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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. 27 of 1990

LOCAL DEMOCRATIC ORGANS (FUNCTIONS AND FINANCES)

BILL 1990

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A BILL  
Intituled

AN ACT to make provision for the functions and finances of local democratic organs and for matters connected therewith.

Enacted by the Parliament of Guyana:-

A.D. 1990

PART I  
PRELIMINARY

1. This Act may be cited as the Local Democratic Organs (Functions and Finances) Act 1990 and shall come into operation on such date as the Minister may appoint by order.

**Short title and commencement.**

In this Act -

**Interpretation.**

- (a) "Amerindian Area", "Amerindian District" and "Amerindian Village" mean any of the Amerindian Areas, Amerindian Districts and Amerindian Villages set out in the Schedule to the Amerindian Act;
- (b) "Area", in relation to any local democratic organ, means the area for

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10.

which the local democratic organ  
is established;

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(c) "community" means any of the  
communities into which a district  
is divided by an order under the  
Local Democratic Organs Act 1980  
and includes any of the  
communities into which the City  
of Georgetown is divided as  
aforesaid;

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(d) "community democratic council"  
means a community democratic  
council established for any community  
by an order under the Local  
Democratic Organs Act 1980;

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(e) "district" means any of the  
districts into which a sub-region  
is divided by an order under the  
Local Democratic Organs Act 1980;

(f) "district democratic council" means any district democratic council established for a district by an order under the Local Democratic Organs Act 1980;

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(g) "financial year" means a period of twelve months commencing on the first day of January;

(h) "local democratic organ" means every -

(i) regional democratic council;

(ii) sub-regional democratic council;

(iii) district democratic council;

(iv) community democratic council;

(v) neighbourhood democratic council; and

(vi) people's co-operative democratic council;

(i) "neighbourhood" means any neighbourhood into which a community is divided by an order under the Local Democratic Organs Act 1980 and includes a neighbourhood into which a town is divided as aforesaid;

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- No. 12 of 1980
- (j) "neighbourhood democratic council" means any neighbourhood democratic council established for a neighbourhood by an order under the Local Democratic Organs Act 1980;
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- (k) "people's co-operative democratic council" means any people's co-operative democratic council established for a people's co-operative unit by an order under the Local Democratic Organs Act 1980;
- No. 12 of 1980
- (l) "people's co-operative unit" means any people's co-operative unit into which a neighbourhood is divided by an order under the Local Democratic Organs Act 1980 and includes any people's co-operative unit into which any Amerindian Area, Amerindian District or Amerindian Village is divided as aforesaid;
- No. 12 of 1980
- (m) "region" and "regional democratic council" have the same meanings as in the Local Democratic Organs Act 1980;

(n) "sub-region" means any sub-region into which a region is divided by an order under the Local Democratic Organs Act 1980;

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(o) "sub-regional democratic council" means any sub-regional democratic council established for a sub-region by an order under the Local Democratic Organs Act 1980;

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(p) "town" means the Town of New Amsterdam and any town established under section 33 of the Municipal and District Councils Act.

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## PART II

### RIGHTS, DUTIES, OBLIGATIONS AND RESPONSIBILITIES OF LOCAL DEMOCRATIC ORGANS

#### Regional Democratic Councils

3.(1) Subject to the provisions of subsection (2), where in the opinion of the Minister any works of empoldering or drainage or irrigation are of such magnitude as to necessitate special provisions, the Minister may declare those works to be special works.

Powers in respect of special works.

(2) Where any works of the nature referred to in subsection (1) are proposed to be constructed in more than one region or where the properties situated in more than one region are likely to derive benefit from such works, the Minister may declare such works to be special works, if all the regional democratic councils concerned agree on the authority by which the powers and duties conferred and imposed, by subsections (3), (4) and (6), in relation to special works shall be exercised and discharged and delegate to that authority all the powers and duties conferred and imposed on them by the aforesaid provisions to be exercised and discharged in the manner provided therein.

(3) Where the Minister, acting under the powers conferred on him by subsection (1), declares any works to be special works, the regional democratic council for the region, wherein such works are situated, shall have the same powers and duties in respect of such works as a local authority for the concerned district has in respect of the same under sections 123 to 126 (inclusive) <sup>the</sup> of/Local Government Act and the provisions contained in the sections aforesaid shall have application in respect of such special works as if any reference therein -

- (a) to the local authority of the district or local authority were reference to the concerned regional democratic council;

(b) to the district, village or country district were reference to the concerned region;

(c) to the chairman of the local authority were reference to the chairman of the concerned regional democratic council.

(4) In the matter of the assessment, collection and recovery of the amounts payable by way of contribution to the cost of execution of the special works, under the provisions of section 123 of the Local Government Act made applicable, by subsection (3), in respect of the special works, the provisions relating to the levy, collection and recovery of rates in Part III of this Order shall mutatis mutandis apply, and in addition the following provisions shall have effect - Cap. 28:02

(a) the regional democratic council may exempt from payment thereof, wholly or partially, all the properties in any part of the region or any property, which, in its opinion, does not derive any benefit, or does not derive benefit equally with other properties of the region or other properties, from the special works; and

16.

(b) where, in the opinion of the regional democratic council, the properties in any part of the region or any property derives greater benefit from the special works than the properties in other parts of the region or other properties, the regional democratic council may levy on the properties in such part of the region, or such property, which derives greater benefit, a rate higher than the rate levied on the properties in such other parts of the region or such other properties, as the case may be.

(5) The provisions of this section shall mutatis mutandis apply to the works of empoldering or drainage or irrigation declared by the Minister before the commencement of this Act to be special works under Cap. 28:02 section 122 of the Local Government Act, whether or not construction of such works has been commenced or completed either wholly or in part before the commencement of this Act; and all such special works, the construction of which has been completed wholly or in part shall, on and from such date and subject to such terms and conditions as may be specified by the Minister, vest in any regional democratic council



for the region, or jointly in the regional democratic councils for the regions, wherein such special works are situated, in the same manner as if such special works were constructed by the regional democratic council or regional democratic councils jointly, as the case may be.

(6) It shall be the duty of a regional democratic council, or regional democratic councils jointly, as the case may be, to maintain in proper repair -

- (a) the special works referred to in subsection (1); and
- (b) on and from such date as may be specified by the Minister, the special works referred to in subsection (5).

4.(1) A regional democratic council shall have power to ensure that the laws regulating matters relating to the working conditions and terms of employment of workmen and all other matters relating to the relationship between employers and employees are fully implemented in -

Powers in regard to working conditions of labour.

- (a) plantations; and

(b) such mines and industries as may, having regard to the size or national importance or both of such mine or industry, be specified by the Minister (hereinafter referred to as specified establishments).

(2) Where a regional democratic council receives any complaint that any employer in relation to any plantation or specified establishment has failed to comply with any such law as is referred to in subsection (1), the chairman of the regional democratic council or such other person as may be authorised by him shall investigate into that complaint and where, on receipt of the report of such investigation, the regional democratic council is satisfied that the employer has failed to comply with any such law, it shall direct such employer to comply with such law within such time as may be specified in the direction and any failure by the employer to comply with any such direction within the time so specified shall be an offence.

(3) In this section and section 50, "plantation" means land, measuring not less than one hundred acres, which is subject to agricultural activity in an organised manner.

Hospitals,  
higher  
educational  
institutions  
and research  
centres.

5. A regional democratic council shall have power to establish and maintain -

19.

- (a) one or more hospitals and medical research centres for the region;
- (b) subject to the provisions of the Education Act and the Public Health Ordinance, one or more institutions for higher education and research; and
- (c) one or more centres for research into ways and means of improving cattle breeding, poultry farming or dairy farming or agriculture.

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Cap. 145 -  
1953 Edn.

A regional democratic council shall have power to -

Industrial estates etc.

- (a) establish and maintain one or more industrial estates for the region;
- (b) make arrangements for the supply of electricity and water to such industrial estates;
- (c) hire out or transfer by outright sale or by hire-purchase the sheds in the industrial estates to persons desirous of starting any industry therein,

subject to such terms and conditions as may be specified, by by-laws, including terms and conditions relating to treatment of effluents or other measures to be taken to prevent water and atmospheric pollution;

- (d) establish and maintain information centres to furnish information to prospective industrialists on raising of finance, availability of raw materials, marketing of manufactured products, the law relating to industries and employment of labour, corporations, import and export of goods and related matters;
- (e) encourage persons to manufacture or produce various industrial products which are in short supply, and for this purpose plan the industrial activity in the region and make recommendations to the Government on establishment of industries in the region and the inducements to be offered to persons who are desirous of setting up industries in the region.

7.(1) There shall be, if a regional democratic council so resolves, a constabulary for the region for which the regional democratic council is established, to be designated as Regional Constabulary for the region.

Regional  
Constabulary.

(2) The Regional Constabulary shall consist of such officers, non-commissioned officers and constables, as the regional democratic council deems necessary or desirable, who shall be in the service of that council.

(3) Every member of the Regional Constabulary shall have in the relation to -

- (a) any offence committed against this Act, or the regulations or by-laws <sup>under</sup> made the Local Democratic Organs Act 1980 or this Act by the Regional Democratic Council in whose service he is for the time being, or against any other law made applicable to the region by any of the provisions of this Act; and
- (b) any offence committed in any place vested in, or under the control of,

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of 1980

22.

any local democratic organ, or in any public place, in the region,

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.

