

# Bill No. 23 of 1959

PUBLISHED 19TH SEPTEMBER, 1959.

Legislature,  
Public Buildings,  
Georgetown, Demerara.  
17th September, 1959.

It is hereby notified for general information that the Local Government (Amendment) Bill, 1959 (Bill No. 21 of 1959), published as Notice No. 94, in the *Gazette of Saturday*, 1st August, 1959, is hereby cancelled, and the following Bill which will be introduced in the Legislative Council, is substituted therefor.

I. CRUM EWING,  
Clerk of the Legislature.

BILL No. 23 OF 1959.

LOCAL GOVERNMENT (AMENDMENT) BILL, 1959.

## ARRANGEMENT OF SECTIONS

### Section

1. Short title.
2. Amendment of section 28 of Chapter 150.
3. Amendment of section 29 of Chapter 150.
4. Repeal of section 31 of Chapter 150.
5. Amendment of section 52 of Chapter 150.
6. Amendment of section 62 of Chapter 150.
7. Amendment of section 76 of Chapter 150.
8. Amendment of section 84 of Chapter 150.
9. Repeal and re-enactment of section 92 of Chapter 150.
10. Repeal and re-enactment of section 94 of Chapter 150.
11. Amendment of section 105 of Chapter 150.
12. Amendment of section 188 of Chapter 150.
13. Savings.

### A BILL

#### Intituled

#### AN ORDINANCE FURTHER TO AMEND THE LOCAL GOVERNMENT ORDINANCE.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Local Government (Amendment) Ordinance, 1959, and shall be construed and read as one with the Local Government Ordinance hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.
 

Short title.  
Cap. 150.
2. Section 28 of the Principal Ordinance is hereby amended—
 

Amendment of section 28 of Chapter 150.

  - (a) by the repeal of subsection (2) thereof, and by the substitution therefor of the following new subsection—
 

“(2) Each village council shall consist of such number of councillors not less than six, as the Board may, from time to time determine.”;
  - (b) by the repeal of subsection (3) thereof;
  - (c) by the substitution for the words “An elected councillor” in subsection (4) of the words “All councillors”;
  - (d) by the repeal of subsection (5) thereof;
  - (e) by the deletion of paragraph (j) of subsection (7) thereof;
  - (f) by the deletion of paragraph (k) of subsection (7) thereof, and by the substitution therefor of the following new paragraph—
 

“(k) The Board shall fix a day, hour and place for which the overseer shall summon a meeting of the councillors of the village district for the purpose of electing a chairman and a deputy chairman of the village council and a day and place upon which an election by the registered voters shall be made, if there is no election by the councillors on account of an equality of votes.”;
  - (g) by the deletion of paragraph (m) of subsection (7) thereof, and by the substitution therefor of the following new paragraph—
 

“(m) councillors shall vacate office on the 31st December in the year of the first general election of village councillors after the constitution of the village council.”;
  - (h) by the deletion of paragraph (o) of subsection (7) and the substitution therefor of the following new paragraph—
 

“(o) subject to the foregoing provisions of this subsection, the provisions of this part of this Ordinance shall apply to the first election of councillors of a village district and the first election of a chairman and of a deputy chairman of a village district.”;

- (i) by the deletion of paragraph (i) of subsection (8) thereof, and by the substitution therefor of the following new paragraph—

“(i) Where the number of members of a village council has been increased, there shall be an election of the additional member or members of the council as the case may be, and the election shall be held and conducted in accordance with the provisions of this part of this Ordinance subject, however, to the following provisions, that is to say—

- (a) when the Board determines that the number of members of a council shall be increased as aforesaid, the Board shall give notice thereof by publication in the Gazette and shall inform the village council through the commissioner, accordingly;
- (b) the Board shall order the returning officer to hold an election of an additional councillor or councillors.”;

- (j) by the deletion of paragraph (ii) of subsection (8) thereof;
- (k) by the substitution for the words “appointment or the election, as the case may be,” in paragraph (iii) of subsection (8) thereof, of the word “election”;
- (l) by the deletion of the words “or appointed” in paragraph (iv) of subsection (8) thereof;
- (m) by the deletion of the words “appointed and elected” in subsection (9) thereof;
- (n) by the deletion of the words “appointed or” in subsection (10) thereof.

Amendment of section 29 of Chapter 150.

3. Section 29 of the Principal Ordinance is hereby amended by the deletion therefrom of the words “appointment or” and the words “appointed or”.

Repeal of section 31 of Chapter 150.

4. Section 31 of the Principal Ordinance is hereby repealed.

Amendment of section 52 of Chapter 150.

5. Section 52 of the Principal Ordinance is hereby amended by the addition thereto after subsection (5) of the following new subsection—

“(6) Where a village has been divided under the provisions of section 30 of this Ordinance, no candidate may be nominated in more than one division.”

Amendment of section 62 of Chapter 150.

6. Section 62 of the Principal Ordinance is hereby amended by the repeal of subsection (1) thereof, and by the renumbering of subsection (2) as section 62.

Amendment of section 76 of Chapter 150.

7. Section 76 of the Principal Ordinance is hereby amended by the deletion therefrom of the words “subsection (2) of section 31 and”.

Amendment of section 84 of Chapter 150. No. 24 of 1956.

8. Section 84 of the Principal Ordinance as amended by the Local Government (Amendment) Ordinance, 1956, is hereby further amended by the insertion in subsection (8) thereof, after the word “servants”, of the words “and a gratuity to the legal personal representative of any of its officers or servants who dies in service after qualifying for a pension or gratuity”.

Repeal and re-enactment of section 92 of Chapter 150.

