

**CHAPTER 28:01**

**MUNICIPAL AND DISTRICT COUNCILS ACT**

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**CHAPTER 28:01**

**THE MUNICIPAL AND DISTRICT COUNCILS ACT**

24 of 1969

**An Act to make better provision for Local Government in the City of Georgetown and the Town of New Amsterdam and in other areas of Guyana.**

[All sections, except sections 97 to 117, 28TH APRIL, 1970]

**PART I**

**PRELIMINARY**

Short title.

**1.** This Act may be cited as the Municipal and District Councils Act.

Interpretation.  
[25 of 1973  
11 of 1986]

**2.** In this Act—

“chairman” means the chairman of a district council;

“chief executive officer” means the chief executive officer of a district council;

“City” means the City of Georgetown;

“City Council” means the municipal council in and for the City;

“City Councillor” means a councillor of the City Council;

“clerk” means—

(a) a town clerk;

(b) a chief executive officer;

“Commission” means the Local Government Service Commission constituted by section 97;

“constitution order” means an order made pursuant to section 34;



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“costs” includes charges and expenses;

“council” means—

- (a) the City Council;
- (b) the Town Council;
- (c) the council of a town established under section 34;
- (d) a district council;

“council area” means the area administered by a council;

“council drainage area” means that part of a council area appointed under section 267 to be a council drainage area;

“council pound” means a pound established by a council pursuant to section 289;

“council road” means any highway or other road or street to which the public has right of access in a council area other than a public road; and any reference to a council road includes a reference to the roadway, shoulders, verges, embankments, pedestrian walks, cycle tracks, bridges, culverts, canals and drains on the line of the road and connected therewith;

“councillor” means—

- (a) a councillor of the City Council;
- (b) a councillor of the Town Council;
- (c) a councillor of a district council;
- (d) a councillor of a town council established under section 34;

“Court” means the High Court;

“district” means a local government district;

“district council” means the council for a district;

“district councillor” means a councillor of a district council;

“drainage work” means any reservoir, canal, trench, drain, culvert, sluice, koker, koker runs or retaining walls of outfall channels, aqueduct, weir, dam, lock, syphon, stop off, paal off, fence, bridge, road, watch-house or building used for housing sluice operators, rangers and pumping station attendants, which has been or which may hereafter be made, erected, constructed or used for the purpose of drainage or irrigation and includes any machinery or power station used in connection with any of the foregoing;

“Judge” means a judge of the Court;

“land” includes a building and any other erection on, or an interest in, land;

“local government office” means any office of emolument in the service of a council;

“local government officer” means a person who is the holder of or who is acting in a local government office;

“owner” means the person for the time being receiving the rent of the lands, buildings or erections in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the lands, houses, buildings or erections were let at a rent and where the lands, houses, buildings or erections are not let includes any person in possession of the lands, houses, buildings or erections;

“pound-keeper” means—

- (a) the pound-keeper of a council pound;
- (b) a deputy or assistant pound-keeper;

“property” means any separate parcel of land, or any house or building or other erection, where such parcel of land, house, building or other erection is either owned or capable of being owned separately;

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“public road” has the meaning assigned to the word “road” by section 2 of the Roads Act; c. 51:01

“qualifying date” means such date as may be appointed by the Minister with reference to which a register of voters shall be compiled;

“rating period” means the financial year in respect of which a council may make and levy a general rate;

“Registrar” means the Registrar of the Court;

“road material” means sand, shell, gravel, stone, rock, soil and similar material used and useful for road purposes;

“Town” means the Town of New Amsterdam;

“Town Clerk” means the Town Clerk of the City Council or of the Town Council or of a town council;

“Town Council” means the municipal council in and for the Town;

“town councillor” means a councillor of the Town Council or of a town established under section 34;

“Treasurer” means—

- (a) a municipal treasurer;
- (b) a chief finance officer;

“valuation list” means a valuation list prepared under the Georgetown (Valuation and Rating) Ordinance or the Local Government (Valuation of Property) Ordinance, or the Valuation for Rating Purposes Act, or any written law in substitution therefor; 1953 Ed. Cap. 154 5 of 1959 c. 28:04

“vehicle” means any device in, upon or by which any person or property is or may be transported, drawn or pushed upon a road;

“vice-chairman” means the vice-chairman of a district council;

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“year” in Part II means a period of twelve months and in other Parts the calendar year.

### PART II

#### CONSTITUTION OF COUNCILS

##### *Municipal Council for the City of Georgetown*

Continuation  
of municipal  
council for  
City.  
[1 of 1860  
44 of 1918  
Cap. 152  
1953 Ed.]

**3.** Subject to this Act, the municipal council in and for the City of Georgetown, established as one body politic and corporate by the Georgetown Town Council Ordinance, 1860, by the name and style of “The Mayor and Town Council of Georgetown” and continued by the Georgetown Town Council Ordinance 1918, is hereby continued.

Change of  
name of City  
Council.

**4.** The City Council shall henceforth have the name and style of “The Mayor and Councillors of the City of Georgetown”.

Common seal.

**5.** The City Council shall have and use a common seal, which shall be approved by, and may be altered by, the council and which shall be judicially noticed.

Legal proceed-  
ings.

**6.** The City Council may sue and be sued by and in the name of “The Town Clerk of Georgetown”.

Extent of City.  
First Schedule.

**7.** (1) For the purposes of this Act, the City shall comprise all the area specified in the First Schedule.

(2) The jurisdiction of the City Council shall extend to low water mark of spring tides of the Demerara River and to all structures thereon.

Composition  
of City  
Council.

**8.** (1) The City Council shall consist of the Mayor, the Deputy Mayor and other councillors and shall have such functions as are vested in it by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twenty-five and not more than thirty as may be prescribed by order of the Minister.

*The Mayor and the Deputy Mayor*

**9.** (1) The Mayor and the Deputy Mayor shall be elected annually from amongst the persons entitled under subsection (2) to vote at their election.

Mayor and Deputy to be elected.

(2) The persons entitled to vote at the election of the Mayor and Deputy Mayor shall be—

- (a) if the year in which the election is held is also a year of election of City Councillors, the persons who in that year have been so elected, notwithstanding that their terms of office have not commenced;
- (b) in any other year, the City Councillors.

**10.** The term of office of the Mayor and that of the Deputy Mayor shall, subject to this Act, be one year, commencing on the first day of the month following upon their election but, the Mayor or Deputy Mayor shall, notwithstanding the expiry of his term of office, continue to hold office until his successor enters upon office and thereupon he shall retire.

Term of office of Mayor and Deputy.  
[11 of 1986]

**11.** The Mayor and the Deputy Mayor in office on the day of election of the Mayor and the Deputy Mayor for the ensuing year shall, if they remain qualified to be elected, be eligible for re-election:

Eligibility of Mayor and Deputy for re-election.  
[23 of 1983]

Provided that no person shall be eligible for re-election as Mayor if on the day of the commencement of the term of office of the Mayor for the ensuing year he will have filled that office for five terms in succession unless any of those terms has been of less than six months' duration or an interval of one year has elapsed since the expiration of his last term.

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Convening of  
meeting to  
elect Mayor  
and Deputy.  
[23 of 1983  
11 of 1986]  
c. 28:03

**12.** (1) The Town Clerk shall in each year which is a year of election of City Councillors call, after the declaration under section 101 of the Local Authorities (Elections) Act of the results of that election, a meeting, to be held not later than the tenth day after such declaration, of the persons elected thereat to be City Councillors and shall in any other year, not later than the date of expiration of the term of office of the Mayor and the Deputy Mayor then in office, call a meeting of the City Councillors, for the purpose of electing the Mayor and the Deputy Mayor for the ensuing year.

(2) The Town Clerk shall, not less than three days before a meeting held pursuant to subsection (1), publish notice of the time and place of the intended meeting and cause a copy thereof to be served upon the persons elected to be City Councillors or upon the City Councillors, as the case may require:

Provided that want of service of a copy of the notice shall not affect the validity of the meeting.

Election of  
Mayor and  
Deputy.

**13.** (1) The election of the Mayor for the ensuing year shall be the first business transacted at a meeting called pursuant to section 12 and the election of the Deputy Mayor shall, subject to subsection (6), take place immediately thereafter; and no other business shall be conducted at the meeting except the appointment of members of the finance committee of the City Council for the ensuing year and the appointment of a day for the first ordinary meeting of the City Council in that year.

(2) The Town Clerk, shall, until the Mayor for the ensuing year has been elected, preside at and shall determine any question arising at the meeting during the election of the Mayor for the ensuing year but shall not have any vote; and upon his election the person so elected shall preside at and determine any such question and shall have a second or casting vote.

(3) Every candidate for election as Mayor and Deputy Mayor shall be proposed by a person who is entitled to vote at and who is present at the meeting and shall be seconded by another such person.

(4) If there is only one candidate for election as Mayor, the Town Clerk shall declare that candidate to be elected; and if, the Mayor having been elected, there is only one candidate for election as Deputy Mayor, the Mayor for the ensuing year shall declare that candidate to be elected.

(5) If there are two or more candidates for election as Mayor, the Town Clerk shall take the votes of the persons who are entitled to vote at and are present at the meeting and shall declare the candidate who secures the greatest number of votes to be elected; and, if, the Mayor having been elected, there are two or more candidates for election as Deputy Mayor, the Mayor for the ensuing year shall declare the candidate who secures the greatest number of votes to be elected.

(6) If there is no election under subsection (5) on account of an equality of votes the Town Clerk shall appoint a day not later than the 28th December in the same year for the election of the Mayor from among such candidates by the voters whose names appear on the register of voters for the time being in force for the City.

(7) The provisions of the Local Authorities (Elections) Act shall in so far as they are not inapplicable thereto apply to the election of the Mayor under subsection (6) as they apply to the election of councillors under that Act. c. 28:03

(8) Where by reason of an equality of votes cast at the election by the voters no person is elected Mayor the Minister shall select one of the councillors receiving the greatest number of equal votes to be Mayor.

(9) Any question whether any person has been validly elected to be the Mayor or Deputy Mayor for the ensuing year shall be determined by the Court in accordance with Part IV of the Local Authorities (Elections) Act.

**14.** If a vacancy occurs in the office of Mayor prior to the retirement of the holder at the expiration of his term of office, the Deputy Mayor shall forthwith succeed to that office and shall, subject to the provisions of this Act, hold that office for the unexpired portion of the term of the person whom he succeeds, at the expiration of which he shall retire. Deputy to succeed Mayor on vacancy.

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Election of  
Deputy on  
vacancy.

**15.** (1) If a vacancy occurs in the office of Deputy Mayor prior to the retirement of the holder at the expiration of his term of office, the Town Clerk shall call a meeting of the council to elect a councillor to be Deputy Mayor and the councillor so elected shall, subject to this Act, hold that office for the unexpired portion of the term of office of the person whom he succeeds, at the expiration of which he shall retire.

(2) Section 12(2) and section 13 shall, in so far as they are applicable, apply to a meeting called under this section.

Vacancy in  
office of  
Mayor or  
Deputy.

**16.** (1) A vacancy shall occur in the office of Mayor or Deputy Mayor prior to retirement at the expiration of the term of office of the holder if he—

- (a) dies;
- (b) resigns;
- (c) ceases to be a councillor;
- (d) does not, within fourteen days after the commencement of his term of office take before the President the oath prescribed for his office by section 18 unless his failure to take such oath within the said period is for a reason approved by the council.

(2) A vacancy shall occur in the Office of Deputy Mayor if the holder thereof succeeds to the office of Mayor pursuant to section 14.

(3) A vacancy shall be deemed to occur in the office of Mayor or Deputy Mayor during the term of office of the holder if the person elected to be Mayor or Deputy Mayor for the ensuing year dies before the commencement of his term of office.

Performance of  
Mayor's  
duties when  
unable to act.

**17.** (1) During any period when the Mayor is for any reason unable to perform the functions of his office, those functions shall be assumed and performed by the Deputy Mayor.

(2) If the Deputy Mayor is for any reason unable to perform the functions of the office of Mayor in accordance with subsection (1), the Town Clerk shall call a meeting of the councillors to elect a councillor



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to perform those functions; and the councillor so elected shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(3) Section 12(2) and section 13(3), (4) and (5) shall apply to a meeting called under this section.

(4) Where at an election under subsection (2) two or more councillors secure an equal number of votes the Minister shall direct which of those councillors shall perform the functions of the office of Mayor; and that councillor shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(5) In the event of the Deputy Mayor or a councillor performing the functions of the office of Mayor for seven consecutive days or more, the Deputy Mayor or councillor, as the case may be, shall, during such period, have at his disposal, in lieu of the Mayor, the funds placed at the disposal of the said office in the manner specified for the payment of such funds.

**18.** The Mayor and the Deputy Mayor shall, before performing any of the functions of their respective offices, take before the President an oath of office in the form set out in the Second Schedule.

Oath of office.  
Second  
Schedule.

**19.** The Mayor and the Deputy Mayor shall, by virtue of their offices, be justices of the peace for the City but shall, before acting as such, take the oaths required by law to be taken by such justices unless they are, on the day on which they become entitled to act as Mayor or Deputy Mayor, such justices have taken the oaths required by law to be taken to act as such justices.

Mayor and  
Deputy to be  
justices of the  
peace.

**20.** The City Council may grant leave of absence to the Mayor and the Deputy Mayor for any period or periods not exceeding three months in the aggregate during their terms of office.

Leave of  
absence of  
Mayor and  
Deputy.

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Mayor, the  
Deputy and  
City Council-  
lors exempted  
from jury  
service.

**21.** The Mayor, the Deputy Mayor, and City Councillors shall, during their terms of office, be exempted from jury service.

Remuneration  
of Mayor and  
Councillors.  
[11 of 1986]  
Third  
Schedule.

**22.** (1) The City Council may in each financial year appropriate out of the funds of the council a sum not exceeding in amount the sum prescribed by Part I of the Third Schedule, to be placed at the disposal of the Mayor in the manner set out in that Schedule.

(2) The City Council may in each financial year, with the approval of the Minister, appropriate out of the funds of the Council a sum to be utilised for the remuneration of councillors other than travelling and subsistence expenses incurred in the course of duty, and may, with such approval, determine what sum shall be payable to each councillor.

*The City Councillors*

City Council-  
lors to be  
elected.  
[11 of 1986]  
c. 28:03

**23.** (1) The City Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the City Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act, and the Town Clerk shall be the Clerk of the local authority for the purposes of that Act:

Provided that the interval between two elections of City Councillors shall not exceed three years.

(2) Elections of City Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the City who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates, shall be not less than one hundred and not more than one hundred and ten.

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(4) The amount of the personal expenses which may be incurred under section 107(2) of the Local Authorities (Elections) Act by a candidate at an election to the City Council, shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed fourteen thousand dollars.

**24.** Subject to this Act, the term of office of the City Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the City:

Term of office  
of City  
Councillors.  
[11 of 1986]

Provided that the City Councillors shall—

(a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purpose of section 12;

(b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purposes of section 12.

*Municipal Council for the town of  
New Amsterdam*

**25.** Subject to this Act, the municipal council in and for the Town of New Amsterdam, established as one body politic and corporate by the New Amsterdam Town Council Ordinance 1891 under the name and style of “The Mayor and Town Council of New Amsterdam” and continued by the New Amsterdam Town Council Ordinance 1916 and by the New Amsterdam Town Council Ordinance 1949, is hereby continued.

Continuation  
of municipal  
council for  
Town.  
[8 of 1891  
10 of 1916  
25 of 1949]

**26.** The Town Council shall have and use a common seal, which shall be approved by, and may be altered by, the Council and which shall be judicially noticed.

Common seal.

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Legal  
proceedings.

**27.** The Town Council may sue and be sued in the name of “The Town Clerk of New Amsterdam.”

Extent of  
Town.  
Fourth  
Schedule.

**28.** (1) For the purposes of this Act, the Town shall comprise all the area specified in the Fourth Schedule.

(2) The jurisdiction of the Town Council shall extend to low water mark of spring tides of the Berbice River and to all structures thereon.

Composition  
of Town  
Council.

**29.** (1) The Town Council shall consist of the Mayor, the Deputy Mayor and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twelve and not more than fifteen as may be prescribed by order of the Minister.

### *The Mayor and the Deputy Mayor*

Application of  
sections 9 to  
22.

**30.** Sections 9 to 22 (inclusive) shall *mutatis mutandis* apply to the Mayor and the Deputy Mayor of the Town of New Amsterdam as they apply to the Mayor and the Deputy of the City of Georgetown and the said provisions shall have effect as if—

(a) references to the City Council and to the City Councillors were respectively references to the Town Council and the Town Councillors; and

(b) in section 22 there were substituted the words and figures “Part II of the Third Schedule” for the words and figures “Part I of the Third Schedule”.

Third  
Schedule.

Amendment of  
Third  
Schedule.  
[17 of 1988]

**31.** The Minister may by order amend the Third Schedule.

*The Town Councillors*

**32.** (1) The Town Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the Town Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

Town Councillors to be elected.  
[11 of 1986]  
c. 28:03

Provided that the interval between two elections of Town Councillors shall not exceed three years.

(2) Elections of Town Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the Town who may, under section 43 of the Local Authorities (Elections) Act submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Section 22(2) shall *mutatis mutandis* apply to the Town Councillors as they apply to the City Councillors, and the said provisions shall have effect as if the reference therein to the City Council were a reference to the Town Council.

(5) Section 23(3) shall *mutatis mutandis* apply to an election to the Town Council as they apply to an election to the City Council.

**33.** Subject to this Act, the term of office of the Town Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the Town:

Term of office of Town Councillors.  
[11 of 1986]

Provided that the Town Councillors shall—

(a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purpose of section 12 read with section 30;

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(b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purposes of section 12 read with section 30.

*Other Towns and District Councils*

Constitution  
orders.

**34.** (1) Subject to negative resolution of the National Assembly, the Minister shall have power, by order, to establish—

- (a) towns;
- (b) local government districts,

and there shall be for each town or district so established a town council or district council, as the case may be.

(2) A constitution order in respect of a town shall prescribe or provide for—

- (a) the name of the town and its boundaries;
- (b) the name of the council for the town;
- (c) the number of councillors.

(3) A constitution order in respect of a district shall prescribe or provide for—

- (a) the name of the district and its boundaries;
- (b) the name of the council for the district;
- (c) subject to section 38 the number of councillors;
- (d) the sum which under section 39 may be placed at the disposal of the chairman;
- (e) the standing committees to be appointed and maintained by the council;
- (f) local government officers for the purposes of paragraph (c) of section 76;
- (g) under section 304, which of the functions of a council set out in section 303 the council is authorised to perform.

(4) A constitution order may prescribe or provide for such other matters as appear to the Minister to be necessary or expedient for or incidental to the establishment of a town or a district and the constitution of the council thereof.

(5) Without prejudice to the construction of any other provision of this Act in accordance with the provisions of section 26 of the Interpretation and General Clauses Act, a constitution order may be from time to time varied or amended by order of the Minister. c. 2:01

**35.** (1) The town councillors of town councils constituted under section 34 shall be elected in accordance with the Local Authorities (Elections) Act and every town council is a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

Election of other town councillors and application of sections 9 to 22 to towns. [25 of 1973 11 of 1986] c. 28:03

Provided that the interval between two elections of town councillors of any such town council shall not exceed three years.

(2) Elections of town councillors of any town council constituted under section 34 shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for a town who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Subject to this Act, the term of office of town councillors shall be three years commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the town:

Provided that the town councillors shall—

(a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the town councillors, elected at the next following election of

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town councillors, is held for the purpose of section 12 read with subsection (4);

(b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the town councillors, elected at the next following election of town councillors, is held for the purposes of section 12 read with subsection (4).

(5) Sections 9 to 22 (inclusive) *mutatis mutandis* apply to the Mayor and the Deputy Mayor of a town and town councillors as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the City Councillors and those provisions shall have effect as if—

(a) references to the City Council and to City Councillors were respectively references to the town council and the town councillors;

(b) in section 22 there were substituted the words “the constitution order” for the words “Part I of the Third Schedule.”

District  
councils to be  
bodies  
corporate.

**36.** A district council shall be a body corporate by the name of the council prescribed by the constitution order.

Common seal.

**37.** A district council shall have and use a common seal which shall be approved by the council and which shall be judicially noticed.

Composition  
and functions  
of district  
councils.

**38.** (1) A district council shall consist of the chairman, the vice-chairman and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the chairman and the vice-chairman) shall be such number, being not less than nine and not more than eighteen, as may be prescribed by the constitution order.



*Chairman and Vice-Chairman*

**39.** The provisions of sections 9 to 22 (inclusive) *mutatis mutandis* apply to the chairman and the vice-chairman as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the said provisions shall have effect as if—

Application of sections 9 to 22.

(a) references to the Mayor and Deputy Mayor were respectively references to the chairman and the vice-chairman;

(b) references to the City Council and to the City Councillors were respectively references to the district council and the district councillors;

(c) references to the Town Clerk were references to the chief executive officer; and

(d) in section 22 there were substituted the words “the constitution order” for the words “Part I of the Third Schedule”.

*District Councillors*

**40.** (1) The district councillors shall be elected in accordance with the Local Authorities (Elections) Act at elections held every three years during the period commencing on 1st November and ending on 7th December and every district council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the chief executive officer shall be the clerk of the local authority for the purposes of that Act.

District councillors to be elected.  
c. 28:03

(2) The number of registered voters for a district who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(3) The amount of the personal expenses which may be incurred under section 107(2) of the Local Authorities (Elections) Act by a candidate at an election to a district council shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed three thousand dollars.

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Term of office  
of district  
councillors.  
c. 28:03

**41.** Subject to this Act the term of office of district councillors shall be three years, commencing on the 1st day of January after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the district.

### *Provisions Common to all Councillors*

Vacancy in  
office of  
councillor.

