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LOCAL GOVERNMENT ACT

1953 Ed.
c. 150

An Act to make provision for local government in village districts, country districts and rural districts and for matters related thereto.

14 of 1945

[4TH DECEMBER, 1945]

1. This Act may be cited as the Local Government Act.

Short title.

2. In this Act—

Interpretation.
[23 of 1969
4 of 1972]

“building” includes any kitchen, bathroom or outhouse appurtenant thereto;

“by-laws” means any by-laws made under the authority of this Act and for the time being in force;

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“district” means any village, country and rural district constituted under this Act;

“district commissioner” means the district commissioner of the area, and includes the assistant district commissioner;

“drain” means any drain of one lot or two lots or of premises within the same curtilage, made for the purpose of conveying the water received thereon to any main drain or trench;

“lot” means any portion of land separately appraised, and any subdivision of a lot, together with any easement attached thereto;

“local authority” means village council, country authority and rural authority;

“main drain” includes drains and trenches of every description except drains to which the word “drain” defined as aforesaid applies;

“the marshal” means the Registrar of Deeds, and includes any marshal in the registry of deeds;

“officer” includes any person employed temporarily or otherwise by local authority to perform any duty;

“overseer” means the overseer of a district and includes an assistant overseer;

“proprietor” includes the person in whose name any lot or building is rated in the assessment book for rates;

“street” includes any highway and any public bridge, also any road, land, footway, square, court, alley, or passage, whether a thoroughfare or not;

“village” means any place duly declared to be a village district within the meaning and for the purposes of this Act.

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3. (1) There shall be such number of public officers as may be necessary to assist the Minister in the performance of his functions under this Act.

Officers to be appointed.
[4 of 1972]

(2) The Minister may, by notice published in the *Gazette*, designate any public officer to perform any of the functions conferred on the Minister by this Act.

PART I

CENTRAL ADMINISTRATION

4. With the approval of the Minister, a local authority shall have power to borrow money for the execution of any of the purposes of this Act, and may mortgage any rate for the repayment thereof.

Power to borrow money.
[4 of 1972]

5. If it appears to the Minister that property being sold for non-payment of any rate should be purchased by the State, the Minister may designate a public officer to purchase such property at the execution sale and to hold such property on behalf of the State for the purposes of this Act.

Power to purchase property sold for non-payment of rate.
[4 of 1972]

6. The Minister may, from time to time, cause to be made any inquiries directed by this Act and any inquiries it sees fit in relation to any matters with respect to which their consent, sanction, or approval is required by this Act.

Power in the Minister to make inquiries.

7. (1) A public officer designated by the Minister for the purposes of any inquiry, shall have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which magistrates have under the Summary Jurisdiction (Petty Debt) Act.

Powers of officer directed to inquire.
[4 of 1972]

c. 7:01

(2) Every person duly summoned to attend any such inquiry as a witness who does not attend at the time and place specified in the summons, or who refuses to be sworn or to answer any question, or to produce any document, may be summoned before a magistrate on the complaint of a public officer designated by the Minister, and the

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c. 7:01 magistrate may deal with him in the same manner as if he were a witness duly summoned before a magistrate's court in the exercise of its jurisdiction under the Summary Jurisdiction (Petty Debt) Act.

Contribution where work performed in a district benefits another district.

8. Whenever the Minister is of opinion that work performed or to be performed in a district has benefited or will benefit another district, or any part thereof, the Minister shall determine the amount to be contributed by the local authority of the other district and such local authority shall be authorised and empowered to levy a rate for the recovery of such amount to enforce payment thereof.

Mode of enforcing obligation of local authority.

9. (1) Where complaint is made to the Minister that the local authority of a village or country district has made default—

- (a) in providing the district with sufficient drains, or
- (b) in the maintenance of existing drains, or
- (c) in providing the district with a supply of water in cases where the existing supply is either insufficient or unwholesome and a proper supply can be obtained at a reasonable cost, or
- (d) in enforcing any of the provisions of this Act which it is its duty to enforce,

the Minister may, if satisfied after due inquiry that the local authority has been guilty of the alleged default, make an order limiting a time for the performance by the local authority of its duty in the matter of the complaint, and the order shall be served upon the local authority.

(2) If the duty is not performed within the time limited by the order, the order may be enforced by *mandamus*, or the Minister may appoint some person to perform the duty and shall, by order, direct that the expenses of performance, together with a reasonable remuneration to the person appointed as aforesaid, amounting to a sum specified in the order, shall be paid by the authority in default.

(3) Any person appointed under subsection (2) for the purposes of his appointment and in the performance of the duty as aforesaid, shall have and may exercise all the powers, other than the power to levy rates, of the local authority in default.

(4) The Minister may from time to time, by order, remove any person so appointed and appoint another person in his place.

(5) In this section and in section 10 the expression “expenses” includes all sums payable under the said sections by or by order of the Minister or the person appointed by the Minister under this section.

10. (1) The Minister may from time to time certify the amount of the expenses which have been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Minister under section 9, and also the amount of any loan which may be required to be raised for the purpose of defraying expenses so incurred, or estimated as about to be incurred.

Effect of certificate of the Minister as to expenses and necessity of a loan.

(2) Any such certificate of the Minister shall be conclusive as to the matters to which it relates.

11. (1) Whenever the Minister certifies under section 10 that a loan is required, the Minister or the person appointed under section 9 may, by any document duly executed, charge the district rate with the principal and interest payable in respect of the loan.

Loan.

(2) The charge shall have effect as if the local authority of the district to which the charge relates were empowered to raise the loan on the security of the district rate and had duly executed a document charging the loan on the district rate.

(3) Any principal or interest due or payable from time to time in respect of any loan certified by the Minister to be required as aforesaid shall be a debt due by the local authority of the district to which the loan relates.

12. (1) A public officer designated by the Minister may institute and carry on or defend any action or prosecution in any court of justice for and on behalf of any village or country district.

Institution of proceedings on behalf of village or country district.
[4 of 1972
25 of 1973]

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c. 7:02
c. 60:02

(2) The Limitation Act and the Title to Land (Prescription and Limitation) Act do not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim by a local authority.

Amendment of section 12.

12A. Section 12 of the Act shall have effect as if—

[17 of 1974]

25 of 1973.

(a) there had been substituted for section 23(1)(a) of the Municipal and District Councils (Amendment) (No. 2) Act 1973 at the time of its enactment the following provision—

c. 28:02

“Amendment of the Local Government Act.

23. The Local Government Act is hereby amended in the following respects—

by renumbering section 12 as section 12(1) and by adding the following subsections as subsections (2) and (3) thereof—

c. 7:02
c. 60:02

(2) The Limitation Act and the Title to Land (Prescription and Limitation) Act do not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim for a sum of money by a local authority and whether or not such sum would have been irrecoverable prior to the enactment of this subsection* by virtue of either of the said enactments.

(3) Where by virtue of subsection (2) a sum of money is claimed as rates due in respect of property from the owner thereof for a period during which he was not the owner of the property any sum of money paid by him in satisfaction of that claim shall, subject to any agreement to the contrary, be deemed to be money paid by him at the request of the person who was the owner during the said period.

(b) Section 23(2) had never been enacted.”

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13. The Minister shall have and may exercise in any village or country district any or all of the powers of a local authority whenever it appears to the Minister expedient so to do, and may exercise any or all of those powers in any of those districts, whether there is or is not a local authority thereof.

Power of the Minister to act as local authority.

14. (1) Subject to this Act and the by-laws, the Minister shall have the superintendence of all village and country districts in Guyana, and shall have and exercise general powers of supervision, inspection, and control over the several local authorities and the officers and servants thereof.

General powers of the Minister.
[4 of 1972]

(2) In the exercise of those general powers the Minister may—

(a) review the order or decision of any village council or country authority, or of a committee or any chairman of a village council or country authority, and declare such order or decision to be invalid in which case the order or decision shall *ipso facto* be void, and may substitute for the order or decision any order or decision which he deems proper, and any order or decision so substituted shall have the same force and effect in all respects as if it had been made by the village council or country authority;

(b) for good cause remove from office the chairman or any member of a country authority, or any overseer or other officer of a village council or country authority and in his stead appoint a chairman, member, overseer or other officer, as the case may be.

(3) An overseer or other officer removed from his office as aforesaid shall not be entitled to any damages or payment of salary or other emolument in lieu of notice of termination of his engagement.

15. (1) The Minister may make by-laws with respect to all or any of the following matters—

By-laws.
[24 of 1956
4 of 1972]

(a) the definition and regulation of the respective rights and liabilities of the parties interested in the case of

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company canals or dams between any two contiguous villages or country districts or between or through a village or country district and any adjoining plantation or land;

(b) the definition and regulation of the powers and duties of village councils and country authorities and of their officers and the regulation of pensions and gratuities payable by village councils and country authorities;

(c) the management and administration of villages or country districts generally;

(d) the quorum, proceedings, and place of meeting of committees of the local authority of a village or country district.

(2) The Minister may for any purpose for which a local authority is authorised to make by-laws to have effect in any village or country district, and those by-laws, shall have effect in every village or country district, or in any village or country district specified in the by-laws.

(3) The Minister may by order direct that any by-laws so made and approved shall also have effect in any rural district specified in the order.

PART II

VILLAGE, COUNTRY AND RURAL DISTRICTS, AND LOCAL AUTHORITIES THEREOF

Village,
country and
rural districts.
[24 od 1969
25 of 1973]

16. For the purposes of this Act, Guyana exclusive of the City of Georgetown, the Town of New Amsterdam, other towns and local government districts shall be divided into village districts, country districts and rural districts.

Village and
country
districts at
commence-
ment of Act.
[4 of 1972]
c. 28:01

17. Every area of land which at the commencement of this Act is a village district or a country district and has not been brought within the operation of the Municipal and Districts Councils Act shall be a village district or a country district, as the case may be, under this Act.

18. (1) The Minister may, by notice published in the *Gazette*—

(a) declare any portion of Guyana not included in the City of Georgetown or the town of New Amsterdam or any other town or any local government district to be a village district or a country district;

(b) declare that any village district or any country district shall cease to be a village district or a country district, as the case may be;

(c) alter the boundaries of any village district or of any country district.

Declaration,
etc. of village
and country
districts and
alteration of
boundaries.
[9 of 1969
24 of 1969
4 of 1972
25 of 1973]

(2) In every notice under subsection (1)(a) the village district or the country district, as the case may be, shall be described by a name and its boundaries shall be defined.

(3) Where a notice is published under subsection (1), the Minister may make any orders or perform any acts which may be necessary to give effect to the notice.

(4) Where notices are published under subsection (1) disestablishing a district and constituting another district incorporating the area of the district so disestablished, the following provisions shall apply:

(a) the local authority of the district so constituted shall for all purposes be the successor of the local authority of the district disestablished and without prejudice to the generality of the foregoing provisions of this paragraph, the property, rights, powers, liabilities and obligations of the last-mentioned local authority shall thereupon be transferred to and vest in the first-mentioned authority accordingly;

(b) no notice hereinbefore mentioned shall be deemed to abrogate any appraisements, rates, estimates or other things provided, prescribed or done in the course of, or pursuant to, the execution of the functions of the Minister or the local authority in relation to a district so disestablished so, however, that every provision, prescription or other thing

which would cease to have effect but for the foregoing provisions of this paragraph shall, except in so far as otherwise provided, prescribed or disposed in the course of, or pursuant to, the execution of the functions of the Minister and the local authority of the district so constituted, continue to have effect as if the disestablished district remained constituted and the last-mentioned authority were the local authority thereof, and the functions of the Minister and the local authority of the district so constituted shall be exercisable accordingly in so far as is expedient on account of anything continuing to have effect as aforesaid;

(c) all enactments, instruments thereunder and other documents whatsoever having special reference to a district immediately before its disestablishment as aforesaid shall (subject to variation or rescindment by any competent authority and to such modifications, adaptations, qualifications and exceptions as are necessary for the purpose of conformity with the provisions of this subsection) have effect with like reference to the area as was comprised in that district;

(d) except for the purpose of giving effect to the right to any payment of a person who, at the coming into operation of a notice disestablishing a district, is on leave of absence pending his relinquishment of any appointment to the service of the local authority of that district, nothing in this subsection shall be deemed to provide for the subsistence thereafter of any contract of service with a local authority and, subject to the provisions of the next succeeding paragraph of this subsection, no liabilities or obligations (other than in respect of superannuation rights or benefits or of leave, whether earned, accrued, inchoate or contingent) arising upon and in respect of the termination by virtue of the said notice, or for the purpose of carrying into effect any notice hereinbefore mentioned, of any service of any employee shall be deemed to be incurred by, or assigned to, the local authority of a district constituted as aforesaid or the Minister; and

(e) the local authority of a district so constituted shall afford to every employee, whose service is terminated as

mentioned in paragraph (d), an opportunity of serving it, with effect from such termination, upon such terms and conditions as may be agreed upon between the local authority and him:

Provided that such terms and conditions preferred by the local authority shall, when taken as a whole, be no less favourable than those which the employee enjoyed with the authority of the disestablished district.

(5) Any question whether the provisions of paragraph (e) of the last preceding subsection are complied with shall be decided by the Minister.

19. Every district proclaimed under the District Government Act exclusive of those portions which are within the City of Georgetown, the town of New Amsterdam or any other town, any local government district, any village district or any country district, shall be a rural district.

Rural districts.
[24 of 1969
25 of 1973]

20. (1) Village districts, country districts and rural districts shall be subject to the jurisdiction of local authorities.

Local
authorities.

(2) The local authority of a village district, a country district, and a rural district shall be called a village council, a country authority, and a rural authority, respectively.

21. (1) The Minister shall be the rural authority of every rural district.

Rural
authority.
[4 of 1972]

(2) The Minister, as a rural authority, shall have and may exercise all the powers conferred by this Act upon the local authority of a village or country district.

