



GUYANA

BILL No. 15 of 1986

LOCAL GOVERNMENT ENACTMENTS (AMENDMENT) BILL 1986

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

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AMENDMENT OF THE MUNICIPAL AND DISTRICT COUNCILS ACT

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4. Amendment of section 12 of the Municipal and District Councils Act.
5. Amendment of section 22 of the Municipal and District Councils Act.
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7. Amendment of section 24 of the Municipal and District Councils Act.
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A BILL

Intituled

AN ACT to amend the Municipal and District Councils Act and the Local Authorities (Postponement of Elections) Act and to validate certain acts of councillors.

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

Short title. 1. This Act may be cited as the Local Government Enactments (Amendment) Act 1986.

PART I

AMENDMENT OF THE MUNICIPAL AND DISTRICT COUNCILS ACT

Amendment of section 2 of the Municipal and District Councils Act. Cap. 28:01

2. Section 2 of the Municipal and District Councils Act is hereby amended —

- (a) by the substitution, for the full stop at the end of the definition of the expression “vice-chairman”, of a semi-colon; and
- (b) by the insertion, after the definition of the expression “vice-chairman”, of the following definition —

‘“year” in Part II means a period of twelve months and in other Parts the calendar year.’

Amendment of section 10 of the Municipal and District Councils Act. Cap. 28:01

3. Section 10 of the Municipal and District Councils Act is hereby amended by the substitution, for the words “the first day of January following upon their election, at the expiration of which they shall retire”, of the words “the first day of the month following upon their election but, the Mayor or Deputy Mayor shall, notwithstanding

the expiry of his term of office, continue to hold office until his successor enters upon office”.

4. Section 12 (1) of the Municipal and District Councils Act is hereby amended by the substitution for the words “the 16th day of December” of the words “the tenth day after such declaration” and for the words “the said day” of the words “the date of expiration of the term of office of the Mayor and the Deputy Mayor then in office”.

Amendment of section 12 of the Municipal and District Councils Act. Cap. 28:01

5. Section 22 of the Municipal and District Councils Act is hereby amended by the substitution, for the word “year”, wherever it occurs, of the words “financial year”.

Amendment of section 22 of the Municipal and District Councils Act. Cap. 28:01

6. Section 23 of the Municipal and District Councils Act is hereby amended in the following respects —

Amendment of section 23 of the Municipal and District Councils Act. Cap. 28:01

- (a) in subsection (1), by the deletion of all the words beginning with “at elections” and ending with “December”, by the substitution, for the full stop at the end, of a colon and by the insertion after the colon of the following proviso —

“Provided that the interval between two elections of City Councillors shall not exceed three years.”;

- (b) by the insertion after subsection (1) of the following subsection as subsection (1A) —

“(1A) Elections of City Councillors shall be held on such day as the Minister may by order appoint.”.

7. Section 24 of the Municipal and District Councils Act is hereby amended by the substitution, for all the words beginning with “1st day” to the end of the section, of the words “day after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the City, but the City Councillors shall, notwithstanding the expiry of their term of office, continue to hold office until their successors enter upon office.”.

Amendment of section 24 of the Municipal and District Councils Act. Cap. 28:01

8. Section 31 of the Municipal and District Councils Act is hereby amended in the following respects —

Amendment of section 31 of the Municipal and District Councils Act. Cap. 28:01

- (a) in subsection (1), by the deletion of all the words beginning with “at elections” and ending with “December.”, by the substitution for the full stop at the end of a colon and by the insertion after the colon of the following proviso —

“Provided that the interval between two elections of Town Councillors shall not exceed three years.”;

- (b) by the insertion after subsection (1) of the following subsection as subsection (1A) —

“(1A) Elections of Town Councillors shall be held on such day as the Minister may by order appoint.”

**Amendment
of section 32
of the
Municipal
and District
Councils Act,
Cap. 28:01**

9. Section 32 of the Municipal and District Councils Act is hereby amended by the substitution, for the words beginning with the “1st day” to the end of the section, of the words “day after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the Town, but the Town Councillors shall, notwithstanding the expiry of their term of office, continue to hold office until their successors enter upon office.”.

**Amendment
of section
33A of the
Municipal
and District
Councils Act,
Cap. 28:01**

10. Section 33A of the Municipal and District Councils Act is hereby amended in the following respects —

- (a) in subsection (1), by the deletion of all the words beginning with “, at elections” and ending with “December,”, by the substitution, for the full stop at the end, of a colon and by the insertion after the colon of the following proviso —

“Provided that the interval between two elections of town councillors of any such town council shall not exceed three years.”;

- (b) by the insertion after subsection (1) of the following subsection as subsection (1A) —

“(A) Elections of town councillors of any town council constituted under section 33 shall be held on such day as the Minister may by order appoint.”;

- (c) in subsection (3), by the substitution, for the words beginning with “1st January” to the end of the subsection, of the words “day after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the town, but the town councillors shall, notwithstanding the expiry of their term of office, continue to hold office until their successors enter upon office.”.