**42.** A vacancy shall occur in the office of councillor prior to the retirement of the holder at the expiration of his term of office if he—

- (a) dies;
- (b) being an elected councillor, is not qualified to be elected;
- (c) is disqualified for being or is disqualified from continuing to be a councillor;
- (d) resigns;
- (e) does not, within seven days of the commencement of his term of office, take before the clerk the oath prescribed for his office by section 44, unless his failure to take such oath within the said period is for a reason approved by the council;
- (f) is elected a member of the National Assembly.

Signification  
and filling of  
vacancy.

**43.** (1) Whenever a vacancy occurs in an office of councillor, the clerk shall report the same at the next meeting of the council and publish notice thereof.

(2) Where a vacancy occurs in the office of a councillor the provisions of section 103 of the Local Authorities (Elections) Act shall apply to the filling of the vacancy; and the person (if any) so filling the vacancy shall hold office for the unexpired portion of the term of office of the councillor whom he succeeds.

Oath of office  
of councillor.  
Second  
Schedule.

**44.** No councillor shall take part in the proceedings of a council or of a committee thereof until he has taken before the clerk the oath prescribed for his office in the form set out in the Second Schedule.

Leave of  
absence of  
councillors.

**45.** (1) A council may grant leave of absence to a councillor for any period or periods not exceeding nine months in the aggregate during his term of office.

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(2) In a case of urgency the powers of a council under this section may be exercised by the Mayor or the chairman as the case may require and the Mayor or the chairman shall report to the council at the next meeting any leave granted by him under this section.

**46.** Any councillor who, without first having obtained leave of absence, absents himself from three consecutive ordinary meetings of the council or of any committee with executive authority or of any standing committee thereof of which he is a member, or fails to attend any meeting of the council or of any such committee for a period of two months whichever period is the longer, shall become disqualified from continuing to be a councillor.

Failure to attend meetings.

**47.** A council may pay to councillors reasonable travelling and subsistence allowances at such rates as may be determined by the council with the approval of the Minister, in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Allowances of councillors.

**48.** Every councillor shall furnish the clerk with an address to which all notices shall be forwarded and shall notify him of any change of such address.

Notification of address.

### *Miscellaneous*

**49.** Every accretion from the sea, whether natural or artificial and any part of the foreshore to low water mark shall, for the purposes of this Act, form part of the council area which such accretion or part of the foreshore adjoins.

Accretions from the sea.

**50.** (1) The holder of any office to which this section applies may at any time resign that office by writing signed by him and delivered to the clerk of the council in which he holds such office.

Resignation.

(2) This section shall apply to the offices of Mayor, Deputy Mayor, chairman, vice-chairman and councillor.

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Validity of  
acts and  
proceedings.

**51.** The acts and proceedings of any person elected to any office specified in section 50(2) and performing the functions of that office shall, notwithstanding his want of qualification or disqualification, be as valid and effectual as if he had been qualified.

Allocation of  
names to parts  
of council area.

**52.** A council may allocate to any part of its council area such name or description as it sees fit, and may alter or vary any such name or description.

### PART III

#### MEETINGS AND PROCEEDINGS OF COUNCILS

##### *Meetings*

Councils to  
hold monthly  
meetings.

**53.** A council shall hold not less than one ordinary meeting every month for the transaction of general business; and such meetings shall be held at such hours and on such days as the council decides or by standing order determines.

Extraordinary  
meetings.

**54.** (1) The Mayor and the chairman may call an extraordinary meeting of the council at any time.

(2) If the Mayor or the chairman, as the case may be, refuses to call an extraordinary meeting after a requisition for that purpose signed by not less than one-third of the whole number of the councillors in office, has been presented to him, or if without so refusing, he does not call a meeting within three days after such request has been presented to him, the clerk shall forthwith call a meeting.

(3) When a requisition is made under subsection (2), a copy thereof shall be delivered at the same time to the clerk.

Notice of  
meetings.

**55.** (1) Not less than three days before any meeting of the council or not less than such shorter period as may be authorised by the Mayor or the chairman before an extraordinary meeting if he is satisfied that the urgency of the business to be transacted is such that a lesser period is

justified, a notice of the time and place of the intended meeting signed by the clerk shall be published and a copy thereof, accompanied by the agenda, shall be served on every councillor:

Provided that want of service of a copy of the notice or of the agenda on any councillor shall not affect the validity of a meeting.

(2) Except in the case of business required by this Act to be transacted at a meeting, no business shall be transacted at a meeting other than that set out in the agenda.

**56.** (1) Except as is otherwise provided in this Act the Mayor or the chairman or in his absence the Deputy Mayor or the vice-chairman shall preside at a meeting of a council. Chairman of meeting.

(2) If both the Mayor and Deputy Mayor or both the chairman and the vice-chairman are absent from the meeting, such other councillor as may be chosen by the councillors present shall preside and shall have the same powers as the Mayor or the chairman when presiding at a meeting.

**57.** No business shall be transacted at a meeting of a council unless at least one-third of the whole number of the councillors in office is present. Quorum.

**58.** (1) Except as is otherwise provided by this Act or by any other law, all acts of a council and all questions coming or arising before a council shall be done and decided by a majority of councillors present and voting thereon at a meeting. Decisions generally to be by majority.

(2) A councillor presiding at a meeting shall, in the case of an equality of votes, have a second or casting vote.

(3) Except with the consent of two-thirds of the councillors present, no motion to rescind a motion passed within the preceding six months and no motion to the same effect as any motion which has been negatived by the council within the preceding six months shall be

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considered at any meeting of a council; and no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors in office.

(4) A motion to suspend the standing orders may be made at any meeting of a council without notice and shall be voted upon without debate, but no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors present and voting.

Recording of  
votes.

**59.** On the requisition of any councillor present at a meeting of a council, the voting on any question shall be recorded by the clerk so as to show whether each councillor present gave his vote for or against that question.

### *Committees*

Standing  
Committees.

**60.** (1) The City Council shall appoint and at all times maintain the standing committees specified in Part I of the Fifth Schedule.

Fifth Schedule.

(2) The Town Council shall appoint and at all times maintain the standing committees specified in Part II of the Fifth Schedule.

(3) A district council shall appoint and at all times maintain the standing committees prescribed by the constitution order of its district.

General and  
special  
committees.

**61.** A council may appoint general or special committees for any such general or special purpose as in the opinion of the council would be better regulated and managed by means of a committee; and any such standing committees.

Chairman of  
committee.

**62.** A council may appoint councillors to be the chairman and the vice-chairman of a committee.

Appointment  
of non-  
councillors to  
committees.

**63.** A committee of a council may include persons who are not councillors but who because of their special skill or experience will, in the opinion of the council, be able to assist in the consideration of the work of the committee:

Provided that—

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(a) at least two-thirds of the members of every committee shall be councillors;

(b) no person other than a councillor shall be chairman or vice-chairman of a committee;

(c) no person other than a councillor shall be a member of either of the Finance committees mentioned in Schedule 5 or of a committee prescribed by a constitution order.

**64.** (1) A council may delegate to a committee with or without restrictions or conditions any functions exercisable by the council except the power of levying rate or borrowing money.

Delegation to committees.

(2) Unless authorised either generally or specifically by the council, a committee shall not have power to enter into any contract.

**65.** Subject to this Act and standing orders made under section 73, a committee may regulate its own procedure.

Proceedings of committees.

### *Records of Proceedings*

**66.** A council shall cause to be kept a record of the proceedings of all meetings of the council and of the committees thereof, which record shall be in the form of minutes or such other form as may be prescribed by standing orders made under section 73; and such minutes or other record if confirmed shall be signed at the next meeting of the council or of the committee, as the case may be, by the person presiding thereat, and any minute or any such other record purporting to be so signed shall be received in evidence in legal proceedings without further proof.

Form of record.

**67.** Until the contrary is proved, a meeting of a council or of a committee thereof in respect of the proceedings of which a minute or other record has been kept and signed in accordance with section 66 shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes or other record.

Effect of record.

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Inspection of  
record.

**68.** The confirmed minutes or other record of a meeting of a council or of a committee thereof shall be open at all reasonable hours to the inspection of councillors and members of committee free of charge.

### *Joint Committees*

Joint commit-  
tees.

**69.** (1) A council may concur with one or more councils in forming from among their respective councils a joint committee for any purpose in which they are jointly interested and may delegate any of the functions of the council relating to the purpose for which the joint committee is formed, except the power of levying a rate or borrowing money.

(2) The expenses incurred by a joint committee shall be defrayed by the councils by which the committee is appointed in such proportions as may be agreed.

(3) The accounts of a joint committee shall be made up to the end of the financial year and shall be subject to audit in like manner as the accounts of a council.

(4) A joint committee may regulate its own procedure.

### *Interest in Contracts*

Disability for  
voting on  
account of  
interest in  
contracts

**70.** (1) If any councillor has any pecuniary interest, direct or indirect, in any contract (which in this section shall include a proposed contract) or other matter, and is present at a meeting of a council or committee at which the contract or other matter is the subject of consideration, he shall, at the meeting as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a councillor may have as a ratepayer or inhabitant of the council area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods, is offered to the public.



(2) For the purposes of this section, a councillor shall be deemed to have an indirect pecuniary interest in a contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(3) Where a councillor has indirectly a pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed five hundred dollars so much of subsection (1) as prohibits him from taking part in the consideration or discussion of, or from voting on any question with respect to, the contract or other matter shall not apply to him, without prejudice, however, to the duty of disclosure imposed by subsection (1).

(4) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(5) A general notice given in writing to the clerk by a councillor to the effect that he or his spouse is a member of or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (5), and the book shall be open at all reasonable hours to the inspection of any councillor.

(7) If any councillor fails to comply with subsection (1), he shall be guilty of an offence, unless he proves that he did not know that a contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) A prosecution for an offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions.

(9) The City Council, as respects a City Councillor, the Town Council, as respects a Town Councillor and the Minister, as respects a district councillor may, subject to such conditions as the council or the Minister, as the case may be, may think fit to impose, remove any disability imposed by this section in any case in which the number of councillors so disabled at any one time would be so great a proportion of the whole number of councillors as to impede the transaction of business, or in any other case in which it appears to the Council or the Minister, as the case may be, that it is in the interests of the inhabitants of the council area that the disability should be removed.

(10) A council may by standing orders provide for the exclusion of a councillor, not being a councillor whose disability has been removed under the foregoing provisions of the section, from a meeting of the council or any committee whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(11) In this section—

“committee” means—

- (i) a committee of a council;
- (ii) a joint committee formed under section 69;

“councillor” includes a member of a committee who is not a councillor;

“shares” includes stock and “share capital” shall be construed accordingly.

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### *Miscellaneous*

**71.** Every councillor who is a member of a committee of a council or of a joint committee formed under section 69 shall, upon ceasing to be a councillor also cease to be a member of the committee or the joint committee, as the case may be.

Cessation of membership of committees.

**72.** The proceedings of a council, or of a committee thereof, or of a joint committee formed under section 69 shall not be invalidated by any vacancy among its number or by any defect in the election, nomination, appointment or qualification of any member thereof.

Vacancies not to invalidate proceedings.

**73.** Subject to this Act, a council may make standing orders for the regulation of the proceedings and business of the council and of the committees thereof.

Standing Orders.

## PART IV

### LOCAL GOVERNMENT OFFICERS

**74.** There shall be for the City Council the following local government officers, namely—

Officers of City Council.

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) a city engineer;
- (d) a medical officer of health;
- (e) a clerk of markets;
- (f) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

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1953 Ed.

**75.** There shall be for the Town Council the following local government officers, namely—

Officers of Town Council.

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) an engineer of electricity and water works;
- (d) a clerk of the market;

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(e) a health officer;  
(f) such other of officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

Officers of  
district  
councils.

**76.** There shall be for every district council the following local government officers—

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(a) a chief executive officer;  
(b) a chief finance officer;  
(c) such other officers as are prescribed by the constitution order;  
(d) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

Status, powers  
and duties of  
clerk.

**77.** (1) The clerk shall be the chief administrative officer of the council of which he is the clerk and shall have the general responsibility of co-ordinating the whole of the work of the council.

Sixth Schedule.

(2) In the discharge of the functions of his office the clerk shall have all the powers and duties conferred and imposed upon the clerk by or under this Act or any other law, and, in particular, but without prejudice to the generality of the foregoing, he shall have the powers and duties assigned to him by and be responsible for the matters specified in Part I of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the clerk.

(3) The clerk or other officer authorised in writing by the clerk may, subject to the general or specific directions of the council, exercise the powers of the council, and all acts done by the clerk or such officer in the exercise of those powers shall be deemed to have been done by the council.

(4) The clerk shall have power to administer all oaths required to be administered by him under this Act.

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**78.** (1) The treasurer shall be the chief financial officer of the council of which he is the treasurer and shall be primarily charged with the general responsibility for all matters of finance and accounts of the council.

Status, powers and duties of treasurer.

(2) In the discharge of the functions of his office the treasurer shall have all the powers and duties conferred and imposed upon the treasurer by this Act or any other law, and in particular, but without prejudice to the generality of the foregoing, he shall have the power and duties assigned to him by, and be responsible for the matters specified in Part II of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the treasurer.

Sixth Schedule.

**79.** (1) The emoluments and other terms of service of local government officers shall be determined by the council in which they are serving.

Emoluments and terms of service.

(2) A council may assign duties to a local government officer in its service and such local government officer shall faithfully perform and discharge all such duties.

**80.** A council may pay to local government officers in its service reasonable allowances at rates determined by the council in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Allowances.

**81.** (1) A council may grant and pay pensions, gratuities, premiums and other like allowances to local government officers on their retirement from the service of the council, and, where any officer dies while in the service of the council, to the widow of the deceased officer for the benefit of herself and his children (if any), or to the mother of the deceased officer, or to the persons selected by the council in its absolute discretion for the benefit of the widow and children, or of the mother, as the council deems desirable; and in the event of the officer leaving neither widow nor child nor mother, then the council shall pay the pension, premium or other like allowance to his heirs, executors or administrators.

Pensions.

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(2) The grant of pensions, gratuities, premiums and other like allowances under this section shall be in accordance with the conditions and rules, and shall not exceed the amount of like benefits, for the time being prescribed by law in the case of public officers.

(3) In this section “local government officer” does not include a weekly or daily paid employee who is a member of a scheme instituted pursuant to section 82.

Group Pension  
Scheme.

**82.** (1) A council may institute a Contributory Group Pension Scheme and Group Life Plan (hereinafter together referred to as “the scheme”) for the benefit of its weekly and daily paid employees and the following provisions shall apply in relation to such scheme—

(a) every weekly and daily paid employee of the council who has attained the age of twenty-one years but is under the age of fifty-five years shall join the scheme;

(b) the council shall contribute to the scheme, in respect of each employee under the scheme, such amount as from time to time constitutes the contribution of the council thereto in accordance with the terms and conditions governing the scheme;

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(c) notwithstanding the provisions of the Labour Act, the council shall have power to deduct from the wages of every employee under the scheme, such amount as from time to time constitutes the contributions of the employee thereto in accordance with the terms and conditions governing the scheme, and such amount shall be paid into the scheme.

(2) The council may make rules for the purpose of the administration of the scheme.

Obligation of  
certain officers  
of City  
Council to  
insure.

**83.** (1) Every local government officer to whom this section applies shall, not later than six months after his appointment insure his life and keep it insured for a sum not less than the minimum annual remuneration of the office which he holds, and every such officer shall, as often as he is promoted to an office of higher remuneration, effect an additional insurance on his life to the extent of the annual increase in his remuneration.

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(2) This section applies to local government officers in the service of the City Council who hold offices of a permanent nature and whose salary is not less than four hundred and eighty dollars per annum.

**84.** Every insurance effected pursuant to section 83 shall be effected in a company approved by the City Council and the class and nature of the insurance shall be subject in each case to the approval of the council.

Terms of insurance.

**85.** (1) The policy in every case of insurance effected pursuant to section 83 shall be effected when practicable in favour of the Town Clerk and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and discharged from any liability of the local government officer in respect of whom the insurance is effected.

Policy to be in favour of Town Clerk.

(2) On any change in the person discharging the duties of the office of Town Clerk no assignment shall be necessary to transfer the policy to and vest it in his successor.

**86.** (1) A sum equal to four per cent of his annual remuneration shall in each and every year be deducted by the Town Clerk by equal instalments from the remuneration of every local government officer to whom section 83 applies, and the whole amount so deducted shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected.

Payment of premiums and advances therefor.

(2) The City Council may advance to any local government officer to whom section 83 applies the whole or any part of the annual premiums on his policy to be repaid by the monthly deduction from his remuneration specified in subsection (1); and if the officer dies, retires, resigns, or is removed from office, that part of the advance which is due at the time of the cessation of his service to the council shall be deducted from any remuneration then due to him.

**87.** (1) The sum assured on the life of a local government officer to whom section 83 applies and the accumulations thereon by way of bonus or otherwise shall, on the death of the officer while in the service of the council, be received and held by the City Council and shall be absolutely freed and discharged from any claim whatsoever of any creditor of the

Receipt and application of insurance moneys.  
[19 of 1990]

deceased officer, but, after payment of any costs for receiving it, shall be paid by the council either to the spouse of the deceased officer for the benefit of that spouse and their children (if any) or to the guardians of the children (if any) for their benefit, or to his or her parents or parent, as the case may be, or to the persons selected by the council in its uncontrolled discretion for the benefit of the spouse and children or of the parents or parent as the case may be, as the council deems desirable; and in the event of the officer leaving neither spouse nor child nor parents or parent as the case may be, then the council shall pay the money to his or her heirs, executors or administrators and the receipt of any one to whom the money is paid by the council shall be an absolute discharge therefor, and the council shall not be bound to see to the application thereof, or be liable for misapplication or non-application thereof:

Provided that where payment is to be made to the parents of the officer the sum to be paid shall be equally divided between them.

(2) For the purposes of subsection (1), “children” includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Policy to be transferred on retirement.

**88.** Any local government officer to whom section 83 applies and who is insured pursuant thereto who retires, resigns or is removed from the service of the City Council shall have his policy of insurance transferred to him by the council freed from all liability or restrictions imposed by this Part, on payment to the council of any sums of money advanced to him and due by him under this Part.

Provisions for officers failing to obtain insurance.

**89.** (1) If any local government officer to whom section 83 applies fails to obtain an insurance pursuant to that section within the period therein specified, the amount of four per cent shall thereafter be deducted monthly from his remuneration and placed to his credit in the Government savings bank at the disposal of the City Council; and on his death the capital and interest at the credit of that account shall be paid in the same manner and to the same persons as is prescribed by section



87; and if the officer retires, resigns or is removed from the service of the council, the amount of capital and interest at the credit of that account shall be paid to him forthwith.

(2) The council, when the sum deposited in the Government savings bank in accordance with subsection (1) is equivalent to a sum which can be invested either in government or municipal bonds, may make investment of the sum in those bonds and hold them for the benefit of the officer, and all interest derivable therefrom shall be deposited in the Government savings bank at the disposal of the council until it amounts to a further sum which can be invested either in government or municipal bonds when it may be so invested and any further sums may from time to time be similarly dealt with.

(3) If an officer dies while in the service of the council before a sum equal to three months remuneration has been deducted pursuant to this section, the council shall make good the difference and pay the sum in the same manner and to the same persons as prescribed by section 87.

**90.** Any officer to whom section 83 applies who declines or neglects to insure his life pursuant to that section or who, after having so insured neglects or refuses to continue the policy by paying the premiums when due, or objects to the Town Clerk making the deductions authorised by section 86 from his remuneration, shall be deemed to have thereupon resigned his office and shall cease to be in the service of the City Council.

Penalty for neglect to insure.

**91.** (1) Notwithstanding section 83 no local government officer to whom that section applies shall be obliged to insure his or her life pursuant thereto, and sections 84 to 90 (inclusive) shall not apply to such officer if and so long as the City Council is satisfied that his or her life is insured for a sum of not less than the amount prescribed by section 83 in some company approved by the council, and that the insurance moneys have been or are duly secured for the benefit of his or her spouse and children, or parents or parent as the case may be, and protected from his or her debts, and he or she exhibits to the Town Clerk the receipt for the premium as and when it becomes due and is paid, or the council is satisfied that the premiums on the policy have been already paid up in full; and if at any time the council is not satisfied as to any of the aforesaid

Exemption from obligation to insure.  
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matters or the officer does not exhibit the receipt for the premium as required by this section, the officer shall, not later than such day as may be appointed by the Town Clerk and notified to that officer, insure his or her life pursuant to section 83.

(2) For the purposes of subsection (1), “children” includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Security.  
[13 of 1973]

**92.** A council shall, in the case of a local government officer in its service who by reason of his office or employment is likely to be entrusted with the control or custody of money, and may in the case of any other local government officer in its service, require him to give security by bond executed by himself as principal and two sureties, jointly and severally, or in the alternative to give a fidelity bond from an insurance company approved by the council in an amount determined by the council, for the due and faithful performance of his duties and for the due and punctual accounting of all moneys received by him for the council; and the council shall defray the cost of any expenses incurred in connection with such security bond or fidelity bond.

Accountabil-  
ity.

**93.** (1) Every person who holds or acts in a local government office shall at such times during the continuance of his office as the council in which he is serving may direct, and every person who having held or acted in such an office shall within fourteen days, of having ceased to hold such office or act therein, make out and deliver to the council in which he is or was serving, or as it directs, a true account in writing of all money and property committed to his charge in connection with his office or former office, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein and a list of persons from whom or to whom money is due in connection with his office, or former office, showing the amount due from or to each person:

Provided that the council may, if in its opinion special circumstances justify an extension of such period of fourteen days extend such period by a further period or periods not exceeding in the aggregate an additional period of six weeks.

(2) Every local government officer or former local government officer shall pay all money due from him to the treasurer of the council in which he is or was serving.

(3) If any person—

(a) refuses or neglects to make any payment which he is required by this section to make; or

(b) after three days' notice in writing signed by the clerk of the council or by two councillors thereof and delivered to him in person or sent by registered post to his last known address, neglects to deliver to the council, or as it directs any account or list which he is required by this section to make out or deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the council or as it directs,

a magistrate of the magisterial district in which the offices of the council are situated may, on complaint made on behalf of the council, by order require him to make such payment or delivery or to give such certificate.

