

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

1986—10—29.

The following Bill which will be introduced in the National Assembly is published for general information.

*F. A. Narain,*  
Clerk of the National Assembly.



## GUYANA

BILL No. 12 of 1986

MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT)

BILL 1986

ARRANGEMENT OF SECTIONS

### SECTION

1. Short title.
2. Amendment of section 213 of the Principal Act.
3. Amendment of section 218 of the Principal Act.
4. Insertion of new sections 220A, 220B and 220C in the Principal Act.

## A BILL

## Intituled

AN ACT to amend the Municipal and District Councils Act.

A. D. 1986 Enacted by the Parliament of Guyana:—

Short title.

Cap. 28:01.

Amendment  
of section 213  
of the  
Principal  
Act.

Amendment  
of section  
218 of the  
Principal  
Act.

Insertion of  
new sections  
220A, 220B  
and 220C in  
the Princ-  
pal Act.

1. This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act 1986.

2. Section 213 (3) of the Principal Act is hereby amended by the substitution for the word "five" of the word "ten".

3. Section 218 of the Principal Act is hereby amended in the following respects —

- (a) by the substitution for the full stop at the end, of the following words ' ; or';
- (b) by the insertion after paragraph (c) of the following paragraph as paragraph (d) —

"(d) by the other remedies under sections 220A, 220B and 220C."

4. The Principal Act is hereby amended by the insertion after section 220 of the following sections as sections 220A, 220B and 220C —

"Certificate. 220A. (1) The clerk of the council shall serve by registered post on the person liable for payment of rates a statement of his indebtedness together with a demand for payment of the rates within fourteen days of the receipt of the statement.

(2) If payment is not made in accordance with the demand made under subsection (1), the clerk of the council shall make out a certificate in triplicate in such form as may be prescribed stating, irrespective of the amount, the rates due and payable, the name and address of the owner of the property in respect of which the rates became payable and the address and description of the property in respect of which the demand for the payment of rates was made.

(3) On production for registration of the certificate, made out under subsection (2), before the clerk of the magistrate's court of the magisterial district in which the offices of the council are situate, the clerk of the magistrate's court

shall issue a notice to the owner mentioned in the certificate requiring him to make any representation within ten days from the date of the service of the notice, as to why the certificate should not be registered. After the expiry of the said period of ten days, the magistrate, upon the production of the certificate and a copy of the notice together with proof of service and on consideration of the representation, if any, may make an order for the registration of the certificate. The certificate when so registered shall have the same force and effect, and all proceedings may be taken thereon, as if the said certificate were a judgment for the State obtained in the magistrate's court for a debt of the amount specified in the certificate together with any interest required to be paid by this Act to the day of payment.

(4) Rules of practice may be made under section 78 of the Summary Jurisdiction (Magistrates) Act providing for the procedure to be followed upon the registration of such certificate. Cap. 3:06

(5) All reasonable costs and charges attendant upon the registration of the certificate shall be recoverable in like manner as if they had been included in such certificate.

(6) Notwithstanding any law to the contrary where judgment has been obtained under this section nothing shall prevent the council from levying first on immovable property whether or not the defaulting ratepayer has movable property.

220B. (1) Notwithstanding any law to the contrary and without prejudice to any other remedy, rates may be recovered by the council — Recovery of rates from other sources.

(a) by notifying the employer, in such form as may be prescribed, of the judgment against the defaulting ratepayer and instructing the employer to deduct weekly or monthly, as the case may be, an amount not in excess of one-third of the gross salary of the defaulting ratepayer and pay over the amount so deducted to the council, in such manner as may be prescribed, and the employer shall be bound to deduct and make payment over to the council such amount until the rates have been fully paid or until instructed by the council to cease making deductions;

(b) by notifying, in such form as may be prescribed, the State agencies that purchase

produce from farmers and other persons who are indebted to the council for rates, of the judgment and instructing the State agencies to deduct, on every occasion a purchase is made, an amount not in excess of one-third of the proceeds of sale of produce and pay over the amount so deducted to the council, in such manner as may be prescribed, and the State agencies shall be bound to deduct and make payment over to the council such amount until the rates have been fully paid or until instructed by the council to cease making deductions;

- (c) by notifying, in such form as may be prescribed, any person, including banks and other financial institutions, of the judgment and requiring that person, notwithstanding any law to the contrary, to state whether that person has in his possession any assets for and on behalf of the defaulting ratepayer, including moneys, bank deposits or securities owned wholly or partly by the defaulting ratepayer, and whether the defaulting ratepayer rents from that person any safety deposit box or other depository facilities, and that person shall be bound to answer such questions promptly and accurately in such form as may be prescribed and shall keep in his possession any such assets for and on behalf of the defaulting ratepayer in safe custody and not deliver possession thereof to the defaulting ratepayer or any other person without a written discharge from the council indicating that the debt has been paid;
- (d) by applying, after serving a notice of the judgment obtained by the council on any person who keeps any safety deposit box or other depository facility rented by the defaulting ratepayer, in a summary manner by way of an affidavit to a magistrate for an order of attachment in respect of the contents of the safety deposit box or other depository facility.

(2) In this section, "State agencies" includes —

- (i) any Ministry, department or office of the Government and any public corporation or other corporate body in which the controlling interest vests in the State or in any agency on behalf of the State;
- (ii) all democratic organs;
- (iii) co-operative societies registered under the Co-operative Societies Act; and Cap. 88:01
- (iv) any other body, establishment or undertaking specified by the Minister by order having regard to the nature of the undertaking or the service it renders.

(3) Any person or any State agency not being a Ministry, department or office of the Government contravening the provisions of this section shall be guilty of an offence.

220C. (1) When the clerk of the council has knowledge **Garnish-** or suspects that a person is or is about to become indebted **ments.** or liable to make any payment to a defaulting ratepayer, he may, by registered letter or by letter served personally, require that person to pay the moneys otherwise payable to the defaulting ratepayer in whole or in part to him on account of the liability of the defaulting ratepayer.

(2) The receipt of the clerk of the council for moneys paid as required under this section shall to the extent of the payment be a good and sufficient discharge of the original liability —

- (a) of the person who pays such moneys to the clerk of the council to the defaulting ratepayer;
- (b) of the defaulting ratepayer.

(3) Every person who has discharged any liability to a defaulting ratepayer without complying with a requirement under this section shall be liable to pay to the clerk of the council as a debt due to the council an amount equal to the liability discharged or the amount which he was required under this section to pay to the clerk of the council whichever is less.

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(4) Where a person who is or is about to become indebted or liable to make any payment to a defaulting ratepayer carries on business under a name or style other than his own name, the registered or other letter under subsection (1) may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(5) Where the persons who are or are about to become indebted or liable to make any payment to a defaulting ratepayer carry on business in partnership, the registered or other letter under subsection (1) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of the partnership.”.

### EXPLANATORY MEMORANDUM

This Bill seeks to effect certain amendments to the Municipal and District Councils Act, Cap. 28:01, to facilitate the speedy collection of rates by councils.

Clause 2 seeks to amend section 213 to give a greater percentage of discount to persons who pay their rates in full before the due date for payment of the first instalment.

Clause 4 seeks to insert sections 220A, 220B and 220C in the Act to provide other remedies for rate recovery.

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(Bill No. 12/1986)

(LG: 15/4/12TJ)