

LAWS OF GUYANA

THE MUNICIPAL AND DISTRICT COUNCILS ACT
CHAPTER 28:01

**Act
24 of 1969
Amended by**

7	of	1971	3	of	1982	O. 80/1980
1	of	1972	23	of	1983	O. 12/1993
3	of	1972	11	of	1986	
4	of	1972	17	of	1988	
13	of	1973	10	of	1990	
25	of	1973	19	of	1990	
17	of	1974	16	of	1992	
17	of	1976	27	of	1997	
36	of	1979				
12	of	1980				

Current Authorised Pages

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1 – 485	... 1/2012

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Georgetown (Control of Animals) By-Laws (By-laws 2/1989)

City of Georgetown (Collection and Disposal of Waste) By-laws (By-laws 1/1981)

**Note
on
Repeal**

This Act repealed the following Ordinances:

The Town Councils (Membership and Dissolution) Ordinances, Cap 151 of the 1953 Edition;

The Georgetown (Taxation and Rating Concessions) Ordinances, Cap 155 of the 1953 Edition;

The Georgetown Improvement Rates (Funding) Ordinances, Cap 157 of the 1953 Edition;

The Town and Country Planning (Georgetown Fire Area) Ordinances, Cap 159 of the 1953 Edition;

The Local Government (Bartica Voters Register Continuance) Ordinance,(21 of 1953);

The Georgetown Town Council (Special Powers) (Water Supply) Ordinance (7 of 1954);

The Municipal Council (Postponement of Elections) Ordinance, (41 of 1954);

The Municipal Council (Postponement of Elections) Ordinance, (32 of 1958);

The Georgetown (Valuation and Rating) Ordinance, Cap. 154 of the 1953 Edition.

The Scavenging and Cleansing of the City By-laws (By-laws 26/7/1917) has been repealed by the City of Georgetown (Collection and Disposal of Waste) By-laws (By-laws 1/1981)

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CHAPTER 28:01

MUNICIPAL AND DISTRICT COUNCILS ACT

24 of 1969

**An Act to make better provision for Local Government in
the City of Georgetown and the Town of New
Amsterdam and in other areas of Guyana.**

[All sections, except sections 97 to 117, 28TH APRIL, 1970]

Short title.

1. This Act may be cited as the Municipal and District

Councils Act.

Interpretation.

2. In this Act—

[25 of 1973

11 of 1986]

“chairman” means the chairman of a district council;

“chief executive officer” means the chief executive officer of a
district council;

“City” means the City of Georgetown;

“City Council” means the municipal council in and for the
City;

“City Councillor” means a councillor of the City Council;

“clerk” means—

- (a) a town clerk;
- (b) a chief executive officer;

“Commission” means the Local Government Service
Commission constituted by section 97;

“constitution order” means an order made pursuant to
section 34;

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“costs” includes charges and expenses;

“council” means—

- (a) the City Council;
- (b) the Town Council;
- (c) the council of a town established under section 34;
- (d) a district council;

“council area” means the area administered by a council;

“council drainage area” means that part of a council area appointed under section 267 to be a council drainage area;

“council pound” means a pound established by a council pursuant to section 289;

“council road” means any highway or other road or street to which the public has right of access in a council area other than a public road; and any reference to a council road includes a reference to the roadway, shoulders, verges, embankments, pedestrian walks, cycle tracks, bridges, culverts, canals and drains on the line of the road and connected therewith;

“councillor” means—

- (a) a councillor of the City Council;
- (b) a councillor of the Town Council;
- (c) a councillor of a district council;

(d) a councillor of a town council established under section 34;

“Court” means the High Court;

“district” means a local government district;

“district council” means the council for a district;

“district councillor” means a councillor of a district council;

“drainage work” means any reservoir, canal, trench, drain, culvert, sluice, koker, koker runs or retaining walls of outfall channels, aqueduct, weir, dam, lock, siphon, stop off, paal off, fence, bridge, road, watch-house or building used for housing sluice operators, rangers and pumping station attendants, which has been or which may hereafter be made, erected, constructed or used for the purpose of drainage or irrigation and includes any machinery or power station used in connection with any of the foregoing;

“Judge” means a judge of the Court;

“land” includes a building and any other erection on, or an interest in, land;

“local government office” means any office of emolument in the service of a council;

“local government officer” means a person who is the holder of or who is acting in a local government office;

“owner” means the person for the time being receiving the rent of the lands, buildings or erections in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or

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who would so receive that rent if the lands, houses, buildings or erections were let at a rent and where the lands, houses, buildings or erections are not let includes any person in possession of the lands, houses, buildings or erections;

“pound-keeper” means—

- (a) the pound-keeper of a council pound;
- (b) a deputy or assistant pound-keeper;

“property” means any separate parcel of land, or any house or building or other erection, where such parcel of land, house, building or other erection is either owned or capable of being owned separately;

c.51:01 “public road” has the meaning assigned to the word “road” by section 2 of the Roads Act;

“qualifying date” means such date as may be appointed by the Minister with reference to which a register of voters shall be compiled;

“rating period” means the financial year in respect of which a council may make and levy a general rate;

“Registrar” means the Registrar of the Court;

“road material” means sand, shell, gravel, stone, rock, soil and similar material used and useful for road purposes;

“Town” means the Town of New Amsterdam;

“Town Clerk” means the Town Clerk of the City Council or of the Town Council or of a town council;

“Town Council” means the municipal council in and for the

Town;

“town councillor” means a councillor of the Town Council or of a town established under section 34;

“Treasurer” means—

(a) a municipal treasurer;

(b) a chief finance officer;

1953 Ed.
Cap. 154
5 of 1959
c. 28:04

“valuation list” means a valuation list prepared under the Georgetown (Valuation and Rating) Ordinance or the Local Government (Valuation of Property) Ordinance, or the Valuation for Rating Purposes Act, or any written law in substitution therefor;

“vehicle” means any device in, upon or by which any person or property is or may be transported, drawn or pushed upon a road;

“vice-chairman” means the vice-chairman of a district council;

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

PART II
CONSTITUTION OF COUNCILS

Municipal Council for the City of Georgetown

Continuation of
municipal
council for
City.
[1 of 1860
44 of 1918
Cap. 152
1953 Ed.]

3. Subject to this Act, the municipal council in and for the City of Georgetown, established as one body politic and corporate by the Georgetown Town Council Ordinance, 1860, by the name and style of “The Mayor and Town Council of Georgetown” and continued by the Georgetown Town Council Ordinance 1918, is hereby continued.

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Change of
name of City
Council.

4. The City Council shall henceforth have the name and style of "The Mayor and Councillors of the City of Georgetown".

Common seal.

5. The City Council shall have and use a common seal, which shall be approved by, and may be altered by, the council and which shall be judicially noticed.

Legal
proceedings.

6. The City Council may sue and be sued by and in the name of "The Town Clerk of Georgetown".

Extent of City.
First Schedule.

7. (1) For the purposes of this Act, the City shall comprise all the area specified in the First Schedule.

(2) The jurisdiction of the City Council shall extend to low water mark of spring tides of the Demerara River and to all structures thereon.

Composition of
City Council.

8. (1) The City Council shall consist of the Mayor, the Deputy Mayor and other councillors and shall have such functions as are vested in it by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twenty-five and not more than thirty as may be prescribed by order of the Minister.

The Mayor and the Deputy Mayor

Mayor and
Deputy to be
elected.

9. (1) The Mayor and the Deputy Mayor shall be elected annually from amongst the persons entitled under subsection (2) to vote at their election.

(2) The persons entitled to vote at the election of the Mayor and Deputy Mayor shall be—

(a) if the year in which the election is

held is also a year of election of City Councillors, the persons who in that year have been so elected, notwithstanding that their terms of office have not commenced;

(b) in any other year, the City Councillors.

Term of office
of Mayor and
Deputy.
[11 of 1986]

10. The term of office of the Mayor and that of the Deputy Mayor shall, subject to this Act, be one year, commencing on the first day of the month following upon their election but, the Mayor or Deputy Mayor shall, notwithstanding the expiry of his term of office, continue to hold office until his successor enters upon office and thereupon he shall retire.

Eligibility of
Mayor and
Deputy for re-
election.
[23 of 1983]

11. The Mayor and the Deputy Mayor in office on the day of election of the Mayor and the Deputy Mayor for the ensuing year shall, if they remain qualified to be elected, be eligible for re-election:

Provided that no person shall be eligible for re-election as Mayor if on the day of the commencement of the term of office of the Mayor for the ensuing year he will have filled that office for five terms in succession unless any of those terms has been of less than six months" duration or an interval of one year has elapsed since the expiration of his last term.

Convening of
meeting to elect
Mayor and
Deputy.
[23 of 1983]
11 of 1986]
c. 28:03

12. (l) The Town Clerk shall in each year which is a year of election of City Councillors call, after the declaration under section 101 of the Local Authorities (Elections) Act of the results of that election, a meeting, to be held not later than the tenth day after such declaration, of the persons elected thereat to be City Councillors and shall in any other year, not later than the date of expiration of the term of office of the Mayor and the Deputy Mayor then in office, call a meeting of

the City Councillors, for the purpose of electing the Mayor and the Deputy Mayor for the ensuing year.

(2) The Town Clerk shall, not less than three days before a meeting held pursuant to subsection (1), publish notice of the time and place of the intended meeting and cause a copy thereof to be served upon the persons elected to be City Councillors or upon the City Councillors, as the case may require:

Provided that want of service of a copy of the notice shall not affect the validity of the meeting.

Election of
Mayor and
Deputy.

13. (1) The election of the Mayor for the ensuing year shall be the first business transacted at a meeting called pursuant to section 12 and the election of the Deputy Mayor shall, subject to subsection (6), take place immediately thereafter; and no other business shall be conducted at the meeting except the appointment of members of the finance committee of the City Council for the ensuing year and the appointment of a day for the first ordinary meeting of the City Council in that year.

(2) The Town Clerk, shall, until the Mayor for the ensuing year has been elected, preside at and shall determine any question arising at the meeting during the election of the Mayor for the ensuing year but shall not have any vote; and upon his election the person so elected shall preside at and determine any such question and shall have a second or casting vote.

(3) Every candidate for election as Mayor and Deputy Mayor shall be proposed by a person who is entitled to vote at and who is present at the meeting and shall be seconded by another such person.

(4) If there is only one candidate for election as Mayor, the Town Clerk shall declare that candidate to be

elected; and if, the Mayor having been elected, there is only one candidate for election as Deputy Mayor, the Mayor for the ensuing year shall declare that candidate to be elected.

(5) If there are two or more candidates for election as Mayor, the Town Clerk shall take the votes of the persons who are entitled to vote at and are present at the meeting and shall declare the candidate who secures the greatest number of votes to be elected; and, if, the Mayor having been elected, there are two or more candidates for election as Deputy Mayor, the Mayor for the ensuing year shall declare the candidate who secures the greatest number of votes to be elected.

(6) If there is no election under subsection (5) on account of an equality of votes the Town Clerk shall appoint a day not later than the 28th December in the same year for the election of the Mayor from among such candidates by the voters whose names appear on the register of voters for the time being in force for the City.

(7) The provisions of the Local Authorities (Elections) Act shall in so far as they are not inapplicable thereto apply to the election of the Mayor under subsection (6) as they apply to the election of councillors under that Act.

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

(9) Any question whether any person has been validly elected to be the Mayor or Deputy Mayor for the ensuing year shall be determined by the Court in accordance with Part IV of the Local Authorities (Elections) Act.

Deputy to
succeed Mayor
on vacancy.

14. If a vacancy occurs in the office of Mayor prior to the retirement of the holder at the expiration of his term of

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office, the Deputy Mayor shall forthwith succeed to that office and shall, subject to the provisions of this Act, hold that office for the unexpired portion of the term of the person whom he succeeds, at the expiration of which he shall retire.

Election of
Deputy on
vacancy.

15. (1) If a vacancy occurs in the office of Deputy Mayor prior to the retirement of the holder at the expiration of his term of office, the Town Clerk shall call a meeting of the council to elect a councillor to be Deputy Mayor and the councillor so elected shall, subject to this Act, hold that office for the unexpired portion of the term of office of the person whom he succeeds, at the expiration of which he shall retire.

(2) Section 12(2) and section 13 shall, in so far as they are applicable, apply to a meeting called under this section.

Vacancy in
office of
Mayor or
Deputy.

16. (1) A vacancy shall occur in the office of Mayor or Deputy Mayor prior to retirement at the expiration of the term of office of the holder if he—

- (a) dies;
- (b) resigns;
- (c) ceases to be a councillor;
- (d) does not, within fourteen days after the commencement of his term of office take before the President the oath prescribed for his office by section 18 unless his failure to take such oath within the said period is for a reason approved by the council.

(2) A vacancy shall occur in the Office of Deputy Mayor if the holder thereof succeeds to the office of Mayor pursuant to section 14.

(3) A vacancy shall be deemed to occur in the office of Mayor or Deputy Mayor during the term of office of the holder if the person elected to be Mayor or Deputy Mayor for the ensuing year dies before the commencement of his term of office.

Performance of
Mayor's duties
when unable to
act.

17. (1) During any period when the Mayor is for any reason unable to perform the functions of his office, those functions shall be assumed and performed by the Deputy Mayor.

(2) If the Deputy Mayor is for any reason unable to perform the functions of the office of Mayor in accordance with subsection (1), the Town Clerk shall call a meeting of the councillors to elect a councillor to perform those functions; and the councillor so elected shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(3) Section 12(2) and section 13(3), (4) and (5) shall apply to a meeting called under this section.

(4) Where at an election under subsection (2) two or more councillors secure an equal number of votes the Minister shall direct which of those councillors shall perform the functions of the office of Mayor; and that councillor shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(5) In the event of the Deputy Mayor or a councillor performing the functions of the office of Mayor for seven consecutive days or more, the Deputy Mayor or councillor, as the case may be, shall, during such period, have at his disposal, in lieu of the Mayor, the funds placed at the disposal of the said office in the manner specified for the payment of such funds.

Oath of office.

18. The Mayor and the Deputy Mayor shall, before

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Second Schedule.

performing any of the functions of their respective offices, take before the President an oath of office in the form set out in the Second Schedule.

Mayor and Deputy to be justices of the peace.

19. The Mayor and the Deputy Mayor shall, by virtue of their offices, be justices of the peace for the City but shall, before acting as such, take the oaths required by law to be taken by such justices unless they are, on the day on which they become entitled to act as Mayor or Deputy Mayor, such justices have taken the oaths required by law to be taken to act as such justices.

Leave of absence of Mayor and Deputy.

20. The City Council may grant leave of absence to the Mayor and the Deputy Mayor for any period or periods not exceeding three months in the aggregate during their terms of office.

Mayor, the Deputy and City Councillors exempted from jury service.

21. The Mayor, the Deputy Mayor, and City Councillors shall, during their terms of office, be exempted from jury service.

Remuneration of Mayor and Councillors.
[11 of 1986]
Third Schedule.

22. (1) The City Council may in each financial year appropriate out of the funds of the council a sum not exceeding in amount the sum prescribed by Part I of the Third Schedule, to be placed at the disposal of the Mayor in the manner set out in that Schedule.

(2) The City Council may in each financial year, with the approval of the Minister, appropriate out of the funds of the Council 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 such approval, determine what sum shall be payable to each councillor.

City Councillors to be

The City Councillors

23. (1) The City Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the

elected.
[11 of 1986]
c. 28:03

City Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act, and the Town Clerk shall be the Clerk of the local authority for the purposes of that Act:

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

(2) Elections of City Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the City who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates, shall be not less than one hundred and not more than one hundred and ten.

(4) 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 the City Council, shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed fourteen thousand dollars.

Term of office
of City
Councillors.
[11 of 1986]

24. Subject to this Act, the term of office of the City Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the City:

Provided that the City Councillors shall—

(a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purpose of

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section 12;

- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purposes of section 12.

Municipal Council for the town of New Amsterdam

Continuation of
municipal
council for
Town.
[8 of 1891
10 of 1916
25 of 1949]

25. Subject to this Act, the municipal council in and for the Town of New Amsterdam, established as one body politic and corporate by the New Amsterdam Town Council Ordinance 1891 under the name and style of "The Mayor and Town Council of New Amsterdam" and continued by the New Amsterdam Town Council Ordinance 1916 and by the New Amsterdam Town Council Ordinance 1949, is hereby continued.

Common seal

26. The Town Council shall have and use a common seal, which shall be approved by, and may be altered by, the Council and which shall be judicially noticed.

Legal
proceedings.

27. The Town Council may sue and be sued in the name of "The Town Clerk of New Amsterdam."

Extent of Town.
Fourth
Schedule.

28. (1) For the purposes of this Act, the Town shall comprise all the area specified in the Fourth Schedule.

(2) The jurisdiction of the Town Council shall extend to low water mark of spring tides of the Berbice River and to all structures thereon.

Composition of
Town Council.

29. (1) The Town Council shall consist of the Mayor, the Deputy Mayor and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twelve and not more than fifteen as may be prescribed by order of the Minister.

The Mayor and the Deputy Mayor

Application of
sections 9 to
22.

30. Sections 9 to 22 (inclusive) shall *mutatis mutandis* apply to the Mayor and the Deputy Mayor of the Town of New Amsterdam as they apply to the Mayor and the Deputy of the City of Georgetown and the said provisions shall have effect as if—

Third
Schedule.

- (a) references to the City Council and to the City Councillors were respectively references to the Town Council and the Town Councillors; and
- (b) in section 22 there were substituted the words and figures “Part II of the Third Schedule” for the words and figures “Part I of the Third Schedule”.

Amendment of
Third
Schedule.
[17 of 1988]

31. The Minister may by order amend the Third Schedule.

The Town Councillors

Town
Councillors to
be elected.
[11 of 1986]
c. 28:03

32. (1) The Town Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the Town Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

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

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(2) Elections of Town Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the Town who may, under section 43 of the Local Authorities (Elections) Act submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Section 22(2) shall *mutatis mutandis* apply to the Town Councillors as they apply to the City Councillors, and the said provisions shall have effect as if the reference therein to the City Council were a reference to the Town Council.

(5) Section 23(3) shall *mutatis mutandis* apply to an election to the Town Council as they apply to an election to the City Council.

Term of office
of Town
Councillors.
[11 of 1986]
Constitution
orders.

33. Subject to this Act, the term of office of the Town Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the Town:

Provided that the Town Councillors shall—

- (a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purpose of section 12 read with section 30;
- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purposes of section 12 read with section 30.

Other Towns and District Councils

Constitution
orders.

34. (1) Subject to negative resolution of the National Assembly, the Minister shall have power, by order, to establish—

- (a) towns;
- (b) local government districts,

and there shall be for each town or district so established a town council or district council, as the case may be.

(2) A constitution order in respect of a town shall prescribe or provide for—

- (a) the name of the town and its boundaries;
- (b) the name of the council for the town;
- (c) the number of councillors.

(3) A constitution order in respect of a district shall prescribe or provide for—

- (a) the name of the district and its boundaries;
- (b) the name of the council for the district;
- (c) subject to section 38 the number of councillors;
- (d) the sum which under section 39 may be placed at the disposal of the chairman;

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- (e) the standing committees to be appointed and maintained by the council;
- (f) local government officers for the purposes of paragraph (c) of section 76;
- (g) under section 304, which of the functions of a council set out in section 303 the council is authorised to perform.

(4) A constitution order may prescribe or provide for such other matters as appear to the Minister to be necessary or expedient for or incidental to the establishment of a town or a district and the constitution of the council thereof.

(5) Without prejudice to the construction of any other provision of this Act in accordance with the provisions of section 26 of the Interpretation and General Clauses Act, a constitution order may be from time to time varied or amended by order of the Minister.

c. 2:01

Election of
other town
councillors and
application of
sections 9 to
22 to towns.
[25 of 1973
11 of 1986]
c. 28:03

35. (1) The town councillors of town councils constituted under section 34 shall be elected in accordance with the Local Authorities (Elections) Act and every town council is a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

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

(2) Elections of town councillors of any town

council constituted under section 34 shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for a town who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Subject to this Act, the term of office of town councillors shall be three years commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the town:

Provided that the town councillors shall—

- (a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the town councillors, elected at the next following election of town councillors, is held for the purpose of section 12 read with subsection (4);
- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the town councillors, elected at the next following election of town councillors, is held for the purposes of section 12 read with subsection (4).

(5) Sections 9 to 22 (inclusive) *mutatis mutandis* apply to the Mayor and the Deputy Mayor of a town and town councillors as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the City Councillors and those provisions shall have effect as if—

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- (a) references to the City Council and to City Councillors were respectively references to the town council and the town councillors;
- (b) in section 22 there were substituted the words "the constitution order" for the words "Part I of the Third Schedule."

District
councils to be
bodies
corporate.

36. A district council shall be a body corporate by the name of the council prescribed by the constitution order.

Common seal.

37. A district council shall have and use a common seal which shall be approved by the council and which shall be judicially noticed.

Composition
and functions
of district
councils.

38. (1) A district council shall consist of the chairman, the vice-chairman and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the chairman and the vice-chairman) shall be such number, being not less than nine and not more than eighteen, as may be prescribed by the constitution order.

Chairman and Vice-Chairman

Application of
sections 9 to
22.

39. The provisions of sections 9 to 22 (inclusive) *mutatis mutandis* apply to the chairman and the vice-chairman as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the said provisions shall have effect as if—

- (a) references to the Mayor and Deputy Mayor were respectively references to the chairman

and the vice-chairman;

- (b) references to the City Council and to the City Councillors were respectively references to the district council and the district councillors;
- (c) references to the Town Clerk were references to the chief executive officer; and
- (d) in section 22 there were substituted the words “the constitution order” for the words “Part I of the Third Schedule”.

District Councillors

District
councillors to
be elected.
c. 28:03

40. (1) The district councillors shall be elected in accordance with the Local Authorities (Elections) Act at elections held every three years during the period commencing on 1st November and ending on 7th December and every district council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the chief executive officer shall be the clerk of the local authority for the purposes of that Act.

(2) The number of registered voters for a district who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(3) 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 district council shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed three thousand dollars.

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Municipal and District Councils

Term of office
of district
councillors.
c. 28:03

41. Subject to this Act the term of office of district councillors shall be three years, commencing on the 1st day of January after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the district.

Provisions Common to all Councillors

Vacancy in
office of
councillor.

42. A vacancy shall occur in the office of councillor prior to the retirement of the holder at the expiration of his term of office if he—

- (a) dies;
- (b) being an elected councillor, is not qualified to be elected;
- (c) is disqualified for being or is disqualified from continuing to be a councillor;
- (d) resigns;
- (e) does not, within seven days of the commencement of his term of office, take before the clerk the oath prescribed for his office by section 44, unless his failure to take such oath within the said period is for a reason approved by the council;
- (f) is elected a member of the National Assembly.

Signification
and filling of
vacancy.

43. (1) Whenever a vacancy occurs in an office of councillor, the clerk shall report the same at the next meeting of the council and publish notice thereof.

(2) Where a vacancy occurs in the office of a councillor the provisions of section 103 of the Local Authorities (Elections) Act shall apply to the filling of the

vacancy; and the person (if any) so filling the vacancy shall hold office for the unexpired portion of the term of office of the councillor whom he succeeds.

Oath of office
of councillor.
Second
Schedule.

44. No councillor shall take part in the proceedings of a council or of a committee thereof until he has taken before the clerk the oath prescribed for his office in the form set out in the Second Schedule.

Leave of
absence of
councillors.

45. (1) A council may grant leave of absence to a councillor for any period or periods not exceeding nine months in the aggregate during his term of office.

(2) In a case of urgency the powers of a council under this section may be exercised by the Mayor or the chairman as the case may require and the Mayor or the chairman shall report to the council at the next meeting any leave granted by him under this section.

Failure to
attend
meetings.

46. Any councillor who, without first having obtained leave of absence, absents himself from three consecutive ordinary meetings of the council or of any committee with executive authority or of any standing committee thereof of which he is a member, or fails to attend any meeting of the council or of any such committee for a period of two months whichever period is the longer, shall become disqualified from continuing to be a councillor.

Allowances of
councillors.

47. A council may pay to councillors reasonable travelling and subsistence allowances at such rates as may be determined by the council with the approval of the Minister, in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Notification of
address.

48. Every councillor shall furnish the clerk with an address to which all notices shall be forwarded and shall notify him of any change of such address.

Miscellaneous

Accretions
from the sea.

49. Every accretion from the sea, whether natural or artificial and any part of the foreshore to low water mark shall, for the purposes of this Act, form part of the council area which such accretion or part of the foreshore adjoins.

Resignation.
[12 of 1980]

50. (1) The holder of any office to which this section applies may at any time resign that office by writing signed by him and delivered to the clerk of the council in which he holds such office.

(2) This section shall apply to the offices of chairman, vice-chairman and councillor.

Validity of acts
and
proceedings.

51. The acts and proceedings of any person elected to any office specified in section 50(2) and performing the functions of that office shall, notwithstanding his want of qualification or disqualification, be as valid and effectual as if he had been qualified.

Allocation of
names to parts
of council area.

52. A council may allocate to any part of its council area such name or description as it sees fit, and may alter or vary any such name or description.

PART III
MEETINGS AND PROCEEDINGS OF COUNCILS

Meetings

Councils to
hold monthly
meetings.
[12 of 1980]

53. For the transaction of general business a council shall hold meetings at such intervals as may be specified under its constitution order or as it or the Minister may determine and such meetings shall be held at such hours and on such days as the council decides or by standing order determines.

Extraordinary
meetings.

54. (1) The Mayor and the chairman may call an

extraordinary meeting of the council at any time.

(2) If the Mayor or the chairman, as the case may be, refuses to call an extraordinary meeting after a requisition for that purpose signed by not less than one-third of the whole number of the councillors in office, has been presented to him, or if without so refusing, he does not call a meeting within three days after such request has been presented to him, the clerk shall forthwith call a meeting.

(3) When a requisition is made under subsection (2), a copy thereof shall be delivered at the same time to the clerk.

Notice of meetings.

55. (1) Not less than three days before any meeting of the council or not less than such shorter period as may be authorised by the Mayor or the chairman before an extraordinary meeting if he is satisfied that the urgency of the business to be transacted is such that a lesser period is justified, a notice of the time and place of the intended meeting signed by the clerk shall be published and a copy thereof, accompanied by the agenda, shall be served on every councillor:

Provided that want of service of a copy of the notice or of the agenda on any councillor shall not affect the validity of a meeting.

(2) Except in the case of business required by this Act to be transacted at a meeting, no business shall be transacted at a meeting other than that set out in the agenda.

Chairman of meeting.

56. (1) Except as is otherwise provided in this Act the Mayor or the chairman or in his absence the Deputy Mayor or the vice-chairman shall preside at a meeting of a council.

(2) If both the Mayor and Deputy Mayor or both the chairman and the vice-chairman are absent from the

meeting, such other councillor as may be chosen by the councillors present shall preside and shall have the same powers as the Mayor or the chairman when presiding at a meeting.

Quorum.

57. No business shall be transacted at a meeting of a council unless at least one-third of the whole number of the councillors in office is present.

Decisions generally to be by majority.

58. (1) Except as is otherwise provided by this Act or by any other law, all acts of a council and all questions coming or arising before a council shall be done and decided by a majority of councillors present and voting thereon at a meeting.

(2) A councillor presiding at a meeting shall, in the case of an equality of votes, have a second or casting vote.

(3) Except with the consent of two-thirds of the councillors present, no motion to rescind a motion passed within the preceding six months and no motion to the same effect as any motion which has been negatived by the council within the preceding six months shall be considered at any meeting of a council; and no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors in office.

(4) A motion to suspend the standing orders may be made at any meeting of a council without notice and shall be voted upon without debate, but no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors present and voting.

Recording of votes.

59. On the requisition of any councillor present at a meeting of a council, the voting on any question shall be recorded by the clerk so as to show whether each councillor present gave his vote for or against that question.

Committees

Standing Committees.

60. (1) The City Council shall appoint and at all times maintain the standing committees specified in Part I of the Fifth Schedule.

Fifth Schedule.

(2) The Town Council shall appoint and at all times maintain the standing committees specified in Part II of the Fifth Schedule.

(3) A district council shall appoint and at all times maintain the standing committees prescribed by the constitution order of its district.

General and special committees.

61. A council may appoint general or special committees for any such general or special purpose as in the opinion of the council would be better regulated and managed by means of a committee; and any such standing committees.

Chairman of committee.

62. A council may appoint councillors to be the chairman and the vice-chairman of a committee.

Appointment of non-councillors to committees.

63. A committee of a council may include persons who are not councillors but who because of their special skill or experience will, in the opinion of the council, be able to assist in the consideration of the work of the committee:

Provided that—

- (a) at least two-thirds of the members of every committee shall be councillors;
- (b) no person other than a councillor shall be chairman or vice-chairman of a committee;
- (c) no person other than a councillor shall be a member of either of the Finance committees

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mentioned in Schedule 5 or of a committee prescribed by a constitution order.

Delegation to committees.

64. (1) A council may delegate to a committee with or without restrictions or conditions any functions exercisable by the council except the power of levying rate or borrowing money.

(2) Unless authorised either generally or specifically by the council, a committee shall not have power to enter into any contract.

Proceedings of committees.

65. Subject to this Act and standing orders made under section 73, a committee may regulate its own procedure.

Records of Proceedings

Form of record.

66. A council shall cause to be kept a record of the proceedings of all meetings of the council and of the committees thereof, which record shall be in the form of minutes or such other form as may be prescribed by standing orders made under section 73; and such minutes or other record if confirmed shall be signed at the next meeting of the council or of the committee, as the case may be, by the person presiding thereat, and any minute or any such other record purporting to be so signed shall be received in evidence in legal proceedings without further proof.

Effect of record.

67. Until the contrary is proved, a meeting of a council or of a committee thereof in respect of the proceedings of which a minute or other record has been kept and signed in accordance with section 66 shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes

or other record.

Inspection of record.

68. The confirmed minutes or other record of a meeting of a council or of a committee thereof shall be open at all reasonable hours to the inspection of councillors and members of committee free of charge.

Joint Committees

Joint committees.

69. (1) A council may concur with one or more councils in forming from among their respective councils a joint committee for any purpose in which they are jointly interested and may delegate any of the functions of the council relating to the purpose for which the joint committee is formed, except the power of levying a rate or borrowing money.

(2) The expenses incurred by a joint committee shall be defrayed by the councils by which the committee is appointed in such proportions as may be agreed.

(3) The accounts of a joint committee shall be made up to the end of the financial year and shall be subject to audit in like manner as the accounts of a council.

(4) A joint committee may regulate its own procedure.

Interest in Contracts

Disability for voting on account of interest in contracts

70. (1) If any councillor has any pecuniary interest, direct or indirect, in any contract (which in this section shall include a proposed contract) or other matter, and is present at a meeting of a council or committee at which the contract or other matter is the subject of consideration, he shall, at the meeting as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with

respect to, the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a councillor may have as a ratepayer or inhabitant of the council area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods, is offered to the public.

(2) For the purposes of this section, a councillor shall be deemed to have an indirect pecuniary interest in a contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(3) Where a councillor has indirectly a pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed five hundred dollars so much of subsection (1) as prohibits him from taking part in the consideration or discussion of, or from voting on any question with respect to, the contract or other matter shall not apply to him, without prejudice, however, to the duty of disclosure imposed by subsection (1).

(4) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(5) A general notice given in writing to the clerk by a councillor to the effect that he or his spouse is a member of or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (5), and the book shall be open at all reasonable hours to the inspection of any councillor.

(7) If any councillor fails to comply with subsection (1), he shall be guilty of an offence, unless he proves that he did not know that a contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) A prosecution for an offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions.

(9) The City Council, as respects a City Councillor, the Town Council, as respects a Town Councillor and the Minister, as respects a district councillor may, subject to such conditions as the council or the Minister, as the case may be, may think fit to impose, remove any disability imposed by this section in any case in which the number of councillors so disabled at any one time would be so great a proportion of

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the whole number of councillors as to impede the transaction of business, or in any other case in which it appears to the Council or the Minister, as the case may be, that it is in the interests of the inhabitants of the council area that the disability should be removed.

(10) A council may by standing orders provide for the exclusion of a councillor, not being a councillor whose disability has been removed under the foregoing provisions of the section, from a meeting of the council or any committee whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(11) In this section—

“committee” means—

- (i) a committee of a council;
- (ii) a joint committee formed under section 69;

“councillor” includes a member of a committee who is not a councillor;

“shares” includes stock and “share capital” shall be construed accordingly.

Miscellaneous

Cessation of
membership of
committees.

71. Every councillor who is a member of a committee of a council or of a joint committee formed under section 69 shall, upon ceasing to be a councillor also cease to be a member of the committee or the joint committee, as the case may be.

Vacancies not
to invalidate
proceedings.

72. The proceedings of a council, or of a committee thereof, or of a joint committee formed under section 69 shall

not be invalidated by any vacancy among its number or by any defect in the election, nomination, appointment or qualification of any member thereof.

Standing
Orders.

73. Subject to this Act, a council may make standing orders for the regulation of the proceedings and business of the council and of the committees thereof.

PART IV **LOCAL GOVERNMENT OFFICERS**

Officers of
City Council.

74. There shall be for the City Council the following local government officers, namely—

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) a city engineer;
- (d) a medical officer of health;
- (e) a clerk of markets;
- (f) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

Cap. 145
1953 Ed.

Officers of
Town Council.

75. There shall be for the Town Council the following local government officers, namely—

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) an engineer of electricity and water works;
- (d) a clerk of the market;

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Officers of
district
councils.

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Status, powers
and duties of
clerk.

Sixth Schedule.

(e) a health officer;

(f) such other of officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

76. There shall be for every district council the following local government officers—

(a) a chief executive officer;

(b) a chief finance officer;

(c) such other officers as are prescribed by the constitution order;

(d) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

77. (1) The clerk shall be the chief administrative officer of the council of which he is the clerk and shall have the general responsibility of co-ordinating the whole of the work of the council.

(2) In the discharge of the functions of his office the clerk shall have all the powers and duties conferred and imposed upon the clerk by or under this Act or any other law, and, in particular, but without prejudice to the generality of the foregoing, he shall have the powers and duties assigned to him by and be responsible for the matters specified in Part I of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the clerk.

(3) The clerk or other officer authorised in writing by the clerk may, subject to the general or specific directions of the council, exercise the powers of the council, and all acts

done by the clerk or such officer in the exercise of those powers shall be deemed to have been done by the council.

(4) The clerk shall have power to administer all oaths required to be administered by him under this Act.

Status, powers
and duties of
treasurer.

78. (1) The treasurer shall be the chief financial officer of the council of which he is the treasurer and shall be primarily charged with the general responsibility for all matters of finance and accounts of the council.

Sixth Schedule.

(2) In the discharge of the functions of his office the treasurer shall have all the powers and duties conferred and imposed upon the treasurer by this Act or any other law, and in particular, but without prejudice to the generality of the foregoing, he shall have the power and duties assigned to him by, and be responsible for the matters specified in Part II of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the treasurer.

Emoluments
and terms of
service.

79. (1) The emoluments and other terms of service of local government officers shall be determined by the council in which they are serving.

Allowances.

(2) A council may assign duties to a local government officer in its service and such local government officer shall faithfully perform and discharge all such duties.

80. A council may pay to local government officers in its service reasonable allowances at rates determined by the council in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Pensions.

81. (1) A council may grant and pay pensions, gratuities, premiums and other like allowances to local government officers on their retirement from the service of the council, and, where any officer dies while in the service of the council, to the widow of the deceased officer for the

benefit of herself and his children (if any), or to the mother of the deceased officer, or to the persons selected by the council in its absolute discretion for the benefit of the widow and children, or of the mother, as the council deems desirable; and in the event of the officer leaving neither widow nor child nor mother, then the council shall pay the pension, premium or other like allowance to his heirs, executors or administrators.

(2) The grant of pensions, gratuities, premiums and other like allowances under this section shall be in accordance with the conditions and rules, and shall not exceed the amount of like benefits, for the time being prescribed by law in the case of public officers.

(3) In this section “local government officer” does not include a weekly or daily paid employee who is a member of a scheme instituted pursuant to section 82.

Group Pension Scheme.

82. (1) A council may institute a Contributory Group Pension Scheme and Group Life Plan (hereinafter together referred to as “the scheme”) for the benefit of its weekly and daily paid employees and the following provisions shall apply in relation to such scheme—

- (a) every weekly and daily paid employee of the council who has attained the age of twenty-one years but is under the age of fifty-five years shall join the scheme;
- (b) the council shall contribute to the scheme, in respect of each employee under the scheme, such amount as from time to time constitutes the contribution of the council thereto in accordance with the terms and conditions governing the scheme;

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(c) notwithstanding the provisions of the Labour Act, the council shall have power to deduct from the wages of every employee under the scheme, such amount as from time to time constitutes the contributions of the employee thereto in accordance with the terms and conditions governing the scheme, and such amount shall be paid into the scheme.

(2) The council may make rules for the purpose of the administration of the scheme.

Obligation of certain officers of City Council to insure.

83. (1) Every local government officer to whom this section applies shall, not later than six months after his appointment insure his life and keep it insured for a sum not less than the minimum annual remuneration of the office which he holds, and every such officer shall, as often as he is promoted to an office of higher remuneration, effect an additional insurance on his life to the extent of the annual increase in his remuneration.

(2) This section applies to local government officers in the service of the City Council who hold offices of a permanent nature and whose salary is not less than four hundred and eighty dollars per annum.

Terms of insurance.

84. Every insurance effected pursuant to section 83 shall be effected in a company approved by the City Council and the class and nature of the insurance shall be subject in each case to the approval of the council.

Policy to be in favour of Town Clerk.

85. (1) The policy in every case of insurance effected pursuant to section 83 shall be effected when practicable in favour of the Town Clerk and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and

discharged from any liability of the local government officer in respect of whom the insurance is effected.

(2) On any change in the person discharging the duties of the office of Town Clerk no assignment shall be necessary to transfer the policy to and vest it in his successor.

Payment of premiums and advances therefor.

86. (1) A sum equal to four per cent of his annual remuneration shall in each and every year be deducted by the Town Clerk by equal instalments from the remuneration of every local government officer to whom section 83 applies, and the whole amount so deducted shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected.

(2) The City Council may advance to any local government officer to whom section 83 applies the whole or any part of the annual premiums on his policy to be repaid by the monthly deduction from his remuneration specified in subsection (1); and if the officer dies, retires, resigns, or is removed from office, that part of the advance which is due at the time of the cessation of his service to the council shall be deducted from any remuneration then due to him.

Receipt and application of insurance moneys.
[19 of 1990]

87. (1) The sum assured on the life of a local government officer to whom section 83 applies and the accumulations thereon by way of bonus or otherwise shall, on the death of the officer while in the service of the council, be received and held by the City Council and shall be absolutely freed and discharged from any claim whatsoever of any creditor of the deceased officer, but, after payment of any costs for receiving it, shall be paid by the council either to the spouse of the deceased officer for the benefit of that spouse and their children (if any) or to the guardians of the children (if any) for their benefit, or to his or her parents or parent, as the case may be, or to the persons selected by the council in its uncontrolled discretion for the benefit of the spouse and children or of the parents or parent as the case may be, as the

council deems desirable; and in the event of the officer leaving neither spouse nor child nor parents or parent as the case may be, then the council shall pay the money to his or her heirs, executors or administrators and the receipt of any one to whom the money is paid by the council shall be an absolute discharge therefor, and the council shall not be bound to see to the application thereof, or be liable for misapplication or non-application thereof:

Provided that where payment is to be made to the parents of the officer the sum to be paid shall be equally divided between them.

(2) For the purposes of subsection (1), "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Policy to be transferred on retirement.

88. Any local government officer to whom section 83 applies and who is insured pursuant thereto who retires, resigns or is removed from the service of the City Council shall have his policy of insurance transferred to him by the council freed from all liability or restrictions imposed by this Part, on payment to the council of any sums of money advanced to him and due by him under this Part.

Provisions for officers failing to obtain insurance.

89. (1) If any local government officer to whom section 83 applies fails to obtain an insurance pursuant to that section within the period therein specified, the amount of four per cent shall thereafter be deducted monthly from his remuneration and placed to his credit in the Government savings bank at the disposal of the City Council; and on his death the capital and interest at the credit of that account shall be paid in the same manner and to the same persons as is prescribed by section 87; and if the officer retires, resigns or is removed from the service of the council, the amount of capital and interest at the credit of that account shall be paid to him

forthwith.

(2) The council, when the sum deposited in the Government savings bank in accordance with subsection (1) is equivalent to a sum which can be invested either in government or municipal bonds, may make investment of the sum in those bonds and hold them for the benefit of the officer, and all interest derivable therefrom shall be deposited in the Government savings bank at the disposal of the council until it amounts to a further sum which can be invested either in government or municipal bonds when it may be so invested and any further sums may from time to time be similarly dealt with.

(3) If an officer dies while in the service of the council before a sum equal to three months remuneration has been deducted pursuant to this section, the council shall make good the difference and pay the sum in the same manner and to the same persons as prescribed by section 87.

Penalty for
neglect to
insure.

90. Any officer to whom section 83 applies who declines or neglects to insure his life pursuant to that section or who, after having so insured neglects or refuses to continue the policy by paying the premiums when due, or objects to the Town Clerk making the deductions authorised by section 86 from his remuneration, shall be deemed to have thereupon resigned his office and shall cease to be in the service of the City Council.

Exemption
from obligation
to insure.
[19 of 1990]

91. (1) Notwithstanding section 83 no local government officer to whom that section applies shall be obliged to insure his or her life pursuant thereto, and sections 84 to 90 (inclusive) shall not apply to such officer if and so long as the City Council is satisfied that his or her life is insured for a sum of not less than the amount prescribed by section 83 in some company approved by the council, and that the insurance moneys have been or are duly secured for the benefit of his or her spouse and children, or parents or

parent as the case may be, and protected from his or her debts, and he or she exhibits to the Town Clerk the receipt for the premium as and when it becomes due and is paid, or the council is satisfied that the premiums on the policy have been already paid up in full; and if at any time the council is not satisfied as to any of the aforesaid matters or the officer does not exhibit the receipt for the premium as required by this section, the officer shall, not later than such day as may be appointed by the Town Clerk and notified to that officer, insure his or her life pursuant to section 83.

(2) For the purposes of subsection (1), "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Security.
[13 of 1973]

92. A council shall, in the case of a local government officer in its service who by reason of his office or employment is likely to be entrusted with the control or custody of money, and may in the case of any other local government officer in its service, require him to give security by bond executed by himself as principal and two sureties, jointly and severally, or in the alternative to give a fidelity bond from an insurance company approved by the council in an amount determined by the council, for the due and faithful performance of his duties and for the due and punctual accounting of all moneys received by him for the council; and the council shall defray the cost of any expenses incurred in connection with such security bond or fidelity bond.

Accountability.

93. (1) Every person who holds or acts in a local government office shall at such times during the continuance of his office as the council in which he is serving may direct, and every person who having held or acted in such an office shall within fourteen days, of having ceased to hold such office or act therein, make out and deliver to the council in which he is or was serving, or as it directs, a true account in

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writing of all money and property committed to his charge in connection with his office or former office, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein and a list of persons from whom or to whom money is due in connection with his office, or former office, showing the amount due from or to each person:

Provided that the council may, if in its opinion special circumstances justify an extension of such period of fourteen days extend such period by a further period or periods not exceeding in the aggregate an additional period of six weeks.

(2) Every local government officer or former local government officer shall pay all money due from him to the treasurer of the council in which he is or was serving.

(3) If any person—

- (a) refuses or neglects to make any payment which he is required by this section to make; or
- (b) after three days" notice in writing signed by the clerk of the council or by two councillors thereof and delivered to him in person or sent by registered post to his last known address, neglects to deliver to the council, or as it directs any account or list which he is required by this section to make out or deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the council or as it directs,

a magistrate of the magisterial district in which the offices of the council are situated may, on complaint made on behalf of the council, by order require him to make such payment or delivery or to give such certificate.

(4) If any person fails to comply with an order made under subsection (3) he shall be guilty of an offence.

(5) Nothing in this section shall affect any remedy by action against any such local government officer or former local government officer.

Interest in contracts.

94. (1) No local government officer shall in any way be concerned or pecuniarily interested in any bargain, contract or arrangement made by or with the council in which he is serving, other than an interest of the nature mentioned in the proviso to section 70(1).

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Interest in markets.

95. (1) No local government officer whose service relates to or is at any market belonging to the council in which he is serving shall have any pecuniary interest, direct or indirect, in any stand or stall in any market belonging to the council; and for the purposes of this section the interest of the wife of a local government officer living with him shall, if known to him, be deemed to be also an interest of the officer.

(2) Any local government officer who wilfully contravenes the provisions of this section shall be guilty of an offence.

(3) No prosecution for an offence under this

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section shall be instituted without the consent of the Director of Public Prosecutions.

Extortion.

96. (1) No local government officer shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Local Government Service Commission

Constitution.

97. (1) There shall be a Local Government Service Commission consisting of a chairman, a deputy chairman and three other members; and the Commission shall have such functions as are vested in it by this Act and any other law.

(2) In the exercise of its functions, the Commission shall not be subject to the direction or control of any authority.

Appointment
of members.

98. The members of the Commission shall be appointed by the President from amongst such persons as appear to him to be suitably qualified; and the President shall appoint one of its number to be chairman and another to be deputy chairman.

Disqualifica-
tion for
appointment.

99. No member of the National Assembly, no councillor, no local government officer, and no member of the Commission who has been removed from office pursuant to section 103, shall be appointed or continue as a member of the Commission.

Oath of office.

Second Schedule

100. Every member of the Commission shall, before performing any of the functions of his office, take before the President or someone designated by him an oath of office in the form set out for his office in the Second Schedule, and the President or someone designated by him is thereby authorised and empowered to administer such oath.

Term of office.

101. (1) The office of a member of the Commission shall, subject to the provisions of this Part, become vacant at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed.

(2) If a vacancy occurs in the Commission for a cause other than the retirement of a member thereof at the expiration of his term of office, the person appointed to fill the vacancy shall, subject to the provisions of this Part, hold office for the unexpired portion of the term of the member whom he succeeds.

(3) A member of the Commission shall, unless he is disqualified for appointment, be eligible for re-appointment.

Resignation.

102. A member of the Commission may at any time resign his office by writing signed by him and delivered to the President; and his resignation shall take effect upon the receipt thereof by the President.

Removal from office.

103. (1) The President may, after due inquiry, remove a member of the Commission from office for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause whatsoever) or for misbehaviour.

(2) The President may suspend any member of the Commission from the exercise of the functions of his office if he is satisfied that there exist grounds for considering his removal from office under subsection (1); and the President may revoke any such suspension.

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Vacancy.

104. A vacancy (other than one occasioned by the retirement of a member at the conclusion of his term of office) shall occur in the Commission if a member thereof—

(a) dies;

(b) is disqualified from continuing to be a member;

(c) does not, within fourteen days of his appointment take before the President or someone designated by him the oath prescribed for his office by section 100;

(d) resigns;

(e) is removed from office.

Leave of absence.

105. The President may grant leave of absence to a member of the Commission.

Performance of chairman's duties.

106. During any period when the chairman of the Commission is unable for any reason to perform the functions of his office, those functions shall be assumed and performed by the deputy chairman thereof or, if the deputy chairman is for any reason unable to perform those functions, by such other member as the President may appoint.

Commission may act notwithstanding vacancies.

107. The acts of the Commission and all questions coming or arising before the Commission shall be done and decided by a majority of all the members thereof.

Protection for acts done in good faith.

108. No proceedings whether civil or criminal shall be instituted against any member of the Commission in respect of any act done or omitted by him in good faith as a member of the Commission or by the Commission.

Privilege of
communications.

109. Except with the consent of the President, signified in writing, no person shall in any legal proceedings produce or be permitted to give evidence as to the contents or nature of any document or any oral information addressed, made to or given by the Commission.

Annual report.

110. The Commission shall, not later than the 1st day of March in every year, submit to the Minister a report on its work during the preceding year; and the report shall, as soon as conveniently may be thereafter, be laid before the National Assembly.

Secretary and
staff.

111. The President may appoint a secretary to the Commission and such other staff as may be necessary or desirable to enable the Commission to perform its functions.

Expenses.

112. The expenses of the Commission (including the remuneration and other allowances of the members of the Commission, its secretary and other staff) shall be paid out of moneys provided by Parliament.

Procedure.

113. Subject to this Part, the Commission may, by rules made under section 114 or otherwise, regulate its own procedure.

Rules.
[17 of 1988]

114. The Commission may, with the approval of the President, make rules to provide for all matters incidental to the exercise of its functions under this Part and without prejudice to the generality of the foregoing such rules may prescribe or provide for—

- (a) the regulation of the procedure of the Commission;
- (b) the recruitment, appointment and promotion of local government officers whose emoluments exceed eighteen thousand dollars per year;

- (c) offences against discipline and penalties therefor;
- (d) interdiction and suspension;
- (e) disciplinary procedure;
- (f) removal from office for offences against discipline or in the interest of local government;
- (g) the time and manner of making appeals under section 121.

Improper influence.

115. (1) Any person who directly or indirectly by himself or by any other person improperly influences or attempts improperly to influence the Commission or any member thereof in any matter before it shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

False information.

116. (1) Any person who gives to the Commission or any member thereof any information which he knows to be false or which he does not believe to be true, or omits therefrom any material particular, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Unauthorised disclosure.

117. (1) Any member of the Commission or its staff who, except with the consent of the President, discloses to any unauthorised person or otherwise than in the course of duty

any information whatsoever which has come to his knowledge in the course of his duties, and any person to whom such information has been disclosed or who has otherwise obtained such information who communicates the same to any person otherwise than for the purposes of a prosecution, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

*Appointment of and Disciplinary Control
over Local Government Officers*

Officers whose remuneration exceeds \$18,000 per annum.
[17 of 1988]

118. (1) The power, save as otherwise provided hereinafter, to appoint persons to hold or act in any local government offices the emoluments of which exceed eighteen thousand dollars per annum (including the power to confirm appointments) the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the Commission.

(2) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) to any one or more members of the Commission or to a council.

(3) Before the Commission appoints to a local government office any person holding or acting in any office power to make appointments to which is vested by the Constitution in the Judicial, the Public, the Teaching, or the Police Service Commission, it shall consult with the commission in which that power is vested.

Officers whose remuneration does not exceed \$18,000

119. (1) The power to appoint a chief executive officer or persons to hold or act in any local government offices the emoluments of which do not exceed eighteen thousand

per annum.
[17 of 1988]

dollars per annum (including the power to confirm appointments), the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the council to which such person is to be appointed or in which he holds office and, in the case of the appointment of a chief executive officer, be subject to the approval of the Minister.

(2) A council may, by directions given in such manner as it thinks fit, delegate any of its powers under subsection (1) to any local government officer in its service.

Manner of
exercise of
disciplinary
control.

120. The power to exercise disciplinary control over local government officers (including the power to remove them from office) shall be exercised by the Commission or other person or authority in whom such power is vested under section 118 or section 119 in accordance with any rules pertaining to discipline made by the Commission under section 114.

Appeals.

121. Where the power to exercise disciplinary control over any local government officer (including the power to remove him from office) has been exercised by any person or authority other than the Commission, the local government officer in respect of whom it was exercised may appeal to the Commission from the decision of that person or authority in accordance with any rules made by the Commission under section 114 pertaining to appeals under this section; and the Commission, on such appeal, shall have power to confirm, set aside or vary any finding of such persons or authority and to confirm, quash or vary (whether by increase or reduction) any penalty awarded.

Appointment
of deputies.
[17 of 1988]

122. (1) Notwithstanding section 118, a council may, if there is a vacancy in any local government office, or if the holder or the person acting in that office is unable for any reason to perform the functions thereof, and if there is no local government officer authorised by law to perform those

functions appoint a deputy to act temporarily in such office; and such deputy shall assume and perform those functions.

(2) Any appointment made by a council under subsection (1) to a local government office the emoluments of which exceed eighteen thousand dollars per annum shall be reported to the Commission and shall be subject to its approval.

(3) If the Commission decides not to approve an appointment reported pursuant to subsection (2), the appointment shall forthwith terminate, but without prejudice to the validity of any act previously done by the person appointed by the council.

Councillors
disqualified for
appointment.

123. No person who is a councillor shall be appointed to hold or to act in a local government office in the council of which he is a councillor; and no person who has been a councillor shall be so appointed within a period of a year after ceasing to be a councillor.

Resignation.

124. A local government officer may at any time resign his office by writing signed by him and delivered to the Mayor or the chairman of the council in which he is serving; and his resignation shall take effect upon the receipt thereof by the Mayor or chairman as the case may be.

Pensions not to
be withheld
without
concurrence of
commission.

125. (1) Where a council has a discretion—

- (a) to decide whether or not any benefit to which this section applies shall be granted; or
- (b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld,

reduced in amount or suspended unless the Commission concurs in the refusal to grant the benefits, or as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies is not fixed by law, the amount of the benefits to be granted to the person eligible shall be the greatest amount for which he is eligible unless the Commission concurs in his being granted benefits of a smaller amount.

(3) This section applies to any benefits that are or may become payable under any law providing for the grant of pensions, compensation, gratuities, premiums or like allowances to persons in respect of their service as local government officers or to the widows, mothers, children, dependants or personal representatives of such persons in respect of such service.

Pension rights
for seconded
public officers.
c. 27:02

126. (1) Where an officer in the public service is seconded or temporarily transferred for duty to a local government office from a pensionable office within the meaning of the Pensions Act, section 5 of that Act shall apply to him as if his service in the council were service in a civil capacity under the Government.

(2) Where an officer in the public service has been transferred to any local government office, the provisions of regulation 21 of the Pensions Regulations (as contained in the Schedule to the Pensions Act) shall apply to him as if his service in the council were other public service within the meaning of that Act, not being service under any of the Scheduled Governments as defined in regulation 2 of the Pensions Regulations, and regulation 21 of those Regulations shall apply accordingly to the person so transferred.

Town Constabulary

Establishment.
[25 of 1973]

127. (1) There shall be a town constabulary for the City and there shall be a town constabulary for the Town.

(2) The Council of a town may, with the approval of the Minister, establish a town constabulary for the town.

Composition.
[25 of 1973
27 of 1997]

128. (1) A town constabulary shall consist of such officers, non-commissioned officers and constables as the City Council or the Town Council, as the case may be, deems necessary or desirable, who shall be local government officers in the service of the council.

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

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

Constabulary
subject to
directions of
town clerk.

129. A town constabulary shall be subject to the directions of the town clerk as to the scope of its duties.

Oath of office.
Second
Schedule.

130. Every member of a town constabulary shall before exercising the functions of his office, take before the town clerk an oath of office in the form set out for his office in the Second Schedule.

Warrant card.

131. A warrant card shall be issued to every member of a town constabulary by the town clerk and shall be evidence of his membership thereof.

Uniform.

132. Members of a town constabulary shall be

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furnished by the council with uniforms and batons.

Duty to obey
orders.
[25 of 1973]

133. Every member of a town constabulary shall obey all lawful orders of his superior officers whether the same are given verbally or in writing, and shall also obey all orders made or issued by the officer in charge of the town constabulary under section 135.

Disciplinary
offences.
[25 of 1973
27 of 1997]

134. (1) Any non-commissioned officer or constable of a town constabulary who is found guilty by the officer in charge of the town constabulary of any of the following:

- (a) absence from duty without leave or good cause;
- (b) sleeping on duty;
- (c) conduct to the prejudice of good order and discipline;
- (d) cowardice in the performance of duty;
- (e) disobedience of any orders issued or made by the Superintendent under section 135;
- (f) insubordination;
- (g) being unfit for duty by reason of intoxication;
- (h) neglect of duty or orders;
- (i) in the course of duty, making a statement which is false in a material particular;
- (j) unlawful or unnecessary exercise of

authority resulting in loss or injury to any person or to the council;

- (k) wilfully or negligently damaging or destroying or negligently losing any council property;
- (l) conduct calculated to bring the council into disrepute,

shall be liable to be punished by the officer in charge of the town constabulary with any one or more of the following punishments—

- (i) reduction in rank;
- (ii) caution, warning, reprimand or severe reprimand;
- (iii) forfeiture of not more than fourteen days pay, save that, in the case of absence without leave or good cause for more than fourteen days, pay may be forfeited for a period of not more than the period of such absence from duty;
- (iv) forfeiture of any good conduct allowance;
- (v) compulsory performance of extra drills or duties;
- (vi) suspension from duty without pay for not more than fourteen days.

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

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

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

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

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

- (a) he is under the influence of intoxicating liquor;
- (b) he commits any act of

insubordination, or uses any disrespectful language to his superior in rank;

- (c) he strikes or attempts to strike any member of the town constabulary;
- (d) he commits any criminal offence while carrying out his duties as a member of the town constabulary.

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

(7) Arrest shall be of two kinds—

- (a) open arrest - where any non-commissioned officer or constable of a town constabulary is placed under open arrest, he shall be deprived of all privileges and leave until the case is disposed of and he shall attend all parades and do duties as required;
- (b) close arrest - in the case of a non-commissioned officer who holds the rank of inspector, he shall be confined to his quarters under guard, and in the case of any other member below the rank of inspector, to some suitable place in the station premises other than the prisoner's cell, under guard.

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

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

(10) Any member of a town constabulary who is placed under close arrest for any offence of indiscipline or otherwise under this section shall not, unless the officer-in-charge so directs, be detained under close arrest for a period longer than twenty-four hours, but shall thereafter be released and placed on open arrest or on duty pending his trial.

Standing
routine orders.
[25 of 1973]

135. (1) The officer in charge of a town constabulary may, with the approval of the town clerk, make orders, which shall be known as "Constabulary standing orders", prescribing or providing for—

- (a) discipline and training;
- (b) instructions and examinations;
- (c) inspections, drills, exercises and parades;
- (d) the manner in which the duties of the constabulary shall be carried out;
- (e) the manner and form of the making of reports and other records;
- (f) the performance of any act which shall be necessary for the proper carrying out of the duties of the constabulary;
- (g) such other matters as may, in his opinion, be necessary for preventing abuse or neglect of duty and for rendering the constabulary efficient in the discharge of its duties.

(2) The officer in charge of a town constabulary may issue orders of a routine nature, which shall be known as "Constabulary routine orders", for the control, direction and information of the constabulary.

Disciplinary
powers
deemed to have
been delegated.
[25 of 1973]

136. The powers conferred by sections 133, 134 and 135 upon the officer in charge of a town constabulary to exercise disciplinary control over members of a town constabulary shall be deemed to have been delegated to him by the council pursuant to section 119(2).

Members of
constabulary
always on
duty.

137. For the purposes of this Act, every member of a town constabulary shall be deemed to be always on duty when required to act as such and shall perform the duties imposed upon, and exercise the powers granted to him under this Act or any other law at any and every place in the City or the Town, as the case may be, in which he is serving.

Duty to deliver
up warrant and
uniform on
leaving service.

138. (1) Every member of a town constabulary who leaves the Constabulary, whether in consequence of his resignation or dismissal or otherwise, shall on leaving the same deliver up his warrant card, uniform and baton and any other property of the council in which he has been serving which may be in his possession.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and may in addition to any penalty imposed pursuant to section 315 be ordered by the magistrate before whom he is convicted to pay to the council an amount equal to the value of the property.

Powers.
[25 of 1973]

139. (1) Every member of a town constabulary has in relation to—

(a) any offence committed against this Act or by-laws made by the council in whose service he is for the time being;

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- (b) any offence committed in any place vested in, or under the control of, the council or in any public place in the council area,

have all the powers and be entitled to all the privileges and immunities conferred on a police constable by any law for the time being in force.

(2) Where a town constable lays an information or makes a complaint against any person in respect of any offence against this Act or any by-laws made thereunder any member of a town constabulary not below the rank of corporal and serving in the same constabulary as the aforesaid town constable may appear before the magistrate exercising jurisdiction in the matter and shall have the same privileges as to addressing the magistrate and examining the witnesses adduced in the matter as the town constable who laid the information or made the complaint would have had.

Causing
disaffection.

140. Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the constabulary or induces or attempts to induce, or does any act calculated to induce, any member of the constabulary to withhold his services or to commit breaches of discipline, shall be guilty of an offence.

Threatening
members.

141. Any member of a town constabulary who threatens or insults any other member when—

- (a) such other member is on duty; or
- (b) such threat or insult relates to or is consequent on the discharge of duty by the members so threatened or insulted,

shall be guilty of an offence.

Assaulting
members.

142. Any person who assaults, resists or obstructs any member of the constabulary acting in the execution of his duty, or aids or incites any person to assault or resist any such member shall be guilty of an offence.

Harbouring
members.

143. Any keeper of any place for the entertainment of the public whether spirituous liquors are sold therein or not, who knowingly harbours or entertains any member of the constabulary on duty or permits any member of the constabulary to remain in such place while on duty shall be guilty of an offence.

Unauthorised
wearing of
uniform.
[25 of 1973]

144. If any person who is not a member of a town constabulary wears without the permission of the officer in charge of the town constabulary thereof, the uniform of the constabulary or any dress having the appearance, or bearing any of the distinctive marks, of that uniform, he shall be guilty of an offence.

PART V

FINANCE

Accounts, Receipts and Expenditure

Financial year.

145. The financial year of a council shall be the period of twelve months commencing on the first day of January.

Financial
regulations.

146. (1) The Minister may make financial regulations for controlling and managing financial business of councils.

(2) Without prejudice to the generality of the powers conferred by subsection (1), financial regulations may prescribe or provide for—

(a) the preparation and keeping of accounts, balance sheets, financial statements and abstracts of accounts;

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- (b) the regulation of the procedure and duties of committees appointed for regulating and controlling the finances of councils;
- (c) the purchase of stores and equipment and the custody and issue thereof;
- (d) the receipt, transmission and safe custody of cash;
- (e) the preparation and submission of estimates;
- (f) the expenditure which may be incurred in a financial year before approval of the estimates for that year;
- (g) the procedure for borrowing;
- (h) advances to local government officers;
- (i) the procedure in relation to tendering and acceptance of contracts;

and such financial regulations may be made either generally or otherwise.

(3) Financial regulations may prescribe the form of any account, notice or other document.

Books of account.

147. Proper books of account shall be kept by a council in accordance with financial regulations.

Revenues of councils; general rate fund.

148. (1) The revenues of a council shall consist of all moneys received by the council from any source whatsoever, except moneys received by way of loan and shall be credited

to the general rate fund of the council.

(2) All expenditure of a council other than that financed by loan shall be discharged from the general fund.

(3) Separate accounts shall be kept of receipts carried to and payments made out of the general rate fund—

(a) for general purposes;

(b) for each special purpose.

Loan fund.

149. Moneys received by a council by way of loan shall be credited to the loan fund of the council.

Moneys to be paid into approved bank.

150. All moneys received by or on behalf of a council shall be delivered to the treasurer who shall deposit them with a bank approved by resolution of the council.

Payments to be made under order signed by councillors.
[17 of 1988]

151. All payments on account of a council shall be made by the treasurer in pursuance of an order signed by two councillors who are members of the Finance Committee and who are authorised by the Finance Committee in that behalf; and all cheques for payment of moneys shall be signed by the treasurer and countersigned by the clerk or such other local government officer as may be authorised by the council on that behalf or any member of the Finance Committee:

Provided that the following payments may be made out of the general rate fund without an order, that is to say—

(a) payments made in pursuance of section 22;

(b) payments of allowances to councillors;

(c) payments of emoluments and allowances to any local government officer in the service of the council (other than daily or weekly

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Moneys
received for
special
purpose.

paid employees);

- (d) payments not exceeding two thousand dollars in relation to services provided for in the estimates.

152. No moneys standing to the credit of a special purpose account shall be used for any purpose other than that for which they have been provided.

Investment of
funds.

153. A council may invest any of its moneys in such manner as the council may approve.

Insurance.

154. A council may insure—

- (a) all or any of its movable or immovable property against risks of any kind and may also insure councillors, local government officers in its service and any other persons against loss of life or injury suffered whilst performing any duty on behalf of the council;
- (b) against any liability to any person in connection with any of its property or through any action or default of any local government officer in its service or any other person;
- (c) against any loss of money or securities arising out of or caused by the negligence or wilful act of any of its local government officers or any other person.

Estimates

Estimates of the
City Council
and the Town
Council.

155. (1) The City Council and the Town Council shall, not later than the fifteenth day of November in every year, cause to be submitted to them estimates of the revenues and expenditure of the council for the next financial year.

(2) Copies of the estimates approved by the Council shall be submitted to the Minister and copies shall be open for public inspection at its offices and notice thereof shall be published by the Council; and the notice shall refer to the right of inspection.

Annual report
by City Council
and Town
Council.

156. (1) The City Council and the Town Council shall, not later than the thirty-first day of March in every year submit to the Minister a report in writing containing an account of all moneys received, expended and applied during the preceding financial year.

(2) Copies of the report shall be open for public inspection at the offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

Submission of
estimates by
town councils
or district
councils.
[25 of 1973]

157. A town council or a district council shall, not later than the fifteenth day of November in every year, cause to be prepared and shall submit to the Minister for his approval estimates of the income and expenditure of the council for the next financial year.

Approval of
estimates of
town councils
or district
councils.
[25 of 1973]

158. (1) The Minister may approve the estimates of a town council or a district council either as submitted or, after affording the council an opportunity to make representations, with such variations or amendments as he thinks fit to make thereto.

(2) The approved estimates of a town council or a district council shall be open for public inspection at the

offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

Form of estimates.

159. The estimates of a council shall be in such form and set out such information as is prescribed by financial regulations.

Expenditure prior to approval of estimates
Expenditure subsequent to approval.

160. A council may, in respect of any portion of a financial year that may have elapsed before approval of its estimates for that year, expend provisionally such sums as may be generally or specially authorised by financial regulations.

Expenditure subsequent to approval.

161. After the estimates of a council have been approved, such council shall not, except as permitted by financial regulations—

- (a) incur, in the financial year to which they relate, any expenditure which is not provided for therein;
- (b) use any sum included therein under any head of expenditure for another head of expenditure:

Provided that the council may utilise any saving under one sub-head of expenditure for the purpose of meeting any excess of expenditure under another subhead of the same item of expenditure.

Supplementary estimates.
[25 of 1973]

162. (1) If it appears to the City Council or to the Town Council after the commencement of any financial year that insufficient provision has been made in the estimates for that year, such council may, not later than the thirty-first day of May in that year, cause to be submitted to it supplementary estimates of income and expenditure for that year; and if it so appears to a town council and a district council, it may, not later than the said day prepare and submit to the Minister for

his approval supplementary estimates of income and expenditure for that year.

(2) Section 155(2) and section 159 shall have effect in relation to supplementary estimates of the City Council and of the Town Council as they have in relation to estimates caused to be submitted to them under section 155; and sections 158 and 159 shall have effect in relation to the supplementary estimates of a town council and a district council as they have in relation to estimates prepared and submitted under section 157.

Write-off.

163. A council may not authorise the writing-off of sums payable to the council or of deficiencies of cash or stores except upon grounds prescribed by financial regulations and of amounts not exceeding the amounts thereby prescribed.

Grants

Grants.

164. (1) There may be paid to councils 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 councils.

(2) Every application to the Minister by a council for a grant shall be submitted in accordance with financial regulations.

Loans

Purposes for which money may be borrowed.

165. A council may, with the approval of the Minister, borrow sums of money for any of the following purposes—

- (a) for acquiring any land which the council has power to acquire;

- (b) for erecting any building which the council has power to erect;
- (c) for the execution of any permanent work, the provision of any plant or the doing of any other thing which the council has power to execute, provide or do, if it is desirable that the cost of defraying that purpose should be spread over a term of years;
- (d) for any other purpose for which the council is authorised under any law to borrow.

Application

166. (1) Every application to the Minister by a council for his approval to borrow money shall be submitted in accordance with financial regulations.

(2) When any application is submitted to the Minister for his approval to borrow money the council shall publish notice thereof and such notice shall set out the amount proposed to be borrowed, the purpose for which it is sought to be borrowed, the mode of borrowing, and the proposed basis of repayment; and shall also state that any person wishing to object to such application shall forward his objections with the reasons therefor in writing to the Minister before a day specified in such notice.

(3) Before making his decision upon an application for approval to borrow money the Minister shall consider any objections received by him.

Mode of
borrowing.

167. Where approval is given to a council to borrow money, it may borrow from the Government or from any other source approved by the Minister, and may raise the money by mortgage of the rates or any other property of the council.

Issue of bonds.

168. (1) Where approval is given to the City Council or the Town Council to borrow money it may raise the money by issue of bonds.

(2) Bonds issued by the City Council or the Town Council shall be in such form, for such amounts and at such rate of interest, and be redeemable at the time and in the manner decided by the council with the approval of the Minister.

Replacement of defaced bonds.

169. If any bond issued by the City Council or the Town Council is accidentally defaced, the Council may cancel the defaced bond and may cause a new bond to be made and delivered to the bearer; and the new bond shall bear the same number, date and principal sum, carry the same interest and be subject to the same rules as the original bond.

Replacement of lost bonds.

170. The City Council or the Town Council, on proof to its satisfaction that any bond issued by it has by accident been lost or destroyed before being paid off, may, if the number and the amount of the bond are ascertained, and upon being furnished with due security for indemnifying the council for any loss to which it may at any time be subjected by reason thereof, issue a new bond corresponding in all respects with the bond so lost or destroyed or, if any bond when so lost or destroyed is overdue, the council may cause the money thereon to be paid off and discharged.

Charge upon revenues.

171. All moneys borrowed by a council with the approval of the Minister and all interest and other sums payable in respect thereof shall be charged indifferently upon the revenues and assets of the council.

Repayment.
[12/1980]

172. Where any moneys are borrowed by a council with the approval of the Minister, the following provisions shall apply—

(a) the council shall set apart each year from its

revenues and assets, in addition to the interest payable, such a proportionate part of the capital sum as will be sufficient in the aggregate to pay the capital as and when it becomes due;

- (b) the amount to be set apart each year for the repayment of the capital sum shall be an equal proportion of that sum;
- (c) where bonds have been issued by a Council and the sum set apart each year cannot be immediately applied to the redemption of the bonds, it shall be invested by the council until, with the accruing interest, it can be so applied:

Provided that when determining the amount to be set apart each year, if any allowance is made for interest to accrue on the sums to be invested, the interest to be obtained shall not be estimated at a higher rate than five per cent per annum.

Temporary
loans.

173. (1) A council may, without the approval of the Minister, borrow by way of temporary loan on overdraft from a bank or otherwise, any sums which it may temporarily require—

- (a) for defraying expenses pending the receipt of revenues;
- (b) for defraying expenses pending the receipt of a loan which has been approved by the Minister for defraying such expenses.

(2) Interest charged upon any temporary loans under this section shall be paid out of the general rate fund of

the council.

(3) A council shall not, under this section, temporarily borrow a sum or sums which in aggregate at any time exceed one-quarter of its estimated revenue for the financial year.

Charge of loan
to head of
expenditure.

174. When money is borrowed to meet any expenditure of a council which is chargeable to a particular head of expenditure, there shall be debited to that head of expenditure all sums required for repayment of the loan, and for payment of interest thereon.

Repayment of
balance of
loan.

175. The balance of any loan which is not required for the purposes for which it was obtained shall be repaid immediately.

Additional
payments.

176. In addition to any normal repayment in respect of any loan, a council may make additional payments out of its ordinary revenue towards the reduction of that loan.

Audit

Accounts to be
audited
annually.

177. (1) All accounts of a council shall be made up yearly to the end of the financial year to which they relate by the treasurer of the council and shall be so made up not later than four months after the end of such year and shall be audited by the auditor as soon as practicable.

(2) If a treasurer neglects to make up the accounts as required by subsection (1), he shall be guilty of an offence.

Notification of
date of audit.

178. The auditor shall give the treasurer one month's notice in writing of the date on which he intends to commence the audit of the accounts of the council.

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Deposit of accounts.

179. The treasurer shall, not later than seven days before the date of the commencement of the audit, deposit all accounts duly made up, together with all books and documents relating thereto, in the appropriate office of the council where they shall, until the commencement of the audit, be open at all reasonable hours to the inspection of all persons interested; and any such person shall be at liberty to make copies of or extracts from the deposited accounts, books and documents.

Unauthorised alteration of deposited accounts.

180. If the treasurer, except with the consent of, or in accordance with directions given by the auditor, alters or allows the accounts, books and documents to be altered, when deposited, he shall be guilty of an offence; and any person who, having the custody of the accounts, books and documents so deposited, refuses to allow inspection thereof shall likewise be guilty of an offence.

Notice of audit.

181. The treasurer shall, not later than fourteen days before the date of the commencement of the audit, publish notice thereof; and such notice shall refer to the right of inspection by every person interested, and shall also state that such person may appear before the auditor and make representations as to the correctness or legality of the accounts, books or documents deposited, or any entry therein.

Financial statement.

182. The treasurer shall prepare a financial statement of the accounts of the council in such form and with such number of copies as may be prescribed by financial regulations and shall submit the statement to the auditor at the commencement of the audit.

Evidence at audit.

183. (1) During the audit, the auditor may take evidence and examine witnesses upon oath (which oath the auditor is hereby empowered to administer), and may, by writing under his hand, summon any person to appear before him at a time and place stated and to produce all such accounts, books and documents as he may consider necessary

for such examination; and if any person so summoned is not a local government officer he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(2) Any person who, when so required, without reasonable excuse—

- (a) neglects or refuses to comply with the terms of a direction given under subsection (1); or
- (b) having appeared, refuses to be examined on oath or affirmation,

shall be guilty of an offence.

(3) The auditor may require any person at the audit to make and sign a declaration as to the correctness of any account, book or document, and if any person knowingly makes or signs any such declaration which is untrue in any material particular, he shall be guilty of an offence and shall be liable on conviction on indictment to the same punishment as for perjury, under section 325 of the Criminal Law (Offences) Act; and where a person, without reasonable excuse refuses to make or sign a declaration under this subsection, he shall be guilty of an offence.

c. 8:01

Powers of
auditor.

184. In carrying out an audit, the auditor shall have power—

- (a) to retain possession of any book or document until the completion of the audit, or if there is any question as to the propriety or legality of any transaction supported by any document or recorded in any book aforesaid, he may retain possession thereof,

until such time as the propriety or legality of the transaction has been established or otherwise;

- (b) to seal any safe, cabinet or other furniture used by the council for the safe keeping of any cash, book or document; and where any person tampers with or wilfully breaks any seal so affixed by the auditor, he shall be guilty of an offence;
- (c) to adjourn any audit.

Right of
objection.

185. A person interested may in person or by his representative at the audit make objection to the accounts or to any book or document before the auditor.

Disallowance
and surcharge.

186. (1) At every audit the auditor shall—

- (a) disallow every item of account which is contrary to law;
- (b) surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;
- (c) surcharge any sum which has not been brought into account upon the person by whom the sum ought to have been brought into account;
- (d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;
- (e) on the conclusion of the audit,

certify—

- (i) any disallowance under paragraph (a);
- (ii) the amount due from any person upon whom he has made a surcharge;
- (iii) his allowance of the accounts subject to any disallowance or surcharge which he may have made;
- (iv) the amount of expenditure audited and allowed.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section if it arises from failure through neglect or default to levy or collect rates.

Auditor's
Report.

187. Within one month of the completion of the audit of the accounts of a council, or as soon as practicable thereafter, the auditor shall report on the accounts audited and shall send the report to the council and a copy thereof to the Minister.

Notification of
surcharge.

188. Upon receipt by a council of the report of the auditor, the treasurer thereof shall—

- (a) give notice to any person who has been surcharged;
- (b) deposit a copy of the report in the appropriate office of the council, where it shall be open to inspection at all reasonable

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hours for a period of twenty-eight days by any person interested;

- (c) publish a notice that the audit has been completed and that the report of the auditor is open to inspection by persons interested for a period of twenty-eight days at the offices of the council.

Council to consider report.

189. A council shall take the report of the auditor into consideration at the next ordinary meeting of the council, or as soon as practicable thereafter.

Right of appeal.

190. Any person who is aggrieved by a decision of the auditor on any matter with respect to which he has made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, within six weeks of the date of the decision, disallowance or surcharge, appeal to the Minister.

Power on appeal.
[12/1980]

191. (1) The Minister, on an appeal under section 190, shall have power to confirm, quash or vary the decision of the auditor and to remit the case to him with such directions as the Minister thinks fit for giving effect to the decision on appeal; and if the decision of the auditor is quashed, or is varied to reduce the amount of a surcharge to one thousand dollars or less, the appellant shall not by reason of the surcharge be subject to the disqualification made by section 17 of the Local Democratic Organs Act 1980.

(2) Where an appeal is made to the Minister under section 190, the Minister may at any stage of the proceedings state, in the form of a special case for the opinion of the court, any question of law arising in the course of the appeal.

Applications for relief.

192. (1) In the case of a surcharge, the person surcharged may, whether or not he appeals under section 190,

apply to the Minister for a declaration that in relation to the subject-matter of the surcharge he acted reasonably or in the belief that his action was authorised by law and the Minister, if satisfied there is proper ground for so doing, may make a declaration to that effect.

c. 28:03

(2) Where a declaration is made under subsection (1) by the Minister, the person surcharged, if by reason of the surcharge he is subject to the disqualification imposed by section 17 of the Local Democratic Organs Act, shall not be subject to that disqualification; and the Minister may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge.

Personal hearing.

193. (1) Where an appeal under section 190 or an application under section 192 is made to the Minister, the appellant or applicant shall be entitled, if he so desires, to a personal hearing by a person appointed by the Minister for the purpose.

(2) Where such an appeal or application is made the appellant or the applicant, as the case may be, shall be entitled to be represented by counsel or solicitor.

Payment of sums due.

194. Every sum certified by the auditor to be due shall be paid to the treasurer of the council within one month after it has been so certified, or, if an appeal under section 190 or an application under section 192 has been made within that period with respect to that sum, within one month after the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Recovery.

195. (1) Proceedings for the recovery of any sum certified by the auditor to be due shall be commenced as soon as such sum has become payable.

(2) In any proceedings for the recovery of a sum

certified by the auditor to be due, a certificate signed by the auditor shall be conclusive evidence of the facts certified and a certificate signed by the treasurer that the sum certified to be due and payable has not been paid to him shall be *prima facie* evidence of non-payment thereof; and unless the contrary is proved, a certificate purporting to be signed by the auditor or by the treasurer shall be deemed to have been signed by the auditor or the treasurer, as the case may be.

Charges of audit.

196. The Minister shall make and may amend or vary a scale of charges payable by councils in respect of the duties imposed upon and performed by the auditor and the charges shall be paid to the Accountant-General within one month after the date of the completion of the audit.

Costs of appeal.

197. Any expenses or costs, incurred in the defence of any allowance, disallowance or surcharge made by the auditor shall, so far as not recovered from any other party and except so far as may otherwise be ordered by the Minister, be paid by the Council.

Extraordinary audit.

198. (1) The Minister may at any time request the auditor to hold an extraordinary audit of any accounts of a council; and a council may at any time and at their own expense request the auditor to hold an extraordinary audit of any of their accounts.

(2) An extraordinary audit held under this section shall be deemed to be an audit for the purposes of this Part and the provisions of this Part other than those requiring the preparation and submission of a financial statement of the accounts and the deposit of the accounts together with any book or document relating thereto for inspection and the giving of notice thereof, shall apply accordingly.

Inspection.

199. Without prejudice to the other provisions of this Part, the auditor shall have power at any time to inspect any account, book or document of and to make a check of any

bank account and cash balances held on behalf of a council and in carrying out any such inspection shall have the powers set out in section 184 (a) and (b).

Internal audit.

200. A council may, and when so directed by the Minister shall, in consultation with the auditor, make arrangements for a regular system of internal audit which shall be in addition to the audit hereinbefore provided for in this Part.

Interpretation.
[18 of 1977]

201. In this Part—

“the auditor” means—

- (i) the Auditor-General;
- (ii) a public officer authorised in that behalf by the Director of Audit;

“person interested” means—

- (i) any registered voter for the council area;
- (ii) any other person having any pecuniary interest in the accounts of the council arising from a contract or otherwise.

PART VI
RATING

Rating area.
[13 of 1973
25 of 1973]

202. Each council area forms one rating area.

Rating authority.

203. Every council shall be the rating authority for, and shall have power to make and levy rates within, each rating area in its council area.

Power to levy a
general rate.
[25 of 1973]

204. Every council shall, for each rating area within its council area, make and levy for each rating period a general rate, which shall be sufficient to meet the expenditure estimated to be incurred by the council in carrying out its functions under this Act during the rating period.

Power to levy
supplementary
rate.

205. Where it appears to a council that revenue from a general rate levied under section 204 is likely to be insufficient to meet the expenditure to be incurred in any rating area within the council area during the rating period and during that part of the next subsequent rating period before the rates in respect thereof become payable, it may, after compliance with the provisions of section 162, make and levy a supplementary rate for that rating area in respect of the second half of the rating period in the same manner as is provided for the general rate.

Rates to be a
percentage.
[25 of 1973
16 of 1992]

206. (1) Every general or supplementary rate for a rating area shall be at a percentage on the value of property in the valuation list for the time being in force in the rating area.

(2) A council may make and levy—

(a) a separate rating percentage on the value of land and of any building or other erection thereon;

(b) having regard to the purpose for which the property is actually used or occupied, or if not actually used or occupied, the purpose for which it is reasonably suited, if the council thinks it justifiable in view of all the circumstances to do so—

(i) a different rate percentage on the value of property or part thereof in the same part of the

rating area (even in respect of adjacent properties) or in different parts of the rating area;

- (ii) a different rate percentage on the value of different parts of the same property whether or not separately assessed; but where different parts of the same property are not separately assessed the Chief Valuation Officer shall apportion the value of each part to enable the Council to make and levy the rate:

Provided that the exercise by a council (other than the City Council or the Town Council) of the power conferred upon it by this subsection shall be subject to the approval of the Minister.

(3) In this part "rate percentage", in relation to the rental value of property or part thereof, includes a rate percentage representing a multiple of the annual rental value of the property or part thereof.

Reference to new valuation lists.

207. Where a new valuation list is to come into force in a rating area, a council may make a rate by reference to that list for the rating period beginning with the day on which the list is to come into force or the following day, notwithstanding that the list is not in force at the time when the rate is made, and references to the list in force for the time being shall be construed as references to the new list.

Date for fixing of rate percentage.
[O. 36/1979]

208. (1) A council shall fix the percentage of a general rate for a rating area not later than the day preceding the commencement of the rating period.

(2) A council shall fix the percentage of a supplementary rate for a rating area not later than the day preceding the commencement of the second half of the rating period.

(3) Where the Minister is satisfied that it is impracticable for a council to comply with the provisions of this section he may, at any time by order, vary the days specified in subsection (1) and subsection (2); and a rate percentage fixed within such extended period shall have effect as if it had been fixed not later than the day or days so specified.

Publication of
rate percent-
age.

209. Notice of every rate percentage shall be published in the *Gazette* and in a newspaper by the council forthwith after the fixing thereof, and rates shall not be leviable until such notice is given.

State property.

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

Liability for
payment of
rates.
[6 of 1997]

211. (1) The owner of a property shall be liable for the payment of rates levied thereon.

(2) The person whose name appears in the valuation list shall, for the purposes of this section, be deemed to be the owner of the property listed against his name until the contrary is proved to the satisfaction of the council.

(3) Where a property in a valuation list is sold or transferred whether by instrument or operation of law or otherwise, the purchaser or transferee shall, within three months after such sale or transfer, give notice in writing and produce the instrument of sale or transfer to, the council; and any person who fails to give such notice or produce such

instrument of sale or transfer shall be guilty of an offence, and on summary conviction be liable to a fine of six thousand five hundred dollars.

(4) Where the names of two or more persons appear in the list in respect of any property, the council may designate any one of those persons as owner, and such person shall be deemed to be the sole owner for the purposes of this section.

(5) Where the owner of a property cannot be found, the person in occupation of the property, or where there are two or more persons in occupation, any one of such persons may be designated as owner by the council and such person shall be deemed to be the owner for the purposes of this section.

c. 7:01

(6) Where, under the provisions of this section, a joint owner or joint occupier has paid more than his share of rates, he may irrespective of the amount, recover as a civil debt under the Summary Jurisdiction (Petty Debt) Act from the other joint owners or joint occupiers who have paid or contributed less than their share, the amount of the excess together with any costs and interest paid by him.

(7) Where property owned by the State is held under a lease or is occupied or used under a licence or permission the tenant, licensee or permittee shall be deemed to be the owner thereof for the purposes of this section:

Provided that proceedings for rate recovery by way of parate execution shall be exercised only in regard to the right, title and interest of the tenant, licensee or permittee.

(8) In this section the term joint owner includes two or more persons who hold a lease, licence, or permission in and over one property.

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Right of
recovery.

c. 7:01

212. Where any rate or instalment thereof or any interest due thereon is paid by a person deemed to be owner under section 211, other than subsection (7) thereof, he may irrespective of the amount, recover any sum so paid, together with interest and costs from the owner of the property either as a civil debt under the Summary Jurisdiction (Petty Debt) Act, or by deduction of rent due by him to the owner:

Provided that nothing in this section shall affect any agreement between a tenant and his landlord regarding payment of rates and no such agreement shall derogate from any provision of this Part relating to the recovery of rates.

Exemption of
certain
properties.

213. No rates shall be levied in respect of the following properties—

- (a) property used solely for the purposes of public religious worship;
- (b) property used exclusively for the purposes of education;
- (c) property used for the purposes of a burial ground, cemetery or crematorium;
- (d) buildings exempted by the City Council under the Georgetown (Taxation and Rating Concessions) Ordinance, 1966 (which expired in 1969);
- (e) property used for two or more of the purposes specified in the preceding paragraphs.

5 of 1966A

Power to
exempt owners
of certain
properties.

214. (1) A council shall have power to exempt from liability to pay rates either wholly or in part, in respect of the properties listed in this section, the owners of—

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

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

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

Due dates for
payment of
rates.
[25 of 1973
17 of 1988]

215. (1) The rates due in respect of a general rate shall be payable in four equal instalments which shall become due on the first day of February or on the day of service of the demand note, whichever day is later, the first day of April, the first day of July and the first day of October.

(2) The rates due in respect of supplementary rate shall be payable in two equal instalments which shall become due on the first day of July or on service of the demand note, whichever day is the later and the first day of October.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of any general or supplementary rate when the whole of such rates is paid

within such period prior to the due date for payment of the first instalment thereof as may be fixed by the council from time to time.

(4) All rates shall be paid to the office of the council or such other place as may be signified by notice published by the council.

(5) A ratepayer may make payments on account of instalments of rates before such instalments are due.

(6) Anything in subsections (1) and (2) to the contrary notwithstanding the Minister may for good and sufficient cause shown to him, by notice published in the *Gazette* and in a newspaper circulating in Guyana, prescribe other dates on which the instalments of a general or supplementary rate shall become due and payable.

Demand notes.

216. (1) As soon as practicable after notice of making of a rate has been published, the amount of rates payable in respect of any property shall be demanded from the person who was the owner of such property on the day on which the rating period commenced:

Provided that in the case of a property which becomes liable to be rated from a day after the commencement of the rating period, the demand shall be made upon the person who was the owner of the property on the day on which the assessment in respect thereof takes effect under section 228, and shall be served within one month after that day.

(2) Where section 211(2), (4), (5) and (7) apply in relation to any property, it shall be sufficient compliance with this section to demand the rates due in respect thereof from the person deemed to be the owner of the property for the purposes of that section.

(3) Where rates are due in respect of contiguous properties in the same ownership, the council may issue one demand note in respect thereof, which shall be accompanied by a statement of the sums due on each property.

(4) Every demand note shall be served as hereinafter provided, and shall contain, in addition to a statement of the amount demanded, the following particulars—

- (a) the description of the property in respect of which the demand is made;
- (b) the assessed value of the property;
- (c) the rate percentage;
- (d) the rating period;
- (e) the days on which instalments are due;
- (f) the office or place at which the amount demanded is to be paid;
- (g) reference to interest chargeable under section 218;
- (h) reference to discount allowable under section 215;
- (i) an analysis of the expenditure on the principal services of the council for the rating area as included in the approved estimates.

Default in payment.

217. Where any instalment of rates is not paid within thirty days from the day on which it becomes due, default

shall be deemed to have been made in the payment thereof.

Interest on
arrears.

218. (1) A council shall be entitled to charge interest on any instalment outstanding, from the day of default until the debt is discharged, at such rate as it may decide, being not less than one per cent in excess of the rate at which the council might have borrowed from its bankers on the day the rates became due.

(2) The remedies for recovery of rates shall apply to any interest which becomes payable under the provisions of this section.

Proceedings for
recovery.
[13 of 1973]

219. (1) Where a period of three months has elapsed after default under section 217 has occurred, the clerk of the council shall as soon as practicable thereafter institute proceedings for the recovery of the rates.

(2) The clerk shall report to the council on action taken by him under subsection (1).

(3) All proceedings under this section shall be in the name of the council.

Remedies.
[13 of 1973]

220. Rates shall be recoverable from the person liable for the payment thereof—

c. 7:01

(a) as a civil debt, irrespective of the amount, under the Summary Jurisdiction (Petty Debt) Act;

(b) by distress under section 221 on movable property of the person liable, whether such movable property is situated on the property in respect of which the rates are due or elsewhere;

- (c) by parate execution under section 222, where the property in respect of which the rates are due is immovable property.

Distraint.

221. (1) Where movable property is liable to distraint for rates, the clerk of the council shall serve on the person liable for the payment thereof a notice which shall set out the amount of rates remaining unpaid and shall state that if such amount is not paid within fourteen days, proceedings by way of distraint will be commenced.

(2) If payment is not made within fourteen days after the notice is served under subsection (1), the clerk of the council shall make application to the magistrate of the magisterial district in which the offices of the council are situate for a warrant of distress, and the magistrate, upon the production of a copy of the notice together with proof of service, shall grant a warrant of distress under and by virtue of which the movable property may be levied on and sold for the amount of the rates together with costs.

(3) Where notwithstanding the provisions of this Act, any movable property levied on and sold under this section is the property of a person not being the person who is liable for the payment of the rates, the owner of the movable property shall be entitled to recover from the council the full value of the property so distrained, with costs.

Seventh
Schedule.
c. 7:01

(4) All warrants of distress issued under this section shall be in the form set out in the Seventh Schedule and shall be executed in the same manner as warrants of distress issued by a magistrate under the Summary Jurisdiction (Petty Debt) Act, and the fees for the process shall be the same as would apply to proceedings under that Act.

Parate
execution.
[1 of 1972
17 of 1988
6 of 1997]

222. (1) Where rates are due in respect of any property, and the remedy of distress is not available against the person liable for the payment of such rates, or where it

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has been used and has proved insufficient, the clerk of the council shall institute proceedings by way of parate execution.

(2) Where a person owns two or more immovable properties on which rates are due, proceedings under this section may be instituted against any one of those properties and the whole of the rates due from the owner of such properties together with costs, shall be taken from the proceeds of sale of such property, but without prejudice to further proceedings against the other property, should the proceeds of sale not realise a sufficient sum to meet the whole of such rates and costs.

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

(4) 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.

c. 28:04

(5) 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.

c. 36:20

(6) 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.

(7) 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.

(8) 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.

(9) In subsection (8) "family" means the person, his spouse and minor children (whether born in or out of wedlock).

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

property the sale shall be set aside.

(11) On the day fixed for 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 (5) and the property sold by the Registrar to the highest bidder without reserve.

(12) 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 a 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 the 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.

(13) The Provisions of subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (14) shall apply to parate execution under this section notwithstanding any other law to the contrary.

(14) The Minister may by regulations make provision 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 (5) and for payment of the sums to the council from the proceeds of the sale of the property.

(15) On sale of any property by parate execution under this section, the marshal, after deducting the costs, including the costs of passing transport or registering a transfer in the case of registered land, shall, within thirty days pay to the treasurer the amount due to the council or where the proceeds of sale are insufficient to meet the whole of the amount due, the balance of the proceeds of sale after deduction of costs, and shall furnish the treasurer with a return showing the date of sale, the name of the purchaser, the amount realised and the amount of costs.

(16) A council may purchase any property offered for sale under this section.

- (17) (a) Transport of the property, or transfer in the case of registered land, to the purchaser, shall be effected by the marshal in accordance with section 27 of the Deeds Registry Act, or section 124 of the Land Registry Act, as the case may be;
- (b) where the property consists of a right,

title or interest under section 211(7) and the property in respect of which such right, title or interest subsists is registered land, the marshal shall effect a transfer of such right, title or interest in accordance with section 124 of the Land Registry Act;

- (c) where the property consists of right, title or interest under section 211(7) and the property is not registered land, the Commissioner of Lands, on a certificate of the marshal that the purchaser has paid the full purchase price and costs therefor, shall record the transfer to the purchaser in the appropriate register.

(18) Nothing in this section shall be construed as affecting the operation of the Deeds Registry Act, or the Land Registry Act or any rules, regulations or fees for the time being in force thereunder.

c. 5:01
c. 5:02

223. In any proceeding for the recovery of rates, any document signed by the treasurer of the council, containing a statement of the amount due in respect of rates on any property shall, without proof of that signature and without proof of any other matter or thing, be *prima facie* evidence that the amount so claimed is due and payable.

Error in
proceedings for
recovery.

224. (1) No error or omission committed in any proceeding for the recovery of rates shall prejudice the recovery thereof, nor shall the proceeding lapse, cease or abate, by reason of the death, resignation or removal of the clerk of the council but the clerk for the time being may prosecute and continue the proceedings commenced and carried on in the name of the previous clerk in all respects as if the proceedings had been taken by himself.

(2) No person may sue an officer or other person employed in executing any warrant of distress for recovery of rates, by reason of any error or omission therein.

Rates recoverable after rating period.

225. (1) The payment of any rates may be enforced notwithstanding that the rating period has terminated.

(2) Where on a transfer of property or a judicial sale any sum by way of rates or interest or costs in respect thereof remains unpaid such sum with interest till the day of payment shall be recoverable from the owner by virtue of such transfer or sale notwithstanding that he was not the owner at the time, when the sum became due.

Preferential claims.

226. Where any person liable for rates is declared insolvent or goes into liquidation or where a judicial sale not at the instance of a council takes place, the claim of the council for such rates and interest thereon shall be treated as a preferential claim over all claims other than those in respect of sums due to the Government:

Provided that notice of the claim has been given by the clerk of the council to the Official Receiver or Registrar, as the case may be, within seven days of the notice relating to insolvency, liquidation or judicial sale appearing in the *Gazette*.

Rate record.

227. (1) Every council shall cause to be kept in respect of each rating period, a record showing the rates assessed on the properties within each rating area in the council area including properties and owners exempted under sections 213 and 214.

(2) The entries to be recorded shall be completed within twenty- eight days after the day on which the rate percentage is published and shall be open to inspection at the offices of the council at all reasonable hours by any ratepayer for such period as any rates in that rating period are unpaid.

(3) Where one of several joint owners or joint occupiers has been designated by the council as owner under section 211, for the purposes of that section, it shall be sufficient to enter his name with the addition after his name of the words "and another" or "and others", as the case may require.

Amendment of
rate record.

228. (1) A council may, at any time—

- (a) correct any error or omission in any rate record;
- (b) add to or otherwise amend the rate record as may from time to time become necessary by reason of new or altered assessments.

(2) Every amendment made under subsection (1)(a) shall have effect as if it had been inserted in the rate record made under section 227, and all sums paid or payable as a rate shall be re-adjusted accordingly.

(3) In the case of a property added to or an altered assessment in the rate record, the rates shall be payable from the date the assessment takes effect.

Power to levy
special rate.

229. A council shall have power to make and levy a special rate on the value of property in the valuation list in a rating area, or part thereof, for the improvement of that area, or part thereof, or for the liquidation of any claim for compensation admitted or awarded for loss sustained by reason of any building, paling or erection being pulled down or otherwise destroyed for the purpose of arresting any fire in the rating area; and any such special rate shall be recoverable and preferential in the same manner as a general rate.

**PART VII
CONTRACTS**

Power to enter
into contracts.

230. A council may enter into contracts necessary for the discharge of any of its functions.

Notice inviting
tenders.

[25 of 1973
27 of 1997]

231. (1) Subject to subsection (2)—

- (a) a council shall, except in those cases provided for in sections 232, 233 and 234 and except in the case of contracts made pursuant to section 271, before entering into any contract for the execution of any work or the supply of any goods to the value of two hundred and fifty thousand dollars or more, give notice of such proposed contract and shall, by such notice, invite any person willing to undertake the same to submit a sealed tender thereof to the council not later than a day and hour which shall be specified in such notice;
- (b) a council shall not open or consider any tender or enter into any contract to which the subsection applies until after the time specified in the notice and shall then consider all tenders which have been submitted by that time.

(2) The Minister may by directions in writing exempt any council from compliance with the requirements of subsection (1) in the case of any particular work or goods.

Council
contractors.

232. (1) A council may, in respect of such work and such goods as it shall determine, nominate persons who are

able and willing to execute any such work or supply any such goods.

(2) Any person may apply to the council to be nominated in accordance with and for the purposes of this section, and the council may require any applicant to furnish it with such particulars or samples as it may specify before considering the application.

(3) The council may cancel the nomination of any person made in accordance with and for purposes of this section upon giving to such person not less than one month's notice in writing of its intention so to do, which notice shall specify the grounds upon which the council proposes to cancel the nomination; and the council shall consider, before deciding whether or not to cancel the nomination, any representations made by such person.

(4) Any person who has applied to the council to be nominated in accordance with and for the purposes of this section and has not been so nominated or whose nomination has been cancelled may appeal to the Minister, and the Minister may either uphold the decision of the council or direct the council to nominate or to re-nominate such person.

(5) The council shall cause to be prepared, and to be kept up to date, a list of all persons for the time being nominated by it in accordance with and for the purposes of this section, and such list shall in relation to each such person show in respect of what work or goods he has been so nominated; and a copy of such list shall be open to public inspection at the offices of the council.

(6) When a council requires the execution of any work or the supply of any goods in respect of which it has nominated any person in accordance with and for the purpose of this section, the council may, notwithstanding section 231, invite only those persons to submit tenders who

have been so nominated in respect of the work or goods required; but the council shall invite all such persons to submit tenders.

Acceptance of tenders.

233. A council may accept any tender which, having regard to all the circumstances appears to the council to be the most advantageous, and may take security for the due and faithful performance of every contract, or the council may decline to accept any tender:

Provided that all tenders received shall be recorded by the clerk.

Variation of tender procedure in cases of emergency.
[27 of 1997]

234. In cases of emergency, or where the delay from inviting tenders in the manner provided in this Part would result in loss to the council, the council may authorise the making of contracts or purchases to the value of two hundred and fifty thousand dollars or more without publication of the notice required by section 231(1), or the invitations to tender mentioned in section 232(6):

Provided that in all such cases the council shall specify the method of inviting tenders and the period within which tenders shall be submitted.

Perishable goods.

235. Nothing in this Part shall apply to any contract for the purchase by a council of produce or other perishable goods bought in a public market, or to any purchase entered into by a council as the result of bidding at public auction.

Contracts with Government

236. A council may enter into contracts with, and may act as agents of, the Government or any authority for the purpose of any work or service for which the Government or such authority is responsible within or adjacent to its council area.

PART VIII
ACQUISITION OF AND DEALINGS IN LAND

Power to
acquire land.

237. (1) A council may, with the consent of the Minister, by agreement acquire whether by way of purchase, lease, exchange or acceptance as a gift and may, subject to this Part, compulsorily purchase any land within its council area for the purpose of any of its functions.

(2) The land acquired or compulsorily purchased under this section may be an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land.

Power to
appropriate
land.

238. Any land belonging to a council and not required for the purposes for which it was acquired may be appropriated for any other purpose for which the council is empowered to acquire land.

Power to let
land.

239. A council may let any land which it may possess.

Power to sell or
exchange land.

240. A council may, with the approval of the Minister—

(a) sell, at the best price that can be obtained, any land which it may possess and which is not required for the purpose for which it was being used;

(b) exchange any land which it may possess for any other land either with or without paying or receiving any money for equality of exchange.

Acquisition of Land by Compulsory Process

Notice to treat.

241. (1) No land shall be acquired by compulsory process under this Part unless a council has first caused to be

served upon each of the owners of the land, or such of them as can, after diligent enquiry, be ascertained, a notice inviting the person on whom the notice is served to treat with the council for the sale of the interest of that person in the land:

Provided that no such notice shall be served unless the council has first obtained the consent of the Minister to service thereof.