Cap. 28:01 (4) The provisions contained in sections 127 to 133 (inclusive), section 135, section 136, sections 138 to 142 (inclusive) and the Second Schedule of the Municipal and District Councils Act shall apply to, and in relation to, a Regional Constabulary established for a region in the same manner as they apply to, and in relation to, a town constabulary established by section 125(1) of that Act subject to the modifications that -

(a) reference in the said provisions to -

(i) "town constabulary" or "constabulary" shall be deemed to be reference to Regional Constabulary;

(ii) "town clerk" shall be deemed to be reference to the clerk of the regional democratic council;

Cap. 28:01 (iii) section 133 shall be deemed to be reference to that section as modified by this section while applying to a Regional Constabulary;

- (iv) "council" shall be deemed to be reference to the regional democratic council;
- (v) "this Act", in section 135, shall be deemed to be reference to this Act;
- (iv) "the City or the Town, as the case may be, in which he is serving" shall be deemed to be reference to the region in which he is serving; and
- (b) in section 136(2) reference to "section 313" shall be deemed to be reference to section 48 of this Act.

(5) The powers conferred upon the officer in charge of a Regional Constabulary to exercise disciplinary control over the members of the Regional Constabulary, by virtue of the application, by subsection (4), of sections 131, 132 and 133 of the Municipal and District Councils Act to, and in relation to, the Regional Constabulary shall be deemed to have been delegated to the officer in charge of the Regional Constabulary by the regional democratic council.

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(6) Where a constable of the Regional Constabulary lays an information or makes a complaint against any person in respect of any offence referred to in subsection (3), any member of a Regional Constabulary not below the rank of corporal and serving in the same Regional Constabulary as the aforesaid constable may appear before a magistrate exercising jurisdiction in the matter and shall have the same privileges as to addressing the magistrate and examining the witnesses produced in the matter as the constable who laid the information or made the complaint would have had.

(7) A regional democratic council shall have power to establish and maintain -

- (a) one or more forensic laboratories, which shall be made available also for use by the Rural Constabulary for each of the neighbourhoods in the region; and
- (b) one or more training centres for training members of the Regional Constabulary and of the Rural Constabulary for each of the neighbourhoods in the region.



8. A regional democratic council shall have power to -

(a) maintain such of the public roads and bridges existing in the region on the commencement of this Act (not being roads and bridges referred to in section 27(1)), on and from such day, as may be specified by the Minister, and on and from the date so specified the control and management of such roads and bridges shall vest in the regional democratic council;

Construction and maintenance of major roads and bridges and organisation of transport facilities.

(b) construct and maintain roads and bridges linking the various centres of production and urban centres in the region, and linking such centres to points of export and import and the capital of Guyana; and

(c) organise a transport system, whether by itself or along with other persons, for the transport of persons, goods and animals and regulate by rules such transport system.

Coordination  
of activities  
of local  
democratic  
organs in  
region

9 A regional democratic council shall make every effort to coordinate the activities of all the local democratic organs in the region and provide the other local democratic organs in the region with such services or support as they may seek.

General  
powers of  
regional  
democratic  
councils.

10. Without prejudice to any other provision contained in this Part, it shall be the duty of every regional democratic council

- (a) to manage, maintain and develop such facilities and to provide such services as may be specified by the Minister;
- (b) to identify, quantify and evaluate regional resources, including manpower resources;
- (c) to coordinate and prepare annual, medium term and long term development plans for the region;
- (d) to implement, monitor and evaluate regional plans and programme; and
- (e) to implement or manage, or both, such projects and programme, as may be specified by the Minister, on behalf of the Government or other agency.

## 27.

11. A regional democratic council may, with the prior approval of the Minister and subject to such terms and conditions as the Minister may specify, delegate any of its powers to any other local democratic organ in the region.

Delegation of powers by regional democratic council to other local democratic organs.

## Sub-regional Democratic Councils

12. A Sub-regional democratic council shall have power to construct and maintain any works of empoldering or drainage or irrigation (not being any works declared by the Minister to be special works under section 3(1) or (2)) which shall be of benefit to the entire sub-region and in relation to any such work the sub-regional democratic council shall have the same powers and duties as a regional democratic council has in relation to any works declared by the Minister to be special works and such powers and duties shall be exercised and discharged by the sub-regional democratic council in relation to such works in the same manner as the regional democratic council may exercise and discharge such powers and duties in relation to such special works.

Powers in respect of works of empoldering, drainage and irrigation.

13.(1) A sub-regional democratic council shall have power -

Other functions of sub-regional democratic councils.  
Cap. 91:01

28.

- (a) subject to the Trade Act, to make arrangements for, and regulate, the supply of essential commodities to the people in the sub-region;
- (b) to make arrangements for, and regulate, the supply of inputs needed for agriculture;
- (c) to prepare and implement, in co-operation with other local democratic organs in the sub-region, plans for the agricultural activity in the sub-region, having regard to the need to make the best use of the available agricultural land and the need to produce agricultural products which are in short supply, and for the development of dairy farming, poultry farming and cattle breeding;
- (d) to establish and maintain veterinary hospitals;
- (e) to prepare and implement plans for developing industries related to forest products;
- (f) to make arrangements for the marketing of agricultural products, forest products and products of

dairy farming, poultry farming and cattle breeding, and of industries related to such products, produced in the sub-region so as to ensure that such products get remunerative prices;

(g) to encourage, by financial assistance or otherwise, the study of -

(i) the resources available in the sub-region and how to make use of the same for the benefit of the people of Guyana;

(ii) the history, culture and forms of art of the various parts of the sub-region.

(2) It shall be the duty of every other local democratic organ in a sub-region<sup>al</sup> to co-operate with and assist the sub-region democratic council for that sub-region in relation to any matter referred to in subsection (1)(c).

#### District Democratic Councils

14.(1) A district democratic council shall have, subject to the other provisions contained in this Part, all the powers conferred and duties imposed on a local authority by sections 91 to 96 (inclusive, but excluding sub-section (6) of section 96), section Powers of district democratic councils. Cap. 28:02

98 and sections 114 to 121 (inclusive) of the Local Government Act and the provisions contained in the aforesaid sections shall have effect in the area for which the concerned district democratic council is established as if references therein to a local authority and a district were respectively references to such district democratic council and such area.

(2) The powers conferred on a district democratic council by subsection (1) shall not be exercised by it in such manner as to obstruct or delay the exercise of the powers conferred on any other local democratic organ by this Act.

(3) Subject to the provisions contained in section 27(1), on and from such date as may be specified by the Minister there shall be vested in a district democratic council all property, whether movable or immovable (including all machinery and every article used or intended for drainage and irrigation and every building and erection used in connection therewith) which vested, immediately before the date so specified, in a local authority constituted under the Local Government Act for any area forming part of the district from which the district democratic council has been established.

15.(1) Any person who contravenes any of the provisions of sub-section (4) or of sub-section (5) of section 96 of the Local Government Act, as made applicable by section 14 to any area for which a district democratic council has been established, shall be guilty of an offence.

Consequences  
of contra-  
vention of  
provisions  
Cap. 28:02

(2) Where the construction of a market place or other conveniences for the purpose of holding a market is an offence under subsection (1), the existence of such construction in any form or state shall be deemed to be a continuing offence.

(3) Where a construction of a market place or other conveniences for the purpose of holding a market is commenced or maintained in contravention of the provisions of the Local Government Act, as made applicable, by section 14, to any area for which a district democratic council has been established, the magistrate may order the person who causes the construction to be commenced or maintained to take it down, within such time as may be specified in the order and to pay all expenses incurred thereby.

Cap. 28:02

(4) Where the order is not complied with the district democratic council may, at the expiration of the time specified in the order of the magistrate,

cause the construction to be taken down and recover from the owner the expenses incurred in so doing.

Schemes to provide housing to weaker sections of society 16. A district democratic council may prepare and implement schemes to provide housing to such sections of society which may, having regard to their income and living conditions, be specified by the Minister.

#### Community Democratic Councils

Powers in regard to working conditions of labour. 17.(1) A community democratic council shall have power to ensure that the laws regulating matters relating to the working conditions and terms of employment of labour and all other matters relating to the relationship between employers and employees are fully implemented in mines and industries, not being specified establishments referred to in section 4(1)(b).

(2) Where a community democratic council receives any complaint that any employer in relation to any such mine or industry has failed to comply with any such law, the chairman of the community democratic council or such other person as may be authorised by him in this behalf shall investigate into that complaint and where on receipt of the report of such investigation



the community democratic council is satisfied that the employer has failed to comply with any such law, it shall direct such employer to comply with such law within such time as may be specified in the direction and any failure by the employer to comply with any such direction with the time so specified shall be an offence.

18.(1) A community democratic council shall have power to prepare plans for the utilisation of agricultural land in the area of the community, having regard to the need for the utilisation of such land in the best manner possible and the need to produce articles which are in short supply, and submit such plans for the approval of the sub-regional democratic council.

Plans for development of agriculture and proper management of land.

(2) The plans referred to in subsection (1) may include schemes for drainage and irrigation.

(3) Where any such plan is approved by the sub-regional democratic council, the community democratic council shall implement the same.

(4) Every neighbourhood democratic council and the people's co-operative democratic council shall assist the community democratic council in the implementation of such plans and shall not in any obstruct or delay the execution of such plans.

Educational institutions, sports, etc. Cap. 39:01 Cap. 145 - 1953 Edn.

19. A community democratic council shall have power subject to the Education Act and the Public Health Ordinance, to establish and maintain educational institutions (other than primary schools, and informal or adult education centres, or institutions referred to in section 5(2)) and may provide facilities for all persons in the community for training in sports and athletics.

