

BILL No. 25 of 1997*Friday, 8th August, 1997*

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

7th August, 1997

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. 25 OF 1997****MUNICIPAL AND DISTRICT COUNCILS
(AMENDMENT) BILL 1997****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Amendment of section 126 of the Principal Act.
3. Amendment of section 132 of the Principal Act.

- 4. Amendment of section 229 of the Principal Act.
- 5. Amendment of section 232 of the Principal Act.
- 6. Amendment of section 277 of the Principal Act.
- 7. Amendment of section 285 of the Principal Act.
- 8. Amendment of sections 292, 293 and 294 of the Principal Act.
- 9. Amendment of section 303 of the Principal Act.
- 10. Amendment of section 304 of the Principal Act.
- 11. Amendment of section 312 of the Principal Act.
- 12. Amendment of section 313 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Municipal and District Councils Act.

A.D. 1997

Enacted by the Parliament of Guyana:—

Short title.
Cap. 28:01

1. This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act 1997.

Amendment
of section
126 of the
Principal
Act.

2. Section 126 of the Principal Act is hereby amended by the re-numbering of it as subsection (1) thereof and by the insertion, immediately after subsection (1) as so re-numbered, of the following subsections —

“(2) The officer-in-charge of the town constabulary for the City or the town constabulary for the Town, as the case may be, shall be of such rank as the Council in whose service he is, deems it necessary for the proper command and superintendence of the said constabulary.

(3) The officer-in-charge of a town constabulary for the City and his deputy shall be designated “Chief Constable” and “Deputy Chief Constable”, respectively.”.

Amendment
of section
132 of the
Principal
Act.

3. Section 132 of the Principal Act is hereby amended in the following manner —

- (a) by the re-numbering of it as subsection (1) thereof;
- (b) by the substitution for the full stop at the end of subsection (1), as so re-numbered, of a semi-colon;

- (c) by the insertion immediately after paragraph (v) of the following —

“ (vi) suspension from duty without pay for not more than fourteen days.”;

- (d) by the insertion after subsection (1) of the following subsections —

“(2) Any non-commissioned officer or constable of a town constabulary who absents himself from duty without leave, and without an adequate excuse renders himself liable to summary dismissal from the town constabulary.

(3) Any member of a town constabulary above the rank of inspector (other than the officer-in-charge) who commits any of the acts of indiscipline mentioned in subsection (1) shall, upon the recommendation of the officer-in-charge, be charged and placed before a Select Committee of the Council to answer such charge.

(4) If the member charged, referred to in subsection (3), if found guilty he may be punished by the Committee with any one or more of the following punishments —

- (a) reduction in rank;
- (b) caution, warning, reprimand or severe reprimand;
- (c) compulsory performance of extra duties;
- (d) forfeiture of not more than fourteen days pay;
- (e) suspension from duty without pay for not more than fourteen days.

(5) Any non-commissioned officer or constable of a town constabulary may be placed under arrest if —

- (a) he is under the influence of intoxicating liquor;

(b) he commits any act of insubordination, or uses any disrespectful language to his superior in rank;

(c) he strikes or attempts to strike any member of the town constabulary;

(d) he commits any criminal offence, while carrying out his duties as a member of the town constabulary.

(6) Any member of the town constabulary may be placed under arrest prior to the institution of any disciplinary charge which may be brought against him.

(7) Arrest shall be of two kinds —

(a) open arrest - where any non-commissioned officer or constable of a town constabulary is placed under open arrest, he shall be deprived of all privileges and leave until the case is disposed of and he shall attend all parades and do duties as required;

(b) close arrest — in the case of a non-commissioned officer who holds the rank of inspector, he shall be confined to his quarters under guard, and in the case of any other member below the rank of inspector, to some suitable place in the station premises other than the prisoner's cell, under guard.

