Authorised Printers for this Revised Edition

**CHAPTER 18.05**  
**HURRICANE RELIEF ORDINANCE**  
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
  2. Interpretation
  3. Application for relief
  4. Manner of dealing with application
  5. Payments by owner
  6. Form of notification
  7. Register to be kept in Governor's office
  8. Payments due to Government to be charged on premises or boat
  9. Constructive notice of relief
  10. Release of charge on payment of total amount payable by owner
  11. Enforcement of security
  12. Sale by public auction
  13. Conveyance of land by Governor
  14. Application of purchase money
  15. Suits by person appointed by Governor
  16. Exemption from fees and stamp duties
  17. Regulations
- SCHEDULE: Notification by the Governor upon Completion of Relief
-



## **CHAPTER 18.05**

### **HURRICANE RELIEF ORDINANCE**

*(Ordinances 7 of 1946, 2 of 1947, 6 of 1949 and 23 of 1968)*

#### **Commencement**

*[13 September 1945]*

#### **Short title**

1. This Ordinance may be cited as the Hurricane Relief Ordinance.

#### **Interpretation**

2. In this Ordinance—

“owner” means—

- (a) in relation to any premises, the person for the time being entitled to the rents and profits of such premises, whether on his own account or as agent or trustee for any other person, and includes a life tenant and a guardian of an infant;
- (b) in relation to a boat, the person who is the legal owner for the time being of such boat;

“relief” means—

- (a) in relation to any premises damaged or destroyed by hurricane, the rehabilitation by and at the expense of the Government, out of moneys which may be available for that purpose, of such premises;
- (b) in relation to any boat damaged or destroyed by hurricane, the repair or replacement of such boat.

#### **Application for relief**

3. Where any premises or any boat has been destroyed or materially damaged by hurricane the owner thereof may, in the prescribed form, make application to the Governor for relief.

#### **Manner of dealing with application**

4. (1) Every application for relief under this Ordinance shall be considered on its merits by the Governor who may, in his absolute discretion, provide or withhold relief.

(2) The Governor shall as soon as practicable inform the applicant whether relief will be provided.

**Payments by owner**

5. (1) Where relief has been provided in respect of any premises or any boat, the owner thereof may be required by the Governor to pay to the Government, in not more than twenty quarterly instalments, such part, being not less than one-tenth, of the total cost of the relief as the Governor may determine.

(2) Where the owner of any premises or boat is required to make any payments under subsection (1) of this section the Governor shall fix the rate and times of such payments.

**Form of Notification**

6. (1) Upon the completion of any relief provided under this Ordinance, the Governor shall complete the Form of Notification set out in the Schedule to this Ordinance and shall sign and forward it to the Registrar of Deeds who shall forthwith file it in a book to be kept for that purpose, and such book shall be open to inspection by the public free of charge.

(2) The Governor shall send a copy of such Form of Notification duly completed and signed to the owner of the premises or boat in respect of which the relief has been provided.

**Register to be kept in Governor's office**

7. The Governor shall keep at his office a register of all relief provided under this Ordinance, in which register shall be inserted copies of the Form of Notification completed in accordance with the provisions of subsection (1) of section 6 of this Ordinance.

**Payments due to Government to be charge on premises or boat**

8. Such part of the total cost of any relief provided under this Ordinance as the owner of the premises or boat in respect of which the relief is provided is required to pay to Government under section 5, shall be a first charge on the said premises or boat:

Provided that the charge hereby created on the said premises or boat shall be subject to all encumbrances, estates, interests, rights and easements affecting the said premises or boat (as the case may be) subsisting or outstanding at the date on which the relief was commenced.

**Constructive notice of relief**

9. Notwithstanding any provision of law, or rule of equity, to the contrary, immediately upon the commencement of any relief authorised by this Ordinance, all persons dealing with any premises or boat subject to the charge created by this Ordinance, or any interest therein, shall be deemed to have notice of such relief, and any such dealing shall, subject to the provisions of this Ordinance, be subject to the charge created by this Ordinance:

Provided that in the case of any premises situated in any area to which the Registered Land Ordinance applies, no person shall be deemed to have notice of

any charge unless such charge has been registered as a charge on such premises under the provisions of that Ordinance.

### **Release of charge on payment of total amount payable by owner**

**10.** On payment by an owner of the total amount payable by him under the provisions of subsection (1) of section 5 of this Ordinance, the Governor shall give a receipt for the same, and thereupon the charge created by this Ordinance in respect of the relief provided for such owner shall be released, and the Registrar of Deeds shall, upon production to him of such receipt, endorse on the notification filed by him and relating to such relief a memorandum to the effect that such charge has been released, and the Registrar of Deeds shall sign such memorandum.

### **Enforcement of security**

**11.** If any owner makes default in the payment of any moneys payable by him under this Ordinance, it shall be lawful for the Governor to order a sale of the premises or boat subject to the charge, or any part thereof, subject nevertheless to all encumbrances, estates, interests, rights and easements affecting the said premises or boat (as the case may be) at the date on which the relief was commenced and still subsisting or outstanding.

### **Sale by public auction**

**12.** (1) Every sale made in pursuance of the power of sale conferred by this Ordinance shall be by public auction or, in default of sale at such auction, by private treaty.

(2) Notice of such sale shall be given by advertisement appearing in the *Gazette* and published once at least in each of three consecutive weeks before the day of such sale.

(3) The Governor may at any time before the sale of any premises so advertised postpone the sale thereof, either indefinitely or to some specified day.

### **Conveyance of land by Governor**

**13.** Whenever any premises are sold under the provisions of this Ordinance, the Governor shall convey the same by deed to the purchaser, and the premises therein described shall become the property of the purchaser, subject only to any encumbrances, estates, interests, rights or easements affecting the same to which the sale has been made subject.

### **Application of purchase money**

**14.** All money received from the sale of any premises or boat shall be applied—

- (a) first, towards all costs, charges and expenses properly incurred and incidental to the sale;
- (b) secondly, towards payment of all amounts owing by the owner of the premises or boat to the Government under this Ordinance; and

- (c) thirdly, the residue, if any, shall be paid to the person legally entitled to give a discharge therefor.

**Suits by person appointed by Governor**

15. Any sum due on account of any relief provided under this Ordinance may be recovered by proceedings in a court of competent jurisdiction at the suit of any person appointed by the Governor in that behalf.

**Exemption from fees and stamp duties**

16. All documents executed under this Ordinance shall be exempt from all fees and stamp duties.

**Regulations**

17. The Governor may make regulations generally for carrying this Ordinance into effect and, without prejudice to the generality of the foregoing provisions, may make regulations prescribing the form to be used under section 3 in making application for relief.

---

**SCHEDULE**

*(Section 6)*

HURRICANE RELIEF ORDINANCE

**NOTIFICATION BY THE GOVERNOR UPON COMPLETION OF RELIEF**

To the Registrar of Deeds:

1. Number of application .....
2. Name and address of owner .....
3. Description and boundaries of premises or description of boat in  
respect of which relief is provided  
.....
4. Particulars of relief provided .....
5. Particulars of title or owner of premises or boat .....
6. Prior encumbrances affecting the premises of boat  
.....
7. Total cost of relief .....
8. Proportion of total cost of relief to be repaid  
.....
9. Date for payment of each instalment .....

.....  
Signature of Governor

Dated this ..... day of ..... 20.....

\_\_\_\_\_