(3) The Minister shall not be under any obligation to perform any act required by this Act to be performed by the Minister as a rural authority where it appears to the Minister that it is inexpedient so to do.

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(4) The Minister, as rural authority, may by notice published in the *Gazette*, appoint an agent consisting of one or more persons in any rural district and thereupon that agent shall perform all the functions of, and may be dealt with as, the rural authority of the district for all the purposes of this Act subject to such qualifications as may be specified in the appointment.

PART III

LOCAL ADMINISTRATION IN VILLAGE AND COUNTRY DISTRICTS

Village Councils

Constitution of
village
councils.
[19 of 1959
23 of 1969
4 of 1972]

22. (1) In every village there shall be constituted a village council which shall be entrusted with the management of the administrative and financial business of the village and with its government generally.

(2) Each village council shall consist of such number of councillors not less than six, as the Minister may, from time to time determine.

c. 28:03

(3) All village councillors shall be elected at elections held every third year during the period commencing on 1st November and ending on 7th December in accordance with the Local Authorities (Elections) Act; and every village council shall be a local authority to which that Act applies and a local authority within the meaning of that Act, and the overseer shall be the clerk of the local authority for the purposes of that Act.

c. 28:03

(4) The number of registered voters who may, under section 43 of the Local Authorities (Elections) Act submit a list of candidates shall be not less than twenty and not more than thirty.

c. 28:03

(5) The amount of the personal expenses which may be incurred under section 107(2) of the Local Authorities (Elections) Act by a candidate at an election to a village council shall not exceed one hundred dollars and the expenses which may be incurred under section 109(1) by or on behalf of a group of candidates shall not exceed five hundred dollars.

(6) Where any portion of Guyana has been declared to be a village district under section 18, the following provisions shall have effect—

(a) if the village, at the time of the declaration, was a country district, the local authority of the country district shall discharge the powers, duties and functions of a village council of the district until the village council of the district has been constituted under paragraph (e) of this subsection, and the assessment book of the country district shall be the assessment book of the village;

(b) if the village, at the time of the declaration, was not a country district, the Minister shall appoint a local authority, and a chairman thereof, and the local authority shall discharge the powers, duties and functions of a village council of the district until the village council of the district has been constituted under paragraph (e) of this subsection, and the Minister shall cause to be prepared an appraisalment, and the assessment book, of the village;

(c) the Minister shall, not later than ten days after the publication in the *Gazette* of the notice declaring the village district, determine the number of members of which the village council shall consist, and the Minister shall publish a notice of its determination in the *Gazette*;

(d) the Minister shall fix a day, hour and place for which the overseer shall summon a meeting of the councillors of the village district for the purpose of electing a chairman and a deputy chairman of the village council and a day and place upon which an election by the registered voters shall be made, if there is no election by the councillors on account of an equality of votes;

(e) when the first chairman of the village council has been elected, the village council shall be constituted;

(f) subject to the foregoing provisions of this subsection, the provisions of this Part of this Act shall apply to the first election of councillors of a village district and the first election of a chairman and of a deputy chairman of a village district.

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c. 28:03 (7) Except as is otherwise provided in this Act the term of office of councillors shall be three years commencing on the first day of January after the declaration under section 101 of the Local Authorities (Elections) Act of the election results for the village.

(8) A person filling a vacancy in the office of councillor in accordance with section 103 of the Local Authorities (Elections) Act shall hold office for the unexpired term of office of his predecessor.

Qualifications, Disqualifications and Membership of Elected Councillors

Disqualifications for election as a councillor.

23. If a member of a village council is either directly or indirectly pecuniarily interested in any contract with the council he shall, at any meeting of the council at which the contract is the subject of consideration, disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract:

Provided that a person shall not be deemed to be so interested in any contract within the meaning of this section by reason only of his having any share or interest in—

- (a) any agreement for the loan of money only; or
- (b) any newspaper in which any advertisement relating to the affairs of the council is inserted; or
- (c) any incorporated company or society in which he does not hold more than one-fifth of the shares; or
- (d) any lease, sale or purchase of land, or any agreement for the same.

Vacation of office by elected councillor. [23 of 1969]

24. If an elected member of a village council—

- (a) fails throughout a period of three consecutive months to attend any meeting of the council, unless the failure was due to some reason approved by the council; or
- (b) by letter under his hand addressed to the chairman of the council resigns his seat; or
- (c) is not qualified to be elected; or

(d) is disqualified for being or is disqualified from continuing to be a councillor,

he shall cease to be a member of the council.

25. Whenever a vacancy occurs in the office of a councillor of a village council the overseer shall report the same at the next meeting of the council and the council shall publish notice thereof, and the provisions of section 103 of the Local Authorities (Elections) Act shall apply to the filling of that vacancy.

Vacancy on village council.
c. 28:03

26. (1) Every person who, having been returned as an elected member of a village council not being at his election qualified or being then disqualified to be elected a member of the council, shall sit or vote in the council, shall for every day he sits or votes, and every person who shall sit or vote in a village council after his office has been declared to be vacant, shall for every day on which he sits or votes after his office has become vacant, be liable to a penalty of six hundred and fifty dollars for every day on which he sits or votes.

Penalty for unqualified persons sitting and voting.
[23 of 1969
6 of 1997]

(2) The penalty may be recovered by action in the magistrate's court of the magisterial district in which the village is situate by any registered voter of the village; but no process shall issue out of the court unless the person suing out the process first deposits with the clerk of the court the sum of one thousand three hundred dollars as security for any costs which may become payable by him.

(3) No action under this section shall be brought after three months from the date of publication under section 35 of notice of the vacancy.

27. Where it is provided in this Part that any notice, list or register shall be published, such publication shall be made by posting the notice, list or register, signed by the person whose duty it is to publish it, on the village office and in such other conspicuous places in the village as he may deem necessary.

Mode of publication of notices, etc.
[23 of 1969]

Election of Chairman of a Village Council

Election of a
chairman and
deputy
chairman.
[23 of 1969]

28. (1) The councillors of every village council shall, as hereinafter provided in this section, elect out of their number a chairman and a deputy chairman, of the council.

(2) The overseer shall not later than the 16th December of each year summon a meeting of the councillors for the ensuing year for the purpose of electing a chairman and a deputy chairman for the ensuing year and not less than three days' notice of the meeting shall be given.

(3) The overseer shall preside at the meeting but shall not be entitled to vote.

(4) On the day of the election the overseer shall attend at the hour of eight in the forenoon and for thirty minutes thereafter at the place specified in the notice, and shall receive the nominations of candidates for the offices of chairman and deputy chairman. No nomination shall be valid unless it is seconded.

(5) If only one candidate is nominated for the office of chairman or for the office of deputy chairman that candidate shall forthwith be declared to have been elected chairman or deputy chairman as the case may be.

(6) If more councillors than one are nominated for the office of chairman the overseer shall forthwith proceed to take the votes of the councillors present and the councillor securing the greatest number of votes shall forthwith be declared to be elected as chairman, but if there is no election on account of an equality of votes the overseer shall immediately fix a day within the last ten days of the year for the election, by the registered voters, of a chairman from the councillors receiving the greatest number of equal votes, and the election shall be held and conducted and a return or election made in all respects in the same manner as provided for the election of village councillors.

(7) Where by reason of an equality of votes cast at the election by the voters no person is elected chairman, the Minister shall select one of the councillors receiving the greatest number of equal votes to be chairman.

(8) The provisions of subsections (6) and (7) with respect to the election of a chairman shall, *mutatis mutandis*, apply to the election of a deputy chairman.

29. (1) Where a vacancy occurs in the office of the chairman of a village council prior to the determination of the office at the end of a year the overseer shall within ten days of the occurrence of the vacancy summon a meeting of the councillors for the purpose of electing a chairman and not less than three days' notice of the meeting shall be given.

Election of chairman of a council where vacancy occurs in the office of chairman.
[23 of 1969
4 of 1972]

(2) The overseer shall preside at the meeting but shall not be entitled to vote.

(3) On the day of election the overseer shall attend at the hour of eight in the forenoon and for thirty minutes thereafter at the place specified in the notice, and shall receive the nominations of candidates for the office of chairman. No nomination shall be valid unless it is seconded.

(4) If only one councillor is nominated that councillor shall forthwith be declared to be elected as chairman.

(5) If more councillors than one are nominated the overseer shall proceed to take the votes of the councillors present and the councillor securing the greatest number of votes shall forthwith be declared to be elected as chairman.

(6) If there is no election under subsection (5) on account of an equality of votes, the overseer shall through the commissioner report to the Minister the names of the councillors who have received the greatest number of equal votes, and the Minister shall as early as possible select one of those councillors to be chairman and shall forthwith inform the overseer through the commissioner.

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(7) A vacancy in the office of the chairman of a village council shall be deemed to have occurred under this section where—

(a) the chairman ceases to be a member of the council or dies or his office as councillor is declared to be vacant;

(b) the chairman notifies the council either in person or in writing of the resignation of his office as chairman and has in writing informed the Minister through the commissioner of his resignation;

(c) the chairman is granted leave of absence by the council;

(d) the chairman departs from Guyana without leave from the council.

(8) A councillor elected as chairman to fill a vacancy occurring under this section shall hold office for the unexpired portion of the year:

Provided that in the case of a vacancy occurring under subsection (7)(c) such councillor shall hold office only until such time as the chairman who has been granted leave of absence by the council has returned from such leave and has notified the Minister in writing through the commissioner that he has resumed the office of chairman.

(9) The preceding subsections of this section shall, *mutatis mutandis*, apply to the deputy chairman of a village council.

Dissolution of Village Council

Dissolution of
village
council.
[4 of 1972]

30. (1) Where twelve registered voters of a village district represent to the Minister that the further continuance in office of the village council is prejudicial to the welfare of the inhabitants of the village district, the Minister may direct an inquiry to be made by a person appointed by him, at which inquiry opportunity shall be given to the councillors and to the inhabitants to be heard in the matter of the representation, and the Minister may after such inquiry, by order, declare the village council to be dissolved.

(2) In the event of such dissolution, the Minister may appoint such officers, whether salaried or otherwise, as he thinks necessary for carrying out the provisions of this Act and of any other enactment in relation to the village as and in lieu of the council, and from time to time may revoke and determine those appointments or any of them.

(3) The Minister may define and direct the execution of the duties of the officers respectively and fix the salaries, if any, payable to them respectively; and the salaries shall be chargeable on and payable out of the village funds.

(4) The officers aforesaid shall continue so long as the Minister may direct and the Minister shall by order appoint—

(a) a day for the election of the councillors and prescribe their terms of office;

(b) a day for the election of the chairman and vice chairman and prescribe their terms of office,

and notwithstanding any other provisions of this Act relating to the dates for holding such elections, a day appointed by the Minister under this subsection may be any day the Minister thinks fit.

Country Authorities

31. (1) In every country district there shall be constituted a country authority, which shall be entrusted with the management of the administrative and financial business of the district, and its government generally.

Constitution of
country
authority.
[25 of 1969
4 of 1972
25 of 1973]

(2) The country authority of a district shall consist of not less than four members of whom one at least shall be a person who resides within the boundaries of the district.

(3) The members shall be appointed by the Minister and the Minister shall appoint a chairman and deputy chairman of the country authority from among them.

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(4) Members appointed shall take office on the 1st January after appointment or on such other date as the Minister may direct; they shall vacate office on 31st December in the year next ensuing the year in which they were appointed, and they shall be eligible for re-appointment.

(5) A person appointed in the place of a member who has ceased for any cause to be a member shall hold office for the unexpired portion of the term of his predecessor.

(6) Subject to subsection (2), the Minister may add to or reduce the number of members of the local authority of any country district and any person becoming a member of a country authority by virtue of an increase in the membership thereof under this subsection shall vacate office at the same time as those members of the country authority who assumed office in accordance with subsection (4).

General

Village councils and country authorities to be bodies corporate. [4 of 1972]

32. The local authority of a village or country district shall be a body corporate by the name of "The Village Council of....." (naming the village district) or "The Country Authority of" (naming the country district) as the case may be.

Change of name of local authority.

33. (1) The local authority of a village or country district may, with the approval of the Minister, change its name.

(2) Notice of every change of name shall be published in the Gazette and in a daily newspaper.

(3) No change of name shall affect any rights or obligations of the local authority, or render defective any legal proceedings instituted by or against it; and any legal proceedings may be continued or commenced against the local authority by its new name which might have been continued or commenced against it by its former name.

Use of common seal.

34. The local authority of every village and country district may, if it thinks fit, have and use a common seal.

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35. Where the Minister appoints the holder of any office in the public service to be a member of the local authority of a village or country district, the person for the time being performing the duties of that office shall, unless the Minister otherwise directs, be a member of the local authority.

Appointment of public officers to be a member of a local authority.

36. The quorum of members of a village council or country authority for the despatch of business shall be fixed by the Minister.

Quorum of village council or country authority.

37. (1) The local authority of any village or country district may appoint one or more committees of its own body for the transaction of special or, of general business. The Chairman and the deputy chairman of a village council and the chairman of a country authority shall be *ex officio* members of every such committee.

Power to appoint committees. [4 of 1972]

(2) Every committee shall report its proceedings to the local authority, and any order or decision of a committee, of which the local authority disapproves, shall be null and void.

38. (1) The chairman of the local authority of a village or country district may, between any two meetings of the authority, exercise all the executive powers of the local authority.

Power of chairman of local authority between meetings thereof. [25 of 1973]

(2) All acts done by the chairman under subsection (1) shall be reported to the local authority at the meeting next ensuing, and any act of the chairman of which the local authority disapproves shall be null and void.

(3) The deputy chairman of a village council shall have and may exercise the powers, duties and functions of the chairman—

- (a) during the period of a vacancy which is deemed, under section 29(7), to have occurred in the office of chairman; or
- (b) during any period while the chairman is temporarily absent from the village district.

