

THE OFFICIAL GAZETTE 20TH JUNE, 2005
LEGAL SUPPLEMENT – C

BILL No. 9 of 2005

Monday 20th June, 2005

**PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.**

20th June, 2005.

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

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



GUYANA

BILL No. 9 of 2005

MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2005

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Principal Act.

SCHEDULE

A BILL

Intituled

AN ACT to amend the Municipal and District Councils Act.

A.D. 2005 Enacted by the Parliament of Guyana:-

Short
title.

Cap. 28:01

Amendment of
the Principal
Act.

1. This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act, 2005.

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

Section 2**SCHEDULE**

Provision	Amendments
General amendment	For the words "town" or "towns" substitute the words "Town" or "Towns" wherever they occur.
Section 2	<p>1. In the definition of "council" delete paragraph (c), in the definition of "councilor" delete paragraph (d) and in the definition of "Commission" delete the word "Service".</p> <p>2. Insert after section 2 the following section as section 2A-</p> <p style="margin-left: 40px;">"Objects of a municipality</p> <p style="margin-left: 40px;">2A. The purposes of the municipality are to-</p> <p style="margin-left: 80px;">(a) provide good governance;</p>

<p>Section 8</p>	<p>(b) provide services, facilities or other things that, in the opinion of the Council, are necessary or desirable for all or part of the municipality; and</p> <p>(c) develop and maintain safe and viable communities.”</p> <p>1. Substitute the following for subsection (2)-</p> <p>“(2) The number of councilors, including the Mayor and the Deputy Mayor, shall be as prescribed by order of the Minister.”</p> <p>2. Insert after section 8 the following section as section 8A -</p> <p>“General duties of City Councilors. 8A. The general duties of City Councilors shall be to—</p> <p>(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;</p> <p>(b) develop and evaluate policies and programmes for the municipality;</p> <p>(c) participate in council meetings and meetings of other bodies to which they are appointed by the Council;</p> <p>(d) obtain information pertaining to the</p>
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	<p>municipality from the Town Clerk or a person designated by the Town Clerk to provide such information;</p> <p>(e) to keep in confidence any matters discussed in private at a Council or a Council meeting, until such matters are properly disclosed at a meeting held in public;</p> <p>(f) make efforts to raise the level of civic consciousness of the residents of the municipality;</p> <p>(g) ensure that the municipality is managed in a professional and competent manner by a qualified Town Clerk; and</p> <p>(h) perform any other duties or functions imposed on councilors by this or any other law or by the Council.</p> <p>Section 23 (3) For the words "five hundred" substitute the words "forty thousand" and for the words "fourteen thousand" substitute the words "one million".</p>
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Section 29	<p>1. Substitute the following subsection for subsection (2)-</p> <p style="padding-left: 40px;">“(2) The number of councillors (including the Mayor and Deputy Mayor) shall be as prescribed by order of the Minister.”</p> <p>2. Insert after section 29 the following section as section 29A-</p> <p>“General duties of Town Councillors</p> <p style="padding-left: 40px;">29A. Town Councillors shall have the same general duties as those stipulated for City Councillors in section 8A.”</p>
Section 33 A	<p>Insert after section 33 A the following section as section 33 B-</p> <p>“General duties of Councillors of Town Councils established under section 33.</p> <p style="padding-left: 40px;">33B. Councillors of Town Councillors established under section 33 shall have the same general duties as those stipulated for Town Councillors and City Councillors in section 8A.”</p>
Section 31 (2)	<p>For the word “fifty” substitute the words “one hundred” and for the word “sixty” substitute the words “one hundred and ten.”</p>
Section 33A (2)	<p>For the word “fifty” substitute the words “one hundred” and for the word “sixty” substitute the words “one hundred and ten”.</p>
Section 36	<p>Substitute the following subsection for subsection (2)—</p> <p style="padding-left: 40px;">“(2) The number of councillors, including the chairman and vice chairman, shall be prescribed by order of the Minister.”</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	<p>Insert after section : 79 the following section as section 79 A -</p> <p>“Instructions by the Minister 79A. The Minister may give instructions of a general or specific nature, which instructions, shall take precedence over any other instructions given to that officer by any other local government officer in the municipality.”</p>
Section 80(1) (a)	<p>For the word “eighteen substitute the words “twenty one”.</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 Minister to resolve difficulty. (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>
Section 95	<ol style="list-style-type: none"> 1. Delete the word “SCHEDULE” from the heading. 2. Substitute the following subsection for subsection (1)-