(4) If any person fails to comply with an order made under subsection (3) he shall be guilty of an offence.

(5) Nothing in this section shall affect any remedy by action against any such local government officer or former local government officer.

**94.** (1) No local government officer shall in any way be concerned or pecuniarily interested in any bargain, contract or arrangement made by or with the council in which he is serving, other than an interest of the nature mentioned in the proviso to section 70(1). Interest in contracts.

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

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Interest in  
markets.

**95.** (1) No local government officer whose service relates to or is at any market belonging to the council in which he is serving shall have any pecuniary interest, direct or indirect, in any stand or stall in any market belonging to the council; and for the purposes of this section the interest of the wife of a local government officer living with him shall, if known to him, be deemed to be also an interest of the officer.

(2) Any local government officer who wilfully contravenes the provisions of this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Extortion.

**96.** (1) No local government officer shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

*Local Government Service Commission*

Constitution.

**97.** (1) There shall be a Local Government Service Commission consisting of a chairman, a deputy chairman and three other members; and the Commission shall have such functions as are vested in it by this Act and any other law.

(2) In the exercise of its functions, the Commission shall not be subject to the direction or control of any authority.

Appointment  
of members.

**98.** The members of the Commission shall be appointed by the President from amongst such persons as appear to him to be suitably qualified; and the President shall appoint one of its number to be chairman and another to be deputy chairman.

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**99.** No member of the National Assembly, no councillor, no local government officer, and no member of the Commission who has been removed from office pursuant to section 103, shall be appointed or continue as a member of the Commission.

Disqualifica-  
tion for  
appointment.

**100.** Every member of the Commission shall, before performing any of the functions of his office, take before the President or someone designated by him an oath of office in the form set out for his office in the Second Schedule, and the President or someone designated by him is thereby authorised and empowered to administer such oath.

Oath of office.

Second  
Schedule.

**101.** (1) The office of a member of the Commission shall, subject to the provisions of this Part, become vacant at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed.

Term of office.

(2) If a vacancy occurs in the Commission for a cause other than the retirement of a member thereof at the expiration of his term of office, the person appointed to fill the vacancy shall, subject to the provisions of this Part, hold office for the unexpired portion of the term of the member whom he succeeds.

(3) A member of the Commission shall, unless he is disqualified for appointment, be eligible for re-appointment.

**102.** A member of the Commission may at any time resign his office by writing signed by him and delivered to the President; and his resignation shall take effect upon the receipt thereof by the President.

Resignation.

**103.** (1) The President may, after due inquiry, remove a member of the Commission from office for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause whatsoever) or for misbehaviour.

Removal from  
office.

(2) The President may suspend any member of the Commission from the exercise of the functions of his office if he is satisfied that there exist grounds for considering his removal from office under subsection (1); and the President may revoke any such suspension.

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- Vacancy.      **104.** A vacancy (other than one occasioned by the retirement of a member at the conclusion of his term of office) shall occur in the Commission if a member thereof—
- (a) dies;
  - (b) is disqualified from continuing to be a member;
  - (c) does not, within fourteen days of his appointment take before the President or someone designated by him the oath prescribed for his office by section 100;
  - (d) resigns;
  - (e) is removed from office.
- Leave of absence.      **105.** The President may grant leave of absence to a member of the Commission.
- Performance of chairman's duties.      **106.** During any period when the chairman of the Commission is unable for any reason to perform the functions of his office, those functions shall be assumed and performed by the deputy chairman thereof or, if the deputy chairman is for any reason unable to perform those functions, by such other member as the President may appoint.
- Commission may act notwithstanding vacancies.      **107.** The acts of the Commission and all questions coming or arising before the Commission shall be done and decided by a majority of all the members thereof.
- Protection for acts done in good faith.      **108.** No proceedings whether civil or criminal shall be instituted against any member of the Commission in respect of any act done or omitted by him in good faith as a member of the Commission or by the Commission.
- Privilege of communications.      **109.** Except with the consent of the President, signified in writing, no person shall in any legal proceedings produce or be permitted to give evidence as to the contents or nature of any document or any oral information addressed, made to or given by the Commission.
- Annual report.      **110.** The Commission shall, not later than the 1st day of March in every year, submit to the Minister a report on its work during the preceding year; and the report shall, as soon as conveniently may be thereafter, be laid before the National Assembly.

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**111.** The President may appoint a secretary to the Commission and such other staff as may be necessary or desirable to enable the Commission to perform its functions.

Secretary and staff.

**112.** The expenses of the Commission (including the remuneration and other allowances of the members of the Commission, its secretary and other staff) shall be paid out of moneys provided by Parliament.

Expenses.

**113.** Subject to this Part, the Commission may, by rules made under section 114 or otherwise, regulate its own procedure.

Procedure.

**114.** The Commission may, with the approval of the President, make rules to provide for all matters incidental to the exercise of its functions under this Part and without prejudice to the generality of the foregoing such rules may prescribe or provide for—

Rules.  
[17 of 1988]

- (a) the regulation of the procedure of the Commission;
- (b) the recruitment, appointment and promotion of local government officers whose emoluments exceed eighteen thousand dollars per year;
- (c) offences against discipline and penalties therefor;
- (d) interdiction and suspension;
- (e) disciplinary procedure;
- (f) removal from office for offences against discipline or in the interest of local government;
- (g) the time and manner of making appeals under section 121.

**115.** (1) Any person who directly or indirectly by himself or by any other person improperly influences or attempts improperly to influence the Commission or any member thereof in any matter before it shall be guilty of an offence.

Improper influence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

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False information.

**116.** (1) Any person who gives to the Commission or any member thereof any information which he knows to be false or which he does not believe to be true, or omits therefrom any material particular, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Unauthorised disclosure.

**117.** (1) Any member of the Commission or its staff who, except with the consent of the President, discloses to any unauthorised person or otherwise than in the course of duty any information whatsoever which has come to his knowledge in the course of his duties, and any person to whom such information has been disclosed or who has otherwise obtained such information who communicates the same to any person otherwise than for the purposes of a prosecution, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

*Appointment of and Disciplinary Control  
over Local Government Officers*

Officers whose remuneration exceeds \$18,000 *per annum*.  
[17 of 1988]

**118.** (1) The power, save as otherwise provided hereinafter, to appoint persons to hold or act in any local government offices the emoluments of which exceed eighteen thousand dollars *per annum* (including the power to confirm appointments) the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the Commission.

(2) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) to any one or more members of the Commission or to a council.



(3) Before the Commission appoints to a local government office any person holding or acting in any office power to make appointments to which is vested by the Constitution in the Judicial, the Public, the Teaching, or the Police Service Commission, it shall consult with the commission in which that power is vested.

**119.** (1) The power to appoint a chief executive officer or persons to hold or act in any local government offices the emoluments of which do not exceed eighteen thousand dollars *per annum* (including the power to confirm appointments), the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the council to which such person is to be appointed or in which he holds office and, in the case of the appointment of a chief executive officer, be subject to the approval of the Minister.

Officers whose remuneration does not exceed \$18,000 *per annum*.  
[17 of 1988]

(2) A council may, by directions given in such manner as it thinks fit, delegate any of its powers under subsection (1) to any local government officer in its service.

**120.** The power to exercise disciplinary control over local government officers (including the power to remove them from office) shall be exercised by the Commission or other person or authority in whom such power is vested under section 118 or section 119 in accordance with any rules pertaining to discipline made by the Commission under section 114.

Manner of exercise of disciplinary control.

**121.** Where the power to exercise disciplinary control over any local government officer (including the power to remove him from office) has been exercised by any person or authority other than the Commission, the local government officer in respect of whom it was exercised may appeal to the Commission from the decision of that person or authority in accordance with any rules made by the Commission under section 114 pertaining to appeals under this section; and the Commission, on such appeal, shall have power to confirm, set aside or vary any finding of such persons or authority and to confirm, quash or vary (whether by increase or reduction) any penalty awarded.

Appeals.

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Appointment  
of deputies.  
[17 of 1988]

**122.** (1) Notwithstanding section 118, a council may, if there is a vacancy in any local government office, or if the holder or the person acting in that office is unable for any reason to perform the functions thereof, and if there is no local government officer authorised by law to perform those functions appoint a deputy to act temporarily in such office; and such deputy shall assume and perform those functions.

(2) Any appointment made by a council under subsection (1) to a local government office the emoluments of which exceed eighteen thousand dollars per annum shall be reported to the Commission and shall be subject to its approval.

(3) If the Commission decides not to approve an appointment reported pursuant to subsection (2), the appointment shall forthwith terminate, but without prejudice to the validity of any act previously done by the person appointed by the council.

Councillors  
disqualified for  
appointment.

**123.** No person who is a councillor shall be appointed to hold or to act in a local government office in the council of which he is a councillor; and no person who has been a councillor shall be so appointed within a period of a year after ceasing to be a councillor.

Resignation.

**124.** A local government officer may at any time resign his office by writing signed by him and delivered to the Mayor or the chairman of the council in which he is serving; and his resignation shall take effect upon the receipt thereof by the Mayor or chairman as the case may be.

Pensions not  
to be withheld  
without  
concurrence of  
commission.

**125.** (1) Where a council has a discretion—

(a) to decide whether or not any benefit to which this section applies shall be granted; or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the Commission concurs in the refusal to grant the benefits, or as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies is not fixed by law, the amount of the benefits to be granted to the person eligible shall be the greatest amount for which he is eligible unless the Commission concurs in his being granted benefits of a smaller amount.

(3) This section applies to any benefits that are or may become payable under any law providing for the grant of pensions, compensation, gratuities, premiums or like allowances to persons in respect of their service as local government officers or to the widows, mothers, children, dependants or personal representatives of such persons in respect of such service.

**126.** (1) Where an officer in the public service is seconded or temporarily transferred for duty to a local government office from a pensionable office within the meaning of the Pensions Act, section 5 of that Act shall apply to him as if his service in the council were service in a civil capacity under the Government.

Pension rights  
for seconded  
public officers.  
c. 27:02

(2) Where an officer in the public service has been transferred to any local government office, the provisions of regulation 21 of the Pensions Regulations (as contained in the Schedule to the Pensions Act) shall apply to him as if his service in the council were other public service within the meaning of that Act, not being service under any of the Scheduled Governments as defined in regulation 2 of the Pensions Regulations, and regulation 21 of those Regulations shall apply accordingly to the person so transferred.

*Town Constabulary*

**127.** (1) There shall be a town constabulary for the City and there shall be a town constabulary for the Town.

Establishment.  
[25 of 1973]

(2) The Council of a town may, with the approval of the Minister, establish a town constabulary for the town.

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Composition.  
[25 of 1973  
27 of 1997]

**128.** (1) A town constabulary shall consist of such officers, non-commissioned officers and constables as the City Council or the Town Council, as the case may be, deems necessary or desirable, who shall be local government officers in the service of the council.

(2) The officer-in-charge of the town constabulary for the City or the town constabulary for the Town, as the case may be, shall be of such rank as the Council in whose service he is, deems it necessary for the proper command and superintendence of the said constabulary.

(3) The officer-in-charge of a town constabulary for the City and his deputy shall be designated “Chief Constable” and “Deputy Chief Constable”, respectively.

Constabulary  
subject to  
directions of  
town clerk.

**129.** A town constabulary shall be subject to the directions of the town clerk as to the scope of its duties.

Oath of office.  
Second  
Schedule.

**130.** Every member of a town constabulary shall before exercising the functions of his office, take before the town clerk an oath of office in the form set out for his office in the Second Schedule.

Warrant card.

**131.** A warrant card shall be issued to every member of a town constabulary by the town clerk and shall be evidence of his membership thereof.

Uniform.

**132.** Members of a town constabulary shall be furnished by the council with uniforms and batons.

Duty to obey  
orders.  
[25 of 1973]

**133.** Every member of a town constabulary shall obey all lawful orders of his superior officers whether the same are given verbally or in writing, and shall also obey all orders made or issued by the officer in charge of the town constabulary under section 135.

Disciplinary  
offences.  
[25 of 1973  
27 of 1997]

**134.** (1) Any non-commissioned officer or constable of a town constabulary who is found guilty by the officer in charge of the town constabulary of any of the following:

(a) absence from duty without leave or good cause;

- (b) sleeping on duty;
- (c) conduct to the prejudice of good order and discipline;
- (d) cowardice in the performance of duty;
- (e) disobedience of any orders issued or made by the Superintendent under section 135;
- (f) insubordination;
- (g) being unfit for duty by reason of intoxication;
- (h) neglect of duty or orders;
- (i) in the course of duty, making a statement which is false in a material particular;
- (j) unlawful or unnecessary exercise of authority resulting in loss or injury to any person or to the council;
- (k) wilfully or negligently damaging or destroying or negligently losing any council property;
- (l) conduct calculated to bring the council into disrepute,

shall be liable to be punished by the officer in charge of the town constabulary with any one or more of the following punishments—

- (i) reduction in rank;
- (ii) caution, warning, reprimand or severe reprimand;
- (iii) forfeiture of not more than fourteen days' pay, save that, in the case of absence without leave or good cause for more than fourteen days, pay may be forfeited for a period of not more than the period of such absence from duty;
- (iv) forfeiture of any good conduct allowance;
- (v) compulsory performance of extra drills or duties;
- (vi) suspension from duty without pay for not more than fourteen days.

(2) Any non-commissioned officer or constable of a town constabulary who absents himself from duty without leave, and without an adequate excuse renders himself liable to summary dismissal from the town constabulary.

(3) Any member of a town constabulary above the rank of inspector (other than the officer-in-charge) who commits any of the acts of indiscipline mentioned in subsection (1) shall, upon the recommendation of the officer-in-charge, be charged and placed before a Select Committee of the Council to answer such charge.

(4) If the member charged, referred to in subsection (3), is found guilty he may be punished by the Committee with any one or more of the following punishments—

- (a) reduction in rank;
- (b) caution, warning, reprimand or severe reprimand;
- (c) compulsory performance of extra duties;
- (d) forfeiture of not more than fourteen days pay;
- (e) suspension from duty without pay for not more than fourteen days.

(5) Any non-commissioned officer or constable of a town constabulary may be placed under arrest if—

- (a) he is under the influence of intoxicating liquor;
- (b) he commits any act of insubordination, or uses any disrespectful language to his superior in rank;
- (c) he strikes or attempts to strike any member of the town constabulary;
- (d) he commits any criminal offence while carrying out his duties as a member of the town constabulary.

(6) Any member of the town constabulary may be placed under arrest prior to the institution of any disciplinary charge which may be brought against him.

(7) Arrest shall be of two kinds—

- (a) open arrest - where any non-commissioned officer or constable of a town constabulary is placed under open arrest, he shall be deprived of all privileges and leave until the case is disposed of and he shall attend all parades and do duties as required;

(b) close arrest - in the case of a non-commissioned officer who holds the rank of inspector, he shall be confined to his quarters under guard, and in the case of any other member below the rank of inspector, to some suitable place in the station premises other than the prisoner's cell, under guard.

(8) Whenever any member of a town constabulary is placed under close arrest, his identification card, whistle, baton, arms and ammunition shall forthwith be surrendered by him to the most senior rank on duty.

(9) No member of a town constabulary shall be placed under arrest under this section by any other member of the said constabulary who is of an inferior rank to himself.

(10) Any member of a town constabulary who is placed under close arrest for any offence of indiscipline or otherwise under this section shall not, unless the officer-in-charge so directs, be detained under close arrest for a period longer than twenty-four hours, but shall thereafter be released and placed on open arrest or on duty pending his trial.

**135.** (1) The officer in charge of a town constabulary may, with the approval of the town clerk, make orders, which shall be known as "Constabulary standing orders", prescribing or providing for—

Standing  
routine orders.  
[25 of 1973]

- (a) discipline and training;
- (b) instructions and examinations;
- (c) inspections, drills, exercises and parades;
- (d) the manner in which the duties of the constabulary shall be carried out;
- (e) the manner and form of the making of reports and other records;
- (f) the performance of any act which shall be necessary for the proper carrying out of the duties of the constabulary;
- (g) such other matters as may, in his opinion, be necessary for preventing abuse or neglect of duty and for rendering the constabulary efficient in the discharge of its duties.

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(2) The officer in charge of a town constabulary may issue orders of a routine nature, which shall be known as “Constabulary routine orders”, for the control, direction and information of the constabulary.

Disciplinary powers deemed to have been delegated.  
[25 of 1973]

**136.** The powers conferred by sections 133, 134 and 135 upon the officer in charge of a town constabulary to exercise disciplinary control over members of a town constabulary shall be deemed to have been delegated to him by the council pursuant to section 119(2).

Members of constabulary always on duty.

**137.** For the purposes of this Act, every member of a town constabulary shall be deemed to be always on duty when required to act as such and shall perform the duties imposed upon, and exercise the powers granted to him under this Act or any other law at any and every place in the City or the Town, as the case may be, in which he is serving.

Duty to deliver up warrant and uniform on leaving service.

**138.** (1) Every member of a town constabulary who leaves the Constabulary, whether in consequence of his resignation or dismissal or otherwise, shall on leaving the same deliver up his warrant card, uniform and baton and any other property of the council in which he has been serving which may be in his possession.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and may in addition to any penalty imposed pursuant to section 315 be ordered by the magistrate before whom he is convicted to pay to the council an amount equal to the value of the property.

Powers.  
[25 of 1973]

**139.** (1) Every member of a town constabulary has in relation to—

(a) any offence committed against this Act or by-laws made by the council in whose service he is for the time being;

(b) any offence committed in any place vested in, or under the control of, the council or in any public place in the council area,

all the powers and is entitled to all the privileges and immunities conferred on a police constable by any law for the time being in force.



(2) Where a town constable lays an information or makes a complaint against any person in respect of any offence against this Act or any by-laws made thereunder any member of a town constabulary not below the rank of corporal and serving in the same constabulary as the aforesaid town constable may appear before the magistrate exercising jurisdiction in the matter and has the same privileges as to addressing the magistrate and examining the witnesses adduced in the matter as the town constable who laid the information or made the complaint would have had.

**140.** Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the constabulary or induces or attempts to induce, or does any act calculated to induce, any member of the constabulary to withhold his services or to commit breaches of discipline, shall be guilty of an offence.

Causing  
disaffection.

**141.** Any member of a town constabulary who threatens or insults any other member when—

Threatening  
members.

- (a) such other member is on duty; or
- (b) such threat or insult relates to or is consequent on the discharge of duty by the members so threatened or insulted,

shall be guilty of an offence.

**142.** Any person who assaults, resists or obstructs any member of the constabulary acting in the execution of his duty, or aids or incites any person to assault or resist any such member shall be guilty of an offence.

Assaulting  
members.

**143.** Any keeper of any place for the entertainment of the public whether spirituous liquors are sold therein or not, who knowingly harbours or entertains any member of the constabulary on duty or permits any member of the constabulary to remain in such place while on duty shall be guilty of an offence.

Harbouring  
members.

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Unauthorised  
wearing of  
uniform.  
[25 of 1973]

**144.** If any person who is not a member of a town constabulary wears without the permission of the officer in charge of the town constabulary thereof, the uniform of the constabulary or any dress having the appearance, or bearing any of the distinctive marks, of that uniform, he shall be guilty of an offence.

### PART V

#### FINANCE

##### *Accounts, Receipts and Expenditure*

Financial year.

**145.** The financial year of a council shall be the period of twelve months commencing on the first day of January.

Financial  
regulations.

**146.** (1) The Minister may make financial regulations for controlling and managing financial business of councils.

(2) Without prejudice to the generality of the powers conferred by subsection (1), financial regulations may prescribe or provide for—

(a) the preparation and keeping of accounts, balance sheets, financial statements and abstracts of accounts;

(b) the regulation of the procedure and duties of committees appointed for regulating and controlling the finances of councils;

(c) the purchase of stores and equipment and the custody and issue thereof;

(d) the receipt, transmission and safe custody of cash;

(e) the preparation and submission of estimates;

(f) the expenditure which may be incurred in a financial year before approval of the estimates for that year;

(g) the procedure for borrowing;

(h) advances to local government officers;

(i) the procedure in relation to tendering and acceptance of contracts;

and such financial regulations may be made either generally or otherwise.

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(3) Financial regulations may prescribe the form of any account, notice or other document.

**147.** Proper books of account shall be kept by a council in accordance with financial regulations. Books of account.

**148.** (1) The revenues of a council shall consist of all moneys received by the council from any source whatsoever, except moneys received by way of loan and shall be credited to the general rate fund of the council. Revenues of councils; general rate fund.

(2) All expenditure of a council other than that financed by loan shall be discharged from the general fund.

(3) Separate accounts shall be kept of receipts carried to and payments made out of the general rate fund—

- (a) for general purposes;
- (b) for each special purpose.

**149.** Moneys received by a council by way of loan shall be credited to the loan fund of the council. Loan fund.

**150.** All moneys received by or on behalf of a council shall be delivered to the treasurer who shall deposit them with a bank approved by resolution of the council. Moneys to be paid into approved bank.

**151.** All payments on account of a council shall be made by the treasurer in pursuance of an order signed by two councillors who are members of the Finance Committee and who are authorised by the Finance Committee in that behalf; and all cheques for payment of moneys shall be signed by the treasurer and countersigned by the clerk or such other local government officer as may be authorised by the council on that behalf or any member of the Finance Committee: Payments to be made under order signed by councillors. [17 of 1988]

Provided that the following payments may be made out of the general rate fund without an order, that is to say—

- (a) payments made in pursuance of section 22;
- (b) payments of allowances to councillors;

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(c) payments of emoluments and allowances to any local government officer in the service of the council (other than daily or weekly paid employees);

(d) payments not exceeding two thousand dollars in relation to services provided for in the estimates.

Moneys  
received for  
special  
purpose.

**152.** No moneys standing to the credit of a special purpose account shall be used for any purpose other than that for which they have been provided.

### *Investments and Insurance*

Investment of  
funds.

**153.** A council may invest any of its moneys in such manner as the council may approve.

Insurance.