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Remuneration of councillors of a local authority.
[25 of 1973]

38A . A local authority may, in each year, with the approval of the Minister, appropriate out of the funds of the local authority a sum to be utilised for the remuneration of councillors (other than travelling and subsistence expenses incurred in the course of duty) and may, with that approval, determine the amount which shall be payable to each councillor and the additional remuneration, if any, payable to the chairman and deputy chairman in respect of their offices as such.

Attendance of district commissioners at meetings of village councils and country authorities.

39. The district commissioner shall be entitled to attend any meeting of a village council or country authority and to take part in the proceedings at the meeting but not to vote thereat.

Procedure at meetings of local authority or committee thereof.

40. (1) The chairman of a village council shall preside at all meetings of the village council or any committee thereof which he attends. In the absence of the chairman from any such meeting the deputy chairman shall preside and in the absence of the chairman and the deputy chairman from any such meeting the members present may elect one of their number to preside.

(2) The chairman of a country authority shall preside at all meetings of the country authority or any committee thereof which he attends. In the absence of the chairman from any such meeting the members present may elect one of their number to preside.

Protection of chairman and members of local authority.

41. (1) The chairman or deputy chairman of a village council or the chairman of a country authority shall not be personally liable in respect of any act, matter or thing done or committed by him within his jurisdiction as chairman or deputy chairman as the case may be.

(2) A member of a village council or country authority shall not be personally liable in respect of any act, matter or thing done or committed by him within his jurisdiction as member.

PART IV

OFFICERS AND SERVANTS OF VILLAGE COUNCILS AND
COUNTRY AUTHORITIES

42. (1) The local authority of a village or country district may, subject to the approval of the Minister, appoint fit and proper persons to be overseer, assistant overseer, clerk, or other officer of the local authority, and the local authority may employ such servants as may be necessary for the efficient execution of the powers, duties and functions of the local authority under this Act.

(2) Every overseer, assistant overseer, clerk or other officer, and every servant, shall receive the salary, remuneration, or wages assigned to him by the local authority with the sanction of the Minister.

(3) The same person may, with the approval of the Minister, be appointed overseer, assistant overseer, clerk or other officer of two or more local authorities, and in such case the Minister shall by direction in writing prescribe the terms of the appointment and the proportions in which the expenses of the appointment and the salary and charges of the overseer, assistant overseer, clerk or other officer shall be borne by those authorities.

(4) Every overseer, assistant overseer, clerk or other officer shall, when required so to do, give security for the faithful performance of his duties in the sum and in the manner directed by the Minister.

(5) The local authority of a village or country district may make by-laws with reference to the duties and the conduct of the overseer, assistant overseer, clerk or other officers and the servants appointed or employed by the authority.

(6) Every overseer, assistant overseer, clerk or other officer and every servant shall perform the duties prescribed by the by-laws of the local authority and, where the by-laws do not apply or where there are no by-laws, the duties specified from time to time by the local authority.

Appointment and duties of overseers and other officers and employment of servants by village councils and country authorities. [24 of 1956 19 of 1959 4 of 1972]

(7) No overseer, assistant overseer, clerk or other officer, and no servant appointed or employed by the local authority of a village or country district shall in any manner be concerned or interested in any bargain or contract made with that authority for any of the purposes of this Act; and if such overseer, assistant overseer, clerk or other officer, or servant is so concerned or interested, or under colour of his office or employment exacts or accepts any fee or reward whatsoever other than his proper salary, remuneration, wages or allowances, the Minister may declare him to be, and upon such declaration he shall be, incapable of holding or continuing in any office or employment under this Act.

(8) The local authority of a village or country district may, in accordance with by-laws made by the Minister for such purpose award pensions and gratuities to any of its officers or servants and a gratuity to the legal personal representative of any of its officers or servants who dies in service after qualifying for a pension or gratuity and such pensions and gratuities shall be paid out of the general revenue of the local authority.

Overseer,
assistant
overseer and
clerk.

43. (1) Every overseer or assistant overseer, shall, unless the Minister otherwise directs, be the collector or assistant collector, as the case may be, of rates of the village or country district, and when required by the local authority, shall be the clerk of the local authority and as such he shall take the minutes of proceedings and keep the record thereof.

(2) The remuneration of an overseer or assistant overseer may consist, either in whole or in part, of a percentage of the moneys collected by the overseer or assistant overseer, as the case may be.

(3) The district commissioner or any person authorised by him in writing shall have power, at any time whatsoever, to require any collector or assistant collector of rates to deliver to him all moneys in the hands of the collector or assistant collector which are the property of the local authority.

(4) No overseer, assistant overseer, collector of rates, assistant collector of rates, or clerk to a local authority shall be dismissed by the local authority except with the prior approval of the Minister.

PART V

VESTING OF PROPERTY IN VILLAGE COUNCILS AND COUNTRY
AUTHORITIES, AND MANAGEMENT OF UNDIVIDED LANDS

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|---|---|
| <p>44. There shall be vested in the local authority of a village or country district all property, whether movable or immovable, owned by the village or country district, and, subject to the Drainage and Irrigation Act, all machinery and every article used or intended for the drainage or irrigation of the village or country district and every building and erection used in connection therewith.</p> | <p>Vesting of property in local authority.
c. 64:03</p> |
| <p>45. All rates, land rents, empolder rents or instalments of purchase money, house rents or purchase money of lots, fees for pasturage or for wood-cutting, waterside fees, grazing fees, loan moneys, and all other moneys whatsoever receivable or payable for the general revenue of any village or country district shall be deemed the property of the local authority thereof.</p> | <p>Property in rates and other moneys of village and country districts.</p> |
| <p>46. Wherever a village or country district has been or is permitted to occupy any ungranted State land or any empolder, all that land or empolder shall be vested for the purposes of this Act in the local authority thereof.</p> | <p>Vesting of ungranted State land or empolder.</p> |
| <p>47. All undivided lands or portions of land, undivided empolders, pasture lands, woods, dams, kokers, sluices, watercourses, navigation and draining trenches, roads, streets and bridges (not being public roads, streets and bridges under the Roads Act) of every village or country district shall be under the control and management of the local authority.</p> | <p>Management of undivided property, pasture land, dams, trenches, roads, streets and bridges.
c. 51:01</p> |
| <p>48. (1) The local authority of a village or country district may let to any person by monthly or yearly tenancy or for a term of years, and at such rent as may be fixed by the local authority with the approval of the Minister, any undivided lands, undivided empolders, pasture lands, woods, or any portion thereof, for the time being under the control and management of the local authority.</p> | <p>Letting of undivided lands, pasture lands and woods.</p> |

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(2) Where the letting is for a term of years it shall not be enforceable against the local authority unless the agreement to let is in writing, and unless it is signed by the chairman of the authority with the approval of the Minister.

(3) All persons occupying any undivided lands, empolders, pasture lands, woods, or any portion thereof for the time being under the control and management of the local authority of a village or country district shall pay to the local authority the rent thereof fixed by the local authority with the approval of the Minister.

(4) Where any local authority refuses or neglects to fix the amount of the rent, the Minister may fix the amount of the rent to be paid to the local authority under subsection (3).

(5) All arrears of rent may be recovered—

(a) by an action against the person liable for the payment thereof; or

(b) by warrant of distress in the same manner as is hereinafter provided in respect of arrears of rates:

Provided that under any such warrant of distress any movable property, wherever found, of the person liable for the payment of the rent may be levied upon and sold.

(6) The overseer, under the direction of the local authority but subject to an appeal to the Minister, may enter upon and take possession of all the lands in respect of which two months rent or more is due and payable, and of all crops, provisions and other things then growing or being on the lands and of the possession thereof dispossess the tenant or occupier in arrear, and may dispose of them to the best advantage; and any surplus shall be handed over to the dispossessed tenant or occupier.

Trespass.
[6 of 1981]
c. 8:02

49. (1) Every notice under Title 5 in Part III of the Summary Jurisdiction (Offences) Act by the local authority of a village or country district forbidding and warning trespassers shall conclude with the words “By order of the Village Council of

.....” (naming the village district) or “By order of the Country Authority of.....” (naming the country district), as the case may be.

(2) Any tenant or occupier who, after service upon him either personally or at his last or most usual place of abode, of notice that possession of any land has been taken under section 48(6), enters upon the said land shall be deemed to be a wilful trespasser within the meaning and for the purposes of Title 5 in Part III of the Summary Jurisdiction (Offences) Act and the said Title shall have effect and be construed accordingly.

c. 8:02

50. (1) The local authority of any village or country district may, with the approval of the Minister, fix fees to be paid by the owners of any animals grazing or kept on the common lands of any village or country district or on State or Government lands held by such local authority.

Grazing of animals on common lands of village or country district.

(2) Where such lands are held jointly by two or more local authorities, such local authorities may, in like manner, fix fees to be paid by the owners of any animals grazing or kept on such lands.

(3) Such local authorities may, with the approval of the Minister, make by-laws providing for the appointment of a committee or joint committees of management and for any matters necessary for the management and supervision of such lands.

(4) Any fees fixed by this subsection shall be paid to the overseer or, if there is no overseer, to the chairman of the local authority, for and on account of the general revenue of the village or country district.

(5) Any animals in respect whereof any such fees are due and payable may, in default of payment thereof, be sold by order of the local authority on the expiration of seven days after notice of the intended sale has been posted up on the office of the local authority; and any surplus shall be paid over to the owner of the animal.

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(6) In this section, the expression “animal” means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat or swine.

Cutting wood on common lands of village or country district.

51. (1) The local authority of any village or country district may, subject to the approval of the Minister, make by-laws with respect to the cutting of wood on the common lands of the village or country district and the fees to be paid therefor.

(2) All moneys received under and by virtue of such by-laws shall be paid by the persons liable to pay them to the overseer or, if there be no overseer, to the chairman of the local authority for and on account of the general revenue of the village or district.

Charging tolls for passage of craft and animals.

52. The local authority of any village or country district may charge tolls, according to a tariff to be posted up at the village office or some other conspicuous place within the district, for bateaux, punts, or other craft, passing through any of the trenches, aqueducts, or kokers, under the control of the authority, and for animals using the roads and dams within the boundaries of the district, but no toll shall be charged until the tariff has been approved by the Minister.

Fishing and mooring of bateaux in trenches of local authority.

53. The local authority of every village or country district may, with the approval of the Minister, make by-laws for the prevention of fishing and of the mooring of bateaux, punts or other craft in any of the trenches or aqueducts under the control of the authority.

PART VI

ESTIMATES AND RATES

Levy of Rates

Annual estimate and rate.
[19 of 1959
25 of 1973]

54. (1) On or before the 31st December in every year, or, with the consent of the Minister, before the 15th February in any year, the chairman of the local authority of every village or country district shall submit to the authority an estimate of the expenditure for the ensuing year or for the current year, as the case may be, the rate on the total

appraised value of the lots and buildings, or of the lots, or of the buildings, in the district proposed by him to be levied to meet the expenditure, and the amount of the total appraised value as aforesaid.

(2) If, after discussing and, if necessary, altering and amending the estimate and the rate proposed, the local authority by a majority of votes agrees upon an estimate and a rate, such estimate and rate shall be transmitted to the Minister for approval, and the Minister may approve of them either in their entirety or subject to such changes as he may think fit.

(3) If the local authority does not by a majority of votes agree upon an estimate and a rate, the estimate and rate proposed by the chairman shall be transmitted to the Minister with a statement of the objections of the local authority if they have been recorded, and thereupon the Minister may prepare an estimate and fix a rate.

(4) Where an estimate and proposed rate are not transmitted to the Minister, before the 15th February in any year, for its approval, the Minister may prepare an estimate and fix a rate.

(5) The estimate and rate under this section are hereinafter in this Act respectively referred to as the annual estimate and rate.

(6) A rate under this Act may be levied by way of a monthly proportionate contribution from the lots and buildings, or the lots, or the buildings, in the district, determined in such manner as may be approved by the Minister.

(7) It shall be lawful for the Minister or a local authority in the exercise of their powers under this section to fix a different rate in respect of different parts of the district if in the opinion of the Minister or the local authority, as the case may be, it is expedient to do so.

(8) The exercise by a local authority of the power conferred upon it by subsection (7) is subject to the approval of the Minister.

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Power of local authority to make contributions, donations or grants in certain cases. [37 of 1955]

55. The local authority of a village or country district may make contributions, donations or grants—

- (a) to any voluntary association or institution for the promotion of public health or welfare;
- (b) to any scholarship fund established by any local authority or association of local authorities;
- (c) to any association of local authorities or to the body known as the Guyana Village Chairman's Conference;
- (d) towards the establishment or maintenance of any public library or museum or to any association existing for the promotion of arts and crafts or recreation and sport;
- (e) for the improvement of handicrafts, agriculture or livestock in the village or country district;
- (f) for the establishment and equipment or maintenance of social centres in the village or country district;
- (g) generally for the welfare and good government of the village or country district:

Provided that the amount of any contribution, donation or grant to be made under the provisions of this section shall be subject to the prior approval of the Minister.

Supplementary estimate and rate.

56. The chairman of the local authority of a village or country district may, if he thinks it necessary, submit to the authority at any time a supplementary estimate and the supplementary rate proposed to meet it, and the provisions of this Act relating to an annual estimate and rate shall, *mutatis mutandis*, apply to that estimate and rate.

Levying additional rate.

57. (1) If any rate levied under this Act is found insufficient, the local authority of any village or country district is hereby authorised and required to levy, in the same manner as is herein provided with respect to an annual rate, any further and additional rate or rates necessary to meet the required expenditure according to the estimate approved as aforesaid.

(2) When it appears to the Minister that any rate levied under this Act is insufficient, and that the local authority has made default in levying an additional rate, the Minister may levy any additional rate or

rates necessary to meet the required expenditure according to the estimate approved as aforesaid, and every additional rate shall have the same preference and shall be recovered in the same manner as is herein provided with respect to an annual rate.