9. Section 92 of the Principal Ordinance is hereby repealed and the following substituted therefor—

“Grazing of animals on common lands of village or country district.

92. (1) The local authority of any village or country district may, with the approval of the Board, fix fees to be paid by the owners of any animals grazing or kept on the common lands of any village or country district or on Crown or Colony lands held by such local authority.

(2) Where such lands are held jointly by two or more local authorities, such local authorities may, in like manner, fix fees to be paid by the owners of any animals grazing or kept on such lands.

(3) Such local authorities may, with the approval of the Board, make by-laws providing for the appointment of a committee or joint committees of management and for any matters necessary for the management and supervision of such lands.

(4) Any fees fixed by this subsection shall be paid to the overseer or, if there is no overseer, to the chairman of the local authority, for and on account of the general revenue of the village or country district.

(5) Any animals in respect whereof any such fees are due and payable may, in default of payment thereof, be sold by order of the local authority on the expiration of seven days after notice of the intended sale has been posted up on the office of the local authority; and any surplus shall be paid over to the owner of the animal.

(6) In this section the expression "animal" means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat or swine."

10. Section 94 of the Principal Ordinance is hereby repealed and the following substituted therefor—

"Charging tolls for passage of craft, animals and vehicles.

94. The local authority of any village or country district may charge tolls, according to a tariff to be posted up at the village office or some other conspicuous place within the district, for bateaux, punts or other craft passing through any of the trenches, aqueducts or kokers, and for animals or vehicles of any kind using the roads and dams, under the control and management of the local authority but no toll shall be charged until the tariff has been approved by the Board."

Repeal and re-enactment of section 94 of Chapter 150.

11. Section 105 of the Principal Ordinance is hereby amended by the substitution for the word "modifications" in subsection (2) thereof, of the word "changes".

Amendment of section 105 of Chapter 150.

12. Section 188 of the Principal Ordinance is hereby amended by the substitution for the word "hundred" appearing therein of the word "thousand".

Amendment of section 188 of Chapter 150.

13. Sections 2, 3, 4, 5, 6 and 7 of this Ordinance shall not come into operation in relation to any village council until such date as any candidate elected at the next ensuing general elections of members of the council after the commencement of this Ordinance shall have taken office:

Savings.

Provided that for the purpose of enabling any such council to be constituted on the date aforesaid in a manner authorised by the provisions of the Principal Ordinance as amended by sections 2, 3, 4, 5, 6 and 7 of this Ordinance, the constitution and membership of such council may be determined and the election of the members thereto may be held before such date in accordance with the provisions of the Principal Ordinance as amended by the said sections of this Ordinance as if such sections were in operation.

#### OBJECTS AND REASONS

Under the Local Government Ordinance, membership of every village council consists of persons elected at village district elections and of persons appointed by the Local Government Board. The Local Government Board determines the number of members of each village council, which must not be less than six or more than nine. This Bill seeks to provide that all village councillors shall be elected by abolishing the power to appoint members to village councils, such abolition to take effect in relation to each council as from the next general election of members of that council. The Bill also seeks to confer upon the Local Government Board power to determine the number of members of each village council without any limitation as to the maximum number which the Board may so determine.

2. Section 30 of the Ordinance empowers the Governor in Council to divide village districts into divisions and to prescribe the number of councillors to be elected by each division. It is considered desirable that the nomination of any candidate for election to a village council in more than one such division of the village district should be prohibited. Clause 5 of this Bill seeks to provide accordingly.

3. Section 84 (8) of the Ordinance empowers village councils and country authorities to award pensions and gratuities to their employees. No provision is, however, made for any payment to be made to the estate of an employee who dies in service after having qualified for a pension or gratuity. Clause 8 of this Bill therefore seeks to confer upon village councils and local authorities the power to award a gratuity to the personal representatives of such an employee in order that a benefit to which he is entitled should not be lost to his estate by reason of his death while in service.

4. It is considered desirable for the better administration of grazing areas to give local authorities specific power to manage and control Crown and Colony lands used for the grazing of animals and to provide for the joint administration of grazing lands held jointly by more than one local authority. Clause 9 of this Bill seeks to amend section 92 of the Local Government Ordinance, which deals with the management of grazing lands in village and country districts, in order to provide accordingly.

5. Section 94 of the Ordinance empowers village councils and country authorities to charge tolls for animals using roads and dams within the boundaries of the district. No provision is made for the charging of tolls in respect of vehicles. Moreover, certain roads in village or country districts are maintainable by the Government and are therefore not under the control and management of the local authority. Clause 10 of this Bill seeks to amend section 94 of the Ordinance to permit village councils and country authorities to charge tolls for both animals and vehicles, but only in respect of the use of dams and roads under the control and management of the local authority.

6. By section 105 (2) of the Ordinance, the Local Government Board may modify the annual estimate of expenditure, and the rate proposed to be levied to meet such expenditure, transmitted to the Board for approval by any local authority. Clause 11 of this Bill seeks to amend section 105 (2) of the Ordinance to make it clear that the Board shall have power to increase or decrease the annual estimate of expenditure and the proposed rate.

7. Section 188 of the Ordinance requires the approval of the Local Government Board in respect of any contract for the execution of work or the supply of materials or articles involving expenditure exceeding one hundred dollars by a local authority. It is considered unnecessary that the approval of the Local Government Board should be required in respect of any such contract which does not involve expenditure exceeding one thousand dollars by a local authority. Clause 12 of this Bill therefore seeks to amend section 188 of the Ordinance accordingly.

B. S. RAI,  
Minister of Community Development & Education.

(M.P. C. No. 1/21/27 m).  
(M.P. LG. No. 24/3).  
(Leg. Bill No. 23/1959).