

THE OFFICIAL GAZETTE 31ST JULY, 2012
LEGAL SUPPLEMENT — C

BILL No. 12 of 2012

Tuesday 31st July, 2012

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

31st July, 2012.

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

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



BILL No. 12 of 2012

LOCAL GOVERNMENT (AMENDMENT) BILL 2012

ARRANGEMENT OF SECTIONS

SECTION

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

SCHEDULE

A BILL**Intituled**

AN ACT to amend the Local Government Act.

A.D.2012 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Local Government Act, may be cited as
Cap. 28:02 the Local Government (Amendment) Act 2012.

Amendment of the Principal Act. 2. The provisions of the Principal Act 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.

SCHEDULE

s. 2

PROVISIONS	AMENDMENTS
Long title	Insert immediately before the word "village" the words "neighbourhood,".

Section 2	<ol style="list-style-type: none">1. In the definition of “district”, insert immediately before the word “village” the words “neighbourhood (constituted by the Local Democratic Organs (Areas) Order 1990),”.2. Delete the definition of “district commissioner”.3. In the definition of “local authority” insert immediately before the the word “village”, the words “neighbourhood democratic council (constituted under the Local Democratic Organs (Neighbourhood Democratic Councils) Order 1990),” .4. Insert immediately before the definition of “street” the following definition – “ Regional Executive officer” means the clerk or Chief Executive Officer of a Regional Democratic Council;”.
Section 6	<ol style="list-style-type: none">1. For the word “it” substitute the words “the Minister”.2. For the word “their” substitute the word “the” and insert immediately after the word “approval” the words “of the Minister”.
Section 15	

subsection (1)(a)	Insert immediately before the words – “villages” the words “neighbourhoods,”; and “village” the words “neighbourhood,”.
subsection (1)(b)	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood democratic councils,”.
subsection (1)(c)	Insert immediately before the word “villages”, the words “neighbourhoods,”.
subsection (1)(d)	Insert immediately before the word “village” the words “neighbourhood,”.
subsection (2)	Substitute the following – “The Minister may, for any purpose for which a local authority is authorized to make by-laws, cause those by-laws to have effect in any neighbourhood, village or country district, and those by-laws shall have effect in every neighbourhood, village or country district or in any neighbourhood, village or country district, specified in the by-laws.”
Part II Heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD,”.

Section 20 subsection (1)	<ol style="list-style-type: none">1. Insert immediately before the word “Village” the words “Neighbourhoods,”.2. For the word “Village” substitute the word “village”.
subsection (2)	<ol style="list-style-type: none">1. Insert immediately before the words “a village district” the words “a neighbourhood,”.2. Insert immediately before the words “a village council” the words “a neighbourhood democratic council,”.
Section 22(5)	<ol style="list-style-type: none">1. For the words “one hundred dollars” substitute the words “twenty-five thousand dollars”.2. For the words “five hundred dollars” substitute the words “five million dollars”.
Section 26 subsection (1)	For the words “ten dollars” substitute the words “three thousand dollars”.

subsection (2)	For the words “twenty dollars” substitute the words “six thousand dollars”.
Section 29(6), (7)(b) and (8)	Delete the words “through the commissioner” wherever the words appear.
Section 35	Insert immediately before the word “village” the words “neighbourhood,”.
Section 36 including the marginal note	Insert immediately before the word “village” the words “neighbourhood democratic council,”.
Section 37(1)	<ol style="list-style-type: none"> 1. Insert immediately before the word “village”, where the word appears for the first time, the words “neighbourhood,”. 2. Insert immediately before the word “village”, where the word appears for the second time, the words “neighbourhood democratic council,”.
Section 38 subsection (1)	Insert immediately before the word “village” the words

subsection (3)	<p>“neighbourhood,”.</p> <p>In the opening part, insert immediately before the word “village” the words “neighbourhood democratic council or”.</p>
subsection (3)(b)	<p>Insert immediately before the word “village” the words “neighbourhood or”.</p>
The Principal Act (the whole)	<p>For the words “district commissioner”, wherever the words appear, substitute the words “regional executive officer”.</p>
Section 39 including the marginal note	<p>Insert immediately before the word “village” the words “neighbourhood democratic council,”.</p>
Section 40(1)	<p>Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood democratic council or”.</p>
Section 41 subsection (1)	<p>Insert immediately before the word “village” the words “neighbourhood democratic council or”.</p>

subsection (2)	Insert immediately before the word “village” the words “neighbourhood democratic council,”.
PART IV Heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD DEMOCRATIC COUNCILS,”.
Section 42	
subsection (1)	<ol style="list-style-type: none"> 1. Insert immediately before the word “village” the words “neighbourhood,”. 2. Delete the words “, subject to the approval of the Minister,”.
subsection (2)	Delete the words “with the sanction of the Minister”.
subsections (5), (7) and (8)	Insert immediately before the word “village” the words “neighbourhood,”.
marginal note	Insert immediately before the word “village” the words “neighbourhood democratic councils,”.
Section 43(1)	Insert immediately before the word “village” the words