(2) Where service on an owner cannot be effected under subsection (1) in accordance with section 312, service on that owner may be effected by causing a copy of the notice to treat to be published in the *Gazette* and in a newspaper circulating in Guyana and –

- (a) if the land is occupied, leaving a copy of the notice to treat with the occupier; or
- (b) if the land is not occupied, affixing, if practicable, a copy of the notice to treat to a conspicuous part of the land,

and the notice to treat shall be deemed to have been so served on the day on which the copy is published in the *Gazette* as aforesaid, is so left with the occupier or is so affixed, whichever last occurs.

(3) Where, in relation to any land, a notice to treat has been served in accordance with subsection (1) or subsection (2) it shall not be necessary for the council to serve any further notice to treat in relation to such land solely on account of any change in ownership of the land after the day on which the notice is served under subsection (1) or is deemed to have been served under subsection (2), as the case may be.

(4) A person served with a notice to treat in respect

of land may, not later than fourteen days after the service of the notice, furnish to the council particulars of—

- (a) the interest claimed by him in the land;
- (b) the amount for which he is agreeable to sell his interest in the land; and
- (c) the name and address of any other person known to him to have an interest in the land and the nature of that interest.

(5) Upon receipt of the particulars referred to in subsection (4), the council may treat with the person furnishing the particulars for the acquisition of the interest of that person in the land by agreement and may enter into an agreement with that person for that acquisition.

(6) The council may, by notice in writing to a person served with a notice to treat, withdraw the notice to treat.

Compulsory acquisition.

242. (1) Without prejudice to the liability of a council under any contract for the acquisition of land by agreement under this Act and subject to subsection (2), where a period of twenty-eight days has expired after the service of a notice to treat, or of notices to treat, in relation to land, the Minister may authorise that the land or any interest in the land (not including an interest in respect of which a notice to treat has been withdrawn) be acquired by compulsory process under this Part for the purpose of any function of the council approved by him.

(2) No authorisation for the acquisition of land by compulsory process shall be given by the Minister under subsection (1) in respect of any land to which sections 246 to 256 (inclusive) apply unless the requirements of those

provisions have been complied with.

(3) The council shall cause to be published in the *Gazette* a notice of any authorisation for the acquisition of land by compulsory process by the Minister under subsection (1) and, in the notice, shall declare that the land has been acquired under this Act for the purpose of a function of the council approved by the Minister.

(4) Upon the publication of the notice in the *Gazette* the land to which the notice applies shall, by force of this Act—

- (a) be vested in the council;
- (b) be freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates,

to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act shall be vested in the council.

Conversion of
estates and
interests into
claims for
compensation.

243. (1) Subject to subsection (2), the interest of every person in the land to which a notice under section 242 applies, shall, on the date of acquisition of the land be converted into a right to compensation under this Part.

(2) Where an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land is acquired, the interest of every person in that land shall, on the date of the acquisition, and to the extent to which that interest is affected by the acquisition be converted into a right to compensation under this Part.

Validity of
authorisations.

244. If any person aggrieved by an authorisation of the Minister under section 242(1) for the acquisition of land

by compulsory process desires to question the validity thereof on the ground that the authorisation is not empowered to be granted under this Part or on the ground that any requirement of this Part has not been complied with in relation to the authorisation, he may, within three weeks from the date on which notice of the authorisation is published in the *Gazette*, make an application to the Court and on any such application the Court—

- (a) may by interim order suspend the operation of the authorisation either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
- (b) shall order the applicant to give such security for costs as the Court thinks fit before making any such order; and the security so given shall remain in force until the matter is finally determined;
- (c) if satisfied that the authorisation is not empowered to be granted under this Part or that the interests of the applicant have been substantially prejudiced by any requirement of this Part not having been complied with, may quash the authorisation either generally or in so far as it affects any property of the applicant.

Power of court
to adjust
rights.

245. (1) Notwithstanding anything contained in this Part where land is acquired by compulsory process under this Part, the court may, upon the application of the council concerned or any person affected, make such orders as to the Court seem proper for declaring or adjusting rights and liabilities in connection with the land or with transactions in relation to the land or otherwise affected by the acquisition.

(2) Without limiting the generality of the powers conferred by subsection (1), the orders which may be made under that subsection include—

- (a) an order for the payment or repayment of moneys;
- (b) an order discharging a person from an obligation to pay moneys;
- (c) where there was a subsisting contract of sale of the land, an order with respect to the rights and liabilities of the parties to that contract; and
- (d) where there was a charge or encumbrance over the land—
 - (i) an order releasing a person in whole or in part from a personal covenant or obligation in relation to the charge or encumbrance; and
 - (ii) an order apportioning the charge or encumbrance between the land acquired and other land subject to the charge or encumbrance.

Notice to
owner.

246. (1) Where land is acquired by compulsory process under this Part, the council shall, as soon as practicable after the date of acquisition of the land, cause a copy of the notice of acquisition of the land published under section 242 to be served upon the owners of the land, or such of them as can, after diligent inquiry, be ascertained.

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(2) Where—

- (a) the council is unable, after diligent inquiry, to ascertain the identity of an owner; or
- (b) service on an owner cannot be effected under subsection (1) in accordance with section 312,

service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in Guyana and—

- (c) if the land is occupied, leaving a copy of the notice of acquisition with the occupier; or
- (d) if the land is not occupied, affixing, if practicable, a copy of the notice of acquisition to a conspicuous part of the land.

Registration of notification.

247. (1) Where land has been acquired by compulsory process under this Part, the council may lodge with the Registrar of Lands a copy, certified under the hand of its clerk, of the notice of acquisition of the land published under section 242.

(2) The Registrar of Lands may register the acquisition in the same manner in which dealings with registered land are registered.

Notice of proposal to acquire.

248. (1) Before the Minister authorises the compulsory acquisition of any land under section 242(1), the council shall—

- (a) publish in the *Gazette* and in a

newspaper circulating in Guyana a notice of the proposed acquisition;

- (b) cause to be served upon each of the persons who are owners of the land at the date of the publication of such notice in the *Gazette*, or such of them as can, after diligent inquiry, be ascertained, a copy of such notice; and
- (c) if practicable, cause a copy of such notice to be affixed to some conspicuous part of the land.

(2) The notice of the proposed acquisition shall contain the following particulars—

- (a) a description of the land proposed to be acquired including its location, area and boundaries;
- (b) the purpose for which the land is required;
- (c) the time within which and the manner in which objection to the proposed acquisition may be made;
- (d) the address for service of the council.

Objections to proposed acquisition.

249. (1) Within thirty days of the publication of the notice under section 248(1)(a) any person having an interest in the land may serve on the council notice of objection to the proposed acquisition.

(2) The notice of objection shall contain the name and address of the objector or his legal representative and shall state in full the grounds upon which the objection is

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based, and may propose alternative land for the purposes of the proposed acquisition.

Reasons for proposed acquisition.

250. As soon as practicable after a notice of objection has been served on the council under section 249 and in any event before the holding of an inquiry under section 252, the council shall serve on the objector a statement of the reasons for the proposed acquisition.

Appointment of inspector.

251. (1) Where notice of any objection has been given under section 249, the Minister shall appoint an inspector who may be a public officer, to inquire into such objection.

(2) Every appointment of an inspector under this section shall be notified in the *Gazette*.

Holding of inquiry.

252. (1) The inspector shall, as soon as practicable after his appointment, arrange for the holding of an inquiry into the objection and shall notify the objector and the council of the time and place at which the inquiry is to be held.

(2) For the purposes of the inquiry the inspector shall—

(a) give the objector and the council an opportunity of being heard, either in person or by legal representatives;

(b) consider such evidence, either oral or documentary, as the objector and the council may present, and such other evidence as the inspector thinks desirable for the purpose of properly inquiring into the objection:

Provided that the inspector shall give the objector and the council an opportunity of commenting upon any statement, representation or evidence presented by the

council and the objector, respectively.

(3) The inspector shall hold the inquiry in public.

Submission of
report to
Minister.

253. The inspector shall on completion of the inquiry, submit a report to the Minister which shall contain the following matters—

- (a) a summary of the reasons advanced by the objector against the proposed acquisition;
- (b) a summary of the reasons advanced by the council in support of the proposed acquisition;
- (c) in cases where alternative land has been proposed by the objector—
 - (i) a summary of the reasons advanced by the objector in support of the suitability of such alternative land;
 - (ii) a summary of the reasons advanced by the council against the suitability of such alternative land;
- (d) any factors or considerations to which the inspector thinks special attention ought to be drawn.

Consolidation
of objections.

254. Where, in respect of the proposed acquisition of land, more than one notice of objection has been served on the council the inspector shall, unless for special reasons he considers it to be undesirable to do so, consider all such objections at one inquiry and shall submit one report to the Minister in respect thereof.

Copy of report
to be given to
objector and
Council.

Reasons for
decision to be
given to
objector.

255. The inspector shall cause a copy of his report submitted to the Minister in accordance with section 253 to be served on the objector and the council.

256. Where a notice of objection has been served on the council in respect of the proposed acquisition of any land by compulsory process under this Part, and subsequent thereto, the Minister authorises such acquisition the Minister shall furnish the objector with a statement in writing of the reasons why he considers that the land should be acquired as aforesaid, if requested by the objector to state such reasons on or before the date of the publication of the notice of acquisition required to be published under section 242(3).

Entry Upon Land

Power to
examine lands.

257. (1) Any person authorised by a council to act under this section may, for the purpose of ascertaining whether land is suitable for acquisition for the purpose of a function of the council or of surveying or obtaining information in relation to land which the council or person so authorised considers suitable for such a purpose—

- (a) enter upon the land, or upon adjoining land, with such persons, vehicles and things as he thinks fit; and
- (b) make surveys, take levels, sink pits, examine the soil and do any other thing in relation to the land:

Provided that no person so authorised shall enter any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section to enter on land in the exercise of any of his powers under this section in relation to that land, the magistrate's court for the magisterial district wherein such land is situated may, on the application of the person so authorised grant a warrant authorising a person named in the warrant to enforce the entry upon the land, and to prevent hindrance or obstruction to the exercise of any power under this section in relation to the land, and for those purposes to use such force and assistance as are necessary, and the entry upon, and the examination of, the land may be enforced in accordance with the warrant.

(3) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (2) he shall be guilty of an offence.

Compensation
for damage.

258. Where the owner of an interest in land suffers loss or damage by reason of the exercise, in relation to the land, of the powers conferred by section 257, there shall be promptly paid to him by the council adequate compensation, and such compensation shall be determined by agreement between the owner and the council, or in the absence of agreement, by the Court on application by the owner.

Compensation

Adequate and
prompt
compensation
for acquisition.
[12 of 1980]

259. A person who has a right to compensation under section 243 shall be paid compensation in accordance with article 142 of the constitution.

Right to apply
to court for
compensation.

260. (1) Any person claiming compensation in respect of land acquired by compulsory process by a council may apply to the Court for the determination of his interest in or right over the land and the amount of compensation; and the costs of and incidental to proceedings in the Court shall be in the discretion of the Court.

(2) Any party to any proceedings in the Court relating to a claim under subsection (1) shall have the same rights of appeal as he has for the purpose of and in relation to an action in the Court.

Agreement and arbitration.

261. (1) Without prejudice to the rights conferred by section 260 a council and a person claiming compensation in respect of land acquired by compulsory process may by agreement determine the amount of compensation payable or may agree to submit the determination of that amount to arbitration in accordance with this section.

c. 7:03

(2) Where an agreement for arbitration is made, the Arbitration Act shall apply, subject to the agreement, to and in relation to the agreement and to and in relation to the arbitration under the agreement.

Persons Under Disability and Certain Limited Owners

Powers of certain limited owners.

262. A person including a corporation which has no power, or limited power only, to dispose of land, a tenant for life, a guardian, a committee of a lunatic or idiot, a trustee, an executor or administrator, a person for the time being entitled to the receipt of the rents and profits of land in possession or a lessee, possessed of, or entitled to, land, or having the management of land on behalf of a person under a legal disability may, by force of this Part and for any of the purposes of this Part and notwithstanding anything to the contrary in any law, deed of settlement or other deed, will, memorandum, or articles of association or instrument—

- (a) lease, sell, transfer or convey the land or any interest in the land;
- (b) if the land is acquired by compulsory process take any action authorised by sections 260 and 261 to be taken by a person

claiming compensation.

Exercise of
powers

263. (1) The powers conferred by section 262 may be exercised—

- (a) by a person other than a lessee, not only on behalf of himself and his heirs, executors, administrators and successors, but also on behalf of every person entitled in reversion, remainder or expectancy after him, and in defeasance of the estate of every person so entitled;
- (b) by a guardian, on behalf of his ward, and to the extent to which the ward could exercise those powers if he were not under a disability;
- (c) by the committee of a lunatic or idiot, on behalf of the lunatic or idiot, and to the extent to which the lunatic or idiot could exercise those powers if he were not under a disability; and
- (d) by a trustee, executor or administrator, on behalf of his *cestuis que* trust (whether infants, issue unborn, lunatics, idiots or other persons) to the same extent as the *cestuis que* trust could exercise those powers if they were not under a disability.

(2) Where a person specified in section 262 leases or sells land of which he is not the beneficial owner, or agrees to accept compensation in respect of the acquisition under this Part of any such land and that person was not otherwise

empowered to grant the lease or to make the sale or agreement, the lease, sale or agreement shall have no force or effect unless approved by the Court.

General

Agreements to remain in possession.

264. Where a person was in possession of land acquired by compulsory process under this Part immediately before the date of acquisition of the land, the council may enter into an agreement with that person under which that person is permitted to remain in possession of the land on such terms and conditions as are specified in the agreement.

Warrants to obtain possession.

265. (1) If a person who is in possession of land acquired by compulsory process under this Part, other than a person permitted to remain in possession under section 264, refuses or fails, when required by the council so to do, to give up possession of the land, or hinders or obstructs the council or a person authorised by the council in taking possession of the land, a magistrate's court may, on the application of the council, grant a warrant authorising a person named in the warrant to enter on the land and deliver up possession of the land to the council and for those purposes to use such force and assistance as are necessary.

(2) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (1), he shall be guilty of an offence.

Interpretation.

266. In this Part—

“interest” in relation to land means—

- (a) a legal or equitable estate or interest in land;
- (b) a right, power or privilege over, or in connection with, the land;

“lease” includes an agreement for a lease.

PART IX
FUNCTIONS OF COUNCILS

Drainage and Irrigation

Council
drainage areas.
[13 of 1973]

c. 64:03

267. (1) The Minister after consultation with the relevant council or councils may by order appoint a council area or any part thereof which does not form part of a drainage and irrigation area so declared under section 18 of the Drainage and Irrigation Act to be a Council drainage area.

(2) Any order made under this section and any order varying or amending any such order shall be published in the *Gazette* and in three consecutive issues of at least one newspaper circulating in Guyana.

(3) The owner of any land situated within a council drainage area may at any time apply to the Minister to exclude his land from the council drainage area; and the owner of any land in the council area situated outside the council drainage area may at any time apply to the Minister to include his land within the council drainage area.

(4) Upon receipt of any application under subsection (3) the Minister shall cause inquiry to be made into the representations submitted and shall make such order as is necessary to give effect to his determination.

(5) If any council drainage area, or part thereof, is declared under section 18 of the Drainage and Irrigation Act to be a drainage and irrigation area, such council drainage area or part thereof, as the case may be, shall cease to be or form part of a council drainage area.

Responsibility
of councils for
council

268. A council shall in any council drainage area—

- (a) cause to be made and maintained in good order the drainage works necessary for effectually draining and irrigating the council drainage area;
- (b) cause all drainage works in the council drainage area so to be kept as not to be injurious to health and to be properly cleansed and drained.

Power to require owners in council drainage area to maintain drainage works.

269. (1) An owner of land in a council drainage area shall maintain all drainage works thereon to the satisfaction of the council and so as to prevent the flooding of any lands within the area and the waste of water; and for these purposes the council may by notice served on the owner require him to repair or maintain any drainage work thereon.

(2) If the owner fails to comply with a notice served under this section, any person authorised in writing by the council may enter upon the land with such persons, vehicles and things as are necessary for the purpose and repair or maintain any drainage work or portion thereof in accordance with the notice; and the cost of so doing shall be recoverable by the council from the owner.

Power to require owners outside council drainage areas to repair certain drainage works.

270. (1) If the owner of any canal or drain situate without a council drainage area wilfully or negligently keeps such canal or drain foul and offensive and thereby injuriously affects the council drainage area, or, if the owner of land situate without such area wilfully or negligently fails to repair any dam, sluice, koker, canal or drain on his land and such failure endangers the safety, or materially impairs the efficiency, of any drainage work under the control or management of the council, the council may, by notice in writing served on the owner of the drain or canal, or of the land require him to clean such canal or drain, or repair such dam, sluice, koker, canal or drain.

(2) If the owner of the canal or drain, or of the land, as the case may be, fails within seven days of the service of a notice under this section, to commence the work required by the notice, or, having commenced the work, unreasonably delays its completion, any person authorised in writing by the Council may enter on the land of the owner with such persons, vehicles and things as are reasonably necessary for the purpose and perform or complete the work, as the case may require; and the cost of so doing shall be recoverable by the council from the owner.

Contracts with
owners of
land.

271. (1) A council may enter into contracts with owners of land situate without a council drainage area for the purpose of affording to the area effectual drainage for such term of years or for such consideration as may be agreed.

(2) A council may authorise the making of a contract pursuant to this section without publication of the notices required by section 231(1) or the invitations to tender mentioned in section 232(6).

Power of entry
upon land for
inspection.

272. The powers conferred upon a person authorised pursuant to section 257 to enter upon and examine land shall apply to a person authorised by a council to act under this section for the purpose of ascertaining—

- (a) whether drainage works on land in a council drainage area are being maintained in accordance with section 268;
- (b) the state of maintenance of the drainage works specified in section 269(1),

and the provisions of section 258 shall apply where the loss or damage is suffered by the owner of the land by reason of the exercise, in relation to the land, of the powers conferred by this section.

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Obstruction.

273. If a person hinders or obstructs a person authorised under section 268(2) or section 269(2) in the exercise of any of his powers under those subsections, section 257(2) and (3) shall apply.

Roads

Power to construct council roads and control traffic.
[4 of 1972]

c. 20:01

c. 51:01 c. 51:02

Power to enter upon adjoining land.

274. A council shall have power, subject to the provisions of the Town and Country Planning Act, the Roads Act and the Motor Vehicles and Road Traffic Act to construct, maintain, repair, protect and carry out works for the betterment of council roads in its council area and to regulate and control traffic thereon.

275. (1) For the purposes of the construction, maintenance, repair, protection and carrying out of works for the betterment of council roads, any person authorised by a council to act under this section may enter upon any adjoining land within the council area with such persons, vehicles and things as he thinks fit and may do thereon any or all of the following—

- (a) inspect the soil and drainage;
- (b) dig, cut, take and remove from any uncultivated lands adjacent to the road any road materials;
- (c) control or divert the drainage and construct and maintain dams, drains and trenches;
- (d) cause any koker to be opened at any material time to allow through passage of any craft carrying materials required for road purposes;

- (e) deposit and store any materials required for road purposes;
- (f) erect on any portion of uncultivated land and maintain thereon structures for the accommodation of persons employed upon the works and for the storage of vehicles, tools and equipment and occupy such structures and the land necessary for their use and for ingress and egress:

Provided that no person so authorised shall enter upon any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section in the exercise of any of his powers under subsection (1), section 257(2) and (3) shall apply; and where loss or damage is suffered by the owner of the adjoining land by reason of the exercise, in relation to the land, of the powers conferred by this section, section 258 shall apply.

Traffic control.

276. Without prejudice to the generality of the power to regulate and control traffic on council roads conferred by section 274, but subject to the provisions thereof a council may—

- (a) establish, maintain and control car parks;
- (b) erect and maintain parking meters;
- (c) regulate the standing and parking of vehicles on council roads;

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- (d) erect and maintain traffic control signals and traffic signs on council roads;
- (e) regulate the speed of vehicles on council roads;
- (f) designate particular council roads as one-way roads or one-way streets and require all vehicles thereon to move in one specified direction;
- (g) require vehicles to stop before entering or crossing any council road or to yield to other traffic;
- (h) restrict the use of any council roads to vehicles of specified types or weights.

Authorised
closure of road.
[25 of 1973
6 of 1997]

277. (1) A council may for such periods as it considers necessary for the protection of a council road or the users thereof, or for the carrying out of road works, order that the road or any portion thereof be closed to all or specified types of vehicles.

(2) As soon as practicable after an order under this section has been made, the council shall cause to be displayed such road signs, warning notices or barriers as it considers will suffice to convey to the public adequate intimation of the effect of such order, and the council shall cause any such order to be published.

(3) Any person who uses or causes or permits a vehicle to be used in contravention of an order made under this section shall be guilty of an offence and on summary conviction shall be liable to a fine of not less than one thousand six hundred and twenty-five dollars nor more than sixteen thousand two hundred and fifty dollars.

Private access
to council
roads.

278. (1) No person shall construct any private access to a council road, or any other facility or appurtenance for the purpose of access thereto except with the written permission of the council:

Provided that permission for private access to a council road shall not be refused by a council unless there exists reasonable access thereto.

(2) The permission of the council for the construction of an access road, facility or appurtenance shall be subject to such terms and conditions as may be imposed by the council; and the construction and maintenance thereof shall be to the satisfaction of the council and at the expense of the applicant.

(3) If a person to whom permission is granted to construct an access road, facility or appurtenance, contravenes any of the terms and conditions to which the permission is subject or if he fails to maintain such road, facility or appurtenance to the satisfaction of the council, the council may remove all such installations, and the cost thereof shall be recoverable by the council from such person.

Offences in
relation to
council roads.
[25 of 1973
27 of 1997]

279. (1) No person shall—

- (a) use any drain or ditch which is part of a council road for any purpose which is not authorised by the council;
- (b) operate, drive or move any vehicle on a council road unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom;
- (c) operate, drive or move on any council

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road any vehicle with any load unless such load and any covering thereon are securely fastened so as to prevent such load or covering from becoming loose, detached, or in any manner a hazard to other users of the road;

- (d) throw or deposit upon any council road any glass, bottle, nail, tack, wire, can or anything likely to injure any person, vehicle or animal on the road;
- (e) operate, drive or move on any council road any vehicle having any metal tyre in contact with the roadway or having on the periphery of any wheel of the vehicle any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tyre;
- (f) erect any temporary or permanent structure on a council road without the authority of the council:

Provided that—

- (i) the prohibition in paragraph (b) shall not preclude the sprinkling of water or other substance on a council road for cleaning or maintenance purposes;
- (ii) the prohibition in paragraph (e) shall not preclude the driving

or moving on a council road of farm machinery having tyres with protuberances not calculated to damage the road.

(2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(3) Any person who—

- (a) fails forthwith to remove any injurious substance which he has let fall, or which has fallen from any vehicle in his charge, on a council road;
- (b) fails, when removing a wrecked or damaged vehicle from a council road, also to remove any glass or other injurious substance which has fallen on the road from the vehicle,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(4) Any person who—

- (a) burns or orders or permits the burning of any earth on a council road;
- (b) cuts down any tree so that it falls upon or obstructs a council road;
- (c) throws any litter, refuse or other material on a council road;

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- (d) directs a water course so as to cause damage to a council road;
- (e) without the permission of the council, removes any material from a council road or place where road materials are deposited;
- (f) wilfully or negligently causes damage to a council road or structure pertaining thereto;
- (g) having on a council road blocked or scotched the wheel of a vehicle, allows the stone or other thing used therefor to remain on the road after the vehicle has moved away;
- (h) removes or destroys any barrier placed on a council road without the authority of the council;
- (i) wilfully resists, obstructs, hinders or molests, or incites, procures or assists another to resist, obstruct, hinder or molest any person acting under the authority of a council in the discharge of any duty or the performance of any act lawfully authorised or required to be done in relation to council roads;
- (j) without lawful authority alters, defaces, injures or removes any authorised traffic sign or any inscription thereon erected on any council road or in any way marks or defaces the surface of any such road, or attempts to do any of the

aforementioned acts;

- (k) erects any sign, device or structure in such a manner that it obscures or conceals an authorised sign or other traffic device on a council road so as to interfere with the full and effective use of such sign or other device;
- (l) displays, erects or locates any unauthorised sign, signal or other traffic device upon a council road;
- (m) erects or maintains on a council road any unauthorised traffic device for the direction, information, warning, control or restriction of traffic thereon,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

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

Removal of injurious things.

280. A council may cause to be removed from a council road any structure, device, construction material or anything calculated to be injurious to users of the road.

Water Supplies

Town Council to supply water to Town.

281. (1) The Town Council shall provide the Town with a supply of water proper and sufficient for sanitary and

domestic purposes, for extinguishing fires and for private use.

(2) The Council may construct, lay down and maintain waterworks and may do and execute all works, matters and things necessary for and incidental to the purposes of this section.

(3) The Council shall provide and keep in any waterworks constructed or laid down by it a supply of pure and wholesome water and the water so supplied shall be constantly laid on at a pressure sufficient to convey it to the top storey of the highest dwelling-house within the Town or at such other suitable pressure as may be directed by the council.

Duty to
provide
connections.
[4 of 1994]

282. (1) Every property in the Town shall be connected with the nearest water main in the streets of the Town by means of a service pipe on which there shall be placed at least one tap.

(2) The connection shall be for the purpose of effecting a continuous water supply to every property from the waterworks, and shall at all times be kept in such a proper condition, either by renewal of the service pipe or otherwise, as to secure that supply efficiently, and the supply thereby shall be at all times continuous if it is available from the waterworks.

(3) If any property is without a connection, the council shall have power to make the connection.

(4) Whenever a connection has been made but has, at any time and from any cause whatever become defective, the council shall have power to put that connection in proper and serviceable condition.

(5) Whenever there is a failure to have a supply of water to any property by means of a connection, the council

shall have power to provide a supply of water to the property.

(6) The Council shall have the exclusive right to make any connection, and any renewal thereof, and all repairs thereto, at any time found necessary.

(7) The cost of making a connection, any renewal thereof and all necessary repairs thereto, shall be a charge on the property to which the connection, renewal or repairs has or have been made, and the property shall be liable and leviable therefor.

(8) The cost of the service pipes and other materials shall be borne by the council up to the boundaries of the properties and the further cost thereof for the additional works on the properties shall be done at the expense of the owners and be a charge against the properties.

(9) The Minister may, by order, exempt the Town Council from any of the duties imposed upon it by section 281 and this section.

Power of
council in
certain cases to
supply water.
[3 of 1972
25 of 1973]
c. 55:01

283. (1) A council may, if authorised so to do by the Guyana Water Authority under the Guyana Water Authority Act, provide its council area or any part thereof with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires and for private use; and may, if authorised so to do by the Guyana Water Authority, construct, lay down and maintain waterworks or purchase water in bulk for distribution within the council area or part thereof.

(2) A council may do and execute all works, matters and things necessary for or incidental to the purposes so authorised.

Charges;
water rates.
[3 of 1972
17 of 1988
4 of 1994]

284. (1) A council may make such charges and impose such conditions of service for supply of water as it may fix; and may by resolution make and levy a water rate upon the assessed value of all properties supplied with water in its council area.

(2) A council shall cause every resolution to make and levy a water rate to be published and any such rate shall be demanded and be payable and recoverable and preferential in the same manner as a general rate.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of water when the whole of such rates is paid within such period prior to the due date for payment thereof as may be fixed by the council from time to time.

(4) In this and sections 283 and 285, the word "council" does not include the City Council or a council whose district is supplied with water by or on behalf of the Guyana Water Authority in exercise of their functions under the Guyana Water Authority Act.

c. 55:01

Disconnection
on default of
payment.

285. Without prejudice to the institution of any legal proceedings for recovery of a water rate, a council may cut off the supply of water from any property in respect of which there has been default in payment of such rate and make any disconnection necessary for the purpose.

Offences in
connection
with water
supply.
[27 of 1997]

286. Any person who—

(a) wilfully or negligently breaks, injures or opens any lock, cock, pipe, waterworks or other work constructed or maintained for the supply of water under this Part;

(b) without lawful authority flushes, draws off, diverts or takes water from any waterworks

or other work constructed or maintained for the supply of water under this Part, or from any water, creek or stream whereby the waterworks are supplied;

- (c) wilfully or negligently wastes or causes to be wasted any water with which he is supplied by a council;
- (d) bathes in any stream, reservoir, conduit, aqueduct or other water works, constructed or maintained for the supply of water under this Part, or washes, cleanses, throws or causes to enter therein any animal, rubbish, filth, stuff or thing of any kind whatsoever or causes, or permits, or suffers to run or to be brought therein, the water or any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to a council or under its management or control, or whereby any water contained in any reservoir, conduit, aqueduct, or other waterworks constructed or maintained as aforesaid is fouled,

shall be liable on summary conviction to a fine of five thousand dollars and a further fine of two thousand five hundred dollars for each day on which the offence continues after notice served upon him by the council.

Control of Animals

Power of
councils to
control keeping
of animals.

287. A council may prohibit, restrict or regulate the keeping or movement of animals in any part of its council area.

Power of
council to
establish
pounds.

288. (1) A council may establish, erect, maintain and control pounds.

(2) A council pound shall be under the control and superintendence of the council.

(3) There shall be for each council pound a pound-keeper and such deputy or assistant pound-keeper as the council may consider necessary for the efficient control of the pound.

(4) All poundage moneys, fines, penalties, proceeds of sales and other sums of money payable in respect of a council pound shall be paid by the person receiving them to the treasurer of the council for the credit of the general rate fund.

Impounding of
stray animals
found on
private
property.

289. Any animal to which this section applies which strays on private property may be detained and taken by the owner or occupier of such property, or by any person authorised in writing by such owner or occupier, to a council pound, and for so doing he shall receive from the pound-keeper such sum by way of reward as may be prescribed by by-laws of the council.

Impounding of
stray animals
found in public
places.

290. Any animal to which this section applies which strays on any public road, council road, drainage work vested in the council or other public place may be taken by any member of the Police Force or of a town or rural constabulary, any local government officer or by any person authorised in writing by the clerk of the council to a council pound.

Poundage
moneys.

291. The pound-keeper shall before delivering an impounded animal demand and receive from the person claiming the animal—

(a) poundage money of an amount prescribed by by-law of the council;

-
- (b) such sums as may be prescribed by by-law of the council for feeding the animal;
 - (c) any sum by way of reward paid by the pound-keeper under section 289.

Duties of
pound-keeper.
[6 of 1997]

292. A pound-keeper shall—

- (a) be constantly on duty to receive animals brought to the council pound at any time and to deliver them between the hours of six o'clock in the forenoon and six o'clock in the afternoon;
- (b) keep a record and description of animals received and delivered and of moneys received and paid, which record shall be in such form and contain such particulars as may be required by the council; and such record shall be open to public inspection at all reasonable times;
- (c) procure for, furnish and give to each animal in the council pound sufficient quantity of food, grass and water daily;
- (d) publish once every week a correct list and description of animals in the council pound;
- (e) account every month to the treasurer of the council for all moneys received and paid.

(2) Any pound-keeper who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of six thousand five hundred dollars.

Offences by
pound-keeper.
[27 of 1997]

293. A pound-keeper who—

- (a) hires out, lets, uses, works or employs any impounded animal;
- (b) permits any impounded animal to be taken out of the council pound without lawful authority;
- (c) suffers any impounded animal to be ill-used or injured,

shall be liable on summary conviction to a fine of ten thousand dollars.

Sale of
impounded
animals.
[27 of 1997]

294. (1) Any impounded animal which is not redeemed within one week may be sold.

(2) The pound-keeper shall publish a notice of sale upon a board placed in a conspicuous position near the council pound of all impounded animals which have not been redeemed within a week of impounding for a period of not less than seven days before the sale.

(3) The sale shall take place between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon of the day specified in the advertisement and notice of sale.

(4) If a pound-keeper either directly or indirectly purchases any animal sold out of a council pound, the purchase shall be void and the pound-keeper shall be liable on summary conviction to fine of ten thousand dollars.

(5) Any impounded animal duly advertised and put up for sale and not sold may be destroyed by the pound-keeper.

(6) If any person proves to the satisfaction of the treasurer of the council, within three months after the sale of an impounded animal, that he was the owner thereof, he shall be paid by the treasurer the balance of the proceeds of sale.

Miscellaneous
offences.
[27 of 1997]

295. (1) Any person who with a view to impounding an animal—

- (a) unlawfully breaks any fence or enclosure;
- (b) takes or drives an animal from private property of which he is neither the owner nor occupier nor a person authorised pursuant to section 289 by the owner or occupier,

shall be guilty of an offence.

(2) Any person who—

- (a) releases or attempts to release an animal—
 - (i) taken for the purpose of being impounded whilst on the way to a council pound;
 - (ii) from a council pound before it is duly redeemed;
- (b) damages or destroys a council pound, or any lock or bolt thereof;
- (c) when taking an animal to a council pound rides or in any way beats or ill-uses such animal;

- c. 71:04
- (d) takes an animal to a council pound other than by the shortest convenient route;
 - (e) having detained an animal with a view to impounding it unnecessarily delays in taking it to the nearest pound, whether to a council pound or a pound established under the Pounds Act,

shall be liable on summary conviction to a fine of ten thousand dollars.

Animals which
may be
impounded.

296. Sections 289 and 290 apply to the following animals, namely, any horse, mare, gelding, colt or filly, any pony, mule or ass, whether male or female, any bull, cow, ox, steer, heifer or calf, any ram, ewe, sheep or lamb, and any goat or kid, whether male or female.

Landing of
cattle at City
and Town.

297. No cattle brought by water to the City or the Town shall be landed except at the places specified in any by-law relating to those cattle or where the City Council or the Town Council, subject to any terms or conditions such council thinks fit to impose, specially allows.

Burial Grounds

Power of
council to
establish burial
grounds.
Cap. 145.
1953 Ed.

298. A council shall have power, subject to section 64 of the Public Health Ordinance to establish, maintain and control burial grounds, cemeteries and crematoria (hereinafter collectively referred to as "public burial grounds").

Unlawful
interment.

299. (1) No person shall establish a burial ground, cemetery or crematorium in any council area without the consent of the council thereof, and no person shall, without such consent, bury or inter or cause to be buried or interred

any corpse within the council area save at a public burial ground; and any person who contravenes any of the provisions of this section shall be guilty of an offence.

(2) A council shall have power to exhume any corpse buried or interred in contravention of this section and to remove it to a public burial ground and to recover the cost as a debt due to the council by the offender.

(3) The powers of a council under subsection (2) shall be exercised, in the case of the City Council under the supervision of the Medical Officer of Health for the City and in the case of the Town Council or of a district council under the supervision of a Government Medical Officer.

(4) In any proceedings for the recovery of any cost incurred pursuant to subsection (2), the signature of the clerk subscribed to any document containing a statement of the amount claimed shall without proof of the signature or of any other matter or thing, be deemed *prima facie* evidence that that amount is payable.

Sub-division of Land

Restriction
upon sub-
division

c. 20:01

300. (1) A council may by by-law prohibit or restrict the sub-division and reduction in size of parcels of land and the separate occupancy of portions of plots of land within its council area or any part thereof:

Provided that no such by-law shall be inconsistent with the provision of any scheme as defined by section 2 of the Town and Country Planning Act in force in any area to which such by-law applies.

(2) Any transport, sale or other instrument purporting to sub- divide or reduce in size any parcel of land in contravention of a by-law made pursuant to this section shall be void and any agreement purporting to provide for

the separate occupancy of a portion of any parcel in contravention of such by-law shall likewise be void.

(3) Notwithstanding this section the Minister may permit the sub- division and reduction in size of any parcel of land to such extent as he may think fit, and in such a case any transport, sale or other instrument effected in respect of such land shall be good and proper.

Certificate of

clerk.

[6 of 1997]

301. (1) No transport shall be passed for any parcel of land in a council area, except upon production to the Register of Deeds or Judge of a certificate signed by the clerk of the council that the provisions of section 300 will not thereby be contravened.

(2) Neither the Official Receiver nor the Registrar may sell any portion of a lot less than a whole lot unless he is first supplied with the certificate of the clerk, which shall be supplied to the Registrar by the judgment creditor.

(3) Any person desiring to sell or to purchase any plot within a council area may at any time obtain a certificate of the clerk thereof.

(4) For each certificate required in the terms of this section a fee of sixty-five dollars shall be paid.

(5) Any person dissatisfied with the refusal of the clerk to issue a certificate under this section may apply to a Judge in the manner prescribed by rules of court, made under the High Court Act, for an order to compel him so to do.

c. 3:02

Miscellaneous Powers of Councils

Powers of City
Council and
Town Council.

302. The City Council and the Town Council shall each have power to do all or any of the following things:

Council buildings.

(1) to acquire, hire, erect, furnish, maintain and keep in repair such offices and buildings as may be required for the purpose of transacting the business of the council and for public meetings and assemblies;

Residences for local government officers.

(2) to acquire, hire, erect, furnish and maintain houses and other buildings as residences for local government officers in its service and to charge reasonable rents or fees for the tenancy or other occupation thereof;

c. 36:02
Houses for necessitous persons.

(3) Subject to the provisions of the Poor Relief Act to establish, maintain and control either by themselves or jointly with any other authority, houses for necessitous persons;

Hostels.

(4) to establish, erect, equip, maintain and carry on hostels for accommodating and caring for young and aged persons;

Social centres.

(5) to establish, equip, maintain and control either by itself or jointly with any other authority or association, social and community development centres for the inhabitants of the City or the Town and to make grants of money towards the establishment, equipment and maintenance of such centres in the City or the Town and to any organisation or association established for the advancement of religion, education and social welfare;

Institutions for infants.

(6) to establish, erect, maintain and carry on or assist institutions, day nurseries or clinics for the care and welfare of infants, and to make provision for suitable instruction being imparted to expectant mothers and to the mothers of infants;

Recreation grounds

(7)

(a) to establish, maintain and control recreation and sports grounds (including swimming pools), theatres and promenade gardens, in parks,

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open spaces and on any other land vested in the council;

- (b) to establish, maintain and control in connection with recreation and sports grounds and theatres such buildings or conveniences of any nature and for such purposes as the council may consider to be necessary or convenient;
- (c) to set aside any portion of any recreation or sports ground for the purpose of any particular game or recreation; and to exclude the public from the portion so set apart;
- (d) to establish, maintain and control refreshment rooms, cafes and restaurants in or adjacent to recreation or sports ground or theatre;
- (e) to let any recreation or sports ground or theatre or building or apparatus established or provided in connection therewith to any person or club or other body of persons;

Communal feeding centres. (8) to establish, erect, maintain and carry on communal feeding centres;

Camping grounds. (9) to establish and maintain camping grounds;

Information centres. (10) to establish, erect, maintain and carry on information centres and inquiry bureaux;

Fire service and ambulances. (11) to establish and maintain fire services and ambulances;

Relief of
necessitous
persons.

(12) to make grants of money to necessitous persons and to authorities or associations of persons established for their relief;

Educational
Institutions.
c. 39:01
Cap. 145
1953 Ed.

(13) subject to the provisions of the Education Act and the Public Health Ordinance to establish, erect, equip, maintain and manage schools and educational institutions, libraries, museums, art galleries and botanical and zoological gardens and to make grants of money towards their establishment and maintenance, and in the case of the City Council to the National Library;

Scholarships
and bursaries.

(14) to grant scholarships to any school or educational institution within the City or the Town to make grants of money to any scholarship fund established by any other authority or association, and to provide bursaries to assist persons resident in the City or the Town in educating and maintaining their children at any school within or without the City or the Town;

Agriculture,
arts and crafts.

(15) to promote within the City or the Town the encouragement and improvement of agriculture (which expression shall include all forms of animal husbandry, poultry farming and crop raising) arts, crafts and handicrafts, and to make grants of money therefor;

Education.

(16) generally to make provision for and to promote the education of all, or any category of persons, resident within the City or the Town;

Bands.

(17) to establish, maintain, control and contribute to bands for musical performances in public places and at public functions and generally to provide musical entertainment in such places and at such functions;

Adornment of
public places.
c. 20:01

(18) subject to the Town and Country Planning Act, to lay out and adorn any public place by architectural scheme or ornamentation including the erection of statues,

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fountains and other structures;

Trees and flowers in public places.

(19) to plant, trim, preserve or remove trees, flowers and shrubs in any public place;

Overhanging trees.

(20) to require the owner of any tree overhanging any public road, council road in the City or the Town or drainage work in the council drainage area in such a manner as may cause injury to the road or drainage work, or as may 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 the council by notice in writing under the hand of its Town Clerk served upon the owner; and if the owner fails to comply with the notice to authorise by writing under the hand of its Town Clerk any person to enter upon the land where the tree is growing and cause it to be cut down or pruned, or anything dangerous to be removed therefrom, in accordance with the notice, and the cost of so doing shall be recoverable from the owner;

Dangerous buildings.

(21) to safeguard, demolish and remove dangerous buildings and to remove obstructions from public roads and council roads;

Style of buildings.

(22) to regulate the number, dimensions and general character and style of buildings to be erected in different portions of the City or the Town, and any other matter connected with the erection of buildings;

Marking of boundaries.

(23) to require and regulate the marking of boundaries and the fencing of lots and to require open spaces to be left on lots;

Control of public places.

(24) to control public places;

Trespass in alleyways.

(25) to prohibit trespass in alleyways and the

encumbering of public and council roads and the parapets thereof and of pavements;

Hackney carriages. (26) to supervise, control and regulate hackney carriages and carts plying for hire and the drivers thereof;

Regulation of craft. (27) to charge tolls for bateaux, punts and other craft passing through any trenches, aqueducts or kokers under the control of the council and for vehicles, agricultural machinery and animals using the roads and dams within the boundaries of its council area and to prohibit or regulate and control fishing and the mooring of bateaux, punts and other craft in any of the trenches or aqueducts under the control of the council;

Grazing of animals and cutting of wood. (28) to regulate the grazing of animals and cutting of wood on land vested in the council and to fix fees to be paid therefor;

Grants to associations of local authorities. (29) to make grants of money to any association of local authorities;

Publicity. (30) to advertise and give publicity to the attractions of the municipality;

Public Health services.
Cap. 145
1953 Ed.

(31) subject to the provisions of the Public Health Ordinance—

Sanitary. (a) to establish, maintain and carry out sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent;

Public lavatories. (b) to establish, erect, maintain and control public lavatories, closets and urinals and employ attendants

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thereof;

- Wash-houses (c) to establish, maintain and control public baths and wash- houses;
- Markets. (d) to establish, erect, maintain, let, control and manage markets and market buildings, shops, stalls and stands and to control the occupation thereof;
- Slaughter-houses. (e) to establish, erect, maintain and control slaughterhouses and abattoirs;
- Dispensaries and health centres. (f) to establish, maintain and control, either by itself or jointly with any other authority or association, hospitals, dispensaries and health centres; and to make grants of money towards the establishment and maintenance of hospitals, dispensaries and health centres and to any voluntary association or institution for the promotion of public health and welfare;
- Regulation of trades and erection of machinery. (g) to regulate the mode and place in which any trade or manufacture may be carried on within the City or the Town and to prescribe the conditions under which machinery may, with the consent of the council, be erected in the City or the Town.
- Housing.
Cap. 145
1953 Ed. c.
20:01 c. 36:20 (32) subject to the provisions of the Public Health Ordinance, the Town and Country Planning Act and of the Housing Act—

- (a) to lay out building plots or otherwise subdivide any land vested in the council for the purpose of housing schemes for the inhabitants of the City or the Town;
- (b) to erect and maintain dwelling-houses with their appurtenant outbuildings on such plots or sub-divisions of land;
- (c) to convert buildings into dwelling-houses and to alter, enlarge, repair and improve the same;
- (d) to let any dwelling-house erected or provided by it and to charge reasonable rents or fees for the tenancy or occupation thereof;
- (e) to sell any dwelling-house erected or provided by it to a person undertaking to reside therein and to recover the purchase price thereof by instalments;
- (f) to sell, let or otherwise dispose of any plot or sub-division of land to any person for the purpose and under the condition that that person will erect and maintain thereon a dwelling-house for his own occupation;
- (g) to sell, let or otherwise dispose of land to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses as may be determined by the Central Housing

and Planning Authority in accordance with plans approved by that authority;

Street lighting.

(33) subject to the provisions of any law relating to electricity and electric lighting, to light streets and other public places and maintain lamps for that purpose;

Industrial enterprises and trading services.

(34) to establish, maintain and control such industrial enterprises and trading services for which no specific provision is made in this section as may be authorised by the Minister;

Fees, charges and licences.

(35) to prescribe fees and charges and to issue licences or permits (which may be subject to conditions) in respect of the doing of anything which the council is entitled to establish, maintain, control or carry on and to remit any such fees or charges and to vary or revoke any such licence or permit;

Expenditure.

(36) to incur all expenditure necessary for the performance of its functions (whether functions arising from this section or otherwise) and for the doing of all things incidental thereto;

Stellings and landing places.

(37) to establish, erect and maintain stellings and landing places and to control, regulate and charge tolls for the use thereof.

Powers of town councils and district councils.
[25 of 1973]

303. A town council or a district council shall have power to do such of the things set forth in section 302 as it may be authorised by the constitution order of its town or district to do; and references in section 302 to the City Council and the Town Council shall be construed as references to the town council or district council, as the case may be, references to the City and the Town as references to the town or district, as the case may be, and references to the Town Clerk as references to the chief executive officer.

**PART X
BY-LAWS**

Power to make
by-laws.
[25 of 1973
3 of 1982
27 of 1997]

304. (1) A council may make by-laws for the good rule and government of the whole or any part of the council area and without prejudice to the generality of the foregoing may make by-laws for the whole or any part of the area in respect of all or any of the following purposes—

- (a) for regulating any of the things which the council is empowered to do, establish, maintain, carry on, control, manage or regulate and for prescribing fees and charges and licences and permits (including the conditions thereof), in respect of any such things;
- (b) for protecting from damage or interference any council road, works or property of the council situated or being in, under or over any public place or other place within the council area.

(2) By-laws may impose on persons offending against them penalties of fines, not exceeding one hundred thousand dollars or of imprisonment for a term of not more than three months for any offence, and in the case of a continuing offence a further fine not exceeding two thousand five hundred dollars for each day during which the offence continues after notice thereof has been served by the council on the offender.

(3) By-laws may provide for the recovery by the Council from any offender in addition to any penalty imposed under subsection (2) or from the proceeds of any sale by the council in consequence of a breach of such by-laws, of

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the expenses incurred by the council in consequence of a breach of any by-law and the exercise by the Council of its powers to ensure compliance with any such by-law.

(4) By-laws may authorise any member of the Police Force or any local government officer in the service of the council to enter and inspect at all reasonable times any premises or place for the purposes of such by-laws.

Procedure.
[27 of 1997]

305. (1) By-laws made by a Council shall be under the common seal of the council and shall be submitted to the Minister for approval.

(2) At least fourteen days before application for approval of the by-laws is made, notice of the intention to apply for confirmation shall be published.

(3) For at least fourteen days before application for approval is made, a copy of the by-laws shall be deposited at the offices of the council, and shall at all reasonable hours be open to public inspection without payment.

(4) The council shall, on application, furnish to any person a copy of the by-laws, or of any part thereof, on payment of such reasonable sum, as the council may determine.

(5) All by-laws submitted to the Minister for approval shall be accompanied by—

- (a) a copy of the minutes or other record of the meeting of the council at which they were adopted;
- (b) a certificate by the clerk that subsections (2), (3) and (4) have been complied with;

(c) copies of any objection to the adoption of the by-laws which has been lodged in writing with the clerk or if no such objection has been lodged, a certificate by the clerk to that effect.

(6) The Minister may approve, with or without amendment, or reject any by-law submitted to him.

(7) No by-law shall have the force of law until it has been approved, with or without amendment thereof, by the Minister.

(8) A copy of by-laws which have been approved shall be deposited at the office of the clerk of the council and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall be furnished to any person applying therefor on payment of such reasonable sum, as the council may determine.

PART XI
MISCELLANEOUS

Default of
powers.

306. (1) If the Minister is satisfied upon inquiry held by him that—

- (a) a council has exceeded or abused its powers or has made default in the performance of any duty imposed upon it;
- (b) the council has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of its functions;

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- (c) the expenditure of the council has generally or on any particular head of expenditure been excessive or unreasonable, having regard to its financial resources and other relevant circumstances of the council area; or
- (d) the council has failed to observe any financial instructions,

he may by order, declare the council to be in default and either—

- (i) direct the council to perform any of its functions in a manner and within a time specified in the order, or
- (ii) transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred, or
- (iii) dissolve the council, or suspend the council for such time as he may think fit from the performance of such of its functions as may be specified.

(2) The Minister may by a subsequent order, vary any directions contained in an order made under subsection (1).

(3) Where the Minister dissolves a council or suspends the council from the performance of any of its functions under this section he may by order transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred.

(4) Where any function of a council is transferred to any person or persons under subsections (1) and (3), the expenses incurred in connection with any inquiry or the exercise by such person or persons in discharging that function, shall be a debt due from the council to the Government and be charged upon the assets of the council.

(5) Where the Minister dissolves a council under this section, he shall, when he deems fit, by order appoint—

(a) a day for the election of the councillors and prescribe the term of office of the councillors so elected;

(b) a day for the election of the Mayor and Deputy Mayor or of the chairman and vice-chairman, as the case may require, and prescribe their terms of office.

Regulations.

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

Local inquiry.

308. The Minister may at any time order that a local

Eight Schedule.

inquiry be held into any matter and such inquiry shall be held in accordance with the provisions of the Eighth Schedule.

Affirmation.

309. When any oath is required to be taken by or under this Act, every person permitted by law to make a solemn affirmation or declaration may, instead of taking an oath, make a solemn declaration in the form of such oath, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" and omitting the words "So help me God".

Exemption from stamp duty.

310. Notwithstanding the provisions of any other law, all declarations under this Act shall be exempt from stamp duty.

Publication of notices.

311. Except as otherwise provided, where any notice is required to be published under this Act or any by-laws made thereunder, the notice shall be published by affixing it to the offices of the council, and it may also be published in such other manner, if any, as is, in the opinion of the council, expedient to give publicity thereto.

Service of documents.

312. (1) Any notice or other document, required or authorised to be given or served on any person under this Act may be given or served either—

- (a) by delivering it to the person; or
- (b) by leaving it at the usual or last known residence of that person, or in the case of a company, at its registered office or by delivering it or forwarding it by registered post addressed to that person at his office; or
- (c) by forwarding it by registered post addressed to that person at his usual or last known residence, or in the case of a company, at its registered office; or

- (d) by delivering it to some person at the premises to which it relates or if there is no person on the premises to whom it can be so delivered, then by affixing it to some conspicuous part of the premises; or
- (e) without prejudice to the foregoing provisions of this subsection, where the property to which the notice or other document is to be sent is a place of business of the person to or on whom it is to be given or served, by leaving it or forwarding it by registered post addressed to that person at the said place of business.

(2) Any notice or other document required or authorised to be given to or served on any council, shall be duly given or served if delivered at, or sent by registered post to, the office of the council addressed to its clerk.

Penalty for
destroying
notices.

[27 of 1997]

313. Any person who destroys, tampers or otherwise interferes with—

- (a) any board on or to which any notice or other matter is posted by a council or by any person in pursuance of powers under this Act;
- (b) any advertisement, placard, bill or notice posted up on such board,

shall be liable on summary conviction to a fine of five thousand dollars.

Prosecutions
and penalties.
[27 of 1997]

314. (1) Save as otherwise expressly provided, all offences against this Act shall be prosecuted under the

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Summary Jurisdiction Acts.

(2) A person guilty of an offence against this Act for which no special penalty is provided, shall be liable on conviction to a fine of ten thousand dollars or to imprisonment for six months.

Appearance of
council in legal
proceedings.
[25 of 1973]

315. (1) A council may authorise any of the local government officers in its service either generally or in respect of any particular matter to institute or defend, on its behalf, any legal proceedings or to appear therein on its behalf

(2) Proceedings under this section shall be instituted in the name of the council.

c. 7:02
c 60:02

(3) The provisions of the Limitation Act and the Title to Land (Prescription and Limitation) Act shall 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 council 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.

(4) Where by virtue of subsection (3) 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.

Name of
council need
not be proved.

316. In any proceedings instituted by or against a council, it shall not be necessary to prove the corporate name of the council or the constitution or limits of its council area.

Notice of
proceedings.

317. Before any civil proceedings are instituted against a council, notice thereof shall be given to the council not less than thirty days prior to the institution of proceedings and no

such proceedings shall be brought unless commenced within six months next after the day on which the cause of action arose.

Protection from personal liability.

318. No matter or thing done and no contract entered into by a council or other person whomsoever acting under the direction of such council and no matter or thing done by any member of such council or by any local government officer in the service of such council, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of performing the functions of such council or of such member or of such local government officer, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such council, member, local government officer or other person so acting shall be borne and repaid by the council:

Provided that nothing in this section shall exempt any member of any such council or any such local government officer from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such council and which such member or such local government officer authorised or joined in authorising.

Execution of transports by council.

319. Whenever a council purchases or sells any immovable property, the transport shall be passed either to or by the council, as the case may be, and the clerk of the council shall execute the transport by signing his name and official description and affixing the common seal of the council thereon.

Management of undivided property

320. All undivided lands in every council area, except private lands held in joint ownership or ownership in common, shall be under the control and management of the council.

Letting of undivided lands.

321. (1) A council may let to any person by monthly or yearly tenancy or for a term of years, and at such rent as

may be determined by the council any undivided lands, not being dams, under the control and management of the council.

(2) Where the letting is for a term of years it shall not be enforceable against the council unless the agreement to let is in writing and unless it is signed by the clerk and there is affixed thereon the common seal of the council.

(3) All persons occupying any undivided lands for the time being under the control and management of the council shall pay to the treasurer thereof the rent determined by the council.

(4) All arrears of rent may be recovered—

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

(b) by warrant of distress in the same manner as is provided in this Act in respect of arrears of a general rate.

(5) The clerk of the council may, subject to an appeal to the Minister, enter upon and take possession of all lands in respect of which two months' rent or more is due and payable, and take possession of and dispose to the best advantage all crops, provisions and other things there growing or being on the lands; and any surplus after such disposal shall be handed over to the dispossessed tenant or occupier.

BOUNDARIES OF THE CITY OF GEORGETOWN

All the area bounded on the north by the Atlantic

Ocean, on the east by the eastern boundary of the company path on the eastern side of Plantations Cummings Lodge, Houston and Rome, on the south by the southern boundary of Plantation Rome, and on the west by the Demerara River.

ss. 18, 30, 44,
130

SECOND SCHEDULE
FORM OF OATHS OF OFFICE

I,.....,do
swear (or solemnly affirm) that I will faithfully execute the office of.....
.....
.....
without fear or favour, affection or ill-will according to the best of my judgment and ability.

So help me God (To be omitted in affirmation)

ss. 22 and 30
[17 of 1988
O. 12 of 1993]

THIRD SCHEDULE
FUNDS WHICH MAY BE PLACED AT THE DISPOSAL OF
THE MAYOR

PART I

THE MAYOR OF THE CITY OF GEORGETOWN

A sum not exceeding twenty-four thousand dollars per annum in equal instalments payable at the end of each quarter year.

PART II

THE MAYOR OF THE TOWN OF NEW AMSTERDAM

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A sum not exceeding twenty-four thousand dollars per annum in equal instalments payable at the end of each quarter year.

s. 28

FOURTH SCHEDULE

BOUNDARIES OF THE TOWN OF NEW AMSTERDAM

All the area bounded on the north by the Canje River, on the east by the eastern boundaries of Smythfield, Mount Sinai and Overwinning, on the south by common boundaries between Overwinning, Providence and Glasgow with New Doe Park and Doe Park, and on the west partly by the western boundary of Glasgow and partly by the Berbice River.

s. 58

FIFTH SCHEDULE

STANDING COMMITTEES

PART I THE CITY COUNCIL

City Works
Finance
Social Development

PART II THE TOWN COUNCIL

Works
Finance
Social Development

ss. 75 and 76

SIXTH SCHEDULE

**POWERS, DUTIES AND RESPONSIBILITIES OF CERTAIN
OFFICERS**

**PART I
THE CLERK**

1. He shall be responsible for convening all meetings of the council and its committees and for the preparation of agenda, minutes and reports of such council and its committees.
2. (1) He shall advise the council and its committees on all matters upon which his advice is necessary, including the standing orders and by-laws thereof.
(2) If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.
3. He shall, either personally or by his nominee, attend all meetings of the council and of its committees.
4. He shall advise the Mayor or chairman of the council, as the case may be, on all matters appertaining to those offices.
5. Subject to any general directions which the council may give, he shall have the charge and custody of, and be responsible for, all charters, deeds, records and other documents belonging to the council which shall be kept as the council may direct.
6. He shall have the duty of ensuring that the business of the council is carried out with order, regularity and expedition in accordance with the by-laws, resolutions and standing orders of the council.

7. He shall have the responsibility for the general correspondence of the council.

8. Where any document is required as a necessary step in legal proceedings on behalf of the council, he shall sign such document unless any written law otherwise requires or authorises, or the council shall have given the necessary authority to some other person for the purpose of such proceedings.

9. He shall have the conduct of such negotiations on behalf of the council as the council may require.

10. He shall have the responsibility for conveying decisions of the council to local government officers in the service of the council relating to their work and conduct.

11. He shall, where legally qualified so to do, give general legal advice to the council, and whether legally qualified or not, to local government officers in the service of the council on questions arising with regard to their official duties and obligations.

PART II
THE TREASURER

1. He shall be the accountant, paymaster and collector and financial adviser of the council.

2. He shall advise the council and its committees and sub-committees on all matters on which his advice is necessary, including financial orders or regulations and the standing orders and local government legislation so far as financial matters are concerned. If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.

3. He shall attend, either personally or by his nominee, all meetings of the finance committee of the council and other committees where business with financial implications may be transacted.

4. He shall be responsible for the organisation of the finance department and for the organisation of the financial arrangements in all other departments of the council.

5. He shall be responsible to the council for the maintenance of the council's accounting system and for the supervision of all the financial records of the council, wherever kept.

6. He shall be responsible for the preparation of all financial returns and reports required.

7. He shall supply promptly, in conjunction with other departments where necessary, to the council, its committees and departments any financial data they require for management of the council's business.

8. Where an internal audit is maintained by the council he shall be responsible therefor and shall promptly report to the committee concerned and to the finance committee any irregularities discovered in the course of such internal audit.

9. He shall make arrangements for the verification of all accounts for payment and for making all payments, including salaries, wages and pensions.

10. He shall obtain from the local government officers concerned all the information necessary for the proper examination of claims for payment due from the council arising from any contract.

11. In accordance with the instructions of the council, he shall make arrangements for the collection and recovery of moneys due to the council and the handling, custody, security and banking of cash.

12. He shall be responsible for the ordering, control and issue of, and for supplying all departments of the council with, all official receipt forms, books, tickets, stores, requisitions and other documents representing money or money's worth.

13. He shall be responsible for compiling the estimates of the council.

14. He shall report to the appropriate committee any overspending and any unauthorised expenditure, and shall draw attention, to any irregularity in respect of any proposed expenditure.

15. He shall manage, subject to the instructions of the finance committee and the council, all funds of the council.

16. He shall ensure that moneys not required for the time being are suitably invested.

17. He shall advise the finance committee on the raising of capital funds.

18. He shall be responsible for all rating matters of the council and for the collection of rates due to the council.

19. He shall direct and supervise the financial transactions of the council with their bankers.

20. He shall carry out financial negotiations on behalf of the council and assist in other negotiations when financial aspects are involved.

21. He shall give such financial evidence where appropriate as may be required on behalf of the council.

22. He shall effect insurances for all departments of the council and claims on insurance companies and recommend settlements.

23. He shall be responsible for the keeping of true accounts of all moneys received and receivable and paid and payable by the council for any charitable purpose of which the local authority may assume the charge.

24. He shall, if required by the council, be responsible for the custody and control of the stores of the council and, if not so required, shall be responsible for prescribing the stores accounting procedure of the council.

25. He shall prepare and submit to the finance committee of the council a report on all proposals involving capital expenditure and on other expenditure not provided for in the estimates of the current financial year of the council and on any proposals involving a variation in the income of the council.

s. 221

SEVENTH SCHEDULE

WARRANT OF DISTRESS

GUYANA

Toand to all other Town/Rural Constables.

WHEREAS application has been duly made to me byin and for theCouncil for a Warrant

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of Distress against the movable property upon or in..... for the purpose of recovering the amount of.....due as rates from.....in respect ofwith costs, and whereas the duplicate or copy of the Notice with return of service thereof duly sworn to before me, has been produced in the form of law—

This is, therefore, to require and command you to levy the said sum of with costs upon the said movable property according to law.

Dated this.....day of.....20.....

(Signed)

Magistrate District

s. 307

EIGHTH SCHEDULE

REGULATIONS FOR THE HOLDING OF LOCAL INQUIRIES

Appointment
of commission
and terms of
reference.
[6 of 1997]

1. (1) Wherever a local inquiry is to be held under this Act, the Minister shall appoint a commissioner for that purpose, and shall specify the terms of reference of the inquiry.

(2) If the commissioner appointed becomes unable or unwilling to act, or dies, the Minister may appoint another commissioner in his place.

(3) The Minister may at any time alter the terms of reference of the inquiry.

(4) Where the Minister exercises any power under this regulation, notice thereof shall be published in the *Gazette* and in accordance with section 311.

Oaths.

2. The commissioner shall, as soon as may be after his appointment and before exercising any functions as such, take an oath or make an affirmation that he will faithfully, fully, impartially and to the best of his ability perform his duties in relation to the inquiry; and such oath or affirmation shall be taken before a magistrate or justice of the peace, and shall be deposited by the commissioner with the Minister.

Publication of notice of inquiry.

3. The commissioner shall, before the commencement of the inquiry, publish in accordance with section 311 notice of the time and place of inquiry, and the notice shall state that any person shall have the right to attend and give evidence at the inquiry.

Inquiry to be public.

4. Every inquiry shall be conducted in public, but the commissioner shall nevertheless be entitled to exclude any person for the preservation of order, or the due conduct of the inquiry.

Power to appoint a secretary.

5. The Minister may appoint a secretary to perform such duties in connection with the inquiry as the commissioner may prescribe.

Submission of findings.

6. The commissioner shall submit his findings in writing to the Minister together with a full statement of the proceedings of the inquiry, and the reasons for his findings.

Rules for regulating proceedings

7. The commissioner may make such rules for the conduct and management of the proceedings, and the hours and days and places for sittings not inconsistent with his commission, as he may from time to time think fit, and may from time to time adjourn for such time and to such place as he may determine, subject only to the terms of his

commission.

Power of
commissioner
to summons
and examine
witnesses and
privilege from
suit.

8. (1) The commissioner shall have the powers of a Judge to summon witnesses, and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath; and the commissioner shall not be liable in any action or suit for any matter or thing done in good faith by him as commissioner.

(2) All summonses for the attendance of witnesses or other persons, or the production of documents, shall be in the form of the Appendix to these Regulations, and shall be signed by the commissioner; and oaths may be administered by the commissioner or the secretary.

False evidence.

9. Any witness who wilfully gives false evidence in the inquiry shall be guilty of perjury, and shall be liable to be prosecuted and punished accordingly:

Provided that no proceedings shall be instituted without the authority in writing of the Director of Public Prosecutions.

Attendance of
witnesses

10. (1) All persons summoned to attend and give evidence or to produce books, plans or documents, at the inquiry, shall be obliged to obey the summons as fully in all respects as witnesses are obliged to obey subpoenas issued from the Court, and shall be entitled to the like expenses as if they had been summoned to attend the Court on a criminal trial, if the same shall be allowed by the commissioner, but he may, if he thinks fit, disallow the whole or part of such expenses in any case.

(2) Every person refusing or failing without sufficient cause to attend at the time and place mentioned in the summons served on him, and every person summoned and attending, but leaving the inquiry without the permission of the commissioner, or refusing without

sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the commissioner, or refusing without sufficient cause to produce any books, plans or documents in his possession, or under his control, and mentioned or referred to in the summons served on him, and every person who at any sitting of the inquiry wilfully insults the commissioner or the secretary, or wilfully interrupts the proceedings of the inquiry, may be summarily ordered by the commissioner to pay either forthwith or within a specified time a fine not exceeding six thousand five hundred dollars, recoverable under the Summary Jurisdiction Acts.

(3) Any person giving evidence at the inquiry may refuse to answer any question which may incriminate him and every such person shall, in respect of any evidence given by him before the commissioner, be entitled to all privileges to which a witness giving evidence before the Court is entitled in respect of evidence given by him before that Court.

Appearance of
counsel.

11. Any person who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel or solicitor at the inquiry.

Preservation of
order.

12. The Commissioner of Police shall, upon the request of the Minister, detail constables to attend upon the commissioner, to preserve order during the inquiry and to perform such other duties as usually pertain to their office when in attendance upon the Court.

Expenses.

13. (1) The Minister may direct what remuneration, if any, shall be paid to the commissioner and to the secretary, and to any other person employed in or about the inquiry.

(2) The expenses incurred under this regulation together with any expenses paid to witnesses under regulation 10 and any other costs incurred by the commission

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in the holding of the inquiry, shall be paid by the council concerned in or affected by the inquiry.

APPENDIX

reg. 8(2)

SUMMONS TO WITNESS

To.....
You are hereby summoned to appear before appointed by the Minister of Local Government to inquire.....

at upon the day of 20..... at o'clock in the fore/afternoon, and to give evidence respecting such inquiry.

You are required to bring with you
Therefore fail not at your peril.

Dated this. day of 20.....

Given under the hand of

(Commissioner)

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THE MUNICIPAL AND DISTRICT COUNCILS ACT
CHAPTER 28:01

**Act
24 of 1969
Amended by**

7	of	1971	3	of	1982	O. 80/1980
1	of	1972	23	of	1983	O. 12/1993
3	of	1972	11	of	1986	
4	of	1972	17	of	1988	
13	of	1973	10	of	1990	
25	of	1973	19	of	1990	
17	of	1974	16	of	1992	
17	of	1976	27	of	1997	
36	of	1979				
12	of	1980				

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1 – 485	... 1/2012

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Triumph/ Beterverwagting Local Government District (Constitution) Order (O.81/1970, 13/1993)
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Local Authorities (Variation of Date for Rating) Order (O.96/1970, 2/1972, 27/1972)
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Rosignol-Zee Lust District Council (Drainage Area) Order (O. 26/1972)

Klien-Pouderoyen-Best District Council (Appointment of Part of Council Area as Council Drainage Area) Order (O. 105/1973)

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Rivertown/Annandale District Council (Removal of Difficulties) Order (O. 83/1971)

Rose Hall Town (Application of Provisions) Order (O. 62/1970)

Mayor and Town Council of Linden (Application of Provisions) Order (O.78/1972)

Triumph/Beterverwagting District Council (Supplementary Estimates) Order (O. 112/1970)

City of Georgetown and Linden Town (Application of Provisions) Order (O.30/1970, 49/1970)

Georgetown (Control of Animals) By-Laws (By-laws 2/1989)

City of Georgetown (Collection and Disposal of Waste) By-laws (By-laws 1/1981)

**Note
on
Repeal**

This Act repealed the following Ordinances:

The Town Councils (Membership and Dissolution) Ordinances, Cap 151 of the 1953 Edition;

The Georgetown (Taxation and Rating Concessions) Ordinances, Cap 155 of the 1953 Edition;

The Georgetown Improvement Rates (Funding) Ordinances, Cap 157 of the 1953 Edition;

The Town and Country Planning (Georgetown Fire Area) Ordinances, Cap 159 of the 1953 Edition;

The Local Government (Bartica Voters Register Continuance) Ordinance,(21 of 1953);

The Georgetown Town Council (Special Powers) (Water Supply) Ordinance (7 of 1954);

The Municipal Council (Postponement of Elections) Ordinance, (41 of 1954);

The Municipal Council (Postponement of Elections) Ordinance, (32 of 1958);

The Georgetown (Valuation and Rating) Ordinance, Cap. 154 of the 1953 Edition.

The Scavenging and Cleansing of the City By-laws (By-laws 26/7/1917) has been repealed by the City of Georgetown (Collection and Disposal of Waste) By-laws (By-laws 1/1981)

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 - (23) Marking of boundaries.
 - (24) Control of public places.
 - (25) Trespass in alleyways.
 - (26) Hackney carriages.
 - (27) Regulation of craft.
 - (28) Grazing of animals and cutting of wood.
 - (29) Grants to associations of local authorities.
 - (30) Publicity.
 - (31) Public Health services.
 - (32) Housing.
 - (33) Street lighting.
 - (34) Industrial enterprises and trading services,
 - (35) Fees, charges and licences.
 - (36) Expenditure.
 - (37) Stellings and landing places.
303. Powers of town councils and district councils.

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SECTION

PART X BY-LAWS

304. Power to make by-laws.

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PART XI MISCELLANEOUS

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313. Penalty for destroying notices.

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315. Appearance of council in legal proceedings.

316. Name of council need not be proved.

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FIRST SCHEDULE—Boundaries of the City of Georgetown.

SECOND SCHEDULE—Form of Oaths of Office.

THIRD SCHEDULE—Funds which may be placed at the Disposal of the Mayor.

FOURTH SCHEDULE—Boundaries of the Town of New Amsterdam.

FIFTH SCHEDULE—Standing Committees.

SIXTH SCHEDULE—Powers, Duties and Responsibilities of certain Officers.

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APPENDIX— Summons to witness.

CHAPTER 28:01

MUNICIPAL AND DISTRICT COUNCILS ACT

24 of 1969

An Act to make better provision for Local Government in the City of Georgetown and the Town of New Amsterdam and in other areas of Guyana.

[All sections, except sections 97 to 117, 28TH APRIL, 1970]

Short title.

1. This Act may be cited as the Municipal and District

Councils Act.

Interpretation.

2. In this Act—

[25 of 1973

11 of 1986]

“chairman” means the chairman of a district council;

“chief executive officer” means the chief executive officer of a district council;

“City” means the City of Georgetown;

“City Council” means the municipal council in and for the City;

“City Councillor” means a councillor of the City Council;

“clerk” means—

- (a) a town clerk;
- (b) a chief executive officer;

“Commission” means the Local Government Service Commission constituted by section 97;

“constitution order” means an order made pursuant to section 34;

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“costs” includes charges and expenses;

“council” means—

- (a) the City Council;
- (b) the Town Council;
- (c) the council of a town established under section 34;
- (d) a district council;

“council area” means the area administered by a council;

“council drainage area” means that part of a council area appointed under section 267 to be a council drainage area;

“council pound” means a pound established by a council pursuant to section 289;

“council road” means any highway or other road or street to which the public has right of access in a council area other than a public road; and any reference to a council road includes a reference to the roadway, shoulders, verges, embankments, pedestrian walks, cycle tracks, bridges, culverts, canals and drains on the line of the road and connected therewith;

“councillor” means—

- (a) a councillor of the City Council;
- (b) a councillor of the Town Council;
- (c) a councillor of a district council;

(d) a councillor of a town council established under section 34;

“Court” means the High Court;

“district” means a local government district;

“district council” means the council for a district;

“district councillor” means a councillor of a district council;

“drainage work” means any reservoir, canal, trench, drain, culvert, sluice, koker, koker runs or retaining walls of outfall channels, aqueduct, weir, dam, lock, siphon, stop off, paal off, fence, bridge, road, watch-house or building used for housing sluice operators, rangers and pumping station attendants, which has been or which may hereafter be made, erected, constructed or used for the purpose of drainage or irrigation and includes any machinery or power station used in connection with any of the foregoing;

“Judge” means a judge of the Court;

“land” includes a building and any other erection on, or an interest in, land;

“local government office” means any office of emolument in the service of a council;

“local government officer” means a person who is the holder of or who is acting in a local government office;

“owner” means the person for the time being receiving the rent of the lands, buildings or erections in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or

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who would so receive that rent if the lands, houses, buildings or erections were let at a rent and where the lands, houses, buildings or erections are not let includes any person in possession of the lands, houses, buildings or erections;

“pound-keeper” means—

- (a) the pound-keeper of a council pound;
- (b) a deputy or assistant pound-keeper;

“property” means any separate parcel of land, or any house or building or other erection, where such parcel of land, house, building or other erection is either owned or capable of being owned separately;

c.51:01 “public road” has the meaning assigned to the word “road” by section 2 of the Roads Act;

“qualifying date” means such date as may be appointed by the Minister with reference to which a register of voters shall be compiled;

“rating period” means the financial year in respect of which a council may make and levy a general rate;

“Registrar” means the Registrar of the Court;

“road material” means sand, shell, gravel, stone, rock, soil and similar material used and useful for road purposes;

“Town” means the Town of New Amsterdam;

“Town Clerk” means the Town Clerk of the City Council or of the Town Council or of a town council;

“Town Council” means the municipal council in and for the

Town;

“town councillor” means a councillor of the Town Council or of a town established under section 34;

“Treasurer” means—

(a) a municipal treasurer;

(b) a chief finance officer;

1953 Ed.
Cap. 154
5 of 1959
c. 28:04

“valuation list” means a valuation list prepared under the Georgetown (Valuation and Rating) Ordinance or the Local Government (Valuation of Property) Ordinance, or the Valuation for Rating Purposes Act, or any written law in substitution therefor;

“vehicle” means any device in, upon or by which any person or property is or may be transported, drawn or pushed upon a road;

“vice-chairman” means the vice-chairman of a district council;

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

PART II
CONSTITUTION OF COUNCILS

Municipal Council for the City of Georgetown

Continuation of
municipal
council for
City.
[1 of 1860
44 of 1918
Cap. 152
1953 Ed.]

3. Subject to this Act, the municipal council in and for the City of Georgetown, established as one body politic and corporate by the Georgetown Town Council Ordinance, 1860, by the name and style of “The Mayor and Town Council of Georgetown” and continued by the Georgetown Town Council Ordinance 1918, is hereby continued.

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Change of
name of City
Council.

4. The City Council shall henceforth have the name and style of "The Mayor and Councillors of the City of Georgetown".

Common seal.

5. The City Council shall have and use a common seal, which shall be approved by, and may be altered by, the council and which shall be judicially noticed.

Legal
proceedings.

6. The City Council may sue and be sued by and in the name of "The Town Clerk of Georgetown".

Extent of City.
First Schedule.

7. (1) For the purposes of this Act, the City shall comprise all the area specified in the First Schedule.

(2) The jurisdiction of the City Council shall extend to low water mark of spring tides of the Demerara River and to all structures thereon.

Composition of
City Council.

8. (1) The City Council shall consist of the Mayor, the Deputy Mayor and other councillors and shall have such functions as are vested in it by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twenty-five and not more than thirty as may be prescribed by order of the Minister.

The Mayor and the Deputy Mayor

Mayor and
Deputy to be
elected.

9. (1) The Mayor and the Deputy Mayor shall be elected annually from amongst the persons entitled under subsection (2) to vote at their election.

(2) The persons entitled to vote at the election of the Mayor and Deputy Mayor shall be—

(a) if the year in which the election is

held is also a year of election of City Councillors, the persons who in that year have been so elected, notwithstanding that their terms of office have not commenced;

(b) in any other year, the City Councillors.

Term of office
of Mayor and
Deputy.
[11 of 1986]

10. The term of office of the Mayor and that of the Deputy Mayor shall, subject to this Act, be one year, commencing on the first day of the month following upon their election but, the Mayor or Deputy Mayor shall, notwithstanding the expiry of his term of office, continue to hold office until his successor enters upon office and thereupon he shall retire.

Eligibility of
Mayor and
Deputy for re-
election.
[23 of 1983]

11. The Mayor and the Deputy Mayor in office on the day of election of the Mayor and the Deputy Mayor for the ensuing year shall, if they remain qualified to be elected, be eligible for re-election:

Provided that no person shall be eligible for re-election as Mayor if on the day of the commencement of the term of office of the Mayor for the ensuing year he will have filled that office for five terms in succession unless any of those terms has been of less than six months" duration or an interval of one year has elapsed since the expiration of his last term.

Convening of
meeting to elect
Mayor and
Deputy.
[23 of 1983]
11 of 1986]
c. 28:03

12. (l) The Town Clerk shall in each year which is a year of election of City Councillors call, after the declaration under section 101 of the Local Authorities (Elections) Act of the results of that election, a meeting, to be held not later than the tenth day after such declaration, of the persons elected thereat to be City Councillors and shall in any other year, not later than the date of expiration of the term of office of the Mayor and the Deputy Mayor then in office, call a meeting of

the City Councillors, for the purpose of electing the Mayor and the Deputy Mayor for the ensuing year.

(2) The Town Clerk shall, not less than three days before a meeting held pursuant to subsection (1), publish notice of the time and place of the intended meeting and cause a copy thereof to be served upon the persons elected to be City Councillors or upon the City Councillors, as the case may require:

Provided that want of service of a copy of the notice shall not affect the validity of the meeting.

Election of
Mayor and
Deputy.

13. (1) The election of the Mayor for the ensuing year shall be the first business transacted at a meeting called pursuant to section 12 and the election of the Deputy Mayor shall, subject to subsection (6), take place immediately thereafter; and no other business shall be conducted at the meeting except the appointment of members of the finance committee of the City Council for the ensuing year and the appointment of a day for the first ordinary meeting of the City Council in that year.

(2) The Town Clerk, shall, until the Mayor for the ensuing year has been elected, preside at and shall determine any question arising at the meeting during the election of the Mayor for the ensuing year but shall not have any vote; and upon his election the person so elected shall preside at and determine any such question and shall have a second or casting vote.

(3) Every candidate for election as Mayor and Deputy Mayor shall be proposed by a person who is entitled to vote at and who is present at the meeting and shall be seconded by another such person.

(4) If there is only one candidate for election as Mayor, the Town Clerk shall declare that candidate to be

elected; and if, the Mayor having been elected, there is only one candidate for election as Deputy Mayor, the Mayor for the ensuing year shall declare that candidate to be elected.

(5) If there are two or more candidates for election as Mayor, the Town Clerk shall take the votes of the persons who are entitled to vote at and are present at the meeting and shall declare the candidate who secures the greatest number of votes to be elected; and, if, the Mayor having been elected, there are two or more candidates for election as Deputy Mayor, the Mayor for the ensuing year shall declare the candidate who secures the greatest number of votes to be elected.

(6) If there is no election under subsection (5) on account of an equality of votes the Town Clerk shall appoint a day not later than the 28th December in the same year for the election of the Mayor from among such candidates by the voters whose names appear on the register of voters for the time being in force for the City.

(7) The provisions of the Local Authorities (Elections) Act shall in so far as they are not inapplicable thereto apply to the election of the Mayor under subsection (6) as they apply to the election of councillors under that Act.

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

(9) Any question whether any person has been validly elected to be the Mayor or Deputy Mayor for the ensuing year shall be determined by the Court in accordance with Part IV of the Local Authorities (Elections) Act.

Deputy to
succeed Mayor
on vacancy.

14. If a vacancy occurs in the office of Mayor prior to the retirement of the holder at the expiration of his term of

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office, the Deputy Mayor shall forthwith succeed to that office and shall, subject to the provisions of this Act, hold that office for the unexpired portion of the term of the person whom he succeeds, at the expiration of which he shall retire.

Election of
Deputy on
vacancy.

15. (1) If a vacancy occurs in the office of Deputy Mayor prior to the retirement of the holder at the expiration of his term of office, the Town Clerk shall call a meeting of the council to elect a councillor to be Deputy Mayor and the councillor so elected shall, subject to this Act, hold that office for the unexpired portion of the term of office of the person whom he succeeds, at the expiration of which he shall retire.

(2) Section 12(2) and section 13 shall, in so far as they are applicable, apply to a meeting called under this section.

Vacancy in
office of
Mayor or
Deputy.

16. (1) A vacancy shall occur in the office of Mayor or Deputy Mayor prior to retirement at the expiration of the term of office of the holder if he—

- (a) dies;
- (b) resigns;
- (c) ceases to be a councillor;
- (d) does not, within fourteen days after the commencement of his term of office take before the President the oath prescribed for his office by section 18 unless his failure to take such oath within the said period is for a reason approved by the council.

(2) A vacancy shall occur in the Office of Deputy Mayor if the holder thereof succeeds to the office of Mayor pursuant to section 14.

(3) A vacancy shall be deemed to occur in the office of Mayor or Deputy Mayor during the term of office of the holder if the person elected to be Mayor or Deputy Mayor for the ensuing year dies before the commencement of his term of office.

Performance of
Mayor's duties
when unable to
act.

17. (1) During any period when the Mayor is for any reason unable to perform the functions of his office, those functions shall be assumed and performed by the Deputy Mayor.

(2) If the Deputy Mayor is for any reason unable to perform the functions of the office of Mayor in accordance with subsection (1), the Town Clerk shall call a meeting of the councillors to elect a councillor to perform those functions; and the councillor so elected shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(3) Section 12(2) and section 13(3), (4) and (5) shall apply to a meeting called under this section.

(4) Where at an election under subsection (2) two or more councillors secure an equal number of votes the Minister shall direct which of those councillors shall perform the functions of the office of Mayor; and that councillor shall assume and perform those functions until such time as the Mayor or Deputy Mayor, as the case may be, is able to act.

(5) In the event of the Deputy Mayor or a councillor performing the functions of the office of Mayor for seven consecutive days or more, the Deputy Mayor or councillor, as the case may be, shall, during such period, have at his disposal, in lieu of the Mayor, the funds placed at the disposal of the said office in the manner specified for the payment of such funds.

Oath of office.

18. The Mayor and the Deputy Mayor shall, before

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Second Schedule.

performing any of the functions of their respective offices, take before the President an oath of office in the form set out in the Second Schedule.

Mayor and Deputy to be justices of the peace.

19. The Mayor and the Deputy Mayor shall, by virtue of their offices, be justices of the peace for the City but shall, before acting as such, take the oaths required by law to be taken by such justices unless they are, on the day on which they become entitled to act as Mayor or Deputy Mayor, such justices have taken the oaths required by law to be taken to act as such justices.

Leave of absence of Mayor and Deputy.

20. The City Council may grant leave of absence to the Mayor and the Deputy Mayor for any period or periods not exceeding three months in the aggregate during their terms of office.

Mayor, the Deputy and City Councillors exempted from jury service.

21. The Mayor, the Deputy Mayor, and City Councillors shall, during their terms of office, be exempted from jury service.

Remuneration of Mayor and Councillors.
[11 of 1986]
Third Schedule.

22. (1) The City Council may in each financial year appropriate out of the funds of the council a sum not exceeding in amount the sum prescribed by Part I of the Third Schedule, to be placed at the disposal of the Mayor in the manner set out in that Schedule.

(2) The City Council may in each financial year, with the approval of the Minister, appropriate out of the funds of the Council 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 such approval, determine what sum shall be payable to each councillor.

City Councillors to be

The City Councillors

23. (1) The City Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the

elected.
[11 of 1986]
c. 28:03

City Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act, and the Town Clerk shall be the Clerk of the local authority for the purposes of that Act:

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

(2) Elections of City Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the City who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates, shall be not less than one hundred and not more than one hundred and ten.

(4) 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 the City Council, shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed fourteen thousand dollars.

Term of office
of City
Councillors.
[11 of 1986]

24. Subject to this Act, the term of office of the City Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the City:

Provided that the City Councillors shall—

(a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purpose of

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section 12;

- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the City Councillors, elected at the next following election of City Councillors, is held for the purposes of section 12.

Municipal Council for the town of New Amsterdam

Continuation of
municipal
council for
Town.
[8 of 1891
10 of 1916
25 of 1949]

25. Subject to this Act, the municipal council in and for the Town of New Amsterdam, established as one body politic and corporate by the New Amsterdam Town Council Ordinance 1891 under the name and style of "The Mayor and Town Council of New Amsterdam" and continued by the New Amsterdam Town Council Ordinance 1916 and by the New Amsterdam Town Council Ordinance 1949, is hereby continued.

Common seal

26. The Town Council shall have and use a common seal, which shall be approved by, and may be altered by, the Council and which shall be judicially noticed.

Legal
proceedings.

27. The Town Council may sue and be sued in the name of "The Town Clerk of New Amsterdam."

Extent of Town.
Fourth
Schedule.

28. (1) For the purposes of this Act, the Town shall comprise all the area specified in the Fourth Schedule.

(2) The jurisdiction of the Town Council shall extend to low water mark of spring tides of the Berbice River and to all structures thereon.

Composition of
Town Council.

29. (1) The Town Council shall consist of the Mayor, the Deputy Mayor and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the Mayor and the Deputy Mayor) shall be not less than twelve and not more than fifteen as may be prescribed by order of the Minister.

The Mayor and the Deputy Mayor

Application of
sections 9 to
22.

30. Sections 9 to 22 (inclusive) shall *mutatis mutandis* apply to the Mayor and the Deputy Mayor of the Town of New Amsterdam as they apply to the Mayor and the Deputy of the City of Georgetown and the said provisions shall have effect as if—

Third
Schedule.

- (a) references to the City Council and to the City Councillors were respectively references to the Town Council and the Town Councillors; and
- (b) in section 22 there were substituted the words and figures “Part II of the Third Schedule” for the words and figures “Part I of the Third Schedule”.

Amendment of
Third
Schedule.
[17 of 1988]

31. The Minister may by order amend the Third Schedule.

The Town Councillors

Town
Councillors to
be elected.
[11 of 1986]
c. 28:03

32. (1) The Town Councillors shall be elected in accordance with the Local Authorities (Elections) Act and the Town Council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

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

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(2) Elections of Town Councillors shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for the Town who may, under section 43 of the Local Authorities (Elections) Act submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Section 22(2) shall *mutatis mutandis* apply to the Town Councillors as they apply to the City Councillors, and the said provisions shall have effect as if the reference therein to the City Council were a reference to the Town Council.

(5) Section 23(3) shall *mutatis mutandis* apply to an election to the Town Council as they apply to an election to the City Council.

Term of office
of Town
Councillors.
[11 of 1986]
Constitution
orders.

33. Subject to this Act, the term of office of the Town Councillors shall be three years, commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the Town:

Provided that the Town Councillors shall—

- (a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purpose of section 12 read with section 30;
- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the Town Councillors, elected at the next following election of Town Councillors, is held for the purposes of section 12 read with section 30.

Other Towns and District Councils

Constitution
orders.

34. (1) Subject to negative resolution of the National Assembly, the Minister shall have power, by order, to establish—

- (a) towns;
- (b) local government districts,

and there shall be for each town or district so established a town council or district council, as the case may be.

(2) A constitution order in respect of a town shall prescribe or provide for—

- (a) the name of the town and its boundaries;
- (b) the name of the council for the town;
- (c) the number of councillors.

(3) A constitution order in respect of a district shall prescribe or provide for—

- (a) the name of the district and its boundaries;
- (b) the name of the council for the district;
- (c) subject to section 38 the number of councillors;
- (d) the sum which under section 39 may be placed at the disposal of the chairman;

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- (e) the standing committees to be appointed and maintained by the council;
- (f) local government officers for the purposes of paragraph (c) of section 76;
- (g) under section 304, which of the functions of a council set out in section 303 the council is authorised to perform.

(4) A constitution order may prescribe or provide for such other matters as appear to the Minister to be necessary or expedient for or incidental to the establishment of a town or a district and the constitution of the council thereof.

(5) Without prejudice to the construction of any other provision of this Act in accordance with the provisions of section 26 of the Interpretation and General Clauses Act, a constitution order may be from time to time varied or amended by order of the Minister.

c. 2:01

Election of
other town
councillors and
application of
sections 9 to
22 to towns.
[25 of 1973
11 of 1986]
c. 28:03

35. (1) The town councillors of town councils constituted under section 34 shall be elected in accordance with the Local Authorities (Elections) Act and every town council is a local authority to which that Act applies and a local authority within the meaning of that Act and the Town Clerk shall be the clerk of the local authority for the purposes of that Act:

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

(2) Elections of town councillors of any town

council constituted under section 34 shall be held on such day as the Minister may by order appoint under section 35 of the Local Authorities (Elections) Act.

(3) The number of registered voters for a town who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(4) Subject to this Act, the term of office of town councillors shall be three years commencing on the day following upon the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results of the town:

Provided that the town councillors shall—

- (a) notwithstanding the expiry of their term of office, continue to hold office until the day on which a meeting of the town councillors, elected at the next following election of town councillors, is held for the purpose of section 12 read with subsection (4);
- (b) notwithstanding that their term of office has not expired, vacate office on the day on which a meeting of the town councillors, elected at the next following election of town councillors, is held for the purposes of section 12 read with subsection (4).

(5) Sections 9 to 22 (inclusive) *mutatis mutandis* apply to the Mayor and the Deputy Mayor of a town and town councillors as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the City Councillors and those provisions shall have effect as if—

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- (a) references to the City Council and to City Councillors were respectively references to the town council and the town councillors;
- (b) in section 22 there were substituted the words "the constitution order" for the words "Part I of the Third Schedule."

District
councils to be
bodies
corporate.

36. A district council shall be a body corporate by the name of the council prescribed by the constitution order.

Common seal.

37. A district council shall have and use a common seal which shall be approved by the council and which shall be judicially noticed.

Composition
and functions
of district
councils.

38. (1) A district council shall consist of the chairman, the vice-chairman and other councillors, and shall have such functions as are vested in the council by or under this Act or any other law.

(2) The number of councillors (including the chairman and the vice-chairman) shall be such number, being not less than nine and not more than eighteen, as may be prescribed by the constitution order.

Chairman and Vice-Chairman

Application of
sections 9 to
22.

39. The provisions of sections 9 to 22 (inclusive) *mutatis mutandis* apply to the chairman and the vice-chairman as they apply to the Mayor and the Deputy Mayor of the City of Georgetown and the said provisions shall have effect as if—

- (a) references to the Mayor and Deputy Mayor were respectively references to the chairman

and the vice-chairman;

- (b) references to the City Council and to the City Councillors were respectively references to the district council and the district councillors;
- (c) references to the Town Clerk were references to the chief executive officer; and
- (d) in section 22 there were substituted the words “the constitution order” for the words “Part I of the Third Schedule”.

District Councillors

District
councillors to
be elected.
c. 28:03

40. (1) The district councillors shall be elected in accordance with the Local Authorities (Elections) Act at elections held every three years during the period commencing on 1st November and ending on 7th December and every district council shall be a local authority to which that Act applies and a local authority within the meaning of that Act and the chief executive officer shall be the clerk of the local authority for the purposes of that Act.

(2) The number of registered voters for a district who may, under section 43 of the Local Authorities (Elections) Act, submit a list of candidates shall be not less than fifty and not more than sixty.

(3) 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 district council shall not exceed five hundred dollars and the expenses which may be incurred under section 109(1) of that Act by or on behalf of a group of candidates shall not exceed three thousand dollars.

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Term of office
of district
councillors.
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41. Subject to this Act the term of office of district councillors shall be three years, commencing on the 1st day of January after the declaration, under section 101 of the Local Authorities (Elections) Act, of the election results for the district.

Provisions Common to all Councillors

Vacancy in
office of
councillor.

42. A vacancy shall occur in the office of councillor prior to the retirement of the holder at the expiration of his term of office if he—

- (a) dies;
- (b) being an elected councillor, is not qualified to be elected;
- (c) is disqualified for being or is disqualified from continuing to be a councillor;
- (d) resigns;
- (e) does not, within seven days of the commencement of his term of office, take before the clerk the oath prescribed for his office by section 44, unless his failure to take such oath within the said period is for a reason approved by the council;
- (f) is elected a member of the National Assembly.

Signification
and filling of
vacancy.

43. (1) Whenever a vacancy occurs in an office of councillor, the clerk shall report the same at the next meeting of the council and publish notice thereof.

(2) Where a vacancy occurs in the office of a councillor the provisions of section 103 of the Local Authorities (Elections) Act shall apply to the filling of the

vacancy; and the person (if any) so filling the vacancy shall hold office for the unexpired portion of the term of office of the councillor whom he succeeds.

Oath of office
of councillor.
Second
Schedule.

44. No councillor shall take part in the proceedings of a council or of a committee thereof until he has taken before the clerk the oath prescribed for his office in the form set out in the Second Schedule.

Leave of
absence of
councillors.

45. (1) A council may grant leave of absence to a councillor for any period or periods not exceeding nine months in the aggregate during his term of office.

(2) In a case of urgency the powers of a council under this section may be exercised by the Mayor or the chairman as the case may require and the Mayor or the chairman shall report to the council at the next meeting any leave granted by him under this section.

Failure to
attend
meetings.

46. Any councillor who, without first having obtained leave of absence, absents himself from three consecutive ordinary meetings of the council or of any committee with executive authority or of any standing committee thereof of which he is a member, or fails to attend any meeting of the council or of any such committee for a period of two months whichever period is the longer, shall become disqualified from continuing to be a councillor.

Allowances of
councillors.

47. A council may pay to councillors reasonable travelling and subsistence allowances at such rates as may be determined by the council with the approval of the Minister, in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Notification of
address.

48. Every councillor shall furnish the clerk with an address to which all notices shall be forwarded and shall notify him of any change of such address.

Miscellaneous

Accretions
from the sea.

49. Every accretion from the sea, whether natural or artificial and any part of the foreshore to low water mark shall, for the purposes of this Act, form part of the council area which such accretion or part of the foreshore adjoins.

Resignation.
[12 of 1980]

50. (1) The holder of any office to which this section applies may at any time resign that office by writing signed by him and delivered to the clerk of the council in which he holds such office.

(2) This section shall apply to the offices of chairman, vice-chairman and councillor.

Validity of acts
and
proceedings.

51. The acts and proceedings of any person elected to any office specified in section 50(2) and performing the functions of that office shall, notwithstanding his want of qualification or disqualification, be as valid and effectual as if he had been qualified.

Allocation of
names to parts
of council area.

52. A council may allocate to any part of its council area such name or description as it sees fit, and may alter or vary any such name or description.

PART III
MEETINGS AND PROCEEDINGS OF COUNCILS

Meetings

Councils to
hold monthly
meetings.
[12 of 1980]

53. For the transaction of general business a council shall hold meetings at such intervals as may be specified under its constitution order or as it or the Minister may determine and such meetings shall be held at such hours and on such days as the council decides or by standing order determines.

Extraordinary
meetings.

54. (1) The Mayor and the chairman may call an

extraordinary meeting of the council at any time.

(2) If the Mayor or the chairman, as the case may be, refuses to call an extraordinary meeting after a requisition for that purpose signed by not less than one-third of the whole number of the councillors in office, has been presented to him, or if without so refusing, he does not call a meeting within three days after such request has been presented to him, the clerk shall forthwith call a meeting.

(3) When a requisition is made under subsection (2), a copy thereof shall be delivered at the same time to the clerk.

Notice of meetings.

55. (1) Not less than three days before any meeting of the council or not less than such shorter period as may be authorised by the Mayor or the chairman before an extraordinary meeting if he is satisfied that the urgency of the business to be transacted is such that a lesser period is justified, a notice of the time and place of the intended meeting signed by the clerk shall be published and a copy thereof, accompanied by the agenda, shall be served on every councillor:

Provided that want of service of a copy of the notice or of the agenda on any councillor shall not affect the validity of a meeting.

(2) Except in the case of business required by this Act to be transacted at a meeting, no business shall be transacted at a meeting other than that set out in the agenda.

Chairman of meeting.

56. (1) Except as is otherwise provided in this Act the Mayor or the chairman or in his absence the Deputy Mayor or the vice-chairman shall preside at a meeting of a council.

(2) If both the Mayor and Deputy Mayor or both the chairman and the vice-chairman are absent from the

meeting, such other councillor as may be chosen by the councillors present shall preside and shall have the same powers as the Mayor or the chairman when presiding at a meeting.

Quorum.

57. No business shall be transacted at a meeting of a council unless at least one-third of the whole number of the councillors in office is present.

Decisions generally to be by majority.

58. (1) Except as is otherwise provided by this Act or by any other law, all acts of a council and all questions coming or arising before a council shall be done and decided by a majority of councillors present and voting thereon at a meeting.

(2) A councillor presiding at a meeting shall, in the case of an equality of votes, have a second or casting vote.

(3) Except with the consent of two-thirds of the councillors present, no motion to rescind a motion passed within the preceding six months and no motion to the same effect as any motion which has been negatived by the council within the preceding six months shall be considered at any meeting of a council; and no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors in office.

(4) A motion to suspend the standing orders may be made at any meeting of a council without notice and shall be voted upon without debate, but no such motion shall be passed except upon the vote of a majority of at least two-thirds of the councillors present and voting.

Recording of votes.

59. On the requisition of any councillor present at a meeting of a council, the voting on any question shall be recorded by the clerk so as to show whether each councillor present gave his vote for or against that question.

Committees

Standing Committees.

60. (1) The City Council shall appoint and at all times maintain the standing committees specified in Part I of the Fifth Schedule.

Fifth Schedule.

(2) The Town Council shall appoint and at all times maintain the standing committees specified in Part II of the Fifth Schedule.

(3) A district council shall appoint and at all times maintain the standing committees prescribed by the constitution order of its district.

General and special committees.

61. A council may appoint general or special committees for any such general or special purpose as in the opinion of the council would be better regulated and managed by means of a committee; and any such standing committees.

Chairman of committee.

62. A council may appoint councillors to be the chairman and the vice-chairman of a committee.

Appointment of non-councillors to committees.

63. A committee of a council may include persons who are not councillors but who because of their special skill or experience will, in the opinion of the council, be able to assist in the consideration of the work of the committee:

Provided that—

- (a) at least two-thirds of the members of every committee shall be councillors;
- (b) no person other than a councillor shall be chairman or vice-chairman of a committee;
- (c) no person other than a councillor shall be a member of either of the Finance committees

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mentioned in Schedule 5 or of a committee prescribed by a constitution order.

Delegation to committees.

64. (1) A council may delegate to a committee with or without restrictions or conditions any functions exercisable by the council except the power of levying rate or borrowing money.

(2) Unless authorised either generally or specifically by the council, a committee shall not have power to enter into any contract.

Proceedings of committees.

65. Subject to this Act and standing orders made under section 73, a committee may regulate its own procedure.

Records of Proceedings

Form of record.

66. A council shall cause to be kept a record of the proceedings of all meetings of the council and of the committees thereof, which record shall be in the form of minutes or such other form as may be prescribed by standing orders made under section 73; and such minutes or other record if confirmed shall be signed at the next meeting of the council or of the committee, as the case may be, by the person presiding thereat, and any minute or any such other record purporting to be so signed shall be received in evidence in legal proceedings without further proof.

Effect of record.

67. Until the contrary is proved, a meeting of a council or of a committee thereof in respect of the proceedings of which a minute or other record has been kept and signed in accordance with section 66 shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes

or other record.

Inspection of record.

68. The confirmed minutes or other record of a meeting of a council or of a committee thereof shall be open at all reasonable hours to the inspection of councillors and members of committee free of charge.

Joint Committees

Joint committees.

69. (1) A council may concur with one or more councils in forming from among their respective councils a joint committee for any purpose in which they are jointly interested and may delegate any of the functions of the council relating to the purpose for which the joint committee is formed, except the power of levying a rate or borrowing money.

(2) The expenses incurred by a joint committee shall be defrayed by the councils by which the committee is appointed in such proportions as may be agreed.

(3) The accounts of a joint committee shall be made up to the end of the financial year and shall be subject to audit in like manner as the accounts of a council.

(4) A joint committee may regulate its own procedure.

Interest in Contracts

Disability for voting on account of interest in contracts

70. (1) If any councillor has any pecuniary interest, direct or indirect, in any contract (which in this section shall include a proposed contract) or other matter, and is present at a meeting of a council or committee at which the contract or other matter is the subject of consideration, he shall, at the meeting as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with

respect to, the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a councillor may have as a ratepayer or inhabitant of the council area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods, is offered to the public.

(2) For the purposes of this section, a councillor shall be deemed to have an indirect pecuniary interest in a contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(3) Where a councillor has indirectly a pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed five hundred dollars so much of subsection (1) as prohibits him from taking part in the consideration or discussion of, or from voting on any question with respect to, the contract or other matter shall not apply to him, without prejudice, however, to the duty of disclosure imposed by subsection (1).

(4) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(5) A general notice given in writing to the clerk by a councillor to the effect that he or his spouse is a member of or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (5), and the book shall be open at all reasonable hours to the inspection of any councillor.

(7) If any councillor fails to comply with subsection (1), he shall be guilty of an offence, unless he proves that he did not know that a contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) A prosecution for an offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions.

