

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

9th June, 2009.

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

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 26 of 2009

MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

Short title.

Amendments of the Principal Act.

2.

A BILL
Intituled

AN ACT to amend the Municipal and District Councils Act.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.

1. This Act, which amends the Municipal and District Councils Act, may be

Cap. 28:02

cited as the Municipal and District Councils (Amendment) Act 2009.

Amendments
of the
Principal Act.

2. The sections specified in the first column of the Schedule are amended in the manner specified in the corresponding entry in the second column of the Schedule.

| Provision | Amendments |
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| General amendment | For the word "town" or "towns" substitute the word "Town" or "Towns" wherever it occurs. |
| Section 2 | 1. In the definition of "Commission" delete the word "Service", in the definition of "council" delete paragraph (c), and in the definition of "Councillor" delete paragraph (d). |
| Section 2 A | <p>Insert after section 2 the following section as section 2A –</p> <p>"Objects of a municipality.</p> <p>2A. The purposes of the municipality are to -</p> <p style="padding-left: 40px;">(a) provide good governance;</p> <p style="padding-left: 40px;">(b) provide services, facilities or other things that, in the opinion of the council, are necessary or desirable for the whole or part of the municipality; and</p> <p style="padding-left: 40px;">(c) develop and maintain safe and viable communities."</p> |
| Section 8 | <p>1. Substitute the following for subsection (2) –</p> <p style="padding-left: 40px;">"(2) The number of councilors, including the Mayor and the Deputy Mayor, shall be as prescribed by the Minister by order."</p> |
| Section 8A | <p>Insert after section 8 the following section as section 8A -</p> |

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| | <p>"General duties of City Councillors.</p> <p>8A. The general duties of City Councillors shall be to –</p> <ul style="list-style-type: none"> (a) consider the welfare or interest of the municipality as a whole and to bring to the attention of the council anything which would promote such welfare or interest; (b) Develop and evaluate policies and programmes for the municipality; (c) Participate in council meetings and meetings of other bodies to which they are appointed by the council; (d) Obtain information pertaining to the municipality from the Town Clerk or a person designed by the Town Clerk to provide such information. (e) To keep in confidence any matters discussed in private at a council or a council meeting, until such matters are property disclosed at a meeting held in public; (f) Make efforts to raise the level of civic consciousness of the residents of the municipality; (g) Ensure that the municipality is managed in a professional and competent manner by a qualified Town Clerk; and (h) Perform any other duties or functions imposed on councillors by this or any other law or by the council." |
| Section 23 (3) | For the words "five hundred" substitute the words "forty thousand" and for the words "fourteen thousand" substitute the words "one million". |
| Section 29 | 1. Substitute the following subsection for subsection (2) - |
| Section 29 A | <p>"(2) The number of councillors (including the Mayor and Deputy Mayor) shall be as prescribed by the Minister by order."</p> <p>2. Insert after section 29 the following section as section 29 A -</p> <p>"General duties of Town Councillors.</p> <p>29 A. Town Councillors shall have the same general duties as those stipulated for City Councillors in section 8A."</p> |
| Section 31 (2) | For the word "fifty" substitute the words "one hundred " and for the word "sixty" substitute the words "one hundred and ten". |
| Section 33 A (2) | For the word "fifty" substitute the words "one hundred" and for the word "sixty" substitute the words "one hundred and ten". |
| Section 33 B | Insert after section 33 A the following section as section 33 B – |

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| | <p>“General duties of Councillors of Town established under section 33.</p> <p>33 B. Councillors of Town Councils established under section 33 shall have the same general duties as those stipulated for Town Councillors and City Councillors in section 8A.”</p> |
| Section 36 | <p>Substitute the following subsection for subsection (2) –</p> <p>“(2) The number of councillors, including the Chairman and Vice Chairman, shall be prescribed by the Minister by order.”.</p> |
| Section 38 (3) | <p>For the words “five hundred” substitute the words “forty thousand” and for the words “three thousand” substitute the words “two hundred and forty thousand”.</p> |
| Section 68 (3) | <p>For the words “five hundred” substitute the words “forty thousand”.</p> |
| Section 79 A | <p>Insert after section 79 the following section as section 79 A –</p> <p>“Instructions by the Minister.</p> <p>79 A. The Minister may give instructions of a general or specific nature, which instructions, shall take precedence over any other instructions given to an officer by any local government officer in the municipality.”.</p> |
| Section 80 (1) (a) | <p>For the words “twenty one” substitute the word “eighteen”.</p> |
| Section 81 (2) | <p>For the words “four hundred and eighty” substitute the words “three hundred thousand”.</p> |
| Section 84 | <p>Insert after subsection (2) the following subsection as subsection (3) –</p> <p>“Power of to resolve difficulty.</p> <p>(3) The Minister shall have power by order to resolve any difficulty arising from the implementation of this section.”.</p> |
| Section 87 (1) and (2) | <p>For the words “Government savings” substitute the word “commercial”.</p> |
| Sections 95 to 115 | <p>Repeal</p> |
| Sections 116 (1) and 117 (1) | <p>For the words “eighteen thousand” substitute the words “three hundred and eighty four thousand”.</p> |
| Section 120 (2) | <p>For the words “eighteen thousand” substitute the words “seven hundred and twenty thousand”.</p> |

