

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

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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. 14 of 1986

LOCAL GOVERNMENT (AMENDMENT) BILL 1986

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 65A in the Principal Act.
3. Amendment of section 67 of the Principal Act.
4. Repeal and re-enactment of section 68 of the Principal Act.
5. Insertion of new section 68A in the Principal Act.
6. Amendment of section 71 of the Principal Act.
7. Insertion of new sections 85A, 85B and 85C in the Principal Act.
8. Insertion of new section 170A in the Principal Act.

A BILL

Intituled

AN ACT to amend the Local Government Act.

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

Short title.

Cap. 28:02.

1. This Act, which amends the Local Government Act, may be cited as the Local Government (Amendment) Act 1986.

Insertion of new section 65A in the Principal Act.

2. The Principal Act is hereby amended by the insertion after section 65 of the following section as section 65A —

“State property.

65A. All property owned by the State within a rating area and occupied by, or utilised by, or occupied under the authority of, the State, as the case may be, shall be liable and subject to rates as is property owned by private persons.”.

Amendment of section 67 of the Principal Act

3. Section 67 of the Principal Act is hereby amended in the following respects —

(a) by the substitution for subsection (4) (b) of the following subsection —

“(4) (b) the rate for the whole year together with interest at the rate of one per cent in excess of the rate at which the local authority of a village or country district might have borrowed from its bankers on the day the rates became due shall thereupon become due and payable and the rate or any portion of it, together with interest aforesaid, may be recovered as hereinafter provided.”;

(b) by the insertion after subsection (4) of the following subsection as subsection (5) —

“(5) A local authority of a village or country district may give a discount not exceeding ten per cent on rates due in respect of any annual rate when the whole of such rates is paid within such period prior to the due date for payment of the first instalment thereof as may be fixed by the local authority from time to time.”.

4. Section 68 of the Principal Act is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 68 of the Principal Act.

"Exemption of certain property from payment of rates.

68. (1) The following shall not be liable or subject to any rate under this Act —

- (a) every church, chapel, mosque, temple or school-house devoted to the purposes of religion or education and not established with a view to profit, including the land whereon every such church, chapel, mosque, temple or school-house is situate;
- (b) every burial ground established with the approval of the Central Board of Health under section 64 of the Public Health Ordinance;
- (c) any land which a local authority is satisfied is kept and used mainly as a playing field in connection with the activities of any school or other educational institution.

Cap. 146
1963 Ed.

(2) Where public lands within a village or country district are held under a lease or are occupied or used under any licence or permission and proceedings are brought for the recovery of 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."

5. The Principal Act is hereby amended by the insertion after section 68 of the following section as section 68A —

Insertion of new section 68A in the Principal Act.

"Power to exempt owners of certain other properties.

68A. (1) A Local authority of a village or country district shall have power to exempt from liability to pay rates either wholly or in part, in respect of the properties listed in this section, the owners of —

- (a) any property used for the advancement of religion, education or social welfare, not with a view to profit;
- (b) any property used mainly for the purpose of open air games or of open air athletic sports and occupied by a club, society or other organisation which is not established or conducted with a view to profit;
- (c) property used exclusively for the purposes of a hospital, dispensary or public health institution,

where the local authority is satisfied that liability to pay the whole of the rates would seriously prejudice the successful attainment of the objects or purposes for which the organisation, club or society exists.

(2) The Minister may by order designate any other property in respect of which no rates shall be payable."

Amendment
of section 71
of the
Principal
Act.

6. Section 71 (5) of the Principal Act is hereby amended in the following respects —

(i) by the deletion of the word "or" at the end of paragraph (a);

(ii) by the substitution for the comma at the end of paragraph (b) of the words "; or"; and

(iii) by the insertion after paragraph (b) of the following paragraph as paragraph (c) —

"(c) by the other remedies under sections 85A, 85B and 85C,".

Insertion of
new sections
85A, 85B and
85C in the
Principal
Act.

7. The Principal Act is hereby amended by the insertion after section 85 of the following sections as sections 85A, 85B and 85C —

"Certificate. 85A. (1) The local authority of the village or country district shall serve by registered post on the person liable for payment of rates a statement of his indebtedness together with a demand for payment of the rates within fourteen days of the receipt of the statement.