(9) The City Council, as respects a City Councillor, the Town Council, as respects a Town Councillor and the Minister, as respects a district councillor may, subject to such conditions as the council or the Minister, as the case may be, may think fit to impose, remove any disability imposed by this section in any case in which the number of councillors so disabled at any one time would be so great a proportion of

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the whole number of councillors as to impede the transaction of business, or in any other case in which it appears to the Council or the Minister, as the case may be, that it is in the interests of the inhabitants of the council area that the disability should be removed.

(10) A council may by standing orders provide for the exclusion of a councillor, not being a councillor whose disability has been removed under the foregoing provisions of the section, from a meeting of the council or any committee whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(11) In this section—

“committee” means—

- (i) a committee of a council;
- (ii) a joint committee formed under section 69;

“councillor” includes a member of a committee who is not a councillor;

“shares” includes stock and “share capital” shall be construed accordingly.

Miscellaneous

Cessation of
membership of
committees.

71. Every councillor who is a member of a committee of a council or of a joint committee formed under section 69 shall, upon ceasing to be a councillor also cease to be a member of the committee or the joint committee, as the case may be.

Vacancies not
to invalidate
proceedings.

72. The proceedings of a council, or of a committee thereof, or of a joint committee formed under section 69 shall

not be invalidated by any vacancy among its number or by any defect in the election, nomination, appointment or qualification of any member thereof.

Standing
Orders.

73. Subject to this Act, a council may make standing orders for the regulation of the proceedings and business of the council and of the committees thereof.

PART IV **LOCAL GOVERNMENT OFFICERS**

Officers of
City Council.

74. There shall be for the City Council the following local government officers, namely—

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) a city engineer;
- (d) a medical officer of health;
- (e) a clerk of markets;
- (f) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

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1953 Ed.

Officers of
Town Council.

75. There shall be for the Town Council the following local government officers, namely—

- (a) a town clerk;
- (b) a municipal treasurer;
- (c) an engineer of electricity and water works;
- (d) a clerk of the market;

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Officers of
district
councils.

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Status, powers
and duties of
clerk.

Sixth Schedule.

(e) a health officer;

(f) such other of officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

76. There shall be for every district council the following local government officers—

(a) a chief executive officer;

(b) a chief finance officer;

(c) such other officers as are prescribed by the constitution order;

(d) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.

77. (1) The clerk shall be the chief administrative officer of the council of which he is the clerk and shall have the general responsibility of co-ordinating the whole of the work of the council.

(2) In the discharge of the functions of his office the clerk shall have all the powers and duties conferred and imposed upon the clerk by or under this Act or any other law, and, in particular, but without prejudice to the generality of the foregoing, he shall have the powers and duties assigned to him by and be responsible for the matters specified in Part I of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the clerk.

(3) The clerk or other officer authorised in writing by the clerk may, subject to the general or specific directions of the council, exercise the powers of the council, and all acts

done by the clerk or such officer in the exercise of those powers shall be deemed to have been done by the council.

(4) The clerk shall have power to administer all oaths required to be administered by him under this Act.

Status, powers
and duties of
treasurer.

78. (1) The treasurer shall be the chief financial officer of the council of which he is the treasurer and shall be primarily charged with the general responsibility for all matters of finance and accounts of the council.

Sixth Schedule.

(2) In the discharge of the functions of his office the treasurer shall have all the powers and duties conferred and imposed upon the treasurer by this Act or any other law, and in particular, but without prejudice to the generality of the foregoing, he shall have the power and duties assigned to him by, and be responsible for the matters specified in Part II of the Sixth Schedule, and such other duties as may be assigned to him by the council of which he is the treasurer.

Emoluments
and terms of
service.

79. (1) The emoluments and other terms of service of local government officers shall be determined by the council in which they are serving.

Allowances.

(2) A council may assign duties to a local government officer in its service and such local government officer shall faithfully perform and discharge all such duties.

80. A council may pay to local government officers in its service reasonable allowances at rates determined by the council in respect of expenses incurred by them in the course of or by reason of their performing their official duties.

Pensions.

81. (1) A council may grant and pay pensions, gratuities, premiums and other like allowances to local government officers on their retirement from the service of the council, and, where any officer dies while in the service of the council, to the widow of the deceased officer for the

benefit of herself and his children (if any), or to the mother of the deceased officer, or to the persons selected by the council in its absolute discretion for the benefit of the widow and children, or of the mother, as the council deems desirable; and in the event of the officer leaving neither widow nor child nor mother, then the council shall pay the pension, premium or other like allowance to his heirs, executors or administrators.

(2) The grant of pensions, gratuities, premiums and other like allowances under this section shall be in accordance with the conditions and rules, and shall not exceed the amount of like benefits, for the time being prescribed by law in the case of public officers.

(3) In this section “local government officer” does not include a weekly or daily paid employee who is a member of a scheme instituted pursuant to section 82.

Group Pension Scheme.

82. (1) A council may institute a Contributory Group Pension Scheme and Group Life Plan (hereinafter together referred to as “the scheme”) for the benefit of its weekly and daily paid employees and the following provisions shall apply in relation to such scheme—

- (a) every weekly and daily paid employee of the council who has attained the age of twenty-one years but is under the age of fifty-five years shall join the scheme;
- (b) the council shall contribute to the scheme, in respect of each employee under the scheme, such amount as from time to time constitutes the contribution of the council thereto in accordance with the terms and conditions governing the scheme;

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(c) notwithstanding the provisions of the Labour Act, the council shall have power to deduct from the wages of every employee under the scheme, such amount as from time to time constitutes the contributions of the employee thereto in accordance with the terms and conditions governing the scheme, and such amount shall be paid into the scheme.

(2) The council may make rules for the purpose of the administration of the scheme.

Obligation of certain officers of City Council to insure.

83. (1) Every local government officer to whom this section applies shall, not later than six months after his appointment insure his life and keep it insured for a sum not less than the minimum annual remuneration of the office which he holds, and every such officer shall, as often as he is promoted to an office of higher remuneration, effect an additional insurance on his life to the extent of the annual increase in his remuneration.

(2) This section applies to local government officers in the service of the City Council who hold offices of a permanent nature and whose salary is not less than four hundred and eighty dollars per annum.

Terms of insurance.

84. Every insurance effected pursuant to section 83 shall be effected in a company approved by the City Council and the class and nature of the insurance shall be subject in each case to the approval of the council.

Policy to be in favour of Town Clerk.

85. (1) The policy in every case of insurance effected pursuant to section 83 shall be effected when practicable in favour of the Town Clerk and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and

discharged from any liability of the local government officer in respect of whom the insurance is effected.

(2) On any change in the person discharging the duties of the office of Town Clerk no assignment shall be necessary to transfer the policy to and vest it in his successor.

Payment of premiums and advances therefor.

86. (1) A sum equal to four per cent of his annual remuneration shall in each and every year be deducted by the Town Clerk by equal instalments from the remuneration of every local government officer to whom section 83 applies, and the whole amount so deducted shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected.

(2) The City Council may advance to any local government officer to whom section 83 applies the whole or any part of the annual premiums on his policy to be repaid by the monthly deduction from his remuneration specified in subsection (1); and if the officer dies, retires, resigns, or is removed from office, that part of the advance which is due at the time of the cessation of his service to the council shall be deducted from any remuneration then due to him.

Receipt and application of insurance moneys.
[19 of 1990]

87. (1) The sum assured on the life of a local government officer to whom section 83 applies and the accumulations thereon by way of bonus or otherwise shall, on the death of the officer while in the service of the council, be received and held by the City Council and shall be absolutely freed and discharged from any claim whatsoever of any creditor of the deceased officer, but, after payment of any costs for receiving it, shall be paid by the council either to the spouse of the deceased officer for the benefit of that spouse and their children (if any) or to the guardians of the children (if any) for their benefit, or to his or her parents or parent, as the case may be, or to the persons selected by the council in its uncontrolled discretion for the benefit of the spouse and children or of the parents or parent as the case may be, as the

council deems desirable; and in the event of the officer leaving neither spouse nor child nor parents or parent as the case may be, then the council shall pay the money to his or her heirs, executors or administrators and the receipt of any one to whom the money is paid by the council shall be an absolute discharge therefor, and the council shall not be bound to see to the application thereof, or be liable for misapplication or non-application thereof:

Provided that where payment is to be made to the parents of the officer the sum to be paid shall be equally divided between them.

(2) For the purposes of subsection (1), "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Policy to be transferred on retirement.

88. Any local government officer to whom section 83 applies and who is insured pursuant thereto who retires, resigns or is removed from the service of the City Council shall have his policy of insurance transferred to him by the council freed from all liability or restrictions imposed by this Part, on payment to the council of any sums of money advanced to him and due by him under this Part.

Provisions for officers failing to obtain insurance.

89. (1) If any local government officer to whom section 83 applies fails to obtain an insurance pursuant to that section within the period therein specified, the amount of four per cent shall thereafter be deducted monthly from his remuneration and placed to his credit in the Government savings bank at the disposal of the City Council; and on his death the capital and interest at the credit of that account shall be paid in the same manner and to the same persons as is prescribed by section 87; and if the officer retires, resigns or is removed from the service of the council, the amount of capital and interest at the credit of that account shall be paid to him

forthwith.

(2) The council, when the sum deposited in the Government savings bank in accordance with subsection (1) is equivalent to a sum which can be invested either in government or municipal bonds, may make investment of the sum in those bonds and hold them for the benefit of the officer, and all interest derivable therefrom shall be deposited in the Government savings bank at the disposal of the council until it amounts to a further sum which can be invested either in government or municipal bonds when it may be so invested and any further sums may from time to time be similarly dealt with.

(3) If an officer dies while in the service of the council before a sum equal to three months remuneration has been deducted pursuant to this section, the council shall make good the difference and pay the sum in the same manner and to the same persons as prescribed by section 87.

Penalty for
neglect to
insure.

90. Any officer to whom section 83 applies who declines or neglects to insure his life pursuant to that section or who, after having so insured neglects or refuses to continue the policy by paying the premiums when due, or objects to the Town Clerk making the deductions authorised by section 86 from his remuneration, shall be deemed to have thereupon resigned his office and shall cease to be in the service of the City Council.

Exemption
from obligation
to insure.
[19 of 1990]

91. (1) Notwithstanding section 83 no local government officer to whom that section applies shall be obliged to insure his or her life pursuant thereto, and sections 84 to 90 (inclusive) shall not apply to such officer if and so long as the City Council is satisfied that his or her life is insured for a sum of not less than the amount prescribed by section 83 in some company approved by the council, and that the insurance moneys have been or are duly secured for the benefit of his or her spouse and children, or parents or

parent as the case may be, and protected from his or her debts, and he or she exhibits to the Town Clerk the receipt for the premium as and when it becomes due and is paid, or the council is satisfied that the premiums on the policy have been already paid up in full; and if at any time the council is not satisfied as to any of the aforesaid matters or the officer does not exhibit the receipt for the premium as required by this section, the officer shall, not later than such day as may be appointed by the Town Clerk and notified to that officer, insure his or her life pursuant to section 83.

(2) For the purposes of subsection (1), "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction.

Security.
[13 of 1973]

92. A council shall, in the case of a local government officer in its service who by reason of his office or employment is likely to be entrusted with the control or custody of money, and may in the case of any other local government officer in its service, require him to give security by bond executed by himself as principal and two sureties, jointly and severally, or in the alternative to give a fidelity bond from an insurance company approved by the council in an amount determined by the council, for the due and faithful performance of his duties and for the due and punctual accounting of all moneys received by him for the council; and the council shall defray the cost of any expenses incurred in connection with such security bond or fidelity bond.

Accountability.

93. (1) Every person who holds or acts in a local government office shall at such times during the continuance of his office as the council in which he is serving may direct, and every person who having held or acted in such an office shall within fourteen days, of having ceased to hold such office or act therein, make out and deliver to the council in which he is or was serving, or as it directs, a true account in

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writing of all money and property committed to his charge in connection with his office or former office, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein and a list of persons from whom or to whom money is due in connection with his office, or former office, showing the amount due from or to each person:

Provided that the council may, if in its opinion special circumstances justify an extension of such period of fourteen days extend such period by a further period or periods not exceeding in the aggregate an additional period of six weeks.

(2) Every local government officer or former local government officer shall pay all money due from him to the treasurer of the council in which he is or was serving.

(3) If any person—

- (a) refuses or neglects to make any payment which he is required by this section to make; or
- (b) after three days" notice in writing signed by the clerk of the council or by two councillors thereof and delivered to him in person or sent by registered post to his last known address, neglects to deliver to the council, or as it directs any account or list which he is required by this section to make out or deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the council or as it directs,

a magistrate of the magisterial district in which the offices of the council are situated may, on complaint made on behalf of the council, by order require him to make such payment or delivery or to give such certificate.

(4) If any person fails to comply with an order made under subsection (3) he shall be guilty of an offence.

(5) Nothing in this section shall affect any remedy by action against any such local government officer or former local government officer.

Interest in contracts.

94. (1) No local government officer shall in any way be concerned or pecuniarily interested in any bargain, contract or arrangement made by or with the council in which he is serving, other than an interest of the nature mentioned in the proviso to section 70(1).

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Interest in markets.

95. (1) No local government officer whose service relates to or is at any market belonging to the council in which he is serving shall have any pecuniary interest, direct or indirect, in any stand or stall in any market belonging to the council; and for the purposes of this section the interest of the wife of a local government officer living with him shall, if known to him, be deemed to be also an interest of the officer.

(2) Any local government officer who wilfully contravenes the provisions of this section shall be guilty of an offence.

(3) No prosecution for an offence under this

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section shall be instituted without the consent of the Director of Public Prosecutions.

Extortion.

96. (1) No local government officer shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(2) Any local government officer who wilfully contravenes this section shall be guilty of an offence.

(3) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Local Government Service Commission

Constitution.

97. (1) There shall be a Local Government Service Commission consisting of a chairman, a deputy chairman and three other members; and the Commission shall have such functions as are vested in it by this Act and any other law.

(2) In the exercise of its functions, the Commission shall not be subject to the direction or control of any authority.

Appointment
of members.

98. The members of the Commission shall be appointed by the President from amongst such persons as appear to him to be suitably qualified; and the President shall appoint one of its number to be chairman and another to be deputy chairman.

Disqualifica-
tion for
appointment.

99. No member of the National Assembly, no councillor, no local government officer, and no member of the Commission who has been removed from office pursuant to section 103, shall be appointed or continue as a member of the Commission.

Oath of office.

Second Schedule

100. Every member of the Commission shall, before performing any of the functions of his office, take before the President or someone designated by him an oath of office in the form set out for his office in the Second Schedule, and the President or someone designated by him is thereby authorised and empowered to administer such oath.

Term of office.

101. (1) The office of a member of the Commission shall, subject to the provisions of this Part, become vacant at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed.

(2) If a vacancy occurs in the Commission for a cause other than the retirement of a member thereof at the expiration of his term of office, the person appointed to fill the vacancy shall, subject to the provisions of this Part, hold office for the unexpired portion of the term of the member whom he succeeds.

(3) A member of the Commission shall, unless he is disqualified for appointment, be eligible for re-appointment.

Resignation.

102. A member of the Commission may at any time resign his office by writing signed by him and delivered to the President; and his resignation shall take effect upon the receipt thereof by the President.

Removal from office.

103. (1) The President may, after due inquiry, remove a member of the Commission from office for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause whatsoever) or for misbehaviour.

(2) The President may suspend any member of the Commission from the exercise of the functions of his office if he is satisfied that there exist grounds for considering his removal from office under subsection (1); and the President may revoke any such suspension.

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Vacancy.

104. A vacancy (other than one occasioned by the retirement of a member at the conclusion of his term of office) shall occur in the Commission if a member thereof—

(a) dies;

(b) is disqualified from continuing to be a member;

(c) does not, within fourteen days of his appointment take before the President or someone designated by him the oath prescribed for his office by section 100;

(d) resigns;

(e) is removed from office.

Leave of absence.

105. The President may grant leave of absence to a member of the Commission.

Performance of chairman's duties.

106. During any period when the chairman of the Commission is unable for any reason to perform the functions of his office, those functions shall be assumed and performed by the deputy chairman thereof or, if the deputy chairman is for any reason unable to perform those functions, by such other member as the President may appoint.

Commission may act notwithstanding vacancies.

107. The acts of the Commission and all questions coming or arising before the Commission shall be done and decided by a majority of all the members thereof.

Protection for acts done in good faith.

108. No proceedings whether civil or criminal shall be instituted against any member of the Commission in respect of any act done or omitted by him in good faith as a member of the Commission or by the Commission.

Privilege of
communications.

109. Except with the consent of the President, signified in writing, no person shall in any legal proceedings produce or be permitted to give evidence as to the contents or nature of any document or any oral information addressed, made to or given by the Commission.

Annual report.

110. The Commission shall, not later than the 1st day of March in every year, submit to the Minister a report on its work during the preceding year; and the report shall, as soon as conveniently may be thereafter, be laid before the National Assembly.

Secretary and
staff.

111. The President may appoint a secretary to the Commission and such other staff as may be necessary or desirable to enable the Commission to perform its functions.

Expenses.

112. The expenses of the Commission (including the remuneration and other allowances of the members of the Commission, its secretary and other staff) shall be paid out of moneys provided by Parliament.

Procedure.

113. Subject to this Part, the Commission may, by rules made under section 114 or otherwise, regulate its own procedure.

Rules.
[17 of 1988]

114. The Commission may, with the approval of the President, make rules to provide for all matters incidental to the exercise of its functions under this Part and without prejudice to the generality of the foregoing such rules may prescribe or provide for—

- (a) the regulation of the procedure of the Commission;
- (b) the recruitment, appointment and promotion of local government officers whose emoluments exceed eighteen thousand dollars per year;

- (c) offences against discipline and penalties therefor;
- (d) interdiction and suspension;
- (e) disciplinary procedure;
- (f) removal from office for offences against discipline or in the interest of local government;
- (g) the time and manner of making appeals under section 121.

Improper influence.

115. (1) Any person who directly or indirectly by himself or by any other person improperly influences or attempts improperly to influence the Commission or any member thereof in any matter before it shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

False information.

116. (1) Any person who gives to the Commission or any member thereof any information which he knows to be false or which he does not believe to be true, or omits therefrom any material particular, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

Unauthorised disclosure.

117. (1) Any member of the Commission or its staff who, except with the consent of the President, discloses to any unauthorised person or otherwise than in the course of duty

any information whatsoever which has come to his knowledge in the course of his duties, and any person to whom such information has been disclosed or who has otherwise obtained such information who communicates the same to any person otherwise than for the purposes of a prosecution, shall be guilty of an offence.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.

*Appointment of and Disciplinary Control
over Local Government Officers*

Officers whose remuneration exceeds \$18,000 per annum.
[17 of 1988]

118. (1) The power, save as otherwise provided hereinafter, to appoint persons to hold or act in any local government offices the emoluments of which exceed eighteen thousand dollars per annum (including the power to confirm appointments) the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the Commission.

(2) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) to any one or more members of the Commission or to a council.

(3) Before the Commission appoints to a local government office any person holding or acting in any office power to make appointments to which is vested by the Constitution in the Judicial, the Public, the Teaching, or the Police Service Commission, it shall consult with the commission in which that power is vested.

Officers whose remuneration does not exceed \$18,000

119. (1) The power to appoint a chief executive officer or persons to hold or act in any local government offices the emoluments of which do not exceed eighteen thousand

per annum.
[17 of 1988]

dollars per annum (including the power to confirm appointments), the power to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons from office shall vest in the council to which such person is to be appointed or in which he holds office and, in the case of the appointment of a chief executive officer, be subject to the approval of the Minister.

(2) A council may, by directions given in such manner as it thinks fit, delegate any of its powers under subsection (1) to any local government officer in its service.

Manner of
exercise of
disciplinary
control.

120. The power to exercise disciplinary control over local government officers (including the power to remove them from office) shall be exercised by the Commission or other person or authority in whom such power is vested under section 118 or section 119 in accordance with any rules pertaining to discipline made by the Commission under section 114.

Appeals.

121. Where the power to exercise disciplinary control over any local government officer (including the power to remove him from office) has been exercised by any person or authority other than the Commission, the local government officer in respect of whom it was exercised may appeal to the Commission from the decision of that person or authority in accordance with any rules made by the Commission under section 114 pertaining to appeals under this section; and the Commission, on such appeal, shall have power to confirm, set aside or vary any finding of such persons or authority and to confirm, quash or vary (whether by increase or reduction) any penalty awarded.

Appointment
of deputies.
[17 of 1988]

122. (1) Notwithstanding section 118, a council may, if there is a vacancy in any local government office, or if the holder or the person acting in that office is unable for any reason to perform the functions thereof, and if there is no local government officer authorised by law to perform those

functions appoint a deputy to act temporarily in such office; and such deputy shall assume and perform those functions.

(2) Any appointment made by a council under subsection (1) to a local government office the emoluments of which exceed eighteen thousand dollars per annum shall be reported to the Commission and shall be subject to its approval.

(3) If the Commission decides not to approve an appointment reported pursuant to subsection (2), the appointment shall forthwith terminate, but without prejudice to the validity of any act previously done by the person appointed by the council.

Councillors
disqualified for
appointment.

123. No person who is a councillor shall be appointed to hold or to act in a local government office in the council of which he is a councillor; and no person who has been a councillor shall be so appointed within a period of a year after ceasing to be a councillor.

Resignation.

124. A local government officer may at any time resign his office by writing signed by him and delivered to the Mayor or the chairman of the council in which he is serving; and his resignation shall take effect upon the receipt thereof by the Mayor or chairman as the case may be.

Pensions not to
be withheld
without
concurrence of
commission.

125. (1) Where a council has a discretion—

- (a) to decide whether or not any benefit to which this section applies shall be granted; or
- (b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld,

reduced in amount or suspended unless the Commission concurs in the refusal to grant the benefits, or as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies is not fixed by law, the amount of the benefits to be granted to the person eligible shall be the greatest amount for which he is eligible unless the Commission concurs in his being granted benefits of a smaller amount.

(3) This section applies to any benefits that are or may become payable under any law providing for the grant of pensions, compensation, gratuities, premiums or like allowances to persons in respect of their service as local government officers or to the widows, mothers, children, dependants or personal representatives of such persons in respect of such service.

Pension rights
for seconded
public officers.
c. 27:02

126. (1) Where an officer in the public service is seconded or temporarily transferred for duty to a local government office from a pensionable office within the meaning of the Pensions Act, section 5 of that Act shall apply to him as if his service in the council were service in a civil capacity under the Government.

(2) Where an officer in the public service has been transferred to any local government office, the provisions of regulation 21 of the Pensions Regulations (as contained in the Schedule to the Pensions Act) shall apply to him as if his service in the council were other public service within the meaning of that Act, not being service under any of the Scheduled Governments as defined in regulation 2 of the Pensions Regulations, and regulation 21 of those Regulations shall apply accordingly to the person so transferred.

Town Constabulary

Establishment.
[25 of 1973]

127. (1) There shall be a town constabulary for the City and there shall be a town constabulary for the Town.

(2) The Council of a town may, with the approval of the Minister, establish a town constabulary for the town.

Composition.
[25 of 1973
27 of 1997]

128. (1) A town constabulary shall consist of such officers, non-commissioned officers and constables as the City Council or the Town Council, as the case may be, deems necessary or desirable, who shall be local government officers in the service of the council.

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

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

Constabulary
subject to
directions of
town clerk.

129. A town constabulary shall be subject to the directions of the town clerk as to the scope of its duties.

Oath of office.
Second
Schedule.

130. Every member of a town constabulary shall before exercising the functions of his office, take before the town clerk an oath of office in the form set out for his office in the Second Schedule.

Warrant card.

131. A warrant card shall be issued to every member of a town constabulary by the town clerk and shall be evidence of his membership thereof.

Uniform.

132. Members of a town constabulary shall be

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furnished by the council with uniforms and batons.

Duty to obey
orders.
[25 of 1973]

133. Every member of a town constabulary shall obey all lawful orders of his superior officers whether the same are given verbally or in writing, and shall also obey all orders made or issued by the officer in charge of the town constabulary under section 135.

Disciplinary
offences.
[25 of 1973
27 of 1997]

134. (1) Any non-commissioned officer or constable of a town constabulary who is found guilty by the officer in charge of the town constabulary of any of the following:

- (a) absence from duty without leave or good cause;
- (b) sleeping on duty;
- (c) conduct to the prejudice of good order and discipline;
- (d) cowardice in the performance of duty;
- (e) disobedience of any orders issued or made by the Superintendent under section 135;
- (f) insubordination;
- (g) being unfit for duty by reason of intoxication;
- (h) neglect of duty or orders;
- (i) in the course of duty, making a statement which is false in a material particular;
- (j) unlawful or unnecessary exercise of

authority resulting in loss or injury to any person or to the council;

- (k) wilfully or negligently damaging or destroying or negligently losing any council property;
- (l) conduct calculated to bring the council into disrepute,

shall be liable to be punished by the officer in charge of the town constabulary with any one or more of the following punishments—

- (i) reduction in rank;
- (ii) caution, warning, reprimand or severe reprimand;
- (iii) forfeiture of not more than fourteen days pay, save that, in the case of absence without leave or good cause for more than fourteen days, pay may be forfeited for a period of not more than the period of such absence from duty;
- (iv) forfeiture of any good conduct allowance;
- (v) compulsory performance of extra drills or duties;
- (vi) suspension from duty without pay for not more than fourteen days.

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

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

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

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

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

- (a) he is under the influence of intoxicating liquor;
- (b) he commits any act of

insubordination, or uses any disrespectful language to his superior in rank;

- (c) he strikes or attempts to strike any member of the town constabulary;
- (d) he commits any criminal offence while carrying out his duties as a member of the town constabulary.

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

(7) Arrest shall be of two kinds—

- (a) open arrest - where any non-commissioned officer or constable of a town constabulary is placed under open arrest, he shall be deprived of all privileges and leave until the case is disposed of and he shall attend all parades and do duties as required;
- (b) close arrest - in the case of a non-commissioned officer who holds the rank of inspector, he shall be confined to his quarters under guard, and in the case of any other member below the rank of inspector, to some suitable place in the station premises other than the prisoner's cell, under guard.

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

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

(10) Any member of a town constabulary who is placed under close arrest for any offence of indiscipline or otherwise under this section shall not, unless the officer-in-charge so directs, be detained under close arrest for a period longer than twenty-four hours, but shall thereafter be released and placed on open arrest or on duty pending his trial.

Standing
routine orders.
[25 of 1973]

135. (1) The officer in charge of a town constabulary may, with the approval of the town clerk, make orders, which shall be known as "Constabulary standing orders", prescribing or providing for—

- (a) discipline and training;
- (b) instructions and examinations;
- (c) inspections, drills, exercises and parades;
- (d) the manner in which the duties of the constabulary shall be carried out;
- (e) the manner and form of the making of reports and other records;
- (f) the performance of any act which shall be necessary for the proper carrying out of the duties of the constabulary;
- (g) such other matters as may, in his opinion, be necessary for preventing abuse or neglect of duty and for rendering the constabulary efficient in the discharge of its duties.

(2) The officer in charge of a town constabulary may issue orders of a routine nature, which shall be known as "Constabulary routine orders", for the control, direction and information of the constabulary.

Disciplinary powers deemed to have been delegated.
[25 of 1973]

136. The powers conferred by sections 133, 134 and 135 upon the officer in charge of a town constabulary to exercise disciplinary control over members of a town constabulary shall be deemed to have been delegated to him by the council pursuant to section 119(2).

Members of constabulary always on duty.

137. For the purposes of this Act, every member of a town constabulary shall be deemed to be always on duty when required to act as such and shall perform the duties imposed upon, and exercise the powers granted to him under this Act or any other law at any and every place in the City or the Town, as the case may be, in which he is serving.

Duty to deliver up warrant and uniform on leaving service.

138. (1) Every member of a town constabulary who leaves the Constabulary, whether in consequence of his resignation or dismissal or otherwise, shall on leaving the same deliver up his warrant card, uniform and baton and any other property of the council in which he has been serving which may be in his possession.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and may in addition to any penalty imposed pursuant to section 315 be ordered by the magistrate before whom he is convicted to pay to the council an amount equal to the value of the property.

Powers.
[25 of 1973]

139. (1) Every member of a town constabulary has in relation to—

(a) any offence committed against this Act or by-laws made by the council in whose service he is for the time being;

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- (b) any offence committed in any place vested in, or under the control of, the council or in any public place in the council area,

have all the powers and be entitled to all the privileges and immunities conferred on a police constable by any law for the time being in force.

(2) Where a town constable lays an information or makes a complaint against any person in respect of any offence against this Act or any by-laws made thereunder any member of a town constabulary not below the rank of corporal and serving in the same constabulary as the aforesaid town constable may appear before the magistrate exercising jurisdiction in the matter and shall have the same privileges as to addressing the magistrate and examining the witnesses adduced in the matter as the town constable who laid the information or made the complaint would have had.

Causing
disaffection.

140. Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the constabulary or induces or attempts to induce, or does any act calculated to induce, any member of the constabulary to withhold his services or to commit breaches of discipline, shall be guilty of an offence.

Threatening
members.

141. Any member of a town constabulary who threatens or insults any other member when—

- (a) such other member is on duty; or
- (b) such threat or insult relates to or is consequent on the discharge of duty by the members so threatened or insulted,

shall be guilty of an offence.

Assaulting
members.

142. Any person who assaults, resists or obstructs any member of the constabulary acting in the execution of his duty, or aids or incites any person to assault or resist any such member shall be guilty of an offence.

Harbouring
members.

143. Any keeper of any place for the entertainment of the public whether spirituous liquors are sold therein or not, who knowingly harbours or entertains any member of the constabulary on duty or permits any member of the constabulary to remain in such place while on duty shall be guilty of an offence.

Unauthorised
wearing of
uniform.
[25 of 1973]

144. If any person who is not a member of a town constabulary wears without the permission of the officer in charge of the town constabulary thereof, the uniform of the constabulary or any dress having the appearance, or bearing any of the distinctive marks, of that uniform, he shall be guilty of an offence.

PART V

FINANCE

Accounts, Receipts and Expenditure

Financial year.

145. The financial year of a council shall be the period of twelve months commencing on the first day of January.

Financial
regulations.

146. (1) The Minister may make financial regulations for controlling and managing financial business of councils.

(2) Without prejudice to the generality of the powers conferred by subsection (1), financial regulations may prescribe or provide for—

(a) the preparation and keeping of accounts, balance sheets, financial statements and abstracts of accounts;

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- (b) the regulation of the procedure and duties of committees appointed for regulating and controlling the finances of councils;
- (c) the purchase of stores and equipment and the custody and issue thereof;
- (d) the receipt, transmission and safe custody of cash;
- (e) the preparation and submission of estimates;
- (f) the expenditure which may be incurred in a financial year before approval of the estimates for that year;
- (g) the procedure for borrowing;
- (h) advances to local government officers;
- (i) the procedure in relation to tendering and acceptance of contracts;

and such financial regulations may be made either generally or otherwise.

(3) Financial regulations may prescribe the form of any account, notice or other document.

Books of account.

147. Proper books of account shall be kept by a council in accordance with financial regulations.

Revenues of councils; general rate fund.

148. (1) The revenues of a council shall consist of all moneys received by the council from any source whatsoever, except moneys received by way of loan and shall be credited

to the general rate fund of the council.

(2) All expenditure of a council other than that financed by loan shall be discharged from the general fund.

(3) Separate accounts shall be kept of receipts carried to and payments made out of the general rate fund—

(a) for general purposes;

(b) for each special purpose.

Loan fund.

149. Moneys received by a council by way of loan shall be credited to the loan fund of the council.

Moneys to be paid into approved bank.

150. All moneys received by or on behalf of a council shall be delivered to the treasurer who shall deposit them with a bank approved by resolution of the council.

Payments to be made under order signed by councillors.
[17 of 1988]

151. All payments on account of a council shall be made by the treasurer in pursuance of an order signed by two councillors who are members of the Finance Committee and who are authorised by the Finance Committee in that behalf; and all cheques for payment of moneys shall be signed by the treasurer and countersigned by the clerk or such other local government officer as may be authorised by the council on that behalf or any member of the Finance Committee:

Provided that the following payments may be made out of the general rate fund without an order, that is to say—

(a) payments made in pursuance of section 22;

(b) payments of allowances to councillors;

(c) payments of emoluments and allowances to any local government officer in the service of the council (other than daily or weekly

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Moneys
received for
special
purpose.

paid employees);

- (d) payments not exceeding two thousand dollars in relation to services provided for in the estimates.

152. No moneys standing to the credit of a special purpose account shall be used for any purpose other than that for which they have been provided.

Investment of
funds.

153. A council may invest any of its moneys in such manner as the council may approve.

Insurance.

154. A council may insure—

- (a) all or any of its movable or immovable property against risks of any kind and may also insure councillors, local government officers in its service and any other persons against loss of life or injury suffered whilst performing any duty on behalf of the council;
- (b) against any liability to any person in connection with any of its property or through any action or default of any local government officer in its service or any other person;
- (c) against any loss of money or securities arising out of or caused by the negligence or wilful act of any of its local government officers or any other person.

Estimates

Estimates of the
City Council
and the Town
Council.

155. (1) The City Council and the Town Council shall, not later than the fifteenth day of November in every year, cause to be submitted to them estimates of the revenues and expenditure of the council for the next financial year.

(2) Copies of the estimates approved by the Council shall be submitted to the Minister and copies shall be open for public inspection at its offices and notice thereof shall be published by the Council; and the notice shall refer to the right of inspection.

Annual report
by City Council
and Town
Council.

156. (1) The City Council and the Town Council shall, not later than the thirty-first day of March in every year submit to the Minister a report in writing containing an account of all moneys received, expended and applied during the preceding financial year.

(2) Copies of the report shall be open for public inspection at the offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

Submission of
estimates by
town councils
or district
councils.
[25 of 1973]

157. A town council or a district council shall, not later than the fifteenth day of November in every year, cause to be prepared and shall submit to the Minister for his approval estimates of the income and expenditure of the council for the next financial year.

Approval of
estimates of
town councils
or district
councils.
[25 of 1973]

158. (1) The Minister may approve the estimates of a town council or a district council either as submitted or, after affording the council an opportunity to make representations, with such variations or amendments as he thinks fit to make thereto.

(2) The approved estimates of a town council or a district council shall be open for public inspection at the

offices of the council and notice thereof shall be published by the council; and the notice shall refer to the right of inspection.

Form of estimates.

159. The estimates of a council shall be in such form and set out such information as is prescribed by financial regulations.

Expenditure prior to approval of estimates
Expenditure subsequent to approval.

160. A council may, in respect of any portion of a financial year that may have elapsed before approval of its estimates for that year, expend provisionally such sums as may be generally or specially authorised by financial regulations.

Expenditure subsequent to approval.

161. After the estimates of a council have been approved, such council shall not, except as permitted by financial regulations—

- (a) incur, in the financial year to which they relate, any expenditure which is not provided for therein;
- (b) use any sum included therein under any head of expenditure for another head of expenditure:

Provided that the council may utilise any saving under one sub-head of expenditure for the purpose of meeting any excess of expenditure under another subhead of the same item of expenditure.

Supplementary estimates.
[25 of 1973]

162. (1) If it appears to the City Council or to the Town Council after the commencement of any financial year that insufficient provision has been made in the estimates for that year, such council may, not later than the thirty-first day of May in that year, cause to be submitted to it supplementary estimates of income and expenditure for that year; and if it so appears to a town council and a district council, it may, not later than the said day prepare and submit to the Minister for

his approval supplementary estimates of income and expenditure for that year.

(2) Section 155(2) and section 159 shall have effect in relation to supplementary estimates of the City Council and of the Town Council as they have in relation to estimates caused to be submitted to them under section 155; and sections 158 and 159 shall have effect in relation to the supplementary estimates of a town council and a district council as they have in relation to estimates prepared and submitted under section 157.

Write-off.

163. A council may not authorise the writing-off of sums payable to the council or of deficiencies of cash or stores except upon grounds prescribed by financial regulations and of amounts not exceeding the amounts thereby prescribed.

Grants

Grants.

164. (1) There may be paid to councils 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 councils.

(2) Every application to the Minister by a council for a grant shall be submitted in accordance with financial regulations.

Loans

Purposes for which money may be borrowed.

165. A council may, with the approval of the Minister, borrow sums of money for any of the following purposes—

- (a) for acquiring any land which the council has power to acquire;

- (b) for erecting any building which the council has power to erect;
- (c) for the execution of any permanent work, the provision of any plant or the doing of any other thing which the council has power to execute, provide or do, if it is desirable that the cost of defraying that purpose should be spread over a term of years;
- (d) for any other purpose for which the council is authorised under any law to borrow.

Application

166. (1) Every application to the Minister by a council for his approval to borrow money shall be submitted in accordance with financial regulations.

(2) When any application is submitted to the Minister for his approval to borrow money the council shall publish notice thereof and such notice shall set out the amount proposed to be borrowed, the purpose for which it is sought to be borrowed, the mode of borrowing, and the proposed basis of repayment; and shall also state that any person wishing to object to such application shall forward his objections with the reasons therefor in writing to the Minister before a day specified in such notice.

(3) Before making his decision upon an application for approval to borrow money the Minister shall consider any objections received by him.

Mode of
borrowing.

167. Where approval is given to a council to borrow money, it may borrow from the Government or from any other source approved by the Minister, and may raise the money by mortgage of the rates or any other property of the council.

Issue of bonds.

168. (1) Where approval is given to the City Council or the Town Council to borrow money it may raise the money by issue of bonds.

(2) Bonds issued by the City Council or the Town Council shall be in such form, for such amounts and at such rate of interest, and be redeemable at the time and in the manner decided by the council with the approval of the Minister.

Replacement of defaced bonds.

169. If any bond issued by the City Council or the Town Council is accidentally defaced, the Council may cancel the defaced bond and may cause a new bond to be made and delivered to the bearer; and the new bond shall bear the same number, date and principal sum, carry the same interest and be subject to the same rules as the original bond.

Replacement of lost bonds.

170. The City Council or the Town Council, on proof to its satisfaction that any bond issued by it has by accident been lost or destroyed before being paid off, may, if the number and the amount of the bond are ascertained, and upon being furnished with due security for indemnifying the council for any loss to which it may at any time be subjected by reason thereof, issue a new bond corresponding in all respects with the bond so lost or destroyed or, if any bond when so lost or destroyed is overdue, the council may cause the money thereon to be paid off and discharged.

Charge upon revenues.

171. All moneys borrowed by a council with the approval of the Minister and all interest and other sums payable in respect thereof shall be charged indifferently upon the revenues and assets of the council.

Repayment.
[12/1980]

172. Where any moneys are borrowed by a council with the approval of the Minister, the following provisions shall apply—

(a) the council shall set apart each year from its

revenues and assets, in addition to the interest payable, such a proportionate part of the capital sum as will be sufficient in the aggregate to pay the capital as and when it becomes due;

- (b) the amount to be set apart each year for the repayment of the capital sum shall be an equal proportion of that sum;
- (c) where bonds have been issued by a Council and the sum set apart each year cannot be immediately applied to the redemption of the bonds, it shall be invested by the council until, with the accruing interest, it can be so applied:

Provided that when determining the amount to be set apart each year, if any allowance is made for interest to accrue on the sums to be invested, the interest to be obtained shall not be estimated at a higher rate than five per cent per annum.

Temporary
loans.

173. (1) A council may, without the approval of the Minister, borrow by way of temporary loan on overdraft from a bank or otherwise, any sums which it may temporarily require—

- (a) for defraying expenses pending the receipt of revenues;
- (b) for defraying expenses pending the receipt of a loan which has been approved by the Minister for defraying such expenses.

(2) Interest charged upon any temporary loans under this section shall be paid out of the general rate fund of

the council.

(3) A council shall not, under this section, temporarily borrow a sum or sums which in aggregate at any time exceed one-quarter of its estimated revenue for the financial year.

Charge of loan
to head of
expenditure.

174. When money is borrowed to meet any expenditure of a council which is chargeable to a particular head of expenditure, there shall be debited to that head of expenditure all sums required for repayment of the loan, and for payment of interest thereon.

Repayment of
balance of
loan.

175. The balance of any loan which is not required for the purposes for which it was obtained shall be repaid immediately.

Additional
payments.

176. In addition to any normal repayment in respect of any loan, a council may make additional payments out of its ordinary revenue towards the reduction of that loan.

Audit

Accounts to be
audited
annually.

177. (1) All accounts of a council shall be made up yearly to the end of the financial year to which they relate by the treasurer of the council and shall be so made up not later than four months after the end of such year and shall be audited by the auditor as soon as practicable.

(2) If a treasurer neglects to make up the accounts as required by subsection (1), he shall be guilty of an offence.

Notification of
date of audit.

178. The auditor shall give the treasurer one month's notice in writing of the date on which he intends to commence the audit of the accounts of the council.

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Deposit of accounts.

179. The treasurer shall, not later than seven days before the date of the commencement of the audit, deposit all accounts duly made up, together with all books and documents relating thereto, in the appropriate office of the council where they shall, until the commencement of the audit, be open at all reasonable hours to the inspection of all persons interested; and any such person shall be at liberty to make copies of or extracts from the deposited accounts, books and documents.

Unauthorised alteration of deposited accounts.

180. If the treasurer, except with the consent of, or in accordance with directions given by the auditor, alters or allows the accounts, books and documents to be altered, when deposited, he shall be guilty of an offence; and any person who, having the custody of the accounts, books and documents so deposited, refuses to allow inspection thereof shall likewise be guilty of an offence.

Notice of audit.

181. The treasurer shall, not later than fourteen days before the date of the commencement of the audit, publish notice thereof; and such notice shall refer to the right of inspection by every person interested, and shall also state that such person may appear before the auditor and make representations as to the correctness or legality of the accounts, books or documents deposited, or any entry therein.

Financial statement.

182. The treasurer shall prepare a financial statement of the accounts of the council in such form and with such number of copies as may be prescribed by financial regulations and shall submit the statement to the auditor at the commencement of the audit.

Evidence at audit.

183. (1) During the audit, the auditor may take evidence and examine witnesses upon oath (which oath the auditor is hereby empowered to administer), and may, by writing under his hand, summon any person to appear before him at a time and place stated and to produce all such accounts, books and documents as he may consider necessary

for such examination; and if any person so summoned is not a local government officer he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(2) Any person who, when so required, without reasonable excuse—

- (a) neglects or refuses to comply with the terms of a direction given under subsection (1); or
- (b) having appeared, refuses to be examined on oath or affirmation,

shall be guilty of an offence.

(3) The auditor may require any person at the audit to make and sign a declaration as to the correctness of any account, book or document, and if any person knowingly makes or signs any such declaration which is untrue in any material particular, he shall be guilty of an offence and shall be liable on conviction on indictment to the same punishment as for perjury, under section 325 of the Criminal Law (Offences) Act; and where a person, without reasonable excuse refuses to make or sign a declaration under this subsection, he shall be guilty of an offence.

c. 8:01

Powers of
auditor.

184. In carrying out an audit, the auditor shall have power—

- (a) to retain possession of any book or document until the completion of the audit, or if there is any question as to the propriety or legality of any transaction supported by any document or recorded in any book aforesaid, he may retain possession thereof,

until such time as the propriety or legality of the transaction has been established or otherwise;

- (b) to seal any safe, cabinet or other furniture used by the council for the safe keeping of any cash, book or document; and where any person tampers with or wilfully breaks any seal so affixed by the auditor, he shall be guilty of an offence;
- (c) to adjourn any audit.

Right of
objection.

185. A person interested may in person or by his representative at the audit make objection to the accounts or to any book or document before the auditor.

Disallowance
and surcharge.

186. (1) At every audit the auditor shall—

- (a) disallow every item of account which is contrary to law;
- (b) surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;
- (c) surcharge any sum which has not been brought into account upon the person by whom the sum ought to have been brought into account;
- (d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;
- (e) on the conclusion of the audit,

certify—

- (i) any disallowance under paragraph (a);
- (ii) the amount due from any person upon whom he has made a surcharge;
- (iii) his allowance of the accounts subject to any disallowance or surcharge which he may have made;
- (iv) the amount of expenditure audited and allowed.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section if it arises from failure through neglect or default to levy or collect rates.

Auditor's
Report.

187. Within one month of the completion of the audit of the accounts of a council, or as soon as practicable thereafter, the auditor shall report on the accounts audited and shall send the report to the council and a copy thereof to the Minister.

Notification of
surcharge.

188. Upon receipt by a council of the report of the auditor, the treasurer thereof shall—

- (a) give notice to any person who has been surcharged;
- (b) deposit a copy of the report in the appropriate office of the council, where it shall be open to inspection at all reasonable

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hours for a period of twenty-eight days by any person interested;

- (c) publish a notice that the audit has been completed and that the report of the auditor is open to inspection by persons interested for a period of twenty-eight days at the offices of the council.

Council to consider report.

189. A council shall take the report of the auditor into consideration at the next ordinary meeting of the council, or as soon as practicable thereafter.

Right of appeal.

190. Any person who is aggrieved by a decision of the auditor on any matter with respect to which he has made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, within six weeks of the date of the decision, disallowance or surcharge, appeal to the Minister.

Power on appeal.
[12/1980]

191. (1) The Minister, on an appeal under section 190, shall have power to confirm, quash or vary the decision of the auditor and to remit the case to him with such directions as the Minister thinks fit for giving effect to the decision on appeal; and if the decision of the auditor is quashed, or is varied to reduce the amount of a surcharge to one thousand dollars or less, the appellant shall not by reason of the surcharge be subject to the disqualification made by section 17 of the Local Democratic Organs Act 1980.

(2) Where an appeal is made to the Minister under section 190, the Minister may at any stage of the proceedings state, in the form of a special case for the opinion of the court, any question of law arising in the course of the appeal.

Applications for relief.

192. (1) In the case of a surcharge, the person surcharged may, whether or not he appeals under section 190,

apply to the Minister for a declaration that in relation to the subject-matter of the surcharge he acted reasonably or in the belief that his action was authorised by law and the Minister, if satisfied there is proper ground for so doing, may make a declaration to that effect.

c. 28:03

(2) Where a declaration is made under subsection (1) by the Minister, the person surcharged, if by reason of the surcharge he is subject to the disqualification imposed by section 17 of the Local Democratic Organs Act, shall not be subject to that disqualification; and the Minister may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge.

Personal hearing.

193. (1) Where an appeal under section 190 or an application under section 192 is made to the Minister, the appellant or applicant shall be entitled, if he so desires, to a personal hearing by a person appointed by the Minister for the purpose.

(2) Where such an appeal or application is made the appellant or the applicant, as the case may be, shall be entitled to be represented by counsel or solicitor.

Payment of sums due.

194. Every sum certified by the auditor to be due shall be paid to the treasurer of the council within one month after it has been so certified, or, if an appeal under section 190 or an application under section 192 has been made within that period with respect to that sum, within one month after the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Recovery.

195. (1) Proceedings for the recovery of any sum certified by the auditor to be due shall be commenced as soon as such sum has become payable.

(2) In any proceedings for the recovery of a sum

certified by the auditor to be due, a certificate signed by the auditor shall be conclusive evidence of the facts certified and a certificate signed by the treasurer that the sum certified to be due and payable has not been paid to him shall be *prima facie* evidence of non-payment thereof; and unless the contrary is proved, a certificate purporting to be signed by the auditor or by the treasurer shall be deemed to have been signed by the auditor or the treasurer, as the case may be.

Charges of audit.

196. The Minister shall make and may amend or vary a scale of charges payable by councils in respect of the duties imposed upon and performed by the auditor and the charges shall be paid to the Accountant-General within one month after the date of the completion of the audit.

Costs of appeal.

197. Any expenses or costs, incurred in the defence of any allowance, disallowance or surcharge made by the auditor shall, so far as not recovered from any other party and except so far as may otherwise be ordered by the Minister, be paid by the Council.

Extraordinary audit.

198. (1) The Minister may at any time request the auditor to hold an extraordinary audit of any accounts of a council; and a council may at any time and at their own expense request the auditor to hold an extraordinary audit of any of their accounts.

(2) An extraordinary audit held under this section shall be deemed to be an audit for the purposes of this Part and the provisions of this Part other than those requiring the preparation and submission of a financial statement of the accounts and the deposit of the accounts together with any book or document relating thereto for inspection and the giving of notice thereof, shall apply accordingly.

Inspection.

199. Without prejudice to the other provisions of this Part, the auditor shall have power at any time to inspect any account, book or document of and to make a check of any

bank account and cash balances held on behalf of a council and in carrying out any such inspection shall have the powers set out in section 184 (a) and (b).

Internal audit.

200. A council may, and when so directed by the Minister shall, in consultation with the auditor, make arrangements for a regular system of internal audit which shall be in addition to the audit hereinbefore provided for in this Part.

Interpretation.
[18 of 1977]

201. In this Part—

“the auditor” means—

- (i) the Auditor-General;
- (ii) a public officer authorised in that behalf by the Director of Audit;

“person interested” means—

- (i) any registered voter for the council area;
- (ii) any other person having any pecuniary interest in the accounts of the council arising from a contract or otherwise.

**PART VI
RATING**

Rating area.
[13 of 1973
25 of 1973]

202. Each council area forms one rating area.

Rating authority.

203. Every council shall be the rating authority for, and shall have power to make and levy rates within, each rating area in its council area.

Power to levy a
general rate.
[25 of 1973]

204. Every council shall, for each rating area within its council area, make and levy for each rating period a general rate, which shall be sufficient to meet the expenditure estimated to be incurred by the council in carrying out its functions under this Act during the rating period.

Power to levy
supplementary
rate.

205. Where it appears to a council that revenue from a general rate levied under section 204 is likely to be insufficient to meet the expenditure to be incurred in any rating area within the council area during the rating period and during that part of the next subsequent rating period before the rates in respect thereof become payable, it may, after compliance with the provisions of section 162, make and levy a supplementary rate for that rating area in respect of the second half of the rating period in the same manner as is provided for the general rate.

Rates to be a
percentage.
[25 of 1973
16 of 1992]

206. (1) Every general or supplementary rate for a rating area shall be at a percentage on the value of property in the valuation list for the time being in force in the rating area.

(2) A council may make and levy—

(a) a separate rating percentage on the value of land and of any building or other erection thereon;

(b) having regard to the purpose for which the property is actually used or occupied, or if not actually used or occupied, the purpose for which it is reasonably suited, if the council thinks it justifiable in view of all the circumstances to do so—

(i) a different rate percentage on the value of property or part thereof in the same part of the

rating area (even in respect of adjacent properties) or in different parts of the rating area;

- (ii) a different rate percentage on the value of different parts of the same property whether or not separately assessed; but where different parts of the same property are not separately assessed the Chief Valuation Officer shall apportion the value of each part to enable the Council to make and levy the rate:

Provided that the exercise by a council (other than the City Council or the Town Council) of the power conferred upon it by this subsection shall be subject to the approval of the Minister.

(3) In this part "rate percentage", in relation to the rental value of property or part thereof, includes a rate percentage representing a multiple of the annual rental value of the property or part thereof.

Reference to new valuation lists.

207. Where a new valuation list is to come into force in a rating area, a council may make a rate by reference to that list for the rating period beginning with the day on which the list is to come into force or the following day, notwithstanding that the list is not in force at the time when the rate is made, and references to the list in force for the time being shall be construed as references to the new list.

Date for fixing of rate percentage.
[O. 36/1979]

208. (1) A council shall fix the percentage of a general rate for a rating area not later than the day preceding the commencement of the rating period.

(2) A council shall fix the percentage of a supplementary rate for a rating area not later than the day preceding the commencement of the second half of the rating period.

(3) Where the Minister is satisfied that it is impracticable for a council to comply with the provisions of this section he may, at any time by order, vary the days specified in subsection (1) and subsection (2); and a rate percentage fixed within such extended period shall have effect as if it had been fixed not later than the day or days so specified.

Publication of
rate percent-
age.

209. Notice of every rate percentage shall be published in the *Gazette* and in a newspaper by the council forthwith after the fixing thereof, and rates shall not be leviable until such notice is given.

State property.

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

Liability for
payment of
rates.
[6 of 1997]

211. (1) The owner of a property shall be liable for the payment of rates levied thereon.

(2) The person whose name appears in the valuation list shall, for the purposes of this section, be deemed to be the owner of the property listed against his name until the contrary is proved to the satisfaction of the council.

(3) Where a property in a valuation list is sold or transferred whether by instrument or operation of law or otherwise, the purchaser or transferee shall, within three months after such sale or transfer, give notice in writing and produce the instrument of sale or transfer to, the council; and any person who fails to give such notice or produce such

instrument of sale or transfer shall be guilty of an offence, and on summary conviction be liable to a fine of six thousand five hundred dollars.

(4) Where the names of two or more persons appear in the list in respect of any property, the council may designate any one of those persons as owner, and such person shall be deemed to be the sole owner for the purposes of this section.

(5) Where the owner of a property cannot be found, the person in occupation of the property, or where there are two or more persons in occupation, any one of such persons may be designated as owner by the council and such person shall be deemed to be the owner for the purposes of this section.

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(6) Where, under the provisions of this section, a joint owner or joint occupier has paid more than his share of rates, he may irrespective of the amount, recover as a civil debt under the Summary Jurisdiction (Petty Debt) Act from the other joint owners or joint occupiers who have paid or contributed less than their share, the amount of the excess together with any costs and interest paid by him.

(7) Where property owned by the State is held under a lease or is occupied or used under a licence or permission the tenant, licensee or permittee shall be deemed to be the owner thereof for the purposes of this section:

Provided that proceedings for rate recovery by way of parate execution shall be exercised only in regard to the right, title and interest of the tenant, licensee or permittee.

(8) In this section the term joint owner includes two or more persons who hold a lease, licence, or permission in and over one property.

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Right of
recovery.

c. 7:01

212. Where any rate or instalment thereof or any interest due thereon is paid by a person deemed to be owner under section 211, other than subsection (7) thereof, he may irrespective of the amount, recover any sum so paid, together with interest and costs from the owner of the property either as a civil debt under the Summary Jurisdiction (Petty Debt) Act, or by deduction of rent due by him to the owner:

Provided that nothing in this section shall affect any agreement between a tenant and his landlord regarding payment of rates and no such agreement shall derogate from any provision of this Part relating to the recovery of rates.

Exemption of
certain
properties.

213. No rates shall be levied in respect of the following properties—

- (a) property used solely for the purposes of public religious worship;
- (b) property used exclusively for the purposes of education;
- (c) property used for the purposes of a burial ground, cemetery or crematorium;
- (d) buildings exempted by the City Council under the Georgetown (Taxation and Rating Concessions) Ordinance, 1966 (which expired in 1969);
- (e) property used for two or more of the purposes specified in the preceding paragraphs.

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Power to
exempt owners
of certain
properties.

214. (1) A council shall have power to exempt from liability to pay rates either wholly or in part, in respect of the properties listed in this section, the owners of—

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

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

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

Due dates for
payment of
rates.
[25 of 1973
17 of 1988]

215. (1) The rates due in respect of a general rate shall be payable in four equal instalments which shall become due on the first day of February or on the day of service of the demand note, whichever day is later, the first day of April, the first day of July and the first day of October.

(2) The rates due in respect of supplementary rate shall be payable in two equal instalments which shall become due on the first day of July or on service of the demand note, whichever day is the later and the first day of October.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of any general or supplementary rate when the whole of such rates is paid

within such period prior to the due date for payment of the first instalment thereof as may be fixed by the council from time to time.

(4) All rates shall be paid to the office of the council or such other place as may be signified by notice published by the council.

(5) A ratepayer may make payments on account of instalments of rates before such instalments are due.

(6) Anything in subsections (1) and (2) to the contrary notwithstanding the Minister may for good and sufficient cause shown to him, by notice published in the *Gazette* and in a newspaper circulating in Guyana, prescribe other dates on which the instalments of a general or supplementary rate shall become due and payable.

Demand notes.

216. (1) As soon as practicable after notice of making of a rate has been published, the amount of rates payable in respect of any property shall be demanded from the person who was the owner of such property on the day on which the rating period commenced:

Provided that in the case of a property which becomes liable to be rated from a day after the commencement of the rating period, the demand shall be made upon the person who was the owner of the property on the day on which the assessment in respect thereof takes effect under section 228, and shall be served within one month after that day.

(2) Where section 211(2), (4), (5) and (7) apply in relation to any property, it shall be sufficient compliance with this section to demand the rates due in respect thereof from the person deemed to be the owner of the property for the purposes of that section.

(3) Where rates are due in respect of contiguous properties in the same ownership, the council may issue one demand note in respect thereof, which shall be accompanied by a statement of the sums due on each property.

(4) Every demand note shall be served as hereinafter provided, and shall contain, in addition to a statement of the amount demanded, the following particulars—

- (a) the description of the property in respect of which the demand is made;
- (b) the assessed value of the property;
- (c) the rate percentage;
- (d) the rating period;
- (e) the days on which instalments are due;
- (f) the office or place at which the amount demanded is to be paid;
- (g) reference to interest chargeable under section 218;
- (h) reference to discount allowable under section 215;
- (i) an analysis of the expenditure on the principal services of the council for the rating area as included in the approved estimates.

Default in payment.

217. Where any instalment of rates is not paid within thirty days from the day on which it becomes due, default

shall be deemed to have been made in the payment thereof.

Interest on
arrears.

218. (1) A council shall be entitled to charge interest on any instalment outstanding, from the day of default until the debt is discharged, at such rate as it may decide, being not less than one per cent in excess of the rate at which the council might have borrowed from its bankers on the day the rates became due.

(2) The remedies for recovery of rates shall apply to any interest which becomes payable under the provisions of this section.

Proceedings for
recovery.
[13 of 1973]

219. (1) Where a period of three months has elapsed after default under section 217 has occurred, the clerk of the council shall as soon as practicable thereafter institute proceedings for the recovery of the rates.

(2) The clerk shall report to the council on action taken by him under subsection (1).

(3) All proceedings under this section shall be in the name of the council.

Remedies.
[13 of 1973]

220. Rates shall be recoverable from the person liable for the payment thereof—

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(a) as a civil debt, irrespective of the amount, under the Summary Jurisdiction (Petty Debt) Act;

(b) by distress under section 221 on movable property of the person liable, whether such movable property is situated on the property in respect of which the rates are due or elsewhere;

- (c) by parate execution under section 222, where the property in respect of which the rates are due is immovable property.

Distraint.

221. (1) Where movable property is liable to distraint for rates, the clerk of the council shall serve on the person liable for the payment thereof a notice which shall set out the amount of rates remaining unpaid and shall state that if such amount is not paid within fourteen days, proceedings by way of distraint will be commenced.

(2) If payment is not made within fourteen days after the notice is served under subsection (1), the clerk of the council shall make application to the magistrate of the magisterial district in which the offices of the council are situate for a warrant of distress, and the magistrate, upon the production of a copy of the notice together with proof of service, shall grant a warrant of distress under and by virtue of which the movable property may be levied on and sold for the amount of the rates together with costs.

(3) Where notwithstanding the provisions of this Act, any movable property levied on and sold under this section is the property of a person not being the person who is liable for the payment of the rates, the owner of the movable property shall be entitled to recover from the council the full value of the property so distrained, with costs.

Seventh
Schedule.
c. 7:01

(4) All warrants of distress issued under this section shall be in the form set out in the Seventh Schedule and shall be executed in the same manner as warrants of distress issued by a magistrate under the Summary Jurisdiction (Petty Debt) Act, and the fees for the process shall be the same as would apply to proceedings under that Act.

Parate
execution.
[1 of 1972
17 of 1988
6 of 1997]

222. (1) Where rates are due in respect of any property, and the remedy of distress is not available against the person liable for the payment of such rates, or where it

has been used and has proved insufficient, the clerk of the council shall institute proceedings by way of parate execution.

(2) Where a person owns two or more immovable properties on which rates are due, proceedings under this section may be instituted against any one of those properties and the whole of the rates due from the owner of such properties together with costs, shall be taken from the proceeds of sale of such property, but without prejudice to further proceedings against the other property, should the proceeds of sale not realise a sufficient sum to meet the whole of such rates and costs.

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

(4) 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.

c. 28:04
(5) 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.

c. 36:20

(6) 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.

(7) 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.

(8) 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.

(9) In subsection (8) "family" means the person, his spouse and minor children (whether born in or out of wedlock).

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

property the sale shall be set aside.

(11) On the day fixed for 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 (5) and the property sold by the Registrar to the highest bidder without reserve.

(12) 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 a 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 the 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.

(13) The Provisions of subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (14) shall apply to parate execution under this section notwithstanding any other law to the contrary.

(14) The Minister may by regulations make provision 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 (5) and for payment of the sums to the council from the proceeds of the sale of the property.

(15) On sale of any property by parate execution under this section, the marshal, after deducting the costs, including the costs of passing transport or registering a transfer in the case of registered land, shall, within thirty days pay to the treasurer the amount due to the council or where the proceeds of sale are insufficient to meet the whole of the amount due, the balance of the proceeds of sale after deduction of costs, and shall furnish the treasurer with a return showing the date of sale, the name of the purchaser, the amount realised and the amount of costs.

(16) A council may purchase any property offered for sale under this section.

- (17) (a) Transport of the property, or transfer in the case of registered land, to the purchaser, shall be effected by the marshal in accordance with section 27 of the Deeds Registry Act, or section 124 of the Land Registry Act, as the case may be;
- (b) where the property consists of a right,

title or interest under section 211(7) and the property in respect of which such right, title or interest subsists is registered land, the marshal shall effect a transfer of such right, title or interest in accordance with section 124 of the Land Registry Act;

- (c) where the property consists of right, title or interest under section 211(7) and the property is not registered land, the Commissioner of Lands, on a certificate of the marshal that the purchaser has paid the full purchase price and costs therefor, shall record the transfer to the purchaser in the appropriate register.

(18) Nothing in this section shall be construed as affecting the operation of the Deeds Registry Act, or the Land Registry Act or any rules, regulations or fees for the time being in force thereunder.

c. 5:01
c. 5:02

223. In any proceeding for the recovery of rates, any document signed by the treasurer of the council, containing a statement of the amount due in respect of rates on any property shall, without proof of that signature and without proof of any other matter or thing, be *prima facie* evidence that the amount so claimed is due and payable.

Error in
proceedings for
recovery.

224. (1) No error or omission committed in any proceeding for the recovery of rates shall prejudice the recovery thereof, nor shall the proceeding lapse, cease or abate, by reason of the death, resignation or removal of the clerk of the council but the clerk for the time being may prosecute and continue the proceedings commenced and carried on in the name of the previous clerk in all respects as if the proceedings had been taken by himself.

(2) No person may sue an officer or other person employed in executing any warrant of distress for recovery of rates, by reason of any error or omission therein.

Rates recoverable after rating period.

225. (1) The payment of any rates may be enforced notwithstanding that the rating period has terminated.

(2) Where on a transfer of property or a judicial sale any sum by way of rates or interest or costs in respect thereof remains unpaid such sum with interest till the day of payment shall be recoverable from the owner by virtue of such transfer or sale notwithstanding that he was not the owner at the time, when the sum became due.

Preferential claims.

226. Where any person liable for rates is declared insolvent or goes into liquidation or where a judicial sale not at the instance of a council takes place, the claim of the council for such rates and interest thereon shall be treated as a preferential claim over all claims other than those in respect of sums due to the Government:

Provided that notice of the claim has been given by the clerk of the council to the Official Receiver or Registrar, as the case may be, within seven days of the notice relating to insolvency, liquidation or judicial sale appearing in the *Gazette*.

Rate record.

227. (1) Every council shall cause to be kept in respect of each rating period, a record showing the rates assessed on the properties within each rating area in the council area including properties and owners exempted under sections 213 and 214.

(2) The entries to be recorded shall be completed within twenty- eight days after the day on which the rate percentage is published and shall be open to inspection at the offices of the council at all reasonable hours by any ratepayer for such period as any rates in that rating period are unpaid.

(3) Where one of several joint owners or joint occupiers has been designated by the council as owner under section 211, for the purposes of that section, it shall be sufficient to enter his name with the addition after his name of the words "and another" or "and others", as the case may require.

Amendment of
rate record.

228. (1) A council may, at any time—

- (a) correct any error or omission in any rate record;
- (b) add to or otherwise amend the rate record as may from time to time become necessary by reason of new or altered assessments.

(2) Every amendment made under subsection (1)(a) shall have effect as if it had been inserted in the rate record made under section 227, and all sums paid or payable as a rate shall be re-adjusted accordingly.

(3) In the case of a property added to or an altered assessment in the rate record, the rates shall be payable from the date the assessment takes effect.

Power to levy
special rate.

229. A council shall have power to make and levy a special rate on the value of property in the valuation list in a rating area, or part thereof, for the improvement of that area, or part thereof, or for the liquidation of any claim for compensation admitted or awarded for loss sustained by reason of any building, paling or erection being pulled down or otherwise destroyed for the purpose of arresting any fire in the rating area; and any such special rate shall be recoverable and preferential in the same manner as a general rate.

**PART VII
CONTRACTS**

Power to enter
into contracts.

230. A council may enter into contracts necessary for the discharge of any of its functions.

Notice inviting
tenders.
[25 of 1973
27 of 1997]

231. (1) Subject to subsection (2)—

- (a) a council shall, except in those cases provided for in sections 232, 233 and 234 and except in the case of contracts made pursuant to section 271, before entering into any contract for the execution of any work or the supply of any goods to the value of two hundred and fifty thousand dollars or more, give notice of such proposed contract and shall, by such notice, invite any person willing to undertake the same to submit a sealed tender thereof to the council not later than a day and hour which shall be specified in such notice;
- (b) a council shall not open or consider any tender or enter into any contract to which the subsection applies until after the time specified in the notice and shall then consider all tenders which have been submitted by that time.

(2) The Minister may by directions in writing exempt any council from compliance with the requirements of subsection (1) in the case of any particular work or goods.

Council
contractors.

232. (1) A council may, in respect of such work and such goods as it shall determine, nominate persons who are

able and willing to execute any such work or supply any such goods.

(2) Any person may apply to the council to be nominated in accordance with and for the purposes of this section, and the council may require any applicant to furnish it with such particulars or samples as it may specify before considering the application.

(3) The council may cancel the nomination of any person made in accordance with and for purposes of this section upon giving to such person not less than one month's notice in writing of its intention so to do, which notice shall specify the grounds upon which the council proposes to cancel the nomination; and the council shall consider, before deciding whether or not to cancel the nomination, any representations made by such person.

(4) Any person who has applied to the council to be nominated in accordance with and for the purposes of this section and has not been so nominated or whose nomination has been cancelled may appeal to the Minister, and the Minister may either uphold the decision of the council or direct the council to nominate or to re-nominate such person.

(5) The council shall cause to be prepared, and to be kept up to date, a list of all persons for the time being nominated by it in accordance with and for the purposes of this section, and such list shall in relation to each such person show in respect of what work or goods he has been so nominated; and a copy of such list shall be open to public inspection at the offices of the council.

(6) When a council requires the execution of any work or the supply of any goods in respect of which it has nominated any person in accordance with and for the purpose of this section, the council may, notwithstanding section 231, invite only those persons to submit tenders who

have been so nominated in respect of the work or goods required; but the council shall invite all such persons to submit tenders.

Acceptance of tenders.

233. A council may accept any tender which, having regard to all the circumstances appears to the council to be the most advantageous, and may take security for the due and faithful performance of every contract, or the council may decline to accept any tender:

Provided that all tenders received shall be recorded by the clerk.

Variation of tender procedure in cases of emergency.
[27 of 1997]

234. In cases of emergency, or where the delay from inviting tenders in the manner provided in this Part would result in loss to the council, the council may authorise the making of contracts or purchases to the value of two hundred and fifty thousand dollars or more without publication of the notice required by section 231(1), or the invitations to tender mentioned in section 232(6):

Provided that in all such cases the council shall specify the method of inviting tenders and the period within which tenders shall be submitted.

Perishable goods.

235. Nothing in this Part shall apply to any contract for the purchase by a council of produce or other perishable goods bought in a public market, or to any purchase entered into by a council as the result of bidding at public auction.

Contracts with Government

236. A council may enter into contracts with, and may act as agents of, the Government or any authority for the purpose of any work or service for which the Government or such authority is responsible within or adjacent to its council area.

PART VIII
ACQUISITION OF AND DEALINGS IN LAND

Power to
acquire land.

237. (1) A council may, with the consent of the Minister, by agreement acquire whether by way of purchase, lease, exchange or acceptance as a gift and may, subject to this Part, compulsorily purchase any land within its council area for the purpose of any of its functions.

(2) The land acquired or compulsorily purchased under this section may be an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land.

Power to
appropriate
land.

238. Any land belonging to a council and not required for the purposes for which it was acquired may be appropriated for any other purpose for which the council is empowered to acquire land.

Power to let
land.

239. A council may let any land which it may possess.

Power to sell or
exchange land.

240. A council may, with the approval of the Minister—

(a) sell, at the best price that can be obtained, any land which it may possess and which is not required for the purpose for which it was being used;

(b) exchange any land which it may possess for any other land either with or without paying or receiving any money for equality of exchange.

Acquisition of Land by Compulsory Process

Notice to treat.

241. (1) No land shall be acquired by compulsory process under this Part unless a council has first caused to be

served upon each of the owners of the land, or such of them as can, after diligent enquiry, be ascertained, a notice inviting the person on whom the notice is served to treat with the council for the sale of the interest of that person in the land:

Provided that no such notice shall be served unless the council has first obtained the consent of the Minister to service thereof.

(2) Where service on an owner cannot be effected under subsection (1) in accordance with section 312, service on that owner may be effected by causing a copy of the notice to treat to be published in the *Gazette* and in a newspaper circulating in Guyana and—

- (a) if the land is occupied, leaving a copy of the notice to treat with the occupier; or
- (b) if the land is not occupied, affixing, if practicable, a copy of the notice to treat to a conspicuous part of the land,

and the notice to treat shall be deemed to have been so served on the day on which the copy is published in the *Gazette* as aforesaid, is so left with the occupier or is so affixed, whichever last occurs.

(3) Where, in relation to any land, a notice to treat has been served in accordance with subsection (1) or subsection (2) it shall not be necessary for the council to serve any further notice to treat in relation to such land solely on account of any change in ownership of the land after the day on which the notice is served under subsection (1) or is deemed to have been served under subsection (2), as the case may be.

(4) A person served with a notice to treat in respect

of land may, not later than fourteen days after the service of the notice, furnish to the council particulars of—

- (a) the interest claimed by him in the land;
- (b) the amount for which he is agreeable to sell his interest in the land; and
- (c) the name and address of any other person known to him to have an interest in the land and the nature of that interest.

(5) Upon receipt of the particulars referred to in subsection (4), the council may treat with the person furnishing the particulars for the acquisition of the interest of that person in the land by agreement and may enter into an agreement with that person for that acquisition.

(6) The council may, by notice in writing to a person served with a notice to treat, withdraw the notice to treat.

Compulsory acquisition.

242. (1) Without prejudice to the liability of a council under any contract for the acquisition of land by agreement under this Act and subject to subsection (2), where a period of twenty-eight days has expired after the service of a notice to treat, or of notices to treat, in relation to land, the Minister may authorise that the land or any interest in the land (not including an interest in respect of which a notice to treat has been withdrawn) be acquired by compulsory process under this Part for the purpose of any function of the council approved by him.

(2) No authorisation for the acquisition of land by compulsory process shall be given by the Minister under subsection (1) in respect of any land to which sections 246 to 256 (inclusive) apply unless the requirements of those

provisions have been complied with.

(3) The council shall cause to be published in the *Gazette* a notice of any authorisation for the acquisition of land by compulsory process by the Minister under subsection (1) and, in the notice, shall declare that the land has been acquired under this Act for the purpose of a function of the council approved by the Minister.

(4) Upon the publication of the notice in the *Gazette* the land to which the notice applies shall, by force of this Act—

- (a) be vested in the council;
- (b) be freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates,

to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act shall be vested in the council.

Conversion of
estates and
interests into
claims for
compensation.

243. (1) Subject to subsection (2), the interest of every person in the land to which a notice under section 242 applies, shall, on the date of acquisition of the land be converted into a right to compensation under this Part.

(2) Where an easement, right, power, privilege or other interest which did not previously exist as such, in, over or in connection with land is acquired, the interest of every person in that land shall, on the date of the acquisition, and to the extent to which that interest is affected by the acquisition be converted into a right to compensation under this Part.

Validity of
authorisations.

244. If any person aggrieved by an authorisation of the Minister under section 242(1) for the acquisition of land

by compulsory process desires to question the validity thereof on the ground that the authorisation is not empowered to be granted under this Part or on the ground that any requirement of this Part has not been complied with in relation to the authorisation, he may, within three weeks from the date on which notice of the authorisation is published in the *Gazette*, make an application to the Court and on any such application the Court—

- (a) may by interim order suspend the operation of the authorisation either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
- (b) shall order the applicant to give such security for costs as the Court thinks fit before making any such order; and the security so given shall remain in force until the matter is finally determined;
- (c) if satisfied that the authorisation is not empowered to be granted under this Part or that the interests of the applicant have been substantially prejudiced by any requirement of this Part not having been complied with, may quash the authorisation either generally or in so far as it affects any property of the applicant.

Power of court
to adjust
rights.

245. (1) Notwithstanding anything contained in this Part where land is acquired by compulsory process under this Part, the court may, upon the application of the council concerned or any person affected, make such orders as to the Court seem proper for declaring or adjusting rights and liabilities in connection with the land or with transactions in relation to the land or otherwise affected by the acquisition.

(2) Without limiting the generality of the powers conferred by subsection (1), the orders which may be made under that subsection include—

- (a) an order for the payment or repayment of moneys;
- (b) an order discharging a person from an obligation to pay moneys;
- (c) where there was a subsisting contract of sale of the land, an order with respect to the rights and liabilities of the parties to that contract; and
- (d) where there was a charge or encumbrance over the land—
 - (i) an order releasing a person in whole or in part from a personal covenant or obligation in relation to the charge or encumbrance; and
 - (ii) an order apportioning the charge or encumbrance between the land acquired and other land subject to the charge or encumbrance.

Notice to
owner.

246. (1) Where land is acquired by compulsory process under this Part, the council shall, as soon as practicable after the date of acquisition of the land, cause a copy of the notice of acquisition of the land published under section 242 to be served upon the owners of the land, or such of them as can, after diligent inquiry, be ascertained.

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(2) Where—

- (a) the council is unable, after diligent inquiry, to ascertain the identity of an owner; or
- (b) service on an owner cannot be effected under subsection (1) in accordance with section 312,

service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in Guyana and—

- (c) if the land is occupied, leaving a copy of the notice of acquisition with the occupier; or
- (d) if the land is not occupied, affixing, if practicable, a copy of the notice of acquisition to a conspicuous part of the land.

Registration of notification.

247. (1) Where land has been acquired by compulsory process under this Part, the council may lodge with the Registrar of Lands a copy, certified under the hand of its clerk, of the notice of acquisition of the land published under section 242.

(2) The Registrar of Lands may register the acquisition in the same manner in which dealings with registered land are registered.

Notice of proposal to acquire.

248. (1) Before the Minister authorises the compulsory acquisition of any land under section 242(1), the council shall—

- (a) publish in the *Gazette* and in a

newspaper circulating in Guyana a notice of the proposed acquisition;

- (b) cause to be served upon each of the persons who are owners of the land at the date of the publication of such notice in the *Gazette*, or such of them as can, after diligent inquiry, be ascertained, a copy of such notice; and
- (c) if practicable, cause a copy of such notice to be affixed to some conspicuous part of the land.

(2) The notice of the proposed acquisition shall contain the following particulars—

- (a) a description of the land proposed to be acquired including its location, area and boundaries;
- (b) the purpose for which the land is required;
- (c) the time within which and the manner in which objection to the proposed acquisition may be made;
- (d) the address for service of the council.

Objections to proposed acquisition.

249. (1) Within thirty days of the publication of the notice under section 248(1)(a) any person having an interest in the land may serve on the council notice of objection to the proposed acquisition.

(2) The notice of objection shall contain the name and address of the objector or his legal representative and shall state in full the grounds upon which the objection is

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based, and may propose alternative land for the purposes of the proposed acquisition.

Reasons for proposed acquisition.

250. As soon as practicable after a notice of objection has been served on the council under section 249 and in any event before the holding of an inquiry under section 252, the council shall serve on the objector a statement of the reasons for the proposed acquisition.

Appointment of inspector.

251. (1) Where notice of any objection has been given under section 249, the Minister shall appoint an inspector who may be a public officer, to inquire into such objection.

(2) Every appointment of an inspector under this section shall be notified in the *Gazette*.

Holding of inquiry.

252. (1) The inspector shall, as soon as practicable after his appointment, arrange for the holding of an inquiry into the objection and shall notify the objector and the council of the time and place at which the inquiry is to be held.

(2) For the purposes of the inquiry the inspector shall—

(a) give the objector and the council an opportunity of being heard, either in person or by legal representatives;

(b) consider such evidence, either oral or documentary, as the objector and the council may present, and such other evidence as the inspector thinks desirable for the purpose of properly inquiring into the objection:

Provided that the inspector shall give the objector and the council an opportunity of commenting upon any statement, representation or evidence presented by the

council and the objector, respectively.

(3) The inspector shall hold the inquiry in public.

Submission of
report to
Minister.

253. The inspector shall on completion of the inquiry, submit a report to the Minister which shall contain the following matters—

- (a) a summary of the reasons advanced by the objector against the proposed acquisition;
- (b) a summary of the reasons advanced by the council in support of the proposed acquisition;
- (c) in cases where alternative land has been proposed by the objector—
 - (i) a summary of the reasons advanced by the objector in support of the suitability of such alternative land;
 - (ii) a summary of the reasons advanced by the council against the suitability of such alternative land;
- (d) any factors or considerations to which the inspector thinks special attention ought to be drawn.

Consolidation
of objections.

254. Where, in respect of the proposed acquisition of land, more than one notice of objection has been served on the council the inspector shall, unless for special reasons he considers it to be undesirable to do so, consider all such objections at one inquiry and shall submit one report to the Minister in respect thereof.

Copy of report
to be given to
objector and
Council.

Reasons for
decision to be
given to
objector.

255. The inspector shall cause a copy of his report submitted to the Minister in accordance with section 253 to be served on the objector and the council.

256. Where a notice of objection has been served on the council in respect of the proposed acquisition of any land by compulsory process under this Part, and subsequent thereto, the Minister authorises such acquisition the Minister shall furnish the objector with a statement in writing of the reasons why he considers that the land should be acquired as aforesaid, if requested by the objector to state such reasons on or before the date of the publication of the notice of acquisition required to be published under section 242(3).

Entry Upon Land

Power to
examine lands.

257. (1) Any person authorised by a council to act under this section may, for the purpose of ascertaining whether land is suitable for acquisition for the purpose of a function of the council or of surveying or obtaining information in relation to land which the council or person so authorised considers suitable for such a purpose—

- (a) enter upon the land, or upon adjoining land, with such persons, vehicles and things as he thinks fit; and
- (b) make surveys, take levels, sink pits, examine the soil and do any other thing in relation to the land:

Provided that no person so authorised shall enter any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section to enter on land in the exercise of any of his powers under this section in relation to that land, the magistrate's court for the magisterial district wherein such land is situated may, on the application of the person so authorised grant a warrant authorising a person named in the warrant to enforce the entry upon the land, and to prevent hindrance or obstruction to the exercise of any power under this section in relation to the land, and for those purposes to use such force and assistance as are necessary, and the entry upon, and the examination of, the land may be enforced in accordance with the warrant.

(3) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (2) he shall be guilty of an offence.

Compensation
for damage.

258. Where the owner of an interest in land suffers loss or damage by reason of the exercise, in relation to the land, of the powers conferred by section 257, there shall be promptly paid to him by the council adequate compensation, and such compensation shall be determined by agreement between the owner and the council, or in the absence of agreement, by the Court on application by the owner.

Compensation

Adequate and
prompt
compensation
for acquisition.
[12 of 1980]

259. A person who has a right to compensation under section 243 shall be paid compensation in accordance with article 142 of the constitution.

Right to apply
to court for
compensation.

260. (1) Any person claiming compensation in respect of land acquired by compulsory process by a council may apply to the Court for the determination of his interest in or right over the land and the amount of compensation; and the costs of and incidental to proceedings in the Court shall be in the discretion of the Court.

(2) Any party to any proceedings in the Court relating to a claim under subsection (1) shall have the same rights of appeal as he has for the purpose of and in relation to an action in the Court.

Agreement and arbitration.

261. (1) Without prejudice to the rights conferred by section 260 a council and a person claiming compensation in respect of land acquired by compulsory process may by agreement determine the amount of compensation payable or may agree to submit the determination of that amount to arbitration in accordance with this section.

c. 7:03

(2) Where an agreement for arbitration is made, the Arbitration Act shall apply, subject to the agreement, to and in relation to the agreement and to and in relation to the arbitration under the agreement.

Persons Under Disability and Certain Limited Owners

Powers of certain limited owners.

262. A person including a corporation which has no power, or limited power only, to dispose of land, a tenant for life, a guardian, a committee of a lunatic or idiot, a trustee, an executor or administrator, a person for the time being entitled to the receipt of the rents and profits of land in possession or a lessee, possessed of, or entitled to, land, or having the management of land on behalf of a person under a legal disability may, by force of this Part and for any of the purposes of this Part and notwithstanding anything to the contrary in any law, deed of settlement or other deed, will, memorandum, or articles of association or instrument—

- (a) lease, sell, transfer or convey the land or any interest in the land;
- (b) if the land is acquired by compulsory process take any action authorised by sections 260 and 261 to be taken by a person

claiming compensation.

Exercise of
powers

263. (1) The powers conferred by section 262 may be exercised—

- (a) by a person other than a lessee, not only on behalf of himself and his heirs, executors, administrators and successors, but also on behalf of every person entitled in reversion, remainder or expectancy after him, and in defeasance of the estate of every person so entitled;
- (b) by a guardian, on behalf of his ward, and to the extent to which the ward could exercise those powers if he were not under a disability;
- (c) by the committee of a lunatic or idiot, on behalf of the lunatic or idiot, and to the extent to which the lunatic or idiot could exercise those powers if he were not under a disability; and
- (d) by a trustee, executor or administrator, on behalf of his *cestuis que* trust (whether infants, issue unborn, lunatics, idiots or other persons) to the same extent as the *cestuis que* trust could exercise those powers if they were not under a disability.

(2) Where a person specified in section 262 leases or sells land of which he is not the beneficial owner, or agrees to accept compensation in respect of the acquisition under this Part of any such land and that person was not otherwise

empowered to grant the lease or to make the sale or agreement, the lease, sale or agreement shall have no force or effect unless approved by the Court.

General

Agreements to remain in possession.

264. Where a person was in possession of land acquired by compulsory process under this Part immediately before the date of acquisition of the land, the council may enter into an agreement with that person under which that person is permitted to remain in possession of the land on such terms and conditions as are specified in the agreement.

Warrants to obtain possession.

265. (1) If a person who is in possession of land acquired by compulsory process under this Part, other than a person permitted to remain in possession under section 264, refuses or fails, when required by the council so to do, to give up possession of the land, or hinders or obstructs the council or a person authorised by the council in taking possession of the land, a magistrate's court may, on the application of the council, grant a warrant authorising a person named in the warrant to enter on the land and deliver up possession of the land to the council and for those purposes to use such force and assistance as are necessary.

(2) Where any person hinders or obstructs the exercise of any powers under a warrant issued under subsection (1), he shall be guilty of an offence.

Interpretation.

266. In this Part—

“interest” in relation to land means—

- (a) a legal or equitable estate or interest in land;
- (b) a right, power or privilege over, or in connection with, the land;

“lease” includes an agreement for a lease.

PART IX
FUNCTIONS OF COUNCILS

Drainage and Irrigation

Council
drainage areas.
[13 of 1973]

c. 64:03

267. (1) The Minister after consultation with the relevant council or councils may by order appoint a council area or any part thereof which does not form part of a drainage and irrigation area so declared under section 18 of the Drainage and Irrigation Act to be a Council drainage area.

(2) Any order made under this section and any order varying or amending any such order shall be published in the *Gazette* and in three consecutive issues of at least one newspaper circulating in Guyana.

(3) The owner of any land situated within a council drainage area may at any time apply to the Minister to exclude his land from the council drainage area; and the owner of any land in the council area situated outside the council drainage area may at any time apply to the Minister to include his land within the council drainage area.

(4) Upon receipt of any application under subsection (3) the Minister shall cause inquiry to be made into the representations submitted and shall make such order as is necessary to give effect to his determination.

(5) If any council drainage area, or part thereof, is declared under section 18 of the Drainage and Irrigation Act to be a drainage and irrigation area, such council drainage area or part thereof, as the case may be, shall cease to be or form part of a council drainage area.

Responsibility
of councils for
council

268. A council shall in any council drainage area—

- (a) cause to be made and maintained in good order the drainage works necessary for effectually draining and irrigating the council drainage area;
- (b) cause all drainage works in the council drainage area so to be kept as not to be injurious to health and to be properly cleansed and drained.

Power to require owners in council drainage area to maintain drainage works.

269. (1) An owner of land in a council drainage area shall maintain all drainage works thereon to the satisfaction of the council and so as to prevent the flooding of any lands within the area and the waste of water; and for these purposes the council may by notice served on the owner require him to repair or maintain any drainage work thereon.

(2) If the owner fails to comply with a notice served under this section, any person authorised in writing by the council may enter upon the land with such persons, vehicles and things as are necessary for the purpose and repair or maintain any drainage work or portion thereof in accordance with the notice; and the cost of so doing shall be recoverable by the council from the owner.

Power to require owners outside council drainage areas to repair certain drainage works.

270. (1) If the owner of any canal or drain situate without a council drainage area wilfully or negligently keeps such canal or drain foul and offensive and thereby injuriously affects the council drainage area, or, if the owner of land situate without such area wilfully or negligently fails to repair any dam, sluice, koker, canal or drain on his land and such failure endangers the safety, or materially impairs the efficiency, of any drainage work under the control or management of the council, the council may, by notice in writing served on the owner of the drain or canal, or of the land require him to clean such canal or drain, or repair such dam, sluice, koker, canal or drain.

(2) If the owner of the canal or drain, or of the land, as the case may be, fails within seven days of the service of a notice under this section, to commence the work required by the notice, or, having commenced the work, unreasonably delays its completion, any person authorised in writing by the Council may enter on the land of the owner with such persons, vehicles and things as are reasonably necessary for the purpose and perform or complete the work, as the case may require; and the cost of so doing shall be recoverable by the council from the owner.

Contracts with
owners of
land.

271. (1) A council may enter into contracts with owners of land situate without a council drainage area for the purpose of affording to the area effectual drainage for such term of years or for such consideration as may be agreed.

(2) A council may authorise the making of a contract pursuant to this section without publication of the notices required by section 231(1) or the invitations to tender mentioned in section 232(6).

Power of entry
upon land for
inspection.

272. The powers conferred upon a person authorised pursuant to section 257 to enter upon and examine land shall apply to a person authorised by a council to act under this section for the purpose of ascertaining—

- (a) whether drainage works on land in a council drainage area are being maintained in accordance with section 268;
- (b) the state of maintenance of the drainage works specified in section 269(1),

and the provisions of section 258 shall apply where the loss or damage is suffered by the owner of the land by reason of the exercise, in relation to the land, of the powers conferred by this section.

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Obstruction.

273. If a person hinders or obstructs a person authorised under section 268(2) or section 269(2) in the exercise of any of his powers under those subsections, section 257(2) and (3) shall apply.

Roads

Power to construct council roads and control traffic.
[4 of 1972]

c. 20:01

c. 51:01 c. 51:02

Power to enter upon adjoining land.

274. A council shall have power, subject to the provisions of the Town and Country Planning Act, the Roads Act and the Motor Vehicles and Road Traffic Act to construct, maintain, repair, protect and carry out works for the betterment of council roads in its council area and to regulate and control traffic thereon.

275. (1) For the purposes of the construction, maintenance, repair, protection and carrying out of works for the betterment of council roads, any person authorised by a council to act under this section may enter upon any adjoining land within the council area with such persons, vehicles and things as he thinks fit and may do thereon any or all of the following—

- (a) inspect the soil and drainage;
- (b) dig, cut, take and remove from any uncultivated lands adjacent to the road any road materials;
- (c) control or divert the drainage and construct and maintain dams, drains and trenches;
- (d) cause any koker to be opened at any material time to allow through passage of any craft carrying materials required for road purposes;

- (e) deposit and store any materials required for road purposes;
- (f) erect on any portion of uncultivated land and maintain thereon structures for the accommodation of persons employed upon the works and for the storage of vehicles, tools and equipment and occupy such structures and the land necessary for their use and for ingress and egress:

Provided that no person so authorised shall enter upon any land as aforesaid without previously giving the occupier thereof at least seven days' notice in writing of his intention to do so.

(2) If a person hinders or obstructs a person authorised under this section in the exercise of any of his powers under subsection (1), section 257(2) and (3) shall apply; and where loss or damage is suffered by the owner of the adjoining land by reason of the exercise, in relation to the land, of the powers conferred by this section, section 258 shall apply.

Traffic control.

276. Without prejudice to the generality of the power to regulate and control traffic on council roads conferred by section 274, but subject to the provisions thereof a council may—

- (a) establish, maintain and control car parks;
- (b) erect and maintain parking meters;
- (c) regulate the standing and parking of vehicles on council roads;

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- (d) erect and maintain traffic control signals and traffic signs on council roads;
- (e) regulate the speed of vehicles on council roads;
- (f) designate particular council roads as one-way roads or one-way streets and require all vehicles thereon to move in one specified direction;
- (g) require vehicles to stop before entering or crossing any council road or to yield to other traffic;
- (h) restrict the use of any council roads to vehicles of specified types or weights.

Authorised
closure of road.
[25 of 1973
6 of 1997]

277. (1) A council may for such periods as it considers necessary for the protection of a council road or the users thereof, or for the carrying out of road works, order that the road or any portion thereof be closed to all or specified types of vehicles.

(2) As soon as practicable after an order under this section has been made, the council shall cause to be displayed such road signs, warning notices or barriers as it considers will suffice to convey to the public adequate intimation of the effect of such order, and the council shall cause any such order to be published.

(3) Any person who uses or causes or permits a vehicle to be used in contravention of an order made under this section shall be guilty of an offence and on summary conviction shall be liable to a fine of not less than one thousand six hundred and twenty-five dollars nor more than sixteen thousand two hundred and fifty dollars.

Private access
to council
roads.

278. (1) No person shall construct any private access to a council road, or any other facility or appurtenance for the purpose of access thereto except with the written permission of the council:

Provided that permission for private access to a council road shall not be refused by a council unless there exists reasonable access thereto.

(2) The permission of the council for the construction of an access road, facility or appurtenance shall be subject to such terms and conditions as may be imposed by the council; and the construction and maintenance thereof shall be to the satisfaction of the council and at the expense of the applicant.

(3) If a person to whom permission is granted to construct an access road, facility or appurtenance, contravenes any of the terms and conditions to which the permission is subject or if he fails to maintain such road, facility or appurtenance to the satisfaction of the council, the council may remove all such installations, and the cost thereof shall be recoverable by the council from such person.

Offences in
relation to
council roads.
[25 of 1973
27 of 1997]

279. (1) No person shall—

- (a) use any drain or ditch which is part of a council road for any purpose which is not authorised by the council;
- (b) operate, drive or move any vehicle on a council road unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom;
- (c) operate, drive or move on any council

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road any vehicle with any load unless such load and any covering thereon are securely fastened so as to prevent such load or covering from becoming loose, detached, or in any manner a hazard to other users of the road;

- (d) throw or deposit upon any council road any glass, bottle, nail, tack, wire, can or anything likely to injure any person, vehicle or animal on the road;
- (e) operate, drive or move on any council road any vehicle having any metal tyre in contact with the roadway or having on the periphery of any wheel of the vehicle any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tyre;
- (f) erect any temporary or permanent structure on a council road without the authority of the council:

Provided that—

- (i) the prohibition in paragraph (b) shall not preclude the sprinkling of water or other substance on a council road for cleaning or maintenance purposes;
- (ii) the prohibition in paragraph (e) shall not preclude the driving

or moving on a council road of farm machinery having tyres with protuberances not calculated to damage the road.

(2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(3) Any person who—

- (a) fails forthwith to remove any injurious substance which he has let fall, or which has fallen from any vehicle in his charge, on a council road;
- (b) fails, when removing a wrecked or damaged vehicle from a council road, also to remove any glass or other injurious substance which has fallen on the road from the vehicle,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

(4) Any person who—

- (a) burns or orders or permits the burning of any earth on a council road;
- (b) cuts down any tree so that it falls upon or obstructs a council road;
- (c) throws any litter, refuse or other material on a council road;

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- (d) directs a water course so as to cause damage to a council road;
- (e) without the permission of the council, removes any material from a council road or place where road materials are deposited;
- (f) wilfully or negligently causes damage to a council road or structure pertaining thereto;
- (g) having on a council road blocked or scotched the wheel of a vehicle, allows the stone or other thing used therefor to remain on the road after the vehicle has moved away;
- (h) removes or destroys any barrier placed on a council road without the authority of the council;
- (i) wilfully resists, obstructs, hinders or molests, or incites, procures or assists another to resist, obstruct, hinder or molest any person acting under the authority of a council in the discharge of any duty or the performance of any act lawfully authorised or required to be done in relation to council roads;
- (j) without lawful authority alters, defaces, injures or removes any authorised traffic sign or any inscription thereon erected on any council road or in any way marks or defaces the surface of any such road, or attempts to do any of the

aforementioned acts;

- (k) erects any sign, device or structure in such a manner that it obscures or conceals an authorised sign or other traffic device on a council road so as to interfere with the full and effective use of such sign or other device;
- (l) displays, erects or locates any unauthorised sign, signal or other traffic device upon a council road;
- (m) erects or maintains on a council road any unauthorised traffic device for the direction, information, warning, control or restriction of traffic thereon,

shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than twenty thousand dollars.

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

Removal of injurious things.

280. A council may cause to be removed from a council road any structure, device, construction material or anything calculated to be injurious to users of the road.

Water Supplies

Town Council to supply water to Town.

281. (1) The Town Council shall provide the Town with a supply of water proper and sufficient for sanitary and

domestic purposes, for extinguishing fires and for private use.

(2) The Council may construct, lay down and maintain waterworks and may do and execute all works, matters and things necessary for and incidental to the purposes of this section.

(3) The Council shall provide and keep in any waterworks constructed or laid down by it a supply of pure and wholesome water and the water so supplied shall be constantly laid on at a pressure sufficient to convey it to the top storey of the highest dwelling-house within the Town or at such other suitable pressure as may be directed by the council.

Duty to
provide
connections.
[4 of 1994]

282. (1) Every property in the Town shall be connected with the nearest water main in the streets of the Town by means of a service pipe on which there shall be placed at least one tap.

(2) The connection shall be for the purpose of effecting a continuous water supply to every property from the waterworks, and shall at all times be kept in such a proper condition, either by renewal of the service pipe or otherwise, as to secure that supply efficiently, and the supply thereby shall be at all times continuous if it is available from the waterworks.

(3) If any property is without a connection, the council shall have power to make the connection.

(4) Whenever a connection has been made but has, at any time and from any cause whatever become defective, the council shall have power to put that connection in proper and serviceable condition.

(5) Whenever there is a failure to have a supply of water to any property by means of a connection, the council

shall have power to provide a supply of water to the property.

(6) The Council shall have the exclusive right to make any connection, and any renewal thereof, and all repairs thereto, at any time found necessary.

(7) The cost of making a connection, any renewal thereof and all necessary repairs thereto, shall be a charge on the property to which the connection, renewal or repairs has or have been made, and the property shall be liable and leviable therefor.

(8) The cost of the service pipes and other materials shall be borne by the council up to the boundaries of the properties and the further cost thereof for the additional works on the properties shall be done at the expense of the owners and be a charge against the properties.

(9) The Minister may, by order, exempt the Town Council from any of the duties imposed upon it by section 281 and this section.

Power of
council in
certain cases to
supply water.
[3 of 1972
25 of 1973]
c. 55:01

283. (1) A council may, if authorised so to do by the Guyana Water Authority under the Guyana Water Authority Act, provide its council area or any part thereof with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires and for private use; and may, if authorised so to do by the Guyana Water Authority, construct, lay down and maintain waterworks or purchase water in bulk for distribution within the council area or part thereof.

(2) A council may do and execute all works, matters and things necessary for or incidental to the purposes so authorised.

Charges;
water rates.
[3 of 1972
17 of 1988
4 of 1994]

284. (1) A council may make such charges and impose such conditions of service for supply of water as it may fix; and may by resolution make and levy a water rate upon the assessed value of all properties supplied with water in its council area.

(2) A council shall cause every resolution to make and levy a water rate to be published and any such rate shall be demanded and be payable and recoverable and preferential in the same manner as a general rate.

(3) A council may give a discount not exceeding ten per cent on rates due in respect of water when the whole of such rates is paid within such period prior to the due date for payment thereof as may be fixed by the council from time to time.

(4) In this and sections 283 and 285, the word "council" does not include the City Council or a council whose district is supplied with water by or on behalf of the Guyana Water Authority in exercise of their functions under the Guyana Water Authority Act.

c. 55:01

Disconnection
on default of
payment.

285. Without prejudice to the institution of any legal proceedings for recovery of a water rate, a council may cut off the supply of water from any property in respect of which there has been default in payment of such rate and make any disconnection necessary for the purpose.

Offences in
connection
with water
supply.
[27 of 1997]

286. Any person who—

(a) wilfully or negligently breaks, injures or opens any lock, cock, pipe, waterworks or other work constructed or maintained for the supply of water under this Part;

(b) without lawful authority flushes, draws off, diverts or takes water from any waterworks

or other work constructed or maintained for the supply of water under this Part, or from any water, creek or stream whereby the waterworks are supplied;

- (c) wilfully or negligently wastes or causes to be wasted any water with which he is supplied by a council;
- (d) bathes in any stream, reservoir, conduit, aqueduct or other water works, constructed or maintained for the supply of water under this Part, or washes, cleanses, throws or causes to enter therein any animal, rubbish, filth, stuff or thing of any kind whatsoever or causes, or permits, or suffers to run or to be brought therein, the water or any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to a council or under its management or control, or whereby any water contained in any reservoir, conduit, aqueduct, or other waterworks constructed or maintained as aforesaid is fouled,

shall be liable on summary conviction to a fine of five thousand dollars and a further fine of two thousand five hundred dollars for each day on which the offence continues after notice served upon him by the council.

Control of Animals

Power of
councils to
control keeping
of animals.

287. A council may prohibit, restrict or regulate the keeping or movement of animals in any part of its council area.

Power of
council to
establish
pounds.

288. (1) A council may establish, erect, maintain and control pounds.

(2) A council pound shall be under the control and superintendence of the council.

(3) There shall be for each council pound a pound-keeper and such deputy or assistant pound-keeper as the council may consider necessary for the efficient control of the pound.

(4) All poundage moneys, fines, penalties, proceeds of sales and other sums of money payable in respect of a council pound shall be paid by the person receiving them to the treasurer of the council for the credit of the general rate fund.

Impounding of
stray animals
found on
private
property.

289. Any animal to which this section applies which strays on private property may be detained and taken by the owner or occupier of such property, or by any person authorised in writing by such owner or occupier, to a council pound, and for so doing he shall receive from the pound-keeper such sum by way of reward as may be prescribed by by-laws of the council.

Impounding of
stray animals
found in public
places.

290. Any animal to which this section applies which strays on any public road, council road, drainage work vested in the council or other public place may be taken by any member of the Police Force or of a town or rural constabulary, any local government officer or by any person authorised in writing by the clerk of the council to a council pound.

Poundage
moneys.

291. The pound-keeper shall before delivering an impounded animal demand and receive from the person claiming the animal—

(a) poundage money of an amount prescribed by by-law of the council;

-
- (b) such sums as may be prescribed by by-law of the council for feeding the animal;
 - (c) any sum by way of reward paid by the pound-keeper under section 289.

Duties of
pound-keeper.
[6 of 1997]

292. A pound-keeper shall—

- (a) be constantly on duty to receive animals brought to the council pound at any time and to deliver them between the hours of six o'clock in the forenoon and six o'clock in the afternoon;
- (b) keep a record and description of animals received and delivered and of moneys received and paid, which record shall be in such form and contain such particulars as may be required by the council; and such record shall be open to public inspection at all reasonable times;
- (c) procure for, furnish and give to each animal in the council pound sufficient quantity of food, grass and water daily;
- (d) publish once every week a correct list and description of animals in the council pound;
- (e) account every month to the treasurer of the council for all moneys received and paid.

(2) Any pound-keeper who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of six thousand five hundred dollars.