(8) Whenever any member of a town constabulary is placed under close arrest, his identification card, whistle, baton, arms and ammunition shall forthwith be surrendered by him to the most senior rank on duty.

(9) No member of a town constabulary shall be placed under arrest under this section by any other member of the said constabulary who is of an inferior rank to himself.

(10) Any member of a town constabulary who is placed under close arrest for any offence

of indiscipline or otherwise under this section shall not, unless the officer-in-charge so directs, be detained under close arrest for a period longer than twenty-four hours, but shall thereafter be released and placed on open arrest or on duty pending his trial."

4. Section 229 (1) (a) of the Principal Act is hereby amended by the substitution for the words "two thousand and five hundred dollars" of the words "two hundred and fifty thousand dollars"

Amendment of section 229 of the Principal Act.

5. Section 232 of the Principal Act is hereby amended by the substitution for the words "two thousand and five hundred dollars" of the words "two hundred and fifty thousand dollars".

Amendment of section 232 of the Principal Act.

6. Section 277 of the Principal Act is hereby amended in the following manner —

Amendment of section 277 of the Principal Act.

(a) in subsections (2) and (3), by the substitution for the words "twenty-five dollars" and "five hundred dollars" of the words "five thousand dollars" and "twenty thousand dollars", respectively;

(b) in subsection (4) —

(i) in paragraph (m), by the substitution for the semicolon of a comma;

(ii) by the deletion of paragraph (n);

(iii) by the substitution for the words "twenty-five dollars" and "one hundred dollars" of the words "five thousand dollars" and "twenty thousand dollars", respectively;

(c) by the insertion immediately after subsection (4), of the following subsection —

"(5) Any person who suffers any horse, mare, gelding, colt or filly, any pony, mule or ass, whether male or female, any bull, cow, ox, steer, heifer or calf, any, ram, ewe, sheep or lamb or any swine, goat or kid, whether male or female, owned by him or under his control to graze, stray or be tethered on any council road, shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars."

Amendment of section 285 of the Principal Act.

7. Section 285 of the Principal Act is hereby amended by the substitution for the words "two hundred and fifty dollars" of the words "five thousand dollars" and "two thousand five hundred dollars", respectively.

Amendment of sections 292 293 and 294 of the Principal Act.

8. Sections 292, 293 (4) and 294 (2) of the Principal Act are hereby amended by the substitution for the words "one hundred dollars" of the words "ten thousand dollars".

Amendment of section 303 of the Principal Act.

9. Section 303 (2) of the Principal Act is hereby amended by the substitution for the words "one hundred dollars" and "twenty-five dollars" of the words "one hundred thousand dollars" and "two thousand five hundred dollars", respectively.

Amendment of section 304 of the Principal Act.

10. Section 304 of the Principal Act is hereby amended in the following manner —

- (a) in subsection (4), by the substitution for the words "on payment of such sum, not exceeding one dollar for each copy, as the council may determine" of the words "on payment of such reasonable sum, as the council may determine";
- (b) in subsection (8), by the substitution for the words "on payment of such sum, not exceeding one dollar, as the council may determine" of the words "on payment of such reasonable sum, as the council may determine".

Amendment of section 312 of the Principal Act.

11. Section 312 of the Principal Act is hereby amended by the substitution for the words "one hundred dollars" of the words "five thousand dollars".

12. Section 313(2) of the Principal Act is hereby amended by the substitution for the words "five hundred dollars" of the words "ten thousand dollars".

Amendment of section 313 of the Principal Act.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Municipal and District Councils Act, Cap. 28:01.

The Bill amends the Act to give new designations to officers of the town constabulary.

The Bill also amends section 132 of the Act to provide for suspension from duty without pay and for the placing under arrest of any member of a town constabulary prior to the institution of any criminal charge which may be brought against him. It provides for dismissal for absence without leave or without adequate excuse.

Clauses 4 to 12 raise fines to realistic levels.

H. Nokta,
Minister of Local Government.