58. (1) When it appears to the local authority of a village or country district that it is desirable to perform any work in the district and that that work will benefit only a limited portion thereof, the chairman of the local authority may submit to the authority a report setting forth the work to be performed, and the portion of the district for the benefit of which it is to be performed, and also an estimate of the expenditure required for its performance, and of the rate proposed to meet the expenditure, and affecting only the property comprised in the limited portion of the district, and the estimate and rate when settled and approved shall be legal, valid and binding on all persons concerned.

Estimate and rate for work benefiting limited portion of a district.

(2) All the provisions of this Act relating to annual estimates and rates and the collection and enforcement of payment of rates, shall with the necessary modifications, apply to any estimate and rate made and levied under this section.

59. A special estimate may be made and a special rate levied by the local authority of a village or country district for any portion of a financial year remaining unexpired after the constitution of that authority, and the provisions of this Act relating to an annual estimate and rate shall, *mutatis mutandis*, apply to that estimate and rate.

Special estimate and rate.

60. Any local authority, or the Minister, may—

- (a) perform any work which by this Act, the proprietor or occupier of property is or may be required to perform; or
- (b) perform any work which the proprietor requests should be performed and which is necessary to place the property in a proper sanitary condition,

Private improvement expenses.
[4 of 1972]

and declare the expenses expended or incurred by it in so doing to be private improvement expenses.

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Power of Minister to direct execution of works, and costs to be defrayed by private improvement rate.
[4 of 1972]

61. (1) The Minister may, by order, direct a local authority to perform any work which a local authority is authorised to perform, and to declare the expenses to be expended or incurred by it in so doing to be private improvement expenses, and to levy such private improvement rate as may be necessary or as the Minister may direct.

(2) If a local authority, when so directed, neglects to comply with any of those directions, it shall be deemed to have made default in enforcing a provision of this Act and the Minister shall enforce the direction and shall have the same power to execute the work as the local authority; and the Minister shall have power to levy and recover the private improvement rate directed to be levied, and shall have the same powers, rights, and preferences as the local authority for enforcing and securing payment thereof.

Levy of private improvement rate.

62. Where a local authority or the Minister has incurred or becomes liable for any expenses which by this Act or any other Act for the time being in force, are declared to be private improvement expenses, that authority may, if it thinks fit, make and levy a rate in addition to all other rates on the property in respect of which the expenses have been incurred, to be called a “private improvement rate” of an amount sufficient to discharge those expenses with interest thereon at a rate not exceeding six per cent *per annum*, payable at the times and in the period, not exceeding ten years, which the authority in each case determines.

Preferent lien for private improvement expenses and rate.

63. (1) Where a local authority or the Minister has incurred or becomes liable for any expenses which, by this Act or any other Act for the time being in force, may be declared to be private improvement expenses, that authority shall have a preferent lien on the property in respect of which the expenses have been incurred for all sums advanced, with interest thereon at a rate not exceeding six per cent *per annum*, over and above all other liens or claims whatsoever, save and except claims due to the State and save and except claims due in respect of taxes or rates levied by the authority to defray its general expenditure.

(2) That lien shall continue in full force until the whole sum advanced has been repaid in full, with all interest thereon, and continue to be attached to the property notwithstanding any change of ownership thereof, whether by devolution or private or execution or other public sale.

(3) Where the authority levies a private improvement rate, it shall have the same preferent lien for the payment of that rate as for the payment of private improvement expenses.

(4) Where any property subject to the payment of a private improvement rate is sold at execution sale, the authority levying the rate may, if it thinks fit, require the amount realised by the sale, after payment of all claims preferent thereto, to be applied in payment of the whole amount, with interest, levied by the rate then remaining unpaid, so far as the proceeds may suffice for the purpose.

64. Private improvement expenses, and every private improvement rate, may be recovered by parate or summary execution against the proprietor of the property in respect of which those private improvement expenses are payable or in respect of which the private improvement rate is levied, without naming him.

Recovery of private improvement expenses and rate.

65. At any time before the expiration of the period for which a private improvement rate is made, the owner of the property liable thereto may redeem the rate by paying to the local authority the expenses in respect of which the rate was made, or such part thereof as has not been defrayed by sums already levied in respect of the same:

Redemption of private improvement rate.

Provided that money paid in redemption of any private improvement rate shall not be applied by the authority otherwise than in defraying expenses incurred by it in works of private improvement or in discharging the principal of any moneys borrowed by it to meet those expenses, whether by means of a sinking fund or otherwise.

66. (1) No estimate or rate shall be valid unless—

When estimate and rate valid. [6 of 1981]

(a) it has been approved, or prepared or fixed, by the Minister; and

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(b) notice of its approval, preparation or fixing has been published in the *Gazette*.

(2) Upon the publication of such notice, the estimate or rate shall be binding on all persons concerned, and the rate referred to in the notice shall be levied by the local authority of the village or country district accordingly.

Date on which rate becomes due and payable.
[42 of 1957]

67. (1) In every village or country district in which the estimate of expenditure is, with the approval of the Minister, to be met by a monthly contribution from lots and buildings, or lots, or buildings, in the district, the contribution shall, on publication in the *Gazette* of the notice under section 66(1)(b), be due and payable as from the first day of each and every month included in the period during which the contribution is required to be made:

Provided that where the notice is published after the commencement of the said period the contributions for the month or months which but for this proviso would have been payable prior to the date of such publication shall be deemed to have become due and payable on the date of such publication.

(2) In every village or country district in which the estimate of expenditure is, with the approval of the Minister, to be met by the levy of a rate on lots and buildings, lots, or buildings, in the district the amount of the rate shall be due from the date of publication in the *Gazette* of the notice under section 66(1)(b).

(3) The amount of the rate under subsection (2) may be paid either in full or in four equal instalments payable respectively on publication as aforesaid and on the 1st April, 1st July and 1st October:

Provided that where the notice is published on or after the 1st April the instalments which but for this proviso would have been payable prior to the date of such publication shall be deemed to have become due and payable on the date of such publication.

(4) On failure to pay any instalment of rate under this section within thirty days of the date on which it becomes due and payable under subsection (1) or (3)—

(a) the person liable for payment of the rate shall be deemed to be in arrears for the purposes of this Act; and

(b) the rate for the whole year together with interest at the rate of five per cent *per annum* shall thereupon become due and payable and the rate or any portion of it together with interest aforesaid may be recovered as hereinafter provided.

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

- (a) subject to subsection (2), all public lands;
- (b) every building the property of the State;
- (c) every church, chapel or school-house devoted to the purposes of religion or education, and the land whereon every such church, chapel, or school-house is situate;
- (d) every burial ground established with the approval of the Central Board of Health under section 64 of the Public Health Ordinance;
- (e) 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.

Exemption of certain property from payment of rates.
[25 of 1961]

c. 145
1953 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, the lands may be appraised and they shall be liable to rates under this Act, but in proceedings for the recovery of any such 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.

69. The local authority of a 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.

Power to exempt property from payment of rates on the ground of poverty of proprietor.

Collection of Rates

Delay in
collecting rates
or rents.
[25 of 1973]

70. Whenever it appears to the Minister that the collection of rates or rents in any village or country district is unduly delayed, he may by a direction in writing require the collector of rates forthwith to proceed in the manner prescribed by this Act for the recovery of the rates or rents overdue, as the case may be, and may, on failure of the collector of rates forthwith to comply with such order, deal with him as provided by section 14(2)(b).

Liability for
and mode of
recovery of
rate.
[25 of 1961]

71. (1) Where a rate under this Act is levied in respect of the lots only, in a village or country district, there shall be liable and executable for the amount of the rate payable under this Act in respect of the lot—

- (a) the lot with the buildings (if any) thereon belonging to the proprietor of the lot, and
- (b) all movable property of the aforesaid proprietor on the lot or in any building thereon.

(2) Where a rate under this Act is levied in respect of the lots and the buildings in a village or country district, the following provisions shall apply—

- (a) all buildings shall be rated separately from the lots on which they are situate;
- (b) where a building is owned by the proprietor of the lot on which it is situate, the lot and the building and all movable property of the proprietor on the lot or in the building shall be liable and executable for the total amount of the rate payable under this Act in respect of the lot and the building;
- (c) where a building is not owned by the proprietor of the lot on which it is situate, the building and all movable property belonging to the proprietor of the building, whether in the building or on the lot, shall be liable and executable for the amount of the rate payable under this Act in respect of the building;
- (d) where a lot is not owned by the proprietor of the building situate on the lot, the lot and all movable property belonging to the proprietor of the lot, whether in the building

or on the lot, shall be liable and executable for the amount of the rate payable under this Act in respect of the lot.

(3) Where a rate under this Act is levied in respect of the buildings only in a village or country district, there shall be liable and executable for the amount of the rate payable under this Act in respect of any building, the building and all movable property of the proprietor of the building, whether in the building or on the lot.

(4) The amount of every rate under this Act shall be and is hereby declared to be preferent over and above all claims of whatever nature they may be, not being claims due to the State.

(5) The amount of every rate levied under this Act in a village or country district shall be recoverable—

(a) by an action against the person liable for the payment thereof; or

(b) subject to section 75, by parate or summary execution against the lot and building, the lot, or the building, as the case may be,

and the process shall be at the instance and in the name of the local authority of the village or country district, as the case may be:

Provided that where an order has been made under section 70 the process shall be at the instance and in the name of the collector of rates to whom the order has been issued.

(6) The payment of any rate levied under this Act may be enforced notwithstanding that the period or purpose in respect of which it has been levied has expired or terminated.

72. (1) No lot in a village or country district may be divided into portions of less size than quarter lots, without the consent of the Minister first had and obtained.

Restriction on subdivision of lots.

(2) No lot in a village or country district shall be subdivided into portions of less than one-fifteenth of an acre.

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(3) Any subdivision which is made contrary to this section shall be null and void.

Apportionment of rate where lot is subdivided.

73. If any lot is subdivided, the local authority of the village or country district, or if the authority fails so to do on application made for the purpose, the Minister may apportion the payment of the rate payable in respect of the lot among the several portions thereof.

Enforcement of contribution from co-proprietor of lot or building.

74. Where any lot or building in a village or country district is owned by two or more persons, and one of the co-proprietors has paid more than his proper proportionate share of a rate levied under this Act, he may recover, by action, from those of his co-proprietors who have paid or contributed less than their proper share as aforesaid the amount of the said excess, but, in relation to the local authority, each of the co-proprietors shall be liable for the payment of the whole rate payable under this Act in respect of the lot or building.

Demand for payment of rate and levy on movable property.

75. (1) Wherever there is any movable property which is liable or executable under section 71 for the amount of any rate under this Act in respect of any lot or building in a village or country district it shall be the duty of the overseer, or, if there be no overseer, then of the chairman of the local authority of the district, before application is made for the process of parate or summary summation, to cause a notice, according to Form 1 in the First Schedule, of the amount of the rate due and payable in respect of the lot and building, the lot, or the building to be served on the proprietor thereof by posting it up in some conspicuous position on the lot or building thereon, or on the lot, or on the building thereon, as the case may be.

First Schedule. Form 1.

(2) The production of the duplicate or copy of the notice signed by the collector of rates shall be sufficient evidence that the amount stated therein to be due in respect of the lot and building, or of the lot, or of the building, as the case may be, is in fact due and payable.

(3) If payment is not made within two weeks after the notice is served on the proprietor as aforesaid, the overseer or chairman, as the case may be, may make application to the magistrate of the magisterial district in which the village or country district is situate for a warrant of distress, and the magistrate, upon the production of the duplicate or

copy of the notice with the return of service thereon duly sworn before him, shall grant a warrant of distress for the recovery of the rate, under and by virtue of which the movable property as aforesaid may be levied on and sold for the amount of the rate with costs.

(4) The movable property shall be sold in some public place by any person authorised by the magistrate.

(5) Notice of the time and place of the sale shall be given not less than three days before the sale, and in the manner directed by the magistrate.

(6) The proceeds of the sale, after payment of the expenses thereof, shall be applied in satisfaction of the claim of the local authority and the surplus, if any, shall be paid to the owner of the movable property which was sold.

76. Where, notwithstanding the provisions of this Act, as a result of the execution of a warrant of distress for the recovery of a rate, the movable property of a person other than the proprietor liable for the payment of the rate is levied on, the owner of the movable property shall be entitled to recover by action the property, or if it has been sold, the full value thereof, from the local authority, together with costs.

Power to recover property or value thereof where movable property of person other than person liable for payment of rate is levied on for recovery thereof.
[25 of 1961]

77. Every warrant of distress issued under this Act may be drawn up according to Form 2 in the First Schedule.

Form of warrant of distress.
First Schedule.
Form 2.

78. All warrants of distress issued under this Act shall be executed in the same manner as warrants of distress issued by a magistrate in the exercise of his summary jurisdiction.

Execution of distress warrant.

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Fees on distress. Second Schedule.

79. The fees specified in the Second Schedule shall be the fees legally payable for any process of distress issued under this Act, and shall be paid in the first instance by the party applying for the process, but they shall be costs in the matter of the distress.

Condition of granting writ of execution. [4 of 1972]

80. No writ or order of execution in any proceeding by parate or summary execution against any lot for the payment of a rate shall be granted, unless there is produced with the summation a certificate signed by the chairman or the collector of rates of the local authority of the village or country district or a public officer designated by the Minister to the effect that there was no movable property whereon to levy or that it had proved insufficient.

Service of summation where more than one lot proceeded against.

81. Where two or more lots are owned by one and the same person, the service of a summation or other legal process for the recovery of a village or country district rate in respect of such lots—

- (a) upon the principal or township lot, where one of the lots proceeded against is a principal or township lot; and
- (b) upon any one of the lots proceeded against, where no one of such lots is a township lot,

shall be, and is hereby declared to be legal, valid and sufficient.