Offences by
pound-keeper.
[27 of 1997]

293. A pound-keeper who—

- (a) hires out, lets, uses, works or employs any impounded animal;
- (b) permits any impounded animal to be taken out of the council pound without lawful authority;
- (c) suffers any impounded animal to be ill-used or injured,

shall be liable on summary conviction to a fine of ten thousand dollars.

Sale of
impounded
animals.
[27 of 1997]

294. (1) Any impounded animal which is not redeemed within one week may be sold.

(2) The pound-keeper shall publish a notice of sale upon a board placed in a conspicuous position near the council pound of all impounded animals which have not been redeemed within a week of impounding for a period of not less than seven days before the sale.

(3) The sale shall take place between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon of the day specified in the advertisement and notice of sale.

(4) If a pound-keeper either directly or indirectly purchases any animal sold out of a council pound, the purchase shall be void and the pound-keeper shall be liable on summary conviction to fine of ten thousand dollars.

(5) Any impounded animal duly advertised and put up for sale and not sold may be destroyed by the pound-keeper.

(6) If any person proves to the satisfaction of the treasurer of the council, within three months after the sale of an impounded animal, that he was the owner thereof, he shall be paid by the treasurer the balance of the proceeds of sale.

Miscellaneous
offences.
[27 of 1997]

295. (1) Any person who with a view to impounding an animal—

- (a) unlawfully breaks any fence or enclosure;
- (b) takes or drives an animal from private property of which he is neither the owner nor occupier nor a person authorised pursuant to section 289 by the owner or occupier,

shall be guilty of an offence.

(2) Any person who—

- (a) releases or attempts to release an animal—
 - (i) taken for the purpose of being impounded whilst on the way to a council pound;
 - (ii) from a council pound before it is duly redeemed;
- (b) damages or destroys a council pound, or any lock or bolt thereof;
- (c) when taking an animal to a council pound rides or in any way beats or ill-uses such animal;

- c. 71:04
- (d) takes an animal to a council pound other than by the shortest convenient route;
 - (e) having detained an animal with a view to impounding it unnecessarily delays in taking it to the nearest pound, whether to a council pound or a pound established under the Pounds Act,

shall be liable on summary conviction to a fine of ten thousand dollars.

Animals which
may be
impounded.

296. Sections 289 and 290 apply to the following animals, namely, any horse, mare, gelding, colt or filly, any pony, mule or ass, whether male or female, any bull, cow, ox, steer, heifer or calf, any ram, ewe, sheep or lamb, and any goat or kid, whether male or female.

Landing of
cattle at City
and Town.

297. No cattle brought by water to the City or the Town shall be landed except at the places specified in any by-law relating to those cattle or where the City Council or the Town Council, subject to any terms or conditions such council thinks fit to impose, specially allows.

Burial Grounds

Power of
council to
establish burial
grounds.
Cap. 145.
1953 Ed.

298. A council shall have power, subject to section 64 of the Public Health Ordinance to establish, maintain and control burial grounds, cemeteries and crematoria (hereinafter collectively referred to as "public burial grounds").

Unlawful
interment.

299. (1) No person shall establish a burial ground, cemetery or crematorium in any council area without the consent of the council thereof, and no person shall, without such consent, bury or inter or cause to be buried or interred

any corpse within the council area save at a public burial ground; and any person who contravenes any of the provisions of this section shall be guilty of an offence.

(2) A council shall have power to exhume any corpse buried or interred in contravention of this section and to remove it to a public burial ground and to recover the cost as a debt due to the council by the offender.

(3) The powers of a council under subsection (2) shall be exercised, in the case of the City Council under the supervision of the Medical Officer of Health for the City and in the case of the Town Council or of a district council under the supervision of a Government Medical Officer.

(4) In any proceedings for the recovery of any cost incurred pursuant to subsection (2), the signature of the clerk subscribed to any document containing a statement of the amount claimed shall without proof of the signature or of any other matter or thing, be deemed *prima facie* evidence that that amount is payable.

Sub-division of Land

Restriction
upon sub-
division

c. 20:01

300. (1) A council may by by-law prohibit or restrict the sub-division and reduction in size of parcels of land and the separate occupancy of portions of plots of land within its council area or any part thereof:

Provided that no such by-law shall be inconsistent with the provision of any scheme as defined by section 2 of the Town and Country Planning Act in force in any area to which such by-law applies.

(2) Any transport, sale or other instrument purporting to sub- divide or reduce in size any parcel of land in contravention of a by-law made pursuant to this section shall be void and any agreement purporting to provide for

the separate occupancy of a portion of any parcel in contravention of such by-law shall likewise be void.

(3) Notwithstanding this section the Minister may permit the sub- division and reduction in size of any parcel of land to such extent as he may think fit, and in such a case any transport, sale or other instrument effected in respect of such land shall be good and proper.

Certificate of

clerk.

[6 of 1997]

301. (1) No transport shall be passed for any parcel of land in a council area, except upon production to the Register of Deeds or Judge of a certificate signed by the clerk of the council that the provisions of section 300 will not thereby be contravened.

(2) Neither the Official Receiver nor the Registrar may sell any portion of a lot less than a whole lot unless he is first supplied with the certificate of the clerk, which shall be supplied to the Registrar by the judgment creditor.

(3) Any person desiring to sell or to purchase any plot within a council area may at any time obtain a certificate of the clerk thereof.

(4) For each certificate required in the terms of this section a fee of sixty-five dollars shall be paid.

(5) Any person dissatisfied with the refusal of the clerk to issue a certificate under this section may apply to a Judge in the manner prescribed by rules of court, made under the High Court Act, for an order to compel him so to do.

c. 3:02

Miscellaneous Powers of Councils

Powers of City
Council and
Town Council.

302. The City Council and the Town Council shall each have power to do all or any of the following things:

Council
buildings.

(1) to acquire, hire, erect, furnish, maintain and keep in repair such offices and buildings as may be required for the purpose of transacting the business of the council and for public meetings and assemblies;

Residences for
local govern-
ment officers.

(2) to acquire, hire, erect, furnish and maintain houses and other buildings as residences for local government officers in its service and to charge reasonable rents or fees for the tenancy or other occupation thereof;

c. 36:02
Houses for
necessitous
persons.

(3) Subject to the provisions of the Poor Relief Act to establish, maintain and control either by themselves or jointly with any other authority, houses for necessitous persons;

Hostels.

(4) to establish, erect, equip, maintain and carry on hostels for accommodating and caring for young and aged persons;

Social centres.

(5) to establish, equip, maintain and control either by itself or jointly with any other authority or association, social and community development centres for the inhabitants of the City or the Town and to make grants of money towards the establishment, equipment and maintenance of such centres in the City or the Town and to any organisation or association established for the advancement of religion, education and social welfare;

Institutions for
infants.

(6) to establish, erect, maintain and carry on or assist institutions, day nurseries or clinics for the care and welfare of infants, and to make provision for suitable instruction being imparted to expectant mothers and to the mothers of infants;

Recreation
grounds

(7)

(a) to establish, maintain and control recreation and sports grounds (including swimming pools), theatres and promenade gardens, in parks,

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open spaces and on any other land vested in the council;

- (b) to establish, maintain and control in connection with recreation and sports grounds and theatres such buildings or conveniences of any nature and for such purposes as the council may consider to be necessary or convenient;
- (c) to set aside any portion of any recreation or sports ground for the purpose of any particular game or recreation; and to exclude the public from the portion so set apart;
- (d) to establish, maintain and control refreshment rooms, cafes and restaurants in or adjacent to recreation or sports ground or theatre;
- (e) to let any recreation or sports ground or theatre or building or apparatus established or provided in connection therewith to any person or club or other body of persons;

Communal feeding centres. (8) to establish, erect, maintain and carry on communal feeding centres;

Camping grounds. (9) to establish and maintain camping grounds;

Information centres. (10) to establish, erect, maintain and carry on information centres and inquiry bureaux;

Fire service and ambulances. (11) to establish and maintain fire services and ambulances;

Relief of
necessitous
persons.

(12) to make grants of money to necessitous persons and to authorities or associations of persons established for their relief;

Educational
Institutions.
c. 39:01
Cap. 145
1953 Ed.

(13) subject to the provisions of the Education Act and the Public Health Ordinance to establish, erect, equip, maintain and manage schools and educational institutions, libraries, museums, art galleries and botanical and zoological gardens and to make grants of money towards their establishment and maintenance, and in the case of the City Council to the National Library;

Scholarships
and bursaries.

(14) to grant scholarships to any school or educational institution within the City or the Town to make grants of money to any scholarship fund established by any other authority or association, and to provide bursaries to assist persons resident in the City or the Town in educating and maintaining their children at any school within or without the City or the Town;

Agriculture,
arts and crafts.

(15) to promote within the City or the Town the encouragement and improvement of agriculture (which expression shall include all forms of animal husbandry, poultry farming and crop raising) arts, crafts and handicrafts, and to make grants of money therefor;

Education.

(16) generally to make provision for and to promote the education of all, or any category of persons, resident within the City or the Town;

Bands.

(17) to establish, maintain, control and contribute to bands for musical performances in public places and at public functions and generally to provide musical entertainment in such places and at such functions;

Adornment of
public places.
c. 20:01

(18) subject to the Town and Country Planning Act, to lay out and adorn any public place by architectural scheme or ornamentation including the erection of statues,

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fountains and other structures;

Trees and flowers in public places.

(19) to plant, trim, preserve or remove trees, flowers and shrubs in any public place;

Overhanging trees.

(20) to require the owner of any tree overhanging any public road, council road in the City or the Town or drainage work in the council drainage area in such a manner as may cause injury to the road or drainage work, or as may 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 the council by notice in writing under the hand of its Town Clerk served upon the owner; and if the owner fails to comply with the notice to authorise by writing under the hand of its Town Clerk any person to enter upon the land where the tree is growing and cause it to be cut down or pruned, or anything dangerous to be removed therefrom, in accordance with the notice, and the cost of so doing shall be recoverable from the owner;

Dangerous buildings.

(21) to safeguard, demolish and remove dangerous buildings and to remove obstructions from public roads and council roads;

Style of buildings.

(22) to regulate the number, dimensions and general character and style of buildings to be erected in different portions of the City or the Town, and any other matter connected with the erection of buildings;

Marking of boundaries.

(23) to require and regulate the marking of boundaries and the fencing of lots and to require open spaces to be left on lots;

Control of public places.

(24) to control public places;

Trespass in alleyways.

(25) to prohibit trespass in alleyways and the

encumbering of public and council roads and the parapets thereof and of pavements;

Hackney carriages. (26) to supervise, control and regulate hackney carriages and carts plying for hire and the drivers thereof;

Regulation of craft. (27) to charge tolls for bateaux, punts and other craft passing through any trenches, aqueducts or kokers under the control of the council and for vehicles, agricultural machinery and animals using the roads and dams within the boundaries of its council area and to prohibit or regulate and control fishing and the mooring of bateaux, punts and other craft in any of the trenches or aqueducts under the control of the council;

Grazing of animals and cutting of wood. (28) to regulate the grazing of animals and cutting of wood on land vested in the council and to fix fees to be paid therefor;

Grants to associations of local authorities. (29) to make grants of money to any association of local authorities;

Publicity. (30) to advertise and give publicity to the attractions of the municipality;

Public Health services.
Cap. 145
1953 Ed.

(31) subject to the provisions of the Public Health Ordinance—

Sanitary. (a) to establish, maintain and carry out sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent;

Public lavatories. (b) to establish, erect, maintain and control public lavatories, closets and urinals and employ attendants

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thereof;

- Wash-houses (c) to establish, maintain and control public baths and wash- houses;
- Markets. (d) to establish, erect, maintain, let, control and manage markets and market buildings, shops, stalls and stands and to control the occupation thereof;
- Slaughter-houses. (e) to establish, erect, maintain and control slaughterhouses and abattoirs;
- Dispensaries and health centres. (f) to establish, maintain and control, either by itself or jointly with any other authority or association, hospitals, dispensaries and health centres; and to make grants of money towards the establishment and maintenance of hospitals, dispensaries and health centres and to any voluntary association or institution for the promotion of public health and welfare;
- Regulation of trades and erection of machinery. (g) to regulate the mode and place in which any trade or manufacture may be carried on within the City or the Town and to prescribe the conditions under which machinery may, with the consent of the council, be erected in the City or the Town.
- Housing.
Cap. 145
1953 Ed. c.
20:01 c. 36:20 (32) subject to the provisions of the Public Health Ordinance, the Town and Country Planning Act and of the Housing Act—

- (a) to lay out building plots or otherwise subdivide any land vested in the council for the purpose of housing schemes for the inhabitants of the City or the Town;
- (b) to erect and maintain dwelling-houses with their appurtenant outbuildings on such plots or sub-divisions of land;
- (c) to convert buildings into dwelling-houses and to alter, enlarge, repair and improve the same;
- (d) to let any dwelling-house erected or provided by it and to charge reasonable rents or fees for the tenancy or occupation thereof;
- (e) to sell any dwelling-house erected or provided by it to a person undertaking to reside therein and to recover the purchase price thereof by instalments;
- (f) to sell, let or otherwise dispose of any plot or sub-division of land to any person for the purpose and under the condition that that person will erect and maintain thereon a dwelling-house for his own occupation;
- (g) to sell, let or otherwise dispose of land to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses as may be determined by the Central Housing

and Planning Authority in accordance with plans approved by that authority;

Street lighting.

(33) subject to the provisions of any law relating to electricity and electric lighting, to light streets and other public places and maintain lamps for that purpose;

Industrial enterprises and trading services.

(34) to establish, maintain and control such industrial enterprises and trading services for which no specific provision is made in this section as may be authorised by the Minister;

Fees, charges and licences.

(35) to prescribe fees and charges and to issue licences or permits (which may be subject to conditions) in respect of the doing of anything which the council is entitled to establish, maintain, control or carry on and to remit any such fees or charges and to vary or revoke any such licence or permit;

Expenditure.

(36) to incur all expenditure necessary for the performance of its functions (whether functions arising from this section or otherwise) and for the doing of all things incidental thereto;

Stellings and landing places.

(37) to establish, erect and maintain stellings and landing places and to control, regulate and charge tolls for the use thereof.

Powers of town councils and district councils.
[25 of 1973]

303. A town council or a district council shall have power to do such of the things set forth in section 302 as it may be authorised by the constitution order of its town or district to do; and references in section 302 to the City Council and the Town Council shall be construed as references to the town council or district council, as the case may be, references to the City and the Town as references to the town or district, as the case may be, and references to the Town Clerk as references to the chief executive officer.

**PART X
BY-LAWS**

Power to make
by-laws.
[25 of 1973
3 of 1982
27 of 1997]

304. (1) A council may make by-laws for the good rule and government of the whole or any part of the council area and without prejudice to the generality of the foregoing may make by-laws for the whole or any part of the area in respect of all or any of the following purposes—

- (a) for regulating any of the things which the council is empowered to do, establish, maintain, carry on, control, manage or regulate and for prescribing fees and charges and licences and permits (including the conditions thereof), in respect of any such things;
- (b) for protecting from damage or interference any council road, works or property of the council situated or being in, under or over any public place or other place within the council area.

(2) By-laws may impose on persons offending against them penalties of fines, not exceeding one hundred thousand dollars or of imprisonment for a term of not more than three months for any offence, and in the case of a continuing offence a further fine not exceeding two thousand five hundred dollars for each day during which the offence continues after notice thereof has been served by the council on the offender.

(3) By-laws may provide for the recovery by the Council from any offender in addition to any penalty imposed under subsection (2) or from the proceeds of any sale by the council in consequence of a breach of such by-laws, of

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the expenses incurred by the council in consequence of a breach of any by-law and the exercise by the Council of its powers to ensure compliance with any such by-law.

(4) By-laws may authorise any member of the Police Force or any local government officer in the service of the council to enter and inspect at all reasonable times any premises or place for the purposes of such by-laws.

Procedure.
[27 of 1997]

305. (1) By-laws made by a Council shall be under the common seal of the council and shall be submitted to the Minister for approval.

(2) At least fourteen days before application for approval of the by-laws is made, notice of the intention to apply for confirmation shall be published.

(3) For at least fourteen days before application for approval is made, a copy of the by-laws shall be deposited at the offices of the council, and shall at all reasonable hours be open to public inspection without payment.

(4) The council shall, on application, furnish to any person a copy of the by-laws, or of any part thereof, on payment of such reasonable sum, as the council may determine.

(5) All by-laws submitted to the Minister for approval shall be accompanied by—

- (a) a copy of the minutes or other record of the meeting of the council at which they were adopted;
- (b) a certificate by the clerk that subsections (2), (3) and (4) have been complied with;

(c) copies of any objection to the adoption of the by-laws which has been lodged in writing with the clerk or if no such objection has been lodged, a certificate by the clerk to that effect.

(6) The Minister may approve, with or without amendment, or reject any by-law submitted to him.

(7) No by-law shall have the force of law until it has been approved, with or without amendment thereof, by the Minister.

(8) A copy of by-laws which have been approved shall be deposited at the office of the clerk of the council and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall be furnished to any person applying therefor on payment of such reasonable sum, as the council may determine.

PART XI
MISCELLANEOUS

Default of
powers.

306. (1) If the Minister is satisfied upon inquiry held by him that—

- (a) a council has exceeded or abused its powers or has made default in the performance of any duty imposed upon it;
- (b) the council has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of its functions;

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- (c) the expenditure of the council has generally or on any particular head of expenditure been excessive or unreasonable, having regard to its financial resources and other relevant circumstances of the council area; or
- (d) the council has failed to observe any financial instructions,

he may by order, declare the council to be in default and either—

- (i) direct the council to perform any of its functions in a manner and within a time specified in the order, or
- (ii) transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred, or
- (iii) dissolve the council, or suspend the council for such time as he may think fit from the performance of such of its functions as may be specified.

(2) The Minister may by a subsequent order, vary any directions contained in an order made under subsection (1).

(3) Where the Minister dissolves a council or suspends the council from the performance of any of its functions under this section he may by order transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred.

(4) Where any function of a council is transferred to any person or persons under subsections (1) and (3), the expenses incurred in connection with any inquiry or the exercise by such person or persons in discharging that function, shall be a debt due from the council to the Government and be charged upon the assets of the council.

(5) Where the Minister dissolves a council under this section, he shall, when he deems fit, by order appoint—

(a) a day for the election of the councillors and prescribe the term of office of the councillors so elected;

(b) a day for the election of the Mayor and Deputy Mayor or of the chairman and vice-chairman, as the case may require, and prescribe their terms of office.

Regulations.

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

Local inquiry.

308. The Minister may at any time order that a local

Eight Schedule.

inquiry be held into any matter and such inquiry shall be held in accordance with the provisions of the Eighth Schedule.

Affirmation.

309. When any oath is required to be taken by or under this Act, every person permitted by law to make a solemn affirmation or declaration may, instead of taking an oath, make a solemn declaration in the form of such oath, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" and omitting the words "So help me God".

Exemption from stamp duty.

310. Notwithstanding the provisions of any other law, all declarations under this Act shall be exempt from stamp duty.

Publication of notices.

311. Except as otherwise provided, where any notice is required to be published under this Act or any by-laws made thereunder, the notice shall be published by affixing it to the offices of the council, and it may also be published in such other manner, if any, as is, in the opinion of the council, expedient to give publicity thereto.

Service of documents.

312. (1) Any notice or other document, required or authorised to be given or served on any person under this Act may be given or served either—

- (a) by delivering it to the person; or
- (b) by leaving it at the usual or last known residence of that person, or in the case of a company, at its registered office or by delivering it or forwarding it by registered post addressed to that person at his office; or
- (c) by forwarding it by registered post addressed to that person at his usual or last known residence, or in the case of a company, at its registered office; or

- (d) by delivering it to some person at the premises to which it relates or if there is no person on the premises to whom it can be so delivered, then by affixing it to some conspicuous part of the premises; or
- (e) without prejudice to the foregoing provisions of this subsection, where the property to which the notice or other document is to be sent is a place of business of the person to or on whom it is to be given or served, by leaving it or forwarding it by registered post addressed to that person at the said place of business.

(2) Any notice or other document required or authorised to be given to or served on any council, shall be duly given or served if delivered at, or sent by registered post to, the office of the council addressed to its clerk.

Penalty for
destroying
notices.

[27 of 1997]

313. Any person who destroys, tampers or otherwise interferes with—

- (a) any board on or to which any notice or other matter is posted by a council or by any person in pursuance of powers under this Act;
- (b) any advertisement, placard, bill or notice posted up on such board,

shall be liable on summary conviction to a fine of five thousand dollars.

Prosecutions
and penalties.
[27 of 1997]

314. (1) Save as otherwise expressly provided, all offences against this Act shall be prosecuted under the

Summary Jurisdiction Acts.

(2) A person guilty of an offence against this Act for which no special penalty is provided, shall be liable on conviction to a fine of ten thousand dollars or to imprisonment for six months.

Appearance of
council in legal
proceedings.
[25 of 1973]

315. (1) A council may authorise any of the local government officers in its service either generally or in respect of any particular matter to institute or defend, on its behalf, any legal proceedings or to appear therein on its behalf

(2) Proceedings under this section shall be instituted in the name of the council.

c. 7:02
c 60:02

(3) The provisions of the Limitation Act and the Title to Land (Prescription and Limitation) Act shall 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 council 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.

(4) Where by virtue of subsection (3) 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.

Name of
council need
not be proved.

316. In any proceedings instituted by or against a council, it shall not be necessary to prove the corporate name of the council or the constitution or limits of its council area.

Notice of
proceedings.

317. Before any civil proceedings are instituted against a council, notice thereof shall be given to the council not less than thirty days prior to the institution of proceedings and no

such proceedings shall be brought unless commenced within six months next after the day on which the cause of action arose.

Protection from personal liability.

318. No matter or thing done and no contract entered into by a council or other person whomsoever acting under the direction of such council and no matter or thing done by any member of such council or by any local government officer in the service of such council, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of performing the functions of such council or of such member or of such local government officer, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such council, member, local government officer or other person so acting shall be borne and repaid by the council:

Provided that nothing in this section shall exempt any member of any such council or any such local government officer from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such council and which such member or such local government officer authorised or joined in authorising.

Execution of transports by council.

319. Whenever a council purchases or sells any immovable property, the transport shall be passed either to or by the council, as the case may be, and the clerk of the council shall execute the transport by signing his name and official description and affixing the common seal of the council thereon.

Management of undivided property

320. All undivided lands in every council area, except private lands held in joint ownership or ownership in common, shall be under the control and management of the council.

Letting of undivided lands.

321. (1) A council may let to any person by monthly or yearly tenancy or for a term of years, and at such rent as

may be determined by the council any undivided lands, not being dams, under the control and management of the council.

(2) Where the letting is for a term of years it shall not be enforceable against the council unless the agreement to let is in writing and unless it is signed by the clerk and there is affixed thereon the common seal of the council.

(3) All persons occupying any undivided lands for the time being under the control and management of the council shall pay to the treasurer thereof the rent determined by the council.

(4) All arrears of rent may be recovered—

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

(b) by warrant of distress in the same manner as is provided in this Act in respect of arrears of a general rate.

(5) The clerk of the council may, subject to an appeal to the Minister, enter upon and take possession of all lands in respect of which two months' rent or more is due and payable, and take possession of and dispose to the best advantage all crops, provisions and other things there growing or being on the lands; and any surplus after such disposal shall be handed over to the dispossessed tenant or occupier.

BOUNDARIES OF THE CITY OF GEORGETOWN

All the area bounded on the north by the Atlantic

Ocean, on the east by the eastern boundary of the company path on the eastern side of Plantations Cummings Lodge, Houston and Rome, on the south by the southern boundary of Plantation Rome, and on the west by the Demerara River.

ss. 18, 30, 44,
130

SECOND SCHEDULE
FORM OF OATHS OF OFFICE

I,.....,do
swear (or solemnly affirm) that I will faithfully execute the office of.....
.....
.....
without fear or favour, affection or ill-will according to the best of my judgment and ability.

So help me God (To be omitted in affirmation)

ss. 22 and 30
[17 of 1988
O. 12 of 1993]

THIRD SCHEDULE
FUNDS WHICH MAY BE PLACED AT THE DISPOSAL OF
THE MAYOR

PART I

THE MAYOR OF THE CITY OF GEORGETOWN

A sum not exceeding twenty-four thousand dollars per annum in equal instalments payable at the end of each quarter year.

PART II

THE MAYOR OF THE TOWN OF NEW AMSTERDAM

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A sum not exceeding twenty-four thousand dollars per annum in equal instalments payable at the end of each quarter year.

s. 28

FOURTH SCHEDULE

BOUNDARIES OF THE TOWN OF NEW AMSTERDAM

All the area bounded on the north by the Canje River, on the east by the eastern boundaries of Smythfield, Mount Sinai and Overwinning, on the south by common boundaries between Overwinning, Providence and Glasgow with New Doe Park and Doe Park, and on the west partly by the western boundary of Glasgow and partly by the Berbice River.

s. 58

FIFTH SCHEDULE

STANDING COMMITTEES

PART I THE CITY COUNCIL

City Works
Finance
Social Development

PART II THE TOWN COUNCIL

Works
Finance
Social Development

ss. 75 and 76

SIXTH SCHEDULE

**POWERS, DUTIES AND RESPONSIBILITIES OF CERTAIN
OFFICERS**

**PART I
THE CLERK**

1. He shall be responsible for convening all meetings of the council and its committees and for the preparation of agenda, minutes and reports of such council and its committees.
2. (1) He shall advise the council and its committees on all matters upon which his advice is necessary, including the standing orders and by-laws thereof.
(2) If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.
3. He shall, either personally or by his nominee, attend all meetings of the council and of its committees.
4. He shall advise the Mayor or chairman of the council, as the case may be, on all matters appertaining to those offices.
5. Subject to any general directions which the council may give, he shall have the charge and custody of, and be responsible for, all charters, deeds, records and other documents belonging to the council which shall be kept as the council may direct.
6. He shall have the duty of ensuring that the business of the council is carried out with order, regularity and expedition in accordance with the by-laws, resolutions and standing orders of the council.

7. He shall have the responsibility for the general correspondence of the council.

8. Where any document is required as a necessary step in legal proceedings on behalf of the council, he shall sign such document unless any written law otherwise requires or authorises, or the council shall have given the necessary authority to some other person for the purpose of such proceedings.

9. He shall have the conduct of such negotiations on behalf of the council as the council may require.

10. He shall have the responsibility for conveying decisions of the council to local government officers in the service of the council relating to their work and conduct.

11. He shall, where legally qualified so to do, give general legal advice to the council, and whether legally qualified or not, to local government officers in the service of the council on questions arising with regard to their official duties and obligations.

PART II
THE TREASURER

1. He shall be the accountant, paymaster and collector and financial adviser of the council.

2. He shall advise the council and its committees and sub-committees on all matters on which his advice is necessary, including financial orders or regulations and the standing orders and local government legislation so far as financial matters are concerned. If the council or any of its committees acts against or rejects his advice, he shall be entitled to require that his advice be recorded in the minutes.

3. He shall attend, either personally or by his nominee, all meetings of the finance committee of the council and other committees where business with financial implications may be transacted.

4. He shall be responsible for the organisation of the finance department and for the organisation of the financial arrangements in all other departments of the council.

5. He shall be responsible to the council for the maintenance of the council's accounting system and for the supervision of all the financial records of the council, wherever kept.

6. He shall be responsible for the preparation of all financial returns and reports required.

7. He shall supply promptly, in conjunction with other departments where necessary, to the council, its committees and departments any financial data they require for management of the council's business.

8. Where an internal audit is maintained by the council he shall be responsible therefor and shall promptly report to the committee concerned and to the finance committee any irregularities discovered in the course of such internal audit.

9. He shall make arrangements for the verification of all accounts for payment and for making all payments, including salaries, wages and pensions.

10. He shall obtain from the local government officers concerned all the information necessary for the proper examination of claims for payment due from the council arising from any contract.

11. In accordance with the instructions of the council, he shall make arrangements for the collection and recovery of moneys due to the council and the handling, custody, security and banking of cash.

12. He shall be responsible for the ordering, control and issue of, and for supplying all departments of the council with, all official receipt forms, books, tickets, stores, requisitions and other documents representing money or money's worth.

13. He shall be responsible for compiling the estimates of the council.

14. He shall report to the appropriate committee any overspending and any unauthorised expenditure, and shall draw attention, to any irregularity in respect of any proposed expenditure.

15. He shall manage, subject to the instructions of the finance committee and the council, all funds of the council.

16. He shall ensure that moneys not required for the time being are suitably invested.

17. He shall advise the finance committee on the raising of capital funds.

18. He shall be responsible for all rating matters of the council and for the collection of rates due to the council.

19. He shall direct and supervise the financial transactions of the council with their bankers.

20. He shall carry out financial negotiations on behalf of the council and assist in other negotiations when financial aspects are involved.

21. He shall give such financial evidence where appropriate as may be required on behalf of the council.

22. He shall effect insurances for all departments of the council and claims on insurance companies and recommend settlements.

23. He shall be responsible for the keeping of true accounts of all moneys received and receivable and paid and payable by the council for any charitable purpose of which the local authority may assume the charge.

24. He shall, if required by the council, be responsible for the custody and control of the stores of the council and, if not so required, shall be responsible for prescribing the stores accounting procedure of the council.

25. He shall prepare and submit to the finance committee of the council a report on all proposals involving capital expenditure and on other expenditure not provided for in the estimates of the current financial year of the council and on any proposals involving a variation in the income of the council.

s. 221

SEVENTH SCHEDULE

WARRANT OF DISTRESS

GUYANA

Toand to all other Town/Rural Constables.

WHEREAS application has been duly made to me byin and for theCouncil for a Warrant

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of Distress against the movable property upon or in..... for the purpose of recovering the amount of.....due as rates from.....in respect ofwith costs, and whereas the duplicate or copy of the Notice with return of service thereof duly sworn to before me, has been produced in the form of law—

This is, therefore, to require and command you to levy the said sum of with costs upon the said movable property according to law.

Dated this.....day of.....20.....

(Signed)

Magistrate District

s. 307

EIGHTH SCHEDULE

REGULATIONS FOR THE HOLDING OF LOCAL INQUIRIES

Appointment
of commission
and terms of
reference.
[6 of 1997]

1. (1) Wherever a local inquiry is to be held under this Act, the Minister shall appoint a commissioner for that purpose, and shall specify the terms of reference of the inquiry.

(2) If the commissioner appointed becomes unable or unwilling to act, or dies, the Minister may appoint another commissioner in his place.

(3) The Minister may at any time alter the terms of reference of the inquiry.

(4) Where the Minister exercises any power under this regulation, notice thereof shall be published in the *Gazette* and in accordance with section 311.

Oaths.

2. The commissioner shall, as soon as may be after his appointment and before exercising any functions as such, take an oath or make an affirmation that he will faithfully, fully, impartially and to the best of his ability perform his duties in relation to the inquiry; and such oath or affirmation shall be taken before a magistrate or justice of the peace, and shall be deposited by the commissioner with the Minister.

Publication of notice of inquiry.

3. The commissioner shall, before the commencement of the inquiry, publish in accordance with section 311 notice of the time and place of inquiry, and the notice shall state that any person shall have the right to attend and give evidence at the inquiry.

Inquiry to be public.

4. Every inquiry shall be conducted in public, but the commissioner shall nevertheless be entitled to exclude any person for the preservation of order, or the due conduct of the inquiry.

Power to appoint a secretary.

5. The Minister may appoint a secretary to perform such duties in connection with the inquiry as the commissioner may prescribe.

Submission of findings.

6. The commissioner shall submit his findings in writing to the Minister together with a full statement of the proceedings of the inquiry, and the reasons for his findings.

Rules for regulating proceedings

7. The commissioner may make such rules for the conduct and management of the proceedings, and the hours and days and places for sittings not inconsistent with his commission, as he may from time to time think fit, and may from time to time adjourn for such time and to such place as he may determine, subject only to the terms of his

commission.

Power of
commissioner
to summons
and examine
witnesses and
privilege from
suit.

8. (1) The commissioner shall have the powers of a Judge to summon witnesses, and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath; and the commissioner shall not be liable in any action or suit for any matter or thing done in good faith by him as commissioner.

(2) All summonses for the attendance of witnesses or other persons, or the production of documents, shall be in the form of the Appendix to these Regulations, and shall be signed by the commissioner; and oaths may be administered by the commissioner or the secretary.

False evidence.

9. Any witness who wilfully gives false evidence in the inquiry shall be guilty of perjury, and shall be liable to be prosecuted and punished accordingly:

Provided that no proceedings shall be instituted without the authority in writing of the Director of Public Prosecutions.

Attendance of
witnesses

10. (1) All persons summoned to attend and give evidence or to produce books, plans or documents, at the inquiry, shall be obliged to obey the summons as fully in all respects as witnesses are obliged to obey subpoenas issued from the Court, and shall be entitled to the like expenses as if they had been summoned to attend the Court on a criminal trial, if the same shall be allowed by the commissioner, but he may, if he thinks fit, disallow the whole or part of such expenses in any case.

(2) Every person refusing or failing without sufficient cause to attend at the time and place mentioned in the summons served on him, and every person summoned and attending, but leaving the inquiry without the permission of the commissioner, or refusing without

sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the commissioner, or refusing without sufficient cause to produce any books, plans or documents in his possession, or under his control, and mentioned or referred to in the summons served on him, and every person who at any sitting of the inquiry wilfully insults the commissioner or the secretary, or wilfully interrupts the proceedings of the inquiry, may be summarily ordered by the commissioner to pay either forthwith or within a specified time a fine not exceeding six thousand five hundred dollars, recoverable under the Summary Jurisdiction Acts.

(3) Any person giving evidence at the inquiry may refuse to answer any question which may incriminate him and every such person shall, in respect of any evidence given by him before the commissioner, be entitled to all privileges to which a witness giving evidence before the Court is entitled in respect of evidence given by him before that Court.

Appearance of
counsel.

11. Any person who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel or solicitor at the inquiry.

Preservation of
order.

12. The Commissioner of Police shall, upon the request of the Minister, detail constables to attend upon the commissioner, to preserve order during the inquiry and to perform such other duties as usually pertain to their office when in attendance upon the Court.

Expenses.

13. (1) The Minister may direct what remuneration, if any, shall be paid to the commissioner and to the secretary, and to any other person employed in or about the inquiry.

(2) The expenses incurred under this regulation together with any expenses paid to witnesses under regulation 10 and any other costs incurred by the commission

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in the holding of the inquiry, shall be paid by the council concerned in or affected by the inquiry.

APPENDIX

reg. 8(2)

SUMMONS TO WITNESS

To.....
You are hereby summoned to appear before appointed by the Minister of Local Government to inquire.....

at upon the day of 20..... at o'clock in the fore/afternoon, and to give evidence respecting such inquiry.

You are required to bring with you
Therefore fail not at your peril.

Dated this. day of 20.....

Given under the hand of

(Commissioner)

SUBSIDIARY LEGISLATION

s.327(2)

THE NEW AMSTERDAM POUND NOTICE

(made under section 171 of the New Amsterdam Town Council Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the New Amsterdam Pound is hereby established at Mud Lot No. 1 Queenstown, New Amsterdam.

THE GEORGETOWN POUND NOTICE

Gaz. 17/6/1933
Nt. 885
s. 327(1)

(made under section 187 of the Georgetown Town Council Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the Georgetown Pound is hereby established at the New Municipal Abattoir, Water and New Market Streets in Georgetown.

Proc.
14/4/1932
s. 327(3)

THE VERGENOEGEN POUND NOTICE

made under section 2 of the Pounds Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the Vergenoegen Pound is hereby established at Vergenoegen, Essequibo, and shall be maintained by the Local Authority of the Vergenoegen Country District.

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THE CITY GOVERNMENT BY-LAWS

ARRANGEMENT OF BY-LAWS

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2. Application of by-laws.
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10. Encumbering of pavements, etc.
11. Racing animals on street.
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13. Damaging of alleyways gates, etc.
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BY-LAW

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26. Sterilization of barbers' tools, etc.
27. Sterilization of barbers' tools, etc.
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31. Precaution against contagious disease.
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39. Notice of number of lodgers.
40. Variation of number of lodgers.
41. Segregation of sexes.
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43. Cleansing of rooms, etc.
44. Cleansing of bed-clothes, etc.
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47. Cleansing of water-closets.
48. Provision of receptacles for house refuse.
49. Ventilation of living rooms.
50. Ventilation of living rooms.
51. Airing of bed-clothes.
52. Precautions against infectious disease.
53. Precautions against infectious disease.
54. Precautions against infectious disease.

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60. Right of access to common lodging house in favour of officers, etc.
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THIRD SCHEDULE—Forms.

FOURTH SCHEDULE—Forms.

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15/1/1931

18/5/1934

4/9/1941

4/1945

1/1946

1/1956

4/1957

1/1968

4/1974

1/1989

16/1999

THE CITY GOVERNMENT BY-LAWS

made by the Council under section 206 and approved by the Governor in Council on the 15th January, 1931, and amended on the 18th May, 1934, 4th September, 1941, 10th December, 1945, 9th January, 1946, deemed to have been made under section 321 of this Act.

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The City Government By-laws

Citation

1. These By-laws may be referred to as The City Government By-laws.

Application of by-laws

2. These By-laws shall apply throughout the city as defined by the Municipal and District Councils Act.

Interpretation.

[By-laws

18/5/1934

1/1952

1/1989]

3. In these By-laws—

"city omnibus" means any omnibus which operates within the City of Georgetown, the Kitty Village and the Vlissengen Public Road;

"Council" means the City Council;

"Country omnibus" means any omnibus which operates from or to the City of Georgetown and the Kitty Village to or from a point outside the City or Village;

"hackney carriage" means a carriage, cab, motor car, motor bus, or other motor vehicle, or other vehicle of any kind plying for hire from place to place in the City;

"infectious disease" means small-pox, chicken-pox, measles, cholera, diphtheria, membranous croup, plague, yellow fever, puerperal fever, scarlet fever, tuberculosis, and any other disease declared to be infectious by the Medical Officer;

"omnibus" means a. motor vehicle constructed and used for carrying not less than seven passengers for hire or reward as separate fares stage by stage or stopping to pick up or set down passengers along the line of route;

"parapet" means that portion of a public way lying between—

(a) the metalled street or roadway and a street drain, trench or canal; or

(b) a pavement adjoining a street or roadway and a trench or canal; or

(c) a street drain and any lot of land except where such portion of a public way is a pavement;

"Town Clerk". "City Engineer", and "Medical Officer" mean respectively the persons for the time being appointed by the Council to discharge the duties of the Town Clerk, the City Engineer and the Medical Officer of Health under the Municipal and District Councils Act;

'vehicle" means any motor car, lorry, tractor, carriage, cart, dray, van or other contrivance moving upon wheels whether propelled by electricity, motor or steam power or drawn by any animal whatsoever or by hand;

"water closet" means and includes the necessary pan, supporting base, fitting, cisterns and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for conveying sewage from one place to another but shall not include the inclosing structure.

In Part II hereof—

"barber" includes a "barber's assistant" and means the person who performs the work of shaving, hair-cutting, hair-dressing, hair-shingling, hair-pressing, manicuring, shampooing, face massaging or the like crafts;

"barber's shop" means any house, building, saloon, room or premises which any owner uses or intends to use as a place for the performance of any of the above-mentioned crafts for gain;

"owner" means the person who owns or carries on a barber's

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shop.

In Part III hereof—

"common lodging house," means a hotel, boarding or lodging-house, refuge, shelter or other lodging or sleeping place where a number of persons not being members of one and the same family may sleep or lodge on payment of money or in pursuance of *any* charitable or religious object:

Provided that this expression shall not include the residence of any community of priests or of the inmates of any convent conducted under the authority of any religious body;

"keeper" means the person registered as the keeper of a common lodging house.

In Part IV hereof –

"eating-house" means any building used as hotel, restaurant, café, luncheon-room, dining saloon, tea-shop or other place where food or drink for man is provided or prepared or served up for sale or distribution to members of the public generally and includes any place used for intinerant food business, such as, lunch baskets, food trays, cane juice mills, snow cone carts and ice cream vehicles;

"Medical Officer" includes any subordinate officer attached to his department who may be generally or in any particular case authorised by him to perform any duty under these by-laws.

In part V hereof —

"animal" means any bull, ox, cow, steer, heifer, calf, sheep,

lamb, goat, kid, hog, pig, swine, game, turtle;

"cold stores" means premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for the food of man;

"fresh meat" means meat of any bull, ox, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig, game, or turtle whether or not subjected to a refrigerating process but which has not been salted, preserved or treated by any chemical or other process;

"licensee" means the person authorised to establish a private slaughter-house in pursuance of these by-laws;

"private slaughter-house" means any abattoir, shambles or slaughter-house (not being a slaughter house established under the Georgetown (Abattoir) By-laws} licensed by the Town Clerk under these by-laws.

PART I

PROVISIONS RELATING TO STREETS AND OTHER PUBLIC

Council may
restrict use of
streets by
vehicles.
[By-laws
18/5/1934
1/1956]

4. (1) The Council may, by resolution to be published in the *Gazette* and in one daily newspaper circulating in the City, prohibit the use of any street or part of any street in the City by such type or types of vehicles as may be described in the resolution, and thereafter no person shall drive, propel, or haul over or upon any such street or such art of any street, any vehicle or the type or types so described except for the purpose of loading anything thereupon or delivering anything therefrom.

(2) Any vehicle of the type or types so prohibited may cross any such street or such part of any street when traversing a street which intersects any such street or such part of any street.

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(3) when any vehicles of the type or types so prohibited is driven, propelled, or hauled upon any such part of any street for the purpose of anything being loaded thereupon or being delivered therefrom such vehicle shall enter and leave such street by the nearest cross street leading to or from the place of loading or delivery.

Council may prescribe routes for omnibuses travelling in the City.
[By-laws
18/5/1934]

5. (1) The Council may, by resolution to be published in the *Gazette* and in one daily newspaper circulating in the City, prescribe the route or routes along which any city omnibus shall travel in the City and along which any country omnibus shall travel when in the City and thereafter no person shall drive, propel or haul any city or country omnibus over or upon any street or part of a street not being part of the route or routes so prescribed.

Provided that it shall be lawful for a person to drive, propel or haul any omnibus over or upon any street or part of a street not being part of a prescribed route or routes for the purpose of proceeding to or from a petrol filling station or a garage or a repair shop but in any such case the person driving, propelling, or hauling such omnibus shall not leave the prescribed route except at the point nearest such petrol filling station, garage or repair shop and shall not carry any person other than himself and the conductor thereof.

(2) No person shall drive, propel or haul any omnibus over or upon any prescribed route in the City unless such omnibus is registered with the Town Clerk to travel in and along such prescribed route.

(3) No person shall drive, propel or haul any omnibus in the City unless—

(a) there is fitted in conspicuous positions on the front and back of such omnibus a box or other approved device on which is painted on a white

background in black letters of at least 3½ inches in height and of a proportionate breadth so as to be clearly visible at all times –

- (i) in the case of a city omnibus the words "City Omnibus", and
 - (ii) in the case of a country omnibus the words "Country Omnibus", and
- (b) there is painted to the front and back or to the sides of such omnibus so as to be clearly visible at all times the names of the streets of the prescribed route in the City in and along which such omnibus is registered to travel. The letters and background shall be black and white, the letters to be not less than 3 inches high and of a proportionate breadth.

Weight of
vehicles on
certain streets.

6. It shall not be lawful for any person to drive or propel any vehicle the weight of which whether laden or unladen shall exceed three tons, along the following streets:

- (a) High Street extending from Lamaha Street to Young Street;
- (b) Main extending from Church Street to Lamaha Street.
- (c) Brickdam extending from Avenue of the Republic to Vlissengen Road.
- (d) Any other street or part of any other street

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which may be notified by the Town Clerk in a notice published in the *Gazette* and in one newspaper circulating in the City.

Provided that it shall be lawful for the City Engineer to grant special permission in writing to the driver of any such vehicle desiring to receive or discharge any load in any of the above-mentioned streets to enter thereon from the side street nearest to the place at which such load is to be received or discharged. On receipt or discharge of such load the driver of any such vehicle shall leave with the vehicle by way of the nearest side street.

Use of streets
by tractors,
etc.

7. (1) It shall not be lawful for any person to drive or propel any tractor fitted with caterpillar wheels or with wheels having a chain type track upon any street without obtaining a permit from the City Engineer specifying the streets over which such tractor shall travel, and the times during which such travelling shall take place.

(2) Before any such permit shall be given, the owner of any such tractor shall undertake in writing to pay the cost of repairing any damage that may be caused to any street by such tractor.

Right to stop
persons
violating by-
laws.

8. (1) It shall be lawful for any Councillor or any office of the Council, or town constable or Police Officer or constable to stop any person found committing a breach of any of the foregoing by-laws and to demand the name and address of such person.

(2) If any such person refuses to give his name and address when so demanded he may be arrested by any town constable or police constable or by any other person upon the order of any Councillor or officer of the Council or Police Officer and the vehicle concerned in the breach of any of the foregoing by-laws may be detained until such name and address be ascertained.

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Encumbering
of pavements,
etc.
[By-laws
1/1968]

9. It shall not be lawful for any person to carry on a pavement or foot-path any receptacle containing fish or greasy articles, or any bundle of wood, or other article likely to incommodate any other person to ride or lead any animal or ride or wheel a bicycle or drive a vehicle or push any hand-truck, wheelbarrow or other vehicle other than a perambulator containing a child along a pavement or foot-path or throw any dirty water or other fluid, fruit skins, seeds or other refuse on a pavement or foot-path.

Encumbering
of pavements,
etc.
[By-laws
4/1945
1/1968
4/1974]

10. (1) No person shall leave, place, or store, or cause to be left placed, or stored, any vehicle, cart, dray, barrel, box, dust-bin, tree trunk, branch, limb, or other thing upon any street, parapet, pavement or foot-path, or in any other way encumber any street, parapet or pavement, with any vehicle, cart, vehicle, cart, dray, barrel, box, dust-bin or other thing.

(2) The City Engineer shall have the power to remove any such vehicle, cart, dray, barrel, box, dust-bin, tree trunk, branch, limb or other thing whatsoever left, placed or stored contrary to paragraph (1), and the cost of removing any such thing may be recovered by the Town Clerk in a court of competent jurisdiction from any such person.

(3) Anything coming into the possession of the City Engineer by virtue of paragraph (2) and remaining unclaimed for the period of one month after the date of its removal may be sold or otherwise disposed of by the Council:

Provided that where it is reasonably necessary to effect a sale or disposal of such thing by reason of it being in a dangerous state or injurious to the health of human beings, animals or plant or by reason of it being of a perishable nature, the sale or disposal may be effected at such time as determined by the Council.

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(4) The Council may deduct from any proceeds obtained pursuant to the exercise of its powers under paragraph (3) any expenses properly incurred in effecting the removal and sale, or disposal, as the case may be, and any sum in excess of such expenses shall be retained by the Council for a period of three years and, if not lawfully claimed, be paid into the Consolidated Fund for the public use.

Racing animals
on street.

11. Every person who shall race any animal or vehicle along any street, or drive any animal or vehicle on any street recklessly or negligently or at a speed or in any manner which is dangerous to the public, shall be guilty of an offence against these by-laws.

Trespassing in
alleyways.

12. No person shall walk through or trespass in any alleyway under the control of the Council, and every person found in any such alleyway shall be deemed and dealt with as a trespasser within the meaning of the Summary Jurisdiction (Offences) Act, and may be apprehended without a warrant by a town constable, a rural constable, or by any other person upon the instructions of any councillor, or officer of the Council or Police Officer.

Damaging of
alleyway gates,
etc.

13. Every person who shall break, damage, or destroy any alley-way gate, or the lock, chain, or other appurtenance thereto or any fence or paling adjacent to any alleyway, shall be guilty of an offence against these by-laws.

Maintaining
boundary
fences.

14. (1) The owner of every lot adjacent to an alleyway shall erect and maintain in a fit state of repair a boundary fence or paling abutting the said alleyway.

(2) Every such boundary fence or paling shall be erected on and over a footboard at least twelve inches in height.

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Fouling of
alleyways.

15. Every person who shall foul any alleyway by throwing therein any filth, carcass, or other offensive matter or thing or shall permit any water other than storm water from the yard-surface or house roof to flow into any alleyway shall be guilty of an offence against these by-laws.

Regulating the
keeping of
pigeons.
[By-laws
16/1999]

16. Every person who keeps pigeons within the City shall restrain them within a properly enclosed area and shall not allow them to fly about the City or alight upon any building, vat or other water container and any person who commits a breach of this by-law shall be liable to a fine of four thousand dollars or to imprisonment not exceeding one month, and in case of any breach continuing after notice thereof shall have been given to such person by the Medical Officer to a fine of one thousand dollars for each day after such notice on which the breach may occur.

Control of
noises.

17. (1) No person shall use or permit to be used on any street any vehicle which causes any excessive noise either directly or indirectly a result of—

- (a) any defect (including a defect in design or construction), lack of repair or faulty adjustment in the vehicle or in any other vehicle drawn thereby or in any part or accessory of such vehicle or other vehicle drawn thereby; or
- (b) the faulty packing or adjustment of the load of such vehicle or other vehicle drawn thereby:

Provided that it shall be a good defend under this by-law—

- (i) to prove that the noise or continuance of the noise in respect of which the proceedings are taken was due to some temporary or accidental cause

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and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the vehicle; or

- (ii) in case of proceedings against the driver or person in charge of a vehicle who is not the owner thereof, to prove that the noise arose through a defect in design or construction of the vehicle, or through the negligence or fault of some other person whose duty it was to keep the vehicle driven or other vehicle drawn thereby in proper condition or in a proper state of repair or adjustment or properly to pack or adjust the load of such vehicle or other vehicle drawn thereby, as the case may be, and could not have been prevented by the exercise of reasonable diligence and care on the part of such driver or other person in charge of the vehicle.

(2) When any vehicle is stationary on any street no person shall use or permit to be used in connection therewith any instrument provided for the purpose of giving audible warning, except when such use is necessary on grounds of safety.

(3) No person shall make any violent noise or outcry in any street or on any footway or other public place in the City, or at the entrance to any store, shop, or other premises abutting on any street, footway, or public place, to the annoyance of the inhabitants or passengers.

PART II

Registration of
barbers' shops.

PROVISIONS RELATING TO BARBERS' SHOPS

18. (1) No person shall open or carry on a barber's shop unless and until he shall have procured from the Town Clerk a certificate that the said barber's shop has been duly registered under these by-laws.

(2) Every person who at the coming into force of these by-laws is the owner of a barber's shop shall forthwith procure from the Town Clerk a certificate that the said barber's shop has been duly registered under these by-laws.

(3) Every such certificate shall be so issued as to terminate with the calendar year, but shall be renewable by the Town Clerk from year to year as from the 1st January.

(4) Every such certificate shall be posted up and kept posted up by the owner in a conspicuous part of the barber's shop.

Preliminary
certificates for
registration.

19. The Town Clerk shall not issue to any owner or renew any certificate of registration until such owner shall produce to and leave with him a preliminary certificate of the Medical Officer that he has inspected the barber's shop and that the same is in all respects in a suitable place, is fittingly furnished and is in a sanitary condition.

Registration of
barbers.

20. (1) Every person who desires to be registered as a barber shall be examined by the Medical Officer, and if certified by that officer to be in good health shall apply to the Town Clerk to register his name.

(2) No person shall act as a barber until his name has been duly registered as such by the Town Clerk.

(3) Every barber shall immediately upon his changing his employment at any barber's shop give notice to the Town Clerk of the change, and the Town Clerk shall make the necessary annotations on the register of barbers' shops

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and on the register of barbers.

Prohibition of
street
barbering.

21. No person shall act as a barber in or on any public street or way or at any place within public view other than at a duly registered barber's shop.

Register of
barbers' shops.
First Schedule

22. (1) The Town Clerk shall keep a register of barbers' shops in the form contained in the First Schedule hereto in which he shall enter the name of the owner and the locality of every barbers' shop which has been duly registered, and he shall file and keep all preliminary certificates upon which the certificates of registration have been granted by him.

(2) The Town Clerk shall also keep a register of barbers in the form contained in the Second Schedule hereto in which he shall enter the names of all barbers.

Sanitation in
barbers' shop.

23. The owner of every barber's shop in the City shall at all times keep the floor, sides and ceiling of the barber's shop and all furniture therein clean and free from hair, dust, dirt, and other impurity.

Sanitation in
barbers' shop.
(O. 34 of 1973)

24. (1) The owner of every barber's shop shall at least twice a day or as often as may otherwise be necessary, sweep or mop the floor of the barber's shop and collect in a covered metal or metal-lined receptacle and daily remove therefrom the hair sweepings and other refuse.

(2) The owner of every barber's shop shall at all times before sweeping, sprinkle the floor of the barber's shop with water or some suitable liquid disinfectant.

Sterilization of
barbers' tools,
etc.

25. (1) Every barber shall immediately after their use on any customer carefully sterilize all razors, scissors cutting tools by boiling or immersing the same for at least five minutes in a solution of formalin of a strength of one part of

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formalin in not more than 40 parts of water.

(2) Every barber shall immediately after shaving any person cleanse all shaving brushes and shaving mugs by rinsing the same in running water and dipping them in a solution of formalin as aforesaid.

Sterilization of
barbers' tools,
etc.

26. Every barber shall thoroughly wash and cleanse all hair brushes and combs at least once in every day or as often as may otherwise be necessary to keep them in a clean state.

Sterilization of
barbers' tools,
etc.

27. Every barber shall use clean towels for each person shaved, and it shall not be lawful for any barber to use any powder puff or sponge on any person.

Cleansing of
barbers' hands.

28. Every barber shall cleanse his hands thoroughly with soap and water immediately before and after shaving any person.

Forbidding use
of solid alum,
etc.

29. No barber shall use on any person any alum or like substance in block or other solid form and every such substance shall be applied in the form of a powder on a clean towel.

Precaution
against
contagious
disease.

30. No barber shall knowingly attend in a barber's shop to any person suffering from barber's itch, syphilis, or any other cutaneous or communicable disease.

Precaution
against
contagious
disease.

31. Immediately after it has come to the knowledge of the owner of any barber's shop or of any barber that a barber has used any shaving, cutting, clipping or other appliances on any person who is suffering from any cutaneous or communicable disease such owner or barber shall clean and sterilize every such appliance by boiling clean water for at least twenty minutes.

Inspection of
barbers' shops.

32. The Medical Officer or any sanitary inspector employed under him may at all times inspect and examine

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any barber's shop and any barber therein and any such officer may for the purpose of inspection enter any barber's shop at any time while some shop is open and may inspect and examine the same and every instrument, appliance, article of furniture, furniture, utensil, fixture or accessory used in or in connection with the barber's shop and the owner of such barber's shop shall afford every facility to the inspecting officer.

Forbidding
syphilitic
barbers from
performing
work.

33. No barber suffering from syphilis or any cutaneous or communicable disease shall shave any person or perform any other craft as a barber.

Fee for
registration.
[By-laws
1/1989
16/1999]

34. The Town Clerk shall charge and pay into the Town Funds in respect of the first registration and thereafter of each renewal, a fee of—

- (a) one thousand dollars in respect of every barber's shop performing face shaving only; and
- (b) five hundred dollars in respect of every other barber's shop,

And in respect of the registration of the name of any barber the fee of two hundred and fifty dollars.

Exhibition of
these by-laws.

35. The owner of every barber's shop shall post up and keep posted up, or cause to be posted up, and kept posted up, in a conspicuous part therein, a printed copy of Part II of these by-laws.

Cancellation of
registration.

36. The Town Clerk may on the representation of the Medical Officer and shall on resolution of the Council in that behalf cancel and annul any registration of a barber's shop or of the name of a barber.

PART III

PROVISIONS RELATING TO COMMON LODGING HOUSES

Register of
Common
Lodging
Houses.

[By-laws
1/1989, 16/1999]

37. (1) It shall not be lawful for any person to open, keep or carry on a lodging house unless the same is registered with the Town Clerk.

(2) The Medical Officer of Health or any officer of the Council duly authorised in this behalf shall, for the purpose of registration, classify the lodging houses in the City into four classes, namely, Class A, Class B, Class C or Class D, according to hygienic and structural fitness.

(3) The Town Clerk shall charge the keeper and pay into the City Funds in respect of the first registration and thereafter of each renewal of each class of lodging house, the following registration fees which shall be charged in accordance with the size of the superficial floor area—

(a) bedrooms – three dollars per sq. foot per annum;

(b) sitting rooms – one dollar per sq. foot per annum;

(c) conference rooms – one dollar per sq. foot per annum;

(d) swimming pool – one dollar per sq. foot per annum;

(4) Every registration shall expire at the end of each calendar year but shall be renewable by the Town Clerk from year to year as from the 1st January.

(5) The Town Clerk shall keep a register to be called the "Register of Lodging Houses", and shall enter

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therein every lodging house in the City according to its class.

(6) Every person who at the coming into force of the City Government (Amendment) By-laws 1987 is the keeper of a lodging house shall forthwith cause his lodging house to be duly registered under this by-law.

Register of lodgers. Third Schedule.

38. Every keeper shall provide and keep a book in the form set forth in the Third Schedule hereto in which he shall enter or cause to be entered before the hour of 9 a.m. each day the name of person who shall have lodged or slept in his house on the previous night, together with the number of the room in which such person shall have lodged or slept, and every such book shall be open at all times to the inspection of all members of the Council, their officers, or to any Police Officer or police or other constable.

Notice of number of lodgers.

39. A keeper shall not at any one time receive or cause or suffer to be received into a common lodging house or into any room thereof a greater number of lodgers than shall be fixed by specified by the Town Clerk and specified in a notice according to the form in the Fourth Schedule hereto which shall be duly served upon or delivered to such keeper, and the said notice shall continue in force until the number so fixed and specified shall be varied by the Town Clerk.

Variation of number of lodgers.

40. (1) The Town Clerk with the approval of the Council may, from time to time in any case where it is considered expedient so to do, vary the number of lodgers fixed by him to be received into any common lodging house or into any room therein, and may from time to time cause to be duly served upon or delivered to the keeper of such house a notice of such variation and such keeper shall not at any one time after the date specified in such notice receive or cause or suffer to be received into such house or into any room therein a greater number of lodgers than shall be specified in such notice, and such notice shall continue in

force until the number of lodgers so fixed and specified therein shall be further varied.

(2) Every notice referred to in this or in the last preceding by-law shall be exhibited in some public and conspicuous place in the common lodging house by the keeper thereof, and a duplicate thereof shall be kept and filed by the Town Clerk in his office, and the notice or duplicate thereof shall be *prima facie* evidence of the matters contained therein.

Segregation of sexes.

41. A keeper shall not, except in the case of a married couple, allow persons of opposite sexes above ten years of age to occupy the same sleeping apartment.

Cleansing of yard, etc.

42. A keeper shall cause every yard or other open space within the curtilage of the premises to be maintained at all times in good order and to be thoroughly cleansed as often as may be necessary for keeping such yard or other open space in a clean and sanitary condition.

Cleansing of rooms, etc.

43. Every keeper shall as often as may be necessary to keep them in a clean and wholesome state, cause all rooms, passages, stairs, floors, windows, doors and walls of a common lodging house to be thoroughly cleansed and freed from vermin, and shall also cause the floors of every room, passage and staircase to be thoroughly swept daily before the hour of eight in the forenoon and to be well and sufficiently washed at least once in each week.

Cleansing of bed-clothes, etc.

44. Every keeper shall cause all bed-clothes and bedding used in such house to be thoroughly cleansed, from time to time, as often as shall be necessary for the purpose of keeping such bed-clothes and bedding in a clean and wholesome condition.

Removal of

45. Every keeper shall cause all solid or liquid filth or

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refuse, etc. refuse to be removed once at least in every day before the hour of eight in the forenoon from every room therein, and shall once at least in every day cause every vessel, utensil or other receptacle for such filth or refuse to be thoroughly cleansed.

Provision of running water. **46.** Every keeper shall provide the same with such a supply of both rain and lamaha water as may be approved by the Medical Officer.

Cleansing of water-closets. **47.** (1) Every keeper shall cause the seat, floor and walls of every water-closet belonging to such house to be thoroughly cleansed, often as may be necessary for the purpose of keeping such seat, floor and walls in a clean and wholesome condition.

(2) Every keeper shall cause every part of the structure of every water-closet belonging to such house to be maintained at all times in good order, and every part of the apparatus of such water-closet and every drain or means of drainage with which such water-closet may communicate, to be maintained at all times in good order and efficient action.

Provision of receptacles for house refuse. **48.** Every keeper shall provide at least one receptacle for house refuse to every sixteen lodgers and every such receptacle shall be if a capacity not exceeding three cubic feet, and shall be provided with a suitable cover, and shall at all times be kept in good repair and covered while in use.

Ventilation of living rooms. **49.** Every keeper shall cause every room or part of any building occupied as a living room in a common lodging house to be ventilated directly to the outside air where possible on at least two sides and to be provided with such and so many openings as the Medical Officer shall deem sufficient to ensure adequate ventilation of and access of light to every such room or part of the building, and shall cause every such means of ventilation to be maintained at all times

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in good order and efficient action.

Ventilation of living rooms.

50. Every keeper shall cause every window in every room in such house which may be appointed for use and occupation as a sleeping apartment to be opened and kept fully opened for two hours at least in the forenoon and for two hours at least in the afternoon of every day, except in inclement weather or when a room is occupied by a sick person.

Airing of bed-clothes

51. Every keeper shall cause the bed-clothes of every bed in such house to be removed from such bed as soon as conveniently may be after such bed shall have been vacated by any lodger, and shall cause all such bed-clothes and such bed to be freely exposed to the air for two hours at least in the forenoon or for two hours at least in the forenoon or for two hours at least in the afternoon of every day.

Precautions against infectious disease.

52. Every keeper immediately after he shall have informed or shall have ascertained that any lodger in such house is ill of any infectious disease, shall adopt all such precautions as may be necessary to prevent the spread of such infectious disease.

Precautions against infectious disease.

53. Such keeper shall not, at any time while such lodger is suffering from such infectious disease, cause or allow any other person, except the wife or one other relative of such lodger, or except a person in attendance on such lodger, to use or occupy the same room as such lodger.

Precautions against infectious disease.

54. Where, in consequence of the illness of such lodger, there may be reasonable grounds for apprehending the spread of infection through the admission of lodgers to any room or rooms in such house or through the admission to such room or rooms of the maximum number of lodgers authorised to be received therein, such keeper, after being furnished with the necessary instructions from the Medical Officer, and until the grounds for apprehending the spread of

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infection have been removed, shall cease to receive any lodger in such room or rooms, or shall receive therein such number of lodger, being less than the maximum number, as the exigencies of the case may require.

Precautions
against
infectious
disease.

55. Such keeper shall, immediately after the death, removal or recovery of any lodger who may have been ill of any infectious disease, give written notice thereof to the Medical Officer, and shall as soon as conveniently may be, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected, and shall also cause every article in such room which may be liable to retain infection to be in like manner cleansed and disinfected, unless the Medical Officer shall have ordered the same to be destroyed. The keeper shall comply with all instructions of the Medical Officer as to the proper cleansing and disinfection of the room and articles.

Precautions
against
infectious
disease.

56. When the same shall have been thoroughly cleansed and disinfected in accordance with such instructions, he shall give written notice thereof to the Medical Officer; and until two days from the giving of such notice shall have elapsed, and unless and until by such cleansing and disinfection the necessary precaution for preventing the spread of infection shall have been duly taken, such keeper shall not cause or suffer any ether lodger to be received into the room which, in the case hereinbefore specified, may have been exposed to infection.

Kitchens not to
be used as
sleeping
apartments.

57. The keeper shall not, at any time, cause or suffer any room which may be appointed for use as a kitchen or scullery to be used or occupied as a sleeping apartment.

Duty of keeper
to affix notices
outside room.

58. (1) Every keep on receiving from the Town Clerk a notice or placard wherein shall be stated the description or number of the room to which such notice or placard may apply, and the maximum number of lodgers authorised to be received at any one time in such room, shall affix and keep

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affixed such notice or placard or other notices of the identical words and figures in a conspicuous position inside and outside of such room, and in such a manner that the words and figures may in such notice or placard may be clearly and distinctly visible.

(2) No keeper or other person whosoever shall at any time wilfully conceal, deface or obliterate any letter or figure in such notice or placard, or shall wilfully or carelessly injure or destroy such notice or placard.

Exhibition of
by-laws in
common
lodging houses.

59. (1) Every keeper on receiving from the Town Clerk for the purpose of exhibition in such house or any room therein, a copy or copies of any regulation or regulations for the time being in force with respect to common lodging houses, shall affix and keep affixed such copy or copies in a suitable and conspicuous position in such house, or in such room, and in such manner that the contents of such copy or copies may be clearly and distinctly visible.

(2) No keeper wilfully or other person whosoever shall at any time wilfully conceal, deface, alter, or obliterate any part of the contents of such copy or copies, or wilfully or carelessly injure or destroy such copy or copies.

Right of access
to common
lodging house
in favour of
officers, etc.
[By-laws
16/1999]

60. The keeper and every person having or acting in the care or management thereof, shall at all times when required by any member or officer of the Council, or Police Officer, town or police constable, give him free access to such house and to every part thereof, and shall not wilfully obstruct or cause or permit to be obstructed any such member or officer, and every such lodging house shall by inspected by the Medical Officer or his officers not less than once per month, and, in addition thereto, a general inspection of all lodging houses shall be made during the month of December in each year for the purpose of determining whether such houses shall be retained on the "Register of Common Lodging Houses" and for which general inspection every keeper shall

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pay to the Town Clerk previous to such inspection the sum of one hundred dollars.

Removal of
common
lodging houses
from the
register for
certain causes.

61. If the Town Clerk shall be of opinion that any common lodging house on the register shall cease to be suitable for the purpose intended or that any such common lodging house, by reason of its location, its want of necessary arrangements or conveniences whether sanitary or otherwise, or other sufficient cause ought not to remain on the register, or if it shall appear to the Town Clerk that such lodging house has been or is being used or employed by the keeper for any unlawful, immoral or improper purpose, or if the keeper shall suffer a third conviction before the magistrate for any breach of these by-laws, the Town Clerk upon a resolution of the Council shall remove such common lodging house from the register of common lodging houses and thereafter it shall not be lawful for any person without a new registration to open, keep, or carry on any common lodging house on the said premises or for a keeper who has been so convicted to carry on a common lodging house.

Representation
s by Medical
Office, etc. as to
unfitness of
lodging house.

62. The Town Clerk shall, upon representation being made in writing by the Medical Officer or other officer of the Council or by any Police Officer or any constable or by any six citizens not being any of the officials herein mentioned against the continuation on the register of common lodging houses of any common lodging house, place such representations before the Council and also give notice of such representations to the keeper of such common lodging house in order that such keeper may be heard in defence before the Council.

Registration of
eating houses.
[By-laws
16/1999]

63. (1) It shall not be lawful for any person to establish or keep an eating-house unless the same is registered with the Town Clerk.

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(2) The Medical Officer or other officer of the Council duly authorised in this behalf shall, for the purpose of registration, classify the eating-houses in the City into four classes, namely Class A, Class B, Class C, or Class D.

(2A) The Town Clerk shall charge the owner of every eating-house and pay into the Town Funds in respect of the first registration and thereafter each renewal of each registered eating-house, a payment of three dollars per sq. foot per annum for the superficial floor space utilised in the operation of the eating house.

(3) Every registration shall expire at the end of each calendar year but shall be renewable by the Town Clerk from year to year as from the 1st January.

(4) The Town Clerk shall keep and from time to time revise and correct the register.

Right of
Medical Officer
to examine
pots, etc.

64. It shall be lawful for the Medical Officer to examine all pots, pans, plates, dishes, cups, glasses, or other utensils used in any eating-house for the purpose of ascertaining the state of cleanliness thereof.

Obstruction of
Officer.

65. Any person who hinders, impedes or obstructs the Medical Officer in performing any duty under these by-laws shall be guilty of an offence against these by-laws.

Cleansing of
eating-house.

66. The keeper of any eating-house shall as often as may be necessary to keep them in a clean and wholesome state sweep, scrub, clean, disinfect or fumigate the walls and floors of the same and shall; whenever it may be reasonably necessary, sterilize any receptacle, instrument or appliance used for the purpose of preparing or serving any food or drink.

Provision of
running water.

67. The keeper of an eating-house, shall keep continuously a supply of clean running water when required

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for the purpose of washing and cleansing all pots, pans, plates, dishes, glasses or other receptacles, instruments and appliances used for the purpose of preparing or serving food in an eating-house.

Solution for
sterilizing
utensils.

68. Where so required by writing under the hand of the Medical Officer the keeper of a of an eating-house shall in addition to such supply of clean running water provide and use a solution of such a kind as may be prescribed by the Medical Officer for the purpose of cleansing or sterilizing any drinking glass, cup, receptacle, instrument or appliance used in an eating-house.

Protection of
food from
contamination.

69. The owner of any eating-house shall take steps to ensure that all articles of food intended, exposed or offered for sale for human consumption are at all times properly protected from contamination by the use of cupboards, bins, boxes, barrels or other containers with suitable covers or door and all such cupboards, binds, boxes, barrels or other containers shall at all times be maintained and kept in a clean state and in good repair to the satisfaction of the Medical Officer.

Prohibition
against
employment of
diseased
persons.
[By-laws
1/1989]

70. (1) The owner of any eating-house shall not employ any person suffering from any infectious disease, nor shall any such person engage in any employment in any eating-house.

(2) It shall be the duty of such owners to report forthwith to the Medical Officer the occurrence of any infectious disease or of any disease the symptoms of which may raise a reasonable suspicion that it may be an infectious disease in any person entering in or employed or occupied in any eating-house.

(3) The owner of any eating-house shall not employ any person, nor shall any person engage in any employment in any eating-house, unless such person has

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been medically examined by a duly registered medical officer at least once in a period of not more than six (6) months in any calendar year.

(4) Every person who is engaged in any employment in any eating-house shall in so doing wear a clean apron or overall and headwear.

Cleansing of walls, etc.

71. The Medical Officer may order the owner to paint or lime-wash the inner and outer walls, ceilings, doors, windows, partitions and all fixtures, counters and shelves of any eating-house, when in the opinion of the Medical Officer such painting or lime-washing is necessary to keep such premises in a clean and wholesome condition.

Collection and disposal of house refuse.

72. The owner of every eating-house shall cause all refuse and waste matter to be collected from such eating-house and deposited in a covered movable metal receptacle or wooden box lined with tin not exceeding twelve cubic feet in capacity and shall cause all such refuse and waste matter to be removed from the premises as often as may be necessary to the satisfaction of the Medical Officer.

Prohibition against cooking unwholesome food.

73. The keeper of an eating-house shall not cook or serve up to the public any unwholesome food or drink and he shall not prepare or cook or offer to any customer the flesh of any animal eaten or used by the public in Guyana.

Structural alteration of eating-house.

74. The Medical Officer may by notice in writing require any alteration to the structure or to the internal arrangement of an eating-house which he may consider necessary for the convenience and sanitation of the eating-house and every keeper of an eating-house who fails to carry out any such alteration shall be guilty of an offence on every day after the expiration of a reasonable period stated in the said notice.

Refusal to re-register

75. Where it is certified to the Council by the Medical

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insanitary
eating-house.

Officer that any eating-house registered under these by-laws has not been kept in a sanitary condition the Town Clerk on a resolution of the Council shall refuse to renew the registration of such eating-house or may cancel any existing registration thereof.

Closing of
insanitary
eating-house.
[By-laws
1/1989]

76. The Town Clerk shall make an order directing that any eating-house, which may be deemed by the Medical Officer an unhealthy, insanitary or undesirable eating-house shall be closed upon a date specified in a notice in writing giving such a direction and thereafter if the keeper of such eating-house shall keep open such eating-house, he shall be guilty of an offence on every day during which he shall do so after the said date.

PART V

PROVISIONS RELATING TO SLAUGHTER-HOUSES AND COLD STORES

Licensing of
private
slaughter
houses.

77. (1) The Town Clerk, on a resolution of the Council, shall license as a "private slaughter-house" any premises which may be approved by the Council and thereafter it shall be lawful for the person in whose name such licence is granted to slaughter any animal therein for the sole purpose of any industry carried on by him.

(2) Every applicant for such a licence shall on his application to the Council produce to the Town Clerk –

- (a) a certificate from the City Engineer that the building proposed to be used as a private slaughter-house is in all respects properly constructed, equipped, and suitable for the purpose; and
- (b) a certificate from the Medical Officer

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Notice of intention to slaughter in private slaughter-house.

that the slaughter of animals can be carried out in such building under the best sanitary and public health conditions.

78. (1) A licensee shall give twenty-four hours' notice to the Medical Officer of his intention to slaughter any animal, and such person shall not slaughter or permit to be slaughtered any animal until the same has been examined and passed for slaughter by the Medical Officer or the Meat and Food Inspector.

(2) A licensee shall not remove any fresh meat from the room or place where the animal was slaughtered until it has been inspected and approved by the Medical Officer or the Meat and Food Inspector.

(3) A licensee shall remove or cause to be removed from a private slaughter- house the skins or hides of all animals slaughtered therein within twelve house after such animals have been slaughtered.

Cancellation of licences

79. The Town Clerk shall on a resolution of the Council cancel any licence issued to any licensee and thereafter such person shall not slaughter any animal on the premises previously licensed as a private slaughter-house.

Employment only of examined persons.

80. (1) The licensee shall employ therein only such persons as may be authorised by the Medical Officer to work in a private slaughter-house.

(2) Every such person authorised to work in a private slaughter-house shall present himself to the Medical Officer for examination once in every three months.

Killing other than in slaughter-house

81. No person shall kill or slaughter any animal for human consumption at any place other than in a slaughter-house established by the Council, or at a private slaughter-

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prohibited. house:

[By-laws

4/1957]

Provided that any person of the Mohammedan faith may, with the previous permission of the Medical Officer who is hereby authorised to issue the same and to take the necessary precaution for the inspection and slaughter thereof, slaughter any animal by way of religious sacrifice on premises used as a Mohammedan mosque.

Notice of
slaughter by
Mohammedan.
[By-laws
4/1957]

82. Every person of the Mohammedan faith who proposes to slaughter any animal by way of sacrifice as aforesaid shall give forty-eight hours' notice in writing to the Medical Officer and shall pay the appropriate fees as prescribed by by-law 84(1), for the inspection of such animal and its carcass.

Landing of
animals at
stelling and
fees payable in
respect thereof.
[By-laws
16/1999]

83. (1) A licensee may land at any stage or stelling attached to a private slaughter-house any animals to be slaughtered at such slaughter-house.

(2) A licensee shall pay to the Town Clerk for landing every animal at any such stage or stelling the following landing fees –

For every Bull	40 dollars
" " Ox	"
" " Cow	"
" " Steer	"
" " Heifer	"
" " Animal (over 150 lbs.)			"
" " Calf weighing under 150 lbs.					"
" " Sheep	20 dollars
" " Goat	"
" " Lamb	"
" " Kid	"

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" "	Swine	20 "	each.
" "	Turtle	" "	
" "	Game	" "	

(3) A licensee shall pay to the Town Clerk on the 1st day of each month the landing fees due in respect of all animals landed as aforesaid during the preceding month as shown by the register hereinafter provided for.

Fees payable in respect of slaughter of animals and keeping of register.

[By-laws
16/1999]

84. (1) A licensee shall pay to the Town Clerk in respect of the slaughter of each animal by him the following fees –

For every Bull	\$500 dollars
" " Ox	" "
" " Cow	" "
" " Steer	" "
" " Animal (over 150 lbs.)				...	" "
" " Calf weighing under 150 lbs.					\$400 dollars
" " Sheep	" "
" " Goat	" "
" " Lamb	" "
" " Kid	" "
" " Swine weighing over 20lbs. (alive)					\$300 " each
Swine weighing under 20lbs. (alive)					\$200 " each
Each Turtle	\$100 dollars

(2) A licensee shall keep a register in which he shall enter correct particulars as the kind, sex, colour, marks, brand, place of origin, person from whom obtained, date of arrival at slaughter-house or adjoining place, and other sufficient description of every animal received by him in a licensed slaughter-house or on any premises adjoining such slaughter-house, and he shall also enter or cause to be entered therein correct particulars of the same nature respecting every animal slaughtered by him in a private slaughter-house.

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(3) Every person who wilfully, negligently, or fraudulently enters or causes to be entered in any such register any incorrect particulars shall be guilty of an offence against these by-laws and on conviction thereof shall be liable to a fine of five thousand dollars for the first offence and ten thousand dollars for any subsequent offence and in addition the magistrate may order the cancellation of his licence by the Town Clerk, who shall give effect to such order.

(4) The Town Clerk, Medical Officer, or Meat and Food Inspector or any other officer of the Council authorised by the Town Clerk in that behalf may at all times inspect the register and make extracts therefrom.

(5) The Town Clerk may require any licensee to furnish him with an extract of any particulars entered by or on behalf of the licensee in the said register.

(6) A licensee shall pay to the Town Clerk on the first day of each month the fees due in respect of all animals appearing from the said register to have been slaughtered by him during the preceding month.

Disposal of viscera.

85. Nothing in these by-laws contained shall be construed to prevent a licensee from carrying on a trade in selling or disposing of the organs, viscera or other parts of an animal unsuitable for the purpose of the industry carried on by him.

Certificate for admission of carcass to slaughter-house.

86. (1) The body of a dead animal or the carcass, or any of the organs or viscera of an animal, shall not be admitted into any slaughter-house unless accompanied by—

- (a) a certificate by the Meat Inspector that it has been inspected in accordance with these by-laws and passed by him as fit for human consumption; or

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(b) a certificate by a Veterinary Surgeon that the animal has not died of any disease notifiable under the provisions of any Act.

(2) On any moribund animal being admitted into a slaughter-house, the persons in charge shall immediately notify the same to the Medical Officer.

Protection of food product from contamination.

87. No person shall keep or store in any stable, byre or other premises in which live animals are kept, or in any room or apartment in any premises that is used as a living room or sleeping room or in any premises that are not kept in a clean and sanitary condition, any meat or meat food product intended for sale for human consumption.

Instructions to Meat Inspector and slaughterers.

88. (1) The Meat Inspector and every other person authorised to make inspection of meat intended for human consumption shall when inspecting the carcasses, organs and viscera of any animal comply with any instructions given by the Council in that behalf.

(2) Every person engaged in the work of slaughtering animals or of dressing the carcasses, organs or viscera of any animal shall comply with any instructions given by the Council in that behalf.

(3) All instructions given by the Council shall be in writing signed by the Town Clerk and communicated to all persons concerned. Copies thereof shall be exhibited in every slaughter-house, private or belonging to the Council.

Examination of slaughterers and dressers.

89. Every slaughterer or other person engaged in slaughtering any animal at a slaughter-house established by the Council or in such dressing the carcasses, organs or viscera of such animals shall be examined once in every three months by the Medical Officer and no slaughterer or other

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person shall engage himself as aforesaid unless he has been so examined and has obtained Medical Officer authorising him to engage him as aforesaid.

Licensing of cold stores.

90. (1) It shall not be lawful for any person to establish or maintain any cold stores or any premises or places for salting, pickling, packing, canning or preserving any meat without having first obtained from the Council a licence for that purpose.

(2) The Town Clerk upon a resolution of the Council shall grant a licence to establish or maintain any cold stores or any premises or places for any of the aforesaid purposes, and such licence may be granted for such period, upon such conditions, and upon payment of such fees as the Council may from time to time by resolution direct.

Form and contents of such licence.

91. Every licence issued under this part of these by-laws shall be under the hand of the Town Clerk and shall state the period during which such licence shall remain in force and the conditions upon which it is granted.

Prohibition against selling fresh meat, etc., from cold stores.

92. It shall not be lawful for any licensee of any cold stores to sell any fresh meat or fish at or from such cold stores except for delivery to any ship or vessel or unless granted a licence as provided in the following by-laws.

Licence to sell fresh meat, etc., from cold stores.

93. The Town Clerk on a resolution of the Council shall grant to the licensee of any cold stores a licence to sell fresh meat or fresh fish at or from such cold stores, and such licences may be granted for such period and subject to such conditions and to the payment of such fees as may from time to time be directed by the Council.

Form and contents of such licence.

94. Every licence granted under this part of the by-laws to sell fresh meat or fresh fish at or from any licensed cold stores shall be under the hand of the Town Clerk and shall state the period during which such licences shall remain in

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force and the conditions upon which it is granted.

Definition of
sale from cold
stores.

95. Any fresh meat or fresh fish delivered from any cold stores whether such delivery be made in pursuance of a contract of sale or otherwise (except such fresh meat or fresh fish as may be delivered at or for sale at any premises licensed for the sale of fresh meat or fresh fish or to a ship or vessel or at any market in the City) shall be deemed to be sold within the meaning of these by-laws.

Sanitation in
cold stores and
returns to
deliveries
therefrom.

96. (1) The Medical Officer may give such instructions as he may think proper for enforcing cleanliness in all cold stores or in any premises or places used for salting, pickling, packing, canning or preserving meat, and he may fix the hours during which any fresh meat or fresh fish may be delivered therefrom.

(2) The licensee shall make such returns as to the quantities and the description of any fresh meat or fresh fish from time to time received into any cold stores and from time to time delivered therefrom, and as to the destination of any fresh meat or fresh fish from time to time delivered therefrom, as the Medical Officer may require.

Quarterly
inspection of
cold stores.
[By-laws
16/1999]

97. (1) A licensee who establishes or maintains and cold stores or any premises or place where he salts, pickles, packs, cans or preserves in any manner the carcass, flesh, or meat of any animal, shall procure the same to be examined and inspected at least once every three months by the Medical Officer or by the Meat and Food Inspector.

(2) Such licensee shall pay to the Town Clerk for every such examination and inspection the sum of five hundred dollars.

Inspection of
private
slaughter-
house, etc.

98. The Medical Officer or any sanitary inspector in his department specially authorised in that behalf by the Medical Officer may any time enter and inspect a private

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slaughter-house, or any cold stores or any premises or place used for salting, pickling, packing, canning, or preserving any meat, and a person in charge of any such place shall give effect to any instructions of the Medical Officer given in relation to such slaughter-house, cold stores or other premises or place and its appurtenances.

Selling, offering
for sale, etc.
[By-laws
4/1957]

99. No person shall sell, offer, or expose for sale or keep for sale any fresh meat intended for human consumption unless the same has been previously inspected and passed as fit for such purpose by the Medical Officer or the Meat and Food Inspector, or any other person authorised by the Medical Officer with the approval of the Council for the purpose of inspecting meat and food.

PART VI

GENERAL PROVISIONS

Power to
require
installation of
sanitary
convenience.

100. (1) The Medical Officer may by a notice in writing under his hand require the keeper of a common lodging-house or an eating-house to install such and so many water-closets, urinals or other sanitary provision as he may consider necessary for the convenience of persons frequenting the common lodging- house or the eating-house.

(2) Every keeper of a common lodging- house or of an eating-house who fails to comply with any such requirement shall be guilty of an offence on every day after the expiration of such reasonable time as may be prescribed in the said notice for the said water-closets, urinals or other sanitary provisions to be installed.

Appeal to
Council in case
of deprivation
of rights.

101. (1) In every case in which any person may be deprived under these by-laws of the right to carry on any barber's shop, common lodging-house or eating-house for any sufficient reason, such person shall be entitled to show cause before the Council why he should not be deprived of

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such right.

(2) In every such case the Town Clerk shall give seven days' of his intention to bring before the Council any representations against such person or his barber's shop, common lodging-house or eating-house and within seven days after being so served with the said notice, the person to be affected shall lodge with the Town Clerk the grounds upon which he proposes to resist the said deprivation.

(3) Upon notice of a day fixed for hearing of the representations and any objections thereto the person affected may appear before the Council to be heard orally if he so desires.

Supervision of hackney carriages.

102. Every hackney carriage shall be under the supervision of some officer appointed by the Council on whose certificate of fitness the Town Clerk shall issue licences to the driver thereof:

c. 51:02

Provided that where the hackney carriage is a motor vehicle, the Town Clerk shall not issue a licence unless a certificate of fitness then in force under section 14 of the Motor Vehicles and Road Traffic Act, or any provision substituted therefor, is produced to him.

Hackney
carriage fares.
[By-laws
4/9/1941]

103. No person shall charge for the hire of a hackney carriage for a journey within the City any fare in excess of the following—

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- (c) for each period of fifteen minutes, or part first fifteen minutes irrespective of the number of passengers 36 cents

Hackney carriage fares for children and other provisions.

104. (1) No fare shall be charged for any child under three years of age and two children under the age of twelve years shall be deemed one person.

(2) Between the hours of 9 o'clock, p.m. and 6 o'clock, a.m. daily, the foregoing fares shall be increased by one-half.

(3) Nothing herein contained shall be deemed to preclude the passenger and the driver from entering into any special agreement relating to the hire of any hackney carriage.

Hackney carriage plates.
c. 1:02
Fifth Schedule

105. Every hackney carriage which is mechanically propelled shall, in addition to the identification mark required by the Motor Vehicles and Road Traffic Act, display directly above such number plate a mark of the dimensions and form set out in these by-laws.

Definition of hackney carriage.

106. The expression "hackney carriage" in any by-law made in pursuance of the Georgetown Town Council Act, or any amendment thereof, shall have the meaning given thereto in by-law 3 hereof.

Provisions of maintaining air spaces, etc.

107. (1) No person shall keep or permit to be kept on any land in the City any cultivation plot or garden in which the plants or other growing things are in the opinion of the Medical Officer so dense as to shut out the light or air from the soil below or from any adjoining land.

(2) No person shall grow on any land in the City any plantain, banana, or other tall trees in groups or clusters in such a manner as is likely in the opinion of the Medical Officer to cause the breeding of mosquitoes or to impede the

penetration of the sun's rays into the soil below or on to any adjoining land.

(3) No person shall use any land in the City solely for the purpose of a farm or cultivation plot.

Provision for removal of blind corners.

108. Where any tree, hedge, shrub or any other thing upon any private land at or near any corner or bend, obstructs the clear view of drivers of vehicles the City Engineer shall serve a notice on the owner or occupier of such private land requiring him to lop or cut the tree, hedge or shrub or remove such other thing within seven days so as to prevent such obstruction, and in default of compliance the City Engineer shall carry out the requisition of his notice and the Town Clerk shall recover as civil debt the cost from the owner or occupier upon whom the notice was served.

Prohibition against dangerous things suspended over public places.

109. Every person who erects or places anything against or in front of any house, building, or shed, which insecurely or inconveniently fixed, or of the defective construction thereof, is a source of danger to persons lawfully using a street or pavement, shall be guilty of an offence against these by-laws.

Verminous houses.

110. (1) If it appears to the Medical Officer that any premises are infested with vermin, he shall give written notice to the occupier of the premises, or if the premises be vacant, to the owner of the premises, requiring him within a period specified in the notice to cleanse the premises, and the notice may require, among other things, the removal of wallpaper or other covering on the walls, and the taking of such other steps as the Medical Officer may require for the purpose of destroying or removing vermin:

Provided that, when any work required by the notice is work which affects the removal of any portion of the structure of such premises, the notice requiring the work to

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be done shall be given to the owner only.

(2) If the person on whom a notice under this by-law is served fails within the period specified in the notice to comply with the requirements thereof, he shall be guilty of an offence against these by-laws and in addition to any penalty imposed therefor shall be liable to a fine of fifteen dollars, for each day during which the failure shall continue after the expiration of the period specified in the notice and the Medical Officer may, after the expiration of the said period, himself carry out the work required by the notice, and the Town Clerk shall recover the reasonable costs and expenses incurred by him as a civil debt from that person.

(3) If any person, upon whom a notice is served under this by-law, deems himself aggrieved by the requirements of the notice, he may within fourteen days after the service of the notice, appeal to the Council and any order made by the Council shall be binding and conclusive on all parties.

(4) In this by-law and in by-law 111 "premises" means any building, room, or tenement used for human habitation; "owner" means the landlord or other person receiving the rents and profits of the premises or the person who controls the premises; "occupier" means the person who actually inhabits any premises or the head of any family inhabiting the premises.

Verminous
premises.

111. If it appears to the Medical Officer that any articles in any premises are infested with vermin, or by reason of their having been used by, or having been in contact with, any person infested with vermin are likely to be so infested, he may at the expense of the Council cause such articles to be cleansed, disinfected, or destroyed, and if necessary for that purpose to be removed from the premises.

Protection of food from contamination.

112. (1) No sanitary convenience shall be in any room in which food is prepared for sale, or in which any food is sold or kept with a view to future sale, or shall communicate directly therewith, or shall be so placed that offensive odours therefrom can penetrate the room.

(2) No cistern for the supply of water to such room shall be in direct communication with or discharge directly into any sanitary convenience.

(3) No outlet for the ventilation of any drain shall be in such room, and if there is in such room any inlet or opening into any drain, that inlet or opening shall be efficiently trapped.

(4) Such a room shall not be used as a sleeping-place and no sleeping-place shall communicate directly with such a room in such manner as to cause unreasonable risk of contamination to food in such room.

(5) Such a room shall, except in the case of a room used as a cold store, be adequately ventilated.

(6) The occupier of such a room shall cause the walls and ceiling of the room to be whitewashed, cleansed, or purified as often as may be necessary to keep them in a clean state.

(7) The occupier of such a room shall prevent any unnecessary accumulation or deposit of refuse or filth in the room.

(8) In this by-law—

"food" includes every article used for food or drink by man other than drugs or water, and any article which

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ordinarily enters into or is used in the composition or preparation of human food, and flavouring matters and condiments;

"room" includes any shop, shed, store, outbidding, or cellar;

"sanitary convenience" includes urinals, water-closets, baths, and any similar convenience.

Prohibition
against
expectoration
on streets.

113. Every person who expectorates in or upon pavement, or other public place shall be guilty of an offence against these by-laws.

Right of entry
into clubs, etc.

114. (1) It shall be lawful for any member of the Council, the Medical Officer, or the City Engineer, or any road overseer employed by the Council, to enter into or upon any yard or the building or the grounds of any club or other place to which numbers of persons resort as customers, invitees, or members of a society or other organisation, to view or inspect the sanitary or other condition or the state of repair of any building connected with such yard, club or other place.

(2) Every person who obstructs, impedes, or assaults any person empowered by this by-law to make such entry shall be guilty of an offence against these by-laws.

Right of entry
into private
houses.

115. (1) If the Medical Officer shall certify in writing to the Town Clerk that in his opinion it is necessary in the interest of public health that the Medical Officer or some person authorised by him should inspect the inside of any building used for human habitation or for any other purpose whatsoever, the Town Clerk shall issue an order in writing addressed to the owner or occupier of such building requiring him to admit the Medical Officer or such authorised person within any part of the interior of such building.

(2) The owner or occupier and every other inmate of such building shall on presentation to him of such order admit the Medical Officer or such authorised person to the interior of such building or of any room therein as required by the Medical Officer or such authorised person.

(3) The authority given by the Medical Officer to any other person to inspect the inside of any building shall be in writing under the hand of the Medical Officer.

(4) No order to admit made under this by-law shall require the person to whom it is addressed to admit the Medical Officer or such authorised person before the hour of eight o'clock in the forenoon or after the hour of six o'clock in the afternoon:

Provided that where an order to admit is for the purpose of ascertaining whether overcrowding exists the hours of entry shall be between 8 o'clock a.m. and 10 o'clock p.m.

(5) If the Medical Officer or such authorised person shall be guilty of any offensive behaviour towards any occupier or inmate while entering into or inspecting such building, he shall be guilty of an offence against these by-laws.

(6) Every person who obstructs, impedes, or assaults the Medical Officer or such authorised person in the execution of his duty under this by-laws shall be guilty of an offence against these by-laws.

Offences and
penalties.

116. (1) Every person who fails to do any act or thing enjoined by these by-laws, and every person who does any act or thing forbidden by these by-laws shall be guilty of an offence against these by-laws.

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(2) Any person who is guilty of an offence against any of these by-laws shall, where no other specific penalty has been provided by these by-laws for such offence, be liable to a fine of ten thousand dollars or three months' imprisonment and in case of a continuing breach a further fine of one thousand dollars for each day of such continuance after a notice of the breach shall have been served by the Council.

By-law 22(1)

FIRST SCHEDULE

REGISTER OF BARBERS' SHOPS

(The City Government By-laws)

Date of registration	Name of owner and occupier	Locality of shop	When shop registered	Number of licenced barbers and names of such persons.

By-Law 22(2)

SECOND SCHEDULE

REGISTER OF BARBER

(The City Government By-laws)

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Date of registration	Name of barbers	Residence	Date when registered	Barbers' shop where employed.

By-law 39

THIRD SCHEDULE

REGISTER OF LODGERS

(The City Government By-laws)

Date when entry made	Name of Lodger	Number of Room in which he lodged	Date when arrived	Date when left	Remarks

By-law 105

FOURTH SCHEDULE

NOTICE TO KEEPER OF COMMON LODGING HOUSE

(The City Government By-laws)

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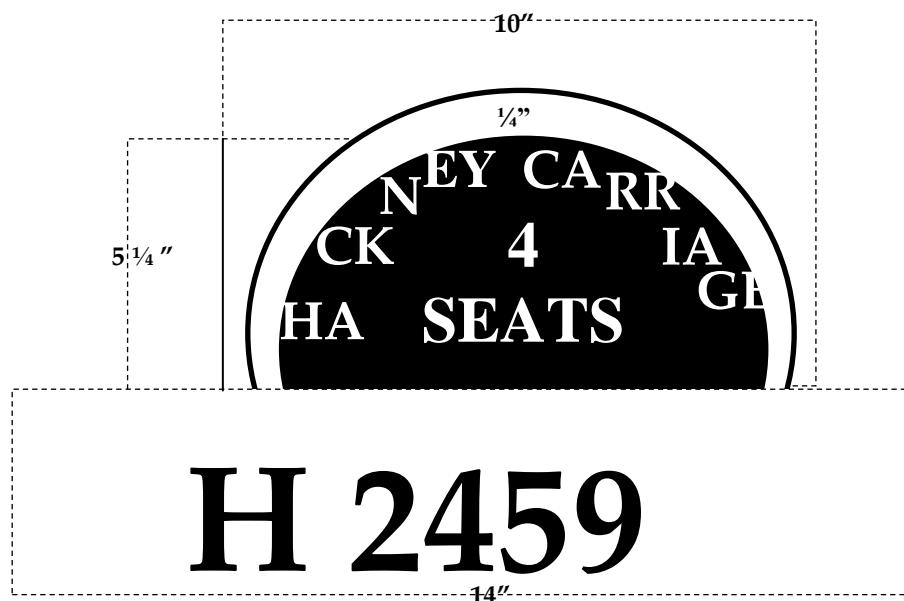
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Date	Name of common lodging house	Situation	Keeper	Total number of rooms	Number of lodgers to each room

By-law 105

FIFTH SCHEDULE
DIAGRAM OF MARK TO BE ATTACHED TO
IDENTIFICATION MARK
(*The City Government By-laws*)



SUBSIDIARY LEGISLATION

s.327(2)

THE NEW AMSTERDAM POUND NOTICE

(made under section 171 of the New Amsterdam Town Council Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the New Amsterdam Pound is hereby established at Mud Lot No. 1 Queenstown, New Amsterdam.

THE GEORGETOWN POUND NOTICE

Gaz. 17/6/1933
Nt. 885
s. 327(1)

(made under section 187 of the Georgetown Town Council Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the Georgetown Pound is hereby established at the New Municipal Abattoir, Water and New Market Streets in Georgetown.

Proc.
14/4/1932
s. 327(3)

THE VERGENOEGEN POUND NOTICE

made under section 2 of the Pounds Ordinance) deemed to have been made under section 287 of this Act.

A pound to be known as the Vergenoegen Pound is hereby established at Vergenoegen, Essequibo, and shall be maintained by the Local Authority of the Vergenoegen Country District.

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ARRANGEMENT OF BY-LAWS

BY-LAW

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2. Application of by-laws.
3. Interpretation.

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5. Council may prescribe routes for omnibuses travelling in the City.
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7. Use of streets by tractors, etc.
8. Right to stop persons violating by-laws,
9. Encumbering of pavements, etc.
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11. Racing animals on street.
12. Trespassing in alleyways.
13. Damaging of alleyways gates, etc.
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22. Register of barbers' shops.
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24. (1) Sanitation in barbers' shops.
(2) Sanitation in barbers' shops.
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26. Sterilization of barbers' tools, etc.
27. Sterilization of barbers' tools, etc.
28. Cleansing of barbers' hands.
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30. Precaution against contagious disease.
31. Precaution against contagious disease.
32. Inspection of barbers' shops.
33. Forbidding syphilitic barbers from performing work.
34. Fee for registration.
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36. Cancellation of registration.

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50. Ventilation of living rooms.
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52. Precautions against infectious disease.
53. Precautions against infectious disease.
54. Precautions against infectious disease.

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58. Duty of keeper to affix notices outside rooms.
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60. Right of access to common lodging house in favour of officers, etc.
61. Removal of common lodging houses from register for certain causes.
62. Representations by Medical Officer, etc., as to unfitness of lodging house.

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66. Cleansing of eating-house.
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69. Protection of food from contamination.
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101. Appeal to Council in case of deprivation of rights.

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102. Supervision of hackney carriages.
103. Hackney carriage fares.
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105. Hackney carriage plates.
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107. Provisions for maintaining air spaces, etc.
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110. Verminous houses.
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By-laws

15/1/1931

18/5/1934

4/9/1941

4/1945

1/1946

1/1956

4/1957

1/1968

4/1974

1/1989

16/1999

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made by the Council under section 206 and approved by the Governor in Council on the 15th January, 1931, and amended on the 18th May, 1934, 4th September, 1941, 10th December, 1945, 9th January, 1946, deemed to have been made under section 321 of this Act.

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Citation

1. These By-laws may be referred to as The City Government By-laws.

Application of by-laws

2. These By-laws shall apply throughout the city as defined by the Municipal and District Councils Act.

Interpretation.

[By-laws

18/5/1934

1/1952

1/1989]

3. In these By-laws—

"city omnibus" means any omnibus which operates within the City of Georgetown, the Kitty Village and the Vlissengen Public Road;

"Council" means the City Council;

"Country omnibus" means any omnibus which operates from or to the City of Georgetown and the Kitty Village to or from a point outside the City or Village;

"hackney carriage" means a carriage, cab, motor car, motor bus, or other motor vehicle, or other vehicle of any kind plying for hire from place to place in the City;

"infectious disease" means small-pox, chicken-pox, measles, cholera, diphtheria, membranous croup, plague, yellow fever, puerperal fever, scarlet fever, tuberculosis, and any other disease declared to be infectious by the Medical Officer;

"omnibus" means a. motor vehicle constructed and used for carrying not less than seven passengers for hire or reward as separate fares stage by stage or stopping to pick up or set down passengers along the line of route;

"parapet" means that portion of a public way lying between—

(a) the metalled street or roadway and a street drain, trench or canal; or

(b) a pavement adjoining a street or roadway and a trench or canal; or

(c) a street drain and any lot of land except where such portion of a public way is a pavement;

"Town Clerk". "City Engineer", and "Medical Officer" mean respectively the persons for the time being appointed by the Council to discharge the duties of the Town Clerk, the City Engineer and the Medical Officer of Health under the Municipal and District Councils Act;

'vehicle" means any motor car, lorry, tractor, carriage, cart, dray, van or other contrivance moving upon wheels whether propelled by electricity, motor or steam power or drawn by any animal whatsoever or by hand;

"water closet" means and includes the necessary pan, supporting base, fitting, cisterns and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for conveying sewage from one place to another but shall not include the inclosing structure.

In Part II hereof—

"barber" includes a "barber's assistant" and means the person who performs the work of shaving, hair-cutting, hair-dressing, hair-shingling, hair-pressing, manicuring, shampooing, face massaging or the like crafts;

"barber's shop" means any house, building, saloon, room or premises which any owner uses or intends to use as a place for the performance of any of the above-mentioned crafts for gain;

"owner" means the person who owns or carries on a barber's

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shop.

In Part III hereof—

"common lodging house," means a hotel, boarding or lodging-house, refuge, shelter or other lodging or sleeping place where a number of persons not being members of one and the same family may sleep or lodge on payment of money or in pursuance of *any* charitable or religious object:

Provided that this expression shall not include the residence of any community of priests or of the inmates of any convent conducted under the authority of any religious body;

"keeper" means the person registered as the keeper of a common lodging house.

