

I assent,

F. D. JAKEWAY,

Officer Administering
the Government.

4th December, 1954.

ORDINANCE No. 40 OF 1954

AN ORDINANCE to amend the New Amsterdam Town Council Ordinance, 1949.

[4th December, 1954

Enacted by the Legislature of British Guiana:—

A.D. 1954

Short title.

1. This Ordinance may be cited as the New Amsterdam Town Council (Amendment) Ordinance, 1954, and shall be construed and read as one with the New Amsterdam Town Council Ordinance, 1949, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

No. 25 of
1949.

2. Section thirty-nine of the Principal Ordinance is hereby amended —

Amend-
ment of
section 39
of the
Principal
Ordinance

(a) by the renumbering of section thirty-nine as subsection (1) thereof;

(b) by the substitution therein for the words "after his election" of the words "during his term of office"; and

(c) by the addition thereto of the following subsection —
“(2) The oath or affirmation required by subsection (1) of this section shall be administered by the Town Clerk.”

3. Section ninety of the Principal Ordinance is hereby amended —

Amend-
ment of
section 90
of the
Principal
Ordinance.

(a) by the substitution in subsection (1) for the words "The Council may appoint any Councillor to be the Deputy Mayor" of the words "At the meeting summoned under section eighty-seven for the election of the Mayor the Councillors so summoned shall elect one of their number to be the Deputy Mayor";

(b) by the substitution of a full-stop for the semi-colon after the words "suffered by the Mayor" in subsection (1), and by the deletion from the said subsection of the words "but such Deputy Mayor shall not, unless he is a Justice of the Peace, act as a Justice or in any judicial capacity.";

(c) by the substitution for subsection (5) of the following subsection—

“ (5) For the purpose of the election of the Deputy Mayor as hereinbefore provided and notwithstanding anything contained in subsection (5) of section 87, the Councillor elected to be Mayor shall preside and shall have a casting vote.”; and

(d) by the addition thereto of the following subsection—

“ (6) Notwithstanding anything in subsection (1) where there has been a failure to elect the Mayor within the meaning of subsection (9) of section 87 the election of the Deputy Mayor shall take place at the first meeting of the Council after the election of the Mayor, and the provisions of subsection (5) of this section shall apply to such election.”

Amendment of section 91 of the Principal Ordinance.

4. Section ninety-one of the Principal Ordinance is hereby amended —

(a) by the substitution therein for the words “forthwith after his appointment” of the words “before he exercises any of the functions of his office”;

(b) by the renumbering of section 91 as subsection (1) thereof; and

(c) by the addition thereto of the following subsection—

“ (2) The Deputy Mayor shall be ex-officio a justice of the peace in and for the town and shall take the oath required to be taken by a justice of the peace.”

Repeal and re-enactment of section 93 of the Principal Ordinance.

5. Section ninety-three of the Principal Ordinance is hereby repealed and the following substituted therefor—

“Validity of proceedings notwithstanding disqualification or vacancy

93. The acts and proceedings of any person elected a councillor under this Ordinance and acting in that office, shall notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified; and no vacancy or vacancies existing among the members of the Council shall affect the validity of any proceedings of the Council.”

Amendment of section 103 of the Principal Ordinance.

6. Section one hundred and three of the Principal Ordinance is hereby amended by the insertion after subsection (5) thereof of the following subsection —

“ (6) The Town Clerk shall be ex-officio a justice of the peace in and for the town and shall take the oath required to be taken by a justice of the peace and shall have the power to administer all oaths required to be administered by him under the provision of this Ordinance.”

Addition of proviso to section 136 of the Principal Ordinance.

7. Section one hundred and thirty-six of the Principal Ordinance is hereby amended by the addition thereto of the following proviso —

“Provided that the Governor may by Order in Council extend the time within which any appraisalment required by this section shall be made.”

8. Section one hundred and seventy-five of the Principal Ordinance is hereby amended —
- (a) by the substitution for the words “forty-eight cents” in subsection (1) thereof of the words “twelve shillings”;
 - (b) by the substitution for the words “thirty-two cents” in subsection (1) thereof of the words “eight shillings”; and
 - (c) by the substitution for the words “twenty-four cents” in subsection (1) thereof of the words “six shillings”.
9. Section one hundred and ninety-three of the Principal Ordinance is hereby amended —
- (a) by the renumbering of section one hundred and ninety-three as subsection (1) thereof; and
 - (b) by the addition thereto of the following subsections—
 - “(2) The Council shall have the power to exhume any corpse so buried and to remove it, under the supervision of a Government Medical Officer to the burial ground at the cost of anyone offending against this section and to recover the cost as a debt due to the Council by the offender :
 - Provided that no steps shall be taken hereunder to exhume any corpse unlawfully buried prior to the coming into operation of this subsection without the consent of the Governor in Council being first obtained thereto.
 - (3) In any proceeding instituted for the recovery of any cost under the preceding subsection, the signature of the Town 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 in all courts and for all purposes *prima facie* evidence that that amount is due and payable.”
10. Section one hundred and ninety-seven of the Principal Ordinance is hereby amended —
- (a) by the substitution of a full-stop for the colon after the word “sanction”; and
 - (b) by the deletion of the proviso thereto.
11. Section two hundred and seven of the Principal Ordinance is hereby repealed and the following substituted therefor —
- “Increase, reduction or abolition of fees, tolls or charges. 207. The Council may by resolution from time to time increase, reduce or abolish any fee, toll, due, fare or charge fixed under the authority of any by-law passed in accordance with this Ordinance and the increase, reduction or abolition shall be published in the Gazette and a newspaper of the Colony circulating in the town.”

Amendment of section 175 of the Principal Ordinance.

Amendment of section 193 of the Principal Ordinance.

Amendment of section 197 of the Principal Ordinance.

Repeal and re-enactment of section 207 of the Principal Ordinance.