PART II

AMENDMENT OF THE LOCAL AUTHORITIES

(POSTPONEMENT OF ELECTIONS) ACT

11. The Local Authorities (Postponement of Elections) Act is hereby amended with effect from 31st October, 1980, by the repeal of section 6 and by the substitution of the following section therefor —

Substitution
of section 6
of the Local
Authorities
(Postpone-
ment of
Elections)
Act.
Cap. 28:06

6. (1) Part II shall cease to be in operation, in relation to —

Termination
of operation
of Part II.

(a) any local authority, being the City Council or the Town Council as defined in section 2 of the Municipal and District Councils Act or a town council established under section 33 of that Act, with effect from the date on which declaration of the results of the first elections, after the coming in operation of the Local Government Enactments (Amendment) Act, 1986, of councillors of that local authority is made under section 101 of the Local Authorities (Elections) Act;

Cap. 28:01

Cap. 28:03

(b) any other local authority having jurisdiction over any local government area, with effect from the date on which the whole or part of the provisions of the Municipal and District Councils Act relating to district councils, or of the Local Government Act relating to village councils, cease to apply to that local government area by virtue of an order made under section 12 of the Local Democratic Organs Act.

Cap. 28:01.

Cap. 28:02

No. 12 of
1980

(2) On the ceasing of operation of Part II, section 54 of the Interpretation and General Clauses Act shall apply to, and in relation to, the cesser as if Part II were repealed by a written law.

Cap. 2:01

(3) Notwithstanding the ceasing of operation of Part II in relation to any local authority referred to in subsection (1)(a), the persons who were councillors of that local authority immediately before Part II ceased to be in operation in relation to that local authority, shall continue in office as such until their successors elected at the elections referred to in subsection (1) enter upon office.

(4) Notwithstanding anything to the contrary in section 3(c), for the purposes of the holding of the first elections, after the coming into operation of the Local Government Enactments (Amendment) Act 1986, of councillors of any local authority, the applicable provisions of the Principal Acts shall apply thereto subject, however, to such modifications and adaptations thereof as may be specified by the Minister by order made under this section if he considers it necessary or expedient for the purpose.”

PART III

VALIDATION

Validation.

12. (1) No councillor, who would have continued in office had section 11 of this Act been enacted on or before 31st October 1980, shall be deemed to have vacated his seat after that date only on account of the expiry of the term of his office, and all acts done, or purported to be done, during the period commencing on 1st November, 1980 and ending on the date of the enactment of this Act by every local authority and the councillors thereof holding office on 31st October, 1980 and their successors in office pursuant to the enactment by or under which that local authority was constituted, shall be deemed to be, and always to have been, lawfully and validly done and every local authority and the councillors thereof are hereby discharged and indemnified against all persons from all legal proceedings in respect of, or consequent on, such acts.

(2) All elections, to choose Mayors, Deputy Mayors, chairmen, vice-chairmen and deputy chairmen of local authorities, held during the aforesaid period shall be deemed to be, and always to have been, validly held.

(3) In this section the expressions “councillor” and “local authority” have the meanings assigned to them in the Local Authority (Postponement of Elections) Act.

Cap. 28:06

EXPLANATORY MEMORANDUM

Part I of this Bill seeks to amend the Municipal and District Councils Acts, Cap. 28:01, so as to remove the rigidity of the provisions therein requiring that elections to the City Council for Georgetown and the town councils for New Amsterdam and other towns should be held between 1st November and 7th December and to enable the Minister to appoint by order the day on which the aforesaid elections shall be held. (clauses 6, 8 and 10)

2. Consequential amendments are sought to be made in respect of elections of Mayors and Deputy Mayors of the City of Georgetown and other towns.

3. Part II of the Bill seeks to amend the Local Authorities (Postponement of Elections) Act, Cap. 28:06, so as to provide for the cesser of its operation in relation to the City Council for Georgetown and the town councils for New Amsterdam and other towns with effect from the date on which the results of the elections to those bodies are declared and in relation to other local authorities with effect from the date specified in an order under section 12 of the Local Democratic Organs Act, (No. 12 of 1980)

4. Part III seeks to validate acts by local authorities after the expiry of the term of office of their councillors.

Jeffrey R. Thomas,
Minister of Regional Development.

(Bill No. 15/1986)