In Part IV hereof –

"eating-house" means any building used as hotel, restaurant, café, luncheon-room, dining saloon, tea-shop or other place where food or drink for man is provided or prepared or served up for sale or distribution to members of the public generally and includes any place used for intinerant food business, such as, lunch baskets, food trays, cane juice mills, snow cone carts and ice cream vehicles;

"Medical Officer" includes any subordinate officer attached to his department who may be generally or in any particular case authorised by him to perform any duty under these by-laws.

In part V hereof —

"animal" means any bull, ox, cow, steer, heifer, calf, sheep,

lamb, goat, kid, hog, pig, swine, game, turtle;

"cold stores" means premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for the food of man;

"fresh meat" means meat of any bull, ox, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig, game, or turtle whether or not subjected to a refrigerating process but which has not been salted, preserved or treated by any chemical or other process;

"licensee" means the person authorised to establish a private slaughter-house in pursuance of these by-laws;

"private slaughter-house" means any abattoir, shambles or slaughter-house (not being a slaughter house established under the Georgetown (Abattoir) By-laws} licensed by the Town Clerk under these by-laws.

PART I

PROVISIONS RELATING TO STREETS AND OTHER PUBLIC

Council may
restrict use of
streets by
vehicles.
[By-laws
18/5/1934
1/1956]

4. (1) The Council may, by resolution to be published in the *Gazette* and in one daily newspaper circulating in the City, prohibit the use of any street or part of any street in the City by such type or types of vehicles as may be described in the resolution, and thereafter no person shall drive, propel, or haul over or upon any such street or such art of any street, any vehicle or the type or types so described except for the purpose of loading anything thereupon or delivering anything therefrom.

(2) Any vehicle of the type or types so prohibited may cross any such street or such part of any street when traversing a street which intersects any such street or such part of any street.

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(3) when any vehicles of the type or types so prohibited is driven, propelled, or hauled upon any such part of any street for the purpose of anything being loaded thereupon or being delivered therefrom such vehicle shall enter and leave such street by the nearest cross street leading to or from the place of loading or delivery.

Council may prescribe routes for omnibuses travelling in the City.
[By-laws
18/5/1934]

5. (1) The Council may, by resolution to be published in the *Gazette* and in one daily newspaper circulating in the City, prescribe the route or routes along which any city omnibus shall travel in the City and along which any country omnibus shall travel when in the City and thereafter no person shall drive, propel or haul any city or country omnibus over or upon any street or part of a street not being part of the route or routes so prescribed.

Provided that it shall be lawful for a person to drive, propel or haul any omnibus over or upon any street or part of a street not being part of a prescribed route or routes for the purpose of proceeding to or from a petrol filling station or a garage or a repair shop but in any such case the person driving, propelling, or hauling such omnibus shall not leave the prescribed route except at the point nearest such petrol filling station, garage or repair shop and shall not carry any person other than himself and the conductor thereof.

(2) No person shall drive, propel or haul any omnibus over or upon any prescribed route in the City unless such omnibus is registered with the Town Clerk to travel in and along such prescribed route.

(3) No person shall drive, propel or haul any omnibus in the City unless—

(a) there is fitted in conspicuous positions on the front and back of such omnibus a box or other approved device on which is painted on a white

background in black letters of at least 3½ inches in height and of a proportionate breadth so as to be clearly visible at all times –

- (i) in the case of a city omnibus the words "City Omnibus", and
 - (ii) in the case of a country omnibus the words "Country Omnibus", and
- (b) there is painted to the front and back or to the sides of such omnibus so as to be clearly visible at all times the names of the streets of the prescribed route in the City in and along which such omnibus is registered to travel. The letters and background shall be black and white, the letters to be not less than 3 inches high and of a proportionate breadth.

Weight of
vehicles on
certain streets.

6. It shall not be lawful for any person to drive or propel any vehicle the weight of which whether laden or unladen shall exceed three tons, along the following streets:

- (a) High Street extending from Lamaha Street to Young Street;
- (b) Main extending from Church Street to Lamaha Street.
- (c) Brickdam extending from Avenue of the Republic to Vlissengen Road.
- (d) Any other street or part of any other street

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which may be notified by the Town Clerk in a notice published in the *Gazette* and in one newspaper circulating in the City.

Provided that it shall be lawful for the City Engineer to grant special permission in writing to the driver of any such vehicle desiring to receive or discharge any load in any of the above-mentioned streets to enter thereon from the side street nearest to the place at which such load is to be received or discharged. On receipt or discharge of such load the driver of any such vehicle shall leave with the vehicle by way of the nearest side street.

Use of streets
by tractors,
etc.

7. (1) It shall not be lawful for any person to drive or propel any tractor fitted with caterpillar wheels or with wheels having a chain type track upon any street without obtaining a permit from the City Engineer specifying the streets over which such tractor shall travel, and the times during which such travelling shall take place.

(2) Before any such permit shall be given, the owner of any such tractor shall undertake in writing to pay the cost of repairing any damage that may be caused to any street by such tractor.

Right to stop
persons
violating by-
laws.

8. (1) It shall be lawful for any Councillor or any office of the Council, or town constable or Police Officer or constable to stop any person found committing a breach of any of the foregoing by-laws and to demand the name and address of such person.

(2) If any such person refuses to give his name and address when so demanded he may be arrested by any town constable or police constable or by any other person upon the order of any Councillor or officer of the Council or Police Officer and the vehicle concerned in the breach of any of the foregoing by-laws may be detained until such name and address be ascertained.

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Encumbering
of pavements,
etc.
[By-laws
1/1968]

9. It shall not be lawful for any person to carry on a pavement or foot-path any receptacle containing fish or greasy articles, or any bundle of wood, or other article likely to incommodate any other person to ride or lead any animal or ride or wheel a bicycle or drive a vehicle or push any hand-truck, wheelbarrow or other vehicle other than a perambulator containing a child along a pavement or foot-path or throw any dirty water or other fluid, fruit skins, seeds or other refuse on a pavement or foot-path.

Encumbering
of pavements,
etc.
[By-laws
4/1945
1/1968
4/1974]

10. (1) No person shall leave, place, or store, or cause to be left placed, or stored, any vehicle, cart, dray, barrel, box, dust-bin, tree trunk, branch, limb, or other thing upon any street, parapet, pavement or foot-path, or in any other way encumber any street, parapet or pavement, with any vehicle, cart, vehicle, cart, dray, barrel, box, dust-bin or other thing.

(2) The City Engineer shall have the power to remove any such vehicle, cart, dray, barrel, box, dust-bin, tree trunk, branch, limb or other thing whatsoever left, placed or stored contrary to paragraph (1), and the cost of removing any such thing may be recovered by the Town Clerk in a court of competent jurisdiction from any such person.

(3) Anything coming into the possession of the City Engineer by virtue of paragraph (2) and remaining unclaimed for the period of one month after the date of its removal may be sold or otherwise disposed of by the Council:

Provided that where it is reasonably necessary to effect a sale or disposal of such thing by reason of it being in a dangerous state or injurious to the health of human beings, animals or plant or by reason of it being of a perishable nature, the sale or disposal may be effected at such time as determined by the Council.

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(4) The Council may deduct from any proceeds obtained pursuant to the exercise of its powers under paragraph (3) any expenses properly incurred in effecting the removal and sale, or disposal, as the case may be, and any sum in excess of such expenses shall be retained by the Council for a period of three years and, if not lawfully claimed, be paid into the Consolidated Fund for the public use.

Racing animals
on street.

11. Every person who shall race any animal or vehicle along any street, or drive any animal or vehicle on any street recklessly or negligently or at a speed or in any manner which is dangerous to the public, shall be guilty of an offence against these by-laws.

Trespassing in
alleyways.

12. No person shall walk through or trespass in any alleyway under the control of the Council, and every person found in any such alleyway shall be deemed and dealt with as a trespasser within the meaning of the Summary Jurisdiction (Offences) Act, and may be apprehended without a warrant by a town constable, a rural constable, or by any other person upon the instructions of any councillor, or officer of the Council or Police Officer.

Damaging of
alleyway gates,
etc.

13. Every person who shall break, damage, or destroy any alley-way gate, or the lock, chain, or other appurtenance thereto or any fence or paling adjacent to any alleyway, shall be guilty of an offence against these by-laws.

Maintaining
boundary
fences.

14. (1) The owner of every lot adjacent to an alleyway shall erect and maintain in a fit state of repair a boundary fence or paling abutting the said alleyway.

(2) Every such boundary fence or paling shall be erected on and over a footboard at least twelve inches in height.

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Fouling of
alleyways.

15. Every person who shall foul any alleyway by throwing therein any filth, carcass, or other offensive matter or thing or shall permit any water other than storm water from the yard-surface or house roof to flow into any alleyway shall be guilty of an offence against these by-laws.

Regulating the
keeping of
pigeons.
[By-laws
16/1999]

16. Every person who keeps pigeons within the City shall restrain them within a properly enclosed area and shall not allow them to fly about the City or alight upon any building, vat or other water container and any person who commits a breach of this by-law shall be liable to a fine of four thousand dollars or to imprisonment not exceeding one month, and in case of any breach continuing after notice thereof shall have been given to such person by the Medical Officer to a fine of one thousand dollars for each day after such notice on which the breach may occur.

Control of
noises.

17. (1) No person shall use or permit to be used on any street any vehicle which causes any excessive noise either directly or indirectly a result of—

- (a) any defect (including a defect in design or construction), lack of repair or faulty adjustment in the vehicle or in any other vehicle drawn thereby or in any part or accessory of such vehicle or other vehicle drawn thereby; or
- (b) the faulty packing or adjustment of the load of such vehicle or other vehicle drawn thereby:

Provided that it shall be a good defend under this by-law—

- (i) to prove that the noise or continuance of the noise in respect of which the proceedings are taken was due to some temporary or accidental cause

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and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the vehicle; or

- (ii) in case of proceedings against the driver or person in charge of a vehicle who is not the owner thereof, to prove that the noise arose through a defect in design or construction of the vehicle, or through the negligence or fault of some other person whose duty it was to keep the vehicle driven or other vehicle drawn thereby in proper condition or in a proper state of repair or adjustment or properly to pack or adjust the load of such vehicle or other vehicle drawn thereby, as the case may be, and could not have been prevented by the exercise of reasonable diligence and care on the part of such driver or other person in charge of the vehicle.

(2) When any vehicle is stationary on any street no person shall use or permit to be used in connection therewith any instrument provided for the purpose of giving audible warning, except when such use is necessary on grounds of safety.

(3) No person shall make any violent noise or outcry in any street or on any footway or other public place in the City, or at the entrance to any store, shop, or other premises abutting on any street, footway, or public place, to the annoyance of the inhabitants or passengers.

PART II

Registration of
barbers' shops.

PROVISIONS RELATING TO BARBERS' SHOPS

18. (1) No person shall open or carry on a barber's shop unless and until he shall have procured from the Town Clerk a certificate that the said barber's shop has been duly registered under these by-laws.

(2) Every person who at the coming into force of these by-laws is the owner of a barber's shop shall forthwith procure from the Town Clerk a certificate that the said barber's shop has been duly registered under these by-laws.

(3) Every such certificate shall be so issued as to terminate with the calendar year, but shall be renewable by the Town Clerk from year to year as from the 1st January.

(4) Every such certificate shall be posted up and kept posted up by the owner in a conspicuous part of the barber's shop.

Preliminary
certificates for
registration.

19. The Town Clerk shall not issue to any owner or renew any certificate of registration until such owner shall produce to and leave with him a preliminary certificate of the Medical Officer that he has inspected the barber's shop and that the same is in all respects in a suitable place, is fittingly furnished and is in a sanitary condition.

Registration of
barbers.

20. (1) Every person who desires to be registered as a barber shall be examined by the Medical Officer, and if certified by that officer to be in good health shall apply to the Town Clerk to register his name.

(2) No person shall act as a barber until his name has been duly registered as such by the Town Clerk.

(3) Every barber shall immediately upon his changing his employment at any barber's shop give notice to the Town Clerk of the change, and the Town Clerk shall make the necessary annotations on the register of barbers' shops

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and on the register of barbers.

Prohibition of
street
barbering.

21. No person shall act as a barber in or on any public street or way or at any place within public view other than at a duly registered barber's shop.

Register of
barbers' shops.
First Schedule

22. (1) The Town Clerk shall keep a register of barbers' shops in the form contained in the First Schedule hereto in which he shall enter the name of the owner and the locality of every barbers' shop which has been duly registered, and he shall file and keep all preliminary certificates upon which the certificates of registration have been granted by him.

(2) The Town Clerk shall also keep a register of barbers in the form contained in the Second Schedule hereto in which he shall enter the names of all barbers.

Sanitation in
barbers' shop.

23. The owner of every barber's shop in the City shall at all times keep the floor, sides and ceiling of the barber's shop and all furniture therein clean and free from hair, dust, dirt, and other impurity.

Sanitation in
barbers' shop.
(O. 34 of 1973)

24. (1) The owner of every barber's shop shall at least twice a day or as often as may otherwise be necessary, sweep or mop the floor of the barber's shop and collect in a covered metal or metal-lined receptacle and daily remove therefrom the hair sweepings and other refuse.

(2) The owner of every barber's shop shall at all times before sweeping, sprinkle the floor of the barber's shop with water or some suitable liquid disinfectant.

Sterilization of
barbers' tools,
etc.

25. (1) Every barber shall immediately after their use on any customer carefully sterilize all razors, scissors cutting tools by boiling or immersing the same for at least five minutes in a solution of formalin of a strength of one part of

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formalin in not more than 40 parts of water.

(2) Every barber shall immediately after shaving any person cleanse all shaving brushes and shaving mugs by rinsing the same in running water and dipping them in a solution of formalin as aforesaid.

Sterilization of
barbers' tools,
etc.

26. Every barber shall thoroughly wash and cleanse all hair brushes and combs at least once in every day or as often as may otherwise be necessary to keep them in a clean state.

Sterilization of
barbers' tools,
etc.

27. Every barber shall use clean towels for each person shaved, and it shall not be lawful for any barber to use any powder puff or sponge on any person.

Cleansing of
barbers' hands.

28. Every barber shall cleanse his hands thoroughly with soap and water immediately before and after shaving any person.

Forbidding use
of solid alum,
etc.

29. No barber shall use on any person any alum or like substance in block or other solid form and every such substance shall be applied in the form of a powder on a clean towel.

Precaution
against
contagious
disease.

30. No barber shall knowingly attend in a barber's shop to any person suffering from barber's itch, syphilis, or any other cutaneous or communicable disease.

Precaution
against
contagious
disease.

31. Immediately after it has come to the knowledge of the owner of any barber's shop or of any barber that a barber has used any shaving, cutting, clipping or other appliances on any person who is suffering from any cutaneous or communicable disease such owner or barber shall clean and sterilize every such appliance by boiling clean water for at least twenty minutes.

Inspection of
barbers' shops.

32. The Medical Officer or any sanitary inspector employed under him may at all times inspect and examine

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any barber's shop and any barber therein and any such officer may for the purpose of inspection enter any barber's shop at any time while some shop is open and may inspect and examine the same and every instrument, appliance, article of furniture, furniture, utensil, fixture or accessory used in or in connection with the barber's shop and the owner of such barber's shop shall afford every facility to the inspecting officer.

Forbidding
syphilitic
barbers from
performing
work.

33. No barber suffering from syphilis or any cutaneous or communicable disease shall shave any person or perform any other craft as a barber.

Fee for
registration.
[By-laws
1/1989
16/1999]

34. The Town Clerk shall charge and pay into the Town Funds in respect of the first registration and thereafter of each renewal, a fee of—

- (a) one thousand dollars in respect of every barber's shop performing face shaving only; and
- (b) five hundred dollars in respect of every other barber's shop,

And in respect of the registration of the name of any barber the fee of two hundred and fifty dollars.

Exhibition of
these by-laws.

35. The owner of every barber's shop shall post up and keep posted up, or cause to be posted up, and kept posted up, in a conspicuous part therein, a printed copy of Part II of these by-laws.

Cancellation of
registration.

36. The Town Clerk may on the representation of the Medical Officer and shall on resolution of the Council in that behalf cancel and annul any registration of a barber's shop or of the name of a barber.

PART III

PROVISIONS RELATING TO COMMON LODGING HOUSES

Register of
Common
Lodging
Houses.

[By-laws
1/1989, 16/1999]

37. (1) It shall not be lawful for any person to open, keep or carry on a lodging house unless the same is registered with the Town Clerk.

(2) The Medical Officer of Health or any officer of the Council duly authorised in this behalf shall, for the purpose of registration, classify the lodging houses in the City into four classes, namely, Class A, Class B, Class C or Class D, according to hygienic and structural fitness.

(3) The Town Clerk shall charge the keeper and pay into the City Funds in respect of the first registration and thereafter of each renewal of each class of lodging house, the following registration fees which shall be charged in accordance with the size of the superficial floor area—

(a) bedrooms – three dollars per sq. foot per annum;

(b) sitting rooms – one dollar per sq. foot per annum;

(c) conference rooms – one dollar per sq. foot per annum;

(d) swimming pool – one dollar per sq. foot per annum;

(4) Every registration shall expire at the end of each calendar year but shall be renewable by the Town Clerk from year to year as from the 1st January.

(5) The Town Clerk shall keep a register to be called the "Register of Lodging Houses", and shall enter

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therein every lodging house in the City according to its class.

(6) Every person who at the coming into force of the City Government (Amendment) By-laws 1987 is the keeper of a lodging house shall forthwith cause his lodging house to be duly registered under this by-law.

Register of lodgers. Third Schedule.

38. Every keeper shall provide and keep a book in the form set forth in the Third Schedule hereto in which he shall enter or cause to be entered before the hour of 9 a.m. each day the name of person who shall have lodged or slept in his house on the previous night, together with the number of the room in which such person shall have lodged or slept, and every such book shall be open at all times to the inspection of all members of the Council, their officers, or to any Police Officer or police or other constable.

Notice of number of lodgers.

39. A keeper shall not at any one time receive or cause or suffer to be received into a common lodging house or into any room thereof a greater number of lodgers than shall be fixed by specified by the Town Clerk and specified in a notice according to the form in the Fourth Schedule hereto which shall be duly served upon or delivered to such keeper, and the said notice shall continue in force until the number so fixed and specified shall be varied by the Town Clerk.

Variation of number of lodgers.

40. (1) The Town Clerk with the approval of the Council may, from time to time in any case where it is considered expedient so to do, vary the number of lodgers fixed by him to be received into any common lodging house or into any room therein, and may from time to time cause to be duly served upon or delivered to the keeper of such house a notice of such variation and such keeper shall not at any one time after the date specified in such notice receive or cause or suffer to be received into such house or into any room therein a greater number of lodgers than shall be specified in such notice, and such notice shall continue in

force until the number of lodgers so fixed and specified therein shall be further varied.

(2) Every notice referred to in this or in the last preceding by-law shall be exhibited in some public and conspicuous place in the common lodging house by the keeper thereof, and a duplicate thereof shall be kept and filed by the Town Clerk in his office, and the notice or duplicate thereof shall be *prima facie* evidence of the matters contained therein.

Segregation of sexes.

41. A keeper shall not, except in the case of a married couple, allow persons of opposite sexes above ten years of age to occupy the same sleeping apartment.

Cleansing of yard, etc.

42. A keeper shall cause every yard or other open space within the curtilage of the premises to be maintained at all times in good order and to be thoroughly cleansed as often as may be necessary for keeping such yard or other open space in a clean and sanitary condition.

Cleansing of rooms, etc.

43. Every keeper shall as often as may be necessary to keep them in a clean and wholesome state, cause all rooms, passages, stairs, floors, windows, doors and walls of a common lodging house to be thoroughly cleansed and freed from vermin, and shall also cause the floors of every room, passage and staircase to be thoroughly swept daily before the hour of eight in the forenoon and to be well and sufficiently washed at least once in each week.

Cleansing of bed-clothes, etc.

44. Every keeper shall cause all bed-clothes and bedding used in such house to be thoroughly cleansed, from time to time, as often as shall be necessary for the purpose of keeping such bed-clothes and bedding in a clean and wholesome condition.

Removal of

45. Every keeper shall cause all solid or liquid filth or

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refuse, etc. refuse to be removed once at least in every day before the hour of eight in the forenoon from every room therein, and shall once at least in every day cause every vessel, utensil or other receptacle for such filth or refuse to be thoroughly cleansed.

Provision of running water. **46.** Every keeper shall provide the same with such a supply of both rain and lamaha water as may be approved by the Medical Officer.

Cleansing of water-closets. **47.** (1) Every keeper shall cause the seat, floor and walls of every water-closet belonging to such house to be thoroughly cleansed, often as may be necessary for the purpose of keeping such seat, floor and walls in a clean and wholesome condition.

(2) Every keeper shall cause every part of the structure of every water-closet belonging to such house to be maintained at all times in good order, and every part of the apparatus of such water-closet and every drain or means of drainage with which such water-closet may communicate, to be maintained at all times in good order and efficient action.

Provision of receptacles for house refuse. **48.** Every keeper shall provide at least one receptacle for house refuse to every sixteen lodgers and every such receptacle shall be if a capacity not exceeding three cubic feet, and shall be provided with a suitable cover, and shall at all times be kept in good repair and covered while in use.

Ventilation of living rooms. **49.** Every keeper shall cause every room or part of any building occupied as a living room in a common lodging house to be ventilated directly to the outside air where possible on at least two sides and to be provided with such and so many openings as the Medical Officer shall deem sufficient to ensure adequate ventilation of and access of light to every such room or part of the building, and shall cause every such means of ventilation to be maintained at all times

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in good order and efficient action.

Ventilation of living rooms.

50. Every keeper shall cause every window in every room in such house which may be appointed for use and occupation as a sleeping apartment to be opened and kept fully opened for two hours at least in the forenoon and for two hours at least in the afternoon of every day, except in inclement weather or when a room is occupied by a sick person.

Airing of bed-clothes

51. Every keeper shall cause the bed-clothes of every bed in such house to be removed from such bed as soon as conveniently may be after such bed shall have been vacated by any lodger, and shall cause all such bed-clothes and such bed to be freely exposed to the air for two hours at least in the forenoon or for two hours at least in the forenoon or for two hours at least in the afternoon of every day.

Precautions against infectious disease.

52. Every keeper immediately after he shall have informed or shall have ascertained that any lodger in such house is ill of any infectious disease, shall adopt all such precautions as may be necessary to prevent the spread of such infectious disease.

Precautions against infectious disease.

53. Such keeper shall not, at any time while such lodger is suffering from such infectious disease, cause or allow any other person, except the wife or one other relative of such lodger, or except a person in attendance on such lodger, to use or occupy the same room as such lodger.

Precautions against infectious disease.

54. Where, in consequence of the illness of such lodger, there may be reasonable grounds for apprehending the spread of infection through the admission of lodgers to any room or rooms in such house or through the admission to such room or rooms of the maximum number of lodgers authorised to be received therein, such keeper, after being furnished with the necessary instructions from the Medical Officer, and until the grounds for apprehending the spread of

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infection have been removed, shall cease to receive any lodger in such room or rooms, or shall receive therein such number of lodger, being less than the maximum number, as the exigencies of the case may require.

Precautions
against
infectious
disease.

55. Such keeper shall, immediately after the death, removal or recovery of any lodger who may have been ill of any infectious disease, give written notice thereof to the Medical Officer, and shall as soon as conveniently may be, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected, and shall also cause every article in such room which may be liable to retain infection to be in like manner cleansed and disinfected, unless the Medical Officer shall have ordered the same to be destroyed. The keeper shall comply with all instructions of the Medical Officer as to the proper cleansing and disinfection of the room and articles.

Precautions
against
infectious
disease.

56. When the same shall have been thoroughly cleansed and disinfected in accordance with such instructions, he shall give written notice thereof to the Medical Officer; and until two days from the giving of such notice shall have elapsed, and unless and until by such cleansing and disinfection the necessary precaution for preventing the spread of infection shall have been duly taken, such keeper shall not cause or suffer any ether lodger to be received into the room which, in the case hereinbefore specified, may have been exposed to infection.

Kitchens not to
be used as
sleeping
apartments.

57. The keeper shall not, at any time, cause or suffer any room which may be appointed for use as a kitchen or scullery to be used or occupied as a sleeping apartment.

Duty of keeper
to affix notices
outside room.

58. (1) Every keep on receiving from the Town Clerk a notice or placard wherein shall be stated the description or number of the room to which such notice or placard may apply, and the maximum number of lodgers authorised to be received at any one time in such room, shall affix and keep

affixed such notice or placard or other notices of the identical words and figures in a conspicuous position inside and outside of such room, and in such a manner that the words and figures may in such notice or placard may be clearly and distinctly visible.

(2) No keeper or other person whosoever shall at any time wilfully conceal, deface or obliterate any letter or figure in such notice or placard, or shall wilfully or carelessly injure or destroy such notice or placard.

Exhibition of
by-laws in
common
lodging houses.

59. (1) Every keeper on receiving from the Town Clerk for the purpose of exhibition in such house or any room therein, a copy or copies of any regulation or regulations for the time being in force with respect to common lodging houses, shall affix and keep affixed such copy or copies in a suitable and conspicuous position in such house, or in such room, and in such manner that the contents of such copy or copies may be clearly and distinctly visible.

(2) No keeper wilfully or other person whosoever shall at any time wilfully conceal, deface, alter, or obliterate any part of the contents of such copy or copies, or wilfully or carelessly injure or destroy such copy or copies.

Right of access
to common
lodging house
in favour of
officers, etc.
[By-laws
16/1999]

60. The keeper and every person having or acting in the care or management thereof, shall at all times when required by any member or officer of the Council, or Police Officer, town or police constable, give him free access to such house and to every part thereof, and shall not wilfully obstruct or cause or permit to be obstructed any such member or officer, and every such lodging house shall be inspected by the Medical Officer or his officers not less than once per month, and, in addition thereto, a general inspection of all lodging houses shall be made during the month of December in each year for the purpose of determining whether such houses shall be retained on the "Register of Common Lodging Houses" and for which general inspection every keeper shall

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pay to the Town Clerk previous to such inspection the sum of one hundred dollars.

Removal of
common
lodging houses
from the
register for
certain causes.

61. If the Town Clerk shall be of opinion that any common lodging house on the register shall cease to be suitable for the purpose intended or that any such common lodging house, by reason of its location, its want of necessary arrangements or conveniences whether sanitary or otherwise, or other sufficient cause ought not to remain on the register, or if it shall appear to the Town Clerk that such lodging house has been or is being used or employed by the keeper for any unlawful, immoral or improper purpose, or if the keeper shall suffer a third conviction before the magistrate for any breach of these by-laws, the Town Clerk upon a resolution of the Council shall remove such common lodging house from the register of common lodging houses and thereafter it shall not be lawful for any person without a new registration to open, keep, or carry on any common lodging house on the said premises or for a keeper who has been so convicted to carry on a common lodging house.

Representation
s by Medical
Office, etc. as to
unfitness of
lodging house.

62. The Town Clerk shall, upon representation being made in writing by the Medical Officer or other officer of the Council or by any Police Officer or any constable or by any six citizens not being any of the officials herein mentioned against the continuation on the register of common lodging houses of any common lodging house, place such representations before the Council and also give notice of such representations to the keeper of such common lodging house in order that such keeper may be heard in defence before the Council.

Registration of
eating houses.
[By-laws
16/1999]

63. (1) It shall not be lawful for any person to establish or keep an eating-house unless the same is registered with the Town Clerk.

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(2) The Medical Officer or other officer of the Council duly authorised in this behalf shall, for the purpose of registration, classify the eating-houses in the City into four classes, namely Class A, Class B, Class C, or Class D.

(2A) The Town Clerk shall charge the owner of every eating-house and pay into the Town Funds in respect of the first registration and thereafter each renewal of each registered eating-house, a payment of three dollars per sq. foot per annum for the superficial floor space utilised in the operation of the eating house.

(3) Every registration shall expire at the end of each calendar year but shall be renewable by the Town Clerk from year to year as from the 1st January.

(4) The Town Clerk shall keep and from time to time revise and correct the register.

Right of
Medical Officer
to examine
pots, etc.

64. It shall be lawful for the Medical Officer to examine all pots, pans, plates, dishes, cups, glasses, or other utensils used in any eating-house for the purpose of ascertaining the state of cleanliness thereof.

Obstruction of
Officer.

65. Any person who hinders, impedes or obstructs the Medical Officer in performing any duty under these by-laws shall be guilty of an offence against these by-laws.

Cleansing of
eating-house.

66. The keeper of any eating-house shall as often as may be necessary to keep them in a clean and wholesome state sweep, scrub, clean, disinfect or fumigate the walls and floors of the same and shall; whenever it may be reasonably necessary, sterilize any receptacle, instrument or appliance used for the purpose of preparing or serving any food or drink.

Provision of
running water.

67. The keeper of an eating-house, shall keep continuously a supply of clean running water when required

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for the purpose of washing and cleansing all pots, pans, plates, dishes, glasses or other receptacles, instruments and appliances used for the purpose of preparing or serving food in an eating-house.

Solution for
sterilizing
utensils.

68. Where so required by writing under the hand of the Medical Officer the keeper of a of an eating-house shall in addition to such supply of clean running water provide and use a solution of such a kind as may be prescribed by the Medical Officer for the purpose of cleansing or sterilizing any drinking glass, cup, receptacle, instrument or appliance used in an eating-house.

Protection of
food from
contamination.

69. The owner of any eating-house shall take steps to ensure that all articles of food intended, exposed or offered for sale for human consumption are at all times properly protected from contamination by the use of cupboards, bins, boxes, barrels or other containers with suitable covers or door and all such cupboards, binds, boxes, barrels or other containers shall at all times be maintained and kept in a clean state and in good repair to the satisfaction of the Medical Officer.

Prohibition
against
employment of
diseased
persons.
[By-laws
1/1989]

70. (1) The owner of any eating-house shall not employ any person suffering from any infectious disease, nor shall any such person engage in any employment in any eating-house.

(2) It shall be the duty of such owners to report forthwith to the Medical Officer the occurrence of any infectious disease or of any disease the symptoms of which may raise a reasonable suspicion that it may be an infectious disease in any person entering in or employed or occupied in any eating-house.

(3) The owner of any eating-house shall not employ any person, nor shall any person engage in any employment in any eating-house, unless such person has

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been medically examined by a duly registered medical officer at least once in a period of not more than six (6) months in any calendar year.

(4) Every person who is engaged in any employment in any eating-house shall in so doing wear a clean apron or overall and headwear.

Cleansing of walls, etc.

71. The Medical Officer may order the owner to paint or lime-wash the inner and outer walls, ceilings, doors, windows, partitions and all fixtures, counters and shelves of any eating-house, when in the opinion of the Medical Officer such painting or lime-washing is necessary to keep such premises in a clean and wholesome condition.

Collection and disposal of house refuse.

72. The owner of every eating-house shall cause all refuse and waste matter to be collected from such eating-house and deposited in a covered movable metal receptacle or wooden box lined with tin not exceeding twelve cubic feet in capacity and shall cause all such refuse and waste matter to be removed from the premises as often as may be necessary to the satisfaction of the Medical Officer.

Prohibition against cooking unwholesome food.

73. The keeper of an eating-house shall not cook or serve up to the public any unwholesome food or drink and he shall not prepare or cook or offer to any customer the flesh of any animal eaten or used by the public in Guyana.

Structural alteration of eating-house.

74. The Medical Officer may by notice in writing require any alteration to the structure or to the internal arrangement of an eating-house which he may consider necessary for the convenience and sanitation of the eating-house and every keeper of an eating-house who fails to carry out any such alteration shall be guilty of an offence on every day after the expiration of a reasonable period stated in the said notice.

Refusal to re-register

75. Where it is certified to the Council by the Medical

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insanitary
eating-house.

Officer that any eating-house registered under these by-laws has not been kept in a sanitary condition the Town Clerk on a resolution of the Council shall refuse to renew the registration of such eating-house or may cancel any existing registration thereof.

Closing of
insanitary
eating-house.
[By-laws
1/1989]

76. The Town Clerk shall make an order directing that any eating-house, which may be deemed by the Medical Officer an unhealthy, insanitary or undesirable eating-house shall be closed upon a date specified in a notice in writing giving such a direction and thereafter if the keeper of such eating-house shall keep open such eating-house, he shall be guilty of an offence on every day during which he shall do so after the said date.

PART V

PROVISIONS RELATING TO SLAUGHTER-HOUSES AND COLD STORES

Licensing of
private
slaughter
houses.

77. (1) The Town Clerk, on a resolution of the Council, shall license as a "private slaughter-house" any premises which may be approved by the Council and thereafter it shall be lawful for the person in whose name such licence is granted to slaughter any animal therein for the sole purpose of any industry carried on by him.

(2) Every applicant for such a licence shall on his application to the Council produce to the Town Clerk –

- (a) a certificate from the City Engineer that the building proposed to be used as a private slaughter-house is in all respects properly constructed, equipped, and suitable for the purpose; and

- (b) a certificate from the Medical Officer

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Notice of intention to slaughter in private slaughter-house.

that the slaughter of animals can be carried out in such building under the best sanitary and public health conditions.

78. (1) A licensee shall give twenty-four hours' notice to the Medical Officer of his intention to slaughter any animal, and such person shall not slaughter or permit to be slaughtered any animal until the same has been examined and passed for slaughter by the Medical Officer or the Meat and Food Inspector.

(2) A licensee shall not remove any fresh meat from the room or place where the animal was slaughtered until it has been inspected and approved by the Medical Officer or the Meat and Food Inspector.

(3) A licensee shall remove or cause to be removed from a private slaughter- house the skins or hides of all animals slaughtered therein within twelve house after such animals have been slaughtered.

Cancellation of licences

79. The Town Clerk shall on a resolution of the Council cancel any licence issued to any licensee and thereafter such person shall not slaughter any animal on the premises previously licensed as a private slaughter-house.

Employment only of examined persons.

80. (1) The licensee shall employ therein only such persons as may be authorised by the Medical Officer to work in a private slaughter-house.

(2) Every such person authorised to work in a private slaughter-house shall present himself to the Medical Officer for examination once in every three months.

Killing other than in slaughter-house

81. No person shall kill or slaughter any animal for human consumption at any place other than in a slaughter-house established by the Council, or at a private slaughter-

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prohibited. house:

[By-laws

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Provided that any person of the Mohammedan faith may, with the previous permission of the Medical Officer who is hereby authorised to issue the same and to take the necessary precaution for the inspection and slaughter thereof, slaughter any animal by way of religious sacrifice on premises used as a Mohammedan mosque.

Notice of
slaughter by
Mohammedan.
[By-laws
4/1957]

82. Every person of the Mohammedan faith who proposes to slaughter any animal by way of sacrifice as aforesaid shall give forty-eight hours' notice in writing to the Medical Officer and shall pay the appropriate fees as prescribed by by-law 84(1), for the inspection of such animal and its carcass.

Landing of
animals at
stelling and
fees payable in
respect thereof.
[By-laws
16/1999]

83. (1) A licensee may land at any stage or stelling attached to a private slaughter-house any animals to be slaughtered at such slaughter-house.

(2) A licensee shall pay to the Town Clerk for landing every animal at any such stage or stelling the following landing fees –

For every Bull	40 dollars
" " Ox	"
" " Cow	"
" " Steer	"
" " Heifer	"
" " Animal (over 150 lbs.)			"
" " Calf weighing under 150 lbs.					"
" " Sheep	20 dollars
" " Goat	"
" " Lamb	"
" " Kid	"

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" "	Swine	20 "	each.
" "	Turtle	" "	
" "	Game	" "	

(3) A licensee shall pay to the Town Clerk on the 1st day of each month the landing fees due in respect of all animals landed as aforesaid during the preceding month as shown by the register hereinafter provided for.

Fees payable in respect of slaughter of animals and keeping of register.

[By-laws
16/1999]

84. (1) A licensee shall pay to the Town Clerk in respect of the slaughter of each animal by him the following fees –

For every Bull	\$500 dollars
" " Ox	" "
" " Cow	" "
" " Steer	" "
" " Animal (over 150 lbs.)				...	" "
" " Calf weighing under 150 lbs.					\$400 dollars
" " Sheep	" "
" " Goat	" "
" " Lamb	" "
" " Kid	" "
" " Swine weighing over 20lbs. (alive)					\$300 " each
Swine weighing under 20lbs. (alive)					\$200 " each
Each Turtle	\$100 dollars

(2) A licensee shall keep a register in which he shall enter correct particulars as the kind, sex, colour, marks, brand, place of origin, person from whom obtained, date of arrival at slaughter-house or adjoining place, and other sufficient description of every animal received by him in a licensed slaughter-house or on any premises adjoining such slaughter-house, and he shall also enter or cause to be entered therein correct particulars of the same nature respecting every animal slaughtered by him in a private slaughter-house.

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(3) Every person who wilfully, negligently, or fraudulently enters or causes to be entered in any such register any incorrect particulars shall be guilty of an offence against these by-laws and on conviction thereof shall be liable to a fine of five thousand dollars for the first offence and ten thousand dollars for any subsequent offence and in addition the magistrate may order the cancellation of his licence by the Town Clerk, who shall give effect to such order.

(4) The Town Clerk, Medical Officer, or Meat and Food Inspector or any other officer of the Council authorised by the Town Clerk in that behalf may at all times inspect the register and make extracts therefrom.

(5) The Town Clerk may require any licensee to furnish him with an extract of any particulars entered by or on behalf of the licensee in the said register.

(6) A licensee shall pay to the Town Clerk on the first day of each month the fees due in respect of all animals appearing from the said register to have been slaughtered by him during the preceding month.

Disposal of viscera.

85. Nothing in these by-laws contained shall be construed to prevent a licensee from carrying on a trade in selling or disposing of the organs, viscera or other parts of an animal unsuitable for the purpose of the industry carried on by him.

Certificate for admission of carcass to slaughter-house.

86. (1) The body of a dead animal or the carcass, or any of the organs or viscera of an animal, shall not be admitted into any slaughter-house unless accompanied by—

- (a) a certificate by the Meat Inspector that it has been inspected in accordance with these by-laws and passed by him as fit for human consumption; or

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(b) a certificate by a Veterinary Surgeon that the animal has not died of any disease notifiable under the provisions of any Act.

(2) On any moribund animal being admitted into a slaughter-house, the persons in charge shall immediately notify the same to the Medical Officer.

Protection of food product from contamination.

87. No person shall keep or store in any stable, byre or other premises in which live animals are kept, or in any room or apartment in any premises that is used as a living room or sleeping room or in any premises that are not kept in a clean and sanitary condition, any meat or meat food product intended for sale for human consumption.

Instructions to Meat Inspector and slaughterers.

88. (1) The Meat Inspector and every other person authorised to make inspection of meat intended for human consumption shall when inspecting the carcasses, organs and viscera of any animal comply with any instructions given by the Council in that behalf.

(2) Every person engaged in the work of slaughtering animals or of dressing the carcasses, organs or viscera of any animal shall comply with any instructions given by the Council in that behalf.

(3) All instructions given by the Council shall be in writing signed by the Town Clerk and communicated to all persons concerned. Copies thereof shall be exhibited in every slaughter-house, private or belonging to the Council.

Examination of slaughterers and dressers.

89. Every slaughterer or other person engaged in slaughtering any animal at a slaughter-house established by the Council or in such dressing the carcasses, organs or viscera of such animals shall be examined once in every three months by the Medical Officer and no slaughterer or other

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person shall engage himself as aforesaid unless he has been so examined and has obtained Medical Officer authorising him to engage him as aforesaid.

Licensing of cold stores.

90. (1) It shall not be lawful for any person to establish or maintain any cold stores or any premises or places for salting, pickling, packing, canning or preserving any meat without having first obtained from the Council a licence for that purpose.

(2) The Town Clerk upon a resolution of the Council shall grant a licence to establish or maintain any cold stores or any premises or places for any of the aforesaid purposes, and such licence may be granted for such period, upon such conditions, and upon payment of such fees as the Council may from time to time by resolution direct.

Form and contents of such licence.

91. Every licence issued under this part of these by-laws shall be under the hand of the Town Clerk and shall state the period during which such licence shall remain in force and the conditions upon which it is granted.

Prohibition against selling fresh meat, etc., from cold stores.

92. It shall not be lawful for any licensee of any cold stores to sell any fresh meat or fish at or from such cold stores except for delivery to any ship or vessel or unless granted a licence as provided in the following by-laws.

Licence to sell fresh meat, etc., from cold stores.

93. The Town Clerk on a resolution of the Council shall grant to the licensee of any cold stores a licence to sell fresh meat or fresh fish at or from such cold stores, and such licences may be granted for such period and subject to such conditions and to the payment of such fees as may from time to time be directed by the Council.

Form and contents of such licence.

94. Every licence granted under this part of the by-laws to sell fresh meat or fresh fish at or from any licensed cold stores shall be under the hand of the Town Clerk and shall state the period during which such licences shall remain in

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force and the conditions upon which it is granted.

Definition of
sale from cold
stores.

95. Any fresh meat or fresh fish delivered from any cold stores whether such delivery be made in pursuance of a contract of sale or otherwise (except such fresh meat or fresh fish as may be delivered at or for sale at any premises licensed for the sale of fresh meat or fresh fish or to a ship or vessel or at any market in the City) shall be deemed to be sold within the meaning of these by-laws.

Sanitation in
cold stores and
returns to
deliveries
therefrom.

96. (1) The Medical Officer may give such instructions as he may think proper for enforcing cleanliness in all cold stores or in any premises or places used for salting, pickling, packing, canning or preserving meat, and he may fix the hours during which any fresh meat or fresh fish may be delivered therefrom.

(2) The licensee shall make such returns as to the quantities and the description of any fresh meat or fresh fish from time to time received into any cold stores and from time to time delivered therefrom, and as to the destination of any fresh meat or fresh fish from time to time delivered therefrom, as the Medical Officer may require.

Quarterly
inspection of
cold stores.
[By-laws
16/1999]

97. (1) A licensee who establishes or maintains and cold stores or any premises or place where he salts, pickles, packs, cans or preserves in any manner the carcass, flesh, or meat of any animal, shall procure the same to be examined and inspected at least once every three months by the Medical Officer or by the Meat and Food Inspector.

(2) Such licensee shall pay to the Town Clerk for every such examination and inspection the sum of five hundred dollars.

Inspection of
private
slaughter-
house, etc.

98. The Medical Officer or any sanitary inspector in his department specially authorised in that behalf by the Medical Officer may any time enter and inspect a private

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slaughter-house, or any cold stores or any premises or place used for salting, pickling, packing, canning, or preserving any meat, and a person in charge of any such place shall give effect to any instructions of the Medical Officer given in relation to such slaughter-house, cold stores or other premises or place and its appurtenances.

Selling, offering
for sale, etc.
[By-laws
4/1957]

99. No person shall sell, offer, or expose for sale or keep for sale any fresh meat intended for human consumption unless the same has been previously inspected and passed as fit for such purpose by the Medical Officer or the Meat and Food Inspector, or any other person authorised by the Medical Officer with the approval of the Council for the purpose of inspecting meat and food.

PART VI

GENERAL PROVISIONS

Power to
require
installation of
sanitary
convenience.

100. (1) The Medical Officer may by a notice in writing under his hand require the keeper of a common lodging-house or an eating-house to install such and so many water-closets, urinals or other sanitary provision as he may consider necessary for the convenience of persons frequenting the common lodging- house or the eating-house.

(2) Every keeper of a common lodging- house or of an eating-house who fails to comply with any such requirement shall be guilty of an offence on every day after the expiration of such reasonable time as may be prescribed in the said notice for the said water-closets, urinals or other sanitary provisions to be installed.

Appeal to
Council in case
of deprivation
of rights.

101. (1) In every case in which any person may be deprived under these by-laws of the right to carry on any barber's shop, common lodging-house or eating-house for any sufficient reason, such person shall be entitled to show cause before the Council why he should not be deprived of

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such right.

(2) In every such case the Town Clerk shall give seven days' of his intention to bring before the Council any representations against such person or his barber's shop, common lodging-house or eating-house and within seven days after being so served with the said notice, the person to be affected shall lodge with the Town Clerk the grounds upon which he proposes to resist the said deprivation.

(3) Upon notice of a day fixed for hearing of the representations and any objections thereto the person affected may appear before the Council to be heard orally if he so desires.

Supervision of hackney carriages.

102. Every hackney carriage shall be under the supervision of some officer appointed by the Council on whose certificate of fitness the Town Clerk shall issue licences to the driver thereof:

c. 51:02

Provided that where the hackney carriage is a motor vehicle, the Town Clerk shall not issue a licence unless a certificate of fitness then in force under section 14 of the Motor Vehicles and Road Traffic Act, or any provision substituted therefor, is produced to him.

Hackney
carriage fares.
[By-laws
4/9/1941]

103. No person shall charge for the hire of a hackney carriage for a journey within the City any fare in excess of the following—

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- (c) for each period of fifteen minutes, or part first fifteen minutes irrespective of the number of passengers 36 cents

Hackney carriage fares for children and other provisions.

104. (1) No fare shall be charged for any child under three years of age and two children under the age of twelve years shall be deemed one person.

(2) Between the hours of 9 o'clock, p.m. and 6 o'clock, a.m. daily, the foregoing fares shall be increased by one-half.

(3) Nothing herein contained shall be deemed to preclude the passenger and the driver from entering into any special agreement relating to the hire of any hackney carriage.

Hackney carriage plates.
c. 1:02
Fifth Schedule

105. Every hackney carriage which is mechanically propelled shall, in addition to the identification mark required by the Motor Vehicles and Road Traffic Act, display directly above such number plate a mark of the dimensions and form set out in these by-laws.

Definition of hackney carriage.

106. The expression "hackney carriage" in any by-law made in pursuance of the Georgetown Town Council Act, or any amendment thereof, shall have the meaning given thereto in by-law 3 hereof.

Provisions of maintaining air spaces, etc.

107. (1) No person shall keep or permit to be kept on any land in the City any cultivation plot or garden in which the plants or other growing things are in the opinion of the Medical Officer so dense as to shut out the light or air from the soil below or from any adjoining land.

(2) No person shall grow on any land in the City any plantain, banana, or other tall trees in groups or clusters in such a manner as is likely in the opinion of the Medical Officer to cause the breeding of mosquitoes or to impede the

penetration of the sun's rays into the soil below or on to any adjoining land.

(3) No person shall use any land in the City solely for the purpose of a farm or cultivation plot.

Provision for removal of blind corners.

108. Where any tree, hedge, shrub or any other thing upon any private land at or near any corner or bend, obstructs the clear view of drivers of vehicles the City Engineer shall serve a notice on the owner or occupier of such private land requiring him to lop or cut the tree, hedge or shrub or remove such other thing within seven days so as to prevent such obstruction, and in default of compliance the City Engineer shall carry out the requisition of his notice and the Town Clerk shall recover as civil debt the cost from the owner or occupier upon whom the notice was served.

Prohibition against dangerous things suspended over public places.

109. Every person who erects or places anything against or in front of any house, building, or shed, which insecurely or inconveniently fixed, or of the defective construction thereof, is a source of danger to persons lawfully using a street or pavement, shall be guilty of an offence against these by-laws.

Verminous houses.

110. (1) If it appears to the Medical Officer that any premises are infested with vermin, he shall give written notice to the occupier of the premises, or if the premises be vacant, to the owner of the premises, requiring him within a period specified in the notice to cleanse the premises, and the notice may require, among other things, the removal of wallpaper or other covering on the walls, and the taking of such other steps as the Medical Officer may require for the purpose of destroying or removing vermin:

Provided that, when any work required by the notice is work which affects the removal of any portion of the structure of such premises, the notice requiring the work to

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be done shall be given to the owner only.

(2) If the person on whom a notice under this by-law is served fails within the period specified in the notice to comply with the requirements thereof, he shall be guilty of an offence against these by-laws and in addition to any penalty imposed therefor shall be liable to a fine of fifteen dollars, for each day during which the failure shall continue after the expiration of the period specified in the notice and the Medical Officer may, after the expiration of the said period, himself carry out the work required by the notice, and the Town Clerk shall recover the reasonable costs and expenses incurred by him as a civil debt from that person.

(3) If any person, upon whom a notice is served under this by-law, deems himself aggrieved by the requirements of the notice, he may within fourteen days after the service of the notice, appeal to the Council and any order made by the Council shall be binding and conclusive on all parties.

(4) In this by-law and in by-law 111 "premises" means any building, room, or tenement used for human habitation; "owner" means the landlord or other person receiving the rents and profits of the premises or the person who controls the premises; "occupier" means the person who actually inhabits any premises or the head of any family inhabiting the premises.

Verminous
premises.

111. If it appears to the Medical Officer that any articles in any premises are infested with vermin, or by reason of their having been used by, or having been in contact with, any person infested with vermin are likely to be so infested, he may at the expense of the Council cause such articles to be cleansed, disinfected, or destroyed, and if necessary for that purpose to be removed from the premises.

Protection of food from contamination.

112. (1) No sanitary convenience shall be in any room in which food is prepared for sale, or in which any food is sold or kept with a view to future sale, or shall communicate directly therewith, or shall be so placed that offensive odours therefrom can penetrate the room.

(2) No cistern for the supply of water to such room shall be in direct communication with or discharge directly into any sanitary convenience.

(3) No outlet for the ventilation of any drain shall be in such room, and if there is in such room any inlet or opening into any drain, that inlet or opening shall be efficiently trapped.

(4) Such a room shall not be used as a sleeping-place and no sleeping-place shall communicate directly with such a room in such manner as to cause unreasonable risk of contamination to food in such room.

(5) Such a room shall, except in the case of a room used as a cold store, be adequately ventilated.

(6) The occupier of such a room shall cause the walls and ceiling of the room to be whitewashed, cleansed, or purified as often as may be necessary to keep them in a clean state.

(7) The occupier of such a room shall prevent any unnecessary accumulation or deposit of refuse or filth in the room.

(8) In this by-law—

"food" includes every article used for food or drink by man other than drugs or water, and any article which

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[Subsidiary]

The City Government By-laws

ordinarily enters into or is used in the composition or preparation of human food, and flavouring matters and condiments;

"room" includes any shop, shed, store, outbidding, or cellar;

"sanitary convenience" includes urinals, water-closets, baths, and any similar convenience.

Prohibition
against
expectoration
on streets.

113. Every person who expectorates in or upon pavement, or other public place shall be guilty of an offence against these by-laws.

Right of entry
into clubs, etc.

114. (1) It shall be lawful for any member of the Council, the Medical Officer, or the City Engineer, or any road overseer employed by the Council, to enter into or upon any yard or the building or the grounds of any club or other place to which numbers of persons resort as customers, invitees, or members of a society or other organisation, to view or inspect the sanitary or other condition or the state of repair of any building connected with such yard, club or other place.

(2) Every person who obstructs, impedes, or assaults any person empowered by this by-law to make such entry shall be guilty of an offence against these by-laws.

Right of entry
into private
houses.

115. (1) If the Medical Officer shall certify in writing to the Town Clerk that in his opinion it is necessary in the interest of public health that the Medical Officer or some person authorised by him should inspect the inside of any building used for human habitation or for any other purpose whatsoever, the Town Clerk shall issue an order in writing addressed to the owner or occupier of such building requiring him to admit the Medical Officer or such authorised person within any part of the interior of such building.

(2) The owner or occupier and every other inmate of such building shall on presentation to him of such order admit the Medical Officer or such authorised person to the interior of such building or of any room therein as required by the Medical Officer or such authorised person.

(3) The authority given by the Medical Officer to any other person to inspect the inside of any building shall be in writing under the hand of the Medical Officer.

(4) No order to admit made under this by-law shall require the person to whom it is addressed to admit the Medical Officer or such authorised person before the hour of eight o'clock in the forenoon or after the hour of six o'clock in the afternoon:

Provided that where an order to admit is for the purpose of ascertaining whether overcrowding exists the hours of entry shall be between 8 o'clock a.m. and 10 o'clock p.m.

(5) If the Medical Officer or such authorised person shall be guilty of any offensive behaviour towards any occupier or inmate while entering into or inspecting such building, he shall be guilty of an offence against these by-laws.

(6) Every person who obstructs, impedes, or assaults the Medical Officer or such authorised person in the execution of his duty under this by-laws shall be guilty of an offence against these by-laws.

Offences and
penalties.

116. (1) Every person who fails to do any act or thing enjoined by these by-laws, and every person who does any act or thing forbidden by these by-laws shall be guilty of an offence against these by-laws.

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(2) Any person who is guilty of an offence against any of these by-laws shall, where no other specific penalty has been provided by these by-laws for such offence, be liable to a fine of ten thousand dollars or three months' imprisonment and in case of a continuing breach a further fine of one thousand dollars for each day of such continuance after a notice of the breach shall have been served by the Council.

By-law 22(1)

FIRST SCHEDULE

REGISTER OF BARBERS' SHOPS

(The City Government By-laws)

Date of registration	Name of owner and occupier	Locality of shop	When shop registered	Number of licenced barbers and names of such persons.

By-Law 22(2)

SECOND SCHEDULE

REGISTER OF BARBER

(The City Government By-laws)

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Date of registration	Name of barbers	Residence	Date when registered	Barbers' shop where employed.

By-law 39

THIRD SCHEDULE

REGISTER OF LODGERS

(The City Government By-laws)

Date when entry made	Name of Lodger	Number of Room in which he lodged	Date when arrived	Date when left	Remarks

By-law 105

FOURTH SCHEDULE

NOTICE TO KEEPER OF COMMON LODGING HOUSE

(The City Government By-laws)

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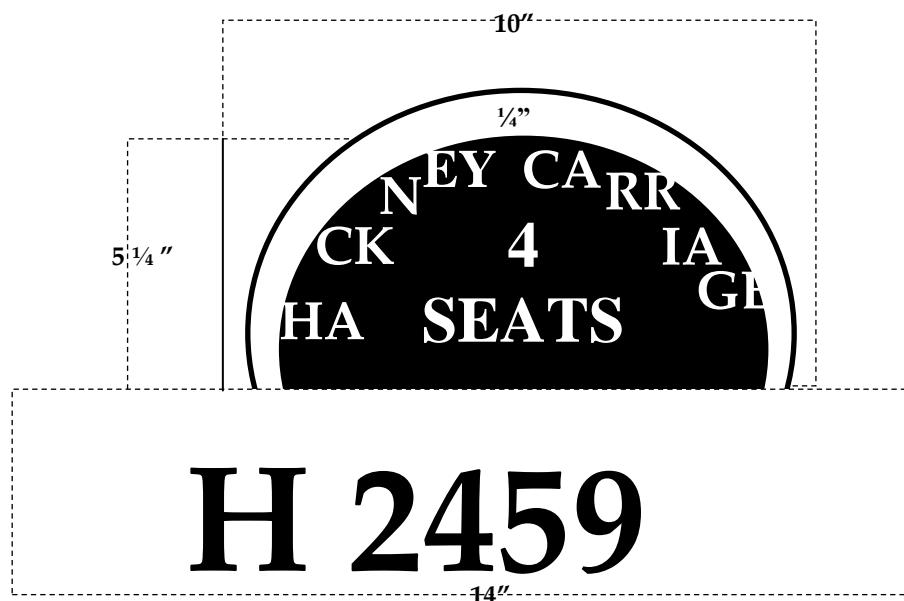
[Subsidiary]

The City Government By-laws

Date	Name of common lodging house	Situation	Keeper	Total number of rooms	Number of lodgers to each room

By-law 105

FIFTH SCHEDULE
DIAGRAM OF MARK TO BE ATTACHED TO
IDENTIFICATION MARK
(*The City Government By-laws*)



MARKING AND FENCING OF LOTS, ETC.
BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation.
2. Cost of paals.
3. Fencing of lots.
4. Costs of fencing.
5. Construction of drains.
6. Fencing front portion.
7. Fencing back portion.
8. Construction of fences.
9. Notice to erect and approval.
10. Non-compliance.
11. Penalties.
12. Naming of streets and numbering of lots.
13. Gutters and pipes, etc.
14. Construction and grading of gutters to buildings in City of Georgetown.
15. Neglect to comply with notice.
16. Materials for roofing of certain buildings.
17. Materials for guttering, etc.
18. Penalties.
19. Kitchen to have separate roof from main building.
20. Kitchen floors.
21. Exemptions.
22. Penalties.
23. Use of coal-pots, etc.
24. Chimneys.
- 24A. Right to enter premises.
25. Penalties.
26. Power to prosecute.
27. Dangerous buildings.
28. Notice to repair, etc.

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29. Repairs, etc. by Council.
 30. Precautions against accident to be taken by City Engineer.
 31. Penalties.
 32. Lights to be fixed to show danger.
 33. Repairs to streets, etc. by City Engineer.
 34. "Residential Districts".
 35. Penalties.
 36. Special Penalties.
-

MARKING AND FENCING OF LOTS, ETC.

BY-LAWS

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26/7/1917
20/3/1922
1/1946
.1957
2/1968
1/1969
3/1945
2/1999

made by the Town Council under section 192, of the Georgetown Town Council Ordinance, 1898, and approved by the Governor and Court of Policy on 26th July, 1917, and amended on the 20th March, 1922, and 9th January, 1946, deemed to have been made under section 321 of this Act.

Citation.

1. These By-laws may be cited as the Marking and Fencing of Lots By-laws.

COST OF PAALS

Cost of paals.

2. Where paals are necessary to mark the boundaries between contiguous lots or portions of a divided lot the cost of placing such paals shall be borne jointly by the owners thereof. Any dispute as to the cost or description of such paals shall be settled by the City Engineer.

FENCING OF LOTS

Fencing of
lots.
[By-laws]

3. Continuous boundary fencing shall be erected between all lots or portions of divided lots owned by separate

[Subsidiary]

Markings and Fencing of Lots, etc. By-Laws

2/1968]. persons.

Costs of
fencing.
[By-laws
2/1968]

4. The cost thereof shall be borne jointly by the adjoining owners. Any dispute as to the cost or description of such fencing shall be settled by the Council.

Construction
of drains.
[By-laws
2/1968]

5. When a lot drain is constructed along a boundary line common to two adjoining lots and continuous boundary fencing is required to mark the same there shall either be a continuous fence on each side of such drain or one continuous fence erected in such position and in such manner as the Council may decide.

Fencing front
portion.
[By-laws
2/1968]

6. The owner of a lot or any portion thereof shall erect a continuous fence on any part of such lot, or portion thereof which faces a public street.

Fencing back
portion.
[By-laws
2/968]

7. Where the back of a lot abuts on a public drain the lot-owner shall erect a continuous fence in order to fence in such lot from such drain.

Construction
of fences.
[By-laws
2/1968]

8. (1) Every fence erected under these By-laws shall, except the Council in special circumstances otherwise permits in writing, be not less than three feet nor more than six feet in height.

(2) Metal sheeting shall not be used to fence the street boundary of any lot or portion thereof.

(3) No advertisement shall be painted on or advertising hoarding affixed to any fence on any lot or portion thereof without the approval of the Council. An application for such approval shall be made in writing to the Council and shall include details of the size, colouring, lettering, shape, lighting and character of the proposed advertisement or hoarding and the materials to be used in the construction thereof.

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Markings and Fencing of Lots, etc. By-Laws

Notice to erect
and approval.
[By-laws
2/1968]

9. (1) Every person who desires to erect a fence required by these By-laws shall give notice in writing of his intention so to do to the Council and shall specify in such notice the design of the fence and the materials to be used in the construction thereof.

(2) No person shall erect any such fence unless the Council has approved of its design and the materials to be used in its construction.

Non-
compliance.
[By-laws
2/1968]

10. Where any owner fails to comply with any requirement to erect a fence under these by-laws the Council may erect such fence and may recover and enforce payment of any amount spent in pursuance thereof, in a Court of competent jurisdiction as a Civil debt.

Penalties.
[By-laws
2/1968
2/1999]

11. Every person acting contrary to the provisions of the fore-going by-laws relating to the fencing of lots or failing with any requirement therein shall be liable to a fine of one thousand dollars and further fine of five hundred dollars for each day's default.

NAMING OF STREETS AND NUMBERING OF LOTS

Naming of
streets and
numbering of
lots.
[Bylaws
3/1957]

12. (1) The Council shall cause to be placed in such conspicuous places therein as they may see fit the names of all the streets of the City.

(2) Every owner shall cause to be placed the number of any lots owned by him in the city, whether such lot is held under transport or by lease or otherwise, upon some conspicuous place on such lot and shall renew the said number from time whenever necessary.

GUTTERS AND PIPES TO ROOFS OF BUILDINGS

Gutters and
pipes, etc.

13. The owner of any lot and buildings, or of buildings

[Subsidiary]*Markings and Fencing of Lots, etc. By-Laws*

alone, in the City adjoining any public street road or thoroughfare shall cause the roof of the buildings and of all sunshades and other coverings and projections to be supplied with sufficient gutters and pipes to be kept in good order and repair so as to prevent any water therefrom dropping upon or running into or over such public street, road or the thoroughfare, or injuring any public dam or parapet in the City.

Construction
And grading
of gutters to
buildings in
City of
Georgetown.
[By-laws
2/1999]

14. All gutters attached to buildings in the City of Georgetown shall be constructed and graded by the owners to the approval and satisfaction of the City Engineer in such manner as to prevent water settling therein and from time to time to keep the same in such like order and repair to the satisfaction of the City Engineer: it shall be imperative on the owners of all such gutters which at present are not so constructed and graded to have the said gutters so attended to as aforesaid within six months from the confirmation of these by-laws:

Provided that by-law shall not apply to buildings with gutters perforated in such a way as to prevent water settling therein. The owner of any such buildings failing to comply with the provisions of this by-law and by-law 13 shall be liable to a fine of five thousand dollars.

Neglect of
comply with
notice.
[By-laws
2/1999]

15. Every person who shall neglect to comply within seven days with a notice from the City Engineer to have the said gutter cleaned shall be guilty of an offence under these by-laws, and shall be liable to a fine of one thousand dollars and further fine of five hundred dollars for each day's default.

PROTECTION OF BUILDINGS FROM FIRE

Materials for
roofing of
certain
buildings.

16. It shall not be lawful to cover the roof of any building within the City with thatch or leaves. The roof of every building on any lot abutting on either side of High

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[Subsidiary]

Markings and Fencing of Lots, etc. By-Laws

Street, from Lamaha Street to Broad Street, Saffon Street, or of any street in continuation thereof and of every building to the west of such street shall be covered with tiles, slates, metal, or other material approved by the City Engineer.

Materials for guttering, etc.

17. All gutters and spouts attached to any such roof shall be of tin or other metal and be constructed to the satisfaction of the City Engineer.

Penalties.
[By-laws
2/1999]

18. Any roof covered contrary to these by-laws may be pulled down and removed by order of the Council and the person liable thereof shall be liable to a fine of ten thousand dollars.

Kitchen to have separate roof from main building.

19. Every dwelling-house within the City shall be provided with a kitchen, having a separate roof from that of the main building, in which there shall be an open fire-place with a brick chimney or a stove and pipe. Provided that any existing kitchen under the same roof as the main building shall be allowed to remain, if it otherwise complies with the requirements of these by-laws. Every chimney shall be of sufficient height not to endanger the neighbourhood or to annoy it with smoke. In case any brick oven be required the same shall be connected with and ventilated by a brick chimney.

Kitchen floors.

20. The portion of the floor of every kitchen on which any fire-place or stove is placed and the space on all sides for two feet beyond shall be covered with concrete, stone, tiles, brick or solid earth and if such kitchen is attached to the dwelling-house or to any other building the outer sides and end of such kitchen shall be of stone, tiles, brick, metal or some other incombustible material or lined therewith.

Exemptions.

21. The foregoing provisions with respect to kitchens as contained in by-laws 19 and 20 shall not be construed as applicable to each separate room in any tenement range.

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Markings and Fencing of Lots, etc. By-Laws

Penalties.

[By-laws
2/1999]

22. Any person acting contrary to the provision of by-laws 19 and 20 shall be liable to a fine of ten thousand dollars.

Use of coal-pots, etc.

23. It shall not be lawful to use or kindle fire in any coal-pot or other holder of fire, within any dwelling-house in any lot of the City, except in a kitchen, or in coal-pots or other holders of fire used for laundry purposes placed at a distance of not less than six feet from any building on said lot, or if such coal-pot or holder of fire is used within a building for like purposes the same shall be placed on a box in a receptacle containing water constructed to the satisfaction and approval of the City Engineer.

Chimneys.
[By-laws
2/1999]

24. All chimneys attached to kitchens belonging to dwelling-houses in the City shall be kept in good repair, and well and properly cleaned, and the City Engineer or any Officer of the Council shall be at liberty at any time to enter upon the premises and inspect them; and the owner or occupier of any such dwelling-house neglecting to comply herewith shall be liable to a fine of four thousand dollars for every such neglect.

Right to enter premises.
[By-laws
3/1975]

24A. (1) A local government officer may enter premises at any reasonable time to ensure that there is compliance with by-laws 16 to 24 (inclusive).

(2) At the request of the owner, occupier, or person in charge of the premises, a local government officer shall produce proof of his appointment as a local government officer before exercising the powers conferred by paragraph (1).

Penalties.
[By-laws
2/1999]

25. In case of fire originating from any chimney attached to any building in the City, the owner or occupier of such building shall be liable to a fine of five thousand dollars.

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Power to prosecute.

26. In case of any breach of the foregoing by-laws under this heading the City Engineer shall be empowered to institute proceedings and prosecute for any breach hereof or he may delegate his authority thereto in each case to any officer of the Council he may think fit.

DANGEROUS BUILDINGS, ETC.

Dangerous buildings.

27. If any building or anything affixed thereon is deemed by the City Engineer to be in a ruinous state and dangerous to persons residing therein, or to passers-by, or to the occupiers of neighbouring buildings, he shall, if he thinks fit, immediately cause a proper hoard or fence to be put up for the protection of passers-by, and shall cause notice in writing to be served on the owner of such building, requiring him forthwith to take down, secure, or repair such building or other thing.

Notice to repair, etc.

28. If such owner do not begin to repair, take down, or secure such building or other thing within three days after such notice has been served and complete such repairs, or take down or secure such premises as speedily as the nature of the case will admit, the City Engineer may make complaint thereof before a magistrate of Georgetown, and it shall be lawful for such magistrate to order the owner or in his default the occupier (if any) of such building or other thing, to take down, rebuild, repair, or otherwise secure to the satisfaction of the City Engineer the same or such part thereof as appears to the magistrate to be in a dangerous state within a time to be fixed by him.

Repairs, etc. by Council

29. In case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed, cause all or so much of such buildings, or other thing, as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such manner

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as shall be requisite; and all the expenses of putting up every such board or fence and of taking down, repairing, rebuilding, or securing such building, or other thing, shall be recovered by the Council by summary execution and the said property shall be executable for the expenses and costs.

Precautions
against
accident to be
taken by City
Engineer.

30. The City Engineer, shall, during the construction or repair of any of the streets, thoroughfares, bridges, trenches or drains in the City, take proper precaution for guarding against accident, and shall cause such bars or chains to be fixed across or in any of the streets, thoroughfares, or bridges to prevent the passage of carriages, carts, and animals while such works are carried on as to him shall seem proper; and the City Engineer shall cause any such works during the construction or repair thereof to be lighted and guarded during the night.

Penalties.
[By-laws
2/1999]

31. Every person who shall take down, alter, or remove any of the said bars or chains or extinguish any light without the authority or consent of the City Engineer shall for every such offence be liable to a fine of four thousand dollars.

Lights to be
fixed to show
danger.

32. When any building materials, rubbish or other things are laid, or any hole made in any of the streets, thoroughfares or bridges of the City, the City Engineer shall direct sufficient light to be fixed in a proper place upon or near the same, and shall direct such light to be continued every night from sunset to sunrise while such materials or hole remain, and shall direct such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed or the hole filled up or otherwise made secure.

Repairs to
streets, etc. by
City Engineer.

33. If any building or hole or bridge or any other place near any thoroughfare or street of the City be for want of sufficient repair, protection, or enclosure dangerous to the passengers along such thoroughfare or street, the City Engineer shall cause or direct the same to be repaired,

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Markings and Fencing of Lots, etc. By-Laws

protected, or enclosed, so as to prevent danger therefrom and the expenses of such repair, protection or enclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or enclosed, or by the party making such repairs, or digging such hole or excavating in any street in the City, and shall, in default of payment, be recoverable by summary execution.

"Residential Districts".

34. The Council may by order declare an area a "Residential District". No spirit shops, provision shops, manufactories, bakeries or other such business premises, no theatre, dancing hall, school, assembly hall, tenement room, ranges, stables, cow-pens, or other building or buildings used for similar purposes, shall erected, nor shall any premises or part of premises be converted to be used for such a purpose as above within a residential district save by consent of the Council. Any building in a residential district used for such a purpose as above-mentioned at the time the order is made by the Council may continue to be so used, but the Council may if petitioned by the owners of two-thirds of the area declared give them notice to all or any owners of buildings so used to cease using them for such purpose, compensation being paid at such rate shall be determined by agreement or, failing agreement, by arbitration, such compensation being provided by special compensation rate levied upon the property of this area.

OFFENCES AND PENALTIES

Penalties.
[By-laws
2/1999]

35. Every person who shall offend against any of these by-laws shall be liable for every such offence to a fine of one thousand dollars, and in the case of continuing offence to a further fine of five hundred dollars for each day after written notice of the offence has been served by the City Engineer:

Provided nevertheless that the magistrate before whom any complaint may or any proceedings may be taken in

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respect of any such offence may, of he think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this by-law.

Special
penalties.
[By-laws
2/1999]

36. Any person acting contrary to the provisions of these by-laws shall, where no special penalty has been provided, be liable to a fine of seven thousand five hundred dollars.

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Georgetown Building By-laws

GEORGETOWN BUILDING BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation.
2. Interpretation.

PRELIMINARIES TO COMMENCING BUILDING OPERATIONS

3. Notice of intention to commence building operations.
4. (1) Plan of new building or of alteration to existing building.
(3) Contents of plan.
5. Written description to be deposited with plans.
6. Further plans and information to be furnished if required by City Engineer.
7. City Engineer's approval or disapproval to be signified in writing.
8. Notice of commencement of building operations.
9. Erection of boards or fences in certain cases.
10. (1) Plans deposited to be of no effect if building is not commences within 12 months.
(2) Fresh application necessary if building operations not commences within 12 months.
(3) Building operations commenced to be completed within 12 months.
11. Deviation from plan, etc., an offence.
12. Access to works by City Engineer.
13. Notice of completion of building.
14. Commencement of building operations without observance of preliminary requirements.
15. Building operations executed without preliminary requirements.
- 15A. Direction to pull down building.

MARKING AND FENCING OF LOTS, ETC.
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ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation.
2. Cost of paals.
3. Fencing of lots.
4. Costs of fencing.
5. Construction of drains.
6. Fencing front portion.
7. Fencing back portion.
8. Construction of fences.
9. Notice to erect and approval.
10. Non-compliance.
11. Penalties.
12. Naming of streets and numbering of lots.
13. Gutters and pipes, etc.
14. Construction and grading of gutters to buildings in City of Georgetown.
15. Neglect to comply with notice.
16. Materials for roofing of certain buildings.
17. Materials for guttering, etc.
18. Penalties.
19. Kitchen to have separate roof from main building.
20. Kitchen floors.
21. Exemptions.
22. Penalties.
23. Use of coal-pots, etc.
24. Chimneys.
- 24A. Right to enter premises.
25. Penalties.
26. Power to prosecute.
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MARKING AND FENCING OF LOTS, ETC.

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Citation.

1. These By-laws may be cited as the Marking and Fencing of Lots By-laws.

COST OF PAALS

Cost of paals.

2. Where paals are necessary to mark the boundaries between contiguous lots or portions of a divided lot the cost of placing such paals shall be borne jointly by the owners thereof. Any dispute as to the cost or description of such paals shall be settled by the City Engineer.

FENCING OF LOTS

Fencing of
lots.
[By-laws]

3. Continuous boundary fencing shall be erected between all lots or portions of divided lots owned by separate

[Subsidiary]

Markings and Fencing of Lots, etc. By-Laws

2/1968]. persons.

Costs of
fencing.
[By-laws
2/1968]

4. The cost thereof shall be borne jointly by the adjoining owners. Any dispute as to the cost or description of such fencing shall be settled by the Council.

Construction
of drains.
[By-laws
2/1968]

5. When a lot drain is constructed along a boundary line common to two adjoining lots and continuous boundary fencing is required to mark the same there shall either be a continuous fence on each side of such drain or one continuous fence erected in such position and in such manner as the Council may decide.

Fencing front
portion.
[By-laws
2/1968]

6. The owner of a lot or any portion thereof shall erect a continuous fence on any part of such lot, or portion thereof which faces a public street.

Fencing back
portion.
[By-laws
2/968]

7. Where the back of a lot abuts on a public drain the lot-owner shall erect a continuous fence in order to fence in such lot from such drain.

Construction
of fences.
[By-laws
2/1968]

8. (1) Every fence erected under these By-laws shall, except the Council in special circumstances otherwise permits in writing, be not less than three feet nor more than six feet in height.

(2) Metal sheeting shall not be used to fence the street boundary of any lot or portion thereof.

(3) No advertisement shall be painted on or advertising hoarding affixed to any fence on any lot or portion thereof without the approval of the Council. An application for such approval shall be made in writing to the Council and shall include details of the size, colouring, lettering, shape, lighting and character of the proposed advertisement or hoarding and the materials to be used in the construction thereof.

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[Subsidiary]

Markings and Fencing of Lots, etc. By-Laws

Notice to erect
and approval.
[By-laws
2/1968]

9. (1) Every person who desires to erect a fence required by these By-laws shall give notice in writing of his intention so to do to the Council and shall specify in such notice the design of the fence and the materials to be used in the construction thereof.

(2) No person shall erect any such fence unless the Council has approved of its design and the materials to be used in its construction.

Non-
compliance.
[By-laws
2/1968]

10. Where any owner fails to comply with any requirement to erect a fence under these by-laws the Council may erect such fence and may recover and enforce payment of any amount spent in pursuance thereof, in a Court of competent jurisdiction as a Civil debt.

Penalties.
[By-laws
2/1968
2/1999]

11. Every person acting contrary to the provisions of the fore-going by-laws relating to the fencing of lots or failing with any requirement therein shall be liable to a fine of one thousand dollars and further fine of five hundred dollars for each day's default.

NAMING OF STREETS AND NUMBERING OF LOTS

Naming of
streets and
numbering of
lots.
[Bylaws
3/1957]

12. (1) The Council shall cause to be placed in such conspicuous places therein as they may see fit the names of all the streets of the City.

(2) Every owner shall cause to be placed the number of any lots owned by him in the city, whether such lot is held under transport or by lease or otherwise, upon some conspicuous place on such lot and shall renew the said number from time whenever necessary.

GUTTERS AND PIPES TO ROOFS OF BUILDINGS

Gutters and
pipes, etc.

13. The owner of any lot and buildings, or of buildings

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alone, in the City adjoining any public street road or thoroughfare shall cause the roof of the buildings and of all sunshades and other coverings and projections to be supplied with sufficient gutters and pipes to be kept in good order and repair so as to prevent any water therefrom dropping upon or running into or over such public street, road or the thoroughfare, or injuring any public dam or parapet in the City.

Construction
And grading
of gutters to
buildings in
City of
Georgetown.
[By-laws
2/1999]

14. All gutters attached to buildings in the City of Georgetown shall be constructed and graded by the owners to the approval and satisfaction of the City Engineer in such manner as to prevent water settling therein and from time to time to keep the same in such like order and repair to the satisfaction of the City Engineer: it shall be imperative on the owners of all such gutters which at present are not so constructed and graded to have the said gutters so attended to as aforesaid within six months from the confirmation of these by-laws:

Provided that by-law shall not apply to buildings with gutters perforated in such a way as to prevent water settling therein. The owner of any such buildings failing to comply with the provisions of this by-law and by-law 13 shall be liable to a fine of five thousand dollars.

Neglect of
comply with
notice.
[By-laws
2/1999]

15. Every person who shall neglect to comply within seven days with a notice from the City Engineer to have the said gutter cleaned shall be guilty of an offence under these by-laws, and shall be liable to a fine of one thousand dollars and further fine of five hundred dollars for each day's default.

PROTECTION OF BUILDINGS FROM FIRE

Materials for
roofing of
certain
buildings.

16. It shall not be lawful to cover the roof of any building within the City with thatch or leaves. The roof of every building on any lot abutting on either side of High

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Street, from Lamaha Street to Broad Street, Saffon Street, or of any street in continuation thereof and of every building to the west of such street shall be covered with tiles, slates, metal, or other material approved by the City Engineer.

Materials for guttering, etc.

17. All gutters and spouts attached to any such roof shall be of tin or other metal and be constructed to the satisfaction of the City Engineer.

Penalties.
[By-laws
2/1999]

18. Any roof covered contrary to these by-laws may be pulled down and removed by order of the Council and the person liable thereof shall be liable to a fine of ten thousand dollars.

Kitchen to have separate roof from main building.

19. Every dwelling-house within the City shall be provided with a kitchen, having a separate roof from that of the main building, in which there shall be an open fire-place with a brick chimney or a stove and pipe. Provided that any existing kitchen under the same roof as the main building shall be allowed to remain, if it otherwise complies with the requirements of these by-laws. Every chimney shall be of sufficient height not to endanger the neighbourhood or to annoy it with smoke. In case any brick oven be required the same shall be connected with and ventilated by a brick chimney.

Kitchen floors.

20. The portion of the floor of every kitchen on which any fire-place or stove is placed and the space on all sides for two feet beyond shall be covered with concrete, stone, tiles, brick or solid earth and if such kitchen is attached to the dwelling-house or to any other building the outer sides and end of such kitchen shall be of stone, tiles, brick, metal or some other incombustible material or lined therewith.

Exemptions.

21. The foregoing provisions with respect to kitchens as contained in by-laws 19 and 20 shall not be construed as applicable to each separate room in any tenement range.

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Penalties.

[By-laws
2/1999]

22. Any person acting contrary to the provision of by-laws 19 and 20 shall be liable to a fine of ten thousand dollars.

Use of coal-pots, etc.

23. It shall not be lawful to use or kindle fire in any coal-pot or other holder of fire, within any dwelling-house in any lot of the City, except in a kitchen, or in coal-pots or other holders of fire used for laundry purposes placed at a distance of not less than six feet from any building on said lot, or if such coal-pot or holder of fire is used within a building for like purposes the same shall be placed on a box in a receptacle containing water constructed to the satisfaction and approval of the City Engineer.

Chimneys.
[By-laws
2/1999]

24. All chimneys attached to kitchens belonging to dwelling-houses in the City shall be kept in good repair, and well and properly cleaned, and the City Engineer or any Officer of the Council shall be at liberty at any time to enter upon the premises and inspect them; and the owner or occupier of any such dwelling-house neglecting to comply herewith shall be liable to a fine of four thousand dollars for every such neglect.

Right to enter premises.
[By-laws
3/1975]

24A. (1) A local government officer may enter premises at any reasonable time to ensure that there is compliance with by-laws 16 to 24 (inclusive).

(2) At the request of the owner, occupier, or person in charge of the premises, a local government officer shall produce proof of his appointment as a local government officer before exercising the powers conferred by paragraph (1).

Penalties.
[By-laws
2/1999]

25. In case of fire originating from any chimney attached to any building in the City, the owner or occupier of such building shall be liable to a fine of five thousand dollars.

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Power to prosecute.

26. In case of any breach of the foregoing by-laws under this heading the City Engineer shall be empowered to institute proceedings and prosecute for any breach hereof or he may delegate his authority thereto in each case to any officer of the Council he may think fit.

DANGEROUS BUILDINGS, ETC.

Dangerous buildings.

27. If any building or anything affixed thereon is deemed by the City Engineer to be in a ruinous state and dangerous to persons residing therein, or to passers-by, or to the occupiers of neighbouring buildings, he shall, if he thinks fit, immediately cause a proper hoard or fence to be put up for the protection of passers-by, and shall cause notice in writing to be served on the owner of such building, requiring him forthwith to take down, secure, or repair such building or other thing.

Notice to repair, etc.

28. If such owner do not begin to repair, take down, or secure such building or other thing within three days after such notice has been served and complete such repairs, or take down or secure such premises as speedily as the nature of the case will admit, the City Engineer may make complaint thereof before a magistrate of Georgetown, and it shall be lawful for such magistrate to order the owner or in his default the occupier (if any) of such building or other thing, to take down, rebuild, repair, or otherwise secure to the satisfaction of the City Engineer the same or such part thereof as appears to the magistrate to be in a dangerous state within a time to be fixed by him.

Repairs, etc. by Council

29. In case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed, cause all or so much of such buildings, or other thing, as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such manner

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as shall be requisite; and all the expenses of putting up every such board or fence and of taking down, repairing, rebuilding, or securing such building, or other thing, shall be recovered by the Council by summary execution and the said property shall be executable for the expenses and costs.

Precautions
against
accident to be
taken by City
Engineer.

30. The City Engineer, shall, during the construction or repair of any of the streets, thoroughfares, bridges, trenches or drains in the City, take proper precaution for guarding against accident, and shall cause such bars or chains to be fixed across or in any of the streets, thoroughfares, or bridges to prevent the passage of carriages, carts, and animals while such works are carried on as to him shall seem proper; and the City Engineer shall cause any such works during the construction or repair thereof to be lighted and guarded during the night.

Penalties.
[By-laws
2/1999]

31. Every person who shall take down, alter, or remove any of the said bars or chains or extinguish any light without the authority or consent of the City Engineer shall for every such offence be liable to a fine of four thousand dollars.

Lights to be
fixed to show
danger.

32. When any building materials, rubbish or other things are laid, or any hole made in any of the streets, thoroughfares or bridges of the City, the City Engineer shall direct sufficient light to be fixed in a proper place upon or near the same, and shall direct such light to be continued every night from sunset to sunrise while such materials or hole remain, and shall direct such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed or the hole filled up or otherwise made secure.

Repairs to
streets, etc. by
City Engineer.

33. If any building or hole or bridge or any other place near any thoroughfare or street of the City be for want of sufficient repair, protection, or enclosure dangerous to the passengers along such thoroughfare or street, the City Engineer shall cause or direct the same to be repaired,

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protected, or enclosed, so as to prevent danger therefrom and the expenses of such repair, protection or enclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or enclosed, or by the party making such repairs, or digging such hole or excavating in any street in the City, and shall, in default of payment, be recoverable by summary execution.

"Residential Districts".

34. The Council may by order declare an area a "Residential District". No spirit shops, provision shops, manufactories, bakeries or other such business premises, no theatre, dancing hall, school, assembly hall, tenement room, ranges, stables, cow-pens, or other building or buildings used for similar purposes, shall erected, nor shall any premises or part of premises be converted to be used for such a purpose as above within a residential district save by consent of the Council. Any building in a residential district used for such a purpose as above-mentioned at the time the order is made by the Council may continue to be so used, but the Council may if petitioned by the owners of two-thirds of the area declared give them notice to all or any owners of buildings so used to cease using them for such purpose, compensation being paid at such rate shall be determined by agreement or, failing agreement, by arbitration, such compensation being provided by special compensation rate levied upon the property of this area.

OFFENCES AND PENALTIES

Penalties.
[By-laws
2/1999]

35. Every person who shall offend against any of these by-laws shall be liable for every such offence to a fine of one thousand dollars, and in the case of continuing offence to a further fine of five hundred dollars for each day after written notice of the offence has been served by the City Engineer:

Provided nevertheless that the magistrate before whom any complaint may or any proceedings may be taken in

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respect of any such offence may, of he think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this by-law.

Special penalties.
[By-laws
2/1999]

36. Any person acting contrary to the provisions of these by-laws shall, where no special penalty has been provided, be liable to a fine of seven thousand five hundred dollars.

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By-laws
[1/1946
1/1971
4/1999]

made by the Town Council under section 206, and approved by the Governor in the Council on the 9th January, 1946, deemed to have been made under section 321 of this Act.

Citation.

1. These By-laws may be cited as the Georgetown Building By-laws, and shall be construed with the by-laws relating to the marking and fencing of lots, etc., made by the Town Council under section 192 of the Georgetown Town Council Ordinance, 1898, and approved by the Governor and Court of Policy on the 26th July, 1917.

Interpretation.

2. In these By-laws—

“builder” means the owner of any building, or any person who executes or causes to be executed any work on any building;

“building” includes any house, structure, kitchen, store-room, garage, out-house, fence, rail, palings or other erection of whatsoever material and for whatsoever purpose constructed and any part of a building;

“building operations” means the work of erecting any new building or of taking down, altering, repairing, renovating or painting of any building;

“City Engineer” and “Town Clerk” include respectively the persons lawfully acting for such officers;

“dwelling house” means any building or any part of a building constructed or adapted for use wholly or principally for human habitation;

“lot” means any parcel of land in any ward of the City described as a lot by a number or a letter in the valuation list for the City made under the Georgetown (Valuation and Rating) Ordinance, or any lawful subdivision thereof, or any parcel of land appearing to the said list although not so described;

“owner” includes the person for the time being receiving the

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rent of the land or building in connection with which the word is used, whether on his own account or as a agent or trustee for any other person, or who would so receive that rent if the land or building were let, or the person in occupation of the land or building, but does not include a tenant from year to year or for any less term or a tenant at will;

“public building” means any building constructed or adapted for use, generally or occasionally, as a church, chapel or other place of public worship or religious instruction or as a hospital, nursing home, medical clinic, work-shop, college, school, theatre, place of public entertainment or amusement, auditorium, public lecture room, exhibition room or other place of public assembly for any purpose whatsoever.

PRELIMINARIES TO COMMENCING BUILDING OPERATIONS

Notice of intention to commence building operations.

3. No person shall commence any building operations in the City unless he has given notice in writing of his intention so to do to the City Engineer on a form provided by the Council for that purpose and otherwise complies with the provisions of these by-laws.

Plan of new building or of alteration to existing building.

4. (1) No person shall erect a new building or alter or add to any existing building or execute any structural work to any building unless he shall lay over with such notice a plan of the new building or of the alterations or additions to the existing building or of the structural work for approval by the City Engineer.

(2) Every approval by the City Engineer of a plan shall be in writing at the foot of the plan approved.

Contents of plans.

(3) Such plan shall be laid over in duplicate and shall be in writing the following requirements—

- (a) it shall state the purpose for which the building is intended to be used;
- (b) it shall be drawn in ink on drawing paper or tracing linen of good quality to a scale of not less than one inch to every eight feet;
- (c) it shall show the ground position and outline of the new building, the elevation and dimension thereof and the distances of the walls from the boundary lines of the land on which it is proposed to erect the same and from every other building or erection on that land and, in the case of a new building of several storeys, it shall give particulars of every storey thereof;
- (d) it shall show the position and dimensions of every water closet, gully, drain or other house connection on that land;
- (e) in the case of alterations or additions to an existing building, it shall show the position, outline and dimension of every part of the alterations or additions intended to be made to the existing building and also comply with the requirements of subparagraphs (a), (b) and (d) of this by-law;
- (f) it shall show any other reasonable particulars required by the City Engineer.

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Written
description to
be deposited
with plans.

5. Every person laying over a plan for approval shall furnish therewith a written description of the new building, or of the alterations or additions to be made to the existing building or work to be executed, of the material of which it is to be constructed and a statement of the exact dimensions of the several parts of the building and of the mode of draining the land on which the building is to be erected or stands.

Further plans
and
information to
be furnished if
required by
City Engineer.

6. Every such person shall in all cases furnish such other plans, sections descriptions and information as may be required of him by the city Engineer.

City Engineer's
approval or
disapproval to
be signified in
writing.

7. The City Engineer shall, within a reasonable time after the delivery to him of any notice, plan, sections or description of any work required by these by-laws, signify in writing his approval or disapproval of the building operations to the person proposing to execute the same.

Notice of
commencem-
ent of building
operations.

8. Every person who has received the City Engineer's approval to commence building operations shall give seven days' notice in writing to the City Engineer of his intention to commence such operations.

Erection of
boards and
fences in
certain cases.
[By-laws
4/1999]

9. (1) Every person intending to execute any building operations or to cause the same to be executed shall, where any thoroughfare will be obstructed or rendered inconvenient by means of such operations—

- (a) before commencing the same, unless the City Engineer otherwise consents in writing, cause sufficient close-boarded boards or fences, to the satisfaction of the City Engineer, to be put up in order to separate the building where such operations are to be carried on from the thoroughfare;

- (b) if the City Engineer so requires, make a convenient platform and handrail to serve as a footway for passengers outside of such board or fence;
- (c) continue such board or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the City Engineer during such time as he may be required by the City Engineer so to do;
- (d) cause the same to be sufficiently lighted every night from sun-setting of the one day to sun-rising of the next succeeding day;
- (e) remove the same when required by the City Engineer.

(2) No person shall put up any board or fence in such a way as to obstruct or impede the surface drainage over or through any thoroughfare.

(3) It shall not be lawful for any person to place any materials, rubbish or other thing upon, or to make any hole in, a thoroughfare without the consent in writing of the City Engineer, and the person causing any materials, rubbish or other thing to be laid upon, or any hole to be made in, a thoroughfare with the consent of the City Engineer shall, at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same and continue such light every night from sun-setting of the one day to sun-rising of the next succeeding day while such materials, rubbish or other thing or hole remain, and he shall also, at his own expense, cause such materials, rubbish or other thing and

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such hole to be sufficiently fenced and enclosed, until they are removed or the hole filled in or otherwise made secure.

(4) The City Engineer may require any person who has placed any building materials, rubbish or other thing on, or made any hole in, a thoroughfare with his consent to remove or fill in the same, as the case may be, and that person shall comply with the requirement of the City Engineer within a reasonable time.

(5) In this by-law, "thoroughfare means any parapet, pavement, drain, street, alleyway or other place in the City maintained by or under the control of the Council.

(6) Every person who fails to comply with this by-law shall be guilty of an offence against these by-laws and shall be liable to a fine of ten thousand dollars and in the case of a continuing offence a further fine of one thousand dollars for every day during the offence is continued.

Plans deposited to be of no effect if building is not commenced within 12 months.

10. (1) Any plan of any building or part thereof approved in pursuance of these by-laws may, by notice in writing to the builder, be declared by the Council to be of no effect if the building operations to which the plans relates are not commenced within twelve months after the date of the approval thereof.

Fresh application necessary if building operations not commenced within 12 months.

(2) If any building operations are not commenced within twelve months after the date of the approval of the plan thereof the City Engineer may cancel his approval thereof and the building operations described on that plan shall not be commenced or executed by any builder until a new notice to commence operations is given and a new plan is laid over under these by-laws.

Building operations commenced to be completed

(3) Every person who commences building operations shall complete them within twelve months after the commencement thereof unless that period has been extended by the Council for good cause shown by that

within 12 months.

person.

(4) Where any structure erected in the course of building operations which have not been completed within twelve months after they were commenced, or within any extended period allowed for completion by the Council, is in the opinion of the Council unsightly or dangerous, the Council may by notice in writing require the builder to pull down the same.

[By-laws
4/1999]

(5) A builder to whom such a notice is given by the Council shall pull down the structure within one month from the date when the notice is given, and if he fails so to do he shall be guilty of an offence against these by-laws, and shall in addition to any penalty under by-law 77 be liable to a fine of two thousand dollars for each day whereon the breach of this by-law continues after a notice thereof has been served on him by the Council.

(6) The city Engineer shall attach a notice of this by-law to every approval of building operations given by him under these by-laws.

Deviation from plan, etc., an offence.

11. (1) If any builder, during the course of executing any building operations, commits any deviation from the plan approved by the City Engineer or contravenes any of these by-laws, the City Engineer may, by notice in writing require him to rectify that deviation or to comply with the by-laws within the time specified in the notice.

(2) Every builder who fails to comply with the notice within fourteen days after the service thereof upon him shall be guilty of an offence against these by-laws.

Access to works by City Engineer.

12. Every builder who is executing any building operations shall at all reasonable times afford the City Engineer and all persons duly authorised by him in writing,

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free access to the land and premises on which such building operations are being executed.

Notice of completion of building.

13. (1) Every builder who has completed any building operations shall within fourteen days thereafter give notice in writing to the City Engineer of the completion of those building operations, and he shall at all times thereafter afford the City Engineer and all persons duly authorized by him in writing access to every part of the land and premises where the building operations were executed for the purpose of inspection.

(2) No person shall use, occupy or let, or permit to be used, occupied or let, any building the result of any building operations approved by the City Engineer under these by-laws without the certificate of the City Engineer that such building is fit for use or occupation or to be let.

Commencement of building operations without observance of preliminary requirements.

14. If any person shall commence any building operations without giving the notice or laying over the plan or furnishing therewith the written description required by these by-laws, or without approval having been given under by-law 7 of the building operations, or if he shall execute any building operations in contravention of the approved plan or of these by-laws, he shall be guilty of an offence against these by-laws.

Building operations executed without preliminary requirements
[By-laws 1/1971
4/1999]

15. (1) If any builder—

- (a) carries out any building operations without laying over the plan or furnishing therewith the written description required by these by-laws, or without approval having been given under by-law 7; or
- (b) carries out any building operations in contravention of a plan approved by

the competent authority, the Council may serve notice upon him requiring him to do any of the following—

- (i) to cease such building operations forthwith;
- (ii) to pull down any building or part thereof erected without or in contravention of a plan approved by the competent authority.

(2) A builder who is served with a notice mentioned in paragraph (1) shall comply with the requirements of the notice within a reasonable time after such service and if he fails to do so he shall be guilty of an offence against these by-laws, and shall be liable to a fine of forty thousand dollars and a further fine of five thousand dollars for each day that the offence continues.

(3) For the purposes of this by-law, “the competent authority” means the Council, or, where such building operations occur or have been carried out, in an area, which prior to the coming into operation of the Act, the Authority thereof at the time to approve of the necessary plan was not the Council, such other authority.

Direction to pull down building.
[By-law 1/1971]

15A. (1) The Council, may, if it thinks fit, direct the City Engineer to pull down any building or part thereof erected in contravention of these by-laws and the City Engineer is authorized to enter any premises with workmen for the purpose of carrying out any such direction of the Council after the owner of the building or, if his identity is not known, the proprietor of the land whereon the building stands, has failed to comply within a reasonable time after service upon him of a notice from the Council to pull down the building or the part thereon.

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(2) The Council may institute in any court of competent jurisdiction proceedings to recover any expenses incurred by the Council in consequence of the City Engineer acting pursuant to paragraph (1).

New Building to conform to by-laws.

16. From and after the commencement of these by-laws no person shall erect a new building in any part of the City except in accordance with these by-laws.

Meaning of "new building".

17. For the purposes of these by-laws each of the following operations, namely—

(a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey;

(b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;

(c) the conversion of a dwelling-house into a building for any other purpose;

(d) the re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

(e) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any staircase or other projection from the building, but so far as regards the addition only;

(f) the roofing or covering over of an open space

between walls or buildings;

(g) the enclosing of an open space under an existing building for any purpose whatsoever;

(h) the removing of a building or part of a building from its site to a new site on the same land; and

(i) the raising of any building on its original site, shall be deemed to be the erection of a new building, and the expression "new building" shall include every such re-erected building, converted or reconverted dwelling-house or building, addition, alteration, projection, roofing, covering, enclosure or removed or raised building.

Building not to
be joined
without
permission of
City Engineer.

18. No person shall join together separate buildings or add a new building to an existing building without the approval in writing of the City Engineer.

Power to
dispense with
by-laws on such
terms as the
Council may
impose.

19. (1) On application made by any builder, the Council may dispense with compliance with any of these by-laws on such terms and conditions as it may think fit.

(2) In such case the builder shall comply with any terms and conditions which the Council may prescribe and if he shall fail to comply with any of those terms and conditions, he shall be guilty of an offence against these by-laws.

(3) Any such dispensation so granted by the Council shall be in writing and shall set out in detail the by-laws, the observance of which has been dispensed with and the terms and conditions, if any, which have been prescribed in lieu thereof.

Certificate of
compliance with

20. (1) It shall not be lawful for any person to let or occupy or suffer to be occupied (except by caretakers not

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building by-laws.

exceeding two in number) any new building whether completed or in course of erection at the commencement of these by-laws, unless the City Engineer shall certify in writing that such building is fit for occupation for the purpose for which it has been erected.

(2) The City Engineer shall not issue such a certificate unless all the by-laws relating to the erection of such a building have been complied with.

Requisition of building sites.

21. (1) No lot shall be used as a site for building operations unless the front of the building can be erected thereon parallel with the line of the street adjacent to such lot:

Provided that the Council may grant permission for the erection of a building having its frontage as nearly as possible although not completely parallel with the line of the street.

Building over thoroughfare not allowed except by special leave.

(2) No building or part thereof shall be erected over any thoroughfare except with the written permission of the Council and then only upon such terms and conditions as the Council may prescribe.

Position. etc., of new buildings to be approved.

22. (1) The position of every new building, its proposed use and its line of frontage shall be approved by the City Engineer before any building operations are commenced.

(2) No dwelling house shall be erected nearer than eight feet to the boundary lines of any lot:

Provided that where two or more contiguous lots are owned by or are in the possession of any one person, the City Engineer may approve, on such conditions as he may think fit, of any building being erected nearer than eight feet to the common boundary line between the contiguous lots, or over the said common boundary line.

New building
not to cover
more than two-
thirds of the lot.

(3) No new building either alone or taken in conjunction with any existing building shall cover more than two-thirds of the superficial area of the lot on which it is erected.

OPEN SPACES ABOUT BUILDINGS AND VENTILATION OF BUILDINGS

Building not to
project beyond
front boundary
line.

23. (1) No part of a new building or alteration to any existing building or any other construction, except the eaves of the main or other roof of the building, shall project beyond the boundary line of any lot on the frontage of any street or other public way.

(2) Such eaves shall be provided with gutters and pipes to carry off the rain water from the building and may project not more than eighteen inches beyond such boundary line at a height of not less than twenty-five feet above the level of the street or other public way in front of the building.

Distances
between
buildings and
side or back
boundary lines.

24. No new building or alteration or addition to an existing building or other construction shall be so erected or made on any lot that any portion of the new building or of the alteration or addition to any existing building or other construction shall stand or be less than six feet from either of the side lines or the back boundary line of the lot on which the new building is erected or the existing building stands:

Provided that where the façade of any lot is sixty-six feet or less, or the façade of any half lot or lesser portion of a lot is thirty-three feet or less, a new building or any alteration or addition to any existing building or other construction may be erected or made at a distance of not less than four feet from either of the side lines or the back boundary line of the lot or half or lesser portion thereof:

And provided further that where it is proposed to erect the new building or to make the alteration, addition or other

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Waiver or provision by Council in case of boundary line between contiguous lots.

construction on two or more contiguous lots in the ownership or possession of any one person the Council may dispense with compliance with this by-law in so far only as the common boundary line between those contiguous lots is concerned.

Distances between buildings on lots.

25. No new building or alteration or addition to an existing building or other construction shall be erected or made on any lot that any portion of the new building or the alteration or addition to an existing building or other construction shall stand or be less than twelve feet from any part of any other building on the same lot:

Provided that in any case where the façade of any lot is sixty-six feet or less, or the façade of any half lot or lesser portion of a lot is thirty-three feet or less, a new building or any alteration or addition to an existing building or other construction may be erected or made on the lot so as to leave a clear space of not less than eight feet from any other building on the same lot.

FOUNDATIONS

Foundations of buildings.

26. The foundations of every building shall be constructed as to sustain the dead load of the building as well as the super-imposed load determined in accordance with the provisions set out in the Schedule hereto, and to transmit these loads to the subsoil in such a manner that the pressure in the subsoil shall not cause any settlement of the building or any part of the building which may impair its stability.

Schedule.
Foundations of structural wall. .

27. (1) Every structural wall (including a pier forming part of the wall) shall rest upon—

- (a) a layer of cement of sufficient width and thickness; or

- (b) proper footings of sufficient width built directly on suitable ground; or
- (c) proper footings built on a layer of cement concrete of sufficient width and thickness; or
- (d) proper footings built on a layer of lime concrete of sufficient width and thickness; or
- (e) a sufficient raft of cement concrete properly constructed and where necessary suitably reinforced; or
- (f) a layer of cement concrete of sufficient width and thickness on suitable piles driven to a proper depth; or
- (g) a bressummer of sufficient strength; or
- (h) some other not less sufficient substructure as a foundation.

(2) A pier which does not form part of a wall shall rest upon one of the foundations specified in the preceding paragraph.

(3) The area of every foundation shall be such that the super-imposed load on the soil shall not exceed seven cwts. per superficial foot.

(4) In by-law 26 and this by-law—

- (a) “dead load” means the weight of all walls, floors, roofs, partitions and other like permanent construction;

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(b) “superimposed load” means the weight of all loads other than the “dead load”; and

(c) “bressummer” means a beam or girder which carries a wall.