**154.** A council may insure—

(a) all or any of its movable or immovable property against risks of any kind and may also insure councillors, local government officers in its service and any other persons against loss of life or injury suffered whilst performing any duty on behalf of the council;

(b) against any liability to any person in connection with any of its property or through any action or default of any local government officer in its service or any other person;

(c) against any loss of money or securities arising out of or caused by the negligence or wilful act of any of its local government officers or any other person.

### *Estimates*

Estimates of  
the City  
Council and  
the Town  
Council.

**155.** (1) The City Council and the Town Council shall, not later than the fifteenth day of November in every year, cause to be submitted to them estimates of the revenues and expenditure of the council for the next financial year.

(2) Copies of the estimates approved by the Council shall be submitted to the Minister and copies shall be open for public inspection at its offices and notice thereof shall be published by the Council; and the notice shall refer to the right of inspection.

**156.** (1) The City Council and the Town Council shall, not later than the thirty-first day of March in every year submit to the Minister a report in writing containing an account of all moneys received, expended and applied during the preceding financial year.

Annual report by City Council and Town Council.

(2) Copies of the report shall be open for public inspection at the offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

**157.** A town council or a district council shall, not later than the fifteenth day of November in every year, cause to be prepared and shall submit to the Minister for his approval estimates of the income and expenditure of the council for the next financial year.

Submission of estimates by town councils or district councils.  
[25 of 1973]

**158.** (1) The Minister may approve the estimates of a town council or a district council either as submitted or, after affording the council an opportunity to make representations, with such variations or amendments as he thinks fit to make thereto.

Approval of estimates of town councils or district councils.  
[25 of 1973]

(2) The approved estimates of a town council or a district council shall be open for public inspection at the offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

**159.** The estimates of a council shall be in such form and set out such information as is prescribed by financial regulations.

Form of estimates.

**160.** A council may, in respect of any portion of a financial year that may have elapsed before approval of its estimates for that year, expend provisionally such sums as may be generally or specially authorised by financial regulations.

Expenditure prior to approval of estimates.

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Expenditure  
subsequent to  
approval.

**161.** After the estimates of a council have been approved, such council shall not, except as permitted by financial regulations—

- (a) incur, in the financial year to which they relate, any expenditure which is not provided for therein;
- (b) use any sum included therein under any head of expenditure for another head of expenditure:

Provided that the council may utilise any saving under one sub-head of expenditure for the purpose of meeting any excess of expenditure under another subhead of the same item of expenditure.

Supplemen-  
tary estimates.  
[25 of 1973]

**162.** (1) If it appears to the City Council or to the Town Council after the commencement of any financial year that insufficient provision has been made in the estimates for that year, such council may, not later than the thirty-first day of May in that year, cause to be submitted to it supplementary estimates of income and expenditure for that year; and if it so appears to a town council and a district council, it may, not later than the said day prepare and submit to the Minister for his approval supplementary estimates of income and expenditure for that year.

(2) Section 155(2) and section 159 shall have effect in relation to supplementary estimates of the City Council and of the Town Council as they have in relation to estimates caused to be submitted to them under section 155; and sections 158 and 159 shall have effect in relation to the supplementary estimates of a town council and a district council as they have in relation to estimates prepared and submitted under section 157.

Write-off.

**163.** A council may not authorise the writing-off of sums payable to the council or of deficiencies of cash or stores except upon grounds prescribed by financial regulations and of amounts not exceeding the amounts thereby prescribed.

*Grants*

**164.** (1) There may be paid to councils out of moneys provided by Parliament grants, in respect of any expenditure incurred or to be incurred by them in discharging any of their functions, of such sums as the Minister may direct and subject to such terms and conditions as he may determine; and different sums may be paid, subject to different terms and conditions, to different councils. Grants.

(2) Every application to the Minister by a council for a grant shall be submitted in accordance with financial regulations.

*Loans*

**165.** A council may, with the approval of the Minister, borrow sums of money for any of the following purposes— Purposes for which money may be borrowed.

- (a) for acquiring any land which the council has power to acquire;
- (b) for erecting any building which the council has power to erect;
- (c) for the execution of any permanent work, the provision of any plant or the doing of any other thing which the council has power to execute, provide or do, if it is desirable that the cost of defraying that purpose should be spread over a term of years;
- (d) for any other purpose for which the council is authorised under any law to borrow.

**166.** (1) Every application to the Minister by a council for his approval to borrow money shall be submitted in accordance with financial regulations. Application.

(2) When any application is submitted to the Minister for his approval to borrow money the council shall publish notice thereof and such notice shall set out the amount proposed to be borrowed, the purpose for which it is sought to be borrowed, the mode of borrowing, and the proposed basis of repayment; and shall also state that any person

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wishing to object to such application shall forward his objections with the reasons therefor in writing to the Minister before a day specified in such notice.

(3) Before making his decision upon an application for approval to borrow money the Minister shall consider any objections received by him.

Mode of  
borrowing.

**167.** Where approval is given to a council to borrow money, it may borrow from the Government or from any other source approved by the Minister, and may raise the money by mortgage of the rates or any other property of the council.

Issue of bonds.

**168.** (1) Where approval is given to the City Council or the Town Council to borrow money it may raise the money by issue of bonds.

(2) Bonds issued by the City Council or the Town Council shall be in such form, for such amounts and at such rate of interest, and be redeemable at the time and in the manner decided by the council with the approval of the Minister.

Replacement  
of defaced  
bonds.

**169.** If any bond issued by the City Council or the Town Council is accidentally defaced, the Council may cancel the defaced bond and may cause a new bond to be made and delivered to the bearer; and the new bond shall bear the same number, date and principal sum, carry the same interest and be subject to the same rules as the original bond.

Replacement  
of lost bonds.

**170.** The City Council or the Town Council, on proof to its satisfaction that any bond issued by it has by accident been lost or destroyed before being paid off, may, if the number and the amount of the bond are ascertained, and upon being furnished with due security for indemnifying the council for any loss to which it may at any time be subjected by reason thereof, issue a new bond corresponding in all respects with the bond so lost or destroyed or, if any bond when so lost or destroyed is overdue, the council may cause the money thereon to be paid off and discharged.



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**171.** All moneys borrowed by a council with the approval of the Minister and all interest and other sums payable in respect thereof shall be charged indifferently upon the revenues and assets of the council.

Charge upon revenues.

**172.** Where any moneys are borrowed by a council with the approval of the Minister, the following provisions shall apply—

Repayment.

(a) the council shall set apart each year from its revenues and assets, in addition to the interest payable, such a proportionate part of the capital sum as will be sufficient in the aggregate to pay the capital as and when it becomes due;

(b) the amount to be set apart each year for the repayment of the capital sum shall be an equal proportion of that sum;

(c) where bonds have been issued by the City Council or the Town Council and the sum set apart each year cannot be immediately applied to the redemption of the bonds, it shall be invested by the council until, with the accruing interest, it can be so applied:

Provided that when determining the amount to be set apart each year, if any allowance is made for interest to accrue on the sums to be invested, the interest to be obtained shall not be estimated at a higher rate than five per cent *per annum*.

**173.** (1) A council may, without the approval of the Minister, borrow by way of temporary loan on overdraft from a bank or otherwise, any sums which it may temporarily require—

Temporary loans.

(a) for defraying expenses pending the receipt of revenues;

(b) for defraying expenses pending the receipt of a loan which has been approved by the Minister for defraying such expenses.

(2) Interest charged upon any temporary loans under this section shall be paid out of the general rate fund of the council.

(3) A council shall not, under this section, temporarily borrow a sum or sums which in aggregate at any time exceed one-quarter of its estimated revenue for the financial year.

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Charge of loan to head of expenditure.

**174.** When money is borrowed to meet any expenditure of a council which is chargeable to a particular head of expenditure, there shall be debited to that head of expenditure all sums required for repayment of the loan, and for payment of interest thereon.

Repayment of balance of loan.

**175.** The balance of any loan which is not required for the purposes for which it was obtained shall be repaid immediately.

Additional payments.

**176.** In addition to any normal repayment in respect of any loan, a council may make additional payments out of its ordinary revenue towards the reduction of that loan.

### *Audit*

Accounts to be audited annually.

**177.** (1) All accounts of a council shall be made up yearly to the end of the financial year to which they relate by the treasurer of the council and shall be so made up not later than four months after the end of such year and shall be audited by the auditor as soon as practicable.

(2) If a treasurer neglects to make up the accounts as required by subsection (1), he shall be guilty of an offence.

Notification of date of audit.

**178.** The auditor shall give the treasurer one month's notice in writing of the date on which he intends to commence the audit of the accounts of the council.

Deposit of accounts.

**179.** The treasurer shall, not later than seven days before the date of the commencement of the audit, deposit all accounts duly made up, together with all books and documents relating thereto, in the appropriate office of the council where they shall, until the commencement of the audit, be open at all reasonable hours to the inspection of all persons interested; and any such person shall be at liberty to make copies of or extracts from the deposited accounts, books and documents.

Unauthorised alteration of deposited accounts.

**180.** If the treasurer, except with the consent of, or in accordance with directions given by the auditor, alters or allows the accounts, books and documents to be altered, when deposited, he shall be guilty of an offence;

and any person who, having the custody of the accounts, books and documents so deposited, refuses to allow inspection thereof shall likewise be guilty of an offence.

**181.** The treasurer shall, not later than fourteen days before the date of the commencement of the audit, publish notice thereof; and such notice shall refer to the right of inspection by every person interested, and shall also state that such person may appear before the auditor and make representations as to the correctness or legality of the accounts, books or documents deposited, or any entry therein.

Notice of audit.

**182.** The treasurer shall prepare a financial statement of the accounts of the council in such form and with such number of copies as may be prescribed by financial regulations and shall submit the statement to the auditor at the commencement of the audit.

Financial statement.

**183.** (1) During the audit, the auditor may take evidence and examine witnesses upon oath (which oath the auditor is hereby empowered to administer), and may, by writing under his hand, summon any person to appear before him at a time and place stated and to produce all such accounts, books and documents as he may consider necessary for such examination; and if any person so summoned is not a local government officer he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

Evidence at audit.

(2) Any person who, when so required, without reasonable excuse—

- (a) neglects or refuses to comply with the terms of a direction given under subsection (1); or
- (b) having appeared, refuses to be examined on oath or affirmation,

shall be guilty of an offence.

(3) The auditor may require any person at the audit to make and sign a declaration as to the correctness of any account, book or document, and if any person knowingly makes or signs any such

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c. 8:01      declaration which is untrue in any material particular, he shall be guilty of an offence and shall be liable on conviction on indictment to the same punishment as for perjury, under section 325 of the Criminal Law (Offences) Act; and where a person, without reasonable excuse refuses to make or sign a declaration under this subsection, he shall be guilty of an offence.

Powers of  
auditor.

**184.** In carrying out an audit, the auditor shall have power—

(a) to retain possession of any book or document until the completion of the audit, or if there is any question as to the propriety or legality of any transaction supported by any document or recorded in any book aforesaid, he may retain possession thereof, until such time as the propriety or legality of the transaction has been established or otherwise;

(b) to seal any safe, cabinet or other furniture used by the council for the safe keeping of any cash, book or document; and where any person tampers with or wilfully breaks any seal so affixed by the auditor, he shall be guilty of an offence;

(c) to adjourn any audit.

Right of  
objection.

**185.** A person interested may in person or by his representative at the audit make objection to the accounts or to any book or document before the auditor.

Disallowance  
and surcharge.

**186.** (1) At every audit the auditor shall—

(a) disallow every item of account which is contrary to law;

(b) surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;

(c) surcharge any sum which has not been brought into account upon the person by whom the sum ought to have been brought into account;

(d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;

(e) on the conclusion of the audit, certify—

- (i) any disallowance under paragraph (a);
- (ii) the amount due from any person upon whom he has made a surcharge;
- (iii) his allowance of the accounts subject to any disallowance or surcharge which he may have made;
- (iv) the amount of expenditure audited and allowed.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section if it arises from failure through neglect or default to levy or collect rates.

**187.** Within one month of the completion of the audit of the accounts of a council, or as soon as practicable thereafter, the auditor shall report on the accounts audited and shall send the report to the council and a copy thereof to the Minister.

Auditor's  
Report.

**188.** Upon receipt by a council of the report of the auditor, the treasurer thereof shall—

Notification of  
surcharge.

- (a) give notice to any person who has been surcharged;
- (b) deposit a copy of the report in the appropriate office of the council, where it shall be open to inspection at all reasonable hours for a period of twenty-eight days by any person interested;
- (c) publish a notice that the audit has been completed and that the report of the auditor is open to inspection by persons interested for a period of twenty-eight days at the offices of the council.

**189.** A council shall take the report of the auditor into consideration at the next ordinary meeting of the council, or as soon as practicable thereafter.

Council to  
consider  
report.

**190.** Any person who is aggrieved by a decision of the auditor on any matter with respect to which he has made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, within six weeks of the date of the decision, disallowance or surcharge, appeal to the Minister.

Right of  
appeal.

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Power on  
appeal.

**191.** (1) The Minister, on an appeal under section 190, shall have power to confirm, quash or vary the decision of the auditor and to remit the case to him with such directions as the Minister thinks fit for giving effect to the decision on appeal; and if the decision of the auditor is quashed, or is varied to reduce the amount of a surcharge to one thousand dollars or less, the appellant shall not by reason of the surcharge be subject to the disqualification made by section 40 of the Local Authorities (Elections) Act.

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(2) Where an appeal is made to the Minister under section 190, the Minister may at any stage of the proceedings state, in the form of a special case for the opinion of the court, any question of law arising in the course of the appeal.

Applications  
for relief.

**192.** (1) In the case of a surcharge, the person surcharged may, whether or not he appeals under section 190, apply to the Minister for a declaration that in relation to the subject-matter of the surcharge he acted reasonably or in the belief that his action was authorised by law and the Minister, if satisfied there is proper ground for so doing, may make a declaration to that effect.

c. 28:03

(2) Where a declaration is made under subsection (1) by the Minister, the person surcharged, if by reason of the surcharge he is subject to the disqualification imposed by section 40 of the Local Authorities (Elections) Act, shall not be subject to that disqualification; and the Minister may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge.

Personal  
hearing.

**193.** (1) Where an appeal under section 190 or an application under section 192 is made to the Minister, the appellant or applicant shall be entitled, if he so desires, to a personal hearing by a person appointed by the Minister for the purpose.

(2) Where such an appeal or application is made the appellant or the applicant, as the case may be, shall be entitled to be represented by counsel or solicitor.

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**194.** Every sum certified by the auditor to be due shall be paid to the treasurer of the council within one month after it has been so certified, or, if an appeal under section 190 or an application under section 192 has been made within that period with respect to that sum, within one month after the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Payment of  
sums due.

**195.** (1) Proceedings for the recovery of any sum certified by the auditor to be due shall be commenced as soon as such sum has become payable.

Recovery.

(2) In any proceedings for the recovery of a sum certified by the auditor to be due, a certificate signed by the auditor shall be conclusive evidence of the facts certified and a certificate signed by the treasurer that the sum certified to be due and payable has not been paid to him shall be *prima facie* evidence of non-payment thereof; and unless the contrary is proved, a certificate purporting to be signed by the auditor or by the treasurer shall be deemed to have been signed by the auditor or the treasurer, as the case may be.

**196.** The Minister shall make and may amend or vary a scale of charges payable by councils in respect of the duties imposed upon and performed by the auditor and the charges shall be paid to the Accountant-General within one month after the date of the completion of the audit.

Charges of  
audit.

**197.** Any expenses or costs, incurred in the defence of any allowance, disallowance or surcharge made by the auditor shall, so far as not recovered from any other party and except so far as may otherwise be ordered by the Minister, be paid by the Council.

Costs of  
appeal.

**198.** (1) The Minister may at any time request the auditor to hold an extraordinary audit of any accounts of a council; and a council may at any time and at their own expense request the auditor to hold an extraordinary audit of any of their accounts.

Extraordinary  
audit.

(2) An extraordinary audit held under this section shall be deemed to be an audit for the purposes of this Part and the provisions of this Part other than those requiring the preparation and submission of

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a financial statement of the accounts and the deposit of the accounts together with any book or document relating thereto for inspection and the giving of notice thereof, shall apply accordingly.

Inspection.

**199.** Without prejudice to the other provisions of this Part, the auditor shall have power at any time to inspect any account, book or document of and to make a check of any bank account and cash balances held on behalf of a council and in carrying out any such inspection shall have the powers set out in section 184 (a) and (b).

Internal audit.

**200.** A council may, and when so directed by the Minister shall, in consultation with the auditor, make arrangements for a regular system of internal audit which shall be in addition to the audit hereinbefore provided for in this Part.

Interpretation.  
[18 of 1977]

**201.** In this Part—

“the auditor” means—

- (i) the Auditor-General;
- (ii) a public officer authorised in that behalf by the Director of Audit;

“person interested” means—

- (i) any registered voter for the council area;
- (ii) any other person having any pecuniary interest in the accounts of the council arising from a contract or otherwise.

## PART VI

### RATING

Rating area.  
[13 of 1973  
25 of 1973]

**202.** Each council area forms one rating area.

Rating  
authority.

**203.** Every council shall be the rating authority for, and shall have power to make and levy rates within, each rating area in its council area.



**204.** Every council shall, for each rating area within its council area, make and levy for each rating period a general rate, which shall be sufficient to meet the expenditure estimated to be incurred by the council in carrying out its functions under this Act during the rating period.

Power to levy a general rate.  
[25 of 1973]

**205.** Where it appears to a council that revenue from a general rate levied under section 204 is likely to be insufficient to meet the expenditure to be incurred in any rating area within the council area during the rating period and during that part of the next subsequent rating period before the rates in respect thereof become payable, it may, after compliance with the provisions of section 162, make and levy a supplementary rate for that rating area in respect of the second half of the rating period in the same manner as is provided for the general rate.

Power to levy supplementary rate.

**206.** (1) Every general or supplementary rate for a rating area shall be at a percentage on the value of property in the valuation list for the time being in force in the rating area.

Rates to be a percentage.  
[25 of 1973  
16 of 1992]

(2) A council may make and levy—

(a) a separate rating percentage on the value of land and of any building or other erection thereon;

(b) having regard to the purpose for which the property is actually used or occupied, or if not actually used or occupied, the purpose for which it is reasonably suited, if the council thinks it justifiable in view of all the circumstances to do so—

(i) a different rate percentage on the value of property or part thereof in the same part of the rating area (even in respect of adjacent properties) or in different parts of the rating area;

(ii) a different rate percentage on the value of different parts of the same property whether or not separately assessed; but where different parts of the same property are not separately assessed the Chief Valuation Officer shall apportion the value of each part to enable the Council to make and levy the rate:

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Provided that the exercise by a council (other than the City Council or the Town Council) of the power conferred upon it by this subsection shall be subject to the approval of the Minister.

(3) In this part “rate percentage”, in relation to the rental value of property or part thereof, includes a rate percentage representing a multiple of the annual rental value of the property or part thereof.

Reference to  
new valuation  
lists.

**207.** Where a new valuation list is to come into force in a rating area, a council may make a rate by reference to that list for the rating period beginning with the day on which the list is to come into force or the following day, notwithstanding that the list is not in force at the time when the rate is made, and references to the list in force for the time being shall be construed as references to the new list.

Date for fixing  
of rate  
percentage.  
[O. 36/1979]

**208.** (1) A council shall fix the percentage of a general rate for a rating area not later than the day preceding the commencement of the rating period.

(2) A council shall fix the percentage of a supplementary rate for a rating area not later than the day preceding the commencement of the second half of the rating period.

(3) Where the Minister is satisfied that it is impracticable for a council to comply with the provisions of this section he may, at any time by order, vary the days specified in subsection (1) and subsection (2); and a rate percentage fixed within such extended period shall have effect as if it had been fixed not later than the day or days so specified.

Publication of  
rate percent-  
age.

**209.** Notice of every rate percentage shall be published in the *Gazette* and in a newspaper by the council forthwith after the fixing thereof, and rates shall not be leviable until such notice is given.

State prop-  
erty.

**210.** All property owned by the State within a rating area and occupied by, or utilised by, or occupied under the authority of, the State, as the case may be, shall be liable and subject to rates as is property owned by private persons.

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**211.** (1) The owner of a property shall be liable for the payment of rates levied thereon.

Liability for  
payment of  
rates.

[6 of 1997]

(2) The person whose name appears in the valuation list shall, for the purposes of this section, be deemed to be the owner of the property listed against his name until the contrary is proved to the satisfaction of the council.

(3) Where a property in a valuation list is sold or transferred whether by instrument or operation of law or otherwise, the purchaser or transferee shall, within three months after such sale or transfer, give notice in writing and produce the instrument of sale or transfer to, the council; and any person who fails to give such notice or produce such instrument of sale or transfer shall be guilty of an offence, and on summary conviction be liable to a fine of six thousand five hundred dollars.

(4) Where the names of two or more persons appear in the list in respect of any property, the council may designate any one of those persons as owner, and such person shall be deemed to be the sole owner for the purposes of this section.

(5) Where the owner of a property cannot be found, the person in occupation of the property, or where there are two or more persons in occupation, any one of such persons may be designated as owner by the council and such person shall be deemed to be the owner for the purposes of this section.

(6) Where, under the provisions of this section, a joint owner or joint occupier has paid more than his share of rates, he may irrespective of the amount, recover as a civil debt under the Summary Jurisdiction (Petty Debt) Act from the other joint owners or joint occupiers who have paid or contributed less than their share, the amount of the excess together with any costs and interest paid by him.

c. 7:01

(7) Where property owned by the State is held under a lease or is occupied or used under a licence or permission the tenant, licensee or permittee shall be deemed to be the owner thereof for the purposes of this section:

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Provided that proceedings for rate recovery by way of parate execution shall be exercised only in regard to the right, title and interest of the tenant, licensee or permittee.

(8) In this section the term joint owner includes two or more persons who hold a lease, licence, or permission in and over one property.