	“neighbourhood,”.
PART V Heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD DEMOCRATIC COUNCILS,”.
Sections 44, 45, 46 and 47	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 48 subsections (1) and (3) subsection (3)	Insert immediately before the word “village” the words “neighbourhood,”. Delete the words “with the approval of the Minister”.
Section 49(1)	1. Insert immediately before the word “village” the words “neighbourhood,”. 2. Insert immediately before the words “Village Council” the words “Neighbourhood Democratic Council,”.
Section 50	

<p>subsections (1) and (4) including the marginal note</p> <p>subsection (1)</p>	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p> <p>Delete the words “, with the approval of the Minister,”.</p>
<p>Section 51(1) and (2) including the marginal note</p>	<p>Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.</p>
<p>Sections 52</p>	<ol style="list-style-type: none"> 1. Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”. 2. Delete the words “, but no toll shall be charged until the tariff has been approved by the Minister”.
<p>Section 53</p>	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
<p>Section 54</p>	

subsection (1)	Insert immediately before the word “village” the words “neighbourhood,”.
subsection (2)	For the words “approval,” substitute the words “notification” and delete the words “and the Minister may approve of them either in their entirety or subject to such charges as he may think fit”.
subsection (4)	For the word “its” substitute the word “his”.
subsection (6)	Delete the words “, determined in such manner as may be approved by the Minister”.
Section 55	
the opening part,	
paragraphs (e), (f)	
and (g)	Insert immediately before the word “village” the words “neighbourhood,”.
paragraph (c)	Delete the words “or to the body known as the Guyana Village Chairman’s Conference”.
proviso	Delete.

<p>Sections 56, 57(1), 58(1) and 59</p>	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
<p>Section 64</p>	<p>Delete the words “, without naming him”.</p>
<p>Section 66 subsection (1)(a) subsection (2)</p>	<p>For the word “Minister” substitute the word “Council”.</p> <p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
<p>Section 67 subsections (1) and (2) subsection (4)(b)</p>	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p> <p>For the words “five per cent <i>per annum</i> shall thereupon become due and payable” substitute the words “not less than one per cent above the lending rate at a commercial bank where the Council would have borrowed the said sum payable”.</p>
<p>Section 68</p>	

subsection (1)(b)	Delete.
subsection (2)	Insert immediately before the word “village” the words “neighbourhood,”.
Section 69	For the words “The local authority of a village or country district may, with the approval of the Minister,” substitute the words “The Minister or local authority of a neighbourhood, village or country district may”.
Sections 70, 71(1), (2), (3) and (5), 72(1) and (2), 73, 74, 75(1) and (3)	Insert immediately before the word “village” the words “neighbourhood,”.
Section 79	Substitute the following – “(1) The Minister of Legal Affairs shall, by Order prescribe the fees payable for any process of distress issued under this Act. (2) Fees shall be paid at the first instance by the party applying for process. (3) Costs shall be awarded in the matter of the distress.”

Sections 80 and 81	Insert immediately before the word “village” the words “neighbourhood,”.
Section 84(1) and (2)	Substitute the following – “(1) The Minister of Legal Affairs shall, by Order, prescribe the fees for the process of parate or summary execution. (2) No charge shall be made for traveling expenses, distance money, conditions of sale, copies of documents, printing, or any other matter not prescribed.”
Section 86(1) and (2)	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 87(2)	Delete.
Section 88(1)	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 89(2)	For the words “the sum of one dollar” substitute the words “a sum of money as the Minister may by order prescribe”.