TIMBER FRAMED BUILDINGS

Timber framed buildings.

28. (1) All timber used in the frame work of the walls, roof and floors of a new building shall be of hardwood, pitch pine or other wood of a description approved of by the City Engineer.

Joints between vertical and horizontal members of framework of buildings.

(2) The joints between the vertical and horizontal members of the framework of the walls of buildings shall be securely put and held together with mortice and tenon joints and any sill or wall plate may be checked into and securely bolted to the uprights in such manner as may be approved of by the City Engineer.

Braces.

(3) The braces in the framework of the walls of every building shall be of adequate size and shall be constructed in such a number as may be approved by the City Engineer.

ROOFS

Construction of roofs.

29. Every person who erects a new building shall construct the roof thereof in accordance with the following provision—

(1) All timber roofs with rafters shall be tied with tie-beams, tie-plates or collar beams, the number of which shall depend on the span of the roof as under—

(a) when the roof is under ten feet span, the number of tie-beams, tie-plates or

collar beams shall not be less than one in every third pair of rafters;

- (b) when the roof is over ten feet and not over fifteen feet span, the number of tie-beams, tie-plates or collar beams shall not be less than one in every alternate pair of rafters;
- (c) when the roof is over fifteen feet and not over twenty feet span, the number of tie-beams, tie-plates or collar beams shall not be less than one in every pair rafters.

(2) The underside of any collar beam shall in no case be higher above the wall plate than half the vertical height from the wall plate to the ridge.

(3) All roofs over twenty feet span shall be of a design approved by the City Engineer.

Covering of
roofs.

30. (1) The roof of every building, and every turret, dormer, lantern light, skylight or other erection placed thereon, but excluding the doors, door frames, windows and window frames thereof and any wooden cornice or barge board not exceeding twelve inches in depth, shall be externally covered with slate, tile, metal or other incombustible material approved by the City Engineer.

(2) The Council may by notice in writing require any person who covers a roof contrary to these by-laws to remove the covering and that person shall comply with that notice within fourteen days after the service thereof upon him.

(3) Every person who fails to comply with any such written notice shall be guilty of an offence against these

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Underside of roof to be ceiled or close-boarded.

31. (1) Except where a ceiling is provided, the underside of the roof of every inhabited room shall be close-boarded.

Definition of "inhabited room".

(2) In this by-law, "inhabited room" means a room in which some person passes the night or which is used as a living room, and the presence of any article of domestic furnishings in a room shall raise the presumption, until the contrary is proved, that some person passes the night therein or that it is used as a living room.

Disposal of rain-water from roofs.

32. Every new building shall be provided with gutters and down pipes sufficient to carry off all the rain-water from the main or other roof thereof into water containers or surface drains, and sufficient pipes to carry off the surplus water from such containers into surface drains shall also be provided.

Distance of down pipe from surface drain.

33. The down pipes for conveying water into surface drains shall extend to within six inches of the bottom of such drains.

Gutters and pipes to be of metal or incombustible material.

34. All gutters and pipes attached to any roof shall be made of galvanized sheet or other metal or incombustible material approved by the City Engineer and shall be constructed and erected to the satisfaction of the City Engineer.

FLOORS

Construction of floors.

35. Every person who erects a new building shall construct the floor thereof in accordance with the following provisions—

(1) No person shall place the underside of the lowest floor of a building at such a level as to render it liable

to flooding, or construct any building on any site which cannot be properly drained to the satisfaction of the City Engineer.

(2) No part of the upper surface of any floor shall be nearer than three feet to the underlying ground unless the ground is paved with cement concrete not less than four inches in thickness or with such other impermeable material as the City Engineer may approve.

(3) All wooden floors shall be properly grooved and tongued or otherwise so jointed as to be reasonably water tight.

(4) All wooden floors shall be properly grooved and tongued or otherwise so jointed as to be reasonably water tight.

Schedule.

(5) The floors of all buildings shall be constructed to bear safely the maximum load to be carried, and the superimposed loading of floors shall be computed in accordance with the table in the Schedule hereto.

(6) The ground floor of every new building used or intended to be used for the manufacture, or for the storage, of any articles intended for the food of man shall be constructed of cement concrete not less than four inches in thickness, or such other impermeable material as the City Engineer may approve.

STAIRCASES

Erection of staircase.

36. Every person who erects a new building shall construct all staircases connected thereto in accordance with the following provision—

(1) The treads shall be not less than nine inches in width measured horizontally from face of riser to face of

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riser, and the riser shall not be more than eight and one-half inches in height measured vertically from top of tread to top of tread.

Handrails to be provided.

(2) Every such staircase shall be provided with proper sufficient handrails securely fixed.

KITCHENS

Kitchens to be provided.

37. Every new building to be used as a dwelling-house shall be provided with a kitchen which may be under—

- (a) a separate roof from that of the main building; or
- (b) such part of the building not under the roof of the main buildings as may be approved by the City Engineer, but so that no kitchen shall be constructed under or over any dwelling-house.

Height of chimney.

38. Every chimney attached to a kitchen shall be of such height as not to be a danger or as not to cause a nuisance by smoke to any person residing in the neighbourhood.

Brick oven to have brick chimney.

39. Wherever a brick oven is constructed a brick chimney shall be erected and connected thereto in such a manner as to ventilate the oven adequately and to the satisfaction of the City Engineer.

Floors of kitchens.

40. The portion of the floor of every kitchen on which any fire-place or stove is erected or placed as well as the wall on all sides from the floor to a point at least two feet above such fireplace or stove shall be lined with concrete, stone, tile, galvanized iron or brick.

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Kitchens attached to buildings.

41. If a kitchen is attached to a dwelling-house or other building, the outer sides and end of such kitchen shall be constructed of stone or lined with tile, brick, metal or other incombustible material.

Sinks to be provided in kitchens of self-contained dwelling houses.

42. The kitchen of every self-contained cottage or dwelling-house shall be provided with a sink discharging over a gully trap connected to the sewerage system.

By-Laws 37 to 42 not applicable to tenements and dwelling-houses with electrical stoves.

43. (1) By-laws 37 to 42 inclusive shall not apply to tenement rooms, or to dwelling-houses fitted with electrical stoves only.

(2) Every tenement building shall be provided with a kitchen of the minimum height of seven feet, having a floor of concrete or hard wood and affording an area of not less than twenty-four square feet to every room or set of rooms therein:

Provided that box kitchens constructed to the satisfaction of the City Engineer may be used in connection with any such room or set of rooms.

(3) "Tenement building" means a building divided into rooms, one or more of which is constructed or adapted for habitation by separate small tenants, and "tenement room" means a room or rooms in a tenement building.

PUBLIC BUILDINGS

Examination of public buildings.

44. Every person who erects a public building shall thereafter cause the same to be examined at least once every year by a competent engineer for the purpose of ascertaining whether it is safe for the purpose for which it was erected

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and he shall lay over with the City Engineer a report of that engineer upon the condition of the building at least once a year from the time when it was first used as such.

City Engineer
may enter and
inspect.

45. The City Engineer, or any other person authorized in writing by him in that behalf, may at any time and from time to time at all reasonable hours of the day enter into and examine any public building.

Public building
not to be used
until approved.

46. No public building shall be used for any purpose whatever unless and until the Council by notice in writing addressed to the owner thereof shall approve of its use for the purpose for which it was erected.

Alteration to be
approved by
Council.

47. After the Council shall approve of the use of a public building no alteration or addition shall be made thereto without the approval of the Council.

Conversion of
building erected
for other
purposes into a
public building.

48. Where it is proposed to convert or alter into a public building any building which was not originally a public building the conversion or alteration shall be carried out in manner approved by the City Engineer and the provisions of these by-laws shall apply to such conversion and alteration as if it were the construction of a new building.

Council may
require
alterations
necessary for
safety of the
public.

49. (1) Whenever it appears to the City Engineer that any public building is not so constructed or maintained as to afford safety to persons using or resorting thereto, the Council may by notice in writing require the owner thereto to make such alterations thereto as shall be required by the Council within a reasonable time specified therein, and after service of such a notice and before the terms thereof have been complied with, that public building shall not be used or permitted to be used.

(2) If the owner of any such public building uses it, or permits it to be used, after service of the notice to make alterations thereto and before compliance with the terms of that notice, he shall be guilty of an offence against these by-laws.

ALTERATIONS OF BUILDINGS

Additions to
and alterations
of buildings.

50. Every addition to or alteration of any building and any other work made or done in or upon any building other than necessary repair or work not affecting the construction of any external wall shall, so far as regards such addition or alteration or such other work be subject to the provisions of these by-laws.

BUILDINGS DAMAGED BY FIRE, ETC., AND BUILDINGS FOR DANGEROUS TRADES

Buildings
destroyed by
fire, etc.

51. (1) Where any building has been damaged or destroyed by fire or other agency, or where the City Engineer certifies to the Council that any building or anything affixed thereto is in a ruinous condition or is dangerous or is likely to be dangerous to the persons residing or is likely to cause or increase the danger of fire, no person shall reconstruct, rebuild, extend, repair or alter any such building without the permission of the Council.

Materials with
which house
destroyed by
fire to be rebuilt.

(2) The Council may prescribe the kind of material out of which any building which has been damaged or destroyed by fire or other agency may be rebuilt, extended or repaired and no person shall rebuild, extend or repair any such building with materials other than those of the kind so prescribed.

(3) The City Engineer may on the authorization of the Council direct the owner or builder of any building to

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remove or pull down any part of a building constructed in contravention of this by-law and such owner or builder shall comply with the direction of the City Engineer within fourteen days after the date if the service upon him of such direction in writing.

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(4) Every person who contravenes paragraph (1) of this by-law shall be guilty of an offence against these by-laws, and every owner or builder who fails to comply with any direction of the City Engineer given under paragraph (3) of this by-law shall be liable to a fine of two thousand dollars for each day, commencing on the expiration of the time limited by paragraph (3) of this by-law, on which his failure so to comply continues.

Notice of
intention to pull
down or remove
building.

52. (1) It shall not be lawful for any person to pull down or to remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than three days before such removal, have given to the City Engineer notice in writing of his intention to do so.

Penalty for
removing or
pulling down
building
without notice.

(2) Every such owner who fails or neglects to give the notice of removal to the City Engineer within the time prescribed shall be guilty of an offence against these by-laws.

Notice of
removal of
building.

53. (1) The owner of the land from which any building is removed shall within seven days after such removal give notice in writing thereof to the City Engineer.

Penalty for
failure to give
such notice.

(2) Every such owner who fails or neglects to give the notice of removal to the City Engineer within the time prescribed shall be guilty of an offence against these by-laws.

Buildings for
factories and
dangerous
trades.

54. (1) No person shall erect, operate, establish or carry on any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery,

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Application of
this by-law.

furnace, engine, electric motor or other poses, without the permission of the Council, and every person who contravenes this by-law shall be guilty of an offence against these by-laws.

(2) This by-law shall not apply to any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine already erected, operated or carried on with the permission of the Council.

Council may
cancel
permission if
building be of a
dangerous
description.

(3) The Council may for any cause it considers reasonable, cancel or suspend any permission given under paragraph (1) of this by-law or prior to the coming into force of these by-laws, if after due inquiry into the conditions under which any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine is operated or carried on the Council is of opinion that such permission ought to be cancelled or suspended:

Provided that the Council may, instead of cancelling or suspending any such permission, require the person to whom it was given to make such alterations or modifications to the laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine as the Council may think fit.

Liability to take
down
laboratory, etc.,
contravening
by-laws.
[By-laws
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(4) Every person who erects, operates or establishes any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine in contravention of this by-law shall take down and remove the same within fourteen days after the service upon him of a notice by the City Engineer requiring that to be done, and if he fails so to do, he shall be liable to a penalty not exceeding two thousand dollars for everyday served by the Council on

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him.

RESIDENTIAL DISTRICTS

New building in residential districts not to cover more than half of lot.

55. No new building erected in a residential district either alone or taken in conjunction with any existing building shall cover more than one-half of the superficial area of the lot on which it is erected.

SPECIAL BY-LAWS

Special by-laws for district between Stabroek and Kingston.

56. (1) By-laws 57 to 59 inclusive shall, in addition to the other by-laws, apply to building operations to be executed in that part of the City bounded on the north by the Cummings Canal, on the south by Croal Street, on the east by Avenue of the Republic up to the Company Path and thence by Queen Street, Mundy Street and Urquhart Street and on the west by the Demerara River.

(2) No by-law herein repugnant to by-laws 57 to 59 inclusive shall have any application in that part of the City herein defined.

Position of new building in relation to boundary line.

57. (1) No new building except fences, rails or palings shall be placed at a point nearer than two feet from the boundary line of the lot on which the building is erected.

(2) The projection of the eaves of any building including gutters and pipes shall not exceed eighteen inches from the outer walls of the building.

(3) No lumber, goods or other materials whatsoever shall be stacked, placed or left on the open space between buildings on two adjoining lots.

(4) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense

Authority to
erect front wall
in line with
front boundary
of lot.

with compliance with any of the provisions of this by-law on such terms and conditions as it may think fit.

58. (1) The front wall of any new building facing a street may be erected along the boundary line of the lot on which the building is erected, but no door-steps, platforms or other projection shall extend beyond that boundary line.

(2) The eaves of the roof on the building together with the gutters and pipes attached thereto shall not project beyond the boundary line for more than eighteen inches, and shall be at a height of not less than fifteen feet above the foot pavement.

(3) The construction of sunshades to the doors or windows of buildings may be sanctioned by the City Engineer, and any such sunshade shall be constructed in accordance with instructions given by the City Engineer.

Providing
entrance for
every lot.

59. (1) Every lot shall be provided with an entrance from an adjoining street.

(2) One carriage entrance only shall be established from the street to any lot, and no such carriage entrance shall be changed without the permission in writing of the Council after a pavement has been laid down by the Council in front of that entrance.

(3) The Council may in granting any such permission prescribe such terms and conditions as it may think fit.

Special by-laws
for section of
Werk-en-Rust
district.

60. (1) By-laws 61 and 62 shall, in addition to the other by-laws, apply to building operations executed in that part of Werk-en-Rust Ward bounded on the north by

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Hadfield Street, on the south by Princess Street, on the east by High Street and on the west by the Demerara River.

(2) No by-law herein repugnant to by-laws 61 and 62 shall have any application in that part of the City herein defined.

Restriction on area of lot to be covered by building.

61. (1) It shall not be lawful for any person to erect any new building which either alone or in conjunction with any existing building or buildings covers more than two-thirds of the superficial area of the lot on which it is erected.

(2) The Council may by permission in writing approve of the erection of a vat or tank for the storage of rain water on the remaining one-third of the lot.

(3) With respect to any lot having its western boundary on the Demerara River, the Council may approve of a greater portion than two-thirds of the superficial area of a lot being covered by a new existing building alone or in conjunction with any existing buildings, but no such building shall be used as a dwelling-house.

Restriction on space between building and boundary lines.

62. (1) No new building shall be erected nearer than six feet to the side or back boundary line of a lot on which it is erected.

(2) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense with compliance with the provisions of this by-law and may prescribe in lieu thereof such terms and conditions as it may think fit.

Buildings in Water Street and Lombard Street.

63. No person shall erect any new building on either side of Water Street or Lombard Street, the height of the basement storey whereof is less than fourteen feet from floor to floor, in the case of a building of more than one storey, and

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from floor to under surface of plate in the case of a one-storey building.

Special by-laws
for
Wortmanville.

64. (1) By-laws 65 and 66 shall, in addition to the other by-laws herein, apply to that part of the City known as Wortmanville.

(2) No by-law herein repugnant to by-laws 65 and 66 shall have any application in Wortmanville.

Distances of side
and back
boundary lines.

65. (1) In that portion of Wortmanville where the facade of the lot is not less than thirty-seven feet every new building shall be erected not less than four feet from the boundary line of the lot.

(2) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense with compliance with the provisions of this by-law on such terms and conditions as it may think fit.

Distances
between
buildings.

66. No new building shall be erected or made at any point less than eight feet from any lot on which any building operations are being executed.

Special by-laws
for district east
of Oronoque
Street.

67. (1) By-laws 68 to 70 inclusive shall in addition to the other by-laws herein, apply to that part of the City east of Oronoque Street.

(2) No by-law herein repugnant to by-laws 68 to 70 inclusive shall have any application in that part of the City.

Sub-division of
lots in
Queenstown.

68. (1) No person shall sub-divide any lot which is not a corner lot.

(2) It shall be lawful for the owner of a corner lot to sub-divide the same into north and south half lots if such

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sub-division would not obstruct or impede the drainage of any part of the lot.

Restriction on number of buildings on Queenstown lot.

69. No person shall erect or build more than one dwelling-house on any lot without the permission of the Council.

Restriction on kind of buildings in Queenstown.

70. No building to be used as a spirit shop or provision shop or for any manufacturing, trade or business purpose shall be erected or built on any lot, and no such building shall be used for any such purpose as aforesaid.

GENERAL

Restriction on keeping motor vehicles under houses.

71. No person shall keep or house any vehicle adapted for the consumption of petrol in or under any dwelling-house or under any shed attached to any dwelling-house without the permission in writing of the City Engineer.

Terms and conditions on which by-laws can be dispensed with.

72. The terms and conditions on which the Council shall have power to dispense with compliance with by-laws 19, 57, or 65 shall be such terms and conditions as are from time to time published in the *Gazette* after approval by the Minister.

Power to close up alleyways.

73. (1) The Council shall have power to close up any alleyway in the City wherever in its opinion it is expedient so to do, and the Council may grant leave and licence to the owner of any lot contiguous with the closed up alleyway to occupy at the will of the Council that one-half of the portion of any closed up alleyway in line with that lot.

(2) No building shall be placed on that portion of any closed up alleyway and the Council may at any time resume possession thereof.

Authentication of notices, etc.

74. All notices or orders to be given or made under

Service of notices.

these by-laws shall be sufficiently authenticated if signed by Town Clerk, City Engineer or other officer authorised by the Council in that behalf.

Appeal by person aggrieved to the Council.

75. All notices required by these by-laws to be given by the Council or the City Engineer to an owner, builder or other person may be given by serving the same either personally on him or by leaving the same at his last and more usual place of abode.

76. Where any person is aggrieved by any action or requirement of the City Engineer under these by-laws, he may within a reasonable time appeal to the Council against such action or requirement.

General penalty for offences.
[By-laws 4/1999]

77. A person guilty of an offence against these by-laws for which no special penalty is provided, or who in any manner contravenes or fails to comply with the provisions of these by-laws shall be liable to a fine of ten thousand five hundred dollars or to imprisonment for a term not exceeding three months.

Power of City Engineer to institute proceedings.

78. The City Engineer is hereby authorised to institute and prosecute any legal proceedings in any court against any person for any breach of these by-laws.

By-Laws 26 and 35(5)

SCHEDULE

1. DEAD LOADING

For the purpose of calculating the dead loading of a building or any part of a building, the weights of the materials shall be assumed to be those set out in British Standard Specification No. 648—1935 (Schedule of Unit Weights of Building Materials), or if not set out in that Specification, shall be determined by test.

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2. SUPERIMPOSED LOADING

For the purpose of calculating the superimposed loading on beams, pillars, piers and walls, the minimum superimposed load on each floor and on the roof of a building shall be estimated as equivalent to the dead load specified in the following table for the appropriate type of building, floor or roof –

Type No.	Description of Building Floor or Roof.	Pounds per sq. ft. of floor area.
1.	Domestic buildings not hereinafter specified	{ 70
	Other similar purposes	
2.	Common Lodging House	{
	bedrooms	
	Hospital Wards	
	Hotel Bedrooms	84
	Workhouse Wards	
	Other similar purposes	
3.	Counting Houses	{
	Offices	
4.	Art Galleries	{
	Chapels	
	Churches	
	Classrooms in School building not being dwelling houses so used	112
	Lecture Rooms	
	Meeting Rooms	

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	Music Halls Public Assembly Public Concert Rooms Public Library Reading Rooms Theatres Work Shops Other similar purposes	150
5.	Ball and dance rooms Drill Rooms Other similar purposes	
	Similar floors subject to vibration	224
6.	Book Stores and Libraries Museums For every floor in a building of the Warehouse class, except such floors as are intended to be used for any of the purposes aforesaid not less than	
7.	Roofs inclined at an angle with the horizontal of more than twenty degrees	10 (per sq foot of covered area)

(a) If the superimposed load on any floor is to exceed that hereinbefore specified for such floor, such greater load shall be provided for with an equivalent margin of safety.

(b) In the case of any floor intended to be used for a

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purpose for which a superimposed load is not specified in these regulations, the superimposed load on such floor shall be provided for with equivalent margin safety.

(c) A superimposed load which may roll or move on wheels shall be calculated as being equivalent to a static loading which exceeds the weight of the rolling or moving load by not less than fifty per cent.

BY-LAW

NEW BUILDINGS

16. New building to conform to by-laws.
17. Meaning of "new building".
18. Building not to be joined without permission of City Engineer.
19. Power to dispense with by-laws on such terms as the Council may impose.
20. Certificate of compliance with building by-laws.
21. (1) Requisites of building sites.
(2) Building over thoroughfare not allowed except by special leave.
22. (1) Position, etc., of new buildings to be approved.
(3) New building not to cover more than two-thirds of the lot.

OPEN SPACES ABOUT BUILDINGS AND VENTILATION OF BUILDING

23. Building not to project beyond front boundary line.
24. Distances between buildings and side or back boundary lines.
Waiver of provision by Council in case of boundary line between contiguous lots.
25. Distances between buildings on lots.

FOUNDATIONS

26. Foundation of buildings.
27. Foundation of structural wall.

TIMBER FRAMED BUILDINGS

28. (1) Timber framed buildings.
(2) Joints between vertical and horizontal members of framework of building.
(3) Braces.

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BY-LAW

ROOFS

29. Construction of roofs.
30. Covering of roofs.
31. (1) Underside of roof to be ceiled or close-boarded.
(2) Definition of "inhabited room".
32. Disposal of rain water from roofs.
33. Distance of down pipe from surface drain.
34. Gutters and pipes to be of metal or incombustible material.

FLOORS

35. Construction of floors.

STAIRCASES

36. Erection of staircase. Handrails to be provided.

KITCHENS

37. Kitchen to be provided.
38. Height of chimney.
39. Brick oven to have brick chimney.
40. Floors of kitchens.
41. Kitchens attached to buildings.
42. Sinks to be provided in kitchens of self-contained dwelling-houses.
43. By-laws 37 and 42 not applicable to tenements and dwelling-houses with electrical stoves.

PUBLIC BUILDINGS

44. Examination of public buildings.
45. City Engineer may enter and inspect.
46. Public building not to be used until approved.
47. Alteration to be approved by Council.
48. Conversion of building erected for other purposes

BY-LAW

- into a public building.
49. Council may require alterations necessary for safety of the public.

ALTERATIONS OF BUILDINGS

50. Addition to and alterations of buildings.

BUILDINGS DAMAGED BY FIRE, ETC., AND BUILDING FOR DANGEROUS TRADES

51. (1) Building destroyed by fire, etc.
(2) Material with which house destroyed by fire to be rebuilt.
52. (1) Notice of intention to pull down or remove building.
(2) Penalty for removing or pulling down building without notice.
53. (1) Notice of removal of building.
(2) Penalty for failure to give such notice.
54. (1) Buildings for factories and dangerous trades.
(2) Application of this by-law.
(3) Council may cancel permission if building be of dangerous description.
(4) Liability to take down laboratory, etc., contravening by-laws.

RESIDENTIAL DISTRICTS

55. New building in residential districts not to cover more than half of lot.

SPECIAL BY-LAWS FOR PARTICULAR DISTRICTS IN THE CITY

56. Special by-laws for district between Stabroek and Kingston.
57. Position of new building in relation to boundary line.

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58. Authority to erect front wall in line with front boundary of lot.
59. Providing entrance for every lot.
60. Special by-laws for section of Werk-en-Rust district.
61. Restriction on area of lot to be covered by building.
62. Restriction on space between building and boundary lines.
63. Buildings in Water Street and Lombard Street.
64. Special by-laws for Wortmanville.
65. Distances of side and back boundary line.
66. Distance between buildings.
67. Special by-laws for district east or Oronoque Street.
68. Sub-division of lots in Queenstown
69. Restriction on number of buildings on Queenstown lot.
70. Restriction on kind of buildings in Queenstown.

GENERAL

71. Restriction of keeping motor vehicles under houses.
72. Terms and conditions on which by-laws can be dispensed with.
73. Power to close up alleyways.
74. Authentication of notice, etc.
75. Service of notices.
76. Appeal by person aggrieved to the Council.
77. General penalty for offences.
78. Power of City Engineer to institute proceedings.

SCHEDULE –Foundations of buildings.

GEORGETOWN BUILDINGS BY-LAWS

By-laws
[1/1946
1/1971
4/1999]

made by the Town Council under section 206, and approved by the Governor in the Council on the 9th January, 1946, deemed to have been made under section 321 of this Act.

Citation.

1. These By-laws may be cited as the Georgetown Building By-laws, and shall be construed with the by-laws relating to the marking and fencing of lots, etc., made by the Town Council under section 192 of the Georgetown Town Council Ordinance, 1898, and approved by the Governor and Court of Policy on the 26th July, 1917.

Interpretation.

2. In these By-laws—

“builder” means the owner of any building, or any person who executes or causes to be executed any work on any building;

“building” includes any house, structure, kitchen, store-room, garage, out-house, fence, rail, palings or other erection of whatsoever material and for whatsoever purpose constructed and any part of a building;

“building operations” means the work of erecting any new building or of taking down, altering, repairing, renovating or painting of any building;

“City Engineer” and “Town Clerk” include respectively the persons lawfully acting for such officers;

“dwelling house” means any building or any part of a building constructed or adapted for use wholly or principally for human habitation;

“lot” means any parcel of land in any ward of the City described as a lot by a number or a letter in the valuation list for the City made under the Georgetown (Valuation and Rating) Ordinance, or any lawful subdivision thereof, or any parcel of land appearing to the said list although not so described;

“owner” includes the person for the time being receiving the

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rent of the land or building in connection with which the word is used, whether on his own account or as a agent or trustee for any other person, or who would so receive that rent if the land or building were let, or the person in occupation of the land or building, but does not include a tenant from year to year or for any less term or a tenant at will;

“public building” means any building constructed or adapted for use, generally or occasionally, as a church, chapel or other place of public worship or religious instruction or as a hospital, nursing home, medical clinic, work-shop, college, school, theatre, place of public entertainment or amusement, auditorium, public lecture room, exhibition room or other place of public assembly for any purpose whatsoever.

PRELIMINARIES TO COMMENCING BUILDING OPERATIONS

Notice of intention to commence building operations.

3. No person shall commence any building operations in the City unless he has given notice in writing of his intention so to do to the City Engineer on a form provided by the Council for that purpose and otherwise complies with the provisions of these by-laws.

Plan of new building or of alteration to existing building.

4. (1) No person shall erect a new building or alter or add to any existing building or execute any structural work to any building unless he shall lay over with such notice a plan of the new building or of the alterations or additions to the existing building or of the structural work for approval by the City Engineer.

(2) Every approval by the City Engineer of a plan shall be in writing at the foot of the plan approved.

Contents of plans.

(3) Such plan shall be laid over in duplicate and shall be in writing the following requirements—

- (a) it shall state the purpose for which the building is intended to be used;
- (b) it shall be drawn in ink on drawing paper or tracing linen of good quality to a scale of not less than one inch to every eight feet;
- (c) it shall show the ground position and outline of the new building, the elevation and dimension thereof and the distances of the walls from the boundary lines of the land on which it is proposed to erect the same and from every other building or erection on that land and, in the case of a new building of several storeys, it shall give particulars of every storey thereof;
- (d) it shall show the position and dimensions of every water closet, gully, drain or other house connection on that land;
- (e) in the case of alterations or additions to an existing building, it shall show the position, outline and dimension of every part of the alterations or additions intended to be made to the existing building and also comply with the requirements of subparagraphs (a), (b) and (d) of this by-law;
- (f) it shall show any other reasonable particulars required by the City Engineer.

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Written
description to
be deposited
with plans.

5. Every person laying over a plan for approval shall furnish therewith a written description of the new building, or of the alterations or additions to be made to the existing building or work to be executed, of the material of which it is to be constructed and a statement of the exact dimensions of the several parts of the building and of the mode of draining the land on which the building is to be erected or stands.

Further plans
and
information to
be furnished if
required by
City Engineer.

6. Every such person shall in all cases furnish such other plans, sections descriptions and information as may be required of him by the city Engineer.

City Engineer's
approval or
disapproval to
be signified in
writing.

7. The City Engineer shall, within a reasonable time after the delivery to him of any notice, plan, sections or description of any work required by these by-laws, signify in writing his approval or disapproval of the building operations to the person proposing to execute the same.

Notice of
commencem-
ent of building
operations.

8. Every person who has received the City Engineer's approval to commence building operations shall give seven days' notice in writing to the City Engineer of his intention to commence such operations.

Erection of
boards and
fences in
certain cases.
[By-laws
4/1999]

9. (1) Every person intending to execute any building operations or to cause the same to be executed shall, where any thoroughfare will be obstructed or rendered inconvenient by means of such operations—

- (a) before commencing the same, unless the City Engineer otherwise consents in writing, cause sufficient close-boarded boards or fences, to the satisfaction of the City Engineer, to be put up in order to separate the building where such operations are to be carried on from the thoroughfare;

- (b) if the City Engineer so requires, make a convenient platform and handrail to serve as a footway for passengers outside of such board or fence;
- (c) continue such board or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the City Engineer during such time as he may be required by the City Engineer so to do;
- (d) cause the same to be sufficiently lighted every night from sun-setting of the one day to sun-rising of the next succeeding day;
- (e) remove the same when required by the City Engineer.

(2) No person shall put up any board or fence in such a way as to obstruct or impede the surface drainage over or through any thoroughfare.

(3) It shall not be lawful for any person to place any materials, rubbish or other thing upon, or to make any hole in, a thoroughfare without the consent in writing of the City Engineer, and the person causing any materials, rubbish or other thing to be laid upon, or any hole to be made in, a thoroughfare with the consent of the City Engineer shall, at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same and continue such light every night from sun-setting of the one day to sun-rising of the next succeeding day while such materials, rubbish or other thing or hole remain, and he shall also, at his own expense, cause such materials, rubbish or other thing and

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such hole to be sufficiently fenced and enclosed, until they are removed or the hole filled in or otherwise made secure.

(4) The City Engineer may require any person who has placed any building materials, rubbish or other thing on, or made any hole in, a thoroughfare with his consent to remove or fill in the same, as the case may be, and that person shall comply with the requirement of the City Engineer within a reasonable time.

(5) In this by-law, "thoroughfare means any parapet, pavement, drain, street, alleyway or other place in the City maintained by or under the control of the Council.

(6) Every person who fails to comply with this by-law shall be guilty of an offence against these by-laws and shall be liable to a fine of ten thousand dollars and in the case of a continuing offence a further fine of one thousand dollars for every day during the offence is continued.

Plans deposited to be of no effect if building is not commenced within 12 months.

10. (1) Any plan of any building or part thereof approved in pursuance of these by-laws may, by notice in writing to the builder, be declared by the Council to be of no effect if the building operations to which the plans relates are not commenced within twelve months after the date of the approval thereof.

Fresh application necessary if building operations not commenced within 12 months.

(2) If any building operations are not commenced within twelve months after the date of the approval of the plan thereof the City Engineer may cancel his approval thereof and the building operations described on that plan shall not be commenced or executed by any builder until a new notice to commence operations is given and a new plan is laid over under these by-laws.

Building operations commenced to be completed

(3) Every person who commences building operations shall complete them within twelve months after the commencement thereof unless that period has been extended by the Council for good cause shown by that

within 12 months.

person.

(4) Where any structure erected in the course of building operations which have not been completed within twelve months after they were commenced, or within any extended period allowed for completion by the Council, is in the opinion of the Council unsightly or dangerous, the Council may by notice in writing require the builder to pull down the same.

[By-laws
4/1999]

(5) A builder to whom such a notice is given by the Council shall pull down the structure within one month from the date when the notice is given, and if he fails so to do he shall be guilty of an offence against these by-laws, and shall in addition to any penalty under by-law 77 be liable to a fine of two thousand dollars for each day whereon the breach of this by-law continues after a notice thereof has been served on him by the Council.

(6) The city Engineer shall attach a notice of this by-law to every approval of building operations given by him under these by-laws.

Deviation from plan, etc., an offence.

11. (1) If any builder, during the course of executing any building operations, commits any deviation from the plan approved by the City Engineer or contravenes any of these by-laws, the City Engineer may, by notice in writing require him to rectify that deviation or to comply with the by-laws within the time specified in the notice.

(2) Every builder who fails to comply with the notice within fourteen days after the service thereof upon him shall be guilty of an offence against these by-laws.

Access to works by City Engineer.

12. Every builder who is executing any building operations shall at all reasonable times afford the City Engineer and all persons duly authorised by him in writing,

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free access to the land and premises on which such building operations are being executed.

Notice of completion of building.

13. (1) Every builder who has completed any building operations shall within fourteen days thereafter give notice in writing to the City Engineer of the completion of those building operations, and he shall at all times thereafter afford the City Engineer and all persons duly authorized by him in writing access to every part of the land and premises where the building operations were executed for the purpose of inspection.

(2) No person shall use, occupy or let, or permit to be used, occupied or let, any building the result of any building operations approved by the City Engineer under these by-laws without the certificate of the City Engineer that such building is fit for use or occupation or to be let.

Commencement of building operations without observance of preliminary requirements.

14. If any person shall commence any building operations without giving the notice or laying over the plan or furnishing therewith the written description required by these by-laws, or without approval having been given under by-law 7 of the building operations, or if he shall execute any building operations in contravention of the approved plan or of these by-laws, he shall be guilty of an offence against these by-laws.

Building operations executed without preliminary requirements
[By-laws 1/1971
4/1999]

15. (1) If any builder—

- (a) carries out any building operations without laying over the plan or furnishing therewith the written description required by these by-laws, or without approval having been given under by-law 7; or
- (b) carries out any building operations in contravention of a plan approved by

the competent authority, the Council may serve notice upon him requiring him to do any of the following—

- (i) to cease such building operations forthwith;
- (ii) to pull down any building or part thereof erected without or in contravention of a plan approved by the competent authority.

(2) A builder who is served with a notice mentioned in paragraph (1) shall comply with the requirements of the notice within a reasonable time after such service and if he fails to do so he shall be guilty of an offence against these by-laws, and shall be liable to a fine of forty thousand dollars and a further fine of five thousand dollars for each day that the offence continues.

(3) For the purposes of this by-law, “the competent authority” means the Council, or, where such building operations occur or have been carried out, in an area, which prior to the coming into operation of the Act, the Authority thereof at the time to approve of the necessary plan was not the Council, such other authority.

Direction to pull down building.
[By-law 1/1971]

15A. (1) The Council, may, if it thinks fit, direct the City Engineer to pull down any building or part thereof erected in contravention of these by-laws and the City Engineer is authorized to enter any premises with workmen for the purpose of carrying out any such direction of the Council after the owner of the building or, if his identity is not known, the proprietor of the land whereon the building stands, has failed to comply within a reasonable time after service upon him of a notice from the Council to pull down the building or the part thereon.

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(2) The Council may institute in any court of competent jurisdiction proceedings to recover any expenses incurred by the Council in consequence of the City Engineer acting pursuant to paragraph (1).

New Building to conform to by-laws.

16. From and after the commencement of these by-laws no person shall erect a new building in any part of the City except in accordance with these by-laws.

Meaning of "new building".

17. For the purposes of these by-laws each of the following operations, namely—

(a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey;

(b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;

(c) the conversion of a dwelling-house into a building for any other purpose;

(d) the re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

(e) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any staircase or other projection from the building, but so far as regards the addition only;

(f) the roofing or covering over of an open space

between walls or buildings;

(g) the enclosing of an open space under an existing building for any purpose whatsoever;

(h) the removing of a building or part of a building from its site to a new site on the same land; and

(i) the raising of any building on its original site, shall be deemed to be the erection of a new building, and the expression "new building" shall include every such re-erected building, converted or reconverted dwelling-house or building, addition, alteration, projection, roofing, covering, enclosure or removed or raised building.

Building not to
be joined
without
permission of
City Engineer.

18. No person shall join together separate buildings or add a new building to an existing building without the approval in writing of the City Engineer.

Power to
dispense with
by-laws on such
terms as the
Council may
impose.

19. (1) On application made by any builder, the Council may dispense with compliance with any of these by-laws on such terms and conditions as it may think fit.

(2) In such case the builder shall comply with any terms and conditions which the Council may prescribe and if he shall fail to comply with any of those terms and conditions, he shall be guilty of an offence against these by-laws.

(3) Any such dispensation so granted by the Council shall be in writing and shall set out in detail the by-laws, the observance of which has been dispensed with and the terms and conditions, if any, which have been prescribed in lieu thereof.

Certificate of
compliance with

20. (1) It shall not be lawful for any person to let or occupy or suffer to be occupied (except by caretakers not

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building by-laws.

exceeding two in number) any new building whether completed or in course of erection at the commencement of these by-laws, unless the City Engineer shall certify in writing that such building is fit for occupation for the purpose for which it has been erected.

(2) The City Engineer shall not issue such a certificate unless all the by-laws relating to the erection of such a building have been complied with.

Requisition of building sites.

21. (1) No lot shall be used as a site for building operations unless the front of the building can be erected thereon parallel with the line of the street adjacent to such lot:

Provided that the Council may grant permission for the erection of a building having its frontage as nearly as possible although not completely parallel with the line of the street.

Building over thoroughfare not allowed except by special leave.

(2) No building or part thereof shall be erected over any thoroughfare except with the written permission of the Council and then only upon such terms and conditions as the Council may prescribe.

Position. etc., of new buildings to be approved.

22. (1) The position of every new building, its proposed use and its line of frontage shall be approved by the City Engineer before any building operations are commenced.

(2) No dwelling house shall be erected nearer than eight feet to the boundary lines of any lot:

Provided that where two or more contiguous lots are owned by or are in the possession of any one person, the City Engineer may approve, on such conditions as he may think fit, of any building being erected nearer than eight feet to the common boundary line between the contiguous lots, or over the said common boundary line.

New building
not to cover
more than two-
thirds of the lot.

(3) No new building either alone or taken in conjunction with any existing building shall cover more than two-thirds of the superficial area of the lot on which it is erected.

OPEN SPACES ABOUT BUILDINGS AND VENTILATION OF BUILDINGS

Building not to
project beyond
front boundary
line.

23. (1) No part of a new building or alteration to any existing building or any other construction, except the eaves of the main or other roof of the building, shall project beyond the boundary line of any lot on the frontage of any street or other public way.

(2) Such eaves shall be provided with gutters and pipes to carry off the rain water from the building and may project not more than eighteen inches beyond such boundary line at a height of not less than twenty-five feet above the level of the street or other public way in front of the building.

Distances
between
buildings and
side or back
boundary lines.

24. No new building or alteration or addition to an existing building or other construction shall be so erected or made on any lot that any portion of the new building or of the alteration or addition to any existing building or other construction shall stand or be less than six feet from either of the side lines or the back boundary line of the lot on which the new building is erected or the existing building stands:

Provided that where the façade of any lot is sixty-six feet or less, or the façade of any half lot or lesser portion of a lot is thirty-three feet or less, a new building or any alteration or addition to any existing building or other construction may be erected or made at a distance of not less than four feet from either of the side lines or the back boundary line of the lot or half or lesser portion thereof:

And provided further that where it is proposed to erect the new building or to make the alteration, addition or other

Waiver or provision by Council in case of boundary line between contiguous lots.

construction on two or more contiguous lots in the ownership or possession of any one person the Council may dispense with compliance with this by-law in so far only as the common boundary line between those contiguous lots is concerned.

Distances between buildings on lots.

25. No new building or alteration or addition to an existing building or other construction shall be erected or made on any lot that any portion of the new building or the alteration or addition to an existing building or other construction shall stand or be less than twelve feet from any part of any other building on the same lot:

Provided that in any case where the façade of any lot is sixty-six feet or less, or the façade of any half lot or lesser portion of a lot is thirty-three feet or less, a new building or any alteration or addition to an existing building or other construction may be erected or made on the lot so as to leave a clear space of not less than eight feet from any other building on the same lot.

FOUNDATIONS

Foundations of buildings.

26. The foundations of every building shall be constructed as to sustain the dead load of the building as well as the super-imposed load determined in accordance with the provisions set out in the Schedule hereto, and to transmit these loads to the subsoil in such a manner that the pressure in the subsoil shall not cause any settlement of the building or any part of the building which may impair its stability.

Schedule.
Foundations of structural wall. .

27. (1) Every structural wall (including a pier forming part of the wall) shall rest upon—

- (a) a layer of cement of sufficient width and thickness; or

- (b) proper footings of sufficient width built directly on suitable ground; or
- (c) proper footings built on a layer of cement concrete of sufficient width and thickness; or
- (d) proper footings built on a layer of lime concrete of sufficient width and thickness; or
- (e) a sufficient raft of cement concrete properly constructed and where necessary suitably reinforced; or
- (f) a layer of cement concrete of sufficient width and thickness on suitable piles driven to a proper depth; or
- (g) a bressummer of sufficient strength; or
- (h) some other not less sufficient substructure as a foundation.

(2) A pier which does not form part of a wall shall rest upon one of the foundations specified in the preceding paragraph.

(3) The area of every foundation shall be such that the super-imposed load on the soil shall not exceed seven cwts. per superficial foot.

(4) In by-law 26 and this by-law—

- (a) “dead load” means the weight of all walls, floors, roofs, partitions and other like permanent construction;

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(b) "superimposed load" means the weight of all loads other than the "dead load"; and

(c) "bressummer" means a beam or girder which carries a wall.

TIMBER FRAMED BUILDINGS

Timber framed buildings.

28. (1) All timber used in the frame work of the walls, roof and floors of a new building shall be of hardwood, pitch pine or other wood of a description approved of by the City Engineer.

Joints between vertical and horizontal members of framework of buildings.

(2) The joints between the vertical and horizontal members of the framework of the walls of buildings shall be securely put and held together with mortice and tenon joints and any sill or wall plate may be checked into and securely bolted to the uprights in such manner as may be approved of by the City Engineer.

Braces.

(3) The braces in the framework of the walls of every building shall be of adequate size and shall be constructed in such a number as may be approved by the City Engineer.

ROOFS

Construction of roofs.

29. Every person who erects a new building shall construct the roof thereof in accordance with the following provision—

(1) All timber roofs with rafters shall be tied with tie-beams, tie-plates or collar beams, the number of which shall depend on the span of the roof as under—

(a) when the roof is under ten feet span, the number of tie-beams, tie-plates or

collar beams shall not be less than one in every third pair of rafters;

- (b) when the roof is over ten feet and not over fifteen feet span, the number of tie-beams, tie-plates or collar beams shall not be less than one in every alternate pair of rafters;
- (c) when the roof is over fifteen feet and not over twenty feet span, the number of tie-beams, tie-plates or collar beams shall not be less than one in every pair rafters.

(2) The underside of any collar beam shall in no case be higher above the wall plate than half the vertical height from the wall plate to the ridge.

(3) All roofs over twenty feet span shall be of a design approved by the City Engineer.

Covering of
roofs.

30. (1) The roof of every building, and every turret, dormer, lantern light, skylight or other erection placed thereon, but excluding the doors, door frames, windows and window frames thereof and any wooden cornice or barge board not exceeding twelve inches in depth, shall be externally covered with slate, tile, metal or other incombustible material approved by the City Engineer.

(2) The Council may by notice in writing require any person who covers a roof contrary to these by-laws to remove the covering and that person shall comply with that notice within fourteen days after the service thereof upon him.

(3) Every person who fails to comply with any such written notice shall be guilty of an offence against these

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by-laws.

Underside of
roof to be ceiled
or close-
boarded.

31. (1) Except where a ceiling is provided, the underside of the roof of every inhabited room shall be close-boarded.

Definition of
“inhabited
room”.

(2) In this by-law, “inhabited room” means a room in which some person passes the night or which is used as a living room, and the presence of any article of domestic furnishings in a room shall raise the presumption, until the contrary is proved, that some person passes the night therein or that it is used as a living room.

Disposal of rain-
water from
roofs.

32. Every new building shall be provided with gutters and down pipes sufficient to carry off all the rain-water from the main or other roof thereof into water containers or surface drains, and sufficient pipes to carry off the surplus water from such containers into surface drains shall also be provided.

Distance of
down pipe from
surface drain.

33. The down pipes for conveying water into surface drains shall extend to within six inches of the bottom of such drains.

Gutters and
pipes to be of
metal or
incombustible
material.

34. All gutters and pipes attached to any roof shall be made of galvanized sheet or other metal or incombustible material approved by the City Engineer and shall be constructed and erected to the satisfaction of the City Engineer.

FLOORS

Construction of
floors.

35. Every person who erects a new building shall construct the floor thereof in accordance with the following provisions—

(1) No person shall place the underside of the lowest floor of a building at such a level as to render it liable

to flooding, or construct any building on any site which cannot be properly drained to the satisfaction of the City Engineer.

(2) No part of the upper surface of any floor shall be nearer than three feet to the underlying ground unless the ground is paved with cement concrete not less than four inches in thickness or with such other impermeable material as the City Engineer may approve.

(3) All wooden floors shall be properly grooved and tongued or otherwise so jointed as to be reasonably water tight.

(4) All wooden floors shall be properly grooved and tongued or otherwise so jointed as to be reasonably water tight.

Schedule.

(5) The floors of all buildings shall be constructed to bear safely the maximum load to be carried, and the superimposed loading of floors shall be computed in accordance with the table in the Schedule hereto.

(6) The ground floor of every new building used or intended to be used for the manufacture, or for the storage, of any articles intended for the food of man shall be constructed of cement concrete not less than four inches in thickness, or such other impermeable material as the City Engineer may approve.

STAIRCASES

Erection of staircase.

36. Every person who erects a new building shall construct all staircases connected thereto in accordance with the following provision—

(1) The treads shall be not less than nine inches in width measured horizontally from face of riser to face of

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riser, and the riser shall not be more than eight and one-half inches in height measured vertically from top of tread to top of tread.

Handrails to be provided.

(2) Every such staircase shall be provided with proper sufficient handrails securely fixed.

KITCHENS

Kitchens to be provided.

37. Every new building to be used as a dwelling-house shall be provided with a kitchen which may be under—

- (a) a separate roof from that of the main building; or
- (b) such part of the building not under the roof of the main buildings as may be approved by the City Engineer, but so that no kitchen shall be constructed under or over any dwelling-house.

Height of chimney.

38. Every chimney attached to a kitchen shall be of such height as not to be a danger or as not to cause a nuisance by smoke to any person residing in the neighbourhood.

Brick oven to have brick chimney.

39. Wherever a brick oven is constructed a brick chimney shall be erected and connected thereto in such a manner as to ventilate the oven adequately and to the satisfaction of the City Engineer.

Floors of kitchens.

40. The portion of the floor of every kitchen on which any fire-place or stove is erected or placed as well as the wall on all sides from the floor to a point at least two feet above such fireplace or stove shall be lined with concrete, stone, tile, galvanized iron or brick.

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Kitchens attached to buildings.

Sinks to be provided in kitchens of self-contained dwelling houses.

By-Laws 37 to 42 not applicable to tenements and dwelling-houses with electrical stoves.

Provided that box kitchens constructed to the satisfaction of the City Engineer may be used in connection with any such room or set of rooms.

41. If a kitchen is attached to a dwelling-house or other building, the outer sides and end of such kitchen shall be constructed of stone or lined with tile, brick, metal or other incombustible material.

42. The kitchen of every self-contained cottage or dwelling-house shall be provided with a sink discharging over a gully trap connected to the sewerage system.

43. (1) By-laws 37 to 42 inclusive shall not apply to tenement rooms, or to dwelling-houses fitted with electrical stoves only.

(2) Every tenement building shall be provided with a kitchen of the minimum height of seven feet, having a floor of concrete or hard wood and affording an area of not less than twenty-four square feet to every room or set of rooms therein:

Examination of public buildings.

(3) "Tenement building" means a building divided into rooms, one or more of which is constructed or adapted for habitation by separate small tenants, and "tenement room" means a room or rooms in a tenement building.

PUBLIC BUILDINGS

44. Every person who erects a public building shall thereafter cause the same to be examined at least once every year by a competent engineer for the purpose of ascertaining whether it is safe for the purpose for which it was erected

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and he shall lay over with the City Engineer a report of that engineer upon the condition of the building at least once a year from the time when it was first used as such.

City Engineer
may enter and
inspect.

45. The City Engineer, or any other person authorized in writing by him in that behalf, may at any time and from time to time at all reasonable hours of the day enter into and examine any public building.

Public building
not to be used
until approved.

46. No public building shall be used for any purpose whatever unless and until the Council by notice in writing addressed to the owner thereof shall approve of its use for the purpose for which it was erected.

Alteration to be
approved by
Council.

47. After the Council shall approve of the use of a public building no alteration or addition shall be made thereto without the approval of the Council.

Conversion of
building erected
for other
purposes into a
public building.

48. Where it is proposed to convert or alter into a public building any building which was not originally a public building the conversion or alteration shall be carried out in manner approved by the City Engineer and the provisions of these by-laws shall apply to such conversion and alteration as if it were the construction of a new building.

Council may
require
alterations
necessary for
safety of the
public.

49. (1) Whenever it appears to the City Engineer that any public building is not so constructed or maintained as to afford safety to persons using or resorting thereto, the Council may by notice in writing require the owner thereto to make such alterations thereto as shall be required by the Council within a reasonable time specified therein, and after service of such a notice and before the terms thereof have been complied with, that public building shall not be used or permitted to be used.

(2) If the owner of any such public building uses it, or permits it to be used, after service of the notice to make alterations thereto and before compliance with the terms of that notice, he shall be guilty of an offence against these by-laws.

ALTERATIONS OF BUILDINGS

Additions to
and alterations
of buildings.

50. Every addition to or alteration of any building and any other work made or done in or upon any building other than necessary repair or work not affecting the construction of any external wall shall, so far as regards such addition or alteration or such other work be subject to the provisions of these by-laws.

BUILDINGS DAMAGED BY FIRE, ETC., AND BUILDINGS FOR DANGEROUS TRADES

Buildings
destroyed by
fire, etc.

51. (1) Where any building has been damaged or destroyed by fire or other agency, or where the City Engineer certifies to the Council that any building or anything affixed thereto is in a ruinous condition or is dangerous or is likely to be dangerous to the persons residing or is likely to cause or increase the danger of fire, no person shall reconstruct, rebuild, extend, repair or alter any such building without the permission of the Council.

Materials with
which house
destroyed by
fire to be rebuilt.

(2) The Council may prescribe the kind of material out of which any building which has been damaged or destroyed by fire or other agency may be rebuilt, extended or repaired and no person shall rebuild, extend or repair any such building with materials other than those of the kind so prescribed.

(3) The City Engineer may on the authorization of the Council direct the owner or builder of any building to

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remove or pull down any part of a building constructed in contravention of this by-law and such owner or builder shall comply with the direction of the City Engineer within fourteen days after the date if the service upon him of such direction in writing.

[By-laws
4/1999]

(4) Every person who contravenes paragraph (1) of this by-law shall be guilty of an offence against these by-laws, and every owner or builder who fails to comply with any direction of the City Engineer given under paragraph (3) of this by-law shall be liable to a fine of two thousand dollars for each day, commencing on the expiration of the time limited by paragraph (3) of this by-law, on which his failure so to comply continues.

Notice of
intention to pull
down or remove
building.

52. (1) It shall not be lawful for any person to pull down or to remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than three days before such removal, have given to the City Engineer notice in writing of his intention to do so.

Penalty for
removing or
pulling down
building
without notice.

(2) Every such owner who fails or neglects to give the notice of removal to the City Engineer within the time prescribed shall be guilty of an offence against these by-laws.

Notice of
removal of
building.

53. (1) The owner of the land from which any building is removed shall within seven days after such removal give notice in writing thereof to the City Engineer.

Penalty for
failure to give
such notice.

(2) Every such owner who fails or neglects to give the notice of removal to the City Engineer within the time prescribed shall be guilty of an offence against these by-laws.

Buildings for
factories and
dangerous
trades.

54. (1) No person shall erect, operate, establish or carry on any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery,

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Application of
this by-law.

furnace, engine, electric motor or other poses, without the permission of the Council, and every person who contravenes this by-law shall be guilty of an offence against these by-laws.

(2) This by-law shall not apply to any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine already erected, operated or carried on with the permission of the Council.

Council may
cancel
permission if
building be of a
dangerous
description.

(3) The Council may for any cause it considers reasonable, cancel or suspend any permission given under paragraph (1) of this by-law or prior to the coming into force of these by-laws, if after due inquiry into the conditions under which any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine is operated or carried on the Council is of opinion that such permission ought to be cancelled or suspended:

Provided that the Council may, instead of cancelling or suspending any such permission, require the person to whom it was given to make such alterations or modifications to the laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine as the Council may think fit.

Liability to take
down
laboratory, etc.,
contravening
by-laws.
[By-laws
4/1999]

(4) Every person who erects, operates or establishes any laboratory, workshop, factory, foundry, smelting house, boat-building establishment, distillery, furnace, engine, electric motor or other machine in contravention of this by-law shall take down and remove the same within fourteen days after the service upon him of a notice by the City Engineer requiring that to be done, and if he fails so to do, he shall be liable to a penalty not exceeding two thousand dollars for everyday served by the Council on

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him.

RESIDENTIAL DISTRICTS

New building in residential districts not to cover more than half of lot.

55. No new building erected in a residential district either alone or taken in conjunction with any existing building shall cover more than one-half of the superficial area of the lot on which it is erected.

SPECIAL BY-LAWS

Special by-laws for district between Stabroek and Kingston.

56. (1) By-laws 57 to 59 inclusive shall, in addition to the other by-laws, apply to building operations to be executed in that part of the City bounded on the north by the Cummings Canal, on the south by Croal Street, on the east by Avenue of the Republic up to the Company Path and thence by Queen Street, Mundy Street and Urquhart Street and on the west by the Demerara River.

(2) No by-law herein repugnant to by-laws 57 to 59 inclusive shall have any application in that part of the City herein defined.

Position of new building in relation to boundary line.

57. (1) No new building except fences, rails or palings shall be placed at a point nearer than two feet from the boundary line of the lot on which the building is erected.

(2) The projection of the eaves of any building including gutters and pipes shall not exceed eighteen inches from the outer walls of the building.

(3) No lumber, goods or other materials whatsoever shall be stacked, placed or left on the open space between buildings on two adjoining lots.

(4) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense

Authority to
erect front wall
in line with
front boundary
of lot.

with compliance with any of the provisions of this by-law on such terms and conditions as it may think fit.

58. (1) The front wall of any new building facing a street may be erected along the boundary line of the lot on which the building is erected, but no door-steps, platforms or other projection shall extend beyond that boundary line.

(2) The eaves of the roof on the building together with the gutters and pipes attached thereto shall not project beyond the boundary line for more than eighteen inches, and shall be at a height of not less than fifteen feet above the foot pavement.

(3) The construction of sunshades to the doors or windows of buildings may be sanctioned by the City Engineer, and any such sunshade shall be constructed in accordance with instructions given by the City Engineer.

Providing
entrance for
every lot.

59. (1) Every lot shall be provided with an entrance from an adjoining street.

(2) One carriage entrance only shall be established from the street to any lot, and no such carriage entrance shall be changed without the permission in writing of the Council after a pavement has been laid down by the Council in front of that entrance.

(3) The Council may in granting any such permission prescribe such terms and conditions as it may think fit.

Special by-laws
for section of
Werk-en-Rust
district.

60. (1) By-laws 61 and 62 shall, in addition to the other by-laws, apply to building operations executed in that part of Werk-en-Rust Ward bounded on the north by

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Hadfield Street, on the south by Princess Street, on the east by High Street and on the west by the Demerara River.

(2) No by-law herein repugnant to by-laws 61 and 62 shall have any application in that part of the City herein defined.

Restriction on area of lot to be covered by building.

61. (1) It shall not be lawful for any person to erect any new building which either alone or in conjunction with any existing building or buildings covers more than two-thirds of the superficial area of the lot on which it is erected.

(2) The Council may by permission in writing approve of the erection of a vat or tank for the storage of rain water on the remaining one-third of the lot.

(3) With respect to any lot having its western boundary on the Demerara River, the Council may approve of a greater portion than two-thirds of the superficial area of a lot being covered by a new existing building alone or in conjunction with any existing buildings, but no such building shall be used as a dwelling-house.

Restriction on space between building and boundary lines.

62. (1) No new building shall be erected nearer than six feet to the side or back boundary line of a lot on which it is erected.

(2) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense with compliance with the provisions of this by-law and may prescribe in lieu thereof such terms and conditions as it may think fit.

Buildings in Water Street and Lombard Street.

63. No person shall erect any new building on either side of Water Street or Lombard Street, the height of the basement storey whereof is less than fourteen feet from floor to floor, in the case of a building of more than one storey, and

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from floor to under surface of plate in the case of a one-storey building.

Special by-laws
for
Wortmanville.

64. (1) By-laws 65 and 66 shall, in addition to the other by-laws herein, apply to that part of the City known as Wortmanville.

(2) No by-law herein repugnant to by-laws 65 and 66 shall have any application in Wortmanville.

Distances of side
and back
boundary lines.

65. (1) In that portion of Wortmanville where the facade of the lot is not less than thirty-seven feet every new building shall be erected not less than four feet from the boundary line of the lot.

(2) Where two or more contiguous lots are owned or occupied by the same person, the Council may dispense with compliance with the provisions of this by-law on such terms and conditions as it may think fit.

Distances
between
buildings.

66. No new building shall be erected or made at any point less than eight feet from any lot on which any building operations are being executed.

Special by-laws
for district east
of Oronoque
Street.

67. (1) By-laws 68 to 70 inclusive shall in addition to the other by-laws herein, apply to that part of the City east of Oronoque Street.

(2) No by-law herein repugnant to by-laws 68 to 70 inclusive shall have any application in that part of the City.

Sub-division of
lots in
Queenstown.

68. (1) No person shall sub-divide any lot which is not a corner lot.

(2) It shall be lawful for the owner of a corner lot to sub-divide the same into north and south half lots if such

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sub-division would not obstruct or impede the drainage of any part of the lot.

Restriction on number of buildings on Queenstown lot.

69. No person shall erect or build more than one dwelling-house on any lot without the permission of the Council.

Restriction on kind of buildings in Queenstown.

70. No building to be used as a spirit shop or provision shop or for any manufacturing, trade or business purpose shall be erected or built on any lot, and no such building shall be used for any such purpose as aforesaid.

GENERAL

Restriction on keeping motor vehicles under houses.

71. No person shall keep or house any vehicle adapted for the consumption of petrol in or under any dwelling-house or under any shed attached to any dwelling-house without the permission in writing of the City Engineer.

Terms and conditions on which by-laws can be dispensed with.

72. The terms and conditions on which the Council shall have power to dispense with compliance with by-laws 19, 57, or 65 shall be such terms and conditions as are from time to time published in the *Gazette* after approval by the Minister.

Power to close up alleyways.

73. (1) The Council shall have power to close up any alleyway in the City wherever in its opinion it is expedient so to do, and the Council may grant leave and licence to the owner of any lot contiguous with the closed up alleyway to occupy at the will of the Council that one-half of the portion of any closed up alleyway in line with that lot.

(2) No building shall be placed on that portion of any closed up alleyway and the Council may at any time resume possession thereof.

Authentication of notices, etc.

74. All notices or orders to be given or made under

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these by-laws shall be sufficiently authenticated if signed by Town Clerk, City Engineer or other officer authorised by the Council in that behalf.

Service of notices.

75. All notices required by these by-laws to be given by the Council or the City Engineer to an owner, builder or other person may be given by serving the same either personally on him or by leaving the same at his last and more usual place of abode.

Appeal by person aggrieved to the Council.

76. Where any person is aggrieved by any action or requirement of the City Engineer under these by-laws, he may within a reasonable time appeal to the Council against such action or requirement.

General penalty for offences.
[By-laws 4/1999]

77. A person guilty of an offence against these by-laws for which no special penalty is provided, or who in any manner contravenes or fails to comply with the provisions of these by-laws shall be liable to a fine of ten thousand five hundred dollars or to imprisonment for a term not exceeding three months.

Power of City Engineer to institute proceedings.

78. The City Engineer is hereby authorised to institute and prosecute any legal proceedings in any court against any person for any breach of these by-laws.

By-Laws 26 and 35(5)

SCHEDULE

1. DEAD LOADING

For the purpose of calculating the dead loading of a building or any part of a building, the weights of the materials shall be assumed to be those set out in British Standard Specification No. 648—1935 (Schedule of Unit Weights of Building Materials), or if not set out in that Specification, shall be determined by test.

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2. SUPERIMPOSED LOADING

For the purpose of calculating the superimposed loading on beams, pillars, piers and walls, the minimum superimposed load on each floor and on the roof of a building shall be estimated as equivalent to the dead load specified in the following table for the appropriate type of building, floor or roof –

Type No.	Description of Building Floor or Roof.	Pounds per sq. ft. of floor area.
1.	Domestic buildings not hereinafter specified	{ 70
	Other similar purposes	
2.	Common Lodging House	{
	bedrooms	
	Hospital Wards	
	Hotel Bedrooms	84
	Workhouse Wards	
	Other similar purposes	
3.	Counting Houses	{
	Offices	
4.	Art Galleries	{
	Chapels	
	Churches	
	Classrooms in School building not being dwelling houses so used	112
	Lecture Rooms	
	Meeting Rooms	

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	Music Halls Public Assembly Public Concert Rooms Public Library Reading Rooms Theatres Work Shops Other similar purposes	150
5.	Ball and dance rooms Drill Rooms Other similar purposes	
	Similar floors subject to vibration	224
6.	Book Stores and Libraries Museums For every floor in a building of the Warehouse class, except such floors as are intended to be used for any of the purposes aforesaid not less than	
7.	Roofs inclined at an angle with the horizontal of more than twenty degrees	10 (per sq foot of covered area)

(a) If the superimposed load on any floor is to exceed that hereinbefore specified for such floor, such greater load shall be provided for with an equivalent margin of safety.

(b) In the case of any floor intended to be used for a

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purpose for which a superimposed load is not specified in these regulations, the superimposed load on such floor shall be provided for with equivalent margin safety.

(c) A superimposed load which may roll or move on wheels shall be calculated as being equivalent to a static loading which exceeds the weight of the rolling or moving load by not less than fifty per cent.

**GEORGETOWN BUILDING CONSTRUCTION (PUBLIC
HEALTH PROVISIONS) REGULATIONS**

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2. Application of regulations.
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ERECTION OF STABLES, COW-BYRES, ETC.

4. Stables, cow-byres, etc.

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5. (1) Ventilation of dwelling-house.
- (6) Height of galleries or verandahs under their own roofs.
- (7) Height when building is of one storey only.
6. Penalty.
7. Out Buildings, etc.
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10. Size and height of tenement rooms.
11. Open space to be provided under eaves.
12. Establishment of tenement houses.
13. Provisions for ventilating dwelling-houses to apply.
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BUILDING UNFIT FOR HUMAN HABITATION

15. Buildings unfit for human habitation. Notice to owner.
16. Failure to comply with notice.
17. Penalty.
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19. Sanitary conveniences to be provided.

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REGULATION

20. Position of house drains, etc., in relation to buildings.

BUILDINGS FO RNOXIOUS OR OFFENSIVE TRADES

21. Noxious or offensive trades.

GENERAL

22. Penalty.
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Regs. 1/1946
6/1946
3/1999

GEORGETOWN BUILDING CONSTRUCTION (PUBLIC HEALTH PROVISIONS) REGULATIONS

made under sections 18, 98, 141, 142 and 157 of the Public Health Ordinance (Chapter 145) by the Mayor and Town Council of Georgetown as the Local Sanitary Authority of the Urban Sanitary District of Georgetown on the 22nd October, 1945, approved by the Central Board of Health on the 16th January, 1946, and by the Governor in Council on the 13th February, 1946, deemed to have been made under section 321 of this Act

Citation.

1. These Regulations may be cited as the Georgetown Building Construction (Public Health Provisions) Regulations.

Application of regulations.

2. These regulations shall apply in the City.

Interpretation.
[Reg. 1/1946]

3. In these Regulations—

"building" includes any house, structure, kitchen, storeroom, garage, out-house, fence, rail, paling or other erection of whatever material;

"City" means the City of Georgetown;

"City Engineer", "Medical Officer of Health" and "Town Clerk" means the officers appointed as such under the Georgetown Town Council Ordinance and include respectively the persons lawfully acting for such officers;

"Council" means the Mayor and Town Council of Georgetown established by law;

"dwelling-house" means any building or part of a building constructed or adapted for use wholly or principally for human habitation;

"lot" has the meaning assigned to it in the Georgetown Buildings By-laws;

"motor car" means a motor vehicle constructed for the carriage of passengers and their effects, or for carrying passengers for hire or reward or solely for use for carrying goods or any load of any kind;

"new building" has the meaning assigned to it in by-law 17 of the Georgetown Building By-laws;

"tenement building" means a building divided into rooms, one or more of which is constructed or adapted for habitation by separate small tenants, and "tenement room" means a room or rooms in a tenement building.

ERECTION OF STABLES, COW-BYRES, ETC

4. It shall not be lawful for any person—

Stables, cow-byres, et.

- (a) to erect a stable under a dwelling-house;
- (b) to erect a cow-byre on any lot;

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- Ventilation of dwelling-house.
- (c) without the permission of the Council to erect a stable, fowl-house, garage or other like structure on any lot at a point less than six feet from any dwelling-house, or the front boundary of the lot.

VENTILATION OF BUILDINGS

5. (1) Every person who erects a dwelling-house shall construct every room therein with a clear superficial area of not less than one hundred square feet, and no room therein shall be less than eight feet in length or width.

(2) No room which is not in the topmost storey of any dwelling-house shall be in any part less than ten feet in height measuring from the upper surface of the floor to the level of the under surface of the floor of the storey next above.

(3) The City Engineer may allow the construction of a room under an existing building with a height of not less than eight feet between the floor thereof and the floor of the existing building, if otherwise it is ventilated in accordance with these regulations.

(4) No room constructed in manner described in the last preceding paragraph shall be used by any person as a sleeping room.

(5) Every room in the topmost storey of a dwelling-house shall not be less than nine feet in height measuring from the upper surface of the floor to the under side of the plate thereof.

Height of galleries or verandahs under their

(6) Every gallery, balcony, verandah or other part of a building attached to or projecting from a main building and not under an upper storey shall have a height of not less than eight feet measuring from the upper surface of the floor

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own roofs. to the under side of the plate thereof.

Height when building is of one storey only.

(7) Every one-storey dwelling-house shall be not less than ten feet in height measuring from the upper surface of the floor to the underside of the plate thereof.

Penalty.

6. Any person who inhabits or knowingly suffers any other person to inhabit any room which has not been constructed in conformity with the last preceding regulation shall be guilty of an offence against these regulations.

Out-buildings, etc.

7. No building shall be erected on any part of a lot where in the opinion of the City Engineer and the Medical Officer of Health free circulation of air would be impeded from any cause.

Ventilation through windows or doors.

8. Every dwelling-house shall have in the wall of each storey thereof a sufficient number of windows or doors so constructed and placed as to afford adequate ventilation by direct communication with the external air.

Windows of habitable rooms.

9. (1) Every room in a dwelling-house shall have at least one window opening directly into the external air or into a gallery or verandah.

(2) The total area of every window space, or if there be more than one window of the several window spaces, shall be equal to at least one-tenth of the floor area of the room.

(3) Every window shall be so constructed that at least one-half thereof may be opened.

(4) Every room having no external wall constructed wholly or partially in the roof of a dwelling-house shall be ventilated through the roof by a dormer

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window or skylight having a clear superficial area of not less than one-tenth of the floor area of the room.

(5) Every such dormer window or skylight should be so constructed that one-half at least thereof may be opened up to the top of the window or skylight.

TENEMENT ROOMS

Size and height
of tenement
rooms.

10. Every tenement room or set of tenement rooms intended as a separate dwelling-house shall have a floor of not less than one hundred and fifty square feet and a height of not less than ten feet measuring from the upper surface of the floor to the underside of the plate thereof.

Open space to
be provided
under eaves.

11. Every tenement building shall have an open space of not less than six inches in width under the eaves on all sides of the building.

Establishment
of tenement
houses.

12. (1) No person shall erect or construct a tenement building or convert an existing building into a tenement building except with the consent of the Council.

(2) Every tenement building shall be constructed in conformity with these regulations.

(3) Every tenement room shall be sufficiently ventilated directly to the external air on at least one side thereof and sufficient provision shall be made for the access of light thereto to the satisfaction of the City Engineer.

(4) No tenement room shall be ventilated into another tenement room.

(5) The roof of every tenement building or room shall be close boarded.

(6) The water closet accommodation for a tenement

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Provisions for
ventilating
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houses to
apply.

Existing
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houses.

Buildings unfit
for human
habitation.
Notice to
owner.

room and the provision for the collection of refuse therefrom shall be such as may be prescribed by the Council in each case.

13. The provisions of regulation 5 in so far as they are not repugnant to regulations 10, 11 and 12, shall apply to tenement buildings and tenement rooms.

14. (1) In case the Medical Officer of Health shall report to the Council that any existing tenement building or tenement room is in such a condition as to be unfit for human habitation, or is injurious to the health of the occupants or to the public health, the Council may require the owner thereof to put the same in proper sanitary condition.

(2) If the owner fails to put the tenement building or tenement room in a sanitary condition to the satisfaction of the Medical Officer of Health within three months after the service upon him of a notice requiring him to do so, or if the tenement building or tenement room is in such condition as to be incapable of being put in a sanitary state, the Council shall take proceedings for declaring the tenement building or tenement room unfit for human habitation.

BUILDING UNFIT FOR HUMAN HABITATION

15. In any case where it is certified to the Council by the Medical Officer of Health that any building or part of a building is unfit for human habitation, the Council may give to the owner or occupier, or leave at his place of abode, notice under the hand of the Town Clerk requiring such owner or occupier to attend the meeting of the Council or of the committee appointed by the Council for that purpose which shall be held next after the expiration of not less than seven days after the date of the service of such notice, to

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show cause why an order should not be made by the Council declaring such building or part thereof unfit for human habitation and directing that the same shall not, after a date to be specified in such order, be so inhabited.

Failure to
comply with
notice.

16. If such owner or occupier shall not attend at the meeting pursuant to such notice, or attending shall fail to satisfy the Council or such committee that such building or part of a building is fit to be inhabited, the Council may make an order as hereinbefore mentioned and may cause a copy of the same to be affixed to some conspicuous part of the building or the part thereof affected by the order.

Penalty.

17. Every person who shall, after a date so specified in such order, inhabit such building or any part thereof or knowingly suffer or permit the same to be inhabited shall be guilty of an offence against these regulations.

Removal of
closing order.

18. If at any time after the making of such order the Council shall upon the application in writing of such owner be satisfied that such building or part thereof has become or has been rendered fit for human habitation it may revoke its order and the same shall thence forth cease to operate.

SANITARY CONVENIENCES

Sanitary
conveniences to
be provided.

19. Every new building shall be provided with such number of water closets, urinals, sinks, bath wastes other sanitary conveniences in accordance with the Georgetown Sewerage Regulations, as may be required by the City Engineer.

Position of
house drains etc.
in relation to
buildings

20. Every house drain or collecting sewer shall be so constructed as not to pass under any building except in any case in which the City Engineer may be of opinion that no other mode of construction is practicable, and in that case

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HEALTH PROVISIONS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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2. Application of regulations.
3. Interpretation.

ERECTION OF STABLES, COW-BYRES, ETC.

4. Stables, cow-byres, etc.

VENTILATION OF BUILDINGS

5. (1) Ventilation of dwelling-house.
- (6) Height of galleries or verandahs under their own roofs.
- (7) Height when building is of one storey only.
6. Penalty.
7. Out Buildings, etc.
8. Ventilation through windows or doors.
9. Windows of habitable rooms.

TENEMENT ROOMS

10. Size and height of tenement rooms.
11. Open space to be provided under eaves.
12. Establishment of tenement houses.
13. Provisions for ventilating dwelling-houses to apply.
14. Existing tenement houses.

BUILDING UNFIT FOR HUMAN HABITATION

15. Buildings unfit for human habitation. Notice to owner.
16. Failure to comply with notice.
17. Penalty.
18. Removal of closing order.

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19. Sanitary conveniences to be provided.

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REGULATION

20. Position of house drains, etc., in relation to buildings.

BUILDINGS FO RNOXIOUS OR OFFENSIVE TRADES

21. Noxious or offensive trades.

GENERAL

22. Penalty.
-

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GEORGETOWN BUILDING CONSTRUCTION (PUBLIC HEALTH PROVISIONS) REGULATIONS

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(3) The City Engineer may allow the construction of a room under an existing building with a height of not less than eight feet between the floor thereof and the floor of the existing building, if otherwise it is ventilated in accordance with these regulations.

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(2) If the owner fails to put the tenement building or tenement room in a sanitary condition to the satisfaction of the Medical Officer of Health within three months after the service upon him of a notice requiring him to do so, or if the tenement building or tenement room is in such condition as to be incapable of being put in a sanitary state, the Council shall take proceedings for declaring the tenement building or tenement room unfit for human habitation.

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Failure to
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16. If such owner or occupier shall not attend at the meeting pursuant to such notice, or attending shall fail to satisfy the Council or such committee that such building or part of a building is fit to be inhabited, the Council may make an order as hereinbefore mentioned and may cause a copy of the same to be affixed to some conspicuous part of the building or the part thereof affected by the order.

Penalty.

17. Every person who shall, after a date so specified in such order, inhabit such building or any part thereof or knowingly suffer or permit the same to be inhabited shall be guilty of an offence against these regulations.

Removal of
closing order.

18. If at any time after the making of such order the Council shall upon the application in writing of such owner be satisfied that such building or part thereof has become or has been rendered fit for human habitation it may revoke its order and the same shall thence forth cease to operate.

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19. Every new building shall be provided with such number of water closets, urinals, sinks, bath wastes other sanitary conveniences in accordance with the Georgetown Sewerage Regulations, as may be required by the City Engineer.

Position of
house drains etc.
in relation to
buildings

20. Every house drain or collecting sewer shall be so constructed as not to pass under any building except in any case in which the City Engineer may be of opinion that no other mode of construction is practicable, and in that case

the City Engineer shall have full power to formulate the mode of construction and the protection of the house drain or collecting sewer of the existing building.

BUILDINGS FOR NOXIOUS OR OFFENSIVE TRADE

Noxious or
offensive trades.

Cap. 145
1953 Ed.

21. No person shall, without the consent in writing of the Council, erect any building for the purpose of establishing any noxious or offensive trade, business or manufacture as defined by section 95 of the Public Health Ordinance, or any other trade, business or manufacture heretofore or hereafter declared to be an offensive trade by the Board in manner prescribed by the said section.

Penalty.
[Reg. 3/1999]

22. Every person guilty of an offence against these regulations for which no special penalty is provided, or who **in** any manner commits a breach of, or fails to comply with, any of these regulations, shall be liable to a fine of five thousand dollars.

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LAWS OF GUYANA

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Municipal and District Councils

[Subsidiary]

Drainage of Lots By-Laws

By-laws
30/12/1884
1/1999

DRAINAGE OF LOTS BY-LAWS

made under the Public Health Ordinance for the City of Georgetown and approved by the Governor and Court of Policy on the 30th December, 1884, deemed to have been made under section 321 of this Act

Citation. **1.** These By-laws may be cited as the Drainage of Lots By-laws.

INTERPRETATION OF TERMS

Interpretation. **2.** In these By-laws—

"lot" means either a whole lot or any portion of a divided lot;

"lot drain" means any drain or trench on or adjoining any lot required to be made and maintained by the owner or occupier of such lot;

"main drain" means any drain or trench made and maintained by the Town Council.

AS TO DRAINAGE

Drainage. **3.** Every lot exceeding fifty feet in width shall have not less than two drains, and every lot under and up to fifty feet in width shall have at least one drain.

Position of
drains

4. Each drain shall be so placed—

(a) That the centre thereof shall be not less than two feet from the nearest boundary line of the lot unless the

City Engineer, the circumstances being exceptional, shall give permission in writing to place any such drain nearer to such boundary line.

(b) That such drain shall run clear from and outside of all buildings on the lot in a straight line without any bend or angle unless the City Engineer, the circumstances being exceptional, shall give permission in writing to place any such bend or angle in any such drain.

(c) That the tops of the sides of such drain shall be below the level of the surface of the lot and that the said sides shall be pierced at intervals of not less than ten feet with holes of not less than one square inch in area and being not less than two inches above the level of the bottom of the drain.

(d) That the bottom of such drain shall at the upper end or highest level thereof have a depth of not less than six inches and shall have a fall towards the point of discharge of not less than two inches in every one hundred feet.

(e) That such drain shall discharge into the main drain in rear of the lot in all cases where such drainage is provided; in all other cases, into the nearest main drain provided by the Town Council for the reception of the lot drainage of the district and every question as to which is such nearest main drain shall be determined by the City Engineer.

Length of
drains.

5. Each such drain shall run through the lot from end to end or side to side as may be necessary, having reference to the position of the main drain unless the City Engineer, the circumstances being exceptional, shall give permission in writing to construct any such drain for a shorter distance.

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Drainage of Lots By-Laws

Width of drains.

6. Each such drain shall have an internal width of not less than nine inches at the top and six at the bottom.

Materials for construction of drains.

7. Each such drain shall be constructed of stone, brick, concrete, hardwood or other suitable material and in such manner as the City Engineer shall approve.

Cleaning of drains.

8. The drains on or adjoining any lot shall be kept clean and wholesome and free from obstruction by the parties hereinafter named—

- (a) The owner or, where there are more than one, each owner of the lot.
- (b) The occupier of the lot, or, where there are more occupiers than one, by each occupier.
- (c) The occupier of any building on the lot.

Common drains.

9. The owner or owners of two adjoining lots may, having first obtained the permission in writing of the City Engineer, construct one drain common to such two adjoining lots.

Width of common drains.

10. Every such common drain shall be of not less than one and a half times the width required by these by-laws for the drain of the single lot.

Expense of common drains.

11. The expense of constructing any such common drain shall be divided between and be payable in equal proportions by the owners of the lots drained thereby unless the Town Council shall otherwise order in cases where the special circumstances show that one owner ought justly to pay more than the other.

Drains passing through adjoining lots.

12. If in the opinion of the City Engineer it is

[Subsidiary]*Drainage of Lots By-Laws*

necessary for the efficient drainage of a lot that the drainage shall pass through or over an adjoining lot the drains carrying off such drainage shall wherever practicable be made to pass through the side drains of the said adjoining lot hereinbefore provided for, and, if not so practicable, then such drainage shall be carried across such adjoining lot by means of a tunnel or covered drain of sufficient capacity constructed to the satisfaction of the City Engineer as regards position, size and material, and the expense of constructing such tunnel or covered drain and replacing the surface earth shall be borne wholly by the owner or owners of the lot from which the drainage comes.

Application of
by-laws.

13. If the City Engineer certifies that on the coming into operation of these by-laws any lot is or was sufficiently drained, these by-laws shall not be taken nor held to require the construction of new drains on such lot, unless the drainage of the lot subsequently becomes defective or insufficient.

Subsoil
drainage.

14. Efficient subsoil drainage, to the satisfaction of the City Engineer, may be permitted in lieu of the drains described in by-laws 4, 5 and 6.

Appeal.

15. The owner of any lot feeling aggrieved by the action of the City Engineer in any matter by these by-laws left to his decision may appeal to the Town Council whose decision shall be final.

Penalty.
[By-laws
1/1999]

16. Every person who shall offend against any of these by-laws shall be liable for every such offence to a fine of two thousand five hundred dollars, and in the case of a continuing offence to a further fine of five hundred dollars for each day after written notice of the offence from the Town Council:

Provided nevertheless that the magistrate, before

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[Subsidiary]

Drainage of Lots By-Laws

whom any complaint may be made or any proceedings may be taken in respect of any such offence, may, if he think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

the City Engineer shall have full power to formulate the mode of construction and the protection of the house drain or collecting sewer of the existing building.

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City Engineer, the circumstances being exceptional, shall give permission in writing to place any such drain nearer to such boundary line.

(b) That such drain shall run clear from and outside of all buildings on the lot in a straight line without any bend or angle unless the City Engineer, the circumstances being exceptional, shall give permission in writing to place any such bend or angle in any such drain.

(c) That the tops of the sides of such drain shall be below the level of the surface of the lot and that the said sides shall be pierced at intervals of not less than ten feet with holes of not less than one square inch in area and being not less than two inches above the level of the bottom of the drain.

(d) That the bottom of such drain shall at the upper end or highest level thereof have a depth of not less than six inches and shall have a fall towards the point of discharge of not less than two inches in every one hundred feet.

(e) That such drain shall discharge into the main drain in rear of the lot in all cases where such drainage is provided; in all other cases, into the nearest main drain provided by the Town Council for the reception of the lot drainage of the district and every question as to which is such nearest main drain shall be determined by the City Engineer.

Length of
drains.

5. Each such drain shall run through the lot from end to end or side to side as may be necessary, having reference to the position of the main drain unless the City Engineer, the circumstances being exceptional, shall give permission in writing to construct any such drain for a shorter distance.

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Drainage of Lots By-Laws

Width of
drains.

6. Each such drain shall have an internal width of not less than nine inches at the top and six at the bottom.

Materials for
construction of
drains.

7. Each such drain shall be constructed of stone, brick, concrete, hardwood or other suitable material and in such manner as the City Engineer shall approve.

Cleaning of
drains.

8. The drains on or adjoining any lot shall be kept clean and wholesome and free from obstruction by the parties hereinafter named—

- (a) The owner or, where there are more than one, each owner of the lot.
- (b) The occupier of the lot, or, where there are more occupiers than one, by each occupier.
- (c) The occupier of any building on the lot.

Common
drains.

9. The owner or owners of two adjoining lots may, having first obtained the permission in writing of the City Engineer, construct one drain common to such two adjoining lots.

Width of
common
drains.

10. Every such common drain shall be of not less than one and a half times the width required by these by-laws for the drain of the single lot.

Expense of
common
drains.

11. The expense of constructing any such common drain shall be divided between and be payable in equal proportions by the owners of the lots drained thereby unless the Town Council shall otherwise order in cases where the special circumstances show that one owner ought justly to pay more than the other.

Drains passing
through
adjoining lots.

12. If in the opinion of the City Engineer it is

necessary for the efficient drainage of a lot that the drainage shall pass through or over an adjoining lot the drains carrying off such drainage shall wherever practicable be made to pass through the side drains of the said adjoining lot hereinbefore provided for, and, if not so practicable, then such drainage shall be carried across such adjoining lot by means of a tunnel or covered drain of sufficient capacity constructed to the satisfaction of the City Engineer as regards position, size and material, and the expense of constructing such tunnel or covered drain and replacing the surface earth shall be borne wholly by the owner or owners of the lot from which the drainage comes.

Application of
by-laws.

13. If the City Engineer certifies that on the coming into operation of these by-laws any lot is or was sufficiently drained, these by-laws shall not be taken nor held to require the construction of new drains on such lot, unless the drainage of the lot subsequently becomes defective or insufficient.

Subsoil
drainage.

14. Efficient subsoil drainage, to the satisfaction of the City Engineer, may be permitted in lieu of the drains described in by-laws 4, 5 and 6.

Appeal.

15. The owner of any lot feeling aggrieved by the action of the City Engineer in any matter by these by-laws left to his decision may appeal to the Town Council whose decision shall be final.

Penalty.
[By-laws
1/1999]

16. Every person who shall offend against any of these by-laws shall be liable for every such offence to a fine of two thousand five hundred dollars, and in the case of a continuing offence to a further fine of five hundred dollars for each day after written notice of the offence from the Town Council:

Provided nevertheless that the magistrate, before

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Drainage of Lots By-Laws

whom any complaint may be made or any proceedings may be taken in respect of any such offence, may, if he think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

By-laws
8/11/1904
31/3/1931
5/1999

TENEMENT ROOMS
BY-LAWS

made under the Public Health Ordinance for the City of Georgetown and confirmed by the Governor and Court of Policy on the 8th November, 1904, and amended on the 31st March, 1931, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the Tenement Rooms By-laws.

Interpretation.

2. In these By-laws “tenement room” means a room used or occupied as a separate tenement.

Ventilation

3. (1) Every tenement room shall, in addition to any door, be provided with—

(a) a ventilating space not less than two inches wide, extending along each side of the room immediately above or below the wall plate, so as to be protected by the overhanging roof-eaves and such space may be protected by wire netting; and

(b) one or more sash, shuttered, jalousied or louvred window spaces opening directly into the open air, such window spaces to have an area of not less than one-tenth of the floor area of the room:

Provided that where a tenement room is not in a top storey or in a one-storeyed house the ventilating opening prescribed by by-law 3(l)(a) hereof shall be placed immediately under the intertie, or over the window cap and

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[Subsidiary]

Tenement Rooms By-Laws

be protected by weather boards attached outside:

Provided also that in the case of a top storey, or a one- storeyed house the roof of which is not ceiled, the Town Council may permit a "cow mouth" or other ventilating ridge, with an opening of not less than three inches, on the roof and running at least for two-thirds of its entire length, instead of the ventilating space required in by-law 3(l) (a).

(2) The owner of a tenement room which is not ventilated in accordance with this by-law shall be guilty of an offence against these by-laws, and shall be liable on summary conviction to a fine of seventy-five dollars and to a further fine of fifteen dollars for every complete week during which the offence continues.

(3) When the ventilation of any tenement room as prescribed by these by-laws is interfered with without just cause so as to exclude the fresh air, the tenant or occupier thereof shall be guilty of an offence against these by-laws.

Cubic capacity.

4. (1) Every tenement room shall contain not less than 300 feet cubic space for each person above ten years, and 150 feet cubic space for each person under ten years of age occupying the same. Where any room is occupied in contravention of this by-law the tenant or any occupier thereof shall be guilty of an offence against these by-laws.

(2) If the owner of a tenement room, when requested by or on behalf of the Town Council to state the name of the tenant thereof, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall be guilty of an offence against these by-laws.

White-washing.

5. The owner of a tenement room shall, to the satisfaction of the Town Council, whitewash or paint with some water paint the walls and ceiling thereof at least once a

year:

Provided that this shall not apply to walls or ceilings where painted in oil paint or papered in which case the owner shall re-paint or re-paper them as the case may be, as the Town Council may direct.

Scrubbing.

6. An officer of the Town Council may, by notice in writing, require the occupant of any tenement room to cause the floor thereof to be scrubbed within a reasonable time, to be stated in such notice, and the occupier shall be bound to comply with such notice to the satisfaction of an officer of the Town Council.

7. Every tenement room may be inspected at any time by any member or officer of the Town Council, and any person assaulting, obstructing or impeding any such member or officer in the execution of his duty shall be guilty of an offence under these by-laws.

Registration.
By-laws
[31/3/1931]

8. (1) The owner of a tenement room shall register the same in the office of the Medical Officer of Health before the use of such room as a tenement room.

(2) The owner shall, at the time of registration, give his name, the dimensions of the room in question, and the number of the lot and the street in which it is situated.

Application.

9. These by-laws shall apply to all tenement rooms, including those existing at the time of their coming into force.

Penalty.
[By-laws 5/1999]

10. Any person committing a breach of, or an offence against, these by-laws for which no penalty is specified shall be liable on summary conviction to a fine of two thousand five hundred dollars.

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GEORGETOWN WATER SUPPLY BY-LAWS

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WATER CHARGES

7. No charge for supply of water for domestic and sanitary purposes.
8. Charge for supply of water for trade purposes.
9. (a) Meter rent.
(b) Payment of rent.
10. Supply and installation of meters.
11. Ownership of meters.
12. Powers of entry.
13. Calculations of monthly consumption of water.
14. Removal of meters.
15. Method of computation where meter is out of order, etc.
16. Reading of meter in case of broken seals.
17. Testing of meters on the demand of a proprietor.
18. Proprietor deemed responsible for damage, etc., in certain cases.
19. Notice to be given before water is used.
20. Penalty for use of water without application.
21. Penalty for improper use of water.
22. Penalty for interfering with meters.

By-laws
8/11/1904
31/3/1931
5/1999

TENEMENT ROOMS
BY-LAWS

made under the Public Health Ordinance for the City of Georgetown and confirmed by the Governor and Court of Policy on the 8th November, 1904, and amended on the 31st March, 1931, deemed to have been made under section 321 of this Act

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Tenement Rooms By-Laws

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(2) The owner of a tenement room which is not ventilated in accordance with this by-law shall be guilty of an offence against these by-laws, and shall be liable on summary conviction to a fine of seventy-five dollars and to a further fine of fifteen dollars for every complete week during which the offence continues.

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By-laws
[31/3/1931]

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Application.

9. These by-laws shall apply to all tenement rooms, including those existing at the time of their coming into force.

Penalty.
[By-laws 5/1999]

10. Any person committing a breach of, or an offence against, these by-laws for which no penalty is specified shall be liable on summary conviction to a fine of two thousand five hundred dollars.

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GEORGETOWN WATER SUPPLY BY-LAWS

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WATER CHARGES

7. No charge for supply of water for domestic and sanitary purposes.
8. Charge for supply of water for trade purposes.
9. (a) Meter rent.
(b) Payment of rent.
10. Supply and installation of meters.
11. Ownership of meters.
12. Powers of entry.
13. Calculations of monthly consumption of water.
14. Removal of meters.
15. Method of computation where meter is out of order, etc.
16. Reading of meter in case of broken seals.
17. Testing of meters on the demand of a proprietor.
18. Proprietor deemed responsible for damage, etc., in certain cases.
19. Notice to be given before water is used.
20. Penalty for use of water without application.
21. Penalty for improper use of water.
22. Penalty for interfering with meters.

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Georgetown Water Supply By-Laws

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23. Penalty for consumption of water without registration.
24. No additions to taps, etc., without consent.
25. Fire-fighting services.
26. Penalty for supplying or selling water.
27. Penalty for wastage of water by proprietor
28. Penalty for wastage of water by person other than proprietor.
29. Power to cut off supply of water in cases of wastage.
30. Forms of water wastage.
31. Penalty for allowing defective service.
32. Works to be carried out by City Engineer's Department or water works staff.
33. A sanitary construction may be authorized to make alterations.
34. Repairs to be carried out by the City Engineer's Department or the water works staff.
35. Charges for alterations.
36. Council may order use of water proof taps, etc.
37. Penalty for interfering with City water mains, etc.
38. Limitations in size of service connections.
39. Restrictions on sue of water in cases of emergency.
40. Powers of entry for purposes of inspection.
41. Penalty for obstructing person in performance of duty.
42. Legal proceedings.
43. Person authorized to institute proceedings.
44. Offences and penalties.

SCHEDULE A – Supply of Water.

SCHEDULE B – Monthly charges for Water.

SCHEDULE C – Annual Meter Rent.

SCHEDULE D –Charges for Additions, Alterations, Extensions and Repairs to Services.

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Georgetown Water Supply By-laws

By-laws

15/5/1938

19/4/1940

19/7/1941

1/1949

GEORGETOWN WATER SUPPLY

BY-LAWS

made by the Town Council under section 184 and approved by the Governor in Council on the 15th May, 1938, and amended on the 19th April, 1940, 19th July, 1941, and 29th November, 1949, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the Georgetown Water Supply By-laws.

Application of
by-laws.

2. These By-laws apply throughout the City as defined by the Municipal and District Councils Act, or any Act amending the same.

Interpretation.

3. In these By-laws—

[By-laws
19/4/1940]

“Council” means the City Council as defined by the Municipal and District Councils Act;

“City Engineer” includes the City Engineer and any person for the time being lawfully performing the duties of the City Engineer;

“expert” includes any person technically qualified as an engineer and experienced in matters appertaining to the supply and control of water and the city Engineer and the Chief Engineer, Georgetown Sewerage and Water Commissioners;

“installation” includes all pipes, fittings, valves, cisterns, flushing tanks, taps, cocks and other devices through which water flows or is intended to flow which are connected together and connected to a service except the service connection;

“occupier” includes any person in actual occupation of land or buildings without regard to the title under which he

occupies and in the case of premises subdivided and let to various tenants the person receiving the rent payable by the tenant whether on his own account or as entitled thereto or interested therein and shall include the proprietor during the time such proprietor may be the occupier;

“proprietor” includes any person in possession of or in the receipt either of the whole or of any part of the rents or profits if any land or building whether on his own account or as trustee, agent, or personal representative as husband or guardian of any other person or on behalf of any committee or corporation or who would so receive the same if such premises or part thereof were let or the person in the occupation of such land or building other than as a tenant from year to year or for any less term, or as a tenant at will;

“service connection” includes the service pipe laid from the water main to the installation, the water mains ferrule, the service stop-cock and the pipe together with any fittings other than a meter attached thereto, from the water mains ferrule to the point of attachment of the first valve, cistern, flushing tank, tap, cock or other water consuming device or the first branch pipe leading to any such valve, cistern, flushing tank, tap, cock or other water consuming device;

“service” means the aggregate of the service connection and the installation;

“trade purposes” means purposes other than domestic and sanitary purposes;

Schedule A.

“water supplied for domestic and sanitary purposes” means water supplied for the purposes enumerated in Schedule A and any additions or alterations which may from time

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[Subsidiary]

Georgetown Water Supply By-laws

Authority to
lay service
connections
and the charge
therefor.

to time be made by the Council.

4. Subject to the provisions of this Act, service connections may be laid by the Council from the water mains in the streets to the boundaries of the lots of the City and the charges in connection therewith shall be paid by the proprietors and shall be as follows—

(a) for service connections of the three-quarters of an inch for domestic and sanitary purposes—

(i) when the lot is situated on the same side of the street on which the main is laid \$3.00

(ii) when the lot is situated on the opposite side of the street on which the main is laid \$5.00

(b) for service connections of larger pipes for domestic and sanitary purposes and for all service connections for the supply of water for trade purposes the charge shall be the actual cost to the Council for providing such connection.

Limitations.

5. No installation shall be connected to more than one service connection and no service includes more than one service connection.

Accounts for
water
consumed.
[By-laws
19/4/1940]

6. Accounts for water consumed shall be rendered monthly to the occupier of the premises in which the trade purposes service is installed by the Town Clerk and if the amount of any account is not paid within fourteen days after such account has been rendered the Town Clerk shall cause the supply of water to be shut off:

Provided that any supply of water which has been shut off as aforesaid may be re-opened on payment of the sum of

No charge for supply of water for domestic and sanitary purposes.

Charge for supply of water for trade purposes.
[By-laws 1/1949]

Schedule B.

Meter rent.

Schedule C.

Payment of rent.
[By-laws 19/4/1940]
Schedule C.

Supply and installation of meters.

one dollar in addition to the sum due under such account.

WATER CHARGES

7. No charge under these by-laws shall be made for the supply of water for domestic and sanitary purposes.

8. Water supplied for trade purposes shall be measured by meter and shall be charged and paid for at the rate of twenty cents per 1,000 gallons or at such other rate as may from time to time be fixed by the Council:

Provided, however, that the minimum charge per month shall be as enumerated in Schedule B or such other minimum charge as may from time to time be fixed by the Council.

9. (a) The council shall provide and maintain a suitable meter on every service connection used for trade purposes and the proprietor shall pay in advance to the Council as rent for such meter the sum set forth in Schedule C or such other rent as may from time to time be fixed by the Council.

(b) All rents of a meter for any trade purposes service shall be a yearly rental on the basis set out in Schedule C hereto and all such rental shall be payable whether the meter has been in use or not for the year and shall continue to be payable until the rental is terminated by a notice in writing to the Council. Such notice shall be addressed to the City Engineer and delivered to him not less than one month before the meter is to be removed.

10. Meters shall be supplied by the Council and installed by the Water Works staff on the written instructions of the City Engineer and the cost of such installation

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Georgetown Water Supply By-laws

(excluding the cost of the meter) shall be paid by the proprietor.

Ownership of meters.

11. All meters shall remain the absolute property of the Council whether fitted within the boundaries of the lots or otherwise.

Powers of entry.
[By-laws
19/4/1940]

12. It shall be lawful for the servants of the Council or the servants of the Georgetown Sewerage and Water Commissioners who are duly authorized in that behalf to enter either generally or in any particular case during the day into any lot or building and to enter at all reasonable hours, including all hours during which business in any premises is in progress or is usually carried on, any premises for the purpose of effecting repairs to, or testing or reading the meter or for carrying out any of the purposes of these by-laws or for any other purpose which the City Engineer or the Chief Engineer of the Georgetown Sewerage and Water Commissioners may consider necessary for the efficient control of the meters.

Calculations of monthly consumption of water.

13. (a) The monthly consumption of water shall be calculated on the basis of the difference between two readings of the meter. The first reading may be that obtained on any day not more than seven days before or after the calendar date of the commencement of the month or in the case of a newly fixed meter the first reading of the meter. The other reading may be that taken on any day not more than seven days earlier or later than the calendar termination of the month:

Provided that if the meter is removed or the supply of water is discontinued during the month then the last reading shall be taken and the difference between the two readings shall be deemed to be the month's consumption.

(b) If two or more meters have been in use during the month then the month's consumption shall be the

aggregate quantities indicated by the several meters:

Provided that the reading used in the last reading of any month shall be used as the first reading of the ensuing month.

Removal of
meters.

14. The Council may remove any meter for the purpose of testing the accuracy thereof, or for examination or repairs, or to replace it by another or for any purpose or reason whatever.

Method of
computation
where meter is
out of order, etc.

15. If a meter is found to be out of order or has been removed, the consumption for the time that the meter was out of order or for the time that the service was without a meter shall be calculated according to the daily average rate of consumption that obtained during the period between any two successive readings immediately preceding the removal of the meter and while the meter was in good order.

Reading of
meter in case of
broken seals.

16. Where any of the seals of any meter are found to be broken the supply of water may be shut off and the meter reading declared to be inaccurate. In every such case the City Engineer shall estimate what he considers to be a reasonable consumption of water for the service during the period from the last reading of the meter to the time of shutting off of the supply and the amount so estimated shall be paid on demand and before the supply is re-opened in addition to the sum of one dollar as a re-connection fee.

Testing of
meters on the
demand of a
proprietor.
[By-laws
19/49/1940]

17. (a) Where a proprietor or occupier desires to dispute the accuracy of the meter which measures the water supplied from a trade purposes service he shall give notice in writing to the Council of his desire so to do and shall at the same time deposit with the Town Clerk the sum of three dollars.

(b) The Town Clerk on receipt of such notice and

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Georgetown Water Supply By-laws

the sum to be deposited as aforesaid shall cause the meter to be tested by any member of the staff of the Water Works.

(c) The Town Clerk shall notify the proprietor of the time and place of such test and the proprietor or any person duly authorized in writing by him may be present when the meter is tested.

(d) The result of the test shall be binding both on the Council and the proprietor and the quantity of water indicated by the meter from the first reading of the month as defined in these by-laws shall if the meter proves to be incorrect be corrected according to the results of the test.

(e) If the reading of the meter proves to be incorrect the sum of three dollars deposited by him shall be returned to him by the Town Clerk, in any other case the Town Clerk shall retain the said sum as a charge for testing the meter.

(f) A meter shall be deemed to register correctly within the meaning of this by-law if it registers not more than 105 per cent of the actual amount of water passing through the meter when operating at approximately the maximum rate of flow for which the meter is designed.

Proprietor
deemed
responsible for
damage, etc., in
certain cases.

18. The proprietor shall be responsible for any meter which has been installed by the Council within the boundaries of his lot and shall also be liable for the replacement thereof or any repairs or renewal or damage which has been occasioned by any willful or accidental act on his part or on the part of his servant:

Provided that any damage to a meter which, in the opinion of an expert, could not have been caused by normal wear and tear or the effect of the water flowing through the meter or by any normal or abnormal condition of the water supply system, shall be deemed to have been wilfully or

Notice to be given before water is used.

accidentally caused.

19. (a) The proprietor shall advise the City Engineer of his intention to use or permit or cause to be used water for trade purposes and shall make application to the City Engineer for a trade purposes service connection before using or permitting water to be used for trade purposes.

(b) Applicants for trade purposes service connections shall give not less than fourteen days' notice of the intention to use water for trade purposes in the case of connections of up to and including 2 inches diameter and not less than 3 months' notice in the case of connections of 2 ½ inches and 3 inches diameter and not less than 6 months notice in the case of connections larger than 3 inches diameter.