	<p>"Constitution 95. (1) There shall be a Local Government Commission, consisting of a chairman, a deputy chairman and such other members as may be appointed thereto; and the Commission shall have such functions as are vested in it by this Act and any other law."</p>
<p>Section 96</p>	<p>Substitute the following section for section 96-</p> <p>"Appointment of members. 96. The names of members of the Commission shall be submitted to the National Assembly, after the necessary consultations have taken place with those bodies stipulated in the Act; and the members of the Commission at their first meeting, after having been duly appointed, shall elect from among themselves a chairman and a deputy chairman."</p>
<p>Section 98</p>	<p>Substitute the following section for section 98-</p> <p>"Oath of office. 98. Every member of the Commission shall, before performing any of the functions of his office, take before the President an oath of office in the form set out for his office in the Second Schedule."</p> <p>Second Schedule</p>
<p>Section 105</p>	<p>For the words "all the members thereof" substitute the words "the members present at the meeting".</p>
<p>Section 107</p>	<p>For the word "President" substitute the words "Chairman of the</p>

	Commission”.
Section 108	<p>Substitute the following the following section for section 108-</p> <p>“Annual report. 108. The Commission shall, not later than the first day of March every year following its establishment, submit to the Speaker of the National Assembly, a report on its work during the preceding year; and the report shall, as soon as conveniently may be thereafter, be laid by the Speaker before the National Assembly.”</p>
Section 109	For the word “President” substitute the word “Commission” and delete the words “to the Commission”.
Section 112	<ol style="list-style-type: none"> 1. Delete the words “with the approval of the President”. 2. Delete the words appearing after “officers” in subsection (b) and in subsection (f) all the words appearing after “discipline”.
Section 115 (1)	For the word “President” substitute the word “Commission”
Sections 116 (1) and 117 (1)	For the words “eighteen thousand” substitute the words “three hundred and eighty four thousand”.
Section 120 (2)	For the words “eighteen thousand” substitute the words “seven hundred and twenty thousand”.
Section 149 (d)	For the words “two thousand” substitute the words “eight thousand”.
Section 155	Delete.
Section 156	Delete.

Section 170	For the words "be estimated at a rate commensurate with the rate of interest per annum, payable on such funds in a reputable commercial bank" substitute "not be estimated at a higher rate than five per cent per annum".		
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)	Delete the words following the word "fee" and substitute therefore "which fee shall be set by the Council".		
Section 304	<ol style="list-style-type: none"> 1. In subsection (4) delete the words appearing after the word "sum" and ending with the word "copy". 2. In subsection 8 delete the words "not exceeding one dollar". 3. Insert after section 304 a new section as section 304A- <table data-bbox="454 1554 1266 1678" style="margin-left: 20px;"> <tr> <td style="padding-right: 10px;">"Altering of fees by Council.</td> <td>304A (1). Where a by-law provides for a Council to alter its fees or the opening and closing hours of its</td> </tr> </table> 	"Altering of fees by Council.	304A (1). Where a by-law provides for a Council to alter its fees or the opening and closing hours of its
"Altering of fees by Council.	304A (1). Where a by-law provides 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 affected by the proposed alteration thus provided with an opportunity to indicate their concerns, objections or agreement.

(2) A Council shall consider the concerns, objections 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 of the Council.

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

(4) The Council shall on application furnish to any person, a copy of the by-laws as altered, or any part thereof on payment of such sum as the Council may determine.

(5) A Council before publication of any alteration shall submit to the Minister:-

(a) a copy of the proposal for alteration

<p>Third Schedule</p>	<p>discussed at the public forum;</p> <p>(b) a copy of the minutes or other records of the public forum;</p> <p>(c) a copy of the minutes or other records of the meeting of the Council at which the alterations were adopted;</p> <p>(d) a certificate by the Clerk that the provisions in (a), (b) and (c) above were complied with; and</p> <p>(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.</p> <p>(6) Nothing in this section shall apply to by-law 44 of the Georgetown (Abattoir) By-Laws.</p> <p>In Part I and Part II delete all the words beginning with the words "a sum" and ending with the word "year" and substitute therefore the following -</p> <p>"Council may recommend a sum to be placed at the disposal of the Mayor per annum, payable in equal installments at the end of each quarter year."</p>
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Seventh Schedule	For the numerals "19" substitute the numerals "20".
Eight Schedule	In section 10 subsection (2) for the words "one hundred" substitute the words "twenty thousand".
Appendix	Substitute the numerals "20" for the numerals "19" wherever they appear.

EXPLANATORY MEMORANDUM

The main purpose of this Bill is to amend the Municipal and District Councils Act No. 24 of 1969 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. Some of the Minister's powers are transferred to an independent Local Government Commission to be established shortly.



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Minister of Local Government