Right of  
recovery.

c. 7:01

**212.** Where any rate or instalment thereof or any interest due thereon is paid by a person deemed to be owner under section 211, other than subsection (7) thereof, he may irrespective of the amount, recover any sum so paid, together with interest and costs from the owner of the property either as a civil debt under the Summary Jurisdiction (Petty Debt) Act, or by deduction of rent due by him to the owner:

Provided that nothing in this section shall affect any agreement between a tenant and his landlord regarding payment of rates and no such agreement shall derogate from any provision of this Part relating to the recovery of rates.

Exemption of  
certain  
properties.

5 of 1966A

**213.** No rates shall be levied in respect of the following properties—

- (a) property used solely for the purposes of public religious worship;
- (b) property used exclusively for the purposes of education;
- (c) property used for the purposes of a burial ground, cemetery or crematorium;
- (d) buildings exempted by the City Council under the Georgetown (Taxation and Rating Concessions) Ordinance, 1966 (which expired in 1969);
- (e) property used for two or more of the purposes specified in the preceding paragraphs.

Power to  
exempt owners  
of certain  
properties.

**214.** (1) A council shall have power to exempt from liability to pay rates either wholly or in part, in respect of the properties listed in this section, the owners of—

- (a) any property used for the advancement of religion, education or social welfare, not with a view to profit;

(b) any property used mainly for the purpose of open air games or of open air athletic sports and occupied by a club, society or other organisation which is not established or conducted with a view to profit;

(c) property used exclusively for the purposes of a hospital, dispensary or public health institution,

where the council is satisfied that liability to pay the whole of the rates would seriously prejudice the successful attainment of the objects or purposes for which the organisation, club or society exists.

(2) The Minister may by order designate any other property in respect of which no rates shall be payable.

**215.** (1) The rates due in respect of a general rate shall be payable in four equal instalments which shall become due on the first day of February or on the day of service of the demand note, whichever day is later, the first day of April, the first day of July and the first day of October.

Due dates for  
payment of  
rates.  
[25 of 1973  
17 of 1988]

(2) The rates due in respect of supplementary rate shall be payable in two equal instalments which shall become due on the first day of July or on service of the demand note, whichever day is the later and the first day of October.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of any general or supplementary rate when the whole of such rates is paid within such period prior to the due date for payment of the first instalment thereof as may be fixed by the council from time to time.

(4) All rates shall be paid to the office of the council or such other place as may be signified by notice published by the council.

(5) A ratepayer may make payments on account of instalments of rates before such instalments are due.

(6) Anything in subsections (1) and (2) to the contrary notwithstanding the Minister may for good and sufficient cause shown to him, by notice published in the *Gazette* and in a newspaper circulating in Guyana, prescribe other dates on which the instalments of a general or supplementary rate shall become due and payable.

Demand notes.

**216.** (1) As soon as practicable after notice of making of a rate has been published, the amount of rates payable in respect of any property shall be demanded from the person who was the owner of such property on the day on which the rating period commenced:

Provided that in the case of a property which becomes liable to be rated from a day after the commencement of the rating period, the demand shall be made upon the person who was the owner of the property on the day on which the assessment in respect thereof takes effect under section 228, and shall be served within one month after that day.

(2) Where section 211(2), (4), (5) and (7) apply in relation to any property, it shall be sufficient compliance with this section to demand the rates due in respect thereof from the person deemed to be the owner of the property for the purposes of that section.

(3) Where rates are due in respect of contiguous properties in the same ownership, the council may issue one demand note in respect thereof, which shall be accompanied by a statement of the sums due on each property.

(4) Every demand note shall be served as hereinafter provided, and shall contain, in addition to a statement of the amount demanded, the following particulars—

- (a) the description of the property in respect of which the demand is made;
- (b) the assessed value of the property;
- (c) the rate percentage;
- (d) the rating period;
- (e) the days on which instalments are due;

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- (f) the office or place at which the amount demanded is to be paid;
- (g) reference to interest chargeable under section 218;
- (h) reference to discount allowable under section 215;
- (i) an analysis of the expenditure on the principal services of the council for the rating area as included in the approved estimates.

**217.** Where any instalment of rates is not paid within thirty days from the day on which it becomes due, default shall be deemed to have been made in the payment thereof.

Default in  
payment.

**218.** (1) A council shall be entitled to charge interest on any instalment outstanding, from the day of default until the debt is discharged, at such rate as it may decide, being not less than one per cent in excess of the rate at which the council might have borrowed from its bankers on the day the rates became due.

Interest on  
arrears.

(2) The remedies for recovery of rates shall apply to any interest which becomes payable under the provisions of this section.

**219.** (1) Where a period of three months has elapsed after default under section 217 has occurred, the clerk of the council shall as soon as practicable thereafter institute proceedings for the recovery of the rates.

Proceedings  
for recovery.  
[13 of 1973]

(2) The clerk shall report to the council on action taken by him under subsection (1).

(3) All proceedings under this section shall be in the name of the council.

**220.** Rates shall be recoverable from the person liable for the payment thereof—

Remedies.  
[13 of 1973]

- (a) as a civil debt, irrespective of the amount, under the Summary Jurisdiction (Petty Debt) Act;
- (b) by distraint under section 221 on movable property of the person liable, whether such movable property is situated on the property in respect of which the rates are due or elsewhere;

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(c) by parate execution under section 222, where the property in respect of which the rates are due is immovable property.

Distrain.

**221.** (1) Where movable property is liable to distraint for rates, the clerk of the council shall serve on the person liable for the payment thereof a notice which shall set out the amount of rates remaining unpaid and shall state that if such amount is not paid within fourteen days, proceedings by way of distraint will be commenced.

(2) If payment is not made within fourteen days after the notice is served under subsection (1), the clerk of the council shall make application to the magistrate of the magisterial district in which the offices of the council are situate for a warrant of distress, and the magistrate, upon the production of a copy of the notice together with proof of service, shall grant a warrant of distress under and by virtue of which the movable property may be levied on and sold for the amount of the rates together with costs.

(3) Where notwithstanding the provisions of this Act, any movable property levied on and sold under this section is the property of a person not being the person who is liable for the payment of the rates, the owner of the movable property shall be entitled to recover from the council the full value of the property so distrained, with costs.

Seventh  
Schedule.  
c. 7:01

(4) All warrants of distress issued under this section shall be in the form set out in the Seventh Schedule and shall be executed in the same manner as warrants of distress issued by a magistrate under the Summary Jurisdiction (Petty Debt) Act, and the fees for the process shall be the same as would apply to proceedings under that Act.

Parate  
execution.  
[1 of 1972  
17 of 1988  
6 of 1997]

**222.** (1) Where rates are due in respect of any property, and the remedy of distress is not available against the person liable for the payment of such rates, or where it has been used and has proved insufficient, the clerk of the council shall institute proceedings by way of parate execution.



(2) Where a person owns two or more immovable properties on which rates are due, proceedings under this section may be instituted against any one of those properties and the whole of the rates due from the owner of such properties together with costs, shall be taken from the proceeds of sale of such property, but without prejudice to further proceedings against the other property, should the proceeds of sale not realise a sufficient sum to meet the whole of such rates and costs.

(3) Before any property is put up for sale in pursuance of the proceedings brought under this section the property shall be valued by the Chief Valuation Officer appointed to value property for rating purposes under the Valuation for Rating Purposes Act.

c. 28:04

(4) A reserve price based on the price of the property fixed by the Chief Valuation Officer below which, subject to the other provisions of this section, the property shall not be sold, shall be fixed by the Registrar.

(5) The sale of the property shall be advertised by the Registrar in three issues (as far as possible in consecutive issues) of at least one newspaper having circulation in Guyana, on a conspicuous part of the property and on the notice board of the Court or office where the auction is proposed to be held and the advertisement shall contain--

- (a) a description of the property with its location;
- (b) the reserve price of the property;
- (c) the date, time and place of the sale;
- (d) any other matter that may be prescribed by the Minister by regulations.

(6) The Registrar shall give a minimum of one week's notice to the Central Housing and Planning Authority established under the Housing Act of the date and time of every sale of property at auction for the recovery of rates.

c. 36:20

(7) The sale of the property shall not take place until the expiry of at least three days from the date of the last advertisement as provided for in this section.

(8) The Registrar shall in the first instance restrict the bidding to a bidder who furnishes proof by affidavit to the Registrar that he or any member of his family does not own a house or a housing plot or who furnishes proof that though he owns a house or a housing plot such house or housing plot is far removed from the location of his place of employment or business, and that he wants the property he is bidding for as a residence or for business:

Provided that if there is no such bidder willing to purchase the property at a price equal to or higher than the reserve price, and there are other bidders, who are willing to do so the Registrar may allow those other bidders to bid at the said auction.

(9) In subsection (8) “family” means the person, his spouse and minor children (whether born in or out of wedlock).

(10) If in connection with the sale of any property under this section any person files an affidavit under subsection (8) which is false in any material particular he shall be liable to a fine of fifteen thousand dollars and imprisonment for one year, and if he is the purchaser of the property the sale shall be set aside.

(11) On the day fixed for sale of the property if there are no buyers or if all the biddings fall below the reserve price, on a request made therefor by the Central Housing and Planning Authority established under the Housing Act, the Registrar shall sell the property at the reserve price to that Authority and notwithstanding anything contained in the Housing Act the aforesaid Authority shall have power to purchase the property under this section:

c. 36:20

Provided that if the Central Housing and Planning Authority does not request to purchase the property, the sale shall be postponed to a date to be fixed by the Registrar, which shall be not later than twenty-one days from that day and thereupon the sale shall be re-advertised in the same manner provided for in subsection (5) and the property sold by the Registrar to the highest bidder without reserve.

(12) If before, or on the date of the sale at any time before the sale is completed, the owner of the property or any other person authorised by him to do so produces before the marshal conducting the

sale a certificate from the treasurer of the council stating that a sum equivalent to the amount of rates and interest due thereon up to the day of the sale, as certified by the treasurer of the council, together with costs, including costs of the proceedings related to the sale, has been paid to the treasurer, the marshal shall cancel the proposed sale.

(13) The Provisions of subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (14) shall apply to parate execution under this section notwithstanding any other law to the contrary.

(14) The Minister may by regulations make provision with respect to all or any of the following matters—

- (a) the matters to be taken into account in valuing any property for the purposes of this section;
- (b) subject to the provisions of this section and the rules of the High Court, the procedure relating to the sale of the property;
- (c) requiring the council to pay the cost of advertisement in a newspaper under subsection (5) and for payment of the sums to the council from the proceeds of the sale of the property.

(15) On sale of any property by parate execution under this section, the marshal, after deducting the costs, including the costs of passing transport or registering a transfer in the case of registered land, shall, within thirty days pay to the treasurer the amount due to the council or where the proceeds of sale are insufficient to meet the whole of the amount due, the balance of the proceeds of sale after deduction of costs, and shall furnish the treasurer with a return showing the date of sale, the name of the purchaser, the amount realised and the amount of costs.

(16) A council may purchase any property offered for sale under this section.

(17)(a) Transport of the property, or transfer in the case of registered land, to the purchaser, shall be effected by the marshal in accordance with section 27 of the Deeds Registry Act, or section 124 of the Land Registry Act, as the case may be;

c. 5:01  
c. 5:02

(b) where the property consists of a right, title or interest under section 211(7) and the property in respect of which such right, title or interest subsists is registered land, the marshal shall effect a transfer of such right, title or interest in accordance with section 124 of the Land Registry Act;

(c) where the property consists of right, title or interest under section 211(7) and the property is not registered land, the Commissioner of Lands, on a certificate of the marshal that the purchaser has paid the full purchase price and costs therefor, shall record the transfer to the purchaser in the appropriate register.

(18) Nothing in this section shall be construed as affecting the operation of the Deeds Registry Act, or the Land Registry Act or any rules, regulations or fees for the time being in force thereunder.

Proof of  
amount due.

**223.** In any proceeding for the recovery of rates, any document signed by the treasurer of the council, containing a statement of the amount due in respect of rates on any property shall, without proof of that signature and without proof of any other matter or thing, be *prima facie* evidence that the amount so claimed is due and payable.

Error in  
proceedings  
for recovery.

**224.** (1) No error or omission committed in any proceeding for the recovery of rates shall prejudice the recovery thereof, nor shall the proceeding lapse, cease or abate, by reason of the death, resignation or removal of the clerk of the council but the clerk for the time being may prosecute and continue the proceedings commenced and carried on in the name of the previous clerk in all respects as if the proceedings had been taken by himself.

(2) No person may sue an officer or other person employed in executing any warrant of distress for recovery of rates, by reason of any error or omission therein.

Rates  
recoverable  
after rating  
period.

**225.** (1) The payment of any rates may be enforced notwithstanding that the rating period has terminated.

(2) Where on a transfer of property or a judicial sale any sum by way of rates or interest or costs in respect thereof remains unpaid such sum with interest till the day of payment shall be recoverable from the owner by virtue of such transfer or sale notwithstanding that he was not the owner at the time, when the sum became due.

**226.** Where any person liable for rates is declared insolvent or goes into liquidation or where a judicial sale not at the instance of a council takes place, the claim of the council for such rates and interest thereon shall be treated as a preferential claim over all claims other than those in respect of sums due to the Government:

Preferential claims.

Provided that notice of the claim has been given by the clerk of the council to the Official Receiver or Registrar, as the case may be, within seven days of the notice relating to insolvency, liquidation or judicial sale appearing in the *Gazette*.

**227.** (1) Every council shall cause to be kept in respect of each rating period, a record showing the rates assessed on the properties within each rating area in the council area including properties and owners exempted under sections 213 and 214.

Rate record.

(2) The entries to be recorded shall be completed within twenty-eight days after the day on which the rate percentage is published and shall be open to inspection at the offices of the council at all reasonable hours by any ratepayer for such period as any rates in that rating period are unpaid.

(3) Where one of several joint owners or joint occupiers has been designated by the council as owner under section 211, for the purposes of that section, it shall be sufficient to enter his name with the addition after his name of the words “and another” or “and others”, as the case may require.

**228.** (1) A council may, at any time—

Amendment of rate record.

(a) correct any error or omission in any rate record;

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(b) add to or otherwise amend the rate record as may from time to time become necessary by reason of new or altered assessments.

(2) Every amendment made under subsection (1)(a) shall have effect as if it had been inserted in the rate record made under section 227, and all sums paid or payable as a rate shall be re-adjusted accordingly.

(3) In the case of a property added to or an altered assessment in the rate record, the rates shall be payable from the date the assessment takes effect.

Power to levy  
special rate.

**229.** A council shall have power to make and levy a special rate on the value of property in the valuation list in a rating area, or part thereof, for the improvement of that area, or part thereof, or for the liquidation of any claim for compensation admitted or awarded for loss sustained by reason of any building, paling or erection being pulled down or otherwise destroyed for the purpose of arresting any fire in the rating area; and any such special rate shall be recoverable and preferent in the same manner as a general rate.

## PART VII

### CONTRACTS

Power to enter  
into contracts.

**230.** A council may enter into contracts necessary for the discharge of any of its functions.

Notice inviting  
tenders.  
[25 of 1973  
27 of 1997]

**231.** (1) Subject to subsection (2)—

(a) a council shall, except in those cases provided for in sections 232, 233 and 234 and except in the case of contracts made pursuant to section 271, before entering into any contract for the execution of any work or the supply of any goods to the value of two hundred and fifty thousand dollars or more, give notice of such proposed contract and shall, by such notice, invite any person willing to undertake the same to submit a sealed tender thereof to the council not later than a day and hour which shall be specified in such notice;

(b) a council shall not open or consider any tender or enter into any contract to which the subsection applies until after the time specified in the notice and shall then consider all tenders which have been submitted by that time.

(2) The Minister may by directions in writing exempt any council from compliance with the requirements of subsection (1) in the case of any particular work or goods.

**232.** (1) A council may, in respect of such work and such goods as it shall determine, nominate persons who are able and willing to execute any such work or supply any such goods. Council contractors.

(2) Any person may apply to the council to be nominated in accordance with and for the purposes of this section, and the council may require any applicant to furnish it with such particulars or samples as it may specify before considering the application.

(3) The council may cancel the nomination of any person made in accordance with and for purposes of this section upon giving to such person not less than one month's notice in writing of its intention so to do, which notice shall specify the grounds upon which the council proposes to cancel the nomination; and the council shall consider, before deciding whether or not to cancel the nomination, any representations made by such person.

(4) Any person who has applied to the council to be nominated in accordance with and for the purposes of this section and has not been so nominated or whose nomination has been cancelled may appeal to the Minister, and the Minister may either uphold the decision of the council or direct the council to nominate or to re-nominate such person.

(5) The council shall cause to be prepared, and to be kept up to date, a list of all persons for the time being nominated by it in accordance with and for the purposes of this section, and such list shall in relation to each such person show in respect of what work or goods he has been so nominated; and a copy of such list shall be open to public inspection at the offices of the council.

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(6) When a council requires the execution of any work or the supply of any goods in respect of which it has nominated any person in accordance with and for the purpose of this section, the council may, notwithstanding section 231, invite only those persons to submit tenders who have been so nominated in respect of the work or goods required; but the council shall invite all such persons to submit tenders.

Acceptance of  
tenders.

**233.** A council may accept any tender which, having regard to all the circumstances appears to the council to be the most advantageous, and may take security for the due and faithful performance of every contract, or the council may decline to accept any tender:

Provided that all tenders received shall be recorded by the clerk.

Variation of  
tender  
procedure in  
cases of  
emergency.  
[27 of 1997]

**234.** In cases of emergency, or where the delay from inviting tenders in the manner provided in this Part would result in loss to the council, the council may authorise the making of contracts or purchases to the value of two hundred and fifty thousand dollars or more without publication of the notice required by section 231(1), or the invitations to tender mentioned in section 232(6):

Provided that in all such cases the council shall specify the method of inviting tenders and the period within which tenders shall be submitted.

Perishable  
goods.

**235.** Nothing in this Part shall apply to any contract for the purchase by a council of produce or other perishable goods bought in a public market, or to any purchase entered into by a council as the result of bidding at public auction.

Contracts with  
Government.

**236.** A council may enter into contracts with, and may act as agents of, the Government or any authority for the purpose of any work or service for which the Government or such authority is responsible within or adjacent to its council area.



PART VIII

ACQUISITION OF AND DEALINGS IN LAND

**237.** (1) A council may, with the consent of the Minister, by agreement acquire whether by way of purchase, lease, exchange or acceptance as a gift and may, subject to this Part, compulsorily purchase any land within its council area for the purpose of any of its functions.

Power to acquire land.

(2) The land acquired or compulsorily purchased under this section may be an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land.

**238.** Any land belonging to a council and not required for the purposes for which it was acquired may be appropriated for any other purpose for which the council is empowered to acquire land.

Power to appropriate land.

**239.** A council may let any land which it may possess.

Power to let land.

**240.** A council may, with the approval of the Minister—

Power to sell or exchange land.

(a) sell, at the best price that can be obtained, any land which it may possess and which is not required for the purpose for which it was being used;

(b) exchange any land which it may possess for any other land either with or without paying or receiving any money for equality of exchange.

*Acquisition of Land by Compulsory Process*

**241.** (1) No land shall be acquired by compulsory process under this Part unless a council has first caused to be served upon each of the owners of the land, or such of them as can, after diligent enquiry, be ascertained, a notice inviting the person on whom the notice is served to treat with the council for the sale of the interest of that person in the land:

Notice to treat.

Provided that no such notice shall be served unless the council has first obtained the consent of the Minister to service thereof.

(2) Where service on an owner cannot be effected under subsection (1) in accordance with section 312, service on that owner may be effected by causing a copy of the notice to treat to be published in the *Gazette* and in a newspaper circulating in Guyana and—

- (a) if the land is occupied, leaving a copy of the notice to treat with the occupier; or
- (b) if the land is not occupied, affixing, if practicable, a copy of the notice to treat to a conspicuous part of the land,

and the notice to treat shall be deemed to have been so served on the day on which the copy is published in the *Gazette* as aforesaid, is so left with the occupier or is so affixed, whichever last occurs.

(3) Where, in relation to any land, a notice to treat has been served in accordance with subsection (1) or subsection (2) it shall not be necessary for the council to serve any further notice to treat in relation to such land solely on account of any change in ownership of the land after the day on which the notice is served under subsection (1) or is deemed to have been served under subsection (2), as the case may be.

(4) A person served with a notice to treat in respect of land may, not later than fourteen days after the service of the notice, furnish to the council particulars of—

- (a) the interest claimed by him in the land;
- (b) the amount for which he is agreeable to sell his interest in the land; and
- (c) the name and address of any other person known to him to have an interest in the land and the nature of that interest.

(5) Upon receipt of the particulars referred to in subsection (4), the council may treat with the person furnishing the particulars for the acquisition of the interest of that person in the land by agreement and may enter into an agreement with that person for that acquisition.

(6) The council may, by notice in writing to a person served with a notice to treat, withdraw the notice to treat.

**242.** (1) Without prejudice to the liability of a council under any contract for the acquisition of land by agreement under this Act and subject to subsection (2), where a period of twenty-eight days has expired after the service of a notice to treat, or of notices to treat, in relation to land, the Minister may authorise that the land or any interest in the land (not including an interest in respect of which a notice to treat has been withdrawn) be acquired by compulsory process under this Part for the purpose of any function of the council approved by him.

Compulsory acquisition.

(2) No authorisation for the acquisition of land by compulsory process shall be given by the Minister under subsection (1) in respect of any land to which sections 246 to 256 (inclusive) apply unless the requirements of those provisions have been complied with.

(3) The council shall cause to be published in the *Gazette* a notice of any authorisation for the acquisition of land by compulsory process by the Minister under subsection (1) and, in the notice, shall declare that the land has been acquired under this Act for the purpose of a function of the council approved by the Minister.

(4) Upon the publication of the notice in the *Gazette* the land to which the notice applies shall, by force of this Act—

- (a) be vested in the council;
- (b) be freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates,

to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act shall be vested in the council.

**243.** (1) Subject to subsection (2), the interest of every person in the land to which a notice under section 242 applies, shall, on the date of acquisition of the land be converted into a right to compensation under this Part.