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| Section 149 (d) | For the words "two thousand" substitute the words "eight thousand". |
| Section 155 | Delete |
| Section 156 | Delete. |
| Section 170 | For the words "not be estimated at a higher rate than five per cent per annum" substitute the words "be estimated at a rate commensurate with the rate of interest per annum, payable on such funds in a reputable commercial bank". |
| Section 204 (2) | Delete the proviso. |
| Section 209 (3) | For the words "one hundred" substitute the words "ten thousand". |
| Section 255 (1) (a) | Insert after "adjoining land" the words "anytime between the hours of 8 o'clock in the morning and 4 o'clock in the afternoon". |
| Section 275 (3) | For the words "twenty five" substitute the words "two thousand" and for the words "two hundred and fifty" substitute the words "twenty thousand". |
| Section 285 (d) | For the word "or" appearing immediately after the words "the water" substitute the word "from". |
| Section 300 (4) | For the words "a fee of fifty cents shall be paid" substitute the words "a fee shall be paid on a cost recovery basis". |
| Section 304 (4) | For the words following the word "payment" and ending with the word "determine" substitute the words "a cost recovery basis". |
| 304 (8) | For the words beginning with the word "payment" and ending with the word "determine" substitute the words "a cost recovery basis". |
| | <p>2. Insert after section 304 a new section as section 304 A —</p> <p>"Altering of fees by council.</p> <p>304 A. (1). Where a by-law provided for a council to alter its fees or the opening and closing hours of its facilities, which have been prescribed for in a by-law or a Schedule to a by-law, the council may before passing any resolution to do so, host a public forum, at which the proposed alteration is presented for discussion, with all parties to be effected by</p> |

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the proposed alteration thus provided with an opportunity to indicate their concerns, objections or agreements.

(2) A Council shall consider the concerns, objects or agreements indicated at the public forum and may make such changes if necessary, to the proposed alteration before it is put up for resolution by the council.

(3) The resolved alteration shall be published in the Gazette and a daily newspaper circulating in Guyana, at least one month before the said alteration becomes effective.

(4) The council shall one application furnish to any person, a copy of the by-laws as altered, or any part thereof on a cost recovery basis.

(5) A council before publication of any alteration shall submit to the Minister –

(a) a copy of the proposal for alteration discussed at the public forum;

(b) a copy of the minutes or other records of the public forum;

(c) a copy of the minutes or other records of the meeting of the council at which the alterations were adopted;

(d) a certificate by the Clerk that the provisions in (a), (b) and (c) above were complied with; and

(e) copies of any objections to the alteration which have been lodged in writing with the Clerk, or if no such objection has been lodged, a certificate by the Clerk to that effect.

(6) Nothing in this section shall apply to by-law 44 of Georgetown (Abattoir) By-Laws.

Third Schedule

In Part I and Part II for all the words beginning with the words “a sum” and ending with the word “year” substitute the following –

“Council may recommend an annual sum to be placed at the disposal of the Mayor, payable in equal instalments at the end of each quarter year.”

Schedule Seven

For the number “19” substitute the number “20”.

Eighth. Schedule

In paragraph 10 (2) for the words “one hundred” substitute the words “twenty thousand”.

Appendix

Substitute the number “20” for the number “19” wherever they appear.

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EXPLANATORY MEMORANDUM

The main purpose of this Bill is to amend the Municipal and District Councils Act, Cap 28:01, so as to revise the provisions pertaining to municipal councils. During the course of this revision no distinction is made between individual councils and towns.

The Bill seeks to update various fines, fees and charges in order to make them meaningful in view of current currency values and present day market prices for goods and services.

Provision is also made for the devolution of powers from the Minister onto the various Town Councils; and for the Town Councils to report directly to the Minister rather than go through the relevant Regional Democratic Councils.



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Minister of Local Government
and Regional Development