Penalty for use of water without application.

20. Where water has been or is being used for trade purposes without an application having been first made in accordance with by-law 19 the occupier or proprietor shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for every offence and a further fine of fifteen dollars for each day while the offence continues.

Penalty for improper use of water.

21. Any person using water for trade purposes from a domestic and sanitary water service or from any water service in respect of which no application has been made for a trade purposes connection shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for every such offence.

Penalty for interfering with meters.

22. Any person who interferes or tampers with any meter or the seals thereof or with any pipe or connection or fitting attached to the meter or connected with the "inlet" side of the meter and the street water mains shall be guilty of an offence and shall, on conviction, be liable to a fine of

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seventy-five dollars for every offence.

Penalty for
consumption of
water without
registration.

23. Where any pipe, tap, apparatus or device of any description is connected to any trade purposes service connection between the street water mains and the "inlet" side of the meter or between any pipe connected to a non-metered service and any pipe connected to a "trade" purposes service or where there has been fitted any connection apparatus or device of any description which, in the opinion of an expert, would enable water to be consumed without being registered on the meter provided to register the consumption, the proprietor or occupier shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for each offence and a further fine of fifteen dollars for each day while the offence continues.

No additions to
taps, etc.,
without consent.

24 (a) No additional taps or other devices nor any connections or additions to the pipework connected to any trade purposes service shall be made without the previous consent in writing of the City Engineer, and the City Engineer's Department or the Georgetown Sewerage and Water Commissioners shall have the exclusive right of carrying out any such work.

(b) Where any tap has been connected or other device affixed to, or any additions or extensions to the pipework connection to a trade purposes service shall be made without the consent in writing of the City Engineer, the water works staff shall shut off the supply of water and remove all such taps, device, additions or extensions and the supply of water shall be re-opened only after payment by the proprietor of the cost and expenses of such removal and a fee of one dollar for reconnection.

Fire-fighting
services.

25. (a) Any proprietor having a trade purposes service may declare the same to be required solely for fire-fighting purposes.

(b) Where a proprietor declares a trade purposes service to be required solely for fire-fighting purposes the water works staff shall inspect such service and at the proprietor's expense remove or disconnect all pipes, taps, outlets and other devices not required or adapted solely for fire-fighting purposes.

(c) After the removal from any declared fire-fighting service of all pipes, taps, outlets and other devices as aforesaid, the meter shall be removed and the proprietor shall not be required to pay meter rent or any charges other than those specified in paragraphs (d) and (f) of this by-law.

(d) There shall be charged for each hydrant fire-plug or other fire-fighting device (not exceeding two in number) attached to any declared "fire-fighting" service the sum of two dollars *per annum* for any one three-inch service.

(e) All hydrants, fire-plugs or fire-fighting outlets connected to a declared fire-fighting service shall have seals affixed by the water works staff and the said seals shall be inspected and examined monthly or quarterly as the City Engineer may direct and a record of such inspection and examination shall be kept by the City Engineer in a book to be provided for that purpose.

(f) Every proprietor shall pay to the Council the sum of twenty-four dollars for each time any hydrant, fire-plug or fire-fighting device connected to a declared "fire-fighting" service shall be used, and the fact that the seals on any such hydrant, fire-plug or fire-fighting device were found to be broken at the time of inspection and examination by the water works staff shall be *prima facie* evidence in any proceedings in court that such hydrant, fire-plug or fire-fighting device has been so used:

Provided that this payment shall be waived where the

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proprietor advises the City Engineer in writing of the use of any such hydrant, fire-plugs or fire-fighting device for fire-fighting purposes within 48 hours of such use, and the city Engineer on inspection of the premises is satisfied that the hydrant, fire-plug or fire-fighting device in question was used for *bona fide* fire-fighting purposes only.

(g) No additional hydrant, fire-plug, pipe, tap, or other device of any description whether required for fire-fighting purposes or not shall be connected, or any extension or addition made to the pipework connected to any declared fire-fighting service without the previous consent in writing of the City Engineer, and the City Engineer's Department or the Georgetown Sewerage and Water Commissioners shall have the exclusive right of carrying out any such work.

(h) Where any hydrant, fire-plug, pipe, tap or other device of any description whether required for fire-fighting purposes or not is connected to a declared fire-fighting service without the previous consent in writing of the City Engineer the proprietor shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for each offence and a further fine of fifteen dollars for each day while the offence continues.

(i) Any person using water from a declared fire-fighting service for any purpose other than fire-fighting shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for every offence.

Penalty for
supplying or
selling water.
[By-laws
19/7/1941]

26. Any person who—

(a) sells, supplies, delivers or otherwise permits the removal of water from any water service to any person not resident or carrying on business on the premises served by the said water service; or

(b) removes or assists in removing water supplied

by any water service from any such premises, shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars.

Penalty for wastage of water by proprietor

27. Any proprietor who causes, permits, allows or suffers any waste of water, not due to a defective service of which the proprietor shall have given notice in writing to the City Engineer, shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for every such offence, and a further fine of fifteen dollars for each day while the offence continues.

Penalty for wastage of water by person other than proprietor.

28. Any person other than a proprietor who wastes or causes water to be wasted shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars for every such offence, and a further fine of fifteen dollars for each day while the offence continues.

Power to cut off supply of water in cases of wastage.

29. Whether there is any waste of water from any service the supply may, without prejudice to any other remedy which the Council may have against any person liable for such waste, be shut off and re-opened only after the cause of wastage has been remedied and on payment of one dollar re-connection fee:

Provided that such shutting off of the supply shall be carried out in such manner that there is, in the opinion of the City Engineer, a sufficient supply of water maintained to serve any water closet connected to the sewerage system.

Forms of water wastage.

30. For the purpose of these by-laws, in addition to any other means not herein specified by which water can be wasted, a waste of water shall be deemed to have occurred in any of the following cases—

(a) When water is flowing from a tap, cock or hose-pipe into a sink, basin, vessel or utensil which at a time is

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over-flowing.

(b) When water is flowing from a tap, cock or hose-pipe into a sink, basin, vessel or utensil which at the time being emptied if its contents.

(c) When water is flowing from a tap, cock or hose-pipe into a sink, basin, vessel or utensil which has a defective outlet plug or which is not water-tight.

(d) When water is flowing from a tap or cock without being received into some vessel or utensil and without being used for some domestic purpose.

Penalty for
allowing
defective
service.

31. (a) Any proprietor or occupier who shall cause, permit, allow or suffer any stop cock, pipe or other part of any service within the boundaries of his lot to be out of repair, without giving written notice thereof to the City Engineer, shall be guilty of an offence and shall, on conviction, be liable to a fine of seventy-five dollars and a further fine of fifteen dollars for each day while the offence continues.

(b) The notice required in this by-law shall be given within twenty-four hours after the defect in repair shall have to come to the knowledge of the proprietor or occupier.

Works to be
carried out by
City Engineer's
Department or
water works
staff.

32. (a) Save as provided in the next succeeding by-law, no additions, alterations or extensions shall be made to any service except by the City Engineer's Department or water works staff which shall have the exclusive right of carrying out any such work, and any person who shall make or cause to be made only addition, alteration or extension to the service on any lot or premises in contravention of this section shall be guilty of an offence and shall on conviction be liable to a fine of seventy-five dollars.

(b) Where any addition, alteration or extension has

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been made to any service otherwise than as is herein provided, such additions, alterations or extensions shall be removed by the City Engineer's Department or water works staff.

A sanitary constructor may be authorized to make alterations.
[Reg. 23/6/1938 c. 30:01]

33. The holder of a licence as a sanitary constructor under the Georgetown Sewerage Regulations may when so empowered in writing by the City Engineer make additions, extensions or alterations to a service for the purpose of supplying water to any closet, bath or kitchen sink which is required to be connected to the sewerage system. The materials for this work shall be obtained from the City Engineer's Department on payment by the proprietor of the cost thereof.

Repairs to be carried out by the City Engineer's Department or the water works staff.

34. No repairs shall be carried out on any service except by the City Engineer's Department or the water works staff. Where any repairs are carried out by any person not a member of the City Engineer's Department or the water works staff, such repairs shall be re-made by the City Engineer's Department or the water works staff and the cost thereof shall be paid by the proprietor.

Charges for alterations.

35. Unless otherwise provided in these by-laws, the charges for additions, alterations, extensions and repairs to services carried out by the City Engineer's Department or by the water works staff shall be those in Schedule D.

Council may order use of water proof taps, etc.

36. The Council may order the use, throughout the City of waste-proof taps or cocks or any other device designed to prevent wastage of water, as kitchen, yard, or garden taps or for any other purpose which the Council may consider necessary in the interests of conserving the water supply or for the purpose of effecting economies in the operation of the water works and may recover the costs of providing and installing any of the aforesaid articles from the proprietors.

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Penalty for
interfering with
City water
mains, etc.

37. Any person who interferes or tampers with the water works plant, the city water mains, the street fire hydrants or standposts, any service connection or any fitting valve, stop-cock or other device or who operates or attempts to operate any hydrant, standpost, valve, stop-cock or any device attached to any part of the water supply system other than the installation provided for the use of such persons shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding one hundred and fifty dollars.

Limitations in
size of service
connection.

38. Save with the permission in writing of the Council no proprietor shall be entitled to have any service connection larger than three inches diameter or an aggregate of service connections totaling in cross-sectional area more than the cross-sectional area of a three inch service connection, serving any one lot.

Restrictions on
use of water in
cases of
emergency.

39. The Council may, in times of water shortage or when there is any abnormal condition of the water supply system, impose restrictions on the use of water for trade purposes, garden watering and car and carriage washing purposes, or restrict the supply of water to certain hours of the day or impose any other restriction on the use of water which they may deem necessary in order to conserve the available supply for the essential sanitary or fire-fighting requirements of the City:

Provided that such restrictions shall not operate to reduce the supply to any urinal or water closet which would be likely to affect or endanger the satisfactory operation of the sewerage system.

Powers of entry
for purposes of
inspection.

40. It shall be lawful for the servant of the Council or the servants of the Georgetown Sewerage and Water Commissioners who are duly authorized in writing in that behalf to enter at all reasonable hours including all hours during which business in any premises is in progress or is usually carried on any premises or lot or building or land for

the purpose of inspecting, testing or repairing any pipe, tap, apparatus or device of any description connected to the City water supply system or for any other purpose which the City Engineer or the Chief Engineer of the Georgetown Sewerage and Water Commissioners shall consider necessary for the efficient control of the water supply system or for carrying out any of the objects of these by-laws.

Penalty for
obstructing
person in
performance of
duty.

41. Any person who assaults, obstructs or in any way hinders or attempts to obstruct or hinder any person charged with the performance of any duty under these by-laws shall be guilty of an offence and shall, on conviction, be liable to a fine of one hundred and fifty dollars.

Legal
proceedings.

42. The signature of the Town Clerk subscribed to any document containing a statement of the amount claimed as charges in respect of any lot under any of these by-laws shall, without proof of such signature or of any other matter or thing, be deemed in all courts *prima facie* evidence that the amount so claimed is due and payable, and any such amount remaining unpaid for fourteen days after an account has been duly rendered shall be recoverable by the Town Clerk by summary execution.

Person
authorized to
institute
proceedings.

43. All legal proceedings on any matter arising out of these by-laws or any amendment thereof may be instituted and carried on in the name of the City Engineer or of any person authorized in that behalf in writing by him and no proceedings whatever shall abate or discontinue by reason of the death, resignation, or removal of the City Engineer or the person so authorized by him.

Offences and
penalties.

44. (a) Every person who fails to do any act or thing enjoined by these by-laws, and every person who does any act or thing forbidden by these by-laws shall be guilty of an offence against these by-laws.

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(b) Any person who is guilty of an offence against any of these by laws shall, where no other specific penalty has been provided by these by-laws for such offence, be liable to a fine of one hundred and fifty dollars and in case of a continuing breach a further fine of fifteen dollars for each day of such continuance after notice of the breach shall have been served by the Council.

SCHEDULE A

By-law 3

By-laws
19/49/1940

1. The supply to dwelling-houses, tenement ranges and yards for the personal, kitchen and household use of the residents therein, including only the supply of water for urinals, water closets, bath-rooms, lavatory basins and sinks, kitchens, private lawns and gardens and for washing cars and carriages kept for private use.

2. The supply to spirit shops including only the supply of water for urinals, water closets, lavatory basins and sinks and bars.

3. The supply to hotels, boarding houses, tea rooms and restaurants for household requirements and the personal requirements of the guests and staff, including only the supply of water for urinals, water closets, bathrooms, lavatory basins and sinks, kitchens, bars and private gardens.

4. The supply to social clubs for household requirements and the personal requirements of the members and staff, including only the supply of water for urinals, water closets, bathrooms, lavatory basins and sinks, kitchens and bars, and gardens maintained by such clubs.

5. The supply to sports club pavilions for household requirements and personal requirements of the members and staff including only the supply of water for urinals, water closets, bathrooms, lavatory basins and sinks, kitchens and bars.

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6. The supply of water for urinals, water closets and lavatory basins installed in offices, stores, workshops, wharves and all business premises.
-

By-law 8

SCHEDULE B

By-laws
29/11/1949

Minimum monthly charges for Trade water consumed.

Size of Meter	Minimum monthly charge.				
¾ inch	\$.40
1 inch	1.20
1 ¼ inch	2.66
1 ½ inch	2.66
2 inch	4.66
2 ½ inch	10.66
3 inch	10.66
Above 3 inches	As may in each case be fixed by the Council.

By-law 9

SCHEDULE C

Annual Meter Rent.

By-laws
29/11/1949

Size of Meter.	Rent per year or part of a year.				
¾ inch	\$ 3.00
1 inch	7.50
1 ½ inch	12.00
2 inch	16.00
3 inch	36.00
Above 3 inches	As may in each case be fixed by the Council.

By-law 35

SCHEDULE D

CHARGES FOR ADDITIONS, ALTERATIONS,

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EXTENSIONS AND REPAIRS TO SERVICE

Repairs.	No charge.
Additions, Alterations and Extensions.	To be charge at the cost of the Council of carrying out the work.

By-laws
5/1/1920
6/1999

**MODE OF TRADE IN AND SALE OF PROVISIONS FOR
THE FOOD OF MAN
BY-LAWS**

made by the Town Council of Georgetown under the Local Government Ordinance (Chapter 150) and confirmed by the Governor and Court of Policy on the 5th January, 1920, deemed to have been made under section 321 of this Act.

Citation.

1. These by-laws may be cited as the Mode of Trade in and Sale of Provisions for the food of Man By-laws.

2. Every tray, box, basket or other receptacle used for the purpose of keeping, delivering, selling, offering for sale outside of any building or on any street, or public place any foodstuff, breads, cakes, pastry, or other confectionery shall be provided by the owner, with an efficient cover of glass, wood, metal or other suitable material to protect such foodstuffs, bread, cakes, pastry, or other confectionery from contamination from flies, dust or otherwise: and it shall not be lawful for any person to sell or expose for sale outside of any building or on any street, or public place any such foodstuff, breads, cakes, pastry or other confectionery, in any tray, box, basket or other receptacle unless the same be protected from contamination as aforesaid by means of such cover.

Every tray, box, basket or other receptacle, and every such cover shall at all times be kept by the owner, and every person having charge of the same, in a clean and wholesome condition.

All articles of food exposed in the manner set forth in the by-laws shall be kept at a height of not less than two feet from the sidewalk, pavement or ground above which they are placed.

3. It shall not be lawful for any person selling or

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hawking any foodstuffs, breads, cakes, pastry, confectionery or other article intended for the food of man to sell and deliver to any purchaser unless the same is wrapped in clean and unused paper and no paper with printed or written matter on it shall be considered clean paper within the meaning of this by-laws. It shall not be lawful for the same piece of paper to be used more than once for such purpose.

The onus of proof in any prosecution for the breach of this by-law that such paper has been only once used shall be on the seller.

Inspections.

4. It shall be lawful for any officer of the Town Council or any police constable to inspect at all reasonable times for the purposes of this by-law any such tray, box, basket or other receptacle wherein any foodstuffs are kept or are exposed for sale.

Penalties.
[By-laws
5/1999]

5. Any person who is found guilty of any breach of these by-laws shall be liable on summary conviction to a fine of not less than five hundred dollars nor more than two thousand dollars.

**SALE OF MILK BY-LAWS
BY-LAWS**

ARRANGEMENT OF BY-LAWS

BY-LAW

1. Citation.
2. Interpretation.
3. Registration of dairy, cattle-byre, etc.
4. Licence for sale of milk
5. Expiration of registration and licence.
6. Register to be kept by Town Clerk,
7. Issuing licenses and conditions
8. Endorsement on licence.
9. Obtaining of milk from other sources.
10. Notification of Town Clerk
11. Prohibition.
12. Badge.
13. Position of badges on persons.
14. Prohibitions.
15. Metal tablet to be attached to containers.
16. Refusal to make registration.
17. Refusal to grant licenses.
18. Cancellation of licenses.
19. Authorisations.
20. Cattle-byre.
21. Cattle-pen.
22. Flooring, etc., of cattle-byres or cattle-pens.
23. Dungstead
24. Cleaning of cattle-byres and pens.
25. Inspections and reports.
26. Examinations of cows.
27. Testing of cows for tuberculin
28. Prohibition.
29. Cows to be kept clean.
30. Diseased animals.
31. Fitness of cow-keeper or dairyman.
32. Dairies.
33. Cleaning of dairies.

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BY-LAWS

34. Inspections.
 35. Penalties.
 36. False information.
-

SALE OF MILK BY-LAWS

By-laws
17/9/1912
25/1/1915
12/1944
7/1999

made by the Town Council of Georgetown under the Local Government Ordinance (Chapter 150) and confirm by the Governor and Court of Policy on the 17th September, 1912, and amended on the 25th January, 1915, and the 16th May, 1944, deemed to have been made under Section 321 of this Act

Citation. **1.** These By-Laws may be cited as the Sale of Milk By-Laws.

DEFINITIONS OF TERMS USED IN THESE BY-LAWS

Interpretation. **2.** In these By-Laws—

“cattle-byre” means a place where milking cows are kept;

“cattle-pen” means a place where milking cows are kept at night only;

“cow-keeper” means the person in whose name any “cattle-byre” or “cattle-pen” is registered;

“dairy” means a place where milk is kept for sale and includes every room where such milk is stored;

“dairy-man” means the person in whose name any “dairy” is registered;

“inspecting officer” includes the medical officer of health of Georgetown, the municipal veterinary surgeon, and such other person or persons as the Town Council may from

time to time appoint;

"licensee" includes every person licensed to sell or offer milk for sale in the City of Georgetown.

*PART I

REGISTRATION AND LICENCES

Registration of
dairy, cattle-
byre, etc.

3. It shall not be lawful for any person to keep a dairy, cattle-byre or cattle-pen unless registered at the office of the Town Clerk. Such registration shall specify the position of such dairy, cattle-byre or cattle-pen and the maximum number of cows to be kept therein. A registration fee of 25 cents shall be paid by each of such persons.

Licence for sale
of milk.

4. It shall not be lawful for any dairyman or any person to offer or carry milk for sale, unless a licence is issued for so doing by the Town Clerk. A licence fee of 25 cents shall be paid for such licence.

Expiration of
registration
and licence.

5. Every registration and every licence shall expire on the 31st December of the year in which such registration takes place or such licence is issued.

Register to be
kept by Town
Clerk.

6. The Town Clerk shall keep and from time to time revise and correct the register of all dairies, cattle-byre, cattle-pens, cow-keepers, dairymen and licencees.

Issuing licences
and conditions.

7. Licences shall be issued under the following conditions:

(a) In the case of milk to be obtained within the City, the applicant shall—

(i) state the name of the cow-keeper, the situation of the cattle-byre or cattle-pen, the number and description of

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the cows kept, and the names of the milkers employed;

- (ii) furnish a certificate from the municipal veterinary surgeon or other qualified person appointed by the Town Council that each cow is apparently free from tuberculosis or other dangerous disease and is otherwise fit to supply milk for human consumption;
- (iii) furnish a certificate from the medical officer of health of the City that every person employed in milking is apparently free from any infections or contagious disease and is fit to be so employed;
- (iv) furnish a certificate from an inspecting officer that every cattle-byre or cattle-pen is constructed in accordance with these by-laws.

(b) In the case of milk to be obtained from beyond the boundaries of the City, the applicant shall –

- (i) state the name of the cow-keeper, the situation of the cattle-byre or cattle-pen;
- (ii) furnish a certificate from a Government medical officer that every person employed in milking is apparently free from any infectious or contagious disease and is fit to be so employed;

* The operation of Part I is suspended (Regs., 12 of 1944 made by the Governor on the 16th May, 1944), under the Emergency Powers (Defence) Acts, 1939 and 1940).

- (iii) furnish a certificate from any person appointed by the Minister of such purpose, that every cattle-byre or cattle-pen, as the case may be, is constructed in accordance with these by-laws:

Provided always that if any dairy, cattle-byre, or cattle-pen, cow-keeper or dairyman is duly registered by the Town Council, and the applicant produces to the Town Clerk a certificate signed by the Permanent Secretary to the Minister responsible for Local Government to that effect, the above certificates will not be required.

Endorsements
on licence.

8. The Town Clerk shall endorse on each licence the name of the cow-keeper, and the situation of the cattle-byre or cattle-pen from which the milk is to be obtained.

Obtaining of
milk from other
sources.

9. If any licensee desires at any time milk from other sources he shall make application and submit the particulars aforementioned to the Town Clerk, who, if satisfied, shall endorse his licence accordingly.

Notification of
Town Clerk.

10. Every licensee shall, whenever he ceases to take milk from any source which has been approved, immediately notify the Town Clerk who shall endorse his licence accordingly.

Prohibition.

11. It shall not be lawful for any licensee to obtain milk from any other source except that endorsed on his licence.

Badge.

12. Every person carrying or offering milk for sale except in a dairy shall wear a badge to be provided by the Town Clerk. The charge for each badge shall be 12 cents.

Position of
badges on

13. Every Holder of a badge issued for the year

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persons.

mentioned thereon shall wear the same on his left arm when engaged in the carrying or of offering milk for sale, and any person to whom a badge shall be issued who permits the same to be used by a person not named in such licence, and the person so using such badge shall be guilty of an offence under these by-laws, and liable to arrest by any constable.

Prohibitions.

14. It shall not be lawful for any person to carry or offer milk for sale without having taking out a licence and badge, or without wearing such badge, or to wear a badge not issued as aforesaid, or to wear a badge belonging to or taken out in the name of another person or to unlawfully make or imitate a badge.

Metal tablet to be attached to containers.

15. Every dairyman an every person licenced to carry or offer milk for sale, shall attach to each vessel containing milk for sale, a metal tablet to be provided by the Town Clerk, bearing the number of his licence corresponding with the register aforesaid. The charge for each metal tablet shall be eight cents.

Refusal to make registration.

16. The Town Clerk shall refuse to make any registration or to issue any licence until satisfied that the provisions of these by-laws have been complied with.

Refusal to grant licences.

17. No licence shall be granted or renewed where any well-founded complaint of nuisance to the neighbourhood, arising from any cattle-byre, or cattle-pen, has been made, or where a proper amount of cleanliness has not been observed.

Cancellation of licences.

18. The Town Clerk may on good grounds at any time cancel any licence issued by him under these by-laws or strike out the name of any person previously permitted to supply milk to a licensed dealer.

Authorisations.

19. All persons delivering milk from a dairy or on behalf of a registered cow-keeper shall carry a written authorization from the dairyman or cow-keeper.

PART II
CATTLE-BYRES AND CATTLE-PENS

Cattle-byre.

20. Every cattle-byre shall, for every cow, heifer, ox or steer or other animal kept therein, contain not less than 40 square superficial feet floor area, and 300 cubic feet capacity of air space, or less than two square feet ventilating space in window, jalousie, lattice or other opening to the external air.

Cattle-pen.

21. Every cattle-pen shall, for every cow, heifer, ox, steer or other animal kept therein contain not less than 40 square or superficial feet floor area.

Flooring, etc., of cattle-byres or cattle-pens.

22. Every cattle-byre or cattle-pen shall be floored with concrete, tiles, bricks laid in cement, or asphalt, so graded towards the "grip" or channel gutter at the back, that no liquid matter can remain on the floor. The "grip" or channel shall be formed with a proper uniform fall, discharging into the yard, drain or sub-main drain of the district. The walls, if any, shall be made of impervious material other than wood for a height of four feet from the floor. The walls, if any, and drains shall be adequately and regularly flushed with water and cleansed. Every cattle-byre or cow-pen shall be provided with a properly constructed and water-tight roof.

Dungstead.

23. Every cattle-byre or cattle-pen shall be provided with a proper receptacle or dungstead for the reception of dung or other refuse. Every such receptacle or dungstead shall be not less than 10 feet distant from the cattle-byre or cattle-pen and shall be maintained to the satisfaction of the inspecting officer. The dung shall be cleaned up as often as may be necessary, and removed from inside the cattle-byre or cattle-pen at least once daily.

Cleaning of cattle-byres and pens.

24. Every cow-keeper shall cause each cattle-byre or cattle-pen to be kept thoroughly clean and disinfected with lime wash containing 5 per cent of crude carbolic acid to the

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satisfaction of the inspecting officer. Such disinfection shall be done at least once every three months.

Inspections and reports.

25. The inspecting officer shall report to the Town Council any cattle-byres or cattle-pens which may find during the course of his inspections that are not in conformity with the by-laws.

Examination of cows.

26. All cows shall be inspected and examined at intervals of no longer than six months free of cost to the owners of the animals by an inspecting officer. Notice of the intention of the inspecting officer to inspect such cows shall be given by him 24 hours beforehand, so that they may be kept penned for his inspection at a time appointed.

Testing of cows for tuberculin.

27. The inspecting officer is empowered to test all cows with tuberculin, the cost thereof to be borne by the Town Council.

Prohibition.

28. No cow-keeper shall cause or suffer any cow to be added to or substituted for another in his stock without having the same previously inspected and examined by the inspecting officer.

Cows to be kept clean.

29. No cow-keeper shall cause or suffer any cow in his possession to remain in a filthy condition, so as to expose the milk to infection or contamination.

Diseased animals.

30. If at any time disease exists among the cattle in any cattle-byre or cattle-pen from which milk is sold to the Milk Controller, the cow-keeper shall immediately notify the Town Council of the existence of the same. The inspecting officer shall cause the immediate removal of such diseased animal, which shall be kept isolated. All milk from such diseased animal and from such cattle-byre or cattle-pen shall be destroyed or otherwise disposed of to the satisfaction of

the inspecting officer, until the cattle-byre or cattle-pen is adequately disinfected.

PART IV
MILKERS AND ATTENDANTS

Fitness of cow-
keeper or
dairyman.

31. A cow-keeper or dairyman shall not—

- (a) himself milk cows or handle vessels used for containing milk for sale, or in any other way take part or assist in the conduct of such trade or business, or cause or suffer any other person to do the same, unless he or such person has been certified as fit by the medical officer of health of the City of Georgetown;
- (b) himself, if suffering from any contagious or infectious disease, milk cows, or handle vessels used for containing milk for sale, or in any way take part or assist in the conduct of such trade or business, or cause or suffer any other person, notwithstanding that such person has been duly certified as aforesaid, who at any time appears to be suffering from any contagious or infectious disease, to do the same;
- (c) himself milk, or cause or suffer any other person to milk any cow until its udder and the hands of such milker have been cleaned and the utensils thoroughly cleaned and scalded.

PART V
DAIRIES

Dairies.

32. A dairyman shall not—

- (a) permit any water-closet, earth-closet, privy, cesspool or urinal to be situated within, communicate directly with, or ventilate into any dairy;

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- (b) use any dairy, or permit the same to be used, as sleeping apartment, or for any purpose incompatible with the proper preservation of the cleanliness of such dairy, and of the milk vessels and milk therein, or in any manner likely to cause contamination of the milk therein;
- (c) convey or carry, or permit to be conveyed or carried, through any dairy, any excremental or offensive matter or any soiled bed or body clothing;
- (d) wash, or permit any other person to wash, any bed or body clothing, or permit the same to be hung up to dry in any dairy;
- (e) carry on within any dairy any trade or business of such a nature as would tend to contaminate the milk;
- (f) keep milk for sale or storage in any place where it would be liable to become infected or contaminated by gases or effluvia arising from any sewer, drain, cesspit or closet, or by any offensive effluvia from putrid or offensive substances, or by impure air, or by any offensive or deleterious gases or substances;
- (g) permit milk to be stored or carried in lead vessels.

Cleaning of
dairies.

- 33.** Every dairyman shall cause the walls, floors, counters and shelves of his dairy to be kept thoroughly clean and all milk vessels used therein to the satisfaction of the inspecting officer, and shall also have the said milk vessels cleansed and scalded daily.

PART VI GENERAL

Inspections.

- 34.** The Town Council and its officers shall, at all

times, have the right of inspecting dairies, cattle-byres and cattle-pens, for the purpose of seeing that the provisions of these by-laws are complied with; and all persons refusing admission to such Town Council or officer, or in any way obstructing or impeding such officer in the execution of his duty shall be guilty of an offence under these by-laws.

Penalties.
[By-laws
7/1999]

35. Any person transgressing any of these by-laws, or found guilty of any breach of the same shall be liable to a fine of five hundred dollars for the first offence and three thousand dollars for a second or subsequent offence.

False
information.
[By-laws
7/1999]

36. Any person giving false information and thereby obtaining a licence for the sale of milk under these by-laws shall be liable to a fine of three thousand dollars.

CERTIFICATE UNDER BY-LAW 7(a)(ii)

I hereby certify that I have inspected the following cow or cows of residing at and that in my opinion free from tuberculosis or other dangerous disease, and otherwise fit to supply milk for human consumption.

Marks for identification.

Colour

Horns

Brand

Other marks

Date

CERTIFICATE UNDER BY-LAW 7 (a)(ii)

I hereby certify that I have examined

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..... Residing at and that he/she
is apparently free from any infectious or contagious disease,
and is fit to be employed in milking cows.
Date

CERTIFICATE UNDER BY-LAW 7(a)(iv) and 7(b)(iii)

I hereby certified that I have inspected the cattle-byre or
cattle-pen of at
And that it is constructed in accordance with these by-laws
.....to holdCows.
Date

**BAKERIES AND PROVISION SHOPS
BY-LAWS**

By-Laws
23/8/1915
15/9/1920
10/1999

made by the Town Council of Georgetown under the Local Government Ordinance (Chapter 150), and confirmed by the Governor and Court of Policy on the 23rd August, 1915, and amended on the 15th September, 1920, deemed to have been made under section 321 of this Act

Citation.

1. These By-Laws may be cited as the Bakeries and Provision Shops By-Laws.

Interpretation.

2. In these By-Laws—

“bakery” is any place in which are baked bread, cakes, biscuits or confectionery with a view to making profits;

“provision shop” is any place in which food and foodstuffs are stored or prepared for sale or sold.

Registration.
[By-laws
10/1999]

3. (1) It shall not be lawful for any person to carry on the business of a bakery or provision shop unless the bakery or provision shop with the owner’s name is registered at the office of the Town Clerk of Georgetown.

(2) Every bakery or provision shop required by these By-laws to be registered shall, not later than the 15th day of January, in every year, and in the case of a new business, within fourteen days after the commencement of the business, make application to be registered.

(3) A Certificate of Registration issued under these By-laws shall, subject to these By-laws, remain in force until the thirty-first day of December of the year in which it was issued and shall then expire.

(4) The Town Clerk shall charge the owner of

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Bakeries and Provision Shops By-Laws

every Bakery and Provision Shop a registration fee of three dollars per square foot per annum for the superficial floor space utilised in the operation of the Bakery or Provision Shop.

Application.

4. No bakery or provision shop shall be registered under these by-laws unless the application is accompanied by a certificate of approval signed by a meat and food inspector and countersigned by the medical officer of health.

Cleanliness of
bakeries, etc.

5. Every registered owner of a bakery or provision shop shall cause his bakery or provision shop to be kept in a cleanly state and free from and effluvia arising from any drain, water closet, earth-closet, privy, urinal or other nuisance. The floor of the bakery shall be in all cases constructed of brick, concrete, asphalt, tiles, or other impervious material.

Rooms and
passages to be
kept clean.

6. Every registered owner of a bakery or provision shop shall cause all rooms and passages to be kept clean and wholesome.

Troughs,
counters,
utensils, etc., to
be kept clean.

7. The registered owner of a bakery or provision shop shall keep scrupulously clean all troughs, utensils, counters, shelves, vessels, and like articles, utilized in the business of such bakery or provision shop.

Bakery to be
painted, etc.

8. The registered owner of a bakery or provision shop shall either—

- (a) cause the whole interior, including the roof, to be fresh lime-washed every six months; or
- (b) paint the whole interior with two coats of paint at least once in every seven years, and wash the walls with soap and water, and cobweb the roof, at least once in every six months.

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Water closets,
urinals, etc.

9. It shall not be lawful for the owner of the premises used as a bakery or provision shop to permit a water closet, earth closet, privy, urinal, or ash-pit to be within or communicate directly with, or be within twelve feet of the building used as such bakery or provision shop, and no person shall dig, erect, keep or maintain any such convenience within the said distance of any bakery or provision shop.

Ventilation.

10. Every building used as a bakery or provision shop shall be ventilated to the satisfaction of the medical officer of health.

Overcrowding.

11. It shall not be lawful for any registered owner of a bakery or provision shop to allow his bakery or provision shop to be over-crowded.

A bakery or provision shop shall be considered to be overcrowded when less than 250 cubic feet of air space per person working during ordinary working hours or less than 400 cubic feet per person working during overtime are provided.

For the purpose of these by-laws "overtime" shall be considered as follows:

"The time worked by any person beyond a period of eight consecutive hours or beyond a total of ten hours in any consecutive twenty-four hours."

Dwelling.

12. It shall not be lawful for any registered owner to allow a place forming part of the same building and on the same level with the bakery or provision shop to be used as a sleeping place unless it is constructed as follows, that is to say—

Unless it is effectually separated from the bakery or

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Bakeries and Provision Shops By-Laws

provision shop by a wooden partition extending from the floor to the ceiling, and unless there be an external window of at least nine superficial feet area, of which at least 4 $\frac{1}{2}$ superficial feet area are made to open.

Employment of persons infected with disease prohibited.

13. It shall not be lawful for any registered owner of a bakery or provision shop knowingly or willfully to employ or permit to be employed, or utilise or permit to be utilised in any way, in the business of the bakery or provision shop, any person suffering from, or having recently suffered from, an infectious disease, or dangerous infectious disease.

Notice of infectious disease.

14. The registered owner of a bakery or provision shop shall give immediate notice to the medical officer of health of any case of infectious disease or dangerous infectious occurring on the premises, and within his knowledge.

Protection from flies, etc.
[By-laws
15/9/1920]

15. The registered owner of every bakery or shop in which milk is sold or any article solid or liquid prepared and intended for human consumption is exposed or offered for sale shall at all times keep such milk or such article properly protected from dust or flies or other sources of contamination, in cupboards, bins, boxes, barrels or other suitable receptacle by means of suitable covers or hinged lids or doors.

Wrappings.
[By-laws
15/9/1920]

16. Any person who sells, or delivers to any purchaser any food stuffs already cooked, baked or otherwise already prepared and intended for human consumption wrapped in unclean cloth or unclean paper shall be guilty of a breach of these by-laws: Paper previously used with printed or written matter on it shall be deemed to be unclean within the meaning of this by-law. The same piece of paper shall not be used more than once for wrapping such foodstuffs and in any prosecution under this by-law the onus of proving that such paper has been used only once shall be on the person charged.

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Bakeries and Provision Shops By-Laws

Penalties.
[By-laws
10/1999]

17. Any person who is found guilty of any breach of these by-laws shall be liable on summary conviction to a fine of four thousand dollars.

Application.

18. These By-Laws shall not apply to any market under the control of the Georgetown City Council

[Subsidiary]

Offensive Trade Regulations

Regs. 16/3/1944
4/1999

**OFFENSIVE TRADES
REGULATIONS**

made under sections 18 and 98 of the Public Health Ordinance (Chapter 145) by the Town Council as the Local Sanitary Authority of George- town, approved by the Central Board of Health on the 16th February 1944, and by the Governor in Council on the 16th March, 1944, deemed to have been made under section 321 of this Act

Citation **1.** These Regulations may be cited as the Offensive Trades Regulations.

Establishing of offensive trades. **2.** No person shall establish any offensive trade except on premises along the waterfront of Water Street or on premises adjoining the southern boundary of Wortmanville Ward.

Application to Town Clerk. **3.** Every person who proposes to establish or carry of an offensive trade shall apply to the Town Clerk who shall cause the application to be advertised at least three times in a local newspaper and shall thereafter submit it to the Council who will on a preliminary report of their medical officer of health and City Engineer decide whether or not the application should be considered.

Consideration of application by Town Clerk and requirements to be fulfilled. **4.** (1) If the Council decides that the application be considered the Town Clerk shall, when so informing the applicant, send him a copy of the minimum requirements of the trades for which application is made and request him to submit to the city Engineer—

- (a) a survey plan, drawn in ink and to scale, showing the position of the proposed building on the lot, i.e., giving distances from the nearest building (if any) and from the boundaries; showing also the position of all sewerage connections;

- (b) a plan of the premises and a plan and sections to the scale of not less than one-eighth of an inch to the foot, of the building in which he proposes to carry on the offensive trade showing the provisions made or proposed to be made for the proper conduct of the trade, and for the ventilation, lighting, drainage and water supply to the premises;
- (c) a general explanation of the trade or manufacture to be carried on and of the raw materials, processes and the product thereof;
- (d) a description, with drawing, if necessary, of the means proposed to be adopted to prevent nuisance arising from (a) vapours, (b) fluids discharged into sewers, (c) the disposal of solid refuse; and
- (e) such further plans and information as may be required in writing by the City Engineer.

(2) On the plans being approved by the City Engineer and the medical officer of health the applicant may begin to build or alter the premises which shall on completion be inspected by the City Engineer and medical officer of health. The applicant shall give notice in writing to the City Engineer when the premises and plant are ready for inspection.

(3) On a certificate by the City Engineer and medical officer of health that all the prescribed

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Offensive Trade Regulations

conditions have been complied with, the Council shall give permission.

(4) The owner of the said trade shall upon permission being granted by the Council forthwith register such trade with the Town Clerk in the form set out in the First Schedule hereto.

(5) Until registration is effected with the Town Clerk, any applicant or other person found carrying on an offensive trade or manufacturing any product of the trade shall be guilty on an offence.

(6) Every registration shall terminate with the calendar year but may be renewed by the Council from year to year after inspection and approval by the medical officer of health and City Engineer.

(7) Registration shall be null and void:

- (a) If the trade is transferred or extended from the premises from which it is for the time being carried on, to other premises, without the approval of the Council being first obtained;
- (b) If the trade is resumed on any premises on which such trade was previously carried on, after it has been discounted for more than 6 months;
- (c) If the premises on which the trade is carried on are enlarged without the previous permission of the Council.

[Subsidiary]

Offensive Trade Regulations

(8) On the representation of the medical officer of health or the City Engineer the Council shall have the right to refuse to renew any registration and to cancel any existing registration, and any person carrying on the trade after such refusal or cancellation shall be guilty of an offence against these regulations.

(9) No premises on which any offensive trade is established and registered under these regulations shall be used for any other purpose.

Conditions to
be complied
with.

5. The registered owner of every offensive trade shall—

- (a) cause every part of the internal surface of the walls ceiling and roof of any building and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair;
- (b) cause every drain or means of drainage upon or in connection with the premises where his trade is carried on to be maintained at all times in good order and repair;
- (c) for rendering innocuous all vapours emitted at all stages of the trade either—
 - (i) cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects;
 - (ii) adopt some other effectual means of

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Offensive Trade Regulations

depriving the vapour of noxious or injurious properties;

- (d) cause all materials which have been received upon the premises where his trade is carried on and which are not required for immediate use, to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom;
- (e) at the close of every working day—
 - (i) cause all fat, soap, oil, grease, refuse or filth which has been spilled, splashed or deposited or may have fallen upon any floor or pavement or walls upon the premises where his trade is carried on to be removed therefrom by scraping or washing or some other effectual means of cleansing;
 - (ii) cause every vessel or utensil and every implement which has been in use during the day upon the premises where his trade is carried on, or is in a foul or offensive condition to be thoroughly cleansed;
- (f) provide a sufficient number of vessels or receptacles properly constructed of galvanised iron or of some other non-absorbent material and furnished with closely fitting covers for the purpose of receiving and conveying with all reasonable despatch away from the premises where his trade is carried on all waste matter, garbage,

filth or refuse and not allow or suffer them at any time to become foul;

- (g) cause every part of the internal surface of the walls, ceiling and roof of any building and every floor or pavement upon the premises where his trade is carried on to be at all times kept thoroughly clean;
- (h) cause every part of the internal surface above the floor or pavement of any building upon the premises where his trade is carried on to be lime washed at such times as he may be required to do so by an officer of the Council:

Provided that this paragraph shall not apply to any part of the internal surface of any building which is painted or covered with impervious material and is properly cleansed;

- (i) cause any and every building in which his trade is carried on to be provided with such number of windows and other openings into the external air as will in the opinion of the medical officer of health and the City Engineer furnish adequate lighting and ventilation;
- (j) provide such number of water closets and wash basins connected to the sewer as in the opinion of the medical officer of health may be necessary.

Penalties.

[Reg. 4/1999]

6. If any person contravenes or fails to comply with any provision of these regulations he shall be liable to a fine of six thousand dollars, and for every day that the offence continues a further fine of five hundred dollars.

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Offensive Trade Regulations

FIRST SCHEDULE

Reg 4 (4)

Date Registered.	Name of Owner.	Nature of Offensive Trade.	Where carried On.	Remarks
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SECOND SCHEDULE

Minimum structural requirements in respect of premises on which coconut oil is to be boiled or treated by heat.

1. A self-contained fire-proof room with concrete floor of a height sufficient to allow the washings to flow into a gully connected with the sewers. The room shall contain a proper fire-hearth so constructed that the smoke from the fire shall discharge into a chimney high enough to discharge smoke so as not to annoy nearby residents.

2. The vessel in which oil is to be boiled shall be let into and fixed on the fire-hearth so as to ensure all sparks and smoke going up the chimney thereby minimising danger of fire.

3. A cowl or hood with its own chimney or connected with the main chimney shall be built over the boiler to take away any effluvium and so diminish as far as practicable any nuisance arising from the trade.

4. All the above-mentioned work shall be constructed of material and shall be done in a manner to be approved of by the medical officer of health and the City Engineer.

THIRD SCHEDULE

Minimum structural requirements in respect of premises on which soap is to be made or boiled.

- 1.** A self-contained fire-proof room with concrete floor raised to a height sufficient to allow the washings to flow into a gully connected with sewers. The room shall contain a proper fire-hearth so constructed that the smoke from the fire shall discharge into a chimney high enough to discharge smoke so as not to annoy nearby residents.
 - 2.** The vessel in which soap is to be boiled shall be let into and fixed on the fire-hearth so as to ensure all sparks and smoke going up the chimney thereby minimising danger of fire.
 - 3.** A cowl or hood with its own chimney or connected with the main chimney shall be built over the boiler to take away any effluvium and so diminish as far as practicable any nuisance arising from the trade.
 - 4.** A suitable room shall be provided with concrete floor in which the soap is to be cut before being packed.
 - 5.** A store-room shall also be provided for the boxes containing soap.
 - 6.** All the above-mentioned work shall be constructed of material and shall be done in a manner to be approved of by the medical officer of health and the City Engineer.
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City (Markets) By-laws

CITY (MARKETS) BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

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BY-LAW

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SCHEDULE—Market Fees.

By-laws.

CITY (MARKETS) BY-LAWS

2/1952

1/1954

5/1957

17/1999

Citation.

made by the Town Council under section 206, and approved of by the Governor in Council on the 12th July, 1952, deemed to have been made under section 321 of this Act

Interpretation.

1. These By-laws may be cited as the City (Markets) By-laws.

2. In these By-laws—

"Clerk of Markets" includes the Assistant Clerk, and the officer of the Council for the time being in charge of any

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market;

"cold stores" means premises or places used for keeping and pre-serving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for human consumption;

"fees" include tolls, rates, dues, rents, and other imposts in relation to any market;

"fresh meat" includes unsalted beef, veal, mutton, lamb, pork, tripe and turtle, and any other meat used for human consumption, frozen meat and what is locally known as and called "corned meat";

"market" means any market and the premises used therewith mentioned in or established under by-law 3 of these by-laws;

"master" includes any person in charge of a vessel;

"Medical Officer of Health" and "Meat and Food Inspector" include any persons appointed for the time being to carry out the duties of these officers;

"stall" includes any counter, bench, stand or other erection and any space set apart for the reception of any articles for sale;

"vessel" includes every kind of navigable craft, in whatever way propelled.

Markets.

3. (1) The Stabroek Market, the Bourda Market, the Albuoystown Market and such other markets as shall from time to time be established shall be under the control and supervision of the Clerk of Markets subject to the direction of the Council.

(2) The Clerk of Markets shall keep a correct account of all fees and revenues accruing to the markets and

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shall, at such times as the Council may direct, pay over the moneys received by him to the Town Clerk.

Offence.
[By-laws
17/1999]

4. (1) No member of the Council, officer or servant employed by the Council, shall be in any manner interested directly or indirectly in the sale of anything offered for sale in the markets, or shall receive directly or indirectly any emolument of any kind or description from the markets or from the sale of anything therein.

(2) Any person committing a breach of this by-law shall be liable to a fine of ten thousand dollars and, in the case of any officer or servant of the Council, to dismissal.

(3) No person shall be deemed to have committed a breach of this by-law by reason only of the fact that he is a proprietor or shareholder in any joint stock company or association doing business in any market.

Hours of
opening.
[By-laws
1/1954
5/1957
17/1999]

5.(1) Subject to paragraph (2), the days on which and the hours between which the markets shall be opened and kept open shall be as follows—

Weekdays other than Public Holidays
and Wednesdays 7 a.m. - 4 p.m.

Wednesdays 7 a.m. - 12 noon

Public Holidays and Sundays 7 a.m. - 10 p.m.

Provided that—

(a) if there is a Public Holiday on Thursday, Friday or Saturday then the Wednesday work hour shall be 7 a.m. - 4 p.m.

(b) during the Christmas period the hours shall be—

(i) for the first seven workings days of the period... 7 a.m. to 5 p.m.

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(ii) for the second seven working days of the period... 7 a.m. to 6 p.m.

(iii) on Christmas eve on the Saturday preceding Christmas Eve when the latter Day falls on a Sunday ... 7 a.m. to 8 p.m.

(2) The Stelling View Market, East Ruimveldt Market, Stabroek Bazaar, Bourda Green and such other markets as shall from time to time designated by the Clerk of Markets (subject to the direction of the Council), shall be opened and kept opened as follows—

(a) Weekdays other than Public Holidays... 7 a.m. - 7 p.m.

(b) Public Holidays and Sundays 7 a.m. - 7 p.m.

(c) A Council may however, allow the Markets mentioned in this subsection, or any other area designated as market, to open for any such period as seem fit by that Council.

(3) Any person acting in contravention of the working hours set out in paragraphs (1) and (2) shall be guilty of an offence and liable to a fine of five thousand dollars.

(4) In this by-law the expression "Christmas period" means the 15 working days immediately preceding Christmas Eve.

Offence.
[By-laws
17/1999]

6. Any unauthorised person found in a market during prohibited Offence, hours may be arrested without warrant by any police or town constable, and shall in addition to any punishment to which he may be subject in respect of any other offence be liable to a fine of five thousand dollars, or to imprisonment not exceeding three months.

7. (1) Every person having occasion to use lights in

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City (Markets) By-laws

Lights. any market shall have such lights enclosed in glass shades or in glass lanterns.

Offence.
[By-laws
17/1999]
Stalls.

(2) Every person who commits a breach of this by-law shall be liable to a fine of five thousand dollars.

8. (1) The Clerk of Markets shall from time to time direct what articles may be exposed for sale on the stalls in different parts of the markets.

(2) The Clerk of Markets shall cause all the market stalls to be numbered in plain and legible characters and to be registered in a book to be kept for that purpose.

(3) Such book shall also contain the name of every tenant of a stall, the date when each tenancy commenced, the amount of rent, the date when each tenancy ceased and the cause of its ceasing.

Rental of
stalls
which
become
vacant.

9. When any stall becomes vacant the Clerk of Markets may let the same to any approved person at such rent as shall from time to time be fixed by the Clerk of Markets.

Tenancies of
stalls.

10. The tenancy of every stall shall be by the day, week or month, and the rent shall in all cases, be payable in advance. In default of payment, the tenant, if in possession, shall be forthwith ejected by the Clerk of Markets, who may, in addition to any other remedy for the recovery of the rent, seize and sell any goods in such stall sufficient for the payment thereof.

Removal of
property.

11. If the tenant of any stall, on giving up possession, or being ejected, does not forthwith remove all goods belonging to him therein, such goods shall be removed by the Clerk of Markets:

Provided that any perishable article so removed

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may be sold at once.

12. (1) No tenant of a stall shall sub-let such stall to any other person.

Sub-letting.

(2) Where any tenant sub-lets a stall in contravention of this by-law, his tenancy shall be deemed to have been terminated "and the person in occupation of the stall, shall upon being requested by the Clerk of Markets so to do, vacate the stall and remove therefrom all goods belonging to him.

(3) Where any such person fails to vacate his stall and remove therefrom his goods when requested so to do, the Clerk of the Markets may eject such persons and cause such goods to be removed from the markets.

Name of tenant
to be shown on
stall.

13. (1) The tenant of a stall shall, on the day of taking possession, place and keep exposed to public view in such part of the front of his stall as the Clerk of the Markets shall point out, his name, in such plain and legible characters and in such manner and form as the Clerk of Markets shall direct.

(2) No tenant shall be allowed to open and use any such stall until he has complied with this by-law.

Stalls to be
occupied.

14. (1) Subject to the provisions of this by-law every tenant shall keep open, or occupy or use his stall at all times.

(2) Any tenant who fails to keep open, or occupy or use his stall for more than 6 successive days without the consent of the Clerk of Markets shall be deemed to have terminated his tenancy, and where any rent is owing, the Clerk of Markets may seize and sell any goods in the stall sufficient for the payment thereof.

15. The tenant of a stall may, with the consent of the Clerk of Markets, transfer his tenancy to another person upon

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Transfers of
tenancies of
stalls.

payment to the Clerk of Markets of such fees as may be prescribed by the Council.

Stall to be kept
clean.

16. (1) Every tenant of a stall shall at all times keep such stall and the front, rear, sides and roof thereof perfectly clean and free from all offal, filth, and dirt of every kind.

(2) Where any tenant refuses or neglects so to do, the Clerk of Markets shall cause such stall to be cleaned and the expenses incurred in so doing may be recovered by the Clerk of Markets from such tenant by seizure and sale at auction by the Clerk of Markets of any goods in such stall sufficient for the payment thereof, and such tenant shall in addition be liable on summary conviction to a fine of twenty dollars for every such refusal or neglect.

17. The Clerk of Markets shall see that all the market stalls are cleaned every day before the closing of the markets.

Stall to be kept
clean before
closing of
markets.

Market fees.
Schedule.
[By-laws
17/1999]

18. (1) The fees specified in the Schedule to these by-laws shall be paid on goods landed at any market or brought into any market for sale.

(2) Every person who demands or receives a greater fee than herein authorised shall be liable on summary conviction to a fine of five thousand dollars.

(3) Every person who evades or attempts to evade, or assists in evading the payment of any fee, or on whose stall is found any article liable to a fee which has not been paid, shall be liable on summary conviction to a fine of five thousand dollars:

Provided however that the Clerk of Markets may in his discretion allow such person to pay treble the value of such fee.

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(4) Packages shipped from the Market Stelling shall be charged for at a rate not exceeding forty dollars per package at the discretion of the Clerk of Markets.

Lists of fees to be exhibited.

19. Printed lists of the fees from time to time payable shall be exhibited in such parts of the several markets as the Council shall direct.

Vessels bringing goods to Stabroek Market.
[By-laws 17/1999]

20. The master of every vessel, other than an open boat, bringing goods for the Stabroek Market shall, before breaking bulk, furnish the Clerk of Markets at his office with a written statement of the description and quantity of all such goods and pay the fees thereon, and shall not commence to unload without a permit in writing from the Clerk of Markets so to do. Every person committing a breach of this by-law shall be liable to a fine of five thousand dollars.

Penalty for refusal to pay fees.
[By-laws 17/1999]

21. All goods or livestock taken from any vessel lying alongside of any market stelling and landed at any other stelling or place within the City shall pay market fees, if they have not been already paid at the entry of the vessel; and any person refusing to pay the fees for goods or livestock so landed shall be liable on summary conviction to a fine of five thousand dollars.

Power of Clerk of Markets.

22. Every market fee leviable and made payable under these bylaws shall be demanded and received by the Clerk of Markets and his receipt shall be a sufficient acquittance and discharge for the same. In default of the payment of any such fee the Clerk of Markets may seize and sell at auction any goods for which such fee is payable sufficient for the payment of such fee.

Uncooked fresh meat not to be brought into markets without

23. (1) It shall not be lawful for any person to bring without the permission of the Council uncooked fresh meat into any market for sale or for any other purpose whatsoever:

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permission.
[By-laws
17/1999]

Provided however that this by-law shall not apply to the bringing into any market of uncooked fresh meat by means of any ship, vessel or boat arriving from any place outside of the limits of Guyana.

(2) No prosecution under this by-law shall be instituted without the consent in writing first had and obtained of the Mayor.

(3) Any person who contravenes this by-law shall be liable on summary conviction to a fine of five thousand dollars.

Sale of fresh
meat in
markets.
[By-laws
17/1999]

24. (1) No person shall sell or offer for sale in any market any fresh meat except at a stall set aside and appropriated for that purpose.

(2) Any person who sells or exposes for sale any fresh meat in contravention of this by-law shall be liable on any conviction to a fine of five hundred dollars.

(3) In this by-law "fresh meat" includes turtle and plucked poultry.

Cleanliness.
[By-laws
17/1999]

25. (1) Every person who sells meat in a market shall while so doing, wear a clean apron or overall, and the stall shall be equipped with a clean dresser, table or shambles.

(2) Any person who contravenes the provisions of this by-law shall be liable on summary conviction to a fine of five hundred dollars.

Table, etc. to be
washed each
day.
[By-laws
17/1999]

26. (1) Every person who sells meat in a market shall, at the close of business each day, scrape and wash the table or shambles and chopping block, and thoroughly cleanse the scale and weights which have been used by him.

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(2) Any person who fails to comply with the provisions of this by-law shall be liable on summary conviction to a fine of one thousand dollars.

Short weight.
[By-laws
17/1999]

27. (1) No person who sells meat in a market shall impose or attempt to impose short weight or unwholesome meat upon any purchaser.

(2) Any person who contravenes the provisions of this by-law shall be liable on summary conviction to a fine of five thousand dollars.

Meat to be
minced by a
machine.
[By-laws
17/1999]

28. (1) No person shall sell or offer for sale any minced meat unless such meat has been minced by a machine kept in his stall for that purpose.

(2) Every such machine shall be kept in a clean and sanitary condition and in good order.

(3) The Medical Officer of Health, the Meat and Food Inspector the Clerk of Markets or any sanitary inspector may inspect such machine at any time to ascertain whether it is clean and in good order.

(4) Any meat minced and offered for sale in contravention of the provisions of this by-law may be seized by the Medical Officer, the Meat and Food Inspector, the Clerk of Markets or a sanitary inspector and destroyed.

(5) Any person who contravenes the provisions of this by-law or obstructs the Medical Officer of Health, the Inspector the Clerk of Markets or a sanitary inspector from inspecting any machine under the provisions of this by-law shall be liable on summary conviction to a fine of five thousand dollars.

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Removal of
fresh meat.
[By-laws
17/1999]

29. (1) No person shall remove or cause or suffer to be removed from any market any fresh meat for the purpose of sale except in a container provided by the owner of such fresh meat and approved by the Meat and Food Inspector or the Clerk of Markets.

(2) The Meat and Food Inspector or the Clerk of Markets may at any time inspect and examine any such container in order to ascertain whether it is kept in a clean condition and is provided with such appliances as he may deem requisite to protect the contents thereof from contamination.

(3) When any such container is at any time not approved of by the Meat and Food Inspector or the Clerk of Markets he shall immediately notify the owner thereof and thereafter no person shall use or permit any other person to use such container until it has been approved by the Meat and Food Inspector or the Clerk of the Markets.

(4) Any person who contravenes the provisions of this by-law shall be liable on summary conviction to a fine of five thousand dollars.

Fresh meat in
markets to be
passed by the
Meat and Food
Inspector.

30. (1) No person shall bring into any market any fresh meat unless such fresh meat has been passed by the Meat and Food Inspector as fit for human consumption and marked by him in manner approved of by the Medical Officer of Health.

(2) Any meat brought into any market in contravention of this by-law may be seized by the Medical Officer of Health, the Meat and Food Inspector or the Clerk of Markets and destroyed.

Removal of
fresh meat to

31. No person shall remove any fresh meat from any market to any cold stores and no person shall in any market

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cold stores
prohibited.

sell or offer or expose for sale any fresh meat which has been exposed for sale on a previous day.

Articles to be
sold from stalls.
[By-laws
5/1957
17/1999]

32. No person shall sell or offer or expose for sale any article in any market except at some stall rented or occupied by him, nor shall any sale auction or public outcry in any market be allowed except a sale at auction for which the Mayor has given special permission or as otherwise provided in these by-laws. Every person committing a breach of this by-law may be summarily ejected by, or by the direction of the Clerk of Markets, and shall be liable in addition to a fine of five thousand dollars.

Conditions of
sale prohibited.
[By-laws
17/1999]

33. (1) No vendor shall refuse to sell any meat, poultry or any foodstuff whatsoever or any other commodity in such quantities as a purchaser may require (except where there is shortage of such foodstuff or commodity), or impose any condition on the sale of any meat, poultry, foodstuff or commodity as aforesaid.

(2) Any person who contravenes any of the provisions of this by-law shall be liable to a fine of one thousand dollars.

Unwholesome
food may be
destroyed.
[By-laws
17/1999]

34. All meat or fish, fresh or salted, poultry, vegetables, fruit and other articles solid or liquid intended for the food of man offered or exposed for sale in the market or found in the market or in any stall therein which in the opinion of the Clerk of Markets, the Medical Officer of Health, the Meat and Food Inspector, or a sanitary inspector, are of a bad or unwholesome quality may be seized by any of them and destroyed and the person offering or exposing the same for sale or the tenant or person in charge of the stall in which the same is found shall be liable to a fine of five thousand dollars.

Record of
seizures.

35. The Clerk of Markets, the Meat and Food

[Subsidiary]

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Mode of
preserving fish.
[By-laws
17/1999]

Inspector or a sanitary inspector, as the case may be, shall enter in a book to be kept for that purpose particulars of any article so seized.

36. (1) No person shall, within a market, preserve fresh fish by any other means than ice, but fresh meat may be corned with salt and sent out of the market within 24 hours thereafter.

(2) Any person who contravenes the provisions of this by-law shall be liable to a fine of one thousand dollars.

Penalty for
erecting stalls
etc., in
contravention
of these by-
laws.
[By-laws
17/1999]

37. If any person erects or places any stall, or any goods, wares or merchandise, or any other matter or thing whatsoever contrary to these by-laws, or shall place the same or any part thereof at an earlier hour or time, or shall suffer or permit the same to stand or remain to a later hour or time, than the Council shall from time to time appoint or limit in that behalf, every such person so offending, or causing the same to be done or committed, or the owner or part owner or the person using or having the care of any such stall, goods, wares or merchandise, or other matter or thing, shall be liable to a fine of one thousand dollars, and it shall be lawful for the Council, or their officers or servants or any of them or any police or town constable or other person aiding and assisting therein, when such offence shall have been committed, done, or suffered, immediately to pull down displace, remove, and carry away such stall, goods, wares, and merchandise or other matter or thing whatsoever.

Miscellaneous
offences.
[By-laws
17/1999]

38. Any person who, in any market—

- (a) expectorates; or
- b) sits on any table, shambles or stall; or
- (c) sharpens any hatchet, knife or other implement whatsoever on the steps,

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stalls, walls of any brick or concrete structure or floor; or

- (d) rides any cycle or drives or leads any vehicle other than a hand-propelled vehicle; or
- (e) urinates or defecates or deposits any urine, filth or offensive matter; or
- (f) deposits any refuse on the floor; or
- (g) propels any hand-truck, wheel-barrow or other vehicle recklessly or negligently; or
- (h) breaks or damages any stall, structure or fence; or
- (i) plays any games,

shall be liable on summary conviction to a fine of five thousand dollars.

Removal of
obstructions.
[By-laws
17/1999]

39. It shall be lawful for the Clerk of Markets, or any one acting under his direction, to remove all obstructions to, and all persons obstructing any of the paths or passages of the markets and in the event of any obstruction being caused by any goods, wares, or merchandise, or any other article whatsoever, to seize and take possession of the same until the penalty hereby imposed, and the expenses of removal shall be paid. If not claimed within 24 hours, the goods so seized may be sold by the Clerk of the Markets, and the proceeds paid over to the Town Clerk in aid of the Town Funds. Every person who commits a breach of this by-law, and every person resisting the removal of any obstruction,

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shall be liable to a fine of five thousand dollars.

Fines.
[By-laws
17/1999]

40. Any person using or kindling fire in any coalpot, or other receptacle, in any shop, stall or shed, in or in any other part of any market other than the public kitchen thereof, except with the special permission of the Clerk of Markets, shall be liable to a fine of five hundred dollars for the first offence, and a fine of two thousand five hundred dollars for each succeeding offence.

Stray dogs.
[By-laws
17/1999]

41. Any dog found within any market, if not claimed and a penalty of five hundred dollars paid to the Clerk of the Markets within 48 hours, may be destroyed or sold.

Bottles to be
labelled.

42. Bottles containing any article for sale in any market shall be labelled with the name of the contents, and in default may be seized and forfeited.

Power of
search.

43. Any town constable or other person authorised by the Clerk of Markets may search any package brought into any market, for the purpose of seeing that the proper fee is paid on any goods therein.

Inspection of
stalls and
vessels.

44. The Clerk of Markets or any person authorised by him, the inspection of Meat and Food Inspector, a sanitary inspector or any town constable may at all times enter and inspect any stall, stand or space in any market or any vessel lying alongside the stelling or river frontage of any market for the purpose of seeing whether these by-laws are being observed and of enforcing the same.

Penalty for
obstruction.
[By-laws
17/1999]

45. Every person who assaults or obstructs any person authorised to collect fees, or to inspect or seize any marketable commodity, or to remove any obstruction, or to extinguish any fire, or to inspect any part, portion, or tenancy, within the market, or to remove any disorderly person, or to perform any other duty under these by-laws, in

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the execution of such duty, shall be liable to a fine of five thousand dollars.

Expulsion of offenders.

46. Every tenant or occupier of any stall persisting in acting in any way to the contrary to any of these by-laws may, over and above any penalty to which he may be liable for any particular offence, be expelled from the market by order of the Clerk of Markets and shall be liable to be treated as a trespasser if he enters therein again, without the permission of the Clerk of Markets, except for the purpose of purchasing.

By-laws to be exhibited.

47. (1) A printed copy of these by-laws shall be exhibited in some conspicuous place in every market.

(2) Copies of these by-laws may also be obtained on application to the Clerk of Markets at his office in the Stabroek Market or to the Town Clerk at the Town Hall upon payment of such sum for each copy as may from time to time be fixed by the Council.

Stellings, etc.,
to be deemed a
part of the
market.

48. All stellings and landing-places on the river frontage of any market having a frontage to the river, and the whole line of such river frontage shall be deemed to be part of such market.

Master vessel
to comply with
instructions.
[By-laws
17/1999]

49. (1) The master of every vessel landing or embarking goods or any market having a frontage to the river shall obey the instructions of the Clerk of Markets as to placing his vessel or moving the same as circumstances may require.

(2) No vessel shall come alongside any part of the river frontage of any market or make fast to any part of such river frontage except for the purpose of landing or embarking goods or Passengers and then only for such time as in the opinion of the Clerk of Markets is necessary for that

purpose.

(3) Every master of a vessel who commits a breach of this bylaw shall be liable to a fine of five thousand dollars.

50. Every person who in any manner contravenes or fails to comply with any of those by-laws for breach of which no other penalty has been provided shall be liable to a fine of one hundred dollars.

General
penalty.
[By-laws
5/1957]

By-laws 18
17/1999

SCHEDULE MARKET FEES

Fruits:	
Pineapple ...	\$40 per doz.
Watermelons ...	\$8 each.
Other fruits ...	\$30 per basket (S) & \$50 " " (L)
Sugar Cane...	\$50 per hundred
Dry Coconuts ...	\$30 per basket (S) & \$50 " " (L)
Water Coconuts ...	\$50 per hundred
Cocoa Beans...	\$30 per bag (S) \$50 per bag (L)
Coffee Beans...	\$30 per bag (S) \$50 per bag (L)
Peanuts ...	\$30 per bag (S) \$50 per bag (L)
Sorrel ...	\$30 per bag (S) \$50 per bag (L)
Ochroes ...	\$30 per bag (S) \$50 per bag (L)
Vegetables/Ground Provisions ...	\$30 per bag (S) \$50 per bag (L)
Soap ...	\$30 per sack/cartoon

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Milk Powder	\$40 per sack/cartoon
Cooking oil	\$10 per gallon
Salt Fish	\$50 per sack
Fresh Fish	10% of W/S Price
Fresh Shrimp	10% of W/S Price
Crabs	60% per barrel/bag
Empty baskets	\$8 each
Coals	\$30 per sack
Copra	\$30 per bag (S) \$50 per bag (L)
Goblets	\$30 per crate
Casareep	\$8 per gallon
Honey	\$8 per gallon
Eggs	\$8 per tray
Cassava bread	\$30 per hamper (S) \$50 per hamper (L)
Live Bird	\$8 each
Nibbi furniture	\$150 per suits (S) \$250 per suits (L)
Empty drums (45 gal)		\$40 each

* Articles contained in smaller or larger packages shall be charged at proportionate rates.

* Articles not enumerated shall be charged at the rate to be determined by the Clerk of the Markets.

Landing fees will also be charged on vehicles bringing goods in bulk according to their capacities as listed below.

Trucks	7 tons	\$6,000
Trucks	5 tons	\$4,000
Trucks	3 tons	\$3,000
Trucks	2 tons	\$2,000
Mini bus/van	3,000 lbs.	\$1,000
Vehicles not exceeding	1800 lbs.	\$ 600

GEORGETOWN (ABBATTOIR) BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

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2. Interpretation.
3. Control of abattoir.
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5. Register of animals.
6. Lists of animals slaughtered to be published.
7. Hours of opening.
8. Hours of slaughtering.
9. No animal to be slaughtered without the approval of an inspector.
10. Animals to be kept 8 hours before slaughter.
11. Only animals for slaughter to be brought into abattoir.
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13. Method of slaughter.
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BY-LAW

31. Register of slaughterers.
32. Licence to slaughter.
33. Method of application for licence.
34. Cleanliness, etc.
35. Termination of licence.
36. Applicant for licence must be 18 years.
37. Powers of inspection, etc., as regards persons suspected of suffering from infectious, etc., diseases.
38. Disorderly behaviour, etc.
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40. Fires.
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FIRST SCHEDULE—Fees for lairage and slaughter.

SECOND SCHEDULE—Fees for inspection of imported fresh meat.

THIRD SCHEDULE—Register of licensed slaughterers.

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By-laws 1/1952.

2/1989

3/1999

made by the Town Council under section 206, and approved by the Governor in Council on the 23rd January, 1952, deemed to have been made under section 321 of this Act.

Citation.

1. These By-laws may be cited as the Georgetown (Abattoir) By-laws.

Interpretation.

2. In these By-laws— .

"abattoir" means the slaughter-house established by the Council in North Cummingsburg and includes the premises and all buildings, erections, structures,

appliances and appurtenances provided for the purpose thereof;

"animal" means any bull, ox, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig, swine, game or turtle;

"fresh meat" means the flesh of any animal whether or not subjected to any refrigerating process but which has not been salted, preserved or treated by any chemical or other process, and includes the carcass, organs and viscera thereof;

"inspector" includes the Medical Officer, the Chief Sanitary Inspector, the Meat and Food Inspector and any other person authorised by the Medical Officer with the approval of the Council to perform duties of meat and food inspection;

"Medical Officer" means the Medical Officer of Health;

"slaughter hall" means that part of the abattoir where animals are slaughtered and dressed, and includes the stunning pens;

"the clerk in charge" means the officer of the Council for the time being in charge of the abattoir.

Control of
abattoir.

3. The abattoir shall be under the control and supervision of the Medical Officer subject to the direction of the Council.

Clerk in charge.

4. The clerk in charge shall be responsible to the Medical Officer for the care and cleanliness of the abattoir and shall without undue delay report to him any mechanical, structural or other defect and shall secure due observance of these by-laws.

Register of
animals.

5. The Medical Officer shall keep a register in which

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shall be recorded in respect of every animal admitted to the abattoir correct particulars as to its kind, sex, colour, marks, brands and other sufficient description, its place of origin, date and hour of arrival at the abattoir as well as the name and address of the person bringing it and of its owner at the time of admission.

List of animals slaughtered to be published.

6. The Medical Officer shall before the 10th day of each month cause to be advertised in the *Gazette* the number and description of all animals slaughtered in the City during the preceding month.

Hours of opening.

7. The abattoir shall be opened daily at 5 a.m. and closed at 6 p.m. and no person shall enter the abattoir after 6 p.m. except with the permission of an inspector or for the purpose of bringing in an animal.

Hours of slaughtering.

8. Except with the express permission of an inspector no animal shall be slaughtered on Saturdays except between the hours of 9 a.m. and noon and on other days except between the hours of 1 p.m. and 4 p.m.

No animal to be slaughtered without approval of an inspector.

9. Except with the express permission of an inspector, no person shall slaughter any animal in the abattoir unless such animal has been examined and approved of by an inspector on the day on which it is intended to be slaughtered.

Animals to be kept 8 hours before slaughter.

10. Except with the express permission of an inspector no person shall slaughter any animal unless it has been in the abattoir for not less than 8 hours before the time fixed for slaughter:

Provided that where any animal is injured as a result of any accident the inspector may order it to be slaughtered forthwith.

Only animals

11. No person shall bring into the abattoir any animal

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or slaughter to
be brought into
abattoir.

not intended for slaughter or permit any such animal to follow him into the abattoir. Any such animal found in the abattoir may be destroyed or otherwise dealt with as the Medical Examiner shall direct.

Removal of
animals from
abattoir.

12. Except by order of or with the express permission of an inspector no person shall remove from the abattoir any animal that has been admitted to the abattoir for the purpose of slaughter.

Method of
slaughter.

13. Except with the express permission of an inspector no person shall slaughter any animal in the abattoir such animal has been effectually stunned with a mechanically-operated instrument provided by the Council:

Provided that this by-law shall not apply to the slaughter of any animal without the infliction of unnecessary suffering by the Mohammedan method and by a Mohammedan.

Inspection of
animals.

14. Every inspector shall have full power and authority to inspect any animal in the abattoir and to order to be removed therefrom any animal which upon examination appears to be diseased or otherwise unfit for slaughter.

Inspection and
marking of
meat.

15. (1) No person shall remove from the abattoir any fresh meat until an inspector has examined and passed it as fit for human consumption and has marked it in a manner approved by the Council.

(2) Public notification of any mark approved by the Council shall be given by exhibiting a diagram or description of it at the abattoir.

(3) No person other than an inspector shall use the mark approved of by the Council.

Unsound meat.

16. (1) Every inspector shall have full power and

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authority to examine any fresh meat and to condemn and order to be destroyed or otherwise disposed of, in such manner and at such place as he may specify, any fresh meat which upon examination he finds to be diseased or otherwise unfit for human consumption.

(2) Unless the inspector otherwise thinks fit so to do no fresh meat shall be examined after 12.30 p.m. on Saturdays and 4.30 p.m. on any other week day.

Disposal of unsound meat.

17. All fresh meat condemned in the abattoir by an inspector as unfit for human consumption shall by order of the inspector be removed daily in the Council's cart to be destroyed or disposed of at such place and in such manner as the inspector may specify.

Fresh meat not to be removed within 8 hours of slaughter.

18. Except with the permission of an inspector no person shall remove from the abattoir any fresh meat before the expiration of 8 hours after the slaughter of the animal.

Containers.

19. (1) No person shall remove or cause or suffer to be removed from the abattoir any fresh meat except in a metal or metal-lined container with a hinged cover with the owner's name legibly marked thereon, provided by the owner of such fresh meat and approved of by an inspector.

(2) Every such container shall, except when in use, be kept at such part of the abattoir as the inspector may direct and shall be kept in a clean and sanitary condition to the satisfaction of the inspector.

Inspection of container.

20. (1) Any inspector may at any time inspect and examine any container in order to ascertain whether it is in a clean and sanitary condition and is provided with such appliances as he may deem requisite to protect the contents thereof from contamination.

(2) When any container is at any time not approved

of by the inspector he shall immediately notify the owner thereof and thereafter no person shall use it or cause it to be used for the removal of fresh meat from the abattoir until it has been approved of by the inspector.

Removal of blood for human consumption.

21. No person shall remove from the abattoir or use for human consumption the blood of any animal slaughtered there, unless and until such blood has been collected in a clean metal vessel and has been examined by an inspector along with the carcass of the said animal and certified by him as being free from disease and otherwise fit for human consumption.

Removal of hides.

22. (1) The owner of every animal slaughtered in the abattoir shall cause the hide or skin of every such animal to be removed before 9 a.m. on the following day.

(2) No such hide or skin shall be removed or carried in the same container as any fresh meat.

Fees.

23. (1) The fees payable for the lairage and slaughter of each animal admitted into the abattoir, for use of the scale for weighing meat and for permission to work in the tripery shall be as set out in, the First Schedule hereto and shall be paid into the Town Clerk's office or, if that is closed, to the clerk in charge.

(2) The fees payable for the inspection of fresh meat brought into the City from outside of the limits of Guyana shall be as set out in the Second Schedule hereto and shall be paid into the Town Clerk's office.

Fees payable for slaughter outside prescribed hours.
[By-laws 3/1999]

24. Every person granted permission to slaughter an animal outside the hours prescribed by by-law 8 of these by-laws shall, before slaughtering such animal, pay to the inspector for the inspection thereof the following extra charges—

For every bovine animal two hundred dollars.

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For every other animal one hundred dollars.

Proof of
payment of fees
before
slaughter.

25. No animal shall be slaughtered unless and until there has been exhibited to the clerk in charge the Council's acknowledgment of the receipt of all fees payable in respect of such animal for lairage, and slaughter or until all such fees have been paid to the clerk in charge.

Feeding, etc. of
animals.

26. (1) Every animal brought into the abattoir shall, while in the abattoir, be properly and sufficiently fed and watered by the owner to the satisfaction of the inspector.

(2) If the owner of such animal fails to comply with this bylaw the Council may feed and water such animal and recover the cost of so doing from the owner.

Animals kept at
owners risk
while at
abattoir.

27. All animals kept in any lair, pen or other place in the abattoir shall be kept at the risk of the owner of such animals and the owner of any animal dying (other than by slaughter) in the abattoir shall, forthwith cause its carcass to be removed to the refuse destructor and be destroyed at his expense. If he fails to do so the Council may remove and destroy it and recover the cost of so doing from the owner.

Recovery of
cost of feeding
animals.

28. (1) If any sum of money due to the Council for the use of the abattoir or for feeding any animal insufficiently fed by its owner feeding remains unpaid for a period of twelve hours after a written demand by, the Town Clerk for payment of the same, the Council may in their discretion seize and sell at public auction the animal in respect of which such sum is due:

Provided that notice of such sale, and of the time and place thereof, shall be published in a daily newspaper circulating in the City two clear days before the day fixed for the sale.

(2) Upon such sale the proceeds thereof shall be

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applied in payment of such sums as may be due to the Council and of the costs of and incidental to such sale, and the balance, if any, shall be paid to the person who shall prove to the satisfaction of the Council that he is entitled to it.

Entry into
abattoir
prohibited.

29. Except with the express permission of an inspector or the clerk in charge, no person shall enter or be permitted to enter into the abattoir except councillors, employees at the abattoir, the owners of animals in the abattoir, their *bona fide* servants or agents and licensed slaughterers.

Entry into
slaughter hall
prohibited.

30. Except with the express permission of the clerk in charge no person shall enter or be permitted to enter inside the slaughter hall during the hours fixed for slaughtering except councillors, employees at the abattoir and licensed slaughterers:

Provided that the owner of an animal may be permitted to be inside the slaughter hall during the time that such animal is being slaughtered.

Register of
slaughterers.
Third Schedule.

31. The clerk in charge shall keep a register of licensed slaughterers in the form contained in the Third Schedule hereto in which he shall enter the name of every slaughterer employed at the abattoir.

Licence to
slaughter.

32. No person shall slaughter any animal at the abattoir without first having obtained from the Council a slaughterer's licence which he shall exhibit to the clerk in charge before being enrolled in the register of slaughterers.

Method of
application for
licence.

33. (1) Every applicant for a slaughterer's licence shall produce to the Town Clerk a certificate of good health signed by the Medical Officer and on payment to the Town Clerk of a fee of fifty cents shall receive from him a licence.

(2) No person shall slaughter any animal or otherwise act as a slaughterer unless he is in possession of a valid licence.

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Cleanliness,
etc.

34. (1) Every slaughterer shall be tidily and cleanly clad in a blue overall or such other uniform as may be approved of by the Medical Officer.

(2) Any inspector may prohibit any slaughterer who fails to comply with paragraph (1) of this by-law from slaughtering any animal or handling any fresh meat.

Termination of
licence.

35. Every slaughterer's licence shall terminate on the last day of the calendar year in which it was issued and may at any time for misconduct or other sufficient cause, be revoked by the Town Clerk on the recommendation of the Medical Officer.

Applicant for
licence must be
18 years.

36. No slaughterer's licence shall be issued to a person under the age of 18 years.

Powers of
inspection, etc.
as regards
persons
suspected of
suffering from
infectious, etc.,
diseases.

37. (1) The inspector or the clerk in charge shall order any person suspected to be suffering from an infectious or contagious disease to withdraw from the abattoir and the name, address and suspected disease of such person shall be reported forthwith to the Medical Officer.

(2) No such person shall be re-admitted to the abattoir unless he produces to the inspector or the clerk in charge a certificate of good health signed by the Medical Officer.

Disorderly
behaviour, etc.

38. (1) No person shall fight, or behave in an indecent, disorderly or threatening manner in the abattoir.

(2) Any person who contravenes the provisions of this by-law may in addition to any penalty incurred by him, be forcibly removed from the abattoir by the clerk in charge or by any town constable, police constable or rural constable.

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(3) No person removed from the abattoir for a breach of the preceding by-law shall be entitled to re-enter the abattoir except by express permission of an inspector.

Intoxicating liquor.

39. No person shall bring into the abattoir any intoxicating liquor or smoke or spit in the abattoir.

Fires.

40. No person shall light any fire or cook any food in the abattoir, except in such part of the abattoir as may be set apart for the purpose by the Council.

Damages.

41. (1) No person shall chop any article on any table in the abattoir or shall in any way damage any part of the abattoir or any table or other furniture, appliance or thing therein belonging to the Council.

(2) Any person who contravenes the provisions of this by-law shall, in addition to any penalty incurred by him, pay to the Town Clerk the cost of replacing or repairing any property damaged by him.

Tampering with appliances.

42. No person shall, by any contrivance or device or in any manner whatever, tamper with any scale or other appliance in the abattoir.

Obstruction.

43. No person shall molest, hinder or obstruct any inspector, or the clerk in charge or any other employee of the Council in the performance of his duties at the abattoir.

Power of Council to alter fees.

44. The Council may by resolution published in the *Gazette* and a newspaper circulating in Guyana alter the fees set out in the First and Second Schedules hereto and the hours prescribed by by-law 8 of these by-laws for slaughter.

Penalty.
[By-laws
3/1999]

45. Any person who contravenes or fails to comply with any of the provisions of these by-laws or who refuses, neglects or fails to comply with any order or direction given by an inspector or the clerk in charge for carrying any by-law into effect shall, on summary conviction, be liable to a fine of

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two thousand five hundred dollars.

By-law 23(1)

FIRST SCHEDULE

FEES FOR LAIRAGE AND SLAUGHTER

LAIRAGE

	For the 1 st day or part thereof	For every other day or part thereof	SLAUGHTER R
Bull	32c.	8c.	50c.
Ox	32c.	8c.	50c.
Cow	32c.	8c.	50c.
Steer	32c.	8c.	50c.
Heifer	32c.	8c.	50c.
Animals weighing from 120 lbs. to 150 lbs.	32c.	8c.	12c.
Calf weighing under 120 lbs.	10c.	4c.	6c.
Sheep or Lamb ...	10c.	4c.	6c.
Goat or Kid ...	10c.	4c.	6c.
Swine ...	10c.	4c.	6c.
Turtle ...			4c.
Game ...			4c.

2. Use of the scale for weighing meat—

(a) not exceeding 100 lbs	1 cent
(b) every additional 100 lbs. or part thereof ...	1 cent

3. Permission to work in the tripery	4 cents per day
--	--------------------

[Subsidiary]*Georgetown (Abattoir) By-laws*

SECOND SCHEDULE

By-law 23(2).

FEES FOR INSPECTION OF IMPORTED FRESH MEAT

	carcass of any bovine animal	carcass of any other animal
For each carcass not exceeding		
10	\$1.00	50c.
For each additional carcass not exceeding 20	50c.	25c.
For each additional carcass exceeding 50	12c.	6c.

THIRD SCHEDULE**REGISTER OF LICENSED SLAUGHTERERS**

By-law 31

No. in register	Name and address	No. of licence	Date of licence	Remarks

[Subsidiary]

Regs.
12/1/1942
2/1999

**KEEPING OF ANIMALS (GEORGETOWN)
REGULATIONS**

made under sections 18 and 118(b) of the Public Health Ordinance (Chapter 145) by the Town Council as the Local Sanitary Authority of the Urban Sanitary District of the City of Georgetown, approved of by the Central Board of Health on the 29th October, 1941, and by the Governor in Council on the 12th January, 1942, deemed to have been made under section 321 of this Act

Citation. **1.** These Regulations may be cited as the Keeping of Animals (Georgetown) Regulations, and shall apply to the City as defined by the Municipal and District Councils Act.

Interpretation. **2.** In these Regulations—

"animal" means any horse, mule, ass or other beast of draught or burden or any cattle;

"Council" means the City Council;

"inspecting officer" means the medical officer of health or any sanitary inspector appointed by the Council;

"stable" means a building or structure wherein any animal is or may be kept.

Swines.

Stables.

except in a stable registered under these regulations:

Maximum number in stables.

registered.

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Keeping of Animals (Georgetown) Regulations

Tying, etc., of
animals on
public way.

6. No person shall tie, tether, feed or graze any animal on any street, parapet, alleyway or other open space in the City.

REGISTRATION

Registration of
stables

7. No person shall occupy a stable unless such stable has been registered under these regulations.

Register of
stables.

8. The Council shall keep a register in which shall be entered the names of the occupiers of all stables and the situation of every such stable and the maximum number of animals to be kept therein.

Annual
Registration.

9. Every registration shall terminate with the calendar year, but may be renewed by the Council from year to year as from the 1st January.

Certificate
from in-
specting
officer
Schedule.

10. The Council shall not register or renew the registration of any Certificate stable except upon the production of a certificate from an inspecting officer in the form set out in the Schedule to these regulations.

Refusals to
register.

11. The Council may on the representation of the medical officer to of health—

- (a) refuse to register or renew the registration of any stable;
- (b) cancel any registration made under these regulations.

SITUATION AND CONSTRUCTION OF STABLES

Situation of
stables.

12. Every stable shall be so situated as to comply with any building by-laws or regulations relating to the City:

Provided that this regulation shall not apply to any stable in existence at the commencement of these regulations if it

[Subsidiary]

Keeping of Animals (Georgetown) Regulations

otherwise complies with these regulations.

Requirements.

13. Every stable shall be not less than nine feet in height (measured from floor to plate) and shall be provided on at least two sides with ventilating spaces of an area not less than one-eighth of the floor space opening into the external air.

Flooring Space.

14. The floor space of every stable shall be properly paved with good cement concrete smoothly rendered or other impervious material approved by the medical officer of health and so graded as effectually to carry off all liquid matter therefrom to a gully connected by a drain to a street sewer:

Provided that nothing in this regulation shall prevent any person, who desires to do so, from laying down a movable floor of planks over the concrete paving or other impervious material:

And provided further that a floor of wood may, with the approval of the medical officer of health, be laid over the concrete paving or other impervious material in such a manner as to allow easy and thorough cleansing and to prevent any accumulation thereon or beneath.

CLEANSING OF STABLES

Cleansing of stables.

15. Every occupier of a stable shall, not later than eight o'clock of every morning, cause such stable to be properly swept and cleansed and all filth to be deposited in the receptacle provided for that purpose.

Water supply.

16. For the proper cleansing of every stable the owner of the premises shall provide therein a proper water supply from the waterworks.

Walls to be limewashed, etc.

17. Every occupier of a stable shall cause the interior woodwork of such stable to be kept thoroughly clean at all

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[Subsidiary]

Keeping of Animals (Georgetown) Regulations

times and to be lime-washed when required by an inspecting officer to do so.

DISPOSAL OF MANURE

Receptacles
for manures.

18. Every occupier of a stable shall provide a movable metal receptacle or receptacles outside such stable for all filth resulting from the keeping of any animal in a stable. Every such receptacle shall be provided with a properly fitting metal cover and shall at all times be kept in good repair and covered while in use.

Disposal of
manures.

19. Every occupier of a stable shall cause the contents of every such receptacle to be removed from the premises as often as is necessary and not less than once every day and shall cleanse and disinfect every such receptacle after the removal of its contents from the premises.

Inspections.

20. The Council's officers shall at all times have the right of inspecting stables for the purpose of seeing that the provisions of these regulations are being complied with no person shall obstruct any such officer in the execution of such duty.

Penalties.
[Reg.
2 of 1999]

21. If any person contravenes or fails to comply with any of these regulations he shall be guilty of an offence and shall be liable to a fine of two thousand five hundred dollars.

Reg. 10

SCHEDULE

KEEPING OF ANIMALS (GEORGETOWN) REGULATIONS

Certificate of Inspecting Officer

I hereby certify that I have inspected the stable occupied by.....at lot.....
The stable is constructed in accordance with these regulations and can hold a maximum number of.....animals.

[Subsidiary]

Offensive Matter Removal By-laws

Signature.....

Date.....

By-laws
16/8/1904
15/1999

**OFFENSIVE MATTER REMOVAL
BY-LAWS**

*made under the Public Health Ordinance for the City of Georgetown
and confirmed by the Governor and Court of Policy on the 16th
August, 1904, deemed to have been made under section 321 of this
Act*

Citation.

1. These By-laws may be cited for all purposes as the Offensive Matter Removal By-laws.

Removal of
offensive
matters.

2. It shall not be lawful save as herein otherwise expressly provided for any person to remove or carry any offensive matter, by cart or otherwise, along any street or thoroughfare within the limits of the City of Georgetown, between the hours of 6 a.m. and 8 p.m.

Covers.

3. It shall not be lawful for any person to drive or use or cause to be driven or used, within the limits aforesaid, for the removal of any offensive matter, any cart, carriage or vessel not having a proper cover for preventing the escape of the contents of such cart, carriage or vessel, and of the stench of such contents.

Spillings.

4. Every person having charge of any cart, carriage, or vessel in which any offensive matter is being removed within the limits aforesaid shall carefully sweep and clean every place in which any such matter shall have been slopped or spilt from such cart, carriage or vessel.

Time of
removal.

5. It shall not be lawful for any person to remove or carry any excretal matter or night-soil by cart or otherwise

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[Subsidiary]

Cleansing of Tanks By-laws

along any such street or thoroughfare between the hours of 5 a.m. and 11 p.m.:

Provided that this section shall not apply to excreta matter or night-soil removed in specially constructed carts or vans owned by the Georgetown City Council or hired by them for municipal purposes.

Penalties.
[By-laws
15/1999]

6. Any person committing a breach of any of these by-laws shall be liable to a fine of four thousand dollars.

By-laws
5/5/1905
13/1999

CLEANSING OF TANKS BY-LAWS

made by the Town Council under section 4 of the Statute Laws Revision Ordinance, No. 20 of 1904, and confirmed by the Governor and Court of Policy on the 5th May, 1905, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the Cleansing of Tanks By-laws.

Cleansing of tanks.

2. (1) Every tank used within the City of Georgetown for domestic purposes shall be emptied and cleansed to the satisfaction of a sanitary inspector at least once in every five years by the owner of the building to which the tank belongs.

Notice.

(2) Such owner shall give at least two days' notice to the Georgetown City Council of his intention to have the tank cleansed.

[By-laws
12/1999]

(3) Every owner who fails to comply with this by-law shall be liable to a fine of four thousand dollars.

Notice of pollution.
[By-laws
11/1999]

3. (1) If in the opinion of a sanitary inspector the water stored in any such tank has become polluted or impure from any cause whatever, he shall give notice to the owner of the

[Subsidiary]

Mosquito Prevention (Screening of Vats) By-laws

building to which such tank belongs to have the water emptied away and the tank cleansed to his satisfaction.

(2) If such notice is not complied with within forty-eight hours of the service thereof, the owner of the building shall be liable to a fine of five hundred dollars for each day during which such non-compliance shall continue.

Markings.
[By-laws
13/1999]

4. Where a tank has been cleansed in compliance with these by-laws, the sanitary inspector for the district in which it is situated shall cause a mark indicating the year and month of such cleansing to be scored or otherwise marked to the satisfaction of the Georgetown City Council on such tank by the owner, who shall be liable on failure to do so to a fine of four thousand dollars.

By-laws
2/9/1907
12/1999

**MOSQUITO PREVENTION
(SCREENING OF VATS)
BY-LAWS**

made by the Town Council of Georgetown under the Local Government Ordinance, and approved of by the Governor and Court of Policy on the 2nd September, 1907, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the Mosquito Prevention (Screening of Vats) By-laws.

Mosquito
proofs.

2. All vats, tanks, or other vessels shall be screened with mosquito-proof wire netting or other suitable material so as to prevent the entrance into or exit of mosquitoes from such vats or tanks or other vessels.

Inlet and
overflow
Pipes.

3. The inlet and overflow pipes into such vats, tanks or other vessels shall be placed in such positions or screened

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[Subsidiary]

City Government (Control of Stray Dogs) By-laws

in such a manner as to prevent the entrance into or exit from the same of mosquitoes.

Fire extinguishers.

4. All buckets or other vessels containing water for fire extinguishing or other purposes shall be emptied and cleansed at least once a week.

Duty of owners.

5. The work of screening the vats, tanks, and all such other vessels shall be done by the owners of the properties on which they are situated.

Penalties.
[By-laws
12/1999]

6. Any person contravening any of these by-laws shall be liable on summary conviction to a fine of one thousand dollars.

By-laws
2/1951
11/1999

CITY GOVERNMENT (CONTROL OF STRAY DOGS) BY-LAWS

made by the Town Council under Section 206, and approved of by the Governor in Council on the 26th June, 1951, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the City Government (Control of Stray Dogs) By-laws.

Stray dogs.
[By-laws
11/1999]

2. (1) Any town constable or any other person lawfully authorised by the Medical Officer of Health to seize and impound strays within the City may seize any dog found at large within the City:

Provided that no dog (other than a dog in a rabid, mangy or diseased condition) wearing a collar to which there is affixed a metal tag or disc shall be so seized unless such dog is found in any market within the City.

(2) Any dog seized as aforesaid shall be taken on the same day to the lethal chamber at a rubbish destructor

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City Government (Control of Stray Dogs) By-laws

provided by the Council and shall be delivered to the person in charge.

Recovery of dogs.

3. (1) The owner or person lawfully in charge of any dog which has been seized as aforesaid (other than a dog in a rabid, mangy or diseased condition) may before the expiration of 4 clear days after such a seizure, apply to the person in charge of the lethal chamber and, upon the production of satisfactory evidence of ownership, the person in charge of the lethal chamber shall deliver up the dog to the owner or person having the charge of such dog upon the payment by him of a charge of one dollar.

(2) Any such dog (other than a dog in a rabid, mangy or diseased condition) if unclaimed within four days as aforesaid may, after the expiration of that time, be sold or destroyed.

(3) Every dog seized as aforesaid in a rabid, mangy or diseased condition shall be taken to the lethal chamber as soon as possible and shall there be destroyed forthwith.

Humane destroying of dogs.

4. The owner or person lawfully in charge of any dog may between the hours of 8 o'clock and 11 o'clock in the forenoon, and between the hours of noon and 4 o'clock in the afternoon, send or deliver such dog to the person in charge of the lethal chamber to be humanely destroyed. No fee shall be charged for such destruction.

Penalties.
[By-laws
11/1999]

5. Every person who, being the owner or person in charge of any dog in a rabid, mangy or diseased state, knowingly suffers such dog to be at large within the City shall be guilty of an offence and shall be liable to a fine of ten thousand dollars.

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[Subsidiary]

City Government (Control of Noises) By-laws

By-laws

27/6/1938

1/1948

7/3/1950

14/1999

CITY GOVERNMENT (CONTROL OF NOISES)

BY-LAWS

made by the Town Council under section 206 and approved of by the Governor in Council, and amended on the 21st December, 1948, and 7th March, 1950, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the City Government (Control of Noises) By-laws.

Interpretation.

2. In these By-laws—

"City" means the City of Georgetown as defined in the Municipal and District Councils Act;

"City Engineer" means the person for the time being appointed by the Georgetown City Council to discharge the duties of the City Engineer under the said Act;

"vehicle" includes any motor car, lorry, tractor, carriage cart, dray van or other contrivance moving upon wheels whether propelled by electricity, motor, or steam power, or drawn by any animal or by hand.

Industries, etc.

3. Any person, company, firm, concern or corporation who or which makes or allows to be made, in the course of or in connection with the operation, conduct or carrying on of his or its industry business, trade or avocation whatever, any excessive and unusual or unnecessary noise shall be guilty of a breach of these proceedings shall be instituted under this by-law save at the instance of the City Engineer.

Wireless loud

4. No person shall—

Speakers,

Gramophones,
etc.

[By-laws

(a) in any street or public place or in or in connection with any shop, business premises or other place which adjoins any

[Subsidiary]

City Government (Control of Noises) By-laws

1/1948]

street or public place and to which the public are admitted; or

- (b) upon any other premises by operating or causing or suffering to be operated any wireless loud speaker, gramophone, amplifier, automatic piano or similar instrument,

make or cause or suffer to be made any noise which shall be so loud and so continuous or repeated as to cause a nuisance to occupants or inmates of any premises in the neighbourhood.

Undue noise
at wakes
prohibited.

5. Any person who holds or permits to be held or takes part in a wake or wakes in any house, room, yard or place where loud singing or noisy games are indulged in to the annoyance or disturbance of the persons residing in the vicinity shall be guilty of an offence under these by-laws.

Noisy animals
[By-laws
7/3/1950]

6. No person shall keep within any house, building, or premises any noisy animal or bird which shall be or cause a serious nuisance to residents in the neighbourhood.

Silent brakes
and tyres.

7. Motor vehicles driven in the City shall be provided with silent brakes and animal-drawn vehicles driven therein the wheels whereof are equipped with metal tyres shall be driven at a walking gait of the animal or animals drawing such vehicles.

Automobile
provided with
a radio.

8. It shall be unlawful for any person in charge of or occupying a motor car or other vehicle provided with a radio or other musical instrument to put into operation such instrument or to allow the same to be put into operation in the City in such manner as to disturb public peace or annoy or disturb the persons residing in the vicinity where such radio or musical instrument is in operation.

Institution.

9. Any legal proceedings in respect of a breach of any

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[Subsidiary]

Posting Bills By-Laws

of these by-laws except where otherwise stated in these by-laws may be instituted and carried on by any town constable authorised in writing by him or by any police constable or by any three persons interested or aggrieved each of whom shall be the occupiers of separate premises.

Penalty.
[By-laws
14/1999]

10. (1) Every person who fails to do any act or thing enjoined by these by-laws and every person who does any act or thing forbidden by these by-laws shall be guilty of an offence against these by-laws.

(2) Any person who is guilty of an offence against any of these by-laws shall, on summary conviction, be liable for every such offence to a fine of ten thousand dollars.

By-laws
26/7/1917
8/1999

POSTING BILLS BY-LAWS

made by the Town Council under section 192 of the Georgetown Town Council Ordinance, 1898, and approved of by the Governor and Court of Policy on the 26th July, 1917, deemed to have been made under section 321 of this Act.

Citation.

1. These By-laws may be cited as the Posting Bills By-laws.

Posting-bills
advertisement
upon
buildings, etc.,
prohibited.
[By-laws
8/1999]

2. Every person who without the consent of the Georgetown City Council affixes or places or causes to be affixed, or placed any posting-bill, advertisement or other paper or thing against or upon any building, wall, pavement, street, alley way, bridge, drain, parapet, tree, post, fence, paling, tank, pillar, or any other property or part of the City of Georgetown, owned by or under the control of the Georgetown City Council, or writes upon, soils, defaces or marks any such building, wall, pavement, street, alley way, bridge, drain, parapet, tree, post, fence, paling, tank, pillar, or other property or part of the City of Georgetown with chalk, or paint or in any other way or with any other material shall, on

[Subsidiary]

Burial Grounds Regulations

Georgetown (Le Repentir Cemetery Vehicular Traffic Control) By-laws

being convicted thereof, be liable to a fine of ten thousand dollars.

Arrest and custody

3. Any person who is found committing any offence against this by-law may be taken into custody without warrant by any police or other constable or may be apprehended by any officer or servant of the Georgetown City Council and shall in the latter case be delivered as soon as possible into the custody of some police or other constable to be dealt with according to law.

Reg. 32/1952

**BURIAL GROUNDS
REGULATIONS**

made by the Central Board of Health under sections 12(c), 65(d) and 157 and approved of by the Governor in Council on 11th November, 1952, deemed to have been made under section 321 of this Act

These regulations will be found under Chapter 145 9supra). Regulations 10, 19 and 20 and paragraphs (b) and (c) of subparagraph (2) of regulation 21 apply to the city of Georgetown, by virtue of regulation 22(2).

By-laws
14/4/1942
9/1999

**GEORGETOWN (LE REPENTIR CEMETERY VEHICULAR
TRAFFIC CONTROL)**

BY-LAWS

made by the Town Council under section 206 and approved of by the Governor in Council on the 14th April, 1942, deemed to have been made under section 321 of this Act

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Standing Orders Rules

Citation.

1. These By-laws may be cited as the Georgetown (Le Repentir Cemetery Vehicular Traffic Control) By-laws.

Control of
vehicular
traffic.

2. The regulation of vehicular traffic in the burial ground known as the Le Repentir Cemetery shall be under the direction and control of such members of the Town Constabulary or other officers or employees of the Council as may from time to time be appointed by the City Engineer and approved by the Council.

Vesting of
powers.
[By-laws
9/1999]

3. (1) It shall be lawful for any of the persons appointed and approved as aforesaid on the occasion of a funeral or of any abnormal or extraordinary traffic on a road in the burial ground to give such directions as he may deem necessary in order to relieve congestion or prevent obstruction by such traffic, and with respect to the parking of vehicles comprising such traffic.

(2) Any person driving, propelling or in charge of any vehicle in the burial ground on any occasion aforesaid who fails to comply with any direction given under and in accordance with this by-law shall be liable to a fine of ten thousand dollars.

STANDING ORDERS RULES TO BE OBSERVED IN THE DISCUSSION OF BUSINESS

ARRANGEMENT OF RULES

MEETINGS

RULE

1. Meetings.
2. Meetings to be open to the public.
3. Adjournment.
4. Representative of newspapers.
5. Discussion *in camera*.

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RULE

ORDER OF BUSINESS

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9. Motions without notice.
10. Questions and answers.

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AMENDMENTS

11. Rules as to amendments.
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13. Admissibility.

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14. Rules of debate.
15. Member not to speak twice.
16. Speaking upon amendments.
17. Amendments to be seconded.
18. Speeches not to be read.
19. Closure.
20. Allocation of time for debate.
21. Procedure on question being put.
22. Division.
23. Call to order.
24. Relevancy.
25. Motions lost.