Assistance for dairy farming, etc.

20. A community democratic council shall have power to assist persons engaged in dairy farming, poultry farming and cattle breeding by providing them with information regarding, and facilities for treatment of, diseases affecting animals and birds and other matters connected with dairy farming, poultry farming and cattle breeding, and by making arrangements for the preservation and marketing of the products of dairy farming, poultry farming and cattle breeding.

#### Neighbourhood Democratic Councils

Agriculture.

21.(1) A neighbourhood democratic council shall have power to establish information centres to inform agriculturists regarding developments in the field of agriculture, including matters relating to inputs, and marketing of agricultural produce.

(2) A neighbourhood democratic council shall take the initiative to settle amicably all disputes between agriculturists and agricultural labour regarding the terms of employment of such labour and other matters connected with such employment.

22. A neighbourhood democratic council shall have power -

Maintenance  
of pastures,  
etc.

- (a) to establish, maintain and protect common pastures and public parks and gardens;
- (b) to erect and maintain public wells and tanks; and
- (c) if so required by the Minister, to erect and maintain public baths and wash houses,

and in exercise of any of those powers the neighbourhood democratic council may make by-laws in respect of the use (including the fees if any to be paid therefor) of such pastures, public parks and gardens, public wells and tanks, baths and wash houses.

23. A neighbourhood democratic council shall have power to organise craftsmen, artists and persons engaged in cottage industry or handicrafts in the co-operative sector and -

Crafts.

- (a) to assist such co-operatives to obtain capital;
- (b) to make arrangements for imparting training in crafts, arts, cottage industry and handicrafts; and
- (c) in co-operation with the other local democratic organs in the region concerned, to make arrangements for the marketing of the articles produced by such co-operatives.

Establishment  
of dispensaries  
and health  
centres.

24. A neighbourhood democratic council shall have power to establish and maintain, either by itself or jointly with any other authority or person, dispensaries, health centres (including maternity and child welfare centres) and to regulate, by by-laws their use and the fees, if any, to be paid for such use.

Primary schools  
and adult  
education  
centres.  
Cap. 39:01  
Cap. 145 -  
1953 Edn.

25.(1) A neighbourhood democratic council shall have power, subject to the provisions contained in the Education Act and the Public Health Ordinance, to establish and maintain primary schools and informal or adult education centres.

(2) In exercise of the powers conferred on it by subsection (1), a neighbourhood democratic council

may make by-laws, subject to the provisions contained in the Education Act and the Public Health Ordinance, in respect of the admission of students to the primary schools and informal or adult education centres established or maintained by it, and the study of students therein.

26. A neighbourhood democratic council shall have power to establish and maintain -

Libraries  
and centres  
for art.

- (a) public libraries and reading rooms;  
and
- (b) centres for teaching dance, music,  
painting and other forms of art and  
centres for the performance of drama,  
dance or music or display of paintings  
or for other similar purpose,

and to regulate by by-laws, the use of these facilities and the fees, if any, to be paid for such use.

27.(1) A neighbourhood democratic council shall have power to maintain such of the roads, streets and bridges (existing in the neighbourhood on the commencement of this Act and vested in a local authority immediately before such commencement), as may be specified by the Minister by notification in the Gazette and on and from the date specified by the Minister in like manner/<sup>such roads,</sup> streets and bridges shall vest in the neighbourhood democratic council.

Construction of  
roads, streets  
and  
bridges in  
neighbour-  
hood.

(2) A neighbourhood democratic council shall have power to construct and maintain roads, streets and bridges in the neighbourhood to facilitate the economic activities in the neighbourhood and communication and intercourse by the people residing therein and for this purpose may co-ordinate its activities with those of other local democratic organs.

Burial  
grounds,  
etc.

28.(1) A neighbourhood democratic council may make ~~by-laws~~ in relation to the disposal of dead bodies and may by such rules establish and maintain one or more burial grounds, cremation grounds or ~~crematoriums~~ within its area and contravention of any such by-law shall be an offence.

(2) The ~~by-laws~~ referred to in subsection (1) may provide for the fees to be paid for graves and in respect of burials or cremations in the burial ground, cremation ground or crematorium and for any copy of an entry in a register of burials or cremations.

Street  
lights.

29. A neighbourhood democratic council shall have power, 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.

30. A neighbourhood democratic council may make by-laws prohibiting or regulating the sub-division of lots and sub-division of any lot in contravention of such rules shall be of no effect.

By-laws by neighbourhood democratic council in respect of sub-division of lots.

31.(1) Wherever a neighbourhood democratic council has been or is permitted to occupy any ungranted State land or any empolder, all that land or empolder shall be held by it for the purposes for which it was permitted to occupy that land or empolder and, if no such purpose was specified when the permission was granted, for the purposes of the Local Democratic Organ Act 1980 and this Act.

Vesting of ungranted State land or empolder.

No. 12 of 1980

(2) On and from such date as may be specified by the Minister all ungranted State land and empolders which vested in a local authority constituted under the Local Government Act immediately before such date shall vest in the neighbourhood democratic council of the neighbourhood wherein such land or empolder is situated.

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32. All undivided lands or portions of land, undivided empolders, pasture lands, woods, dams, kokers, sluices, watercourses and avigation and draining trenches (not being private property vested in any other local democrat

Management of undivided property, pasture lands, dams, trees -

by virtue of the provisions contained in any other sections of this Act) in every neighbourhood shall be under the control and management of the people's co-operative democratic council.

Maintenance  
of register of  
property.

33. Every neighbourhood democratic council shall prepare and maintain such registers and other records, and in such forms, as may be prescribed by the Minister by regulations, in respect of the lands, empolders, pasture lands, woods, dams, kokers, sluices, watercourses and navigation and draining trenches referred to in section 31 and of all other lands or other property owned by it or in its possession.

Letting of  
undivided  
lands and  
empolders,  
pasture  
lands and  
woods.

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34. A neighbourhood democratic council shall have the same powers in relation to the letting of any undivided lands, undivided empolders, pasture lands, woods, or any portion thereof, for the time being under its control and management, as a local authority of a village or country district has under section 48 of the Local Government Act and the provisions of that section shall apply to the letting of such undivided lands, undivided empolders, pasture lands, woods, or any portion thereof, subject to the modification that reference in that section -



- (a) to "local authority of a village or country district" or to "local authority" shall be deemed to be reference to the neighbourhood democratic council;
- (b) to "chairman of the authority" shall be deemed to be reference to the chairman of the neighbourhood democratic council;
- (c) to the manner of recovery by warrant of distress, of arrears of rates, provided in that Act shall be deemed to be reference to the manner of recovery by warrant of distress, of arrears of rates, provided in this Act; and
- (d) to "overseer" shall be deemed to be reference to chief finance officer of the neighbourhood democratic council.

35. A neighbourhood democratic council may, subject to the approval of the Minister, make by-laws with respect to the cutting of wood on the common lands of the neighbourhood and the fees to be paid therefor.

Cutting wood on common lands of neighbourhood.

Raising  
level of  
civic  
conscious  
ness.

36. A neighbourhood democratic council may, by holding seminars, discussions or study classes or otherwise, make all efforts to raise the level of civic consciousness of the people.

Overhanging  
trees.

37. A neighbourhood democratic council shall have in relation to any tree overhanging any public street, road or thoroughfare or any drainage trench, in the area for which it is established, in such manner as may likely to injure the street, road or thoroughfare or drainage trench, or the drainage thereof, or endanger the safety of the inhabitants, the same powers that a local authority has under section 101 of the Local Government Act in relation to any tree overhanging, in the same manner, any public street, road or thoroughfare or any drainage trench in its district.

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Straying of  
animals.  
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38. The provisions contained in section 102 of the Local Government Act shall apply in relation to any animal grazing, or straying, on or in any main drain or on a public road, street, dam, bridge or other public place within a neighbourhood in the same manner as such provisions apply to any animal grazing, or straying, on or in any main drain or on a public road, street, dam, bridge or other public place within the boundaries of the district of <sup>a</sup> local authority, subject to the modification that reference therein -

- (a) to the district of a local authority shall be deemed to be reference to the neighbourhood;
- (b) to the rural constabulary shall be deemed to be reference to Rural Constabulary established under section 41 for the neighbourhood; and
- (c) to the local authority shall be deemed to be reference to the neighbourhood democratic council of the neighbourhood.

39. A neighbourhood democratic council may charge tolls, according to a tariff determined and posted up by that council at its office, or some other conspicuous place within the neighbourhood, for bateaux, punts, or other craft, passing through any of the trenches, aqueducts or kokers, owned by or under the control of that council, and for animals using the roads and dams owned by, or under the control of that council, but no toll shall be charged until the tariff has been approved by the Minister.

Charging  
tolls for  
passage of  
craft and  
animals.

40. A neighbourhood democratic council may, with the approval of the Minister, make by-laws for the prevention of fishing, and the mooring of bateaux, punts or other craft, in any of the trenches or aqueducts owned by, or under the control of, that council.

Fishing and mooring of bateaux in trenches of neighbourhood democratic council.

41.(1) There shall be, if a neighbourhood democratic council so resolves, a constabulary for the neighbourhood for which the neighbourhood democratic council is established, to be designated as Rural Constabulary for the neighbourhood whose duty shall be to take preventive measures against the commission of, and to investigate into and bring to trial those who have committed,

Rural Constabulary.