Conditions governing sale of property by parate execution. [18 of 1988 6 of 1997] c. 28:04

81A. (1) Before any property is put up for sale in pursuance of the proceedings brought by parate execution under this Act the property shall be valued by the Chief Valuation Officer appointed to value property for rating purposes under the Valuation for Rating Purposes Act.

(2) A reserve price based on the price of the property fixed by the Chief Valuation Officer below which, subject to the other provisions of this section, the property shall not be sold, shall be fixed by the Registrar.

(3) The sale of the property shall be advertised by the Registrar in three issues (as far as possible in consecutive issues) of at least one newspaper having circulation in Guyana, on a conspicuous part of the

property and on the notice board of the Court or office where the auction is proposed to be held and the advertisement shall contain—

- (a) a description of the property with its location;
- (b) the reserve price of the property;
- (c) the date, time and place of the sale;
- (d) any other matter that may be prescribed by the Minister by regulations.

(4) The Registrar shall give a minimum of one week's notice to the Central Housing and Planning Authority established under the Housing Act of the date and time of every sale of property at auction for the recovery of rates. c. 36:20

(5) The sale of the property shall not take place until the expiry of at least three days from the date of the last advertisement as provided for in this section.

(6) The Registrar shall in the first instance restrict the bidding to a bidder who furnishes proof by affidavit to the Registrar that he or any member of his family does not own a house or a housing plot or who furnishes proof that though he owns a house or a housing plot such house or housing plot is far removed from the location of his place of employment or business, and that he wants the property he is bidding for as a residence or for business:

Provided that if there is no such bidder willing to purchase the property at a price equal to or higher than the reserve price, and there are other bidders, who are willing to do so the Registrar may allow those other bidders to bid at the said auction.

(7) In subsection (6) "family" means the person, his spouse and minor children (whether born in or out of wedlock).

(8) If in connection with the sale of any property under this section any person files an affidavit under subsection (6) which is false in any material particular he shall be liable to a fine of fifteen thousand dollars and to imprisonment for one year, and if he is the purchaser of the property the sale shall be set aside.

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c. 36:20

(9) On the day fixed for the sale of the property if there are no buyers or if all the biddings fall below the reserve price, on a request made therefor by the Central Housing and Planning Authority established under the Housing Act, the Registrar shall sell the property at the reserve price to that Authority and notwithstanding anything contained in the Housing Act the aforesaid Authority shall have power to purchase the property under this section:

Provided that if the Central Housing and Planning Authority does not request to purchase the property, the sale shall be postponed to a date to be fixed by the Registrar, which shall be not later than twenty-one days from that day and thereupon the sale shall be re-advertised in the same manner provided for in subsection (3) and the property sold by the Registrar to the highest bidder without reserve.

(10) If before, or on the date of, the sale, at any time before the sale is completed, the owner of the property or any other person authorised by him to do so produces before the marshal conducting the sale certificate from the treasurer of the council stating that a sum equivalent to the amount of rates and interest due thereon up to the day of sale, as certified by the treasurer of the council, together with costs, including costs of the proceedings related to the sale, has been paid to the treasurer, the marshal shall cancel the proposed sale.

(11) The provisions of this section shall apply to parate execution under this Act notwithstanding any other law to the contrary.

(12) The Minister may by regulations make provisions with respect to all or any of the following matters:-

- (a) the matters to be taken into account in valuing any property for the purposes of this section;
- (b) subject to the provisions of this section and the rules of the High Court, the procedure relating to the sale of the property;
- (c) requiring the council to pay the cost of advertisement in a newspaper under subsection (3) and for payment of the sums to the council from the proceeds of the sale of the property.

(13) In this section “Registrar” means the Registrar of the Supreme Court of Judicature.

82. On the sale of any property by parate or summary execution under this Act the marshal, after deducting the amount sued for and all legal and just costs and charges, shall pay over to a public officer designated by the Minister or the district commissioner the amount of rates certified to be due in respect of any property sold by parate or summary execution including any rates which have accrued due and in respect of which and of the amount of which the public officer aforesaid or the district commissioner has given to the Registrar notice in writing not later than the day before the sale.

Distribution of proceeds of sale.
[4 of 1972]

83. Within one month after the sale of property at execution sale for the recovery of rates under this Act, the marshal shall without any charge furnish a public officer designated by the Minister or the district commissioner with a return showing the date of sale, the amount realised, the name of the purchaser, the amount of costs and charges, and the amount of the surplus, if any, after payment of the amount sued for and of the costs and charges.

Return of results of sale.
[4 of 1972]

84. (1) The fees for the process of parate or summary execution shall be as specified in the Third Schedule.

Fees on parate or summary execution.
Third Schedule.

(2) No charge shall be made for travelling expenses, distance money, conditions of sale, copies of documents, printing, or any other matter not specified in the said Schedule.

85. No proceeding in any parate or summary execution under this Act shall be void for want of form.

Validity of proceedings.

86. (1) No misnomer, mistake, or informality, committed in any proceeding for the recovery of a village or country district rate shall prejudice the recovery thereof; nor shall the proceeding lapse, cease, or abate, by reason of the death, resignation, or removal, of the officer instituting it, or of any change in any person holding office in connection with the village or country district; but the officer for the

Informality in proceedings for recovery of rates.
[25 of 1961]

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time being may prosecute and continue the proceeding commenced and carried on in the name of any previous officer in all respects as if the proceeding had been taken by himself.

(2) No person may sue and no court of justice may entertain any action or proceeding against an officer or other person employed in executing any warrant of distress in reference to a village or country district rate, by reason of any misnomer, mistake or informality if the movable property seized or sold under that warrant and belonging to the proprietor liable for the payment of the rate was in fact found upon or in any lot or building liable under section 71 for the payment of the rate.

Officer of local authority not to purchase property sold at execution at the instance of the local authority for the recovery of rates.

87. (1) Except as otherwise provided in subsection (2), no officer of a local authority shall purchase, either directly or indirectly or by the intervention of a trustee, any property sold at execution at the instance of the local authority for the recovery of rates, and every such purchase shall be null and void.

(2) It shall be lawful for any such officer to purchase at an execution sale any property which it may be necessary for him to purchase in order to protect the interests of himself, his wife or his child.

Power of local authority to purchase lot or building sold for recovery of rates.

88. (1) The local authority of a village or country district may purchase for the benefit of the village or country district any lot with or without the buildings (if any) thereon, or any building, sold for the recovery of rates.

(2) The local authority shall have power to receive title therefor, and may subject to this Act, lease, sell or otherwise deal with the same.

Transport of lot sold at execution sale for recovery of rates.
[6 of 1997]

89. (1) The Registrar of the Supreme Court shall, upon the delivery to him of a certificate of the marshal (which certificate shall be given free of charge) to the effect that the person described in the certificate has, at execution sale for the recovery of rates under this Act, purchased a lot and paid the full purchase price therefor, transport or cause to be transported to the purchaser the lot so purchased.

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(2) The Registrar of Deeds shall charge and receive for the said transport the sum of sixty-five dollars.

(3) Nothing in this section shall be construed as affecting the operation of the Deeds Registry Act, or any rules, regulations or tariff of fees for the time being in force thereunder. c. 5:01

90. Sections 70 to 89 (both inclusive) of this Part shall apply to the recovery of any interest that becomes payable under section 67(4) as they apply to the recovery of rates. Recovery of interest. [29 of 1961]

PART VII

GENERAL PROVISIONS AS TO LOCAL ADMINISTRATION

91. Every local authority shall—

Drainage by local authority.

(a) cause to be made, and shall at all times maintain in good order, the dams and trenches and main drains, having the outfall and with the kokers or sluices, necessary for effectually draining the authority's district for sanitary purposes;

(b) when required by the Minister, cause its district, or the part thereof specified by the Minister, to be drained by machinery;

(c) cause all trenches and main drains used for draining any portion of the district so to be kept as not to be a nuisance or injurious or likely to be injurious to health and to be properly cleansed and emptied.

92. Every local authority may, subject to the approval of the Minister, make by-laws regulating the issue of water from any tank or reservoir under its charge. Issue of water from a tank, or reservoir.

93. (1) Where the proprietor of any watercourse, main drain or drain near or forming the boundary of the district of a local authority wilfully or negligently keeps the said watercourse, main drain or drain foul and offensive and thereby injuriously affects the district or where the proprietor of any estate adjoining such district wilfully or Offensive watercourse.

negligently fails to repair or maintain any dam, sluice, koker, canal, or trench on his estate and such failure endangers the safety, or materially impairs the efficiency of any work under the control or management of the local authority, the local authority may, by notice in writing, require the said proprietor forthwith to clean such watercourse, main drain, or drain or effect such repairs to his dam, sluice, koker, canal or trench (as the case may be) as may be specified in the said notice.

(2) Where any proprietor—

- (a) fails within seven days of the service of any notice under the preceding subsection to commence the work required to be done specified in the notice; or
- (b) having commenced the work specified in such notice unreasonably delays completing such work,

the local authority may itself perform the work or complete the work, as the case may be, and any expenditure incurred by the local authority under this subsection shall be recoverable from such proprietor.

Power of local authority to require proprietor or occupier of land to maintain dams, trenches and sluices thereof.

94. (1) The proprietor or occupier of land in a district shall maintain all works upon the land to the satisfaction of the local authority in order to prevent flooding of any lands within the district and also to prevent the wastage of water and for these purposes the local authority may, by order, require the proprietor or occupier of land in the district to repair or maintain the dams, trenches or sluices thereon, or any portion thereof, in the manner and within the time directed by the local authority.

(2) The order shall be in writing and shall be served upon the proprietor or the occupier, as the case may be.

(3) If the proprietor or occupier fails to comply with the order, the local authority, or any person authorised in writing by the authority, may enter upon the land whereon the dam, trench or sluice is situate and cause the dam, trench or sluice, or portion thereof, as the case may be, to be repaired or maintained in accordance with the terms of the order, and the cost of so doing shall be recoverable by the local authority from the proprietor.

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95. (1) Every local authority may, subject to the approval of the Minister, make by-laws regulating the mode and place in which any trade or manufacture may be carried on within its district and prescribing the conditions under which machinery may, with the consent of the authority, be erected in the district.

Regulation of trades and erection of machinery.

(2) The by-laws may authorise any officer of the local authority or any police constable to enter and inspect at all reasonable times any premises or place where the trade or manufacture is carried on.

96. (1) Subject to the Public Health Ordinance, any local authority may, with the consent of the Minister, do the following things or any of them within its district:

Markets.
[47 of 1955
4 of 1972
6 of 1997]
c. 145
1953 Ed.

- (a) provide a market-place and construct a market house and other conveniences for the purpose of holding a market;
- (b) make convenient approaches to the market;
- (c) provide all matters and things necessary for the convenient use of the market;
- (d) purchase, or take on lease, land and public or private rights in markets and tolls for any of the foregoing purposes; and
- (e) take stallages, rents and tolls in respect of the use of the market by any person.

(2) Subject to the Public Health Ordinance, any local authority may, with the consent of the Minister do the following things or any of them within its district:

- (a) give permission to any person to provide a market-place and construct a market house and other conveniences for the purpose of holding a market;
- (b) fix the stallages, rents and tolls which may be taken in respect of the use of the market by any person.

(3) The local authority may, subject to the approval of the Minister, make by-laws for the purposes mentioned in subsections (1) and (2) and for the regulation of any market aforesaid.

(4) No person shall in any district provide a market-place or construct a market house or other conveniences for the purpose of holding a market without first having obtained the permission of the local authority thereof so to do.

(5) No person shall in respect of the use of a market in any district demand or take or cause or permit to be taken any stallage, rent or toll greater than that fixed by the local authority thereof.

(6) Any person who contravenes any of the provisions of subsection (4) or of subsection (5) shall be liable on summary conviction to a fine of sixty-five thousand dollars or to imprisonment for six months.

Continuing offence in respect of construction of a market place or other conveniences for the purpose of holding a market without permission. [47 of 1955]

97.(1) Where the construction of a market place or other conveniences for the purpose of holding a market is an offence in respect whereof the offender is liable under this Act to a penalty, the existence of the construction in any form or state contravening the same shall be deemed to be a continuing offence.

(2) Where a construction of a market-place or other conveniences for the purpose of holding a market is commenced or maintained in contravention of this Act, the magistrate may order the person who causes the construction to be commenced or maintained to take it down and to pay all expenses incurred thereby.

(3) Where the order is not complied with the Minister may, at the expiration of the time specified in the order, cause the construction to be taken down and recover from the owner the expenses incurred by so doing.

Slaughter-houses.

98. Any local authority may, if it thinks fit, provide slaughter-houses, and may, subject to the approval of the Minister, make by-laws with respect to the management and charges for the use of any slaughter-houses so provided, and, where slaughter-houses are provided, for prohibiting the slaughter of any animal except in a slaughter-house, and for the examination of all animals before they are slaughtered.

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99. The local authority of every village and country district may, and when required by the Minister shall, erect and maintain baths and wash houses, and may, subject to the approval of the Minister, make by-laws for the due regulation thereof.

Baths and wash houses.

100. Where there is a cemetery or other place used as a burial ground in a village, country or rural district and the cemetery or burial ground is under the control of the local authority or of the Minister, the local authority may with the prior approval of the Minister determine the fees to be paid for graves and in respect of burials in the cemetery or burial ground, and for any copy of an entry in a register of burials.

Burial Fees.
[29 of 1956]

101. Any local authority may require the owner of any tree overhanging any public street, road, or thoroughfare or any drainage trench in its district in such a manner as may likely injure the street, road or thoroughfare or drainage trench, or the drainage thereof, or endanger the safety of the inhabitants, or overhanging the boundary between two lots, to cause the tree to be cut down or pruned, or anything dangerous to be removed therefrom in the manner and within the time directed by it by an order in writing to be served upon the owner, and if the owner fails to comply with the order, the authority, or any person duly authorised in writing by it, may enter upon any land in the district wherein the tree is growing and cause it to be cut down or pruned, or anything dangerous to be removed therefrom, in accordance with the order, and the cost of so doing shall be recoverable from the owner.