Conversion of estates and interests into claims for compensation.

(2) Where an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land is acquired, the interest of every person in that land shall, on the date of the acquisition, and to the extent to which that interest is affected by the acquisition be converted into a right to compensation under this Part.

Validity of  
authorisations.

**244.** If any person aggrieved by an authorisation of the Minister under section 242(1) for the acquisition of land by compulsory process desires to question the validity thereof on the ground that the authorisation is not empowered to be granted under this Part or on the ground that any requirement of this Part has not been complied with in relation to the authorisation, he may, within three weeks from the date on which notice of the authorisation is published in the *Gazette*, make an application to the Court and on any such application the Court—

(a) may by interim order suspend the operation of the authorisation either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;

(b) shall order the applicant to give such security for costs as the Court thinks fit before making any such order; and the security so given shall remain in force until the matter is finally determined;

(c) if satisfied that the authorisation is not empowered to be granted under this Part or that the interests of the applicant have been substantially prejudiced by any requirement of this Part not having been complied with, may quash the authorisation either generally or in so far as it affects any property of the applicant.

Power of court  
to adjust  
rights.

**245.** (1) Notwithstanding anything contained in this Part where land is acquired by compulsory process under this Part, the court may, upon the application of the council concerned or any person affected, make such orders as to the Court seem proper for declaring or adjusting rights and liabilities in connection with the land or with transactions in relation to the land or otherwise affected by the acquisition.

(2) Without limiting the generality of the powers conferred by subsection (1), the orders which may be made under that subsection include—

- (a) an order for the payment or repayment of moneys;
- (b) an order discharging a person from an obligation to pay moneys;
- (c) where there was a subsisting contract of sale of the land, an order with respect to the rights and liabilities of the parties to that contract; and
- (d) where there was a charge or encumbrance over the land—
  - (i) an order releasing a person in whole or in part from a personal covenant or obligation in relation to the charge or encumbrance; and
  - (ii) an order apportioning the charge or encumbrance between the land acquired and other land subject to the charge or encumbrance.

**246.** (1) Where land is acquired by compulsory process under this Part, the council shall, as soon as practicable after the date of acquisition of the land, cause a copy of the notice of acquisition of the land published under section 242 to be served upon the owners of the land, or such of them as can, after diligent inquiry, be ascertained.

Notice to owner.

(2) Where—

- (a) the council is unable, after diligent inquiry, to ascertain the identity of an owner; or
- (b) service on an owner cannot be effected under subsection (1) in accordance with section 312,

service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in Guyana and—

- (c) if the land is occupied, leaving a copy of the notice of acquisition with the occupier; or

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(d) if the land is not occupied, affixing, if practicable, a copy of the notice of acquisition to a conspicuous part of the land.

Registration of  
notification.

**247.** (1) Where land has been acquired by compulsory process under this Part, the council may lodge with the Registrar of Lands a copy, certified under the hand of its clerk, of the notice of acquisition of the land published under section 242.

(2) The Registrar of Lands may register the acquisition in the same manner in which dealings with registered land are registered.

Notice of  
proposal to  
acquire.

**248.** (1) Before the Minister authorises the compulsory acquisition of any land under section 242(1), the council shall—

(a) publish in the *Gazette* and in a newspaper circulating in Guyana a notice of the proposed acquisition;

(b) cause to be served upon each of the persons who are owners of the land at the date of the publication of such notice in the *Gazette*, or such of them as can, after diligent inquiry, be ascertained, a copy of such notice; and

(c) if practicable, cause a copy of such notice to be affixed to some conspicuous part of the land.

(2) The notice of the proposed acquisition shall contain the following particulars—

(a) a description of the land proposed to be acquired including its location, area and boundaries;

(b) the purpose for which the land is required;

(c) the time within which and the manner in which objection to the proposed acquisition may be made;

(d) the address for service of the council.

Objections to  
proposed  
acquisition.

**249.** (1) Within thirty days of the publication of the notice under section 248(1)(a) any person having an interest in the land may serve on the council notice of objection to the proposed acquisition.

(2) The notice of objection shall contain the name and address of the objector or his legal representative and shall state in full the grounds upon which the objection is based, and may propose alternative land for the purposes of the proposed acquisition.

**250.** As soon as practicable after a notice of objection has been served on the council under section 249 and in any event before the holding of an inquiry under section 252, the council shall serve on the objector a statement of the reasons for the proposed acquisition.

Reasons for proposed acquisition.

**251.** (1) Where notice of any objection has been given under section 249, the Minister shall appoint an inspector who may be a public officer, to inquire into such objection.

Appointment of inspector.

(2) Every appointment of an inspector under this section shall be notified in the *Gazette*.

**252.** (1) The inspector shall, as soon as practicable after his appointment, arrange for the holding of an inquiry into the objection and shall notify the objector and the council of the time and place at which the inquiry is to be held.

Holding of inquiry.

(2) For the purposes of the inquiry the inspector shall—

- (a) give the objector and the council an opportunity of being heard, either in person or by legal representatives;
- (b) consider such evidence, either oral or documentary, as the objector and the council may present, and such other evidence as the inspector thinks desirable for the purpose of properly inquiring into the objection:

Provided that the inspector shall give the objector and the council an opportunity of commenting upon any statement, representation or evidence presented by the council and the objector, respectively.

(3) The inspector shall hold the inquiry in public.

**253.** The inspector shall on completion of the inquiry, submit a report to the Minister which shall contain the following matters—

Submission of report to Minister.

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(a) a summary of the reasons advanced by the objector against the proposed acquisition;

(b) a summary of the reasons advanced by the council in support of the proposed acquisition;

(c) in cases where alternative land has been proposed by the objector—

(i) a summary of the reasons advanced by the objector in support of the suitability of such alternative land;

(ii) a summary of the reasons advanced by the council against the suitability of such alternative land;

(d) any factors or considerations to which the inspector thinks special attention ought to be drawn.

Consolidation  
of objections.

**254.** Where, in respect of the proposed acquisition of land, more than one notice of objection has been served on the council the inspector shall, unless for special reasons he considers it to be undesirable to do so, consider all such objections at one inquiry and shall submit one report to the Minister in respect thereof.

Copy of  
report to be  
given to  
objector and  
Council.

**255.** The inspector shall cause a copy of his report submitted to the Minister in accordance with section 253 to be served on the objector and the council.

Reasons for  
decision to be  
given to  
objector.

**256.** Where a notice of objection has been served on the council in respect of the proposed acquisition of any land by compulsory process under this Part, and subsequent thereto, the Minister authorises such acquisition the Minister shall furnish the objector with a statement in writing of the reasons why he considers that the land should be acquired as aforesaid, if requested by the objector to state such reasons on or before the date of the publication of the notice of acquisition required to be published under section 242(3).



*Entry Upon Land*

**257.** (1) Any person authorised by a council to act under this section may, for the purpose of ascertaining whether land is suitable for acquisition for the purpose of a function of the council or of surveying or obtaining information in relation to land which the council or person so authorised considers suitable for such a purpose—

Power to  
examine lands.

- (a) enter upon the land, or upon adjoining land, with such persons, vehicles and things as he thinks fit; and
- (b) make surveys, take levels, sink pits, examine the soil and do any other thing in relation to the land:

Provided that no person so authorised shall enter any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section to enter on land in the exercise of any of his powers under this section in relation to that land, the magistrate's court for the magisterial district wherein such land is situated may, on the application of the person so authorised grant a warrant authorising a person named in the warrant to enforce the entry upon the land, and to prevent hindrance or obstruction to the exercise of any power under this section in relation to the land, and for those purposes to use such force and assistance as are necessary, and the entry upon, and the examination of, the land may be enforced in accordance with the warrant.

(3) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (2) he shall be guilty of an offence.

**258.** Where the owner of an interest in land suffers loss or damage by reason of the exercise, in relation to the land, of the powers conferred by section 257, there shall be promptly paid to him by the council adequate compensation, and such compensation shall be determined by agreement between the owner and the council, or in the absence of agreement, by the Court on application by the owner.

Compensation  
for damage.

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*Compensation*

Adequate and prompt compensation for acquisition.

**259.** Adequate compensation shall be promptly paid by the council concerned to a person who has a right to compensation under section 243.

Right to apply to court for compensation.

**260.** (1) Any person claiming compensation in respect of land acquired by compulsory process by a council may apply to the Court for the determination of his interest in or right over the land and the amount of compensation; and the costs of and incidental to proceedings in the Court shall be in the discretion of the Court.

(2) Any party to any proceedings in the Court relating to a claim under subsection (1) shall have the same rights of appeal as he has for the purpose of and in relation to an action in the Court.

Agreement and arbitration.

**261.** (1) Without prejudice to the rights conferred by section 260 a council and a person claiming compensation in respect of land acquired by compulsory process may by agreement determine the amount of compensation payable or may agree to submit the determination of that amount to arbitration in accordance with this section.

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(2) Where an agreement for arbitration is made, the Arbitration Act shall apply, subject to the agreement, to and in relation to the agreement and to and in relation to the arbitration under the agreement.

*Persons Under Disability and Certain Limited Owners*

Powers of certain limited owners.

**262.** A person including a corporation which has no power, or limited power only, to dispose of land, a tenant for life, a guardian, a committee of a lunatic or idiot, a trustee, an executor or administrator, a person for the time being entitled to the receipt of the rents and profits of land in possession or a lessee, possessed of, or entitled to, land, or having the management of land on behalf of a person under a legal disability may, by force of this Part and for any of the purposes of this Part and notwithstanding anything to the contrary in any law, deed of settlement or other deed, will, memorandum, or articles of association or instrument—

(a) lease, sell, transfer or convey the land or any interest in the land;

(b) if the land is acquired by compulsory process take any action authorised by sections 260 and 261 to be taken by a person claiming compensation.

**263.** (1) The powers conferred by section 262 may be exercised— Exercise of powers.

(a) by a person other than a lessee, not only on behalf of himself and his heirs, executors, administrators and successors, but also on behalf of every person entitled in reversion, remainder or expectancy after him, and in defeasance of the estate of every person so entitled;

(b) by a guardian, on behalf of his ward, and to the extent to which the ward could exercise those powers if he were not under a disability;

(c) by the committee of a lunatic or idiot, on behalf of the lunatic or idiot, and to the extent to which the lunatic or idiot could exercise those powers if he were not under a disability; and

(d) by a trustee, executor or administrator, on behalf of his *cestuis que* trust (whether infants, issue unborn, lunatics, idiots or other persons) to the same extent as the *cestuis que* trust could exercise those powers if they were not under a disability.

(2) Where a person specified in section 262 leases or sells land of which he is not the beneficial owner, or agrees to accept compensation in respect of the acquisition under this Part of any such land and that person was not otherwise empowered to grant the lease or to make the sale or agreement, the lease, sale or agreement shall have no force or effect unless approved by the Court.

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### *General*

Agreements to remain in possession.

**264.** Where a person was in possession of land acquired by compulsory process under this Part immediately before the date of acquisition of the land, the council may enter into an agreement with that person under which that person is permitted to remain in possession of the land on such terms and conditions as are specified in the agreement.

Warrants to obtain possession.

**265.** (1) If a person who is in possession of land acquired by compulsory process under this Part, other than a person permitted to remain in possession under section 264, refuses or fails, when required by the council so to do, to give up possession of the land, or hinders or obstructs the council or a person authorised by the council in taking possession of the land, a magistrate's court may, on the application of the council, grant a warrant authorising a person named in the warrant to enter on the land and deliver up possession of the land to the council and for those purposes to use such force and assistance as are necessary.

(2) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (1), he shall be guilty of an offence.

Interpretation.

**266.** In this Part—

“interest” in relation to land means—

- (a) a legal or equitable estate or interest in land;
- (b) a right, power or privilege over, or in connection with, the land;

“lease” includes an agreement for a lease.

PART IX

FUNCTIONS OF COUNCILS

*Drainage and Irrigation*

**267.** (1) The Minister after consultation with the relevant council or councils may by order appoint a council area or any part thereof which does not form part of a drainage and irrigation area so declared under section 18 of the Drainage and Irrigation Act to be a Council drainage area.

Council  
drainage areas.  
[13 of 1973]  
c. 64:03

(2) Any order made under this section and any order varying or amending any such order shall be published in the *Gazette* and in three consecutive issues of at least one newspaper circulating in Guyana.

(3) The owner of any land situated within a council drainage area may at any time apply to the Minister to exclude his land from the council drainage area; and the owner of any land in the council area situated outside the council drainage area may at any time apply to the Minister to include his land within the council drainage area.

(4) Upon receipt of any application under subsection (3) the Minister shall cause inquiry to be made into the representations submitted and shall make such order as is necessary to give effect to his determination.

(5) If any council drainage area, or part thereof, is declared under section 18 of the Drainage and Irrigation Act to be a drainage and irrigation area, such council drainage area or part thereof, as the case may be, shall cease to be or form part of a council drainage area.

**268.** A council shall in any council drainage area—

(a) cause to be made and maintained in good order the drainage works necessary for effectually draining and irrigating the council drainage area;

Responsibility  
of councils for  
council  
drainage areas.

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(b) cause all drainage works in the council drainage area so to be kept as not to be injurious to health and to be properly cleansed and drained.

Power to  
require owners  
in council  
drainage area  
to maintain  
drainage  
works.

**269.** (1) An owner of land in a council drainage area shall maintain all drainage works thereon to the satisfaction of the council and so as to prevent the flooding of any lands within the area and the waste of water; and for these purposes the council may by notice served on the owner require him to repair or maintain any drainage work thereon.

(2) If the owner fails to comply with a notice served under this section, any person authorised in writing by the council may enter upon the land with such persons, vehicles and things as are necessary for the purpose and repair or maintain any drainage work or portion thereof in accordance with the notice; and the cost of so doing shall be recoverable by the council from the owner.

Power to  
require owners  
outside council  
drainage areas  
to repair  
certain  
drainage  
works.

**270.** (1) If the owner of any canal or drain situate without a council drainage area wilfully or negligently keeps such canal or drain foul and offensive and thereby injuriously affects the council drainage area, or, if the owner of land situate without such area wilfully or negligently fails to repair any dam, sluice, koker, canal or drain on his land and such failure endangers the safety, or materially impairs the efficiency, of any drainage work under the control or management of the council, the council may, by notice in writing served on the owner of the drain or canal, or of the land require him to clean such canal or drain, or repair such dam, sluice, koker, canal or drain.

(2) If the owner of the canal or drain, or of the land, as the case may be, fails within seven days of the service of a notice under this section, to commence the work required by the notice, or, having commenced the work, unreasonably delays its completion, any person authorised in writing by the Council may enter on the land of the owner with such persons, vehicles and things as are reasonably necessary for the purpose and perform or complete the work, as the case may require; and the cost of so doing shall be recoverable by the council from the owner.

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**271.** (1) A council may enter into contracts with owners of land situate without a council drainage area for the purpose of affording to the area effectual drainage for such term of years or for such consideration as may be agreed.

Contracts with owners of land.

(2) A council may authorise the making of a contract pursuant to this section without publication of the notices required by section 231(1) or the invitations to tender mentioned in section 232(6).

**272.** The powers conferred upon a person authorised pursuant to section 257 to enter upon and examine land shall apply to a person authorised by a council to act under this section for the purpose of ascertaining—

Power of entry upon land for inspection.

- (a) whether drainage works on land in a council drainage area are being maintained in accordance with section 268;
- (b) the state of maintenance of the drainage works specified in section 269(1),

and the provisions of section 258 shall apply where the loss or damage is suffered by the owner of the land by reason of the exercise, in relation to the land, of the powers conferred by this section.

**273.** If a person hinders or obstructs a person authorised under section 268(2) or section 269(2) in the exercise of any of his powers under those subsections, section 257(2) and (3) shall apply.

Obstruction.

### *Roads*

**274.** A council shall have power, subject to the provisions of the Town and Country Planning Act, the Roads Act and the Motor Vehicles and Road Traffic Act to construct, maintain, repair, protect and carry out works for the betterment of council roads in its council area and to regulate and control traffic thereon.

Power to construct council roads and control traffic.  
[4 of 1972]  
c. 20:01  
c. 51:01  
c. 51:02

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*Municipal and District Councils*

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Power to enter  
upon adjoining  
land.

**275.** (1) For the purposes of the construction, maintenance, repair, protection and carrying out of works for the betterment of council roads, any person authorised by a council to act under this section may enter upon any adjoining land within the council area with such persons, vehicles and things as he thinks fit and may do thereon any or all of the following—

- (a) inspect the soil and drainage;
- (b) dig, cut, take and remove from any uncultivated lands adjacent to the road any road materials;
- (c) control or divert the drainage and construct and maintain dams, drains and trenches;
- (d) cause any koker to be opened at any material time to allow through passage of any craft carrying materials required for road purposes;
- (e) deposit and store any materials required for road purposes;
- (f) erect on any portion of uncultivated land and maintain thereon structures for the accommodation of persons employed upon the works and for the storage of vehicles, tools and equipment and occupy such structures and the land necessary for their use and for ingress and egress:

Provided that no person so authorised shall enter upon any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section in the exercise of any of his powers under subsection (1), section 257(2) and (3) shall apply; and where loss or damage is suffered by the owner of the adjoining land by reason of the exercise, in relation to the land, of the powers conferred by this section, section 258 shall apply.

Traffic control.

**276.** Without prejudice to the generality of the power to regulate and control traffic on council roads conferred by section 274, but subject to the provisions thereof a council may—

- (a) establish, maintain and control car parks;
- (b) erect and maintain parking meters;



- (c) regulate the standing and parking of vehicles on council roads;
- (d) erect and maintain traffic control signals and traffic signs on council roads;
- (e) regulate the speed of vehicles on council roads;
- (f) designate particular council roads as one-way roads or one-way streets and require all vehicles thereon to move in one specified direction;
- (g) require vehicles to stop before entering or crossing any council road or to yield to other traffic;
- (h) restrict the use of any council roads to vehicles of specified types or weights.

**277.** (1) A council may for such periods as it considers necessary for the protection of a council road or the users thereof, or for the carrying out of road works, order that the road or any portion thereof be closed to all or specified types of vehicles.

Authorised  
closure of  
road.  
[25 of 1973  
6 of 1997]

(2) As soon as practicable after an order under this section has been made, the council shall cause to be displayed such road signs, warning notices or barriers as it considers will suffice to convey to the public adequate intimation of the effect of such order, and the council shall cause any such order to be published.

(3) Any person who uses or causes or permits a vehicle to be used in contravention of an order made under this section shall be guilty of an offence and on summary conviction shall be liable to a fine of not less than one thousand six hundred and twenty-five dollars nor more than sixteen thousand two hundred and fifty dollars.

**278.** (1) No person shall construct any private access to a council road, or any other facility or appurtenance for the purpose of access thereto except with the written permission of the council:

Private access  
to council  
roads.

Provided that permission for private access to a council road shall not be refused by a council unless there exists reasonable access thereto.

(2) The permission of the council for the construction of an access road, facility or appurtenance shall be subject to such terms and conditions as may be imposed by the council; and the construction and maintenance thereof shall be to the satisfaction of the council and at the expense of the applicant.

(3) If a person to whom permission is granted to construct an access road, facility or appurtenance, contravenes any of the terms and conditions to which the permission is subject or if he fails to maintain such road, facility or appurtenance to the satisfaction of the council, the council may remove all such installations, and the cost thereof shall be recoverable by the council from such person.

Offences in  
relation to  
council roads.  
[25 of 1973  
27 of 1997]

**279.** (1) No person shall—

(a) use any drain or ditch which is part of a council road for any purpose which is not authorised by the council;

(b) operate, drive or move any vehicle on a council road unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom;

(c) operate, drive or move on any council road any vehicle with any load unless such load and any covering thereon are securely fastened so as to prevent such load or covering from becoming loose, detached, or in any manner a hazard to other users of the road;

(d) throw or deposit upon any council road any glass, bottle, nail, tack, wire, can or anything likely to injure any person, vehicle or animal on the road;

(e) operate, drive or move on any council road any vehicle having any metal tyre in contact with the roadway or having on the periphery of any wheel of the vehicle any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tyre;

(f) erect any temporary or permanent structure on a council road without the authority of the council:

Provided that—

(i) the prohibition in paragraph (b) shall not preclude the sprinkling of water or other substance on a council road for cleaning or maintenance purposes;

(ii) the prohibition in paragraph (e) shall not preclude the driving or moving on a council road of farm machinery having tyres with protuberances not calculated to damage the road.

(2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(3) Any person who—

(a) fails forthwith to remove any injurious substance which he has let fall, or which has fallen from any vehicle in his charge, on a council road;

(b) fails, when removing a wrecked or damaged vehicle from a council road, also to remove any glass or other injurious substance which has fallen on the road from the vehicle,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(4) Any person who—

(a) burns or orders or permits the burning of any earth on a council road;

(b) cuts down any tree so that it falls upon or obstructs a council road;

(c) throws any litter, refuse or other material on a council road;

(d) directs a water course so as to cause damage to a council road;

(e) without the permission of the council, removes any material from a council road or place where road materials are deposited;

(f) wilfully or negligently causes damage to a council road or structure pertaining thereto;

(g) having on a council road blocked or scotched the wheel of a vehicle, allows the stone or other thing used therefor to remain on the road after the vehicle has moved away;

(h) removes or destroys any barrier placed on a council road without the authority of the council;

(i) wilfully resists, obstructs, hinders or molests, or incites, procures or assists another to resist, obstruct, hinder or molest any person acting under the authority of a council in the discharge of any duty or the performance of any act lawfully authorised or required to be done in relation to council roads;

(j) without lawful authority alters, defaces, injures or removes any authorised traffic sign or any inscription thereon erected on any council road or in any way marks or defaces the surface of any such road, or attempts to do any of the aforementioned acts;

(k) erects any sign, device or structure in such a manner that it obscures or conceals an authorised sign or other traffic device on a council road so as to interfere with the full and effective use of such sign or other device;

(l) displays, erects or locates any unauthorised sign, signal or other traffic device upon a council road;

(m) erects or maintains on a council road any unauthorised traffic device for the direction, information, warning, control or restriction of traffic thereon,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(5) Any person who suffers any horse, mare, gelding, colt or filly, any pony, mule or ass, whether male or female, any bull, cow, ox steer, heifer or calf, any ram, ewe, sheep or lamb or any swine, goat or kid, whether male or female, owned by him or under his control to graze, stray or be tethered on any council road, shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

Removal of  
injurious  
things.