(a) petty offences, as defined in section No. 12 of 11(2) of the Local Democratic Organs Act, 1980, committed in the neighbourhood; and

(b) any other offence, committed in the neighbourhood, which the Minister may, by public notice, specify.

(2) The Rural Constabulary shall consist of such officers, non-commissioned officers and constables as the neighbourhood democratic council deems necessary or desirable, who shall be in the service of that council.

(3) The provisions contained in sections 127 to 133 (inclusive) and section 135 to 142 (inclusive) and the Second Schedule of the Municipal and District Councils Act shall apply to, and in relation to, such constabulary as they apply to, and in relation to, a town constabulary established by section 125(1) of that Act subject to the modification that -

(a) reference in the provisions aforesaid to -

(i) "town constabulary" or "constabulary" shall be deemed to be reference to Rural Constabulary;

(ii) "town clerk" shall be deemed to be reference to the clerk of the neighbourhood democratic council;

(iii) section 133 shall be deemed to be reference to that section as modified by this section while applying to a Rural Constabulary;

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- (iv) "council" shall be deemed to be reference to the concerned neighbourhood democratic council;
  - (v) "this Act", in section 135, shall be deemed to be reference to this Act;
  - (vi) "the City or the Town, as the case may be, in which he is serving" shall be deemed to be reference to the neighbourhood in which he is serving;
  - (vii) "town constable" shall be deemed to be reference to a constable of the Rural Constabulary;
- (b) in section 136(2) reference to "section 313" shall be deemed to be reference to section 48 of this Act; and
- (c) the offences mentioned in section 137(1)(a) or (b) or (2) shall be construed as the offences mentioned in subsection (1)(a) and (b) of this section.

(4) The power conferred upon the officer in charge of the Rural Constabulary to exercise disciplinary control over members of the Rural Constabulary by virtue of the application, by subsection (3) of this section, of sections 131, 132 and 133 of the Municipal and District Councils Act to, and in relation to, the Rural Constabulary shall be deemed to have been delegated to the officer in charge of the Rural Constabulary by the neighbourhood democratic council.

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42.(1) A neighbourhood democratic council shall have power to appoint one or more committees to inquire into complaints

Inquiry into complaints regarding violation of rights of persons and provision of legal assistance.

- (i) regarding the violation of fundamental rights;
- (ii) regarding the contravention of any law relating to the supply at specified prices of commodities, or of standards specified for manufactured articles, or regarding the violation of warranty against manufacturing defects, or other complaints of a similar nature; or
- (iii) regarding the making or institution of any false or frivolous petition, complaint, writ or suit.

(2) Where on an inquiry into a complaint made under subsection (1) the committee referred to in that subsection is satisfied that it is a fit and deserving case the committee may, out of any funds provided therefor by the neighbourhood democratic council, make available to the complainant, subject to such terms and conditions as may be specified by the committee, legal assistance to seek appropriate relief in respect of the matter referred to in such complaint.

Coordination  
of activities  
of people's  
co-operative  
democratic  
councils

43. A neighbourhood democratic council shall have power to coordinate the activities of any people's co-operative democratic councils established for the people's co-operative units within the area administered by the neighbourhood democratic council.

#### People's Co-operative Democratic Councils

Functions of  
people's  
co-operative  
democratic  
councils.

44.(1) A people's co-operative democratic council shall exercise and discharge such of the functions of neighbourhood democratic councils as are conferred on it by the Minister by order.

(2) Where any function of a neighbourhood democratic council has been conferred on a people's co-operative democratic council under subsection (1), the neighbourhood democratic council, having jurisdiction over the people's co-operative unit for which the people's co-operative unit has been established, shall



not exercise or discharge such function in respect of that people's co-operative unit.

#### General

45. Where any power or duty conferred or imposed by this Act on a local democratic organ has been conferred or imposed by any other written law on any other person or authority, then, such local democratic organ shall exercise or discharge such power or duty without prejudice to the exercise or discharge, by such other person or authority, of the power or duty so conferred or imposed on him or it.

Co-operation between local democratic organs and other bodies exercising powers or discharging duties in respect of common matter

46.(1) Any local democratic organ for an Area may, with the concurrence of another local democratic organ functioning within that area, appoint that other local democratic organ as its agent to discharge any of its functions on such terms, including the provision of funds, as may be agreed to between the two local democratic organs.

Appointment as agent and delegation.

(2) The Minister assigned responsibility for finance may, by order delegate to any local democratic organ, subject to such terms and conditions as may be specified in the order, any function relating to the assessment or collection, or both, of any tax, duty, fees or other levies payable to the Government.

(3) Where any function has been delegated to a local democratic organ by order under subsection (2), the order shall make provisions in respect of the payment or reimbursement to, or appropriation by the local democratic organ of the expenses of performing the function.

(4) Where any function has been delegated to a local democratic organ any function under subsection (2), the Minister assigned responsibility for finance may give any directions to the local democratic organ to secure the efficient and timely performance of such function and it shall be the duty of the local democratic organ to comply with such directions.

Duty to be  
guided by  
general  
policies of  
Government

47. In the exercise and discharge of the powers and duties conferred and imposed on a local democratic organ by this Part, the local democratic organ shall be guided by the general policies of the Government and the national objectives as set by the Government, and shall devise its programme of activities to ensure consistency with such policies and objectives, and in the performance of his functions each member of a local democratic organ shall endeavour to co-operate with every other member and with all socio-economic institutions in the area.

48. Where any act or omission has been declared by any provision of this Part, or by any provision of any other law made applicable in regard to any matter by any provision of this Part (not being an act or omission for which penalty has been specified in the provision as so made applicable), as an offence, any person who is guilty of that offence shall be liable on summary conviction to a fine of one thousand dollars, and imprisonment for three months, and, where such offence is a continuing offence, to a further penalty of one hundred dollars for each day during which the offence continues.

Penalties  
for offences  
under this  
Part.

49.(1) Where any power or duty in respect of any matter has been conferred or imposed on any local democratic organ by this Act such local democratic organ may, subject to the provisions of this Act and regulations made under it, make by-laws necessary to enable it to exercise such power or discharge such duty effectively.

Power to  
make by-  
laws.

(2) Without prejudice to the generality of the provisions contained in paragraph (1) -

- (a) the by-laws made by a regional democratic council may provide for all or any of the following matter, -

(i) the terms and conditions subject to which the sheds in the industrial estates established by a regional democratic council shall be hired out or transferred by outright sale or by hire-purchase to persons desirous of starting any industry therein;

(ii) the regulation of the transport system organised by the regional democratic council;

(iii) any other matter that is required to be, or may be, provided for by by-laws by the regional democratic council;

(b) the ~~by-laws~~ made by a neighbourhood democratic council may provide for all or any of the following matters -

(i) the regulation of the cutting of wood on the common lands in the neighbourhood and the fees to be paid therefor;

- (ii) the prevention of fishing, and the mooring of bateaux, punts or other crafts, in any of the trenches or aqueducts under the control of the neighbourhood democratic council;
  
- (iii) the regulation of the use (including the fees, if any, to be paid therefor) of the pastures, public parks and gardens, public wells and tanks, baths and wash houses, established and maintained by the neighbourhood democratic council and the admission and study of students to the primary schools and informal or adult education centres established and maintained by that council;
  
- (iv) the regulation of the use (including the fees, if any, to be paid for such use) of the institutions referred to in sections 24 and 26, established and maintained by the neighbourhood democratic council;

- (v) the regulation of the disposal of dead bodies, establishment and maintenance or burial grounds, cremation grounds or crematoriums, including the fees to be paid for graves and in respect of burials or cremations in a burial ground, ground cremation/or crematorium and for copy of an entry in the register of burials or cremations;
- (vi) the prohibition or regulation of sub- division of lots;
- (vii) any other matter that is required to be, or may be, provided for by by-laws by the neighbourhood democratic council.

(3) A by-law made by a local democratic organ may provide that a breach thereof is punishable, on summary conviction, with a fine not exceeding one thousand dollars and in the case of a continuing offence with a further fine not exceeding one hundred dollars for each day during which the offence continues.

PART III

FINANCE

Levy and distribution of rates

50.(1) Each regional democratic council shall levy a rate every financial year payable by the owners of - Levy of  
rate by  
regional  
democrat  
councils

(a) every plantation situated in the region; and

(b) such mines and industrial undertakings as are referred to in section 4(1)(b) situated in the region,

calculated at five per cent on the value of the produce of the plantation, of the minerals extracted from such mine, or articles manufactured in such industrial undertaking, as the case may be, in the immediately preceding financial year.

(2) Where the owner of such plantation, mine or industrial undertaking is not a person resident in Guyana as defined in section 2(1) of the Income Tax Act, the rate payable under subsection (1) shall be payable by the manager of such plantation, mine or industrial undertaking. Cap. 81:

(3) In subsection (2) the expression "manager", in relation to any plantation, mine or industrial undertaking, means the person directly in charge of the administration of the plantation, mine or industrial undertaking, as the case may be.

(4) Where such plantation or mine is situated in more than one region the rate referred to in subsection (1) shall be levied and collected by one of the concerned regional democratic councils as may be specified by the Minister:

Provided that the rate so levied and collected from the owner or manager, as the case may be, of such plantation or mine shall be distributed among the regional democratic councils for the regions wherein such plantation or mine is situated in such proportion as may be determined by the Minister having regard to the population, and level of development of, and the area of such plantation or mine in, each of the regions concerned.

Rate on  
land.

51.(1) Subject to the provisions of this section, a neighbourhood democratic council shall levy on all land in the area administered by that council, a rate (hereinafter referred to as "land rate") which shall not be more than one hundred dollars per acre payable every financial year.