Section 96(6)	For the words “one thousand dollars” substitute the words “forty thousand dollars”.
Section 99	Insert immediately before the word “village” the words “neighbourhood,”.
Section 100	Delete the words “with the prior approval of the Minister”.
Section 102(1)	For the words “ten dollars” substitute the words “to a fine of not less than twenty thousand dollars nor more than forty thousand dollars”.
Section 109 including the marginal note	For the words “five hundred dollars” substitute the words “twenty thousand dollars”.
PART VIII heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD,”.
Section 114	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.

Section 115(1)	<p>1. Insert immediately before the word “village”, where the word appears for the first and third time, the words “neighbourhood,”.</p> <p>2. Insert immediately before the word “village” where the word appears for the second time, the words “neighbourhood democratic council,”.</p>
Section 120	<p>For the words “shall be liable to a fine of one hundred dollars” substitute the words “commits an offence and shall be liable to a fine of one hundred thousand dollars and to a further fine of ten thousand dollars for each day the offence continues.”.</p>
Section 121	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
PART IX Heading	<p>Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD,”.</p>
Sections 122 and 125	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>

Section 115(1)	<ol style="list-style-type: none">1. Insert immediately before the word “village”, where the word appears for the first and third time, the words “neighbourhood,”.2. Insert immediately before the word “village” where the word appears for the second time, the words “neighbourhood democratic council,”.
Section 120	For the words “shall be liable to a fine of one hundred dollars” substitute the words “commits an offence and shall be liable to a fine of one hundred thousand dollars and to a further fine of ten thousand dollars for each day the offence continues.”.
Section 121	Insert immediately before the word “village” the words “neighbourhood,”.
PART IX Heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD,”.
Sections 122 and 125	Insert immediately before the word “village” the words “neighbourhood,”.

Section 126A	<p>Insert immediately after section 126 the following as section 126A together with the marginal note “Local Authority to respond to emergency or disaster.</p> <p>126A. (1) Each local authority shall respond to emergencies or disasters in a manner as determined by the local authority whether it is a national or local emergency or disaster within their Neighbourhood Democratic Council or in another Neighbourhood Democratic Council.</p> <p>(2) Each local authority may prescribe general procedures for the handling of emergencies or disasters including the deployment of personnel and equipment necessary.”.</p>
Section 128 including the marginal note	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
Section 129	<p>Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.</p>

Section 130(2)	Insert immediately before the word “village” the words “neighbourhood democratic council,”.
Part XI Heading	Insert immediately before the word “VILLAGE” the words “NEIGHBOURHOOD,”.
Section 131	<ol style="list-style-type: none">1. Insert immediately before the word “village”, where the word appears for the first time, the words “neighbourhood,”.2. Insert immediately before the word “village”, where the word appears for the second time, the words “neighbourhood democratic council,”.
marginal note	Insert immediately before the word “village” the words “neighbourhood,”.
Sections 132 and 133	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 134 subsection (1)	Insert immediately before the word “village” the words “neighbourhood,”.

subsection (2)	For the words “two hundred dollars” substitute the words “twenty thousand dollars”.
Section 135	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 136(1)	<ol style="list-style-type: none">1. Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”. 2. Delete the words “or in the post office savings bank”.
Section 137	For the words “to a public officer designated by the Minister or the district commissioner”, substitute the words “as revenue to the local authority”.
Sections 138 and 139 (1) and (2)	Insert immediately before the word “village”, wherever the words appear, the words “neighbourhood,”.
Section 140(1)	<ol style="list-style-type: none">1. Insert immediately before the word “village” the words “neighbourhood,”.

	2. For the words “one hundred thousand dollars”, substitute the words “one million dollars”.
Section 141(1)	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 143	For the words “twenty dollars” substitute the words “twenty thousand dollars”.
Section 144	
subsection (2)	For the words “fifty dollars” substitute the words “five thousand dollars”.
subsection (3)	For the words “fifty dollars” substitute the words “twenty thousand dollars”.
Sections 145	
and 146	For the words “fifty dollars” substitute the words “twenty thousand dollars”.
Section 146A	Insert immediately after section 146 the following as section 146A together with the marginal note “Blockage of drainage or irrigation canal.”.