**280.** A council may cause to be removed from a council road any structure, device, construction material or anything calculated to be injurious to users of the road.

*Water Supplies*

**281.** (1) The Town Council shall provide the Town with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires and for private use.

Town Council  
to supply  
water to  
Town.

(2) The Council may construct, lay down and maintain waterworks and may do and execute all works, matters and things necessary for and incidental to the purposes of this section.

(3) The Council shall provide and keep in any waterworks constructed or laid down by it a supply of pure and wholesome water and the water so supplied shall be constantly laid on at a pressure sufficient to convey it to the top storey of the highest dwelling-house within the Town or at such other suitable pressure as may be directed by the council.

**282.** (1) Every property in the Town shall be connected with the nearest water main in the streets of the Town by means of a service pipe on which there shall be placed at least one tap.

Duty to  
provide  
connections.  
[4 of 1994]

(2) The connection shall be for the purpose of effecting a continuous water supply to every property from the waterworks, and shall at all times be kept in such a proper condition, either by renewal of the service pipe or otherwise, as to secure that supply efficiently, and the supply thereby shall be at all times continuous if it is available from the waterworks.

(3) If any property is without a connection, the council shall have power to make the connection.

(4) Whenever a connection has been made but has, at any time and from any cause whatever become defective, the council shall have power to put that connection in proper and serviceable condition.

(5) Whenever there is a failure to have a supply of water to any property by means of a connection, the council shall have power to provide a supply of water to the property.

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(6) The Council shall have the exclusive right to make any connection, and any renewal thereof, and all repairs thereto, at any time found necessary.

(7) The cost of making a connection, any renewal thereof and all necessary repairs thereto, shall be a charge on the property to which the connection, renewal or repairs has or have been made, and the property shall be liable and liable therefor.

(8) The cost of the service pipes and other materials shall be borne by the council up to the boundaries of the properties and the further cost thereof for the additional works on the properties shall be done at the expense of the owners and be a charge against the properties.

(9) The Minister may, by order, exempt the Town Council from any of the duties imposed upon it by section 281 and this section.

Power of  
council in  
certain cases to  
supply water.  
[3 of 1972  
25 of 1973]  
c. 55:01

**283.** (1) A council may, if authorised so to do by the Guyana Water Authority under the Guyana Water Authority Act, provide its council area or any part thereof with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires and for private use; and may, if authorised so to do by the Guyana Water Authority, construct, lay down and maintain waterworks or purchase water in bulk for distribution within the council area or part thereof.

(2) A council may do and execute all works, matters and things necessary for or incidental to the purposes so authorised.

Charges; water  
rates.  
[3 of 1972  
17 of 1988  
4 of 1994]

**284.** (1) A council may make such charges and impose such conditions of service for supply of water as it may fix; and may by resolution make and levy a water rate upon the assessed value of all properties supplied with water in its council area.

(2) A council shall cause every resolution to make and levy a water rate to be published and any such rate shall be demanded and be payable and recoverable and preferent in the same manner as a general rate.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of water when the whole of such rates is paid within such period prior to the due date for payment thereof as may be fixed by the council from time to time.

(4) In this and sections 283 and 285, the word “council” does not include the City Council or a council whose district is supplied with water by or on behalf of the Guyana Water Authority in exercise of their functions under the Guyana Water Authority Act.

c. 55:01

**285.** Without prejudice to the institution of any legal proceedings for recovery of a water rate, a council may cut off the supply of water from any property in respect of which there has been default in payment of such rate and make any disconnection necessary for the purpose.

Disconnection  
on default of  
payment.

**286.** Any person who—

Offences in  
connection  
with water  
supply.  
[27 of 1997]

(a) wilfully or negligently breaks, injures or opens any lock, cock, pipe, waterworks or other work constructed or maintained for the supply of water under this Part;

(b) without lawful authority flushes, draws off, diverts or takes water from any waterworks or other work constructed or maintained for the supply of water under this Part, or from any water, creek or stream whereby the waterworks are supplied;

(c) wilfully or negligently wastes or causes to be wasted any water with which he is supplied by a council;

(d) bathes in any stream, reservoir, conduit, aqueduct or other water works, constructed or maintained for the supply of water under this Part, or washes, cleanses, throws or causes to enter therein any animal, rubbish, filth, stuff or thing of any kind whatsoever or causes, or permits, or suffers to run or to be brought therein, the water or any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to a council or under its management or control, or whereby any water contained in any reservoir, conduit, aqueduct, or other waterworks constructed or maintained as aforesaid is fouled,

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shall be liable on summary conviction to a fine of five thousand dollars and a further fine of two thousand five hundred dollars for each day on which the offence continues after notice served upon him by the council.

### *Control of Animals*

Power of councils to control keeping of animals.

**287.** A council may prohibit, restrict or regulate the keeping or movement of animals in any part of its council area.

Power of council to establish pounds.

**288.** (1) A council may establish, erect, maintain and control pounds.

(2) A council pound shall be under the control and superintendence of the council.

(3) There shall be for each council pound a pound-keeper and such deputy or assistant pound-keeper as the council may consider necessary for the efficient control of the pound.

(4) All poundage moneys, fines, penalties, proceeds of sales and other sums of money payable in respect of a council pound shall be paid by the person receiving them to the treasurer of the council for the credit of the general rate fund.

Impounding of stray animals found on private property.

**289.** Any animal to which this section applies which strays on private property may be detained and taken by the owner or occupier of such property, or by any person authorised in writing by such owner or occupier, to a council pound, and for so doing he shall receive from the pound-keeper such sum by way of reward as may be prescribed by by-law of the council.

Impounding of stray animals found in public places.

**290.** Any animal to which this section applies which strays on any public road, council road, drainage work vested in the council or other public place may be taken by any member of the Police Force or of a town or rural constabulary, any local government officer or by any person authorised in writing by the clerk of the council to a council pound.



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**291.** The pound-keeper shall before delivering an impounded animal demand and receive from the person claiming the animal—

Poundage moneys.

- (a) poundage money of an amount prescribed by by-law of the council;
- (b) such sums as may be prescribed by by-law of the council for feeding the animal;
- (c) any sum by way of reward paid by the pound-keeper under section 289.

**292.** A pound-keeper shall—

Duties of pound-keeper.  
[6 of 1997]

- (a) be constantly on duty to receive animals brought to the council pound at any time and to deliver them between the hours of six o'clock in the forenoon and six o'clock in the afternoon;
- (b) keep a record and description of animals received and delivered and of moneys received and paid, which record shall be in such form and contain such particulars as may be required by the council; and such record shall be open to public inspection at all reasonable times;
- (c) procure for, furnish and give to each animal in the council pound sufficient quantity of food, grass and water daily;
- (d) publish once every week a correct list and description of animals in the council pound;
- (e) account every month to the treasurer of the council for all moneys received and paid.

(2) Any pound-keeper who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of six thousand five hundred dollars.

**293.** A pound-keeper who—

Offences by pound-keeper.  
[27 of 1997]

- (a) hires out, lets, uses, works or employs any impounded animal;
- (b) permits any impounded animal to be taken out of the council pound without lawful authority;
- (c) suffers any impounded animal to be ill-used or injured,

shall be liable on summary conviction to a fine of ten thousand dollars.

Sale of  
impounded  
animals.  
[27 of 1997]

**294.** (1) Any impounded animal which is not redeemed within one week may be sold.

(2) The pound-keeper shall publish a notice of sale upon a board placed in a conspicuous position near the council pound of all impounded animals which have not been redeemed within a week of impounding for a period of not less than seven days before the sale.

(3) The sale shall take place between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon of the day specified in the advertisement and notice of sale.

(4) If a pound-keeper either directly or indirectly purchases any animal sold out of a council pound, the purchase shall be void and the pound-keeper shall be liable on summary conviction to fine of ten thousand dollars.

(5) Any impounded animal duly advertised and put up for sale and not sold may be destroyed by the pound-keeper.

(6) If any person proves to the satisfaction of the treasurer of the council, within three months after the sale of an impounded animal, that he was the owner thereof, he shall be paid by the treasurer the balance of the proceeds of sale.

Miscellaneous  
offences.  
[27 of 1997]

**295.** (1) Any person who with a view to impounding an animal—

- (a) unlawfully breaks any fence or enclosure;
- (b) takes or drives an animal from private property of which he is neither the owner nor occupier nor a person authorised pursuant to section 289 by the owner or occupier,

shall be guilty of an offence.

(2) Any person who—

- (a) releases or attempts to release an animal—

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- (i) taken for the purpose of being impounded whilst on the way to a council pound;
- (ii) from a council pound before it is duly redeemed;

(b) damages or destroys a council pound, or any lock or bolt thereof;

(c) when taking an animal to a council pound rides or in any way beats or ill-uses such animal;

(d) takes an animal to a council pound other than by the shortest convenient route;

(e) having detained an animal with a view to impounding it unnecessarily delays in taking it to the nearest pound, whether to a council pound or a pound established under the Pounds Act, c. 71:04

shall be liable on summary conviction to a fine of ten thousand dollars.

**296.** Sections 289 and 290 apply to the following animals, namely, any horse, mare, gelding, colt or filly, any pony, mule or ass, whether male or female, any bull, cow, ox, steer, heifer or calf, any ram, ewe, sheep or lamb, and any goat or kid, whether male or female. Animals which may be impounded.

**297.** No cattle brought by water to the City or the Town shall be landed except at the places specified in any by-law relating to those cattle or where the City Council or the Town Council, subject to any terms or conditions such council thinks fit to impose, specially allows. Landing of cattle at City and Town.

### *Burial Grounds*

**298.** A council shall have power, subject to section 64 of the Public Health Ordinance to establish, maintain and control burial grounds, cemeteries and crematoria (hereinafter collectively referred to as "public burial grounds"). Power of council to establish burial grounds. Cap. 145. 1953 Ed.

**299.** (1) No person shall establish a burial ground, cemetery or crematorium in any council area without the consent of the council thereof, and no person shall, without such consent, bury or inter or cause Unlawful interment.

to be buried or interred any corpse within the council area save at a public burial ground; and any person who contravenes any of the provisions of this section shall be guilty of an offence.

(2) A council shall have power to exhume any corpse buried or interred in contravention of this section and to remove it to a public burial ground and to recover the cost as a debt due to the council by the offender.

(3) The powers of a council under subsection (2) shall be exercised, in the case of the City Council under the supervision of the Medical Officer of Health for the City and in the case of the Town Council or of a district council under the supervision of a Government Medical Officer.

(4) In any proceedings for the recovery of any cost incurred pursuant to subsection (2), the signature of the clerk subscribed to any document containing a statement of the amount claimed shall without proof of the signature or of any other matter or thing, be deemed *prima facie* evidence that that amount is payable.

*Sub-division of Land*

Restriction  
upon sub-  
division

**300.** (1) A council may by by-law prohibit or restrict the sub-division and reduction in size of parcels of land and the separate occupancy of portions of plots of land within its council area or any part thereof:

c. 20:01

Provided that no such by-law shall be inconsistent with the provision of any scheme as defined by section 2 of the Town and Country Planning Act in force in any area to which such by-law applies.

(2) Any transport, sale or other instrument purporting to sub-divide or reduce in size any parcel of land in contravention of a by-law made pursuant to this section shall be void and any agreement purporting to provide for the separate occupancy of a portion of any parcel in contravention of such by-law shall likewise be void.

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(3) Notwithstanding this section the Minister may permit the subdivision and reduction in size of any parcel of land to such extent as he may think fit, and in such a case any transport, sale or other instrument effected in respect of such land shall be good and proper.

**301.** (1) No transport shall be passed for any parcel of land in a council area, except upon production to the Register of Deeds or Judge of a certificate signed by the clerk of the council that the provisions of section 300 will not thereby be contravened.

Certificate of clerk.  
[6 of 1997]

(2) Neither the Official Receiver nor the Registrar may sell any portion of a lot less than a whole lot unless he is first supplied with the certificate of the clerk, which shall be supplied to the Registrar by the judgment creditor.

(3) Any person desiring to sell or to purchase any plot within a council area may at any time obtain a certificate of the clerk thereof.

(4) For each certificate required in the terms of this section a fee of sixty-five dollars shall be paid.

(5) Any person dissatisfied with the refusal of the clerk to issue a certificate under this section may apply to a Judge in the manner prescribed by rules of court, made under the High Court Act, for an order to compel him so to do.

c. 3:02

### *Miscellaneous Powers of Councils*

**302.** The City Council and the Town Council shall each have power to do all or any of the following things:

Powers of City Council and Town Council.

(1) to acquire, hire, erect, furnish, maintain and keep in repair such offices and buildings as may be required for the purpose of transacting the business of the council and for public meetings and assemblies;

Council buildings.

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Residences for local government officers.	(2) to acquire, hire, erect, furnish and maintain houses and other buildings as residences for local government officers in its service and to charge reasonable rents or fees for the tenancy or other occupation thereof;
c. 36:02 Houses for necessitous persons.	(3) Subject to the provisions of the Poor Relief Act to establish, maintain and control either by themselves or jointly with any other authority, houses for necessitous persons;
Hostels.	(4) to establish, erect, equip, maintain and carry on hostels for accommodating and caring for young and aged persons;
Social centres.	(5) to establish, equip, maintain and control either by itself or jointly with any other authority or association, social and community development centres for the inhabitants of the City or the Town and to make grants of money towards the establishment, equipment and maintenance of such centres in the City or the Town and to any organisation or association established for the advancement of religion, education and social welfare;
Institutions for infants.	(6) to establish, erect, maintain and carry on or assist institutions, day nurseries or clinics for the care and welfare of infants, and to make provision for suitable instruction being imparted to expectant mothers and to the mothers of infants;
Recreation grounds.	<p>(7)(a) to establish, maintain and control recreation and sports grounds (including swimming pools), theatres and promenade gardens, in parks, open spaces and on any other land vested in the council;</p> <p>(b) to establish, maintain and control in connection with recreation and sports grounds and theatres such buildings or conveniences of any nature and for such purposes as the council may consider to be necessary or convenient;</p> <p>(c) to set aside any portion of any recreation or sports ground for the purpose of any particular game or recreation; and to exclude the public from the portion so set apart;</p> <p>(d) to establish, maintain and control refreshment rooms, cafes and restaurants in or adjacent to recreation or sports ground or theatre;</p>

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- (e) to let any recreation or sports ground or theatre or building or apparatus established or provided in connection therewith to any person or club or other body of persons;
- (8) to establish, erect, maintain and carry on communal feeding centres; Communal feeding centres.
- (9) to establish and maintain camping grounds; Camping grounds.
- (10) to establish, erect, maintain and carry on information centres and inquiry bureaux; Information centres.
- (11) to establish and maintain fire services and ambulances; Fire service and ambulances.
- (12) to make grants of money to necessitous persons and to authorities or associations of persons established for their relief; Relief of necessitous persons.
- (13) subject to the provisions of the Education Act and the Public Health Ordinance to establish, erect, equip, maintain and manage schools and educational institutions, libraries, museums, art galleries and botanical and zoological gardens and to make grants of money towards their establishment and maintenance, and in the case of the City Council to the National Library; Educational Institutions. c. 39:01 Cap. 145 1953 Ed.
- (14) to grant scholarships to any school or educational institution within the City or the Town to make grants of money to any scholarship fund established by any other authority or association, and to provide bursaries to assist persons resident in the City or the Town in educating and maintaining their children at any school within or without the City or the Town; Scholarships and bursaries.
- (15) to promote within the City or the Town the encouragement and improvement of agriculture (which expression shall include all forms of animal husbandry, poultry farming and crop raising) arts, crafts and handicrafts, and to make grants of money therefor; Agriculture, arts and crafts.

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| Education.                              | (16) generally to make provision for and to promote the education of all, or any category of persons, resident within the City or the Town;  |
| Bands.                                  | (17) to establish, maintain, control and contribute to bands for musical performances in public places and at public functions and generally to provide musical entertainment in such places and at such functions;  |
| Adornment of public places.<br>c. 20:01 | (18) subject to the Town and Country Planning Act, to lay out and adorn any public place by architectural scheme or ornamentation including the erection of statues, fountains and other structures;   |
| Trees and flowers in public places.     | (19) to plant, trim, preserve or remove trees, flowers and shrubs in any public place;   |
| Overhanging trees.                      | (20) to require the owner of any tree overhanging any public road, council road in the City or the Town or drainage work in the council drainage area in such a manner as may cause injury to the road or drainage work, or as may endanger the safety of the inhabitants, or overhanging the boundary between two lots, to cause the tree to be cut down or pruned, or anything dangerous to be removed therefrom in the manner and within the time directed by the council by notice in writing under the hand of its Town Clerk served upon the owner; and if the owner fails to comply with the notice to authorise by writing under the hand of its Town Clerk any person to enter upon the land where the tree is growing and cause it to be cut down or pruned, or anything dangerous to be removed therefrom, in accordance with the notice, and the cost of so doing shall be recoverable from the owner; |
| Dangerous buildings.                    | (21) to safeguard, demolish and remove dangerous buildings and to remove obstructions from public roads and council roads;   |
| Style of buildings.                     | (22) to regulate the number, dimensions and general character and style of buildings to be erected in different portions of the City or the Town, and any other matter connected with the erection of buildings;   |
| Marking of boundaries.                  | (23) to require and regulate the marking of boundaries and the fencing of lots and to require open spaces to be left on lots;  |



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(24) to control public places;	Control of public places.
(25) to prohibit trespass in alleyways and the encumbering of public and council roads and the parapets thereof and of pavements;	Trespass in alleyways.
(26) to supervise, control and regulate hackney carriages and carts plying for hire and the drivers thereof;	Hackney carriages.
(27) to charge tolls for bateaux, punts and other craft passing through any trenches, aqueducts or kokers under the control of the council and for vehicles, agricultural machinery and animals using the roads and dams within the boundaries of its council area and to prohibit or regulate and control fishing and the mooring of bateaux, punts and other craft in any of the trenches or aqueducts under the control of the council;	Regulation of craft.
(28) to regulate the grazing of animals and cutting of wood on land vested in the council and to fix fees to be paid therefor;	Grazing of animals and cutting of wood.
(29) to make grants of money to any association of local authorities;	Grants to associations of local authorities.
(30) to advertise and give publicity to the attractions of the municipality;	Publicity.
(31) subject to the provisions of the Public Health Ordinance—	Public Health services. Cap. 145 1953 Ed.
(a) to establish, maintain and carry out sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent;	Sanitary.
(b) to establish, erect, maintain and control public lavatories, closets and urinals and employ attendants thereof;	Public lavatories.
(c) to establish, maintain and control public baths and wash-houses;	Wash-houses.

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Markets.

(d) to establish, erect, maintain, let, control and manage markets and market buildings, shops, stalls and stands and to control the occupation thereof;

Slaughter-houses.

(e) to establish, erect, maintain and control slaughterhouses and abattoirs;

Dispensaries and health centres.

(f) to establish, maintain and control, either by itself or jointly with any other authority or association, hospitals, dispensaries and health centres; and to make grants of money towards the establishment and maintenance of hospitals, dispensaries and health centres and to any voluntary association or institution for the promotion of public health and welfare;

Regulation of trades and erection of machinery.

(g) to regulate the mode and place in which any trade or manufacture may be carried on within the City or the Town and to prescribe the conditions under which machinery may, with the consent of the council, be erected in the City or the Town.

Housing.  
Cap. 145  
1953 Ed.  
c. 20:01  
c. 36:20

(32) subject to the provisions of the Public Health Ordinance, the Town and Country Planning Act and of the Housing Act—

(a) to lay out building plots or otherwise subdivide any land vested in the council for the purpose of housing schemes for the inhabitants of the City or the Town;

(b) to erect and maintain dwelling-houses with their appurtenant outbuildings on such plots or sub-divisions of land;

(c) to convert buildings into dwelling-houses and to alter, enlarge, repair and improve the same;

(d) to let any dwelling-house erected or provided by it and to charge reasonable rents or fees for the tenancy or occupation thereof;

(e) to sell any dwelling-house erected or provided by it to a person undertaking to reside therein and to recover the purchase price thereof by instalments;

(f) to sell, let or otherwise dispose of any plot or sub-division of land to any person for the purpose and under the condition that that person will erect and maintain thereon a dwelling-house for his own occupation;

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(g) to sell, let or otherwise dispose of land to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses as may be determined by the Central Housing and Planning Authority in accordance with plans approved by that authority;

(33) subject to the provisions of any law relating to electricity and electric lighting, to light streets and other public places and maintain lamps for that purpose;

Street lighting.

(34) to establish, maintain and control such industrial enterprises and trading services for which no specific provision is made in this section as may be authorised by the Minister;

Industrial enterprises and trading services.

(35) to prescribe fees and charges and to issue licences or permits (which may be subject to conditions) in respect of the doing of anything which the council is entitled to establish, maintain, control or carry on and to remit any such fees or charges and to vary or revoke any such licence or permit;

Fees, charges and licences.

(36) to incur all expenditure necessary for the performance of its functions (whether functions arising from this section or otherwise) and for the doing of all things incidental thereto;

Expenditure.

(37) to establish, erect and maintain stellings and landing places and to control, regulate and charge tolls for the use thereof.

Stellings and landing places.

**303.** A town council or a district council shall have power to do such of the things set forth in section 302 as it may be authorised by the constitution order of its town or district to do; and references in section 302 to the City Council and the Town Council shall be construed as references to the town council or district council, as the case may be, references to the City and the Town as references to the town or district, as the case may be, and references to the Town Clerk as references to the chief executive officer.