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

(3) On production for registration of the certificate, made out under subsection (2), before the clerk of the magistrate's court of the magisterial district in which the offices of the local authority are situated, the clerk of the magistrate's court shall issue a notice to the owner mentioned in the certificate requiring him to make any representation within ten days from

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

(4) Rules of practice may be made under section 78 of the Summary Jurisdiction (Magistrates) Act providing for the procedure to be followed upon the registration of such certificate. Cap. 3:05

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

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

85B. (1) Notwithstanding any law to the contrary and without prejudice to any other remedy, rates may be recovered by the local authority of the village or country district — Recovery of rates from other sources.

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

- (b) by notifying in such form as may be prescribed, the State agencies that purchase produce from farmers and other persons who are indebted to the local authority for rates, of the judgment and instructing the State agencies to deduct, on every occasion a purchase is made, an amount not in excess of one-third of the proceeds of sale of produce and pay over the amount so deducted to the local authority of the village or country district, in such manner as may be prescribed, and the State agencies shall be bound to deduct and make payment over to the local authority such amount until the rates have been fully paid or until instructed by the local authority to cease making deductions;
- (c) by notifying, in such form as may be prescribed, any person, including banks and other financial institutions, of the judgment and requiring that person, notwithstanding any law to the contrary, to state whether that person has in his possession any assets for and on behalf of the defaulting ratepayer including moneys, bank deposits or securities owned wholly or partly by the defaulting ratepayer, and whether the defaulting ratepayer rents from that person any safety deposit box or other depository facilities, and that person shall be bound to answer such questions promptly and accurately in such form as may be prescribed and shall keep in his possession any such assets for and on behalf of the defaulting ratepayer in safe custody and not deliver possession thereof to the defaulting ratepayer or any other person without a written discharge from the local authority indicating that the debt has been paid;
- (b) by applying, after serving a notice of the judgment obtained by the local authority on any person who keeps any safety deposit box or other depository facility rented by the defaulting ratepayer, in a summary manner by way of an affidavit to a magistrate for an order of attachment in respect of the contents of the safety deposit box or other depository facility.

(2) In this section "State agency" includes —

- (i) any Ministry, department or office of the Government and any public corporation or other corporate body in which the controlling interest vests in the State or in any agency on behalf of the State;

- (ii) all democratic organs;
- (iii) co-operative societies registered under Cap. 88:01. the Co-operative Societies Act; and
- (iv) any other body, establishment or undertaking specified by the Minister by order having regard to the nature of the undertaking or the service it renders.

(3) Any person or any State agency not being a Ministry, department or office of the Government contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

**Garnish-
ments.**

85C. (1) When the local authority of the village or country district has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a defaulting ratepayer, the local authority may, by registered letter or by letter served personally, require that person to pay the moneys otherwise payable to the defaulting ratepayer in whole or in part to the local authority on account of the liability of the defaulting ratepayer.

(2) The receipt of the local authority of the village or country district for moneys paid as required under this section shall to the extent of the payment be a good and sufficient discharge of the original liability —

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

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

(4) Where a person who is or is about to become indebted or liable to make any payment to a default-

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

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

Insertion of
new section
170A in the
Principal
Act.

8. The Principal Act is hereby amended by the insertion in Part XIII after section 170 of the following section as section 170A —

“Regula-
tions.

170A. Subject to negative resolution of the National Assembly, the Minister may make regulations for giving effect to this Act and anything which is to be prescribed in pursuance of this Act shall, unless the context otherwise requires, be prescribed by such regulations.”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Local Government Act, Cap. 28:02, to facilitate the speedy collection of rates by local authorities.

Clause 2 of the Bill seeks to insert a new section 65A in the Act so as to make property owned by the State liable for the payment of rates.

Clause 3 of the Bill seeks to amend section 67 of the Act to allow the rate of interest charged on arrears to be one per cent above the rate at which the local authority might have borrowed from a bank on the day the rates became due and also to give discount to persons who pay their rates in full before the due date for payment of the first instalment.

Clause 5 of the Bill seeks to insert a new section 68A in the Act so as to give power to the local authority to exempt from payment of rates in respect of certain properties belonging to religious, educational, social welfare, sports and hospital organisations.

Clause 7 of the Bill seeks to insert sections 85A, 85B and 85C in the Act to provide other remedies for rate recovery.

Clause 8 of the Bill seeks to insert section 170A in the Act so as to empower the Minister to make regulations for giving effect to the Act.

Gowkarran Sharma,
Minister within the Office
of the President.

(LG: 15/4/12TJ)

(Bill No. 14/1986)