

BILL NO. 5 of 2015

Friday 19th June, 2015

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

19th June, 2015.

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

SE. Isaacs,
Clerk of the National Assembly.



BILL NO. 5 OF 2015

LOCAL GOVERNMENT (AMENDMENT) BILL 2015

ARRANGEMENT OF SECTIONS

SECTION

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

ABILL

Intituled

An Act to amend the Local Government Act.

A.D.2015 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 2015.

Amendment 2. The provisions of the Principal Act specified in the first column of the
of the Schedule are amended in the manner specified in the corresponding entry in
Principal Act. the second column of the Schedule.

PROVISIONS	AMENDMENTS	
Long title	Insert immediately before the word "village" the words "neighbourhoods,".	
Section 2	<p>1. Immediately after the definition of "by-laws" insert the following definition -</p> <p style="padding-left: 40px;">"Commission" means the Local Government Commission established under section 3 of the Local Government No. 18 of 2013 Commission Act 2013;</p> <p>2. In the definition of "district", insert immediately before the word "village" the words "neighbourhood (constituted by the Local No. 47 of 1990 Democratic Organs (Areas) Order 1990),".</p> <p>3. Delete the definition of "district commissioner".</p> <p>4. Substitute the following for the definition of local authority -</p> <p style="padding-left: 40px;">"local authority" means a municipal council, a neighbourhood democratic council, a village council, a community council, and any other similar organ;</p>	
Section 2A	Insert immediately after section 2 the following as section 2A -	
	. Reference to village, etc. includes	2A. Unless the context otherwise requires, in addition

	neighbourhood.	to the other amendments to this Act by the insertion of the words "neighbourhood" and "neighbourhood democratic council" in certain relevant provisions of the Act- (a) every reference to a village or country district shall include a neighbourhood; (b) every reference to a village council or country authority shall include a neighbourhood democratic council; (c) every reference to a village council in Part III shall include a neighbourhood democratic council."
Section 6		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 13		Delete.
Section 14		Delete.

<p>Section 15</p> <p>subsection (1)(a)</p> <p>subsection (1)(b)</p> <p>subsection (1)(c)</p> <p>subsection (1)(d)</p> <p>subsection (2)</p>	<p>Insert immediately before the word "villages" the words "neighbourhoods," and before the word "village" the words "neighbourhood,".</p> <p>Insert immediately before the word "village", wherever the word appears, the words "neighbourhood democratic councils,".</p> <p>Insert immediately before the word "villages", the words "neighbourhoods,".</p> <p>Insert immediately before the word "village" the words "neighbourhood,".</p> <p>Substitute the following -</p> <p style="padding-left: 40px;">"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.".</p>
<p>Part II Heading</p>	<p>Insert immediately before the word "VILLAGE" the words "NEIGHBOURHOOD,".</p>
<p>Section 20</p> <p>subsection (1)</p> <p>subsection (2)</p>	<p>1. Insert immediately before the word "Village" the words "Neighbourhoods,".</p> <p>2. For the word "Village" substitute the word "village".</p> <p>1. Insert immediately before the words "a village district" the words</p>

	<p>"a neighbourhood,".</p> <p>1. Insert immediately before the words "a village council" the words "a neighbourhood democratic council,".</p>
Section 22(5)	<p>1. For the words "one hundred dollars" substitute the words "twenty-five thousand dollars".</p> <p>2. For the words "five hundred dollars" substitute the words "five million dollars".</p>
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)	<p>1. Insert immediately before the word "village", where the word appears for the first 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 or a".</p>
Section 38 subsection (1)	Insert immediately before the word "village" the words "neighbourhood,".

subsection (3)	In the opening part, insert immediately before the word "village" the words "neighbourhood democratic council or".
subsection (3)(b)	Insert immediately before the word "village" the words "neighbourhood or".
Section 39	Delete.
Section 40(1)	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood democratic council or".
Section 41	
subsection (1)	Insert immediately before the word "village" the words "neighbourhood democratic council or".
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)	1. Insert immediately before the word "village" the words "neighbourhood,".
subsection (2)	2. Delete the words", subject to the approval of the Minister,".
subsections (5), (7) and (8)	Delete the words "with the sanction of the Minister". Insert immediately before the word "village" the words

marginal note	"neighbourhood,". Insert immediately before the word "village" the words "neighbourhood democratic councils,".
Section 43 subsection (1)	Insert immediately before the word "village" the words "neighbourhood,".
subsection (3)	Delete
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)	Insert immediately before the word "village" the words "neighbourhood,".
subsection (3)	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 or the".
Section 50 subsections (1) and (4) including the marginal note	Insert immediately before the word "village" the words "neighbourhood,".

subsection (1)	Delete the words", with the approval of the Minister,".
Section 51(1) and (2) including the marginal note	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,".
Sections 52	<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 or".
Section 53	Insert immediately before the word "village" the words "neighbourhood,".
Section 54 subsection (1) subsection (2) subsection (4) subsection (6)	<p>Insert immediately before the word "village" the words "neighbourhood,".</p> <p>For the words "approval," substitute the word "notification" and delete the words "and the Minister may approve of them either in their entirety or subject to such changes as he may think fit".</p> <p>For the word "its" substitute the word "his".</p> <p>Delete the words "; determined in such manner as may be approved by the Minister".</p>
Section 55	