Powers of town councils and district councils.  
[25 of 1973]

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### PART X

#### BY-LAWS

Power to make  
by-laws.  
[25 of 1973  
3 of 1982  
27 of 1997]

**304.** (1) A council may make by-laws for the good rule and government of the whole or any part of the council area and without prejudice to the generality of the foregoing may make by-laws for the whole or any part of the area in respect of all or any of the following purposes—

(a) for regulating any of the things which the council is empowered to do, establish, maintain, carry on, control, manage or regulate and for prescribing fees and charges and licences and permits (including the conditions thereof), in respect of any such things;

(b) for protecting from damage or interference any council road, works or property of the council situated or being in, under or over any public place or other place within the council area.

(2) By-laws may impose on persons offending against them penalties of fines, not exceeding one hundred thousand dollars or of imprisonment for a term of not more than three months for any offence, and in the case of a continuing offence a further fine not exceeding two thousand five hundred dollars for each day during which the offence continues after notice thereof has been served by the council on the offender.

(3) By-laws may provide for the recovery by the Council from any offender in addition to any penalty imposed under subsection (2) or from the proceeds of any sale by the council in consequence of a breach of such by-laws, of the expenses incurred by the council in consequence of a breach of any by-law and the exercise by the Council of its powers to ensure compliance with any such by-law.

(4) By-laws may authorise any member of the Police Force or any local government officer in the service of the council to enter and inspect at all reasonable times any premises or place for the purposes of such by-laws.

**305.** (1) By-laws made by a Council shall be under the common seal of the council and shall be submitted to the Minister for approval. Procedure.  
[27 of 1997]

(2) At least fourteen days before application for approval of the by-laws is made, notice of the intention to apply for confirmation shall be published.

(3) For at least fourteen days before application for approval is made, a copy of the by-laws shall be deposited at the offices of the council, and shall at all reasonable hours be open to public inspection without payment.

(4) The council shall, on application, furnish to any person a copy of the by-laws, or of any part thereof, on payment of such reasonable sum, as the council may determine.

(5) All by-laws submitted to the Minister for approval shall be accompanied by—

- (a) a copy of the minutes or other record of the meeting of the council at which they were adopted;
- (b) a certificate by the clerk that subsections (2), (3) and (4) have been complied with;
- (c) copies of any objection to the adoption of the by-laws which has been lodged in writing with the clerk or if no such objection has been lodged, a certificate by the clerk to that effect.

(6) The Minister may approve, with or without amendment, or reject any by-law submitted to him.

(7) No by-law shall have the force of law until it has been approved, with or without amendment thereof, by the Minister.

(8) A copy of by-laws which have been approved shall be deposited at the office of the clerk of the council and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall be furnished to any person applying therefor on payment of such reasonable sum, as the council may determine.

PART XI

MISCELLANEOUS

Default of  
powers.

**306.** (1) If the Minister is satisfied upon inquiry held by him that—

(a) a council has exceeded or abused its powers or has made default in the performance of any duty imposed upon it;

(b) the council has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of its functions;

(c) the expenditure of the council has generally or on any particular head of expenditure been excessive or unreasonable, having regard to its financial resources and other relevant circumstances of the council area; or

(d) the council has failed to observe any financial instructions,

he may by order, declare the council to be in default and either—

(i) direct the council to perform any of its functions in a manner and within a time specified in the order, or

(ii) transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred, or

(iii) dissolve the council, or suspend the council for such time as he may think fit from the performance of such of its functions as may be specified.

(2) The Minister may by a subsequent order, vary any directions contained in an order made under subsection (1).

(3) Where the Minister dissolves a council or suspends the council from the performance of any of its functions under this section he may by order transfer to such person or persons as he may deem fit

such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred.

(4) Where any function of a council is transferred to any person or persons under subsections (1) and (3), the expenses incurred in connection with any inquiry or the exercise by such person or persons in discharging that function, shall be a debt due from the council to the Government and be charged upon the assets of the council.

(5) Where the Minister dissolves a council under this section, he shall, when he deems fit, by order appoint—

- (a) a day for the election of the councillors and prescribe the term of office of the councillors so elected;
- (b) a day for the election of the Mayor and Deputy Mayor or of the chairman and vice-chairman, as the case may require, and prescribe their terms of office.

**307.** Subject to negative resolution of the National Assembly, the Minister may make regulations for giving effect to this Act and anything which is to be prescribed in pursuance of this Act shall, unless the context otherwise requires, be prescribed by such regulations.

Regulations.

**308.** The Minister may at any time order that a local inquiry be held into any matter and such inquiry shall be held in accordance with the provisions of the Eighth Schedule.

Local inquiry.  
Eighth Schedule.

**309.** When any oath is required to be taken by or under this Act, every person permitted by law to make a solemn affirmation or declaration may, instead of taking an oath, make a solemn declaration in the form of such oath, substituting the words “solemnly, sincerely and truly declare and affirm” for the word “swear” and omitting the words “So help me God”.

Affirmation.

**310.** Notwithstanding the provisions of any other law, all declarations under this Act shall be exempt from stamp duty.

Exemption  
from stamp  
duty.

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Publication of  
notices.

**311.** Except as otherwise provided, where any notice is required to be published under this Act or any by-laws made thereunder, the notice shall be published by affixing it to the offices of the council, and it may also be published in such other manner, if any, as is, in the opinion of the council, expedient to give publicity thereto.

Service of  
documents.

**312.** (1) Any notice or other document, required or authorised to be given or served on any person under this Act may be given or served either—

(a) by delivering it to the person; or

(b) by leaving it at the usual or last known residence of that person, or in the case of a company, at its registered office or by delivering it or forwarding it by registered post addressed to that person at his office; or

(c) by forwarding it by registered post addressed to that person at his usual or last known residence, or in the case of a company, at its registered office; or

(d) by delivering it to some person at the premises to which it relates or if there is no person on the premises to whom it can be so delivered, then by affixing it to some conspicuous part of the premises; or

(e) without prejudice to the foregoing provisions of this subsection, where the property to which the notice or other document is to be sent is a place of business of the person to or on whom it is to be given or served, by leaving it or forwarding it by registered post addressed to that person at the said place of business.

(2) Any notice or other document required or authorised to be given to or served on any council, shall be duly given or served if delivered at, or sent by registered post to, the office of the council addressed to its clerk.

Penalty for  
destroying  
notices.  
[27 of 1997]

**313.** Any person who destroys, tampers or otherwise interferes with—



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(a) any board on or to which any notice or other matter is posted by a council or by any person in pursuance of powers under this Act;

(b) any advertisement, placard, bill or notice posted up on such board,

shall be liable on summary conviction to a fine of five thousand dollars.

**314.** (1) Save as otherwise expressly provided, all offences against this Act shall be prosecuted under the Summary Jurisdiction Acts.

Prosecutions  
and penalties.  
[27 of 1997]

(2) A person guilty of an offence against this Act for which no special penalty is provided, shall be liable on conviction to a fine of ten thousand dollars or to imprisonment for six months.

**315.** (1) A council may authorise any of the local government officers in its service either generally or in respect of any particular matter to institute or defend, on its behalf, any legal proceedings or to appear therein on its behalf

Appearance of  
council in legal  
proceedings.  
[25 of 1973]

(2) Proceedings under this section shall be instituted in the name of the council.

(3) The provisions of the Limitation Act and the Title to Land (Prescription and Limitation) Act shall not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim for a sum of money by a council and whether or not such sum would have been irrecoverable prior to the enactment of this subsection by virtue of either of the said enactments.

c. 7:02  
c 60:02

(4) Where by virtue of subsection (3) a sum of money is claimed as rates due in respect of property from the owner thereof for a period during which he was not the owner of the property any sum of money paid by him in satisfaction of that claim shall, subject to any agreement to the contrary, be deemed to be money paid by him at the request of the person who was the owner during the said period.

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Name of council need not be proved.	<b>316.</b> In any proceedings instituted by or against a council, it shall not be necessary to prove the corporate name of the council or the constitution or limits of its council area.
Notice of proceedings.	<b>317.</b> Before any civil proceedings are instituted against a council, notice thereof shall be given to the council not less than thirty days prior to the institution of proceedings and no such proceedings shall be brought unless commenced within six months next after the day on which the cause of action arose.
Protection from personal liability.	<b>318.</b> No matter or thing done and no contract entered into by a council or other person whomsoever acting under the direction of such council and no matter or thing done by any member of such council or by any local government officer in the service of such council, shall, if the matter or thing were done or the contract were entered into <i>bona fide</i> for the purpose of performing the functions of such council or of such member or of such local government officer, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such council, member, local government officer or other person so acting shall be borne and repaid by the council:  Provided that nothing in this section shall exempt any member of any such council or any such local government officer from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such council and which such member or such local government officer authorised or joined in authorising.
Execution of transports by council.	<b>319.</b> Whenever a council purchases or sells any immovable property, the transport shall be passed either to or by the council, as the case may be, and the clerk of the council shall execute the transport by signing his name and official description and affixing the common seal of the council thereon.
Management of undivided property.	<b>320.</b> All undivided lands in every council area, except private lands held in joint ownership or ownership in common, shall be under the control and management of the council.

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**321.** (1) A council may let to any person by monthly or yearly tenancy or for a term of years, and at such rent as may be determined by the council any undivided lands, not being dams, under the control and management of the council.

Letting of undivided lands.

(2) Where the letting is for a term of years it shall not be enforceable against the council unless the agreement to let is in writing and unless it is signed by the clerk and there is affixed thereon the common seal of the council.

(3) All persons occupying any undivided lands for the time being under the control and management of the council shall pay to the treasurer thereof the rent determined by the council.

(4) All arrears of rent may be recovered—

(a) by an action against the person liable for the payment thereof;

(b) by warrant of distress in the same manner as is provided in this Act in respect of arrears of a general rate.

(5) The clerk of the council may, subject to an appeal to the Minister, enter upon and take possession of all lands in respect of which two months rent or more is due and payable, and take possession of and dispose to the best advantage all crops, provisions and other things there growing or being on the lands; and any surplus after such disposal shall be handed over to the dispossessed tenant or occupier.

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FIRST SCHEDULE

s. 7

BOUNDARIES OF THE CITY OF GEORGETOWN

All the area bounded on the north by the Atlantic Ocean, on the east by the eastern boundary of the company path on the eastern side of Plantations Cummings Lodge, Houston and Rome, on the south by the southern boundary of Plantation Rome, and on the west by the Demerara River.

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ss. 18, 30, 44,  
130

**SECOND SCHEDULE FORM**

**OF OATHS OF OFFICE**

I,....., do swear  
(or solemnly affirm) that I will faithfully execute the office of.....  
.....  
without fear or favour, affection or ill-will according to the best of my  
judgment and ability.

So help me God      (To be omitted in affirmation)

ss. 22 and 30  
[17 of 1988  
O. 12 of 1993]

**THIRD SCHEDULE**

**FUNDS WHICH MAY BE PLACED AT THE  
DISPOSAL OF THE MAYOR**

**PART I**

THE MAYOR OF THE CITY OF GEORGETOWN

A sum not exceeding twenty-four thousand dollars *per annum* in  
equal instalments payable at the end of each quarter year.

**PART II**

THE MAYOR OF THE TOWN OF NEW AMSTERDAM

A sum not exceeding twenty-four thousand dollars *per annum* in  
equal instalments payable at the end of each quarter year.

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### FOURTH SCHEDULE

s. 28

#### BOUNDARIES OF THE TOWN OF NEW AMSTERDAM

All the area bounded on the north by the Canje River, on the east by the eastern boundaries of Smythfield, Mount Sinai and Overwinning, on the south by common boundaries between Overwinning, Providence and Glasgow with New Doe Park and Doe Park, and on the west partly by the western boundary of Glasgow and partly by the Berbice River.

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### FIFTH SCHEDULE

s. 60

#### STANDING COMMITTEES

##### PART I

###### THE CITY COUNCIL

City Works  
Finance  
Social Development

##### PART II

###### THE TOWN COUNCIL

Works  
Finance  
Social Development

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ss. 77 and 78

SIXTH SCHEDULE

POWERS, DUTIES AND RESPONSIBILITIES  
OF CERTAIN OFFICERS

PART I

THE CLERK

1. He shall be responsible for convening all meetings of the council and its committees and for the preparation of agenda, minutes and reports of such council and its committees.

2. (1) He shall advise the council and its committees on all matters upon which his advice is necessary, including the standing orders and by-laws thereof.

(2) If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.

3. He shall, either personally or by his nominee, attend all meetings of the council and of its committees.

4. He shall advise the Mayor or chairman of the council, as the case may be, on all matters appertaining to those offices.

5. Subject to any general directions which the council may give, he shall have the charge and custody of, and be responsible for, all charters, deeds, records and other documents belonging to the council which shall be kept as the council may direct.

6. He shall have the duty of ensuring that the business of the council is carried out with order, regularity and expedition in accordance with the by-laws, resolutions and standing orders of the council.

7. He shall have the responsibility for the general correspondence of the council.

8. Where any document is required as a necessary step in legal proceedings on behalf of the council, he shall sign such document unless any written law otherwise requires or authorises, or the council shall have given the necessary authority to some other person for the purpose of such proceedings.

9. He shall have the conduct of such negotiations on behalf of the council as the council may require.

10. He shall have the responsibility for conveying decisions of the council to local government officers in the service of the council relating to their work and conduct.

11. He shall, where legally qualified so to do, give general legal advice to the council, and whether legally qualified or not, to local government officers in the service of the council on questions arising with regard to their official duties and obligations.

## PART II

### THE TREASURER

1. He shall be the accountant, paymaster and collector and financial adviser of the council.

2. He shall advise the council and its committees and sub-committees on all matters on which his advice is necessary, including financial orders or regulations and the standing orders and local government legislation so far as financial matters are concerned. If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.

3. He shall attend, either personally or by his nominee, all meetings of the finance committee of the council and other committees where business with financial implications may be transacted.

4. He shall be responsible for the organisation of the finance department and for the organisation of the financial arrangements in all other departments of the council.

5. He shall be responsible to the council for the maintenance of the council's accounting system and for the supervision of all the financial records of the council, wherever kept.

6. He shall be responsible for the preparation of all financial returns and reports required.

7. He shall supply promptly, in conjunction with other departments where necessary, to the council, its committees and departments any financial data they require for management of the council's business.

8. Where an internal audit is maintained by the council he shall be responsible therefor and shall promptly report to the committee concerned and to the finance committee any irregularities discovered in the course of such internal audit.

9. He shall make arrangements for the verification of all accounts for payment and for making all payments, including salaries, wages and pensions.

10. He shall obtain from the local government officers concerned all the information necessary for the proper examination of claims for payment due from the council arising from any contract.

11. In accordance with the instructions of the council, he shall make arrangements for the collection and recovery of moneys due to the council and the handling, custody, security and banking of cash.

12. He shall be responsible for the ordering, control and issue of, and for supplying all departments of the council with, all official receipt forms, books, tickets, stores, requisitions and other documents representing money or money's worth.

13. He shall be responsible for compiling the estimates of the council.

14. He shall report to the appropriate committee any overspending and any unauthorised expenditure, and shall draw attention, to any irregularity in respect of any proposed expenditure.



15. He shall manage, subject to the instructions of the finance committee and the council, all funds of the council.

16. He shall ensure that moneys not required for the time being are suitably invested.

17. He shall advise the finance committee on the raising of capital funds.

18. He shall be responsible for all rating matters of the council and for the collection of rates due to the council.

19. He shall direct and supervise the financial transactions of the council with their bankers.

20. He shall carry out financial negotiations on behalf of the council and assist in other negotiations when financial aspects are involved.

21. He shall give such financial evidence where appropriate as may be required on behalf of the council.

22. He shall effect insurances for all departments of the council and claims on insurance companies and recommend settlements.

23. He shall be responsible for the keeping of true accounts of all moneys received and receivable and paid and payable by the council for any charitable purpose of which the local authority may assume the charge.

24. He shall, if required by the council, be responsible for the custody and control of the stores of the council and, if not so required, shall be responsible for prescribing the stores accounting procedure of the council.

25. He shall prepare and submit to the finance committee of the council a report on all proposals involving capital expenditure and on other expenditure not provided for in the estimates of the current financial year of the council and on any proposals involving a variation in the income of the council.

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s. 221

**SEVENTH SCHEDULE**

**WARRANT OF DISTRESS**

**GUYANA**

To .....and to all  
other Town/Rural Constables.

WHEREAS application has been duly made to me by  
.....in and for  
the .....Council for a  
Warrant of Distress against the movable property upon or in.....  
.....for the purpose of recovering the amount of  
.....due as rates from.....in  
respect of .....with costs, and whereas the  
duplicate or copy of the Notice with return of service thereof duly sworn  
to before me, has been produced in the form of law—

s. 307

This is, therefore, to require and command you to levy the said sum  
of ..... with costs upon the said movable  
property according to law.

Dated this .....day of..... 19 .....  
(Signed)  
Magistrate. District

Appointment  
of commission  
and terms of  
reference.

\_\_\_\_\_

s. 308

**EIGHTH SCHEDULE REGULATIONS**

**FOR THE HOLDING OF  
LOCAL INQUIRIES**

Appointment  
of commission  
and terms of

1. (1) Wherever a local inquiry is to be held under this Act, the  
Minister shall appoint a commissioner for that purpose, and shall specify  
the terms of reference of the inquiry.

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(2) If the commissioner appointed becomes unable or unwilling to act, or dies, the Minister may appoint another commissioner in his place. reference.  
[6 of 1997]

(3) The Minister may at any time alter the terms of reference of the inquiry.

(4) Where the Minister exercises any power under this regulation, notice thereof shall be published in the *Gazette* and in accordance with section 311.

2. The commissioner shall, as soon as may be after his appointment and before exercising any functions as such, take an oath or make an affirmation that he will faithfully, fully, impartially and to the best of his ability perform his duties in relation to the inquiry; and such oath or affirmation shall be taken before a magistrate or justice of the peace, and shall be deposited by the commissioner with the Minister. Oaths.

3. The commissioner shall, before the commencement of the inquiry, publish in accordance with section 311 notice of the time and place of inquiry, and the notice shall state that any person shall have the right to attend and give evidence at the inquiry. Publication of notice of inquiry.

4. Every inquiry shall be conducted in public, but the commissioner shall nevertheless be entitled to exclude any person for the preservation of order, or the due conduct of the inquiry. Inquiry to be public.

5. The Minister may appoint a secretary to perform such duties in connection with the inquiry as the commissioner may prescribe. Power to appoint a secretary.

6. The commissioner shall submit his findings in writing to the Minister together with a full statement of the proceedings of the inquiry, and the reasons for his findings. Submission of findings.

7. The commissioner may make such rules for the conduct and management of the proceedings, and the hours and days and places for sittings not inconsistent with his commission, as he may from time to time think fit, and may from time to time adjourn for such time and to such place as he may determine, subject only to the terms of his commission. Rules for regulating proceedings.

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Power of  
commissioner  
to summons  
and examine  
witnesses and  
privilege from  
suit.

8. (1) The commissioner shall have the powers of a Judge to summon witnesses, and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath; and the commissioner shall not be liable in any action or suit for any matter or thing done in good faith by him as commissioner.

(2) All summonses for the attendance of witnesses or other persons, or the production of documents, shall be in the form of the Appendix to these Regulations, and shall be signed by the commissioner; and oaths may be administered by the commissioner or the secretary.

False evidence.

9. Any witness who wilfully gives false evidence in the inquiry shall be guilty of perjury, and shall be liable to be prosecuted and punished accordingly:

Provided that no proceedings shall be instituted without the authority in writing of the Director of Public Prosecutions.

Attendance of  
witnesses.

10. (1) All persons summoned to attend and give evidence or to produce books, plans or documents, at the inquiry, shall be obliged to obey the summons as fully in all respects as witnesses are obliged to obey subpoenas issued from the Court, and shall be entitled to the like expenses as if they had been summoned to attend the Court on a criminal trial, if the same shall be allowed by the commissioner, but he may, if he thinks fit, disallow the whole or part of such expenses in any case.

(2) Every person refusing or failing without sufficient cause to attend at the time and place mentioned in the summons served on him, and every person summoned and attending, but leaving the inquiry without the permission of the commissioner, or refusing without sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the commissioner, or refusing without sufficient cause to produce any books, plans or documents in his possession, or under his control, and mentioned or referred to in the summons served on him, and every person who at any sitting of the inquiry wilfully insults the commissioner or the secretary, or wilfully interrupts the proceedings of

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the inquiry, may be summarily ordered by the commissioner to pay either forthwith or within a specified time a fine not exceeding six thousand five hundred dollars, recoverable under the Summary Jurisdiction Acts.

(3) Any person giving evidence at the inquiry may refuse to answer any question which may incriminate him and every such person shall, in respect of any evidence given by him before the commissioner, be entitled to all privileges to which a witness giving evidence before the Court is entitled in respect of evidence given by him before that Court.

11. Any person who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel or solicitor at the inquiry. Appearance of counsel.

12. The Commissioner of Police shall, upon the request of the Minister, detail constables to attend upon the commissioner, to preserve order during the inquiry and to perform such other duties as usually pertain to their office when in attendance upon the Court. Preservation of order.

13. (1) The Minister may direct what remuneration, if any, shall be paid to the commissioner and to the secretary, and to any other person employed in or about the inquiry. Expenses.

(2) The expenses incurred under this regulation together with any expenses paid to witnesses under regulation 10 and any other costs incurred by the commission in the holding of the inquiry, shall be paid by the council concerned in or affected by the inquiry.

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**APPENDIX**

reg. 8(2)

**SUMMONS TO WITNESS**

To .....  
You are hereby summoned to appear before .....  
.....appointed by the Minister  
of Local Government to inquire.....

**LAWS OF GUYANA**

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**Cap. 28:01**

*Municipal and District Councils*

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at ..... upon the ..... day of  
.....19.....at ..... o'clock in the  
fore/afternoon, and to give evidence respecting such inquiry.

You are required to bring with you .....  
.....

Therefore fail not at your peril.

Dated this. ....day of.....19...

Given under the hand of .....

(Commissioner)

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