(2) This section shall not apply to land in respect of which a rate is levied under section, 50(1) or 52(1) or 54.

(3) A neighbourhood democratic council may, with the prior approval of the Minister, exempt any land, having regard to the smallness of its size or the purpose for which it is used, from the provisions of this section.

52.(1) Each neighbourhood democratic council shall levy every financial year a rate calculated at five per cent on the appraised value of the lots and buildings, or of the lots, or of the buildings, situated in the neighbourhood.

Levy of rate on lots and buildings by neighbourhood democratic councils.

(2) In subsection (1) "appraised value" of the lots and buildings, or lots, or buildings, means the capital value thereof.

53. (1) Notwithstanding anything contained in section 52 or 54, no rate shall be levied by a neighbourhood democratic council on the appraised value of -

Exemption from levy of rate by neighbourhood democratic council.

(a) any lots and buildings, or lots, or buildings, forming part of any plantation or of any mine or industry referred to in section 50(1)(b);

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(b) public lands and other property referred to in sub-section (1) of section 68 of the Local Government Act:

Provided that where public lands within a neighbourhood are held under a lease or are occupied or used under any licence or permission, the lands may be appraised and they shall be liable to rates under section 52 or 54, but in proceedings for the recovery of any such rate, only the right, title and interest of the lessee, licensee or permittee, as the case may be, in the lands shall be taken in execution or sold at execution.

(2) The neighbourhood democratic council may, with the approval of the chairman of the regional democratic council, exempt, on the ground of the poverty of the proprietor, any lot and building or lot or building from the payment of any rate under section 52 or 55.

54.(1) Where a regional democratic council is of the opinion that, having regard to the services or works or both undertaken in the region by the local democratic organs it is necessary to levy in any financial year the rate referred to in section 50(1) at a higher percentage than five per cent, it may, with the approval of the Minister, levy the rate at such higher percentage in that financial year.

Levy of rate at enhanced percentage in certain cases by regional democratic council or neighbourhood democratic council.

(2) Where a neighbourhood democratic council is of the opinion that having regard to the services or works or both undertaken in the district by the local democratic organs it is necessary to levy in any financial year the rate referred to in section 52 at a percentage higher than five per cent, it may, with the approval of the Minister, levy the rate at such higher percentage in that financial year.

55. The approval of the Minister under section 54(1) or (2) shall be published in the Gazette.

Publication of approval.

56. The rate payable under section 50, 51, 52 or 54 shall be payable in one or more instalments and on or before such date or dates as may be specified by the regional democratic council or, the neighbourhood democratic council, as the case may be, empowered by this Act to levy such rate.

Date of payment of rate.

**Apportionment of rate.** 57. If any lot is sub-divided, the district democratic council or, if that council fails so to do on application made for the purpose, the Minister may apportion the payment of the rate payable in respect of the lot under section 52 among the several portions thereof.

**Direction by Minister to expedite collection of rates.** 58. Whenever it appears to the Minister that the collection of rates in any region or neighbourhood is unduly delayed, either generally or in respect of any particular person or class of persons, he may, by a direction in writing, require the chairman of the regional democratic council or the chairman of the neighbourhood democratic council, as the case may be, forthwith to proceed in the manner provided by this Act for the recovery of rates overdue and any failure of the chairman of the regional democratic council or of the chairman of the neighbourhood democratic council, as the case may be, to comply with such direction shall be deemed to be grave dereliction of duty on his part.

**Private improvement expenses and private improvement rate.** 59.(1) Where by the provisions of this Act, any person is, or may be, required to perform any work and he refuses or fails to perform such work, after he has been directed by the local democratic organ, empowered by this Act to perform the work, within the time specified for that purpose in the direction, the local democratic organ may perform the work.

(2) A neighbourhood democratic council may perform any work which the proprietor requests should be performed by it and which is necessary to place the property in a proper sanitary condition.

(3) The local democratic organ which performed any work referred to in subsection (1) or (2) may declare the expenses expended or incurred by it in so doing to be private improvement expenses.

(4) Where a local democratic organ has expended or incurred any expenses which are declared by it to be private improvement expenses under subsection (3), the local democratic organ may, if it thinks fit, make and levy a rate, in addition to all other rates, on the property in respect of which the expenses have been incurred, to be called a "private improvement rate", of an amount sufficient to discharge those expenses with interest thereon at a rate not exceeding twelve per cent per annum, payable at the times and in the period, not exceeding ten years, which the local democratic organ in each case determines.

(5) The provisions of sections 63, 64 and 65 of the Local Government Act shall apply in respect of the expenses declared to be private improvements rate referred to in subsection (4) and the recovery and redemption thereof, in the same manner as they

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apply in respect of expenses which may be, or is, declared to be private improvement expenses under section 60 of that Act and private improvement rate referred to in section 62 thereof subject to the modification that reference in those sections -

- (a) to "local authority or the Minister" or "authority" or "local authority" shall be deemed to be reference to a local democratic organ; and
- (b) to "this Act or any other Act for the time being in force" shall be deemed to be reference to this Act.

Distribution  
of rates.

60.(1) Out of the rate levied by a regional democratic council under sections 50 and 54 and collected each financial year, fifty per cent shall be distributed equally among the sub-regional democratic councils district democratic councils and community democratic councils in the region for which the regional democratic council is established in such proportion as the Minister may, by order, direct.

(2) Out of the rates levied by a neighbourhood democratic council under sections 51, 52 and 54 and

collected each financial year, such percentage as may be determined by the Minister, by order, shall be distributed among people's co-operative democratic councils in the neighbourhood.

Other sources of income

61.(1) The Minister may, from moneys provided by Parliament for that purpose, pay such sums, and subject to such terms and conditions, as he determines, by way of grant to a local democratic organ either for any specific purpose, or generally to meet expenditure incurred or to be incurred by it in the discharge of its duties, without specifying any specific purpose.

Grants to local democratic organs.

(2) A regional democratic council may pay such sums, and subject to such terms and conditions, as it determines, by way of grant to any other local democratic organ in the region for which it is established, either for any specific purpose, or generally to meet expenditure incurred or to be incurred by such local democratic organ in the discharge of its duties, without specifying any specific purpose

62. Any local democratic organ may seek and receive, or receive, voluntary contributions from any person residing or carrying on any activity in the area for which such local democratic organ has been established:

Contributions.

Provided that no discrimination shall be shown in favour of any person who made such contribution, or against any person who did not make any such contribution, by the concerned local democratic organ in the exercise of its powers or the discharge of its duties, on the ground that such person made or did not make the contribution.

Borrowing  
by local  
democratic  
organ.

63.(1) A local democratic organ may, with the previous approval of the Minister and subject to such terms and conditions as he may specify, borrow money from the Government or from any other sources approved by the Minister, and may raise the money by mortgage of the rates or any other property of the democratic organ.

(2) Where approval is given by the Minister to a local democratic organ to borrow money, it may, subject to such regulations as may be made by the Minister in this behalf, raise the money by issue of bonds.

(3) All moneys borrowed by a local democratic organ 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 local democratic organ.



(4) Where any sums are borrowed by a local democratic organ with the approval of the Minister, the following provisions shall apply -

- (a) the local democratic organ shall set apart each financial year from its revenues and assets in addition to the interest payable, such 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 financial year for the repayment of the capital sum shall be an equal proportion of that sum;
- (c) where bonds have been issued by the local democratic organ and the sum set apart each financial year cannot be immediately applied to the redemption of the bonds, such sum shall be invested by the local democratic organ until, with the accruing interest, it can be applied:

Provided that when determining the amount to be set apart each

financial 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.

Temporary  
loans.

64.(1) A local democratic organ 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 -

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

(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 Revenue Fund of the local democratic organ.

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

65.(1) There shall be a committee to be known as the Rating Committee for each region and for each neighbourhood, which shall consist of two persons appointed by the regional democratic council for the region or neighbourhood democratic council for the neighbourhood, as the case be, and a chairman to be appointed by the Minister.

Rating  
Committee

(2) All matters relating to any rate payable under any provision of this Act, to a regional democratic council or a neighbourhood democratic council, including the sum payable by way of such rate shall be decided by the Rating Committee for the region or neighbourhood for which the regional democratic council or neighbourhood democratic council is established.

(3) The procedure to be followed by a Rating Committee in relation to the performance of its functions under this Act shall be prescribed by the Financial Regulations made under section 105.

#### Collection of rates

66.(1) Where a rate is levied under section 50 or 54(1) by a regional democratic council there shall be liable and executable for the amount of such rate

Liability  
for rate

- (a) the plantation, mine or industrial undertaking, on the value of the produce of, minerals extracted from, or articles manufactured in which, as the case may be, the rate is being levied, and
- (b) all the movable property of -
  - (i) the owner of such plantation, mine or industrial undertaking as the case may be; and
  - (ii) where the manager of such plantation, mine or industrial undertaking is liable for the payment of the rate/section 50 (2), such manager.

(2) In subsection (1) the word "manager" has the same meaning as in section 50(3).

(3) The provisions of sub-section (1), sub-section (2) and sub-section (3) of section 71 of the Local Government Act shall apply in relation to the liability and executability of the rate levied by a neighbourhood democratic council under sections 51, 52 or / 54(2) in the same manner as they apply to the liability and executability of the rate levied by a local

authority under that Act subject to the modification that reference in the provisions of the Local Government Act referred to above -

- (a) to "this Act" shall be deemed to be reference to this Act;
- (b) to "lot" shall be deemed to include reference to land which is subject to rate under section 51;
- (c) to "village or country district" shall be deemed to be reference to the area for which a neighbourhood democratic council has been established.