<p>the opening part, paragraphs (e), (t) and (g) .</p>	<p>Insert immediately before the word "village" the words "neighbourhood,".</p>
<p>paragraph (c)</p> <p>paragraph (g)</p> <p>proviso</p>	<p>Delete the words "or to the body known as the Guyana Village Chainnan's Conference".</p> <p>For the colon at the end of paragraph (g), substitute a full stop.</p> <p>Delete.</p>
<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</p> <p>subsection (1)(a)</p> <p>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</p> <p>subsections (1) and (2)</p> <p>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 more than one per cent above the lending rate at a commercial bank where the Council would have borrowed the said sum payable".</p>

Section 68 subsection (1)(b)	Delete.
subsection (2)	Insert immediately before the word "village" the words "neighbourhood,".
Section 69	Substitute the following section for section 69 - "Power to exempt property from payment of rates on the ground of poverty of proprietor. 69. The local authority of a neighbourhood, village or country district may, with the approval of the Minister, exempt, on the ground of the poverty of the proprietor any lot or building from the payment of any rates under this Act"
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 section for section 79 - "Fees on Distress. 79. (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,".
Sections 82 and 83	Delete the words "or the district commissioner" wherever they

	appear.
Section 84(1) and (2)	<p>--siiosltute <i>the</i> following section for section 84 -</p> <p>"Fees on parate or summary execution.</p> <p>84. (1) The Minister of Legal Affairs shall, by Order, prescribe the <i>fees</i> for the process of parate or summary execution.</p> <p>(2) No charge shall <i>be</i> made for traveling expenses, distance money, conditions of sale, copies of documents, printing, or any other matter not prescribed."</p>
Section 86(1) and (2)	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,".
Section 87	Delete subsection (2) and renumber subsection (1) as section 87.
Section 88(1)	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,".
Section 99	Insert immediately before the word "village?" the words "neighbourhood,".
Section 100	Delete the words "with the prior approval of the Minister".
Section 109 including the marginal note	For the words "five hundred dollars" substitute the words "twenty thousand dollars".
PART VIII	Insert immediately before the word "VILLAGE" the words

Heading	"NEIGHBOURHOOD,".
Section 114	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,".
Section 11S(l)	<p>1. Insert immediately before the word "village", where the word appears for the first and third time, the words "neighbourhood,".</p> <p>3. Insert immediately before the word "village" where the word appears for the second time, the words "neighbourhood democratic council,".</p>
Section 120	For the words "shall be liable to a fine of six thousand five 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	Insert immediately after section 126 the following as section 126A together with the marginal note "Local Authority to respond to

emergency or disaster.

I I 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 -withh,i:beir~~ I Neighbourhood Democratic Council or in another Neighbourhood Democratic Council.

(2) Each local authority may prescribe general procedures for the handling of emergencies or disasters including the deployment of personnel and equipment necessary."

Section 128
including the
marginal note

Insert immediately before the word "village" the words "neighbourhood,".

Section 129	Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,".
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,".
Section 132	Insert immediately before the word "village", the words "neighbourhood,".
Section 133	<ol style="list-style-type: none"> 1. Insert immediately before the. word "village", the words "neighbourhood,". 2. In the opening part substitute for the colon a full stop. 3. Delete the proviso.
Section 134 subsection (1)	<ol style="list-style-type: none"> 1. For the words "The Audit-General or district commissioner or any person authorised in writing by either of them," substitute the words "The Auditor General". 2. Insert immediately before the word "village" the words "neighbourhood,".
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. For the words "district commissioner" wherever they appear, substitute the word "council". 3. 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".
Section 138	<ol style="list-style-type: none"> 1. Insert immediately before the word "village", the words "neighbourhood,". 2. Delete the words "the district commissioner or"
Section 139 (1) and (2)	<ol style="list-style-type: none"> 1. Insert immediately before the word "village", wherever the word appears, the words "neighbourhood,". 2. For the words "district commissioner" wherever they appear substitute the word "council".
subsection 3	<ol style="list-style-type: none"> 3. In subsection (3) for the words "he may" substitute the words "the council may".
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 146A	<p>Insert immediately after section 146 the following as section 146A together with the marginal note "Blockage of drainage or irrigation canal."</p> <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</p>

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.

(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."

Section 147
paragraph (b)

1. Delete the words "any district commissioner,".
2. Insert immediately before the word "village", where the word appears for the first time, the words "neighbourhood democratic councillor,".
3. Insert immediately before the word "village", where the word appears for the second time, the words "neighbourhood democratic council,".

paragraphs (c),
(e), (f) and (g)

Insert immediately before the word "village" the words "neighbourhood,".

—

paragraph (k)

For the comma at the end of paragraph (k) substitute a semi-colon.

paragraph (l)

Immediately after paragraph (k) insert the following paragraph as paragraph (l)-

"(1) 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 which is not designated as a place for the dumping of garbage,".

closing lines to section 147 Delete the closing lines and substitute the following -
"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."

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 sixty-five dollars for each copy,".

Section 170A Insert unmediately after section 170 the following as section 170A together with the marginal note "Subsidiary legislation.

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."

Section 170B Insert immediately after section 170A the following as section 170B together with the marginal note "Establishment of a constabulary.

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 -

- (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 Police Force;
 - (g) members of each constabulary may bear arms in accordance with regulations made by the Minister.
-

(2) Every member of a constabulary has in relation to -

(a) any offence committed against this Act;

the control of, the N.D.C. or in any public place in the council area,

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.

(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."

First Schedule

Forms 1, 2, 3 and 4

Insert immediately above the word "village", wherever the word appears, the word "neighbourhood".

Second and

Third Schedules

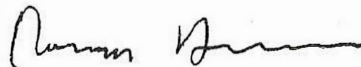
Repeal.

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 ofparate execution.



MINISTER OF COMMUNITIES