Overhanging trees.

102. (1) If any animal grazes, or strays, on or in any main drain, or on a public road, street, dam, bridge, or other public place, within the boundaries of the district of a local authority, the person having the possession or control of the animal shall be liable on summary conviction to a fine of six hundred and fifty dollars, unless he proves that the animal was so grazing or straying through no act or default on the part of himself or his servants or agents.

Straying of animals.
[6 of 1997]

(2) Any animal grazing or straying on any place mentioned in subsection (1), may be seized and impounded by any member of the police force or of the rural constabulary, or by any officer of the local authority, or by any person authorised in writing by the local authority.

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(3) Swine straying on any place mentioned in subsection (1) may be destroyed by any of the persons mentioned in subsection (2), and the carcasses so destroyed shall be the property of the local authority.

c. 71:04

(4) Any animal impounded under this section shall be impounded in the nearest pound and the Pounds Act shall apply to the impounding.

(5) In this section the expression “animal” means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat or swine.

Power to purchase, etc., lands.

103. A local authority may, with the consent of the Minister, for the purpose and subject to this Act, purchase, accept as a gift, take on lease, sell, exchange, or mortgage any lands, whether situate within or without its district; and a local authority may also purchase any dam or watercourse which interferes with the proper drainage of, or the supply of water to, its district.

Sale of surplus lands.

104. Lands acquired by a local authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall (unless the Minister otherwise directs) be sold at the best price that can be obtained for them; and the proceeds of sale shall be applied as the local authority, with the consent of the Minister, directs.

Purchase of lands.
[4 of 1972]

105. With respect to the purchase of lands by a local authority for the purposes of this Act, the following provisions shall be observed:

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(a) the provisions of the Companies’ Clauses and Powers Consolidation Ordinance, 1846,* with respect to

- (i) the taking of lands otherwise than by agreement;
- (ii) the application of the purchase money or compensation coming to parties having limited interests;

* The present Companies Act is No. 29 of 1991 (Cap. 89:01)

- (iii) small portions of intersected lands;
- (iv) lands subject to mortgage; and
- (v) lands subject to leases,

shall be incorporated with this Act; and in construing those provisions for the purposes of this Act, this Act shall be deemed the special Ordinance, and the local authority shall be deemed to be the promoters of the undertaking;

(b) all arbitrations required under the incorporated Ordinance shall be conducted in the manner provided in this Act, and all things authorised or required to be done by two justices of the peace may be done by a magistrate;

(c) the local authority, before putting in force any of the powers of the incorporated Ordinance with respect to the purchase and taking of lands, otherwise than by agreement, shall—

(i) publish, once at least in each of three consecutive weeks, in the *Gazette* and in a local newspaper in Guyana, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours and stating the extent of land the authority requires; and

(ii) serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of those lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, or dissents, or is neutral, in respect of the taking of the lands;

(d) on compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if it thinks fit, present a petition to the Minister, wherein shall be stated the lands intended to be taken, the purposes for which they are required and the names of the owners, lessees, and occupiers thereof who have assented, dissented, or are neutral in respect of the taking of them, or

who have returned no answer to the notice; and the petition shall pray that the local authority may with reference to those lands, be allowed to put in force the powers of the incorporated Ordinance with respect to the purchase and taking of lands otherwise than by agreement; and the prayer shall be supported by the evidence which the Minister requires;

(e) on receipt of the petition, the Minister, on due proof of the proper advertisements having been published and notices served, shall take the petition into consideration and direct a local inquiry as to the propriety of assenting to the prayer; and

(f) after the completion of the inquiry the Minister may, if he sees fit so to do, empower the local authority to put in force, with reference to the lands mentioned in the order, the powers of the incorporated Ordinance with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with any conditions and modifications he directs; and it shall be the duty of the local authority to serve a copy of the order so made in the manner and on the person or persons in which and on whom notices in respect of the lands are required to be served:

Provided that any notices or orders by this section required to be served on a number of persons (being more than three) having any right in, over, or on lands in undivided shares may be served on any three of those persons on behalf of all of them.

Power to let lands.

106. A local authority may, with the consent of the Minister, let for any term any lands it possesses, as and when it can conveniently spare them.

Mode of reference to arbitration.

107. In case of dispute as to the amount of any compensation to be made under this Act (except where the mode of determining the amount is specially provided for), and in the case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

108. With respect to arbitrations under this Act the following provisions shall be observed:

Provisions as to arbitrators.

(a) every appointment of an arbitrator under this Act shall be in writing, shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making it;

(b) after the making of an appointment, it shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation;

(c) if, for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred and accompanied by a copy of the appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by, and shall act on behalf of, both parties;

(d) if, before the determination of any matter so referred, an arbitrator dies, or refuses or becomes incapable to act, the party by whom that arbitrator was appointed may appoint in writing another person in his stead; and if that party fails to do so for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed *ex parte*; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made;

(e) if a single arbitrator dies, or becomes incapable to act, before he makes his award, or fails to make his award within twenty-one days after his appointment, or within any extended time he has duly appointed for that purpose, the matters referred to him shall be again referred to arbitration under this Act, as if no former reference has been made;

(f) where there are more arbitrators than one, the arbitrators, before they enter on the reference shall, by writing under their hands, appoint an umpire; and if the person appointed to be umpire dies, or becomes incapable to act, the arbitrators shall forthwith appoint another person in

his stead; and if the arbitrators refuse or neglect to appoint an umpire for seven days after being requested to do so by any party to the arbitration, the Minister, on the application of that party, shall appoint an umpire;

(g) if the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within any extended time they have duly appointed for that purpose, the matters referred shall be determined by the umpire;

(h) the time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission; and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him;

(i) before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a magistrate:

“I, A.B., solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Local Government Act.—A.B.”

and the declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to the declaration shall be guilty of a misdemeanour;

(j) any arbitrator, arbitrators, or umpire, appointed by virtue of this Act may require the production of any documents in the possession or power of either party they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses upon oath;

(k) the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or, in case the matters referred are determined by an umpire, of the umpire;

(l) any submission to arbitration under this Act may be made a rule of the High Court in its civil jurisdiction on the application of any party thereto; and

(m) the award of an arbitrator or arbitrators, or of an umpire, under this Act shall be final and binding on all parties to the reference.

109. All questions referable to arbitration under this Act, when the amount in dispute is less than five hundred dollars, may be determined, at the option of either party, before a magistrate; but the magistrate, if he thinks fit, may require that any work in respect of which the claim of the local authority is made, and the particulars of the claim, shall be reported on to him by any qualified person not being a member or officer of the local authority; and the magistrate may determine the amount of costs incurred in that behalf and by whom they or any part of them shall be paid.

Reference to
magistrate of
claim under
\$500.
[4 of 1972]

110. All expenses incurred or payable by a local authority in the execution of this Act and not otherwise provided for shall be defrayed out of the general rates levied by the authority.

Defraying
expenses
incurred by
local authority.

111. (1) Where the proprietor of property in any district makes default in paying to the local authority thereof or the Minister any rate, or amount levied, or due, in respect of the property, as and when it becomes payable, the occupier of, or any person having any interest in, that property or any portion thereof, may pay the rate, or amount and recover it from the owner of the property, together with interest at the rate of six per cent *per annum* until repaid, with all costs of suit.

Payment of
rate by
occupier and
recovery of
amount thereof
from
proprietor.

(2) Where there are several proprietors, the occupier or person may so recover from any of them, and the part proprietor so paying shall be entitled to recover from the other part proprietors of the proper property the amount of their proper contribution.

112. Wherever a plantation forms part of a district, any rate levied under this Act shall be levied on the plantation as a whole.

Recovery of
expenses
where a
plantation is
included in a
district.

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Local authority may borrow on credit of rates.

113. Every local authority may, with the sanction of the Minister, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the execution of this Act, borrow any sum of money on the security of the rates, and may mortgage the rates for the repayment thereof.

PART VIII

DRAINAGE OF VILLAGE AND COUNTRY DISTRICTS
THROUGH ADJOINING LANDS

Making agreement with neighbours.

114. The local authority of any village or country district may, subject to the approval of the Minister, enter into any agreement on behalf of the village or country district with the proprietor of any neighbouring plantation or land for the purpose of affording to the village or country district effectual drainage for a term of years, in consideration of the payment of such sums of money or as may be otherwise agreed upon.

Application for leave to make drain in land of another.

115. (1) Where the lands of a village or country district previously formed part of an adjoining plantation the drainage of which was connected with the drainage system of the adjoining plantation, and where the village council or country authority (hereinafter referred to as “the applicants”) consider it necessary to drain the lands of the village or country district, or any part or portion of them, through lands belonging to the proprietor of the adjoining plantation (hereinafter referred to as “the adjoining proprietor”) and deem it necessary that new drains should be made through lands belonging to the adjoining proprietor or that existing drains through lands belonging to the adjoining proprietor should be cleaned, widened, or otherwise improved, the applicants may, with the approval of the Minister, apply to the adjoining proprietor for leave to make the drains or improvement in drains through or on his land.

(2) The application shall be by notice in writing under the hand of the chairman of the local authority and shall be served on the adjoining proprietor, and also on the occupier if the proprietor is not the occupier; and the notice shall state the nature of the drains or improvements in drains, and shall be accompanied by a diagram on

which the length, width and depth of the proposed drains or improvements in drains shall be delineated, and shall further state the compensation, if any, which the applicants propose to pay.

(3) The adjoining proprietor may, by an instrument signed by him in the presence of two witnesses, assent to the application on the terms and payment of the compensation which he requires, and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions:

(a) no arrangement entered into by the guardian of an adjoining proprietor under any disability or incapacity shall be valid unless it be approved by order of a Judge of the High Court;

(b) unless otherwise ordered by a Judge of the High Court, any compensation to be paid by the applicants, to the adjoining proprietor in any case where he is under any disability or incapacity shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title, is applicable, under the Companies' Clauses and Powers Consolidation Ordinance, 1846,* and

(c) any occupier, other than the proprietor, interested in the lands, shall be entitled to compensation for any injury which he sustains by the making of the proposed drains or improvements in drains; the claim for such compensation shall be made within twelve months after the completion of the drains or of the improvements in drains; and the amount

of the compensation shall be determined, in case of dispute, by arbitration.

116. (1) The adjoining proprietor shall be deemed to have dissented from the application made to him if he fails to express his assent thereto within one month after the service of the notice of application on him, and, in the event of his dissent, the following questions shall be decided

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Proceedings in case of dissent by proprietor to application.

* The present Companies Act is No. 29 of 1991 (Cap. 89:01)

by the magistrate of the magisterial district in which the village or country district is situate, unless the adjoining proprietor requires them within the aforesaid period of one month to be decided by arbitration—

(a) whether the proposed drains or improvements in drains will cause any injury to the adjoining proprietor, or to the occupier or other person interested in the lands; and

(b) whether that injury is or is not capable of being fully compensated by money.

(2) The following provisions shall apply to a decision under subsection (1):

(a) if the decision is that no injury will be caused to the adjoining proprietor, or to the occupier, or to other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains;

(b) if the decision is that injury will be caused to the adjoining proprietor, or to the occupier or to other parties interested in the lands, but that it is capable of being fully compensated by money, the magistrate, or the arbitrators, as the case may be, shall proceed to assess the compensation and to apportion it amongst the parties in his or their judgment entitled thereto; and, on payment of the sum so assessed, the applicants may proceed to make the proposed drains or improvements in drains; and

(c) if the decision is that injury will be caused to the adjoining proprietor, or to the occupier, or to other parties interested in the lands, and that it is not capable of being fully compensated by money, the applicants shall not be entitled to make the proposed drains or improvements in drains.

(3) All the provisions of sections 149 to 157 (inclusive) of the Companies' Clauses and Powers Consolidation Ordinance, 1846,* relating to proceedings for assessing compensation shall be deemed to be incorporated with this Act, subject nevertheless to the special

* The present Companies Act is No. 29 of 1991 (Cap. 89:01)

provisions thereof; and all things in those sections authorised or required to be done by two justices of the peace may be done by the magistrate of the district; and all things in those sections authorised or required to be done by the promoters of an undertaking may be done by the chairman of the local authority and, in case of the refusal or neglect of arbitrators so to do, the Minister may appoint an umpire in the manner provided by section 152 of the said Ordinance and for all the purposes thereof.

1 of 1846

(4) When the compensation assessed by the magistrate or the arbitrators, as the case may be, is payable to any proprietor or person who is under any disability or incapacity, or is not entitled to receive it for his own benefit, it shall, unless otherwise ordered by a Judge of the High Court, be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title, is applicable under the said Act.

117. The magistrate, or the arbitrators, as the case may be, in the event of his or their approving of a scheme of drainage as proposed by the applicants or as modified by him or them, shall cause a diagram thereof to be prepared, and shall certify under his or their hand or hands the correctness of the diagram.

Diagram of scheme of drainage.

118. After any drains or improvements in drains aforesaid have been made, the officers and servants of the local authority may, whenever necessary, enter upon the lands through or in which the drains or improvements in drains have been made for the purpose of clearing out, scouring, and otherwise maintaining them in a due state of efficiency; and if they are not kept so cleared, scoured, and maintained in a due state of efficiency, the proprietor or occupier for the time being of the lands through or in which they have been made may clear out, scour, and otherwise maintain them in a due state of efficiency and recover the expenses incurred in so doing from the local authority.

Entry upon land to clear drains.

119. The proprietor for the time being of the lands through or in which drains or improvements in drains are made under this Act may, with the sanction of the Minister, fill up, divert, or otherwise deal with them, on condition of first making and laying down in lieu thereof

Alteration of drains.
[4 of 1972]

drains equally efficient for the purposes of the village or country district; and any dispute arising as to the efficiency of the drains so made shall be decided by the Minister.