67. The amount of every rate under this Act shall be and is hereby declared to be preferent over and above all claims of whatever nature they may be, not being claims due to the State.

Preferential  
lien for rate

68. The amount of every rate levied under this Act shall be recoverable -

Mode of  
recovery  
of rate.

- (a) by an action against the person liable for the payment thereof; or
- (b) subject to section 69, by separate or summary execution against the plantation, mine or industrial undertaking or the lot and building or

the lot or the building, as the case may be, which is liable for the amount of the rate under section 66,

and the process shall be at the instance and in the name of the regional democratic council or the neighbourhood democratic council, as the case may be.

Procedure  
for levy  
of  
rate on  
movable  
property,

69.(1) Where there is any movable property which is liable or executable under section 66 for the amount of any rate under this Act it shall be the duty of the chairman of the regional democratic council or of the neighbourhood democratic council, as the case may be, before application is made for the process of parate or summary summation to cause a notice, in such form as may be prescribed by the Minister by regulations, of the amount of the rate due and payable, to be served on the person who is liable to pay such rate.

(2) The production of the duplicate or copy of the notice signed by the chairman of the regional democratic council or the neighbourhood democratic council, as the case may be, shall be sufficient evidence that the amount stated therein to be due is in fact due and payable by such person under this Act.

(3) If payment is not made within two weeks after the notice is served on the person liable to pay the rate, the chairman of the regional democratic council or of the neighbourhood democratic council, as the case may be, may make an application to the magistrate of the magisterial district in which the office of the regional democratic council or of the neighbourhood democratic council, as the case may be, is situated for a warrant of distress, and the magistrate, upon the production of the duplicate or copy of the notice with the return of service thereon duly sworn before him shall grant a warrant of distress for the recovery of rate under and by virtue of which the movable property as aforesaid may be levied on and sold for an amount of the rate with costs.

(4) The provisions of sub-section (4), sub-section (5) and sub-section (6) of section 75 and section 78 of the Local Government Act shall apply in relation to the sale of such movable property, the application of the proceeds of the sale and the execution of warrants of distress in the same manner as they apply when movable property is sold under the aforesaid section 75 for the recovery of rate payable under the Act, subject to the modification that reference to "local authority" in sub-section (6) of section 75 aforesaid shall be construed as reference

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to the concerned regional democratic council or neighbourhood democratic council, as the case may be.

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ress.

70. Every warrant of distress issued under this Act may be drawn up according to such form as may be prescribed by the Minister by regulations.

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stress.

71. Such fees as may be prescribed by the Minister by regulations shall be payable for any process of distress issued under this Act, and shall be paid in the first instance by the party applying for the purpose, but they shall be costs in the matter of the distress.

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72. Where, notwithstanding the provisions of this Act, as a result of the execution of a warrant of distress for the recovery of a rate, the movable property of a person other than the person liable for the payment of the rate is levied on, the owner of the movable property shall be entitled to recover by action the property or, if it has been sold, the full value thereof, from the regional democratic council or the neighbourhood democratic council, as the case may be.

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tation  
levy of

73. The payment of any rate levied under this Act may be enforced notwithstanding that the period or the purpose in respect of which it has been levied has expired or terminated.



74. Where any plantation, mine or industrial undertaking/or any lot and building, or lot or building, liable under section 66 for the payment of any rate is owned by two or more persons, and one of the co-proprietors has paid more than his proper proportionate share of the rate to the regional democratic council or the neighbourhood democratic council, as the case may be, he may recover by action from those of his co-proprietors, who have paid or contributed less than their proper share as aforesaid, the amount of the excess, but in relation to the regional democratic council or the neighbourhood democratic council, as the case may be, each of the co-proprietors shall be liable for the payment of the whole of such rate.

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75. No writ or order of execution of any proceeding by parate or summary execution against any plantation, mine or industrial undertaking or any land or lot and building or lot or building for the payment of a rate shall be granted, unless there is produced with the summation a certificate signed by the chairman of the regional democratic council or of the neighbourhood democratic council, as the case may be, to the effect that there was no movable property whereon to levy or that it had proved insufficient.

Cond tion  
gran ing  
writ of  
exec tion.

service of  
 information  
 same  
 person in  
 respect of  
 different  
 items of  
 property.

76.(1) Where any person is liable to pay the  
 (1)  
 rate referred to in section 50 or 54/on the value of  
 the produce of, the minerals extracted from, or  
 articles manufactured in more than one plantation,  
 mine or industrial undertaking, as the case may be, the  
 service on that person of a single summation or other  
 legal process for the recovery of such rate calculated on  
 the value of the produce of all such plantations, or  
 the minerals extracted from all such mines or articles  
 manufactured in all such industrial undertakings, where  
 all such plantations, mines or industrial undertakings  
 are situated in the same region, shall be, and is  
 hereby declared to be, legal, valid and sufficient.

(2) Where two or more parcels of land or  
 or buildings  
 lots/are owned by one and the same person the service  
 on that person of a single summation or other legal  
 process for the recovery of the rate, levied by a  
 neighbourhood democratic council under section 51 or  
 54(2) in respect of all such lands, <sup>lots or buildings</sup> shall be, and is hereby  
 declared to be, legal, valid and sufficient.

Distribu  
 tion of  
 proceeds  
 of sale.

77. On the sale of any property by parate or  
 summary execution under this Act the marshal, after  
 deducting the amount sued for and all legal and just  
 costs and charges, shall pay over to the clerk of the  
 regional democratic council or of the neighbourhood

democratic council, as the case may be, the amount of rates certified to be due in respect of any property by parate or summary execution, including any rates which have accrued due and in respect of which and of amount of which such clerk has given to the Registrar notice in writing not later than the day before the sale.

78. Within one month after the sale of property at execution sale for the recovery of any rate under this Act, the marshal shall without any charge furnish the clerk of the regional democratic council or of the neighbourhood democratic council, as the case may be, with a return showing the date of sale, the amount realised, the name of the purchaser, the amount of costs and charges and the amount of the surplus, if any, after payment of the amount sued for and of the costs and charges.

79.(1) The fees for the process of parate or summary execution shall be as may be prescribed by the Minister by regulations.

(2) No charge shall be made for travelling expenses, distance money, conditions of sale, copies of documents, printing, or any other matter not specified in the said Schedule.

Return of results sale.

fees on parate or summary execution.

80. No proceeding in any parate or summary execution under this Act shall be void for want of form.

Validity of proceedings.

81.(1) No misnomer, mistake, or informality, committed in any proceeding for the recovery of a rate levied under this Act shall prejudice the recovery thereof; nor shall the proceeding lapse, cease, or abate, by reason of the death, resignation, or removal of the officer instituting it, or of any change in any person holding office in connection with the region or neighbourhood, as the case may be, but the officer for the time being may prosecute and continue the proceeding commenced and carried on in the name of any previous officer in all respects as if the proceeding had been instituted by himself.

Formality proceedings for recovery rate.

(2) No person may sue and no court of justice may entertain any action or proceeding against an officer or other person employed in executing any warrant of distress in reference to a rate levied under this Act, by reason of any misnomer, mistake or informality if the movable property seized or sold under that warrant and belonging to the person liable for the payment of the rate was in fact found upon or in any plantation, mine or industrial undertaking or any land, lot or building liable for the payment of the rate under section 66.

82.(1) Except as otherwise provided in sub-section (2), no officer of a local democratic organ shall purchase, either directly or indirectly or by intervention of a trustee, any property sold at execution at the instance of the local democratic organ for recovery of rates and every such purchase shall be null and void.

Officer of local democratic organ not to purchase property sold at execution at the instance of local democratic organ

(2) It shall be lawful for any such officer to purchase at an execution sale any property which may be necessary for him to purchase in order to protect the interests of himself, his wife or his child.

83.(1) Any local democratic organ may purchase for the benefit of such local democratic organ any property sold under this Act for the recovery of rate.

Power of local democratic organ to purchase property sold or the recovery of rate

(2) The local democratic organ shall have power to receive title therefor, and may, subject to this Act, lease, sell or otherwise deal with the same.

84.(1) The Registrar of Deeds shall, upon the delivery to him of a certificate of the marshal (which certificate shall be given free of charge) to the effect that the person described in the certificate has at the execution sale for the recovery of rate under this Act purchased the property, being immovable

Transfer of property sold at execution sale for recovery of rate.

property, and paid the full purchase price therefor, transport or cause to be transported to the purchaser the property so purchased.

(2) Subject to the provisions of subsection (2), the Registrar of Deeds shall charge and receive for the said transport such fees as may be prescribed by the Minister by regulations.

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

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interest on rates in arrears.

85.(1) On failure to pay any rate or instalment of rate under this Act within thirty days of the date on which it becomes payable under section 55, the person liable for payment of the rate shall be deemed to be in arrears for the purposes of this Act, and thereupon -

- (a) where the rate is payable in instalments, the unpaid portion of the rate for the whole year shall be deemed to have become due and payable and may be recovered forthwith as rate in arrears; and

- (b) interest at twelve per cent per annum shall be payable on the rate or the unpaid portion of the rate for the whole year, as the case may be, which has become due and payable, up to the date of payment or recovery thereof; and such interest may be recovered in the same manner as hereinbefore provided for the recovery of a rate levied by a regional democratic council or a neighbourhood democratic council, as the case may be.