	<p>146A. (1) Notwithstanding anything in this Act, any proprietor or occupier or anyone acting on behalf of a proprietor or occupier who fills in or interrupts the free flow of water in a waterway meant to provide drainage or irrigation in any local authority district, commits an offence and is liable on summary conviction to a fine of not less than three hundred thousand dollars nor more than five hundred thousand dollars; and to a further fine of ten thousand dollars for each day that the offence continues after conviction.</p> <p>(2) The Minister or the local authority, acting on the written instructions of the Minister, shall without delay remove the blockage in the waterway referred to in subsection (1) and add any expenditure incurred in the removal of the blockage to the rates payable by the proprietor of the property.”.</p>
<p>Section 147 paragraph (b)</p>	<ol style="list-style-type: none"> 1. Insert immediately before the word “village”, where the word appears for the first time, the words “neighbourhood democratic councillor,”. 2. Insert immediately before the word “village”, where the word

	<p>appears for the second time, the words “neighbourhood democratic council,”.</p>
<p>paragraphs (c), (e), (f) and (g)</p>	<p>Insert immediately before the word “village” the words “neighbourhood,”.</p>
<p>paragraph (k)</p>	<p>For the comma at the end of paragraph (k) substitute a semi-colon.</p>
<p>paragraph (l)</p>	<p>Immediately after paragraph (k) insert the following paragraph as paragraph (l)–</p> <p>“(l) litters any public street or public road or parapet in a local authority or dumps any domestic or commercial or industrial or hazardous garbage in an area of a local authority not designated as a place for the dumping garbage,”.</p>
<p>closing lines to section 147</p>	<p>Delete the closing lines and substitute the following –</p> <p>“shall be liable to a fine of twenty thousand dollars and to a further fine of five thousand dollars for each day that the offence continues after due and proper notice was given.”.</p>

Section 150	For the words “five hundred dollars” substitute the words “fifty thousand dollars”.
Sections 151, 152 and 156	Insert immediately before the word “village”, wherever the word appears, the words “neighbourhood,”.
Section 169	Delete the words “, not exceeding twelve cents for each copy,”.
Section 170	For the words “one hundred dollars” substitute the words “five thousand dollars” and for the words “twenty dollars” substitute the words “one thousand dollars”.
Section 170A	<p>Insert immediately after section 170 the following as section 170A together with the marginal note “Subsidiary legislation.</p> <p>170A. Notwithstanding anything in this Act, the Minister may make subsidiary legislation for giving effect to this Act and anything which is to be prescribed in pursuance of this Act.”.</p>
Section 170B	Insert immediately after section 170A the following as section 170B together with the marginal note “Establishment of a

	<p>constabulary.</p> <p>170B. (1) The Minister may by regulations provide for the establishment and maintenance of a constabulary for each Neighbourhood Democratic Council (hereinafter referred to as N.D.C.) and the regulations may include provisions that –</p> <ul style="list-style-type: none">(a) the N.D.C. shall maintain the constabulary out of its own resources;(b) members and ranks of each N.D.C. shall be as determined by the resolution of each N.D.C.;(c) a constabulary established under this section shall not be dissolved or disbanded without prior approval of the Minister;(d) each constabulary regardless of the number of its members and ranks, shall be headed by a Chief Constable who shall be a member of the constabulary and who shall be under the command of the overseer of the N.D.C.;(e) members of each constabulary shall be governed by rules prescribed by the Minister;(f) members of a constabulary shall make themselves available, and submit themselves whenever required by the N.D.C., for training in their duties by the Guyana
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	<p>Police Force;</p> <p>(g) members of each constabulary may bear arms in accordance with regulations made by the Minister.</p> <p>(2) Every member of a constabulary has in relation to –</p> <p>(a) any offence committed against this Act;</p> <p>(b) any offence committed in any place vested in, or under the control of, the N.D.C. or in any public place in the council area,</p> <p>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.</p> <p>(3) Where a constable lays an information or makes a complaint against any person in respect of any offence against this Act, any member of a constabulary not below the rank of corporal and serving in the same constabulary as the aforesaid constable may appear before the magistrate exercising jurisdiction in the matter and has the same powers and privileges as to addressing the magistrate and examining the witnesses as the constable who laid the information or made the complaint would have had.”.</p>
First Schedule	

Forms 1, 2, 3 and 4	<ol style="list-style-type: none">1. Insert immediately above the word “village”, wherever the word appears, the words “neighbourhood”. 2. For the word “19” substitute the word “20”.
Second and Third Schedules	Repeal.

EXPLANATORY MEMORANDUM

The main thrust of this Bill is to include the neighbourhood democratic council in the local government system for all purposes.

The Bill makes some consequential amendments and increases penalties in a number of areas.

The Bill gives the Minister of Legal Affairs the power to prescribe by order fees payable for any process, including the process of parate execution.



Minister of Local Government and Regional Development