Resisting or obstructing making of drains.
[4 of 1972
6 of 1997]

120. Every person who—

- (a) wilfully resists or obstructs any person making any drain or improvement in drains under this Act, or
- (b) wilfully dams up, obstructs, or in any way injures any drain or improvement in drains so made,

shall be liable to a fine of six thousand five hundred dollars.

Payment of costs of application.
[4 of 1972]

121. All costs, charges, and expenses reasonably incurred by the adjoining proprietor in respect of any application made in pursuance of this Part shall be paid out of the funds of the village or country district; and any dispute arising as to the amount thereof shall be decided by the Minister.

PART IX

WORKS OF SPECIAL MAGNITUDE IN VILLAGE AND COUNTRY DISTRICTS

Declaration by Minister of special works.
[4 of 1972]

122. Where in the opinion of the Minister any works of empoldering or drainage or irrigation in a village or country district are of such magnitude as to necessitate special provisions the Minister may declare those works to be special works.

Procedure.
[4 of 1972]

123. Where the Minister, acting under the powers conferred on him by section 122, declares any works to be special works the following procedure shall be observed—

- (a) the local authority of the district shall prepare specifications, and if necessary plans, of the proposed works, together with an estimate of the cost thereof, and also particulars of the lands of which it proposes to take possession for the purposes of the works;

(b) the local authority shall also prepare a statement showing the property which it is proposed shall be made liable to contribute to the cost of, or to provide labour for, the execution of any of the works and the proportions and manner in which it is proposed to assess the amounts to be paid for the work to be done by each separate proprietor;

(c) a copy of the documents, and plans if any, hereinbefore required to be prepared, shall be kept at the office of the local authority of the district, or, if there be no office at some convenient place within the district to be approved by the Minister;

(d) a notice intimating that the documents and plans (if any) have been so lodged and that they are open to inspection shall be posted up in some conspicuous place within the district;

(e) the documents and plans (if any) shall remain open for the inspection of every person interested on every day, not being a public holiday, during reasonable hours for one month after the date of posting the notice;

(f) any person who objects to the execution of any of the works, or to the taking of any of the lands proposed to be taken therefor, or to the proportion or manner in which it is proposed to assess any property in which he is interested, shall, within the period of one month, lodge with the local authority his objections in writing and the grounds on which he bases his objections; and

(g) after the expiration of that period the local authority shall transmit the documents and the objections (if any) with a full report thereon, to the Minister.

124. The Minister, after considering the expediency of executing the proposed works and all the objections thereto, may make such order as he thinks fit.

Order of Minister as to work to be executed.

[4 of 1972]

125. When it is proposed to prepare any specifications or plans for special works in any village or country district the chairman of the local authority may, by an order under his hand, authorise any person accompanied by such assistants as may be necessary, to enter at all reasonable times upon any lands for the purpose of making the

Power to enter on lands to survey.

[4 of 1972]

necessary surveys for the preparation of the specifications or plans of the works and an estimate of the cost thereof; and the cost of the survey may, at the discretion of the local authority, be included in any rate levied under this Act.

General powers of local authority. [4 of 1972]

126. The local authority in carrying out any order made by the Minister under section 124 shall have the following powers, that is to say, it may—

- (a) hold the necessary lands for the construction and maintenance of the works and for any other works connected therewith approved or directed by the Minister;
- (b) enter into all contracts and do all acts necessary or expedient for the proper carrying out of the works;
- (c) dig earth, cut wood, and take materials of every kind, from or on any of the lands benefitted which may be necessary for the works.

Rates under Part VI. [4 of 1972]

127. All the provisions as to the levy, collection and recovery of rates enacted in Part VI shall *mutatis mutandis* apply to rates levied under this Part for the construction of special works, and in addition the following provisions shall have effect—

- (a) the local authority may exempt from payment thereof, wholly or partially, any portion of the district or any property which, in its opinion, does not derive benefit or does not derive benefit equally with other portions of the district or other properties, from the work; and
- (b) where, in the opinion of the local authority, any portion of the district or any property derives greater benefit from the work than other portions of the district or other properties, the local authority may levy on such portion of the district or such property a rate which is higher than the rate levied on the other portions of the district or the other properties, as the case may be.

PART X

LOANS AND GRANTS

128. The local authority of a village or country district may, with the sanction of the Minister, borrow any sum of money required for the purposes of the district, and may pledge the security of the rates and of the property generally of the local authority for the repayment of the loan together with interest.

Power to borrow on behalf of village or country district.
[4 of 1972]

129. In every case of borrowing, it shall be the duty of the Minister, and he is hereby empowered, to cause adequate provision to be made in the annual rate of the village or country district, as the case may be, for repayment of the loan together with interest; and if he thinks it necessary so to do, to levy a further rate or rates for the purpose; and such rate shall have the same preference and be recoverable in the same manner as the annual rate of the village or country district.

Repayment of loan.
[4 of 1972]

130. (1) There may be paid to local authorities out of moneys provided by Parliament, grants in respect of any expenditure incurred or to be incurred by them in discharging any of their functions, of such sums as the Minister may direct and subject to such terms and conditions as he may determine; and different sums may be paid, subject to different terms and conditions to different local authorities.

Grants.
[4 of 1972]

(2) Every application for a grant made to the Minister by a village council or a country authority shall be submitted in the form prescribed by the Minister.

PART XI

ACCOUNTS AND EXPENDITURE OF VILLAGE AND
COUNTRY DISTRICTS

131. The financial year of village and country districts shall be the twelve months ending the 31st December, and the accounts of the receipts and expenditure of every village council and country authority shall be made up to the end of each financial year.

Financial year of village or country districts.

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Form of
accounts.
[4 of 1972]

132. The accounts of the receipts and expenditure of every village or country district shall be in the form for the time being prescribed by the Minister.

Keeping books
and accounts.
[4 of 1972]

133. All the books and accounts of every village or country district employing an overseer or clerk shall be kept at the office of the overseer or clerk as the case may be, who shall be responsible for their correctness, or if there be no overseer or clerk then in the manner approved by the Minister:

Provided that the Minister may, by order published in the *Gazette*, direct the books and accounts of any village or country district to be kept at the office of the district commissioner.

Inspection of
books and
accounts.
[18 of 1977
6 of 1997]

134. (1) The Audit-General or district commissioner or any person authorised in writing by either of them, or the chairman of the local authority, may at any time call for, examine, and make extracts from, the books, documents, plans, charts, vouchers and accounts of a village or country district, and may require the overseer, assistant overseer, collector or assistant collector of rates, clerk or other officer of the district to produce for his inspection any moneys in the hands of such overseer, assistant overseer, collector or assistant collector of rates, clerk or other officer.

(2) Any person who, having the custody of any of the books, documents, plans, charts, vouchers, accounts or moneys as aforesaid, refuses or neglects, on demand made by any person mentioned in subsection (1), to produce them for inspection, or to allow extracts to be made therefrom if desired, shall be liable to a fine of thirteen thousand dollars.

Receipt of
moneys.
[4 of 1972]

135. All payments to be made in a village or country district on account of any undivided lands, or any empolder, or any loan, or for pasturage or woodcutting, or for rates or rents, and all other moneys payable on the general account of the village or country district, shall be payable to the collector of rates, or assistant collector of rates and his receipt for the payment, on a form approved by the Minister, duly signed by him, shall be a good and valid discharge for any moneys so paid.

136. (1) Every officer of a village or country district shall, in the manner and at the times prescribed by the Minister, transmit to the district commissioner all moneys whatsoever received by him on account of the village or country district and all documents and accounts; and the district commissioner shall forthwith deposit all those moneys in a bank approved by the Minister or in the post office savings bank, to the credit of the village or country district.

Final receipt and custody of moneys.
[4 of 1972]

(2) No officer shall at any time keep in his hands more than the amount for which he has given security.

137. All amounts recovered under and by virtue of a distress warrant issued under this Act shall be paid to the collector of rates of the district and all amounts recovered under and by virtue of parate or summary execution shall be paid to a public officer designated by the Minister or the district commissioner.

Payment of amounts recovered under distress warrant or writs of execution.
[25 of 1973]

138. All work done or accounts contracted for or on behalf of a village, or country district shall be paid for by the district commissioner or the overseer, or, if there be no overseer, then by the chairman of the local authority of the district.

Payment for work done.

139. (1) The overseer, or, if there be no overseer, any person appointed for that purpose by the local authority of any village or country district, shall, under the direction of the chairman of the authority, cause all the work to be done in the village or country district for which provision has been made on the annual or any other estimate of such village or country district; and, during the performance of any work, the overseer or other person aforesaid shall in every week make out a pay-list showing the amount due to each person at work, and also the wages of the watchman and of every other person employed at weekly wages, and after the pay-list is certified by any two members of the authority it shall be transmitted to the district commissioner.

Making out weekly pay-lists.

(2) In like manner, the pay-lists for the salaries of the overseer and all other officers employed in a village or country district shall, on being certified by any two of the members of the authority, be transmitted to the district commissioner for payment.

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(3) Where it appears to the district commissioner that a refusal to certify any pay-list is unreasonable he may, notwithstanding that the pay-list is not certified, cause the same to be paid; but in such case it shall be the duty of the district commissioner to report the matter to the Minister.

Local authority may make contracts. [19 of 1959 4 of 1972 14 of 1996]

140. (1) The local authority of any village or country district may enter into contracts for executing any work and for the supply of any materials or articles for which provision has been made on the annual or any other estimate, but no contract involving an expenditure exceeding one hundred thousand dollars shall be valid or binding unless it has been approved by the Minister.

(2) The Minister may by regulations which shall be subject to negative resolution of the National Assembly amend the sum prescribed in subsection (1).

Work of emergency. [4 of 1972]

141. (1) At any time when any unforeseen accident or occurrence happens in a village or country district of such a nature as to render necessary the immediate performance of any work not provided for in any estimate, the local authority of such village or country district shall immediately commence and perform the work; and shall as soon as practicable prepare an estimate of its cost and agree upon an additional rate to defray the cost in like manner as is hereinbefore provided with respect to other estimates and rates; and shall forthwith transmit copies of the estimate and rate to the Minister for his approval.

(2) If the local authority refuses or neglects to execute the work, or to prepare an estimate or agree upon an additional rate in respect thereof, the Minister shall designate a public officer to take any proceedings thereon he thinks fit for the execution of the work or for the levy of a rate to defray the cost thereof.

PART XII

OFFENCES

Giving false evidence.

142. Every person who, on any examination upon oath under any of the provisions of this Act, wilfully and corruptly gives false evidence

shall be guilty of a misdemeanour, and on conviction on indictment shall be liable to imprisonment for seven years.

143. Where a person occupies, without permission any land or building owned by or under the control of a local authority or the Minister, he shall quit the land or building on being required so to do by the local authority or the Minister, as the case may be, and if he fails so to do, he shall be liable to a fine of one thousand three hundred dollars or to imprisonment for one month.

Failure to quit land or building of a local authority or the Minister.
[4 of 1972
6 of 1997]

144. (1) Where the occupier of any land or building refuses to permit the proprietor thereof to execute any work on or in relation to the land or building which the proprietor desires to execute in order that he might be able to obey or to carry into effect any of the provisions of this Act or of any order made thereunder or of the by-laws, the proprietor may make a complaint against the occupier, and on the hearing of the complaint against the defendant the court may make an order, in Form 3 in the First Schedule, directing the defendant as occupier to permit the complainant as proprietor to execute the work as aforesaid.

Failure of occupier to assist in carrying this Act into effect.
[6 of 1997]
First Schedule.
Form 3.

(2) Where an occupier fails to comply with an order made under subsection (1), he shall be liable to a fine of three thousand two hundred and fifty dollars for every day while the non-compliance continues, but he shall not be liable to any penalty for any day before the expiration of three days after the date of the order.

(3) Where the occupier of any land or building in a district, when requested by or on behalf of the local authority to state the name of the proprietor of the land or building, refuses or wilfully omits to disclose, or wilfully misstates, the name of the proprietor, he shall be liable to a fine of three thousand two hundred and fifty dollars.

145. Every person who wilfully damages, destroys, defaces, or otherwise injures, in any manner, any list, notice, appraisal, estimate or other document posted up, under this Act or under the by-laws, in any district, shall be liable to a fine of three thousand two hundred and fifty dollars.

Damaging document.
[6 of 1997]

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Wilfully
damaging
works of local
authority.
[6 of 1997]

146. Every person who wilfully damages any works or property owned by or under the control of any local authority shall, where no other penalty is provided by this Act, be liable to a fine of three thousand two hundred and fifty dollars.

Miscellaneous
offences.
[4 of 1972
6 of 1997]

147. Every person who—

(a) obstructs or prevents the execution of any of the provisions of this Act; or

(b) assaults, resists, or obstructs any public officer designated by the Minister to perform any function under this Act, any district commissioner, or any village councillor or member of a country authority or any officer or servant of a village council or country authority, in the performance of his duty; or

(c) obstructs, or places any obstruction on any dam, road, street, or bridge, or in any navigation or draining trench, or in any freshwater canal, in a village or country district; or

(d) makes any opening or cut in any dam or stop-off in a village or country district; or

(e) opens or shuts any sluice or koker in a village or country district without the sanction of the local authority; or

(f) makes a fire on any dam, road, street, or bridge, in a village or country district; or

(g) digs or removes earth, burnt brick or road metal from any dam, road slope, street, drain, main drain, fresh water canal, or public place, in any village or country district, without the sanction of the local authority; or

(h) places any plank or bridge across a trench without the sanction of the local authority; or

(i) removes or destroys any barrier placed on a road, dam, or bridge in any district by the local authority thereof or by any person authorised by the local authority; or

(j) unlawfully destroys or damages any dam, fence, gate, koker, sluice, paal-off, bridge, building, or stelling, constructed or maintained by a local authority; or

(k) unlawfully leaves open or unlocks a gate the property of or under the control of any local authority where damage is thereby caused to the authority,

shall be liable to a fine of six thousand five hundred dollars.