#### 'PART IV

#### FINANCIAL PROCEDURE

The financial year of a local democratic organ shall be the period of twelve months commencing on the first day of January.

Financial  
year.

87.(1) Each local democratic organ shall establish two funds, namely:-

Funds of  
local dem  
ocratic  
organs.

(a) the General Revenue Fund; an

(b) the Loan Fund.

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(2) The revenues of a local democratic organ shall consist of all moneys received by it from any source whatsoever, not being moneys received by way of loan, and shall be credited to the General Revenue Fund of the local democratic organ.

(3) All expenditure of a local democratic organ other than that financed by loan shall be discharged from the General Revenue Fund.

(4) Separate accounts shall be kept of receipts carried to and payments made out of the General Revenue Fund -

(a) for general purposes; and

(b) for each special purpose.

(5) 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.

(6) Moneys received by a local democratic organ by way of loan shall be credited to the Loan Fund of the local democratic organ.



(7) The Minister may, by Financial Regulations, prescribe the procedure for the payment of moneys into and withdrawal of moneys from the General Revenue Fund and Loan Fund of a local democratic organ.

88. When money is borrowed to meet any expenditure of a local democratic organ, 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.

Charge of  
loan o  
head f  
expenditure

89. All moneys received by or on behalf of a local democratic organ shall be delivered to the chief financial officer of that local democratic organ who shall deposit them with a bank approved by resolution of the local democratic organ.

Moneys to  
be paid in  
approved  
bank.

90. All payments on account of a local democratic organ shall be made by the chief finance officer of that democratic organ in pursuance of an order signed by the chairman thereof; and all cheques for payment of moneys shall be signed by the chief finance officer and counter-signed by -

Payment  
to be ma  
under  
order  
signed b  
chairma

- (a) the clerk of the local democratic organ; or

- (b) such other officer of the local democratic organ as may be authorised by the chairman thereof in that behalf:

Provided that the following payments may be made out of the General Revenue Fund of a local democratic organ without the order of the chairman thereof

- (i) payments of remuneration and allowances to chairman and other members of the local democratic organ;
- (ii) payments of emoluments and allowances to any person employed by the local democratic organ, not being a daily or weekly paid employee; and
- (iii) payments not exceeding five hundred dollars in relation to services provided in the estimates.

91. A local democratic organ may not authorise the writing-off of sums payable to the local democratic organ or of deficiencies of cash or stores except upon grounds prescribed by Financial Regulations made by the Minister and of amounts not exceeding the amounts thereby prescribed.

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Write-off  
by local  
democrat  
organ.

92. Subject to Financial Regulations made by the Minister, a local democratic organ may invest any of its moneys in such manner as it determines.

Investmen  
of funds.

93. A local democratic organ may insure -

Ins ance.

(a) all or any of its movable or immovable property against risks of any kind and may also insure its members, employees in its service and any other person against loss of life or injury suffered whilst performing any duty on behalf of the local democratic organ;

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

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

books of account.

94. Proper books of account shall be kept by every local democratic organ in accordance with the Financial Regulations made by the Minister.

contracts.

95.(1) A local democratic organ may enter into contracts necessary for the discharge of any of its duties.

(2) Any contract referred to in subsection (1) shall be entered into by the chairman of the local democratic organ on its behalf.

(3) The procedure for entering into contracts, including the form in which a tender shall be submitted, the earnest money, if any, required to be deposited and the procedure for tendering and acceptance of the tender, shall be such as may be prescribed by the Financial Regulations made by the Minister.

#### Estimates

Annual estimates.

96.(1) Every local democratic organ shall, not later than the seventh day of November in every year, cause to be submitted to it estimates of the income and

expenditure (hereinafter referred to as annual estimates) of the local democratic organ for the next financial year.

(2) The annual estimates shall be in such form and set out such information as is prescribed by Financial Regulations made by the Minister.

(3) The annual estimates shall be accompanied by a report on the activities of the local democratic organ in that financial year.

(4) The local democratic organ shall finalise the estimates within seven days of its submission at a meeting held for that purpose.

(5) Every local democratic organ in a region shall submit a copy of the annual estimates so finalised along with a copy of the report referred to in subsection (3) to the chairman of the concerned regional democratic council.

97.(1) The chairman of the regional democratic council shall, on a day not later than the first day of December every year, call a meeting of the chairmen of all the local democratic organs in the region for which that regional democratic council is established for the purpose of planning and coordinating the activities of all the local democratic organs in the region for the next financial year.

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(2) Notice of the meeting shall be given also to the Minister and the Minister may attend any such meeting.

(3) The chairman of the regional democratic council concerned shall preside over the meeting:

Provided that if the Minister attends any such meeting he shall preside over it.

(4) The meeting shall discuss the performance of the local democratic organs in the region in that financial year and the development plans and activities proposed to be undertaken by them in the next financial year and suggest modifications in respect of such plans and activities and the annual estimates, having regard to the need for the coordination of the activities of all the local democratic organs in the region and the finance available.

(5) The annual estimates of every local democratic organ in a region shall, if found necessary be modified by it in the light of the suggestions made under subsection (4):

Provided that any local democratic organ, aggrieved by the suggestions made under subsection (4), may make a representation to the Minister setting

forth its case and the Minister, after considering all material circumstances and factors, issue appropriate directions which shall be binding on all the local democratic organs in the region.

98.(1) If it appears to a local democratic organ, <sup>Su loma</sup> after the commencement of any financial year, that <sup>ta y</sup> insufficient provision has been made in the estimates <sup>es mate</sup> for that year, such local democratic organ may, not later than the thirty-first day of May that year, cause to be submitted to it supplementary estimates of income and expenditure for that year.

(2) Before such supplementary estimates are considered at any meeting of the local democratic organ, the chairman of the regional democratic council for the concerned region shall be consulted and his suggestions, if any, thereon shall be placed before the meeting of the local democratic organ held to consider the supplementary estimates.

(3) The Minister may, if he deems proper so to do, direct a local democratic organ not to adopt any supplementary estimates for any financial year or to adopt the same with the modifications suggested by him.

(4) The supplementary estimates of a local democratic organ shall be in such form and set out such information as is prescribed by Financial Regulations made by the Minister.

#### Audit

ual audit  
accounts  
local  
democratic  
organs.

99.(1) All accounts of a local democratic organ shall be made up yearly to the end of the financial year to which they relate by the chief finance officer of the local democratic organ 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 the chief finance officer neglects to make up the accounts as required by subsection (1), he shall be guilty of an offence.

(3) The auditor shall give the chief finance officer concerned one month's notice in writing of the date on which he intends to commence the audit of the accounts of the local democratic organ.

(4) The chief finance officer shall prepare a financial statement of the accounts of the local democratic organ in such form and with such number of copies as may be prescribed by Financial Regulations made by the Minister and shall submit the statement to the auditor at the commencement of the audit.



on the accounts audited and shall send the report to the local democratic organ concerned a copy thereof to the Minister.

(7) The local democratic organ shall, within one month of the receipt of the report of the auditor consider it at a meeting called for that purpose and forward its comments on the report to the Minister.

(8) The Minister shall, after considering the report of the auditor and the comments of the concerned local democratic organ thereon issue appropriate directions to the local democratic organ and the local democratic organ shall implement such directions as expeditiously as possible, and if any have been specified by the Minister for the implementation of any such direction within the time so specified.

(9) The Minister shall make, and may amend or vary, a scale of charges payable by local democratic organs in respect of the duties imposed upon and discharged by the auditor and the charges shall be paid to the Auditor General within one month after the date of the completion of the audit.

(10) In this section and sections 100, 101 and 102 "auditor" means -

(5) The auditor shall, in auditing the accounts of a local democratic organ, have all the powers that an auditor has, under sections 181, 182 and 184 of the Municipal and District Councils Act, in auditing the accounts of the city Council and the provisions of the sections aforesaid shall apply to the audit of the accounts of a local democratic organ by the auditor in the same manner as they apply to the audit of the accounts of the City Council by the auditor, subject to the modification that -

- (a) reference therein to "a local government officer" shall be deemed to be reference to an officer of the local democratic organ concerned; and
- (b) the words "and shall be liable on conviction on indictment to the same punishment as for perjury, under section 325 of the Criminal Law (Offences) Act" in section 181(3) shall be deemed to be omitted.

(6) Within one month of the completion of the audit of the accounts of a local democratic organ, or as soon as practicable thereafter, the auditor shall

Internal  
audit.

102. A local democratic organ 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 provided for in sections 99 and 100.

#### Report of Activities

Annual  
reports.

103.(1) Every local democratic organ in a region other than a regional democratic council shall, not later than the thirty-first day of March in every year, submit to the chairman of the regional democratic council of that region a report in writing containing an account of its activities.

2) A regional democratic council shall, not later than the thirtieth day of April in every year submit to the Minister a report which shall be in two parts, the first part containing an account of the activities of that regional democratic council and the second part containing summaries of the reports of the other local democratic organs in the region.

(3) Copies of the reports referred to in subsections (1) and (2) shall be open for public inspection at the office of the local democratic organ concerned and notice thereof shall be published by such local democratic organ and the notice shall refer to the right of inspection.

- (i) the Auditor General; or
- (ii) any other public officer authorised in that behalf by the Auditor General.

100.(1) The Minister may at any time request the auditor to hold an extraordinary audit of any accounts of a local democratic organ; and a local democratic organ **may** at any time and at its own expense request the auditor to hold an extraordinary audit of any of its accounts.

Extra-ordinary audit.