PART XIII

MISCELLANEOUS MATTERS

148. All lands of which partition or re-allotment has been already made under any Act for the time being in force relating to partition or re-allotment, and which have not yet been transported, and all lands of which partition or re-allotment is hereafter made under any Act at the time of the partition or re-allotment in force relating thereto, and all lands requiring to be transported under any of those Acts, may be transported by a public officer designated by the Minister to the persons entitled to transport thereof in accordance with the terms of each partition or re-allotment, or of any agreement relating to any of the lands so requiring to be transported, anything in those Acts or any of them to the contrary notwithstanding.

Conveyance of partitioned land.
[4 of 1972]

149. Whenever it becomes necessary for a local authority or any of its officers to enter, examine, or lay open, any lands for the purpose of making plans, surveying, measuring, taking levels, making, or keeping in repair, or examining works, ascertaining the course of drains, or ascertaining or fixing boundaries, and the proprietor or occupier of those lands refuses to permit them to be entered upon, examined, or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to the proprietor or occupier, apply to a magistrate for an order in Form 4 in the First Schedule authorising the local authority to enter, examine, and lay open the lands and premises for the purposes aforesaid or any of them, and the magistrate may, if he thinks fit, make such order.

Entry of officer of local authority in certain cases.

First Schedule. Form 4.

150. Where any person sustains damage by reason of the exercise of any of the powers conferred by this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to him by the local authority exercising those powers; and any dispute as

Compensation by local authority for damage.
[4 of 1972]

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to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act; or, if the compensation claimed does not exceed the sum of five hundred dollars, it may, at the option of either party, be ascertained by and recovered before a magistrate.

Proof of amount of money sued for.
[25 of 1973]

151. In any proceeding for the recovery of any rate, rent, fee or toll, of a village or country district, or of the purchase money or any instalment of the purchase money of any lot, with the buildings (if any) thereon, or of any building in the village or district, a statement purporting to be signed by the public officer designated for the purpose by the Minister by notice published in the *Gazette* or by the chairman of the local authority of the village or country district shall, without proof of the signature or of the official position of the person signing it, be *prima facie* evidence, in all courts of justice and for all other purposes, of the amount and validity of the claim.

Proof of minutes of a local authority.
[4 of 1972]

152. An extract minute of the proceedings of a local authority of any village or country district, purporting to be certified as a true extract by the chairman of the local authority, shall be received, without further proof, in all courts of justice and for all other purposes as *prima facie* evidence of such extract minute and of every matter or thing contained therein.

Execution of document by local authority.

153. (1) Except as otherwise provided in this Act, any document requiring to be signed by a local authority may be executed by two members thereof one of whom shall be the chairman.

(2) Where the document is a notice, order or other like document, it may be signed on behalf of the local authority by any member or officer thereof.

(3) In any legal proceedings it shall not be necessary to prove any signature purporting to be the signature of a member or officer of a local authority or that the person so signing was a member thereof, but the burden of proof shall be on the person disputing the fact.

154. Any notice by this Act required to be given to the proprietor or occupier of any premises may be addressed by the description “proprietor” or “occupier” of the land or building (describing it) in respect of which the notice is given, without further name or description.

Notice to proprietor or occupier.

155. (1) Any notice, order, or other document required or authorised to be served under this Act, may be served by delivering it to or at the residence of the person to whom it is addressed; or, where it is addressed to the proprietor or occupier of land or building, by delivering it, or a true copy thereof, to some person on the land or building; or, if there be no person on the land or building who can be so served, by fixing it on some conspicuous part of the land or building.

Service of notices, orders and other documents.

(2) A notice, order, or other document aforesaid may also be served by post.

156. In all legal proceedings against a local authority of a village or country district service or process on the chairman of the authority shall be sufficient service.

Service of process.

157. (1) No process shall be issued against or served on any local authority, or any member thereof, or any officer of a local authority or person acting in his aid, for anything done, or intended to be done, or omitted to be done, under this Act until the expiration of one month after notice in writing has been served on the local authority, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff and of his attorney or agent (if any) in the cause.

Notice of action against local authority or a member or officer thereof.

(2) On the trial of the action, the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless the notice is proved, the defendant shall have judgment in his favour.

(3) The action shall be commenced within six months next after the cause of action accrues, and not afterwards.

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Tender of
amends.

158. (1) Any person to whom a notice of action is given as aforesaid may tender amends to the plaintiff, or his attorney or agent, at any time within one month after service of the notice and, in case the tender is not accepted, may plead it in bar.

(2) If amends have not been tendered as aforesaid, or if the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial pay into court under plea such sum of money as he thinks proper.

(3) If upon issue joined, or upon any plea pleaded for the whole action, the plaintiff is non-suited or judgment is given for the defendant, then the defendant shall be entitled to the full costs of suit and have judgment accordingly.

Protection of
local authority
and its officers
from personal
liability.

159. No matter or thing done, and no contract entered into by a local authority, and no matter or thing done by any member of a local authority, or by any officer, or other person whomsoever acting under the direction of a local authority, shall, if the matter or thing was done or the contract entered into in good faith for the purpose of executing this Act, subject it or them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by the authority to the general purposes of this Act.

Proof of name
of local
authority.

160. In any proceeding instituted by or against a local authority under this Act, it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or boundaries of its district.

Appearance of
local authority.

161. A local authority may appear before a magistrate by the chairman of the local authority in person, or by any person authorised by the chairman in writing either generally or in respect of any special proceedings so to appear.

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- 162.** Proceedings for the recovery of a penalty under this Act shall not (except as in this Act is provided) be had or taken by any person, other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Director of Public Prosecutions.
- 163.** Any proceedings by a local authority for the recovery of a penalty under this Act may be taken by any officer of the authority, if duly authorised in writing by the chairman thereof, either generally, or in respect of any particular offence; and an authorisation may be cancelled at any time by writing under the hand of the chairman.
- 164.** The amount of all penalties for offences under this Act shall be paid over to the local authority by which or at the instance of which the proceedings for their recovery were taken.
- 165.** All offences under this Act or the by-laws may be prosecuted, and all penalties directed to be recovered before a magistrate or the recovery of which is not otherwise provided for may be recovered under the Summary Jurisdiction Acts.
- 166.** All by-laws made by a local authority under and for the purposes of this Act shall, if the authority possesses a seal, be under its seal, and if not shall be under the hand of two of its members, one of whom shall be the chairman.
- 167.** No by-laws made by a local authority under this Act shall take effect unless and until they have been submitted to and approved by the Minister who may amend or supplement them as he may think fit.
- 168.** (1) All by-laws made by a local authority under this Act shall be printed and exhibited in the office of that authority.
- (2) A copy of any by-laws made by a local authority shall be open to the inspection of any ratepayer at all reasonable hours.

Restriction on recovery of penalties.

Recovery of penalties by authorised officer of local authority.

Penalties to be paid to local authority.

Procedure.

Authentication of by-laws.
[4 of 1972]

By-laws to be approved by Minister.
[25 of 1973]

Notification of by-laws of local authority.

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Supply of
copies.

169. A local authority shall, on the application of any ratepayer, furnish him with a copy of any by-laws made or proposed by it, or of any part thereof, on payment of such sum, not exceeding sixty-five dollars for each copy, as the local authority determines.

Penalties for
breach of by-
laws.
[6 of 1997]

170. Any local authority may, by by-laws made by it under this Act, impose on offenders against them any reasonable penalties it thinks fit, not exceeding the sum of six thousand five hundred dollars for each offence, and in the case of a continuing offence a further penalty, not exceeding one thousand three hundred dollars, for each day after written notice of the offence from the local authority.

PART XIV

CONSTRUCTION, REPEAL AND SAVINGS

Public
property not to
be disturbed.

171. Subject to sections 46 and 68, nothing in this Act shall be construed to authorise a local authority to disturb or interfere with any lands or other property vested in the State.

Powers of Act
to be
cumulative.

172. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act, law or custom; and those other powers may be exercised in the same manner as if this Act had not been enacted; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not been enacted.

Repeal and
savings.
[4 of 1972]

173. (1) Notwithstanding the repeal of the Local Government Ordinance 1907 (1929 Edition, Chapter 84), and by-laws made thereunder and in force immediately before such repeal shall, in so far as the by-laws could have been made under the corresponding provisions of this Act, shall continue in force and shall have effect as if they were by-laws made under the authority of this Act.

(2) All property real or personal and all rights, interests, obligations and liabilities vested in, or subsisting for or against, and all legal proceedings pending by or against, the Local Government Board

immediately before the commencement of the Law Revision Act 1972 shall vest in, or subsist for or against, the State for the purposes of this Act.

174. So long as sections 96 to 103* (inclusive) of the Act continue in force by virtue of section 44 of the Valuation for Rating Purposes Act—

Application and modification. [25 of 1973]

(a) the Second Schedule to the Valuation for Rating Purposes Act applies for the purposes of any appraisal made after the 31st December 1973 in pursuance of those sections and, for that purpose, every reference therein—

c. 28:04

(i) to the Chief Valuation Officer shall be construed as a reference to the appraisers appointed pursuant to section 96;

(ii) to the draft list and the valuation list shall be construed as a reference to the assessment book;

(b) Every reference in sections 96, 97 and 98 to the requirement of posting up any notice or other information in a conspicuous place in a village or country district shall be construed and have effect as including the requirement to publish the notice or other information on at least three occasions in a newspaper circulating in the district.

(c) section 100(3) shall be construed and have effect as if the words “and in at least one newspaper circulating in the village or country district” had been included in that subsection after the word “*Gazette*”.

175. Where prior to the 31st December, 1973, a local authority or the Local Government Board, or the Minister, as the case may be, fixed a different rate in respect of different parts of a district under the Local Government Act, the fixing and levying of such a rate shall for all purposes be deemed to have been lawfully and validly done.

Validation. [25 of 1973]

* former Sections 96 to 103 (inclusion) of this Act.

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s. 75

FIRST SCHEDULE

FORMS

FORM 1

ACCOUNT AND NOTICE OF SUM DUE FOR RATES

Village* district ofin the county of
Country

The proprietor of lot No. in section of the said district
(or, of a building, situated on lot No. in section..... of the
said district) to the local authority of the said district. Dr.....
money due for labour hired.....and the.....
cost of materials and superintendence

To amount of Rates due
on account of the above lot, with the buildings thereon (or, on the above
building) at the appraised value offrom the
day of19....., to theday of19.....

Take notice that unless the above sum of is paid
within two weeks from the date of the service of this notice, applica-
tion will be made to the magistrate of the district for a warrant for the
recovery of the same by distress and sale of movable property in
accordance with section 71 of the Local Government Act.

c. 28:02

Dated this day of..... 19.....
(Signed)

Collector of rates of the village district of
country

I hereby declare that an account and notice, of which the within
document is a true copy, was duly served by me by posting up the
same **.....

in the village district of
country

* Strike out "village" or "country".

** State the place where the document was posted.

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on theday of 19.....
(Signed)
Collector of rates of the village district of
country

Sworn before me thisday of 19
(Signed)

I hereby certify that there
on the premises within described whereon to levy.

Dated this day of19.....
(Signed)

FORM 2

s. 77

WARRANT OF DISTRESS

DISTRICT

To and to all other rural constables.

Whereas application has been duly made to me by
in and for the local authority of
village* district of for a warrant of
country
distress against the movable property upon or in the said district, for
the purpose of levying the rate ofdue in respect of such
..... with costs, and whereas the dupli-
cate or copy of the notice, with return of service thereof duly sworn,
to before me, has been produced in due form of law—This is, therefore,
to require and command you to levy the said sum ofwith costs,
upon the said movable property, according to law.

Dated this day of19.....
(Signed).....
MagistrateDistrict

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s. 144 (1)

FORM 3

ORDER TO PERMIT EXECUTION OF WORKS BY OWNER

DISTRICT

Whereas complaint has been made to me, the undersigned magistrate for the district by A.B., proprietor, within the meaning of the Local Government Act, of a lot or building (describe the situation of the lot or building); that C.D., the occupier of the said lot or building, prevents the said A.B. from obeying and carrying into effect the provisions of the said Act in this, to wit, that he, the said C.D., prevents the said A.B. from (here describe the works generally according to circumstances).

s. 149

And whereas the said C.D., having been duly summoned to answer the complaint and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said A.B. to obey and carry into effect the provisions of the said Act, I do hereby order that the said C.D. do permit the said A.B. to execute the same in the manner required by the said Act.

Dated this day of19.....

(Signed)

Magistrate

FORM 4

ORDER OF MAGISTRATE FOR ADMISSION OF OFFICER OF LOCAL AUTHORITY

DISTRICT

Whereas (describe the local authority) has by its officer (naming him) made application to me, the undersigned magistrate for the district, and the said officer has made oath to me that demand has been made pursuant to the provisions of the Local

* Strike out "village" or "country".

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Government Act for admission to (describe the situation of the premises so as to identify them) for the purpose of (describing the purpose, as the case may be), and that such demand has been refused.

Now, therefore, I do hereby require you (name the person having custody of the premises) to admit the said (name the local authority, or the officer of the local authority) to the said premises for the purpose aforesaid.

Dated thisday of19.....
(Signed).....
Magistrate

SECOND SCHEDULE

s. 79

Dollars

FEE PAYABLE FOR PROCESS OF DISTRESS

- 1. Entering and recording application for warrant of distress, including swearing to return of service of notice 65
2. Issuing warrant of distress, including levy and sale of property thereunder and the return 65

THIRD SCHEDULE

s. 84

\$ c

FEE FOR EXECUTION AND SALE

- For summation 65 00
For service of summation 65 00
For writ of execution, to be endorsed on summation 65 00
For act of levy, inventory, and advertisement of sale..... 65 00
For selling a commission of two and one-half per cent on the amount of purchase money 65 00
For taxation of expenses incurred in the proceedings..... 65 00