(2) An extraordinary audit held under subsection (1) shall be deemed to be an audit for the purposes of section 141 and the provisions of that section except the provisions contained in subsection (4) thereof shall apply accordingly.

101. Without prejudice to the provisions contained in sections 99 and 100, the auditor shall have power at any time to inspect any account, book or document of, and to make a check of any bank accounts and cash balances held on behalf of, a local democratic organ and in carrying out any such inspection the auditor shall have the same powers as he has under section 182(a) and (b) of the Municipal and District Councils Act while carrying out the audit of the accounts of a City Council.

Inspection.

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### General

104. Where any act or omission has been declared by any provision of this Part, or by any provision of any other written law made applicable in regard to any matter by any provision of this Part (not being an act or omission for which penalty has been specified in the provision as so made applicable), as an offence, any person who is guilty of that offence shall be liable on summary conviction to a fine of five thousand dollars and imprisonment for six months.

Penalties  
for  
offences  
under this  
Part.

105.(1) The Minister may make Financial Regulations for controlling and managing the financial business of local democratic organs.

Financial  
Regulation

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Financial Regulations may provide for all or any of the following matters -

- (a) the procedure of the Rating Committees;
- (b) the preparation and keeping of accounts, balance sheets, financial statements and abstracts of accounts;

- (c) appointment and composition of committees for regulating and controlling the finances of local democratic organs and the regulation of the procedure and duties of such committees;
- (d) the purchase of stores and equipment and the custody and issue thereof;
- (e) the receipt, transmission and safe custody of cash;
- (f) the preparation and submission of estimates including supplementary estimates;
- (g) the expenditure which may be incurred in a financial year before approval of the estimates for that year;
- (h) the procedure for borrowing;
- (i) the procedure for the issue of bonds, the form of the bonds, replacement of defaced or lost bonds and all other matters related to the issue of bonds;

- (j) the procedure for payment of moneys into and withdrawal of moneys from the General Revenue Fund and Loan Fund of local democratic organs;
- (k) investment of moneys by local democratic organs;
- (l) advanced to the employees of local democratic organs;
- (m) the procedure for entering into contracts, including the form in which a tender shall be submitted, the earnest money, if any, required to be deposited with the tender and the procedure for tendering and acceptance of the tender;
- (n) the grounds upon which a local democratic organ may authorise the writing off of sums payable to the local democratic organ or of deficiencies of cash or stores and the limitation on the amount which could be so authorised to be written off.

(3) The financial Regulations may prescribe the form of any account, notice or other document.

## PART V

Exercise of functions where a local democratic organ is not established for or not functioning in respect of any Area.

## EXERCISE OF FUNCTIONS IN CERTAIN CASES

106. Where a local democratic organ has not been established for, or is not functioning in respect of, any Area, but there is or are one or more other local democratic organs functioning in respect of that Area, all or any of the functions conferred by this Act on the first mentioned local democratic organ may be exercised and discharged by any other local democratic organ or local democratic organs having jurisdiction over the Area, or by the Minister, as may be specified by the Minister by notification in the Gazette.

Exercise of functions where no local democratic organ is established for any Area.

107. Where no local democratic organ has been established for, or is functioning in respect of, any area of Guyana all the functions conferred on all local democratic organs in respect of that area shall be exercised and discharged by the Minister.



## PART VI

SPECIAL PROVISIONS RELATING TO CITY AND TOWN  
 COUNCILS AND AMERINDIAN DISTRICT, AREA AND  
 VILLAGE COUNCILS

108. In this Part -

Definitions  
 for this art.  
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(a) "City" and "Town" have the same meanings as in the **Municipal and District Councils Act**;

(b) "council" means -

(i) the municipal council in and for the City;

(ii) the municipal council in and for the Town; and

(iii) the town council established for any town under section 33 of the **Municipal and District Councils Act**;

(b) "District Council", "Area Council" and "Village Council" mean a District Council, Area Council and Village Council established under the **Amerindian Act**.

**Restrictions**

in applica  
tion of this  
Act to  
councils  
and  
District,  
Area and  
Village  
Councils.

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109. Subject to the other provisions of this Part, this Act shall apply to a council and to a District Council, Area Council or Village Council and to every local democratic organ established within the City, the Town or any other town established under section 33 of the Municipal and District Councils Act, or within an Amerindian Area, Amerindian District or Amerindian Village, subject to such modifications as the Minister may specify by order.

110.(1) For the purposes of this Act the council in and for the City shall be deemed to be a district democratic council and shall exercise and discharge such of the functions of a district democratic council as the Minister may specify by order.

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(2) For the purposes of this Act a council in and for the Town, or in and for any other town established under section 33 of the Municipal and District Councils Act, shall be deemed to be a community democratic council and shall exercise and discharge such of the functions of a community democratic council as the Minister may specify by order.

(3) For the purposes of this Act a District Council, Area Council or Village Council shall be .

deemed to be neighbourhood democratic council and shall exercise and discharge such of the functions of a neighbourhood democratic council as the Minister may specify by order.

(4) Where the Minister has not specified by order made under preceding provisions of this section in relation to -

- (a) the council in and for the City all the functions of a district democratic council;
- (b) the council in and for the Town, or in and for any other town established under section 33 of the Municipal and District Councils Act, all the functions of a community democratic council; or
- (c) a District Council, Area Council or Village Council all the functions of a neighbourhood democratic council,

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such of those functions as not so specified shall be exercised and discharged by the Minister or any other local democratic organ as may be specified by the Minister by order.

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(5) Any local democratic organ established within the City, the Town or any other town established under section 33 of the Municipal and District Councils Act, or within an Amerindian District, Amerindian Area or Amerindian Village, shall exercise and discharge such of the functions conferred by this Act on that local democratic organ as the Minister may specify by order; and where the Minister has not specified in the order in relation to any such local democratic organ all the functions conferred on the local democratic organ by this Act, such of those functions as not so specified shall be exercised and discharged by the Minister or any other local democratic organ as may be specified by the Minister by order.

## PART VII

### MISCELLANEOUS

Delegation of functions to committee or member. 111.(1) A local democratic organ may, by resolution, delegate to a committee consisting of such number of the members of the local democratic organ as may be specified therein or to a member of the local democratic organ any function conferred on it by or under this Act or any other written law.

(2) A committee referred to in subsection (1) may be a standing committee or a committee constituted for any specific purpose.

112. Save as otherwise provided in this Act, in the event of a dispute among two or more local democratic organs relating to a matter which cannot be amicably settled among themselves, the dispute shall be referred by any or all of such local democratic organs to the Minister whose decision on the matter in dispute shall be final.

Resolution  
of disputes.

113. The Minister may make regulations for carrying out the purposes of this Act and, without prejudice to the generality of the foregoing, such regulations may in particular provide for the forms required for the purposes of this Act and the fees payable under any provision thereof.

Power to make  
regulations.

114. Where there is any inconsistency between the provisions of this Act and the provisions of the Local Democratic Organs Act 1980 (including the provisions of the Municipal and District Councils Act made applicable to regional democratic councils by section 32 of the Local Democratic Organs Act 1980), the provisions of this Act shall prevail.

#### EXPLANATORY MEMORANDUM

This Bill seeks to make provisions in respect of the functions, financial resources and financial procedures of regional democratic councils, neighbourhood democratic councils and other local democratic organs.

Over-riding  
effect of  
this Act.

No. 12 of 1980

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2. The functions of the various local democratic organs are dealt with in Part II of the Bill.

3. Clause 106 of the Bill seeks to provide that where only some of the local democratic organs, contemplated by the Local Democratic Organs Act 1980 (No. 12 of 1980), have been established for any area, the functions conferred by this Bill on any local democratic organ not established are to be performed by the local democratic organ specified by the Minister, or by the Minister. However, where no local democratic organ has been established for any area, the functions conferred on all local democratic organs for that area are to be performed by the Minister. (See clause 107 of the Bill).

seeks to

4. Part VI of the Bill/make special provisions relating to the City Council for Georgetown, town councils for New Amsterdam and other towns and Amerindian District, Area and Village Councils. Under the Bill the City Council for Georgetown shall perform such of the functions of a district democratic council, and the town councils for New Amsterdam and other towns such of the functions of a community democratic council, as may be specified by the Minister. Clause 110(3) of the Bill seeks to confer on Amerindian District, Area and Village Councils such functions of a neighbourhood democratic council as may be specified by the Minister.

The functions sought to be conferred on these bodies by the Bill are in addition to the functions conferred on them by the Municipal and District Councils Act (Cap. 28:01) or the Amerindian Act (Cap. 29:01).

5. Part III of the Bill seeks to make provisions in respect of the financial resources of local democratic organs. The regional democratic councils and neighbourhood democratic councils only are sought to be given rating powers. These provisions are contained in clauses 50 to 54 of the Bill. A regional democratic council is required to share the rate levied by it with the sub-regional, district and community democratic councils in the region and the rates levied by a neighbourhood democratic council are required to be shared by it with the people's co-operative democratic councils in the neighbourhood. (See clause 60 of the Bill). Provisions for certain other sources of income of local democratic organs are sought to be made in clauses 61 and 62 of the Bill.

6. Provision for Rating Committees for regions and neighbourhoods is sought to be made by clause 65 of the Bill.

7. Clauses 66 to 85 of the Bill seek to prescribe the procedure relating to the collection and recovery of rates and interest payable on rates in arrears.

8. Part IV of the Bill seeks to make provisions in respect of the financial procedure to be followed by local democratic organs.

J. R THOMAS

Minister of Regional Development.