MISCONDUCT OF MEMBERS

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26. Disorderly member ordered to withdraw.
27. Suspension of member named.
28. Member suspended to quit the precincts of the Council.
29. One member at a time to be named.
30. Disobedient member; suspension for remainder at meeting.

APPLICATIONS

31. Applications to the Council.

REPORTS

RULE

32. Reports by officers.

SUSPENSION OF RULES

33. Suspension of rules.
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STANDING ORDERS

Rules
13/1/1947

RULES

made on the 13th January, 1947, by the Town Council under section 94, to be observed in the Discussion of Business, deemed to have been made under section 321 of this Act

MEETINGS

Meetings.

1. (1) Notice of each meeting other than a meeting fixed by the Act or by adjournment shall be given by the Town Clerk in writing to each member at least forty-eight hours before the time of meeting; except in cases of emergency, when as long notice as possible shall be given.

(2) The Town Clerk shall also send to each member, at least forty-eight hours before every meeting, a

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copy of the agenda, except in case of emergency; when it shall be sent as long before the meeting as possible.

Meetings to be open to the public.

2. The meetings of the Council shall at all times be open to members of the public but the Mayor or presiding member may at any time order the public to withdraw and the doors of the Council Chamber to be closed.

Adjournment.

3. A meeting may be adjourned at any time by a vote of the majority of the members, or by the Mayor or presiding member if he shall think fit.

Representative of newspaper.

4. If there should be published in any newspaper an unfair or misleading report of anything which has transpired at a meeting of the Council, the Council may direct that no representative of that newspaper may be permitted to attend the sitting of the Council for such period as the Council may determine.

Discussion
in camera

5. A member desirous of having the doors closed may move that this be done. No debate on the motion shall be held, but the Mayor or presiding member shall at once put the question. If it is decided in the affirmative the doors shall be closed and the member who made the motion shall then state, in the form of a motion, the subject he wishes discussed, after which the question whether the subject shall be discussed with closed doors or not shall be put to the Council without debate. If the motion of debate; if the motion is lost, the doors shall be opened.

Order of business.

6. The business of the Council at meetings shall be transacted in the following order—

- (a) correction, if necessary, after circulation, and confirmation of the minutes of the last preceding or any other meeting;
- (b) announcements by the Mayor or presiding

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member, or by the clerk, and matters of urgency which the Mayor or presiding member may bring forward;

- (c) reception of reports of committees;
- (d) notices of questions or of motions;
- (e) business on the agenda, in the order in which it is set down:

Provided that any business remaining over from a meeting shall be set down in priority to new business for the next meeting.

Personal explanations.

7. Before the Council proceeds to the order of the day a member may, with the permission of the Mayor or presiding member, make a statement to the Council—

- (a) drawing attention to any alleged breach of Privilege; or
- (b) explaining any matter affecting his personal conduct as a member of the Council.

MOTIONS AND QUESTIONS

Notice of motions and questions.

8. Except as hereinafter provided a member wishing to move a motion or to ask a question shall give notice in writing to the Town Clerk but a motion shall not become a subject of discussion, and a question shall not be answered, until the next ordinary meeting. The notice, if not given at a meeting of the Council, must be delivered to the Town Clerk at least ninety-six hours before the meeting at which it is intended to be brought forward.

Motions without notice-

9. The following motions may be made without notice—

- notice.
- (a) a motion by way of amendment to any motion being debated in the council.
 - (b) a motion for the adjournment of the Council or of the debate;
 - (c) a motion for the suspension of Standing Orders;
 - (d) a motion for the confirmation or amendment of the Minutes of the Council;
 - (e) a motion for the withdrawal of the public;
 - (f) a motion that the Council resolves itself into Committee of the whole Council.
 - (g) a motion made when Council is in Committee;
 - (h) a motion for the suspension of a member; and
 - (i) a motion that the question be now put.

Questions and answers.

10. (1) A written reply to each question shall be read by the Town Clerk and a copy of the reply shall be handed to the member putting the question. A reply may with the consent of the majority of the Council be taken as read.

(2) The reply to any question shall be conclusive and no speech or debate on the reply shall be allowed, but any member may, with the permission of the Mayor or presiding member, put a supplementary question for the purpose of further elucidating any matter of fact not made clear to him by the reply.

(3) Questions shall be put in such a manner as not

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to involve opinion, argument or inference; and no facts shall be stated unless they be necessary to make the question intelligible.

(4) An answer shall be confined to the points contained in the question, with such explanations only as will render the answer intelligible.

(5) All answers to questions shall be given in writing except by leave of the Council.

(6) If a question is asked without notice it shall be competent for the Mayor or presiding member to require that notice should be given.

The Mayor or
presiding
member may
disallow
questions.

11. The Mayor or presiding member shall be the sole judge of the propriety or admissibility of a question and he may disallow any question which in his opinion is an abuse of the right to ask questions.

AMENDMENTS

Rules as to
amendments.

12. (1) The Mayor or presiding member may require the mover of an amendment which has been seconded to put the amendment into writing and deliver it to the Town Clerk.

(2) An amendment must be relevant to the question to which it is proposed.

(3) An amendment must not raise any question which can be raised only by a distinct motion after notice.

(4) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.

(5) Where an amendment of any part of a question has been proposed, an earlier part cannot be amended unless the amendment so proposed is withdrawn.

(6) An amendment to a question must not be inconsistent with a previous decision on the same question.

(7) An amendment must not be substantially identical with an amendment moved by another member.

(8) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.

(9) An amendment may be moved to any amendment.

Order in
which taken
on question
being put.

13. When an amendment to a question shall have been submitted, and when more amendments than one shall have been submitted, the Mayor or presiding member at the close of the debate shall put the question for the decision of the Council in this wise: "That the words of the question stand as in the original motion" if it be decided in the affirmative, will throw out all amendments and he shall then put the original motion to be affirmed or negated. If the first question which would preclude all amendments be negated, then, in case only one amendment shall have been proposed and seconded, he shall put the question as it was proposed to be amended; but in case more amendments than one shall have been proposed and seconded, he shall put the questions of amendment *seriatim* and in the inverse order of their having been proposed; and when any one amendment is affirmed all other amendments shall be thereby negated, and the Mayor or presiding member shall then put the motion, as so amended, to be affirmed or negated.

Admissibility.

14. The Mayor or presiding member shall be the sole judge of the admissibility of any amendment.

RULES OF DEBATE

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Rules of
debate.

15. (1) Every member shall speak standing and shall address him- self to the Mayor or presiding member.

(2) No member shall interrupt another when speaking, except by rising to order. A member rising to order shall direct attention to the point which he desires to bring to notice and shall submit it to the decision of the Mayor or presiding member.

(3) If two or more members rise at the same time the Mayor or presiding member shall decide which member shall address the Council.

(4) When the Mayor or presiding member addresses the Council any member then standing shall immediately resume his seat.

Member not
to speak twice.

16. (1) No member shall speak twice to a motion except as hereinafter provided or except by way of explanation.

(2) The mover of an original motion shall have the right of reply after all members who desire to speak shall have spoken but the mover of an amendment shall not have any right to reply.

(3) Any member who may second an original motion in the formal words "I second this motion" and no others, may reserve his speech until later in the debate.

(4) The provisions of this rule shall not apply when the Council is in Committee.

Speaking
upon
amendments.

17. A member may speak on the question before the Council and upon any amendment proposed thereto.

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Amendments
to be
seconded.

18. After the mover of any motion or any amendment has spoken in support thereof, no debate shall be allowed until the motion or amendment has been duly seconded, unless the Council is in Committee when a motion or amendment may be put without being seconded. &

Speeches not
to be read.

19. A member shall not read his speech, but may with the permission of the Mayor or presiding member, read extracts of moderate length from written or printed documents in support of his argument.

Closure.

20. (1) After a question has been proposed, a member rising in his place may claim to move "that the question be now put", and unless it appears to the Mayor or presiding member that the motion is an abuse of the rules or an infringement of the rights of the minority the question, "That the question be now put" must be put forthwith.

(2) When the motion "That the question be now put" has been earned, and the question consequent thereon has been decided any further motion may be made (the assent of the Mayor or presiding member as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the Chair.

Allocation of
time for
debate.

21. Before or when a member rises to move a question which stands in his name, the Mayor or presiding member may fix the total time to be occupied in the debate thereon, and may adjourn the debate from time to time as e may think fit.

Procedure on
question
being put.

22. After the question has been put by the Mayor or presiding member no further discussion shall be allowed.

Division.

23. When a division is challenged the Town Clerk shall write down the names of those members voting for or against the motion, and of those abstaining, and he shall duly record these names in the minutes. After the division has been

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taken the Town Clerk shall state the number of votes for and against to the Mayor or presiding member who shall declare the result.

Call to order.

24. Any member who deviates from the rules of debate may be called to order immediately by any other member and if any question arises as to whether the member is in order, the decision of the Mayor or presiding member shall be final.

Relevancy.

25. (1) Every member shall confine his observations to the subject under consideration.

(2) The Mayor or presiding member, after having called the attention of the Council to the conduct of a member who persists in irrelevant or tedious repetition either of his own argument or of the arguments used by other members in debate may direct the member to discontinue his speech.

Motions lost.

26. When any motion brought before the Council has been discussed and lost, it shall not be again brought up for consideration until the expiration of six months thereafter.

MISCONDUCT OF MEMBERS

Disorderly member ordered to withdraw.

27. The Mayor or presiding member may order any member or members whose conduct is grossly disorderly to withdraw immediately from the Council during the remainder of that day's sitting; **and** the Town Clerk shall act on such orders as he may from the Chair in pursuance of this rule. But, if on any occasion, the Mayor or presiding member deems that his powers under this rule are inadequate, he may name such member or members or he may call upon the Council to adjudge upon the conduct of such member or members.

Suspension of member named.

28. Whenever any member shall have been named by the Mayor or presiding member immediately after the commission of the offence disregarding the authority of the

Chair, or of abusing the rules of the Council or of persistently and wilfully obstructing the business of the Council, then if the offence has been committed by such member in the Council, the Mayor or presiding member shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, "That such member be suspended from the service of the Council"; and if the offence has been committed in a Committee of the whole Council, the Mayor or presiding member shall forthwith suspend the proceedings of the Committee and report the circumstances to the Council; and the Mayor or presiding member shall on a motion being made thereupon, put the same question without amendment, adjournment or debate, as if the offence had been committed in the Council itself.

Member suspended to quit the precincts of the Council.

29. Any member suspended from the service of the Council shall forthwith quit the precincts of the Council Chamber and during the period of his suspension such member shall continue to absent himself.

One member at a time to be named.

30. Not more than one member shall be named at the same time, unless several members present together have jointly disregarded the authority of the Chair.

Disobedient member; suspension for remainder of meeting.

31. If any member who has been suspended from the service of the Council under rule 29 shall refuse to obey the direction of the Mayor or presiding member, when summoned by the Town Clerk under the Mayor or presiding member's orders to obey the directions, the Mayor or presiding member shall call the attention of the Council to the fact that recourse to force is necessary in order to compel obedience to his direction and the member named by him as having refused to obey his direction shall thereupon and without further question put, be suspended from the services of the Council during the remainder of the meeting.

APPLICATIONS

Applications

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to the
Council.

32. Every application to the of the Council must be lodged with the Town Clerk at least four days before the meeting at which it is intended to be brought on for consideration.

REPORTS

Reports by
officers.

33. All routine reports by the officer of the Council must be lodged with the Town Clerk at least five days before the meeting of the Council, fixed by Act to be held on the second and fourth Mondays of each month.

Suspension of
rules.

SUSPENSION OF RULES

34. Any of these rules may, with the consent of the Council, be suspended at any meeting for the purpose of accelerating the business of the Council.

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NEW AMSTERDAM TOWN COUNCIL

LIST OF SUBSIDIARY LEGISLATION

1. By-laws: (1) General.
 - (2) Buildings.
 - (3) The Division, Boundary, Fencing and Numbering of Lots, Street Traffic, Making of Footpaths, Obstruction of Drains, Placing of Signboards, Prohibition against Bill Posting, etc.
 - (4) Scavenging and Cleansing.
 2. Special By-laws for Pitt Street.
 3. The New Amsterdam Mosquito Prevention By-laws.
 4. The New Amsterdam Market By-laws.
 5. By-laws: Prevention of Tuberculosis in Factories, Workshops and Bakeries.
 6. By-laws: Street Sellers.
 7. The New Amsterdam (Water Supply) By-laws.
 8. Regulations: Burial Grounds.
 9. The New Amsterdam (Sale of Milk) By-laws.
 10. The Pound.
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NEW AMSTERDAM TOWN COUNCIL BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

1. General.
2. Fines, etc.

BY-LAWS IN RELATION TO BUILDINGS TO BE ERECTED,
DANGEROUS BUILDINGS, PROTECTION OF BUILDINGS FROM
FIRE, CESSPOOLS, KOKERS, TUNNELS, BRIDGES, ETC.

1. Definitions.
- 2-9. Conditions precedent and subsequent.
- 10-25. Erection, construction and ventilation.
- 26-29. Gutters and pipes to roofs and buildings.
- 30-39. Public Buildings.
40. Removal of buildings.
- 41-61. Protection of buildings from fire.
- 62-71. Buildings dangerous or unfit for human habitation.
- 72-82. Cesspools.
- 83-87. Culverts, kokers, tunnels and bridges.
- 88-90. Boats.
91. Timber, etc.
92. Penalty.

BY-LAWS RELATING TO THE DIVISION, BOUNDARY, FENCING AND
NUMBERING OF LOTS, STREET TRAFFIC, MAKING OF FOOT- PATHS,
OBSTRUCTION OF DRAINS, PLACING OF SIGNBOARDS, PROHIBITION
AGAINST BILL POSTING, ETC.

- 1-2. Division of lots.
- 3-7. Fencing of lots.
8. Naming of streets and numbering of lots.
9. Preservation of pavements.
- 10-12. Encroachments.
13. Pruning of trees.
- 14-16. Private streets.
- 17-23. Control of street traffic: Precautions.

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BY-LAW

- 24-25. Miscellaneous offences.
- 26-32. Footways.
- 33. Obstruction of drains.
- 34-40. Signboards.
- 41-42. Prohibition against bill-posting.

BY-LAWS FOR SCAVENGING AND CLEANSING.

By-laws
18/10/1918

NEW AMSTERDAM TOWN COUNCIL BY-LAWS

*made by the Mayor and Town Council under section 2 of
Ordinance No. 8 of 1918, and approved by the Governor and Court
of Policy on the 18th October, 1918, and Continued in Force by
section 214 of the New Amsterdam Town Council Ordinance,
deemed to have been made under section 321 of this Act*

GENERAL

Citation.

1. These By-laws may be cited as the New Amsterdam Town Council By-laws.

Service of
notices, etc.

2. Notices, orders and any other documents required or authorised to be served under any by-laws may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by registered post, and if so served shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put into the post. Any notice

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required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

FINES, ETC.

Appropriation
of fines, etc.

3. All fines, penalties and forfeitures recovered under and by virtue of any by-law shall be appropriated as follows, that is to say:— one-third shall be paid to the complainant (not being an officer or servant of the Council) and the remaining two-thirds to the Town Clerk in aid of the town funds.

BY-LAWS

IN RELATION TO BUILDINGS TO BE ERECTED, DANGEROUS BUILDINGS, PROTECTION OF BUILDINGS FROM FIRE, CESSPOOLS, KOKERS, TUNNELS, BRIDGES, ETC.

DEFINITIONS

Interpretation.

1. In these By-laws—

"builder" means the person who is employed to build or to execute any work on a building or structure; or where no such person is employed, the owner of the building or structure;

"building of the warehouse class" means a warehouse, factory, manufactory, rice-mill, distillery, garage, petrol magazine, foundry, smithy and every other building not being either a domestic or public building;

"continuing offence": where the beginning or execution of any work is an offence in respect whereof the offender is

liable under these by-laws to a penalty, the existence of the work during its continuance in such form and state as to be in contravention of these by-laws, shall be deemed to be a continuing offence;

"domestic building" means a dwelling-house or an office building or other out-building appurtenant to a dwelling-house, whether attached thereto or not, or a shop or any other building not being a public building or of a warehouse class;

"dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation;

"habitable room" means a room constructed or adapted to be inhabited;

"inhabited": the expression "inhabited" applied to a room means a room in which some person passes the night, or which is used as a living room, including a room with regard to which (until the contrary is proved) there is a presumption that some person passes the night or that it is used as a living room;

"owner" means the person who actually owns or who receives the rent from any premises, or his authorised agent;

"public buildings" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church or chapel or other place of public worship, or as a hospital, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ball-room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used either

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ordinarily or occasionally for any public purpose.

For the purpose of these By-laws each of the following operations namely—

- (a) the erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to within ten feet of the surface of the ground adjoining the lowest storey of the building and of any frame building so far pulled down or burnt down as to leave only the frame work of the lowest storey;
- (b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;
- (c) the reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;
- (d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building but so far as regards the addition only; and
- (e) the roofing or covering over of an open space between walls or buildings;

shall be deemed to be the erection of a new building;

"cesspool" means any pit, tank or other receptacle intended to

contain excretal matter; the satisfaction of the Council;

"earth closet" includes any place for the reception and deodorisation of excretal matter constructed to the satisfaction of the Council;

"medical officer of health", "town superintendent" and "town clerk" mean respectively every person who shall be lawfully performing the duties of the office of medical officer of health of New Amsterdam, town superintendent of New Amsterdam, or of town clerk of New Amsterdam, whether permanently appointed or not;

"topmost storey" means the uppermost storey of a building whether constructed wholly or partially in the roof or not and whether used or constructed or adapted for human habitation or not.

CONDITIONS PRECEDENT AND SUBSEQUENT

"New
building"

2. Every builder intending or proposing to erect a new building or to make any alterations in or additions to or to execute any work in regard to any building which alterations or work will cause such building to come within the meaning of the term "new building" as used in these By-laws,

(1) shall give notice to the Council in writing of such intention or proposition;

(2) shall specify in such notice the date on which he proposes to begin such process of erection, alteration or other work;

(3) shall deposit with such notice an outline ground and elevation plan showing the position, form and dimensions of such proposed erection, addition or other

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work, and at the same time a description of the same setting forth the purposes for which it is intended and the exact dimensions of the several parts, and stating the materials to be used; and

(4) shall furnish such other plans as the town superintendent shall require in writing.

Duty of
builders.

3. Every builder who shall have made any proposal as aforesaid, and in that regard shall have obtained the permission of the Council who may withhold or refuse the same on terms of and for the reasons given in by-law 55 hereof,

(1) shall be bound at all times during the process of erection, alteration or addition or of execution of any other work as aforesaid, to afford to the town superintendent free access to every part of the building or work for the purpose of inspection;

(2) and shall within fourteen days after the completion of such erection, alteration or addition or the execution of any other work as aforesaid, give to the Council notice in writing of such completion or execution and shall at all reasonable times within a period of one month after such notice shall have been given, afford the town superintendent free access to every part of the building for the purpose of inspection.

Service of
notice.

4. For the purpose of the last preceding by-law service upon the Town Clerk shall be deemed to be service upon the Council.

Contraventions

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5. If any builder engaged in the erection or alteration of or addition to any such building or in the execution of any other work, shall begin or do any work to the building or other structural work, in contravention of any of these by-laws, the town superintendent, when it is discovered that an

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offence has been committed, shall give to such builder or may affix to some conspicuous part of such building or other work, a notice in writing requiring such builder within seven days from the service of such notice to cause so much of such work as may have been begun or done in contravention of these By-laws to be removed, altered or pulled down as the case may require.

Appeal.

6. If any such builder shall feel aggrieved by such notice, he may within the said seven days, appeal to the Council against such decision. If no such appeal is made, or on the hearing of such appeal the Council decide against the appellant, the Council shall proceed to obtain the order of a magistrate (who is hereby authorised to grant the same) requiring the builder to comply with the requirements of such notice; or may themselves remove, alter or pull down as the case may require, such building or so much of such work as may have been begun or done in contravention of these by-laws, and the expenses incurred by the Council in removing, altering or pulling down such building or such work, shall be recoverable by summary execution against the proprietor or the representative of the proprietor and for such expenses, the lot, with the buildings thereon, shall liable and executable.

Certificate of
compliance.

7. It shall not be lawful to let or occupy or suffer to be occupied (except by caretakers not exceeding two in number) any new building or any building in course of construction at the date of the commencement of these by-laws unless the town superintendent shall have certified in writing that such building complies in every respect with the provisions of this part of these by-laws. In the event of the town superintendent withholding such certificate, such builder shall have a right to appeal to the Council by giving notice of appeal to the Town Clerk, such notice to be accompanied by a deposit not exceeding twenty-five dollars as may be fixed by the Mayor.

Liability.

8. The owner as well as the builder shall each be liable for any act, matter or thing done or omitted to be done

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in contravention of any of the provisions of these by-laws or of any regulation in force relating to new buildings. Provided that this enactment shall not prejudice any remedy of an owner or other person against the builder.

Service on
owners.

9. All notices served by the Council or the town superintendent on the builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on such owner.

ERECTION, CONSTRUCTION AND VENTILATION

Constructions.

10. Every builder who shall erect a new building, or shall make any alteration in or addition to, or shall execute any work in regard to any building which alterations, additions or work shall cause such building to come within the meaning of the term "new building" as used in these by-laws, shall erect such buildings or make such alterations or additions or shall execute such work in accordance with the regulations in these by-laws contained.

Boundary.

11. No part of any new building shall project beyond the boundary line of the street.

Exemptions.

12. The last preceding by-law shall not apply to sunshades specially sanctioned by the Council, or to the extent of that permission, or to the eaves of the main roof of such building which shall, if properly supplied with gutters to carry off the rain water and including such gutters, be allowed to project not more than eighteen inches beyond the said line; provided always that such eaves be not less than twenty-five feet above the level of the adjoining street.

Distances from
boundary lines.

13. Every new building shall be so erected that it shall stand not less than three feet within the side or back boundary line of the lot or portion of a divided lot on which it shall be situated and not within fifteen feet from the centre of the draining trenches of the street known as the Strand, or

the public middle road known as High Street, or Savannah Road: provided always that where two or more contiguous lots are occupied by the same person, the Council may waive the enforcement of this provision with regard to the distance or distances from the boundary line or lines between such contiguous lots.

Distances
between
buildings.

14. Every new building shall be so erected that there shall be clear space of not less than eight feet between it and any other building on the lot or portion of a divided lot on which such new building shall stand and such distance shall be measured by a line drawn from and at a right angle to the external face of the outer wall of such new building to and connecting with the nearest part of such other building.

Area of
building.

15. No new building shall by itself, or in conjunction with any other building or erection standing on the lot or portion of a divided lot on which such new building is placed, cover more than two-thirds of the whole superficial area of such lot or portion of a lot; provided that, with the sanction of the town superintendent a vat or tank for the storage of rain water may be erected on the remaining one-third of such lot or portion of a divided lot and provided also as respect lots adjoining the streets known as the Strand and High Street, and under like sanction, a larger part than two-thirds of such superficial area may form the site for buildings intended to be and which shall be used exclusively for business purposes and not as dwelling-houses.

Ground floor.

16. The ground floor of every new building shall be raised above the ground not less than twenty-four inches, unless the ground floor shall be made of concrete or other impervious material. The height is to be measured from the highest part of the surface of the lot or portion of a divided lot on which the building is placed to the level of the upper surface of such ground floor.

Height of every
storey.

17. The height of every storey in any new building,

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other than the topmost storey thereof, shall be not less than ten feet, and measurement shall be made from the level of the upper surface of the floor of the storey to the level of the under surface of the storey next above.

Topmost
storey.

18. The height of the topmost storey in every new building shall be not less than eight feet from the level of the upper surface of the floor of the storey to the underside of the plate.

One story
buildings.

19. Where any new building has one storey only the height of that storey shall be not less than eight feet from the level of the upper surface of the floor to the underside of the plate.

Room capacity.

20. Every room in such a building to be used by any person or persons as a room to sleep in shall be of not less than one thousand cubic feet capacity for each person sleeping therein.

Ground floors
of buildings
used for
storage, etc.

21. The ground floor of every new building used or intended to be used for the manufacture or for the storage, for the purpose of sale, of any articles intended for the food of man, or any articles intended for the food of animals, shall be constructed of cement concrete not less than three inches in thickness or of such other impervious material as the town superintendent may approve.

Drains.

22. Every person who shall erect a new building shall provide in connection with such building good and sufficient surface water drains of brick, stoneware, masonry or concrete or other approved material located, constructed and graded to the satisfaction of the town superintendent, delivering into the side channel of an adjacent street or into such other stream or channel as the Council may direct, and all yards, open spaces and passages appurtenant to or used in connection with a new building shall be drained in similar manner.

Open yard.

23. The owner of every building in connection with which there is any yard or open space shall, whenever in the opinion of the Council it is necessary, for the prevention or remedy of insanitary conditions, that all or part of such yard or space should be paved, forthwith cause the same to be properly paved with good cement concrete or with any approved material, and also sloped to a properly constructed channel so as effectively to carry off all rain and wash water therefrom, and shall at all times keep and maintain such pavement in good order and repair.

Jalousies.

24. Every habitable room in such new building shall have one fixed jalousie at the least opening directly into the external air, and the total area of such jalousie or, if there be more than one, of the several jalousies, shall be equal at least to one-tenth of the floor area of such room.

Ranges of rooms used as dwellings.

25. Where ranges of rooms are built for human habitation, each room being intended for a separate dwelling-house, each such room shall have a floor area of not less than one hundred and fifty square feet and the height of not less than eight feet. Every such range of rooms shall have an open space of not less than six inches in width under the eaves throughout the whole length of the range.

GUTTERS AND PIPES TO ROOFS AND BUILDING

Gutters and pipes.

26. Every such new building shall be provided with guttering and down pipes sufficient to carry off all the rain water from the roof thereof into the vats or tanks provided to receive the same, and pipes shall also be provided sufficient to carry off the surplus water from such vats or tanks and all other waste water whatever connected with such buildings, including kitchen waste, into the drains of the lot or portion of a divided lot on which such building is placed.

Buildings adjoining public streets, etc.

27. The owner of any lot and/or buildings, or of the building alone in the town adjoining any public street, road or thoroughfare shall cause the roof of the buildings, and all

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sunshades and other coverings and projections to be supplied with sufficient gutters and pipes to be kept in good order and repair so as to prevent water therefrom dropping upon or running into or over such public street, road or thoroughfare or injuring any public dam or parapet in the town.

Approvals.

28. The owner of any such lot and buildings shall be bound so to construct and grade all gutters attached to such buildings to the approval and satisfaction of the town superintendent: it shall be imperative on the owners of all such gutters which at present are not constructed and graded to have the said gutters so attended to as aforesaid within three months from the confirmation of these by-laws. The owner of any such lot and/or buildings failing to comply with the provisions of this and the last preceding by-law shall be liable to a fine of three hundred dollars.

Notice to clean
gutters and
penalties.

29. Every person who shall neglect to comply within fourteen days with a notice from the town superintendent to have the said gutters cleaned, shall be guilty of an offence under these by-laws, and shall be liable to a fine of thirty dollars and a further fine of five dollars for each day's default; provided that the amount shall not exceed three hundred dollars.

PUBLIC BUILDINGS

Public
Buildings.

30. Every person who shall erect a public building shall cause the same to be erected and maintained with such precautions for the safety of the public as having regard to the special purpose for which such building is intended to be used shall be prescribed or approved of by the Council.

Inspections.

31. The town superintendent and any other person authorised in that behalf by the Council, may at all reasonable times during the construction and after the completion of any public building, and at all times during which any building shall be used as a public building, enter

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and inspect the same for the purpose of ascertaining whether such building is in conformity with the provisions of these by-laws or any regulations made by the Council with regard to public buildings.

Approval.

32. No public building shall be used as such unless and until the Council, by notice in writing addressed to the owner thereof, shall have declared their approval of the construction thereof and of its suitability for the purpose for which it is proposed to be used.

Further approval.

33. After the Council shall have declared their approval, no work affecting or likely to affect such building, shall be done to, in or on such building without the approval of the Council.

Conversion to public building.

34. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose, into a public building, such conversion or alteration shall be carried out, and such building shall be constructed, in such manner as shall be approved of by the town superintendent, and the provisions of this Part of these by-laws and of any regulations made by the Council applicable to public buildings shall apply to such alteration or construction, as if it were the construction of a public buildings.

Public safety.

35. Whenever it appears to the Council that any place in the town used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Council may by notice in writing require the owner of such place, within a reasonable time to be specified in such notice, to make alterations therein or thereto as shall be approved of by the Council.

Offence.

36. In case such owner fails to comply with the requirements of such notice within the prescribed time, he shall be guilty of an offence against these by-laws.

Cause to be

37. The Council may in lieu of such notice or

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shown.

concurrently there- with, or at any time thereafter and without prejudice to the recovery of penalties for the non-compliances therewith, by notice in writing served upon the owner of such place, require such owner on or before a date to be specified in such notice by statement in writing under his hand addressed to the Council to show cause why such building should not cease to be used as a public building, or require such person, on such date and at such time and place as shall be specified in such notice, to attend personally or by an agent duly authorised in writing in that behalf before the Council, and show sufficient cause why such building should not cease to be used as a public building.

Failure to show sufficient cause.

38. If such owner fails to show sufficient cause why such building should not cease to be used as a public building, the Council may by order addressed to the owner thereof, prohibit the use of such place as a public building.

Offence.

39. Every person who, after a prohibition notice issued by the Council under this by-law, uses or allows or suffers such building to be used as a public building shall be guilty of an offence against these by-laws.

REMOVAL OF BUILDINGS

Removal of buildings.

40. (1) It shall not be lawful for any person to pull down or to remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than two days, before the removal, have given to the town superintendent notice in writing of his intention to pull down or remove such building.

(2) Any person who shall pull down or remove any building from its site and any owner of any building who shall cause, permit or suffer any building to be removed from such site without having first given the aforesaid notice, shall be guilty of an offence, and shall be liable on conviction thereof to a fine of seventy-five dollars.

(3) Every building pulled down or removed in contravention of this by-law shall be deemed to have been pulled down or removed by the owner thereof.

PROTECTION OF BUILDINGS FROM FIRE

Thatched roofs.

41. It shall not be lawful to cover the roof of any building within the town with thatch or leaves, on pain of such roof being pulled down by order of the Council, in addition to the owner or occupier being liable to the penalty hereafter mentioned.

Roofs.

42. The roof of every building in the town to be hereafter erected on any lot or abutting on either side of the street called the Strand, must be covered with tiles, slates or metal; and any gutters and spouts which may hereafter be attached to any such building must be of tin or other metal.

Existing buildings.

43. Any existing building within the limits so defined as aforesaid must be covered in accordance with this section within one year from the commencement of these by-laws; and the Council may cause any such building within the said limits not so covered within the said period of one year to be covered in accordance with this enactment and proper gutters and spouts to be attached thereto at the expense of the owner, and may recover the cost thereof by summary execution.

Kitchens.

44. Every dwelling house within the town shall be provided with a kitchen having a separate roof from that of the main building in which there shall be an open fire-place with a brick chimney or stove and pipe:

Provided that any existing kitchen under the same roof as the main building shall be allowed to remain, if it otherwise complies with the requirements of these by-laws.

Chimneys.

45. Every chimney shall be **of** sufficient height not to

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endanger the neighbourhood or to annoy it with smoke.

Brick ovens.

46. In case any brick oven be required the same shall be connected with and ventilated by a brick chimney.

Kitchen floors.

47. The portion of the floor of every kitchen on which any fire- place or stove is placed and the space on all sides for two feet beyond shall be covered with concrete, stone, tiles, brick or solid earth and if such kitchen is attached to the dwelling house or to any other such building the outer sides and end of such kitchen shall be of stone, tiles, metal or some other incombustible material or lined therewith.

Tenement range.

48. Any of the foregoing provisions with respect to kitchens as contained in by-laws 44 to 47, both inclusive, shall not be construed as applicable to separate room in any tenement range.

Penalties.

49. Any person acting contrary to the provisions of by-laws 41 to 47, both inclusive, shall be liable to a fine of three hundred dollars, to be recovered by the Town Clerk in aid of the town funds.

Coal-pots.

50. It shall not be lawful to use or kindle fire in any coal-pot or other holder of fire within any dwelling house in any lot in the town except in a kitchen or in coal-pots or other holders of fire used for laundry purposes placed at a distance of not less than six feet from any building on said lot, or if such coal-pot or holder of fire is used within a building for like purposes the same shall be placed on a box in a receptacle containing water constructed to the satisfaction of the town superintendent.

Any person acting in contravention of this by-law shall be liable to a fine of thirty dollars.

Repair to chimneys.

51. All chimneys attached to kitchens belonging to dwelling- houses in the town shall be kept in good repair and well and properly cleaned and the town superintendent or

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any officer of the Council shall be at liberty at any time to enter upon the premises and inspect them; and the owner or occupier of any such dwelling-house neglecting to comply herewith shall be liable to a fine of seventy-five dollars for every such neglect.

Fire originating from chimney.

52. In case of fire originating from any chimney attached to any building in the town, the owner or occupier of such building shall be liable to a fine of three hundred dollars.

Warehouses.

53. It shall not be lawful, upon pain of a fine of three hundred dollars, for any person to erect, put in operation, or carry on, any building of the warehouse class, as defined in by-law 1, within the limits of the town or within one hundred yards of the boundaries thereof save and except such as may have already been established or may hereafter from time to time be permitted by the Council.

Application for permission.

54. The application for permission to the Council of any person desiring to erect such building or establishment must be accompanied by proof that the intention so to apply has been advertised in three consecutive issues of a newspaper circulating in the town.

Refusal to grant permission.

55. The Council may refuse to grant such permission whenever they shall deem such refusal to be necessary or desirable in the interests of the public, and they may suspend, for such time as they shall think fit, or revoke any permission granted by them upon breach by the permittee of any of the terms and conditions subject to which the permission was granted or for any other reason which in their opinion renders such suspension, or revocation necessary or desirable in the interests of the public.

Any person deeming himself aggrieved by the withholding, suspension or revocation of any permission to erect any building may appeal to a magistrate, within

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twenty-one days after due intimation, from such withholding, suspension or revocation:

Provided that the person so aggrieved shall give four clear days' written notice of such appeal and the grounds thereof to the Council; and the magistrate shall have power to make such order as he sees fit and to award costs to the successful party.

Inspection.

56. It shall be lawful for the town superintendent to make at any time an inspection of any cooperage, foundry, smithy or bake-house within the town, and if, in his opinion, any alteration or addition is necessary to the fireplace at or in such cooperage, foundry, smithy or bake-house, he shall report the same to the Council, and if the Council think fit to order any alteration or addition to be made to the fireplace at or in such cooperage, foundry, smithy or bake-house so as to make it conformable to these regulations, such alteration or addition shall be completed within the period of six weeks from notice given by or on behalf of the Council to both the occupier and proprietor; and in case such order of the Council remains uncomplied with, the proprietor as aforesaid shall be liable to a fine of three hundred dollars during every succeeding month after the period of which the first penalty was incurred:

Provided that the amount does not exceed three hundred dollars. Such penalty may be recovered by the Town Clerk in aid of the town funds.

Boating-building establishments.

57. Every boat-building establishment in the town shall be provided with a stove for steaming planks and with a brick place for melting tar or rosin, all to the satisfaction of the Council.

Building of planks.

58. It shall not be lawful to use the process of bending planks by the immediate action of fire in any part of the town except on an open mud-flat and at a spot distant at least twenty yards from any building or erection capable of taking

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fire.

Offence.

The owner or person in charge of any such establishment who shall in any way fail to comply with this by-law shall be guilty of an offence, and be liable to a fine of three hundred dollars, and such owner or person in charge shall be bound further, if so directed by the Council, to discontinue the working of such establishment or the use of any process prohibited as aforesaid.

Cleaning of
warehouse.

60. Every building of the warehouse class or manufactory of a dangerous description within the limits of the town or within one hundred yards of and beyond those limits shall be swept and cleared of shavings or other combustible matter every day on the cessation of work, and the owner or person in charge of any such establishment who shall fail to comply herewith shall be liable to a fine of seventy-five dollars for each neglect to be recovered on the complaint of any person whatever.

Sweeping of
chimney.

61. The chimneys of all such establishments shall be swept once in every month under a like penalty recoverable as aforesaid.

BUILDINGS DANGEROUS OR UNFIT FOR HUMAN HABITATION

Dangerous
Buildings.

62. If any building or anything affixed thereon is deemed by the town superintendent to be in a ruinous state and dangerous to persons residing therein, or to passers-by, or to the occupiers of neighbouring buildings, he shall, if he thinks fit, immediately cause a proper board or fence to be put up for the protection of passers-by, and shall cause notice in writing to be served on the owner of such building requiring him forthwith to take down, secure or repair such building, as the case may require.

Offence.

63. If such owner do not begin to repair, take down or secure such building or other thing within three days after

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such notice has been served and complete such repairs, or take down or secure such premises as speedily as the nature of the case will admit, the town superintendent may make complaint thereof before a magistrate, and it shall be lawful for such magistrate to order the owner or in his default the occupier (if any) of such building or other thing, to take down, rebuild, repair, or otherwise secure that part thereof as appears to the magistrate to be in a dangerous state within a time to be fixed by him.

Power of council to repair, etc., dangerous buildings.

64. In case the same be not taken down, repaired, rebuilt or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall, with all convenient speed, cause all or so much of such building or other thing, as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such board or fence and of taking down, repairing, rebuilding or securing such building or other thing, shall be recovered by the Council by summary execution, and the said property shall be executable for the expenses and costs.

Consent.

65. Where the buildings on the area have been destroyed by fire or where the town superintendent shall certify to the Council that any of the buildings or anything affixed thereon on any area are in a ruinous state or dangerous to persons residing therein or to passers-by or to occupiers of neighbouring buildings or cause or increase any danger of fire, no building or extension, repair or alteration of any building shall be erected or made in such area without the consent of the Council; and any person contravening this By-law shall be liable to a fine of one hundred and fifty dollars, and a further penalty not exceeding fifteen dollars for every day during which such building or alteration continues to exist:

Provided that the amount does not exceed three hundred

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dollars.

Buildings unfit
for human
habitation.

66. In any case where it is certified to the Council by the medical officer of health or by the town superintendent, that any building or part of a building is unfit for human habitation, the Council may give to the owner or occupier, or leave at his place of abode, notice under the hand of the Town Clerk requiring such owner or occupier, to attend at the meeting of the Council or of the committee appointed by the Council for that purpose which shall be held next after the expiration of seven days from date of such notice, to show cause why an order should not be made by the Council declaring that such building is unfit for human habitation, and directing that the same shall not after a date to be specified in such order be so inhabited.

Power of
Council to
make orders.

67. If such owner or occupier shall not attend at such meeting pursuant to such notice, or attending shall fail to satisfy the Council or such committee that such building is fit to be inhabited, the Council may make such order as hereinbefore mentioned and may cause a copy of the same to be affixed to some conspicuous part of such building.

Offence.

68. Any person who shall after the date so specified in such an order inhabit such building, or any part of such building, or knowingly suffer or permit the same to be inhabited, shall be liable for every offence to a penalty for every day during which the same is inhabited and if at any time after the making of such order the Council shall be satisfied that such building or part of a building has become or been rendered fit for human habitation, they may revoke their order and the same shall thenceforth cease to operate.

Queenstown
area.

69. From and after the commencement of these by-laws, no spirit shops, buildings of the warehouse class, business premises, public buildings, tenement rooms, ranges, cow-pens, or other building used for a similar purpose, shall be erected, nor shall any premises be converted to be used for

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such a purpose as above within that part of the town known as Queenstown, except with the permission of the Council.

Penalties.

70. Every person who shall offend against these by-laws shall be liable for every such offence to a fine of one hundred and fifty dollars, and in the case of a continuing offence to a further penalty not exceeding five dollars for each day after written notice of the offence from the medical officer of health, town superintendent or Town Clerk.

Joint and several liability.

71. In case of any demand or complaint under these by-laws to which two or more proprietors or occupiers of premises may be jointly answerable, it shall be sufficient to proceed against the other or others of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be entitled by law to contribution.

CESS-POOLS

Cess-pools.

72. Every cess-pool made, constructed or renewed after the commencement of these by-laws shall be made, constructed or renewed in accordance with the regulations under this heading.

Approval of site.

73. No cess-pool shall be made or constructed or be on any site or in any position which site or position shall not have been approved of by the town superintendent.

Materials.

74. The sides and the bottom shall be lined with brick, concrete, iron or hardwood, to the satisfaction of the town superintendent.

Capacity.

75. No single cess-pool shall be of more than four hundred gallons capacity.

Location to building.

76. No cess-pool shall be made, constructed or be at a less distance than eight feet from any building used or intended for human habitation or for the purposes of any

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work by any persons, or from any tank or vat or other receptacle used or intended for the storage of drinking water.

Suitable location for emptying.

77. Every cess-pool shall be so made, constructed or renewed as readily to be emptied and cleansed without carriage and conveyance of the contents thereof through any building used or intended for human habitation, or for purposes aforesaid, and that the contents aforesaid may not flow or overflow into any drain or trench whatever, or upon the surface of the adjoining land.

Maintenance.

78. Every owner of any premises on which any cess-pool is situate shall be bound to keep such cess-pool in good order and repair, and shall be bound also to prevent the flow or overflow therefrom of any part of its contents, and also the occurrence of any nuisance from such cess-pool.

Cleaning of privies.

79. Every earth-closet or privy and every compartment thereof shall be washed and cleansed at least once in every month. This duty shall devolve upon the occupier, and for the purposes of this by-law in the case of tenement yards the owner shall be deemed to be the occupier.

Prohibition as to use.

80. It shall not be lawful for any person to use any water-closet, earth-closet or privy as a wash-house or bathroom.

Penalties.

81. Every person who shall commit a breach of any of the provisions of these by-laws relating to cess-pools shall be liable to a fine of seventy-five dollars for each such breach, and in the case of a continuing breach, after written notice from the Council, to a further fine of thirty dollars for each day of continuation thereof:

Provided that the amount does not exceed three hundred dollars.

Liability.

82. In the case of a breach of any of the provisions of by-laws 72 to 78, both inclusive, the owner of the premises on which such breach occurs shall be liable.

CULVERTS, KOKERS, TUNNELS AND BRIDGES

Building of
culverts, etc.

83. From and after the commencement of these by-laws, it shall not be lawful for any person to build or place or cause to be built or ^{place} any culvert, koker, tunnel or bridge in or upon any public canal, trench or drain of the town without first obtaining the permission of the Council, who shall have full power and authority to direct in what manner such culvert, koker, or tunnel or bridge shall be built or placed.

Destruction of
such culverts,
etc., by
Council.

84. If any such culvert, koker or bridge is built or placed or commenced to be built or placed without such permission or contrary to the manner directed by the Council, the Council may forthwith destroy the same, and the person by whose order the same may have been so built or placed shall be liable to a fine of three hundred dollars, to be recovered by the Town Clerk, in aid of the town funds.

Existing
culverts, etc.

85. Any existing culvert, koker, tunnel or bridge in or upon any public canal, trench or drain of the town which at the commencement of these by-laws obstructs the free drainage of the town shall be removed or altered so as not to obstruct such drainage by the proprietor of the lot with or to which the same is connected or attached within a time to be fixed by the town superintendent by a notice in writing to be served by him upon such proprietor or the representative of such proprietor.

Power to
remove or
rebuild by
Council.

86. If such culvert, koker, tunnel or bridge is not removed or altered within such a period the Council may remove or alter the same and may recover the costs of such removal or alteration by summary execution against the lot with which such culvert, koker, tunnel or bridge is connected or attached, and the proprietor of such lot in addition shall be

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liable to a fine of three hundred dollars, to be recovered by the Town Clerk, in aid of the town funds.

Offence.

87. Any person who without the express sanction of the town superintendent opens any of the public draining sluices or kokers of the town shall be liable to a fine of three hundred dollars; and any police or other constable may take into custody without warrant and forthwith convey before the magistrate any person who within his view commits a breach of this by-law.

BOATS

Boats in public canals.

88. (1) No boat or craft of any description shall be permitted to ground in any of the public draining canals or trenches of the town, or to obstruct the drainage thereof, or to remain in any of the public canals of the town except for the purpose of loading or unloading and then only for the space of six hours at any one time, except by special permission from the town superintendent.

(2) Every person who contravenes this by-law shall be liable to a fine of seventy-five dollars, and it shall be lawful for any member of the police force or town constable to seize, remove and detain any such boat or other craft until such penalty has been paid, together with all costs of removal.

Hauling or
boats on public
way
prohibited.

89. (1) No boat or craft of any description shall be hauled on any of the public stellings, dams, streets, thoroughfares or parapets of the town either for the purpose of being repaired or for any other purpose.

(2) Every person who contravenes this by-law shall be liable to a fine of seventy-five dollars; and it shall be lawful for any member of the police force or town constable to seize, remove and detain any such boat or other craft until such penalty has been paid, together with all costs of

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removal.

(3) If any boat or craft seized under this or the last preceding by-law is not claimed or released within ten days after public advertisement of such seizure, the same shall be publicly sold by the town superintendent, and the proceeds paid in aid of the town funds; but the owner shall be entitled, at any time within twelve months there-after, to claim and receive from the Council the balance of such proceeds remaining after deducting therefrom the amount of such penalty together with all costs and expenses.

Boats at public
stellings.

90. (1) No boat or craft of any description shall be permitted to be alongside of any of the public stellings of the town except for the purpose of loading and unloading, and then only for the space of twenty-four hours, at any one time, unless bad weather or other accidental circumstances prevent such loading or unloading being effected in such space of time, in which case permission for extension of time must be requested from the town superintendent who is hereby authorised to grant the same at his discretion.

(2) Every person who contravenes this by-law shall be liable to a fine of seventy-five dollars, to be recovered by the Town Clerk, in aid of the town funds.

TIMBER, ETC.

Timber, etc.

91. (1) No timber, bricks, shell, firewood or other article shall be laid or placed except for the purpose of loading, and then only for the space of twenty-four hours except by special permission of the town superintendent, in or upon any of the public canals, or any of the public stellings, dams, streets, thoroughfares or parapets of the town.

(2) Every person who contravenes this by-law shall

be liable to a fine of seventy-five dollars; and it shall be lawful for any member of the police force or town constable to seize, remove, and detain such timber, bricks, shell, firewood or other article until such penalty has been paid, together with all costs of removal.

(3) If any such timber, bricks, shell, firewood or other article seized is or are not claimed or released within ten days after public advertisement of such nature, the same shall be sold in like manner as is provided in by-law 89(3) with like liberty to the owner to claim the balance of the proceeds thereof within twelve months thereafter.

PENALTY

Penalty.

92. Any person who shall offend against any of these by-laws for which no penalty is specified shall be liable for every such offence to a fine of thirty dollars, and in the case of a continuing offence to a further penalty not exceeding five dollars for each day after written notice of the offence from the town superintendent or the Town Clerk: Provided that the amount does not exceed three hundred dollars.

BY-LAWS

RELATING TO THE DIVISION, BOUNDARY, FENCING
AND NUMBERING OF LOTS, STREET TRAFFIC, MAKING
OR FOOTPATHS, OBSTRUCTION OF DRAINS, PLACING
OF SIGNBOARDS, PROHIBITION AGAINST BILL-
POSTING, ETC.

ARRANGEMENT OF BY-LAWS

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BY-LAW

Division of Lots

1. Division of lots.
2. Penalty.

Fencing of Lots

3. Boundary fencing of lots.
4. Costs.
5. Height of fences.
6. Other fencing.
7. Penalty.

Naming of Streets and Numbering of Lots

8. Naming of streets and numbering of lots.

Preservation of Pavements

9. Pavements.

Encroachments

10. Encroachment.
11. Removal by Council.
12. Notice to repair.

Pruning of Trees

13. Pruning of trees.

Private Streets

14. Private streets.
15. Conditions.
16. Repairs, etc., to private streets.

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BY-LAW

Control of Street Traffic: Precautions

17. Closure of streets, etc., during repairs.
18. Precautions to be taken to guard against accidents.
19. Warning light of dangerous conditions.
20. Penalties.
21. Repairs to bridges, etc., to be done by Council.
22. Permission to build to be obtained from Council.
23. Penalties.

Miscellaneous Offences

24. Leaving of carts etc. on public streets prohibited.
25. Removal of earth from streets and opening of sluices prohibited.

Footways

26. Footways.
27. Alteration of footpaths by Council.
28. Obstruction of footpaths.
29. Litter.
30. Dangerous things.
31. Riding of cycles, etc., on footpaths.
32. Carcasses of animals.

Obstruction of Drains

33. Obstruction of drains.

Signboards

34. Erection of signboards.
35. Projections.
36. Advertisements.
37. Merchandise.
38. Removal of signboards, etc.

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BY-LAW

39. Interpretation.

40. Penalties.

Prohibition against Bill-Posting

41. Bill-posting.

42. Penalties.

DIVISION OF LOTS

Division of lots. 1. From and after the commencement of these by-laws it shall not be lawful to divide lots of land in the town along their facade in less proportion than half lots.

Penalty. 2. Every person who subdivides any lot contrary to this by-law shall be liable to a fine of three hundred dollars to be recovered at the suit of the Town Clerk in aid of the town funds; and every such sub- division shall be void.

FENCING OF LOTS

Boundary fencing of lots. 3. Boundary palings shall be erected between all lots or portions of divided lots owned by separate persons, and all owners of lots or portions of divided lots shall be bound to erect such palings within twelve months after the commencement of these by-laws.

Costs. 4. The cost of erecting boundary palings shall be borne jointly by the adjoining owners. Any dispute as to the description of such palings shall be settled by the town superintendent.

5. No paling or fencing on a lot shall be more than eight feet from the ground.

Height of 6. The owner of a lot or any portion thereof shall erect

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fences.

palings on any part of such lot or portion thereof which faces a public street or abuts upon a public drain; but before commencing the erection of such palings he shall give notice to the town superintendent of his intention to do so. Such palings shall be erected to the satisfaction of the town superintendent. If any owner of a lot or any portion thereof feels aggrieved by the decision of the town superintendent as to the proper erection of his palings, such owner shall have the right of appeal to the Council upon depositing the sum of one dollar which shall be forfeited in case of failure of the appeal.

Other fencing.

7. Every person acting contrary to the provisions of the foregoing by-laws relating to palings or the fencing of lots or failing to comply with any requirement contained therein, shall be liable to a fine of thirty dollars and a further fine of five dollars for each day's default:

Penalty.

Provided that the amount does not exceed three hundred dollars.

NAMING OF STREETS AND NUMBERING OF LOTS

8. The Council shall cause to be painted in such conspicuous places thereon as they may think proper the numbers of all the streets and thoroughfares of the town, and shall renew the said names or numbers from time to time whenever necessary.

Naming of
streets and
numbering of
lots.

Every person who destroys, pulls down or defaces any number plate or any street name plate put up by the Council, or who puts up any number plate different from the number plate or street name plate put up by the Council, shall for each such offence be liable to a fine of thirty dollars.

PRESERVATION OF PAVEMENTS.

9. No person shall break up or open the pavement, surface or soil of any street in the town for laying wires or erecting posts, hoardings or barricades, or for any other

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Pavements. purpose whatsoever, without the previous consent of the Council and every person offending against this enactment shall be liable to a fine of seventy-five dollars, and any wires, posts, poles, hoardings or barricades so laid or erected without such consent as aforesaid, may be removed by the Council at the cost of the person so offending.

Any damage done by the breaking up of the pavement, surface or soil of any street shall be made good by the person interested in such operation or may, at the option of the Council, be made good by them at the expense of such person, and such expense may be recovered in a court of competent jurisdiction by action in the name of the Town Clerk.

ENCROACHMENTS

10. If any person shall encroach upon any street or part thereof,

- (a) by building thereon, on any part thereof, any house or structure,
- Encroachment. (b) by erecting, planting or digging thereon any fence, hedge, ditch, arch, bridge or drain, or
- (c) in any other manner whatever,

every such person shall be guilty of an offence under these by-laws, and shall be liable for every such offence to a fine of three hundred dollars.

11. It shall be lawful for the Council to remove every such obstruction or to cause such building or other structure, hedge, ditch, arch, bridge or drain or other encroachment to be removed, taken down or filled up or opened at the cost of the person so offending.

Removal by
Council.

12. The Council may, by written notice to the owner

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Notice to repair.

(or his representative) of any land adjoining any street, require such owner within a time to be specified in such notice, to cause such land to be properly fenced to their satisfaction, and, where the fence or any such land is allowed to be, or to remain out of repair, to require such fence to be repaired to their satisfaction.

Any owner or the representative of any owner who makes default in complying with the requirements of any notice served upon him under this section shall be liable to a fine of one hundred and fifty dollars, and to a further fine of three dollars for every day that the default continues after written notice thereof from the Council:

Provided that the amount does not exceed three hundred dollars.

PRUNING OF TREES

Pruning of trees.

13. The Council shall have full power and authority to require the proprietor of any tree hanging over any public street, road, or thoroughfare in the town, in such a manner as to injure such street, road or thoroughfare or the drainage thereof, or to endanger the safety of the inhabitants, to cause the same to be pruned, in such manner and within such time as they may direct by notice in writing to be served by the town superintendent upon such proprietor.

If such proprietor fails to comply with the requirements of such notice, it shall be lawful for the Council to enter, by their officers and servants, upon any private premises or land in the town wherein such tree may be growing and to cause the same to be pruned in accordance with such notice, and the expense of such pruning may be recovered by the Town Clerk before a magistrate.

PRIVATE STREETS

14. It shall be lawful for the Council, if they think fit, on the application of the owner or owners of any lands

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adjoining any street not repairable by the Council, to agree with such owner or owners to take over such street and to declare the same a street repairable by the Council upon such terms and conditions as the Council shall think fit.

Private streets.

15. Where on an application made under the preceding section the Council require any works to be executed by the owner as a condition of their taking over any street not maintainable by them, the Council may agree with such owner or owners to undertake themselves the execution of such works upon such terms and conditions as may be agreed upon between the Council and such owner; and the expenses incurred by the Council in the execution thereof shall be a debt due to the Council from the owner for the time being of the lands and premises abutting on such street, and until repayment shall be a charge on such land and premises, recoverable, if needs be, in the manner provided in the New Amsterdam Town Council Ordinance for the recovery of town taxes.

Conditions.

Repairs, etc., to private streets.

16. Where any street within the town (not being a street repairable Council) or any part of such street is not laid out, levelled, paved, metalled, drained, channelled and made good to the satisfaction of the Council, the Council may, by notice addressed to the respective owners of the premises fronting, adjoining or abutting on such street or part thereof as may require to be levelled, paved, metalled, drained, channelled or made good, require them to level, pave, metal, drain, channel or make good the same within a time to be specified in such notice, on pain of a fine of one hundred and fifty dollars.

CONTROL OF STREET TRAFFIC: PRECAUTIONS

17. It shall be lawful for the town superintendent from time to time to order that during the execution of works and repairs in any street or bridge or any part thereof respectively the traffic on any such street or bridge or part thereof shall be closed to traffic during such time as the town superintendent

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Closure of
streets, etc.,
during repairs.

may deem requisite for the public safety or for the proper and efficient performance of such works or repairs; and notice of such order shall be publicly posted in or near the street or bridge to which such order refers.

Any person who shall pass over, or be upon any street or bridge or any part thereof in contravention of such notice shall be guilty of an offence and shall on conviction thereof be liable to a fine of thirty dollars.

Precautions to
be taken to
guard against
accidents.

18. The Council shall, during the construction or repairs of any of the streets, thoroughfares, bridges, trenches, or drains of the town, take proper precautions for guarding against accident, and shall cause such bars or chains to be affixed across or in any of the streets, thoroughfares, or bridges to prevent the passage of vehicles and while such works are being carried on, as to them may seem proper; and the town council shall also cause any such works, during the construction or repair thereof by them, to be lighted and guarded during the night, so as to prevent accidents.

Every person who takes down, alters or removes any such bar or chain, or extinguishes any such light, without the authority or consent of the town superintendent shall be liable to a fine of three hundred dollars.

Warning light
of dangerous
conditions.

19. When any building material, rubbish or other thing is laid or any hole is made in any of the streets, thoroughfares or bridges of the town the town superintendent shall cause a sufficient light to be fixed in a proper place upon or near the same and shall continue such light every night, from sunset to sunrise while such material, rubbish or other thing or such hole remains and shall cause such material, rubbish or other thing and such hole to be sufficiently fenced and enclosed until such material, rubbish or other thing is removed or such hole is filled up or otherwise made secure.

20. If the town superintendent fails so to light, fence or

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Penalties.

enclose such material, rubbish or other thing or such hole, he shall, in addition to the payment of any damages which may be recovered by any person injured, be liable to a fine of seventy-five dollars, and to a further penalty not exceeding thirty dollars for every day during which such default continues:

Provided that the amount does not exceed three hundred dollars.

Repairs to
bridges, etc., to
be done by
Council.

21. If any bridge, building, or hole or any other place near any street or thoroughfare of the town is, for want of sufficient repair, protection, or enclosure, dangerous to passengers on such street or thoroughfare, the Council shall cause the same to be repaired, protected or enclosed so as to prevent danger therefrom and the expenses of such repair, protection or enclosure shall be repaid to the Council by the proprietor of the premises so repaired, protected or enclosed.

Permission to
build to be
obtained from
Council.

22. Every person intending to build or take down any building within the limits of the town, or cause the same to be done, or to alter or repair the outward part of any such building or to cause the same to be done, in any case where any street or thoroughfare is likely to be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain permission for that purpose from the Council and shall cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street or thoroughfare, with a convenient platform and handrail, if there is room enough, to serve as a footway for passengers, outside of such hoarding or fence, and shall continue such hoarding or fence, with such platform and handrail as aforesaid, standing and in good condition to the satisfaction of the Council, during such time as the public safety or convenience requires, and shall, in any case in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night.

Penalties.

23. Every person who—

- (a) fails to put up such hoarding or fence, or such platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid; or
- (b) does not, while such hoarding or fence or such platform is standing, keep the same sufficiently lighted in the night; or
- (c) does not remove the same when directed to do so by the Council within a reasonable time after being so directed shall in addition to the payment of any damages which may be recovered by any person injured,

shall be liable to a fine of seventy-five dollars, and to a further fine of thirty dollars for every day during which such default continues:

Provided that the amount does not exceed three hundred dollars.

MISCELLANEOUS OFFENCES

24. It shall not be lawful for any person to place or leave either by day or night any cart, carriage or other vehicle on any public street, place or thoroughfare of the town or on any dam, road, slope or parapet thereof.

Leaving of
carts, etc., on
public streets
prohibited.

Every person who contravenes this section shall be liable to a fine of seventy-five dollars; and any such cart, carriage or other vehicle may be forthwith removed, at the expense of the owner, by any member of the police force or town constable, and detained until such penalty and expenses have been paid.

25. Every person who without the sanction of the

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Council—

Removal of earth from streets and opening of sluices prohibited.

- (a) digs or removes any earth, burnt brick or road metal from any of the streets, dams, parapets, trenches, drains or public places of the town; or
- (b) opens any of the draining sluices or kokers of the town,

shall be liable to a fine of one hundred and fifty dollars.

Any member of the police force or town constable may take into custody without warrant and convey before the magistrate any person who, within his view, does such act.

FOOTWAYS

Footways.

26. It shall be lawful for the owner of any premises to pave the footway of any street on which such premises shall abut with such materials and in such manner as the town superintendent may approve. Before commencing such paving such owner shall give notice in writing to the town superintendent of his intention to pave such footway, specifying in such notice the extent of the footway proposed to be paved, and the day on which it is proposed to commence the work, not being less than ten days from the date of such notice.

Alteration of footpaths by Council.

27. The Council, in order to secure a regular line and satisfactory width and level for the footpaths in any street, may, after notice to the owner of the premises fronting, adjoining or abutting on such street, alter the line of the footpaths, cut down, reduce or level such footpath and carry out such other operations as may be necessary or desirable for the improvement of the footpath; provided always that when any such operations shall necessitate the removal of any wall or other structure on the premises of any such owner or cause any damage thereto, the Council shall make good and repair all damages caused by such operations.

Obstruction of
footpaths.

Litter.

Dangerous
things.

Riding of
cycles, etc., on
footpaths.

Carcasses of
animals.

28. It shall not be lawful for any person to carry on the head on any footway or pavement any tray of fish, greasy articles, bundles of wood or other articles liable to incommodate other persons.

29. No person shall throw or leave in any street or public place or on any footway in the town, any orange peel, mango skin or seed, banana skin or any other slippery or dangerous substance likely to cause injury or damage to passengers or animals.

30. No person shall throw, place or leave on any street or public place, or any footway in the town, any broken bottle or any broken glass or crockery or any other sharp substance (not being road material) in such a position as to be likely to cause injury or damage to passengers or animals.

31. It shall not be lawful for any person to lead, ride or drive any of horse or other animals or any cycle, or to draw or drive any cart or carriage or other vehicle (except a child's perambulator) upon any footway of any street of the town, or to fasten any horse or other animal so that it stands across or upon any footway.

32. No person shall carry or convey along or through any street or public place the undressed carcass of any animal, or any offensive offal, unless the same be properly covered.

OBSTRUCTION OF DRAINS

33. If any person shall impede the free flow of water in, or dam or fill up or otherwise obstruct

(a) any ditch, inter-lot drain, or drain in or adjoining any street, or

(b) any ditch, inter-lot drain, drain or

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Obstruction of
drains.

watercourse from any street which shall be connected with any ditch, drain or watercourse being in or upon any land, or

- (c) any ditch, drain or watercourse on any land into or through which the water of any ditch, inter-lot drain, or water-course mentioned in (b) shall flow, or
- (d) any ditch, drain or watercourse under any street, every such person shall be guilty of an offence under these by-laws and shall forfeit and pay for every such offence a fine of one hundred and fifty dollars.

SIGNBOARDS

34. It shall not be lawful for any person to retain, erect, fix or hang to, on, or along any building, any signboard, flagstaff, or other matter or thing, except at a height of not less than ten feet from such footway and in alignment with the building and so that the same do not project from such wall more than twelve inches over any footway measured at right angles to the face of such wall.

Erection of
signboards.

35. It shall not be lawful for any person to hang or allow to project over any footway any blind, shade or awning at a less height than ten feet from any footway.

Projections.

36. It shall not be lawful for any person to use any blind, shade or awning as an advertisement, or advertise, or suffer or allow to be advertised any matter or thing thereon except the name of the person or firm in occupation of the building to which it is attached.

Advertis-
ments.

37. It shall not be lawful for any person to fix, hang or expose any merchandise so that the same projects or hangs over any part of any footway or street.

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Merchandise.

38. If any signboard, matter or thing is erected or retained contrary to the provisions of these by-laws, it shall be lawful for the Council to cause the same to be removed and taken away after giving six hours' notice in writing to the occupier of the premises of the Council's intention so to do, and the expenses of and incidental to such removal shall be recovered in a summary manner as a fine in addition to the penalty incurred for breach of the provisions hereof.

Removal of
signboards, etc.

39. In the foregoing by-laws—

"footway" means any pathway other than a street;

"signboard" means any sign, board, frame, or other contrivance or thing employed wholly or in part for the purpose of advertisement or announcement;

Interpretation.

"street" means the space between the side-drains of any roadway and shall include such side drains, any highway and any public bridges, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

Penalties.

40. Any person offending against any of the provisions of by-laws 29 to 36 (both inclusive), shall for every such offence be liable to a fine of seventy-five dollars, and to a further fine of fifteen dollars, for every day during which he shall continue such offence after service on him by the Council in writing requiring him to remove any signboard, matter or thing erected or retained contrary to the provisions of these by-laws:

Provided that the amount does not exceed three hundred dollars.

PROHIBITION AGAINST BILL-POSTING

41. (1) Every person who without the consent of the Council affixes or places or causes to be affixed or placed

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any poster, bill, advertisement or other paper or thing against or upon any building, wall, pavement, street, alleyway, bridge, drain, parapet, tree, post, fence, paling, bank, pillar, or any other property or part of the town owned by or under the control of the Council, or writes upon, soils, defaces, or marks any such building, wall, pavement, street, alleyway, bridge, drain, parapet, tree, post, fence, paling, bank, pillar, or other property of and part of the town with chalk or paint, or in any other way or with any other material, shall, on being convicted thereof, be liable to a fine of seventy-five dollars.

Bill-posting.

(2) Any person who is found committing any offence against this by-law may be taken into custody without warrant by any police or other constable or may be apprehended by any officer or servant of the Council and shall in the latter case be delivered as soon as possible into the custody of some police or other constable to be dealt with according to law.

42. Any person who shall offend against any of the foregoing by-laws for which no penalty is specified, shall be liable for every such offence to a fine of thirty dollars, and in case of a continuing offence to a further fine of five dollars for each day after written notice from the town superintendent or the Town Clerk:

Penalties.

Provided that the amount does not exceed three hundred dollars.

BY-LAWS

FOR SCAVENGING AND CLEANSING

1. In these By-laws "house refuse" means dust and sweepings of dwelling-houses, rooms, and business premises, waste-paper, broken glass and crockery, and includes kitchen refuse, yard refuse and flower garden refuse when contained in the prescribed refuse receptacles, but does

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Definition of
"house refuse".

not include the branches of trees, manure, building materials or waste product of any trade or manufacture, or broken glass and crockery from business premises in larger quantities than would be produced from a dwelling-house in the ordinary course of living therein.

Keeping of
yards, etc., in
clean state.

2. The occupiers of all dwelling-houses, rooms, stores, warehouses, or other premises within the limits of the town shall, not later than 8 o'clock in the morning of every day (public holidays excepted), have the yards, enclosures and entrances thereof (including the pavement in front of the entrances) and, whenever they form part of the occupied property, the pavements in front of and around the said property swept and cleansed. They shall also place within the gateway of such premises in a conveniently accessible position a movable receptacle in which shall be placed all house refuse of such premises for the purpose of removal by the Council through its servants; and where such premises are not occupied it shall be the duty of the owner to have the pavements daily swept and cleansed, and the rubbish removed or deposited as aforesaid for removal.

Refuse
receptacles.

3. The covered receptacle to be provided by the occupier of every premises shall be movable, be of metal or metal lined or be made of such other material as may be prescribed by the Council, and of a capacity not exceeding, in the case of dwelling-houses, three cubic feet and in the case of business premises and hotels, twelve cubic feet. Every such receptacle shall be provided with a well-fitting cover made of material to be prescribed by the Council, shall at all times be kept in good repair, and shall be kept covered when in use.

4. Where in any business premises or hotel the receptacle provided exceeds three cubic feet in capacity, the occupier of the premises shall provide the necessary assistance to the scavengers for emptying the contents of such receptacles into the scavenging carts.

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Business premises.

5. In all cases where two or more persons occupy the same premises, or where any houses or premises are let out in rooms where there is a common yard, basement, or entrance, the owner and all the occupiers thereof using such yard, basement or entrance shall be liable for their cleanliness and for depositing the house refuse in a movable receptacle as aforesaid, and shall also be liable for any offence against these by-laws. If one receptacle is insufficient for depositing all the house refuse as many as may be found necessary shall be provided, or in the alternative one receptacle not in any case of more than twelve cubic feet capacity may be substituted, provided the conditions of by-law 4 are complied with.

Persons liable.

6. The occupiers of all houses, stores, warehouses, or other premises within the limits of the town shall keep their drains free ^{from} any obstruction and in the case of tenement yards the owners thereof.

Liability for cleaning drains.

7. In the case of buildings, yards and places of a public character, such as churches, chapels, schools and other places of a similar nature whether in use or not, the persons in charge of such buildings, yards or other places, shall be deemed to be the occupiers.

Churches or other public buildings.

8. In all cases where by these by-laws the occupiers of premises are bound to perform any act, if there shall be no occupier or if there is a difficulty in ascertaining who the occupier is, the owner of such premises shall be liable.

Liability of owners.

9. The occupiers of houses or other premises who fail to remove branches or trunks of trees, or the waste products of any trade or manufacture, from the premises, after forty-eight hours' notice to remove the same shall have been served on such occupier by any officer of the Council, shall be guilty of an offence punishable on summary conviction.

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Failure to
remove.

10. Where in these by-laws any duty is cast on the owner or occupier of any premises, the occupier shall be deemed primarily liable.

Primary
liability.

11. Every person transgressing any of the provisions of these by-laws, and found guilty of any breach of the same shall on summary conviction be liable to a fine of thirty dollars for the first offence, and a fine of seventy-five dollars for a second or subsequent offence, and in the case of a continuing offence to a further fine of ten dollars for each day after the expiration of the time allowed by written notice of the offence from the Council:

Penalties.

Provided that the amount does not exceed three hundred dollars.

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Special By-laws for Pitt Street

By-laws
30/11/1923

passed by the Mayor and Town Council and approved of by the Governor and Court of Policy on the 30th November, 1923, and continued in force by section 214 of the New Amsterdam Town Council Ordinance, deemed to have been made under section 321 of this Act

Citation.
1. These By-laws may be cited as the Special By-Laws for Pitt Street.

"By-law 13."
2. In the application of by-law 13 of the by-laws in relation to buildings approved by the Governor and Court of Policy on the 18th October, 1918, the words "six feet" shall be deemed to be substituted for "three feet" for Pitt Street.

Basement
storeys.
3. The whole of the basement storey of any front buildings to be erected, renewed or rebuilt, after the passing of these by-laws, along the northern and southern front quarters of Pitt Street, shall be floored with concrete. The height of such basement storey from floor to floor, in the case of buildings of one storey, shall not be less than twelve feet.

Roofs.
4. The roofs of all new buildings or erections shall be covered with slates, tiles or metal, such buildings as have escaped the late fire in Pitt Street and are covered with shingles shall be allowed to remain so for the space of twelve months from the confirmation of these by-laws when it shall be imperative on the proprietors of such buildings or erections, unless the said period of twelve months is extended by the Council, to have the roofs of the said buildings or erections covered with slates, tiles or metal. The floors of all the buildings hereinbefore mentioned shall be constructed of concrete in terms aforesaid.

Application of
certain by-laws.
5. The by-laws in relation to buildings approved by the Governor and Court Policy on the 18th October, 1918, and now in force shall apply and be read together with these By-

laws.

Plans.

6. It shall not be lawful for any person to erect a new building or alter or add to any building or execute any structural work unless and until such person shall lay over plans and designs of such buildings or of alterations or additions, as the case may be, for the approval of the Council, such approval to be obtained in writing from them.

Penalties.

7. Every person who shall offend against any of these by-laws shall be liable for every such offence to a fine of seventy-five dollars, and in the case of a continuing offence to a further fine of thirty dollars for each day after written notice of the offence has been served by the town superintendent:

Provided nevertheless that the magistrate before whom any com- plaint may be made or any proceedings may be taken in respect of any such offence may, if he think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this by-law, and provided also that in no case shall the fine for a continuing offence exceed three hundred dollars.

[Subsidiary]

New Amsterdam Mosquito Prevention By-laws

By-laws
1/2/1915

**NEW AMSTERDAM MOSQUITO PREVENTION
BY-LAWS**

made by the Mayor and Town Council under section 179 of the Local Government Ordinance, 1907, confirmed by the Governor and Court of Policy on the 1st February, 1915, and continued in force by section 214 of the New Amsterdam Town Council Ordinance, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the New Amsterdam Mosquito Prevention By-laws.

Mosquito
Proofs.

2. All vats, tanks, or other vessels, shall be screened with mosquito- proof wire netting or other suitable material so as to prevent the entrance into or exit of mosquitoes from such vats or tanks or other vessels.

Inlets and
overflows
pipes.

3. The inlet and overflow pipes into such vats, tanks or other vessels shall be placed in such positions or screened in such a manner as to prevent the entrance into or exit from the same of mosquitoes.

Fire
Extinguishers.

4. All buckets or other vessels containing water for fire extinguishing or other purposes shall be emptied and cleaned at least once a week.

Liability of
owner.

5. The work of screening the vats, tanks, and all such other vessels shall be done by the owners of the properties on which they are situated, and all vats, tanks, or other vessels shall be screened within three months from the date of the coming into force of these by-laws.

Penalties.

6. Any person contravening any of these by-laws shall be liable on summary conviction to a fine of thirty dollars.

NEW AMSTERDAM (MARKETS) BY-LAWS

ARRANGEMENT OF BY-LAWS

BY-LAW

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-

By-laws
2/1954

NEW AMSTERDAM (MARKETS) BY-LAWS

*made under section 199, deemed to have been made under section
321 of this Act*

Citation.

1. These By-laws may be cited as the New Amsterdam (Markets) By-laws, 1954.

Interpretation.

2. In these By-laws—

"Clerk of Markets" includes the Assistant Clerk and the Officer of the Council for the time being in charge of any market;

"cold stores" means premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for human consumption;

"fees", include tolls, rates, dues, rents, and other imposts in relation to any market;

"fresh meat" includes unsalted beef, veal, mutton, lamb, pork, tripe and turtle, and any other meat used for human consumption, frozen meat and what is locally known as and called "corned meat";

"market" means any market and the premises used therewith mentioned in or established under by-law 3 of these By-laws;

"master" includes any person in charge of a vessel;

"Medical Officer of Health" and "Meat and Food Inspector" include any persons appointed for the time being to carry out the duties of these officers;

"stall" includes any counter, bench, stand or other erection, and any space set apart for the reception of any articles for sale;

"vessel" includes every kind of navigable craft, in whatever way propelled.

Markets.

3. (1) The New Amsterdam Market and such other market as shall from time to time be established shall be

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under the control and supervision of the Clerk of Markets subject to the direction of the Council.

(2) The Clerk of Markets shall keep a correct account of all fees and revenues accruing to the markets and shall, at such times as the Council may direct, pay over the moneys received by him to the Town Clerk.

(3) It shall be lawful for the Clerk of the Markets to demand and take from every person occupying or using any stall in, or bringing into, any such markets any marketable commodity or any other article or thing which the Council may permit to be sold therein, or using any weighing machine, kept in any such market, such fees, rents, tolls, and charges as the Council shall from time to time by resolution appoint and fix.

Offence.

4. (1) No member of the Council, officer or servant employed by the Council, shall be in any manner interested directly or indirectly in the sale of anything offered for sale in the markets, or shall receive directly or indirectly any emolument of any kind or description from the markets or from the sale of anything therein.

(2) Any person committing a breach of this by-law shall be liable to a fine of one hundred and fifty dollars and, in case of any officer or servant of the Council, to dismissal.

(3) No person shall be deemed to have committed a breach of this by-law by reason only of the fact that he is a proprietor or shareholder in any joint stock company or association doing business in any market.

Hours of opening.

5. (1) The days on which and the hours between which the markets shall be opened and kept open shall be as follows—

Week-days other than Public Holidays... 6.30 a.m. to 4 p.m.

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Public Holidays... 6.30 a.m. to 9 a.m.
except that—

(a) during the Christmas period the hours
shall be—
(i) for the first seven working days of the
period 6.30 am to 5.p.m
(ii) for the second seven working days
of the period 6.30 a.m. to 6 p.m.
(iii) on Christmas Eve and on the
Saturday preceding Christmas Eve
when the latter falls on a Sunday... ... 6.30 a.m. to 8 p.m.

(2) The markets shall be opened on Sundays from 6 a.m. to 8 a.m. for the sale of fresh meat, fish, bread, vegetables, fruit, ice and drugs.

(3) In this by-law "Christmas period" means the fifteen working days immediately preceding Christmas Eve.

Offence.

6. Any unauthorised person found in a market during prohibited hours may be arrested without warrant by any police or town constable, and shall in addition to any punishment to which he may be subject in respect of any other offence be liable to a fine of forty dollars.

Lights.

7. (1) Every person having occasion to use lights in any market shall use for such lights the electric power provided by the Council on such terms and at such rates as may from time to time be fixed by the Council.

Offence.

(2) Every person who commits a breach of this by-law shall be liable to a fine of fifteen dollars.

Stalls.

8. (1) The Clerk of Markets shall from time to time direct what articles may be exposed for sale on the stalls in different parts of the markets.

(2) The Clerk of Markets shall cause all the market

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stalls to be numbered in plain and legible characters and to be registered in a book to be kept for that purpose.

(3) Such book shall also contain the name of every tenant of a stall, the date when each tenancy commenced, the amount of rent, the date when each tenancy ceased and the cause of its ceasing.

Rental of stall which becomes vacant.

9. When any stall becomes vacant the Clerk of Markets may let the same to any approved person at such rent as shall from time to time be fixed by the Council.

Tenancies of stalls.

10. The tenancy of every stall shall be by the day, week or month, and the rent shall in all cases be payable in advance. In default of payment, the tenant, if in possession, shall be forthwith ejected by the Clerk of Markets, who may in addition to any other remedy for the recovery of the rent, seize and sell any goods in such stall sufficient for the payment thereof.

Removal of property.

11. If the tenant of any stall, on giving up possession, or being ejected does not forthwith remove all goods belonging to him therein, such goods shall be removed by the Clerk of Markets and sold at the expiration of seven days from the date of such removal, unless claimed within that period and all expenses incurred reimbursed to the Clerk of Markets; but any perishable article so removed may be sold at once.

Sub-letting.

12. (1) No tenant of a stall shall sub-let such stall to any other person.

(2) Where any tenant sub-lets a stall in contravention of this by-law, his tenancy shall be deemed to have been terminated, and the person in occupation of the stall, upon being requested by the Clerk of Markets so to do, vacate the stall and remove therefrom all goods belonging to him.

(3) Where any such person fails to vacate his stall and remove therefrom his goods when requested so to do, the Clerk of Markets may eject such person and cause such goods to be removed from the market.

Name of tenant
to be shown on
stall.

13. (1) The tenant of a stall shall, on the day of taking possession, place and keep exposed to public view in such part of the front of his stall, as the Clerk of Markets shall point out, his name, in such plain and legible characters and in such manner and form as the Clerk of Markets shall direct.

(2) No tenant shall be allowed to open and use any such stall until he has complied with this by-law.

Stalls to be
occupied.

14. (1) Subject to the provisions of this by-law and of by-law 5 of these by-laws every tenant shall keep open, or occupy or use his stall at all times.

(2) Any tenant who fails to keep open, or occupy or use his stall for more than six successive days without the consent of the Clerk of Markets in writing, shall be deemed to have terminated his tenancy, and where any rent is owing, the Clerk of Markets may seize and sell any goods in the stall sufficient for the payment thereof.

Transfers of
tenancies of
stalls.

15. The tenant of a stall may, with the consent of the Clerk of Markets in writing, transfer his tenancy to another person upon payment to the Clerk of Markets of such fees as may be prescribed by the Council.

Stall to be kept
clean.

16. (1) Every tenant of a stall shall at all times keep such stall and the front, rear, sides and roof thereof perfectly clean and free from all offal, filth, and dirt of every kind.

(2) Where any tenant refuses or neglects so to do, the Clerk of Markets shall cause such stalls to be cleaned and the expenses incurred in so doing may be recovered by the

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Clerk of Markets from such tenant by seizure and sale at auction by the Clerk of Markets of any goods in such stall sufficient for the payment thereof, and such tenant shall in addition be liable on summary conviction to a fine of fifteen dollars for every such refusal or neglect.

Obligation of tenant to see windows and doors of shop properly shut and fastened.

17. It shall be the duty of every tenant of every shop in the market to see that all the windows and doors of his shop are properly shut and fastened before leaving the market, and if any such window or door is found open after the closing of the market, such tenant shall be liable to a fine of five dollars.

Printed matter not to be affixed on any part of a market compound.

18. It shall not be lawful for any person to affix any poster, advertisement, advertising matter or any printed matter whatever on any part of a market or market compound except with the written permission of the Clerk of Markets.

Stalls to be kept clean before closing of markets.

19. The Clerk of Markets shall see that all the market stalls are properly cleaned every day before the closing of the markets.

Market fees Schedule.

20. (1) The fees specified in the Schedule to these by-laws or such fees as shall from time to time be fixed by the Council shall be paid on goods landed at any market or brought into any market for sale.

(2) Every person who demands or receives a greater fee than herein authorised shall be liable on summary conviction to a fine of forty dollars.

(3) Every person who evades or attempts to evade, or assists in evading the payment of any fee, or on whose stall is found any article liable to a fee which has not been paid, shall be liable on summary conviction to a fine of forty dollars:

Provided, however, that the Clerk of Markets may in his

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discretion allow such person to pay treble the value of such fee.

(4) Packages shipped from the market stelling shall be charged for at a rate not exceeding eight cents per package at the discretion of the Clerk of Markets.

Lists of fees to be exhibited.

21. Printed lists of the fees from time to time payable shall be exhibited in such parts of the several markets as the Council shall direct.

Vessel bringing goods to market.

22. (1) The master of every vessel, other than an open boat, bringing goods for any market shall, before breaking bulk furnish the Clerk of Markets at his office with a written statement of the description and quantity of all such goods and pay the fees thereon and shall not commence to unload without a permit in writing from the Clerk of Markets so to do.

(2) Every person committing a breach of this by-law shall be liable to a fine of one hundred and fifty dollars.

Goods brought to the market.

23. All provisions or other articles brought in any corial, boat, punt or vessel to the market stelling shall pay the same fees as if the articles were entered by the gate and shall be subject to the same restrictions.

Penalty for refusal to pay fees.

24. All goods or livestock taken from any vessel lying alongside of any market stelling and landed at any other stelling or place within the town shall pay market fees, if they have not already been paid at the entry of the vessel; and any person refusing to pay the fees for goods or livestock so landed shall be liable on summary conviction to a fine of forty dollars.

Power of Clerk of Markets.

25. Every market fee leviable and made payable under these By-laws shall be demanded and received by the Clerk of Markets and his receipt shall be a sufficient acquittance and discharge for the same. In default of the payment of any such fee the Clerk of Markets may seize and sell at auction any goods for which such fee is payable sufficient for the

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Uncooked
fresh meat not
to be brought
into markets.

payment of such fee.

26. (1) It shall not be lawful for any person to bring without the permission of the Council uncooked fresh meat into any market or into the town for sale or for any other purpose whatsoever:

Provided, however, that this by-law shall not apply to the bringing into any market of uncooked fresh meat by means of any ship, vessel or boat arriving from any place outside of the limits of Guyana.

(2) No prosecution under this by-law shall be instituted without the consent in writing first had and obtained of the Mayor.

(3) Any person who contravenes the provisions of this by-law shall be liable on summary conviction to a fine of forty dollars.

Sale of fresh
meat in
markets.

27. (1) No person shall sell or offer for sale in any market any fresh meat except at a stall set aside and appropriated for that purpose.

(2) Any person who sells or exposes for sale any fresh meat in contravention of this by-law shall be liable on summary conviction to a fine of twenty-five dollars.

(3) In this by-law "fresh meat" includes turtle and plucked poultry.

Market fees.

28. (1) Every person who, not being a tenant or occupier of any stall therein resorts to any market for the purpose of selling poultry, vegetables, fruits, fish, turtle or other articles of any description whatsoever, shall pay before he is permitted to expose any such article for sale, such fees

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as may from time to time by resolution be fixed by the Council.

(2) A town constable may search any package brought into any market for the purpose of seeing that the proper fee is paid on any goods therein.

Cleanliness.

29. (1) Every person who sells meat in a market shall while so doing, wear a clean apron or overall, and the stall shall be equipped with a clean dresser, table or shambles.

(2) Any person who contravenes this by-law shall be liable on summary conviction to a fine of twenty-five dollars.

Table, etc., to be washed daily.

30. (1) Every person who sells meat in a market shall, at the close of business each day, scrape and wash the table or shambles and chopping block, and thoroughly cleanse the scale and weights which have been used by him.

(2) Any person who fails to comply with this by-law shall be liable on summary conviction to a fine of fifteen dollars.

Short weight.

31. (1) No person who sells meat in a market shall impose or attempt to impose short weight or unwholesome meat upon any purchaser.

(2) Any person who contravenes this by-law shall be liable on summary conviction to a fine of forty dollars.

Meat to be minced by machine.

32. (1) No person shall sell or offer for sale any minced meat unless such meat has been minced by a machine kept in his stall for that purpose.

(2) Every such machine shall be kept in a clean and sanitary condition and in good order.

(3) The Medical Officer of Health, the Meat and

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Food Inspector, the Clerk of Markets or any sanitary inspector may inspect such machine at any time to ascertain whether it is clean and in good order.

(4) Any meat minced and offered for sale in contravention of the provisions of this by-law may be seized by the Medical Officer, the Meat and Food Inspector, the Clerk of Markets or a sanitary inspector and destroyed.

(5) Any person who contravenes this by-law, or obstructs the Medical Officer of Health, the Meat and Food Inspector, the Clerk of Markets or a sanitary inspector from inspecting any machine under the provisions of this by-law shall be liable on summary conviction to a fine of forty dollars.

Removal of
fresh meat.

33. (1) No person shall remove, or cause or suffer to be removed from any market any fresh meat for the purpose of sale except in a container provided by the owner of such fresh meat and approved by the Meat and Food Inspector or the Clerk of Markets.

(2) The Meat and Food Inspector or the Clerk of Markets may at any time inspect and examine any such container in order to ascertain whether it is kept in a clean condition and is provided with such appliances as he may deem requisite to protect the contents thereof from contamination.

(3) When any such container is at any time not approved by the Meat and Food Inspector or the Clerk of Markets, he shall immediately notify the owner thereof and thereafter no person shall use or permit any other person to use such container until it has been approved of by the Meat and Food Inspector or the Clerk of Markets.

(4) Any person who contravenes this by-law shall be liable on summary conviction to a fine of forty dollars.

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Fresh meat in markets to be passed by the Meat and Food Inspector.

34. (1) No person shall bring into any market any fresh meat unless such fresh meat has been passed by the Meat and Food Inspector as fit for human consumption and marked by him in by the Meat manner approved of by the Medical Officer of Health or the Chief Sanitary Inspector.

(2) Any meat brought into any market in contravention of this by-law may be seized by the Medical Officer of Health, the Meat and Food Inspector, or the Clerk of Markets and destroyed.

Special provision as to sale of mutton.

35. (1) All mutton exposed for sale in any market, the feet and tail of the carcase of which have been cut off, shall be considered and taken to be goat mutton, and shall be sold as such.

Penalty.

(2) Every person who sells or offers for sale any such mutton as sheep mutton, shall be liable to a fine of fifteen dollars.

Removal of fresh meat to cold stores prohibited.

36. No person shall remove any fresh meat from any market to any cold stores and no person shall in any market sell or offer or expose for sale any fresh meat which has been exposed for sale on a previous day.

Articles to be sold from stalls.

37. No person shall sell any article in any market except at some stall rented or occupied by him, nor shall any sale at auction or by public outcry in any market be allowed except a sale at auction for which the Mayor has given special permission or as otherwise provided in these by-laws. Every person committing a breach of this by-law may be summarily ejected by, or by the direction of the Clerk of Markets, and shall be liable in addition to a fine of forty dollars.

Conditions of sale prohibited.

38. (1) No vendor shall refuse to sell any meat, poultry or any foodstuff whatsoever or any other commodity in such

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quantities as a purchaser may require (except where there is a shortage of such foodstuff or commodity), or impose any condition on the sale of any meat, poultry, foodstuff or commodity as aforesaid.

(2) Any person who contravenes this by-law shall be liable to a fine of fifteen dollars.

Unwholesome food to be destroyed.

39. All meat or fish, fresh or salted, poultry, vegetables, fruit and other articles solid or liquid intended for the food of man offered or exposed for sale in any market or found in any market or in any stall therein which, in the opinion of either or any of the officers of the Council, to wit, the Clerk of Markets, the Medical Officer of Health, the Meat and Food Inspector, a sanitary inspector, are of a bad or unwholesome quality may be seized by any of them and destroyed and the person offering or exposing the same for sale or the tenant or person in charge of the stall in which the same is found shall be liable to a fine of forty dollars.

Record of seizures.

40. The Clerk of Markets, the Meat and Food Inspector or a sanitary inspector as the case may be shall enter in a book to be kept for that purpose particulars of any article so seized.

Mode of preserving fish.

41. (1) No person shall, within a market, preserve fresh fish by any other means than ice, but fresh fish may be corned with salt and sent out of the market within twenty-four hours thereafter.

(2) Any person who contravenes this by-law shall be liable to a fine of forty dollars.

Penalty for erecting stalls, etc., in contravention of these by-laws.

42. If any person erects or places any stall, or any goods, wares, or merchandise, or any other matter or thing whatsoever contrary to these by-laws, or shall place the same or any part thereof at an earlier hour or time, or shall suffer or permit the same to stand or remain to a later hour or time,

than the Council shall from time to time appoint or limit in that behalf, every such person so offending, or causing the same to be done or committed, or the owner or part owner or the person using or having the care of any such stall, goods, wares or merchandise, or other matter or thing, shall be liable to a fine of fifteen dollars, and it shall be lawful for the Council or their officers or their servants or any of them or any police or town constable or other person aiding and assisting therein, when such offence shall have been committed, done or suffered, immediately to pull down, displace, remove, and carry away such stall, goods, wares and merchandise or other matter or thing whatsoever.

Miscellaneous
offences.

43. Any person who, in or around any market—

- (a) expectorates; or
- (b) sits on any table, shambles or stall; or
- (c) sharpens any hatchet, knife or other implement whatsoever on the steps, stalls, walls of any brick or concrete structure or floor; or
- (d) rides any cycle or drives or leads any vehicle other than a hand-propelled vehicle; or
- (e) urinates or defecates or deposits any urine, filth or offensive matter; or
- (f) deposits any refuse on the floor; or
- (g) propels any hand-truck, wheel-barrow or other vehicle recklessly or negligently; or
- (h) breaks or damages any stall, structure or fence; or
- (i) plays any games,

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shall be liable on summary conviction to a fine of forty dollars.

Removal of obstructions.

44. It shall be lawful for the Clerk of Markets or anyone acting under his direction, to remove all obstructions to, and all persons obstructing any of the paths or passages of the markets and in the event of any obstruction being caused by any goods, wares, or merchandise, or any other article whatsoever, to seize and take possession of the same until the penalty thereby imposed, and the expenses of removal shall be paid. If not claimed within 24 hours, the goods so seized may be sold by the Clerk of Markets, and the proceeds paid over to the Town Clerk in aid of the town funds. Every person who commits a breach of this by-law, and every person resisting the removal of any obstruction, shall be liable to a fine of forty dollars.

Fires.

45. Any person using or kindling fire in any coal-pot, or other receptacle, in any shop, stall, or shed, in or in any other part of any market other than the public kitchen thereof, except with the special permission of the Clerk of Markets in writing, shall be liable to a fine of ten dollars for the first offence, and forty dollars for each succeeding offence.

Stray dogs.

46. Any dog found within any market, if not claimed and a penalty of one dollar paid to the Clerk of Markets within 48 hours, may be destroyed or sold.

Bottle to be labeled.

47. Bottles containing any article for sale in any market shall be labelled with the name of the contents, and in default may be seized and forfeited.

Power of search.

48. Any town constable or other person authorised by the Clerk of Markets may search any package brought into any market for the purpose of seeing that the proper fee is paid on any goods therein.

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Inspection of
stalls and
vessels.

49. The Clerk of Markets or any person authorised by him, the Meat and Food Inspector, a sanitary inspector or any town constable may at all times enter and inspect any stall, stand or space in any market or any vessel lying alongside the stelling or river frontage of any market for the purpose of seeing whether these by-laws are being observed and of enforcing the same.

Penalty for
obstruction.

50. Every person who assaults or obstructs any person authorised to collect fees, or to inspect or seize any marketable commodity, or to remove any obstruction, or to extinguish any fire, or to inspect any part, portion, or tenancy, within the market, or to remove any disorderly person, or to perform any other duty under these by-laws, in the execution of such duty, shall be liable to a fine of forty dollars.

Expulsion of
offenders.

51. Every tenant or occupier of any stall persisting in acting in any way contrary to any of these by-laws may, over and above any penalty to which he may be liable for any particular offence, be expelled from the market by order of the Clerk of Markets, and he shall be liable to be treated as a trespasser if he enters therein again, without the permission of the Clerk of Markets in writing, except for the purpose of purchasing.

By-laws to be
exhibited.

52. (1) A printed copy of these by-laws shall be exhibited in some conspicuous place in every market.

(2) Copies of these by-laws may also be obtained on application to the Clerk of Markets at his office in the New Amsterdam market or to the Town Clerk at the Town Hall upon payment of such sum for each copy as may from time to time be fixed by the Council.

Stellings, etc, to
be deemed to
be a part of the

53. All stellings and landing-places on the river frontage of any market having a frontage to the river, and the whole line of such river frontage shall be deemed to be part

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market. of such market.

Master of vessel to comply with instructions.

54. (1) The master of every vessel landing or embarking goods or passengers at any market having a frontage to the river shall obey the instructions of the Clerk of Markets as to placing his vessel or moving the same as circumstances may require.

(2) No vessel shall come alongside any part of the river frontage of any market or municipal stelling or make fast to any part of such river frontage except for the purpose of landings, or embarking goods or passengers, and then only for such time as in the opinion of the Clerk of Markets is necessary for that purpose.

(3) Every master of a vessel who commits a breach of this by-law shall be liable to a fine of forty dollars.

SCHEDULE

Poultry

Turkeys and Geese...	6c. each
Fowls...	2c. each
Ducks...	2c. each
Guinea Bird	1c. each
Parrots ...	24c. per dozen

Vegetables

Breadfruits and Breadnuts ...	1c. each
Pumpkins ...	2c. each
Plantains ...	3c. per bunch

Yams, Eddoes, Tannias

Potatoes (Sweet), Cassava and all other edible roots	12c. per bag or barrel not exceeding 150lbs.
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Fruit

Apples ...	24c. per bag or barrel
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		not exceeding 150lbs.
Bananas	4c. per bunch
Mangoes	12c. per barrel not exceeding 150lbs.
Water Melons	2c. each
Oranges and Grapefruits	...	1lbs.2c. per basket not exceeding 150
Pineapples	1c. each
Pears	6c. per dozen
Soursops	12c. per dozen
Starapples	16c. per bag not exceeding 150lbs
Miscellaneous		
Boulangers	16c. per bag
Tomatoes	36c. per box not exceeding 50lbs
Miscellaneous (Lettuce, etc.)	...	12c. per basket
Coconuts	24c. per bag not exceeding 200bs.
Eggs	4c. per dozen
Coffee and Cocoa	1/2c. per lb
Edible Oil	6c. each or part thereof
Coconut Oil	6c. per drum or part thereof
Goblets & Flower Pots	1c. each
Washing Tubs	12c. each
Corn on Cob	16c. each
Ear Corn	24c. each
Shelled Corn	24c. per bag or barrel. not exceeding 180 lbs
Padi	4c. per bag
Rice	8c. per bag
Fish		
Scaled Fish	1c. per lb
Unsealed Fish	1c. per lb
Sherigas and Crabs	½ c. per lb
Turtle	1c. each

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Shrimps...	1/2 c. per lb
Sea Cow or Manatee...	\$2.00 each
Lumber...	24c. per 100ft. B.M.
Timber...	3c. per cu. ft
Telephone Poles	8c. each
Electric Poles	8c. each
Paling Posts	36c. per 100
Paling Staves	10c. per 100
Vat Staves	12c. per 100
Shingles	2c. per bundle
Firewood...	10c. per 100
Split and Short Wood...	12c. per 100
Coals	6c. per bag
Shell...	2c. per barrel
Sand	4c. per barrel
Bricks (Whole)	\$1.00 per 1,000
Bricks (Broken)	4c. per barrel
Padi (Passing through Stelling)	4c. per bag
Rice (Passing through Stelling)	3c. per bag
Ice	6c. per block
Drums (Empty)	4c. each
Drums (Filled)	12c. each
Cattle...	50c. per head
Pigs	12c. per head
Sheep and Goats...	12c. per head
Flour	2c. per bag
Cement	8c. per drum
Cement	2c. per sack
tonne	12c. per ton

Articles contained in smaller or larger packages shall be charged at proportionate rates.

Articles not enumerated shall be charged at the rate to be determined by the Clerk of Markets and not exceeding one cent per pound or eight cents per barrel as the case may be.

[Subsidiary]

New Amsterdam (Markets) By-laws

By-laws 4/1967

NEW AMSTERDAM (MARKETS) BY-LAWS

Citation.
Citation.

1. These by-laws may be cited as the New Amsterdam (Markets) By-laws.

Interpretation.

2. In these By-laws—

Cap. 161
1953 Ed.

"market" means any assembly or concourse of buyers and of sellers whereat marketable commodities are sold or exposed for sale but does not include any market within the meaning assigned thereto by section 2 of the New Amsterdam Town Council Ordinance or any market established with the prior approval in writing of the Council;

Establishment
of markets.

"marketable commodities" includes meat, fish, shrimps, ground provisions, vegetables, fruit, greens and sweetmeats or any of them.

3. (1) No market shall be established or held within the town.

(2) Every person who contravenes the provisions of paragraph (1) of this by-law or permits such provisions to be contravened on or in premises owned or occupied by him, or who sells or exhibits, or exposes or otherwise offers for sale, or trades in any marketable commodity at a market, shall be liable upon conviction to a fine of not less than twenty-five dollars and not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, and in the case of a continuing offence to a further penalty not exceeding ten dollars for each day after written notice of the offence has been served by the Council.

Arrest of
offender and
seizure of
article.

4. A person found committing a breach of any of the provisions of the preceding by-law may be arrested by any member of the police force or town or other constable and any marketable commodity in relation to which a breach of that

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by-law has been or is being committed may be seized by such member of the police force or town or other constable and thereafter forfeited.

By-laws
Gaz. 23/6/1917
3/5/1921

PREVENTION OF TUBERCULOSIS IN FACTORIES, WORKSHOPS AND BAKERIES

BY-LAWS

approved of by the Governor on 10th January, 1914, and published as Notice No. 676 of 1917 in the Gazette of the 23rd June, 1917, and amended on the 3rd May, 1921, deemed to have been made under section 321 of this Act

Citation. **1.** These By-laws may be cited as the Prevention of Tuberculosis in Factories, Workshops and Bakeries By-laws.

Interpretation. **2.** In these By-laws—

"bakery" is any place in which are baked bread, biscuits, cake or confectionery with a view to making profit;

"provision shop" is any place in which food and foodstuffs are stored, prepared or sold.

Registration. **3.** It shall not be lawful for any person to carry on the business of a bakery or provision shop unless the bakery or provision shop is registered at the office of the Local Authority.

Shops to be kept clean. **4.** Every owner or representative of the owner of a bakery or provision shop shall cause his bakery or provision shop to be kept in a cleanly state and free from any effluvia arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance.

Water closets, privies, etc. **5.** It shall not be lawful for any owner or the representative of any owner of a bakery or provision shop to

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Prevention of Tuberculosis in Factories, Workshops and Bakeries By-laws

permit a water-closet, earth- closet, privy, urinal or ashpit to be within or communicate directly with his bakery or provision shop.

Overcrowding.

6. It shall not be lawful for any owner or the representative of any owner of a bakery or provision shop to allow his bakery or provision shop to be so overcrowded while work is being carried on therein as to be dangerous or injurious to the health of the persons employed therein.

Lime-washed walls.

7. Every owner (or his representative) of a bakery or provision shop shall cause all the inside walls of the rooms and all the ceilings and tops of such rooms in his bakery or provision shop to be lime- washed once every twelve months; to date from the period when it was last washed.

Dwellings.

8. It shall not be lawful for any owner (or his representative) to allow a place on the same level with the bakery or provision shop forming part of the same building to be used as a sleeping place unless it is constructed as follows, that is to say, unless it is effectually separated from the bakery or provision shop by a partition extending from the floor to the ceiling, and unless there be an external window of at least nine superficial feet area of which at least 4 1/2 superficial feet are made to open.

Penalty.

9. The penalty for a breach of the above by-laws is a fine of one hundred and fifty dollars.

Protection of foodstuffs.
[By-laws
3/5/1921]

10. The owner of any bakery or provision shop shall take effectual steps to ensure that all articles of food intended, exposed or offered for sale for human consumption are at all times properly protected 3/5/1921] (in cupboards, bins, boxes, barrels or other containers by means of suitable covers or hinged lids or doors) from the contamination of dust, flies or of anything whatsoever not conducive to the health of man:

Provided that articles of food, including fruits and vegetables that have to be peeled, pared or cooked before

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consumption, need not be so covered.

Wrapping of
foodstuffs
[By-laws
3/5/1921]

11. It shall not be lawful for the owner of a bakery or a provision shop or the person employed so to do, to sell and deliver to any purchaser any bread, cakes, pastry, confectionery or any other article intended for the food of man which is usually wrapped, held or contained in paper, unless the same is wrapped, held or contained in clean and unused paper. And no paper with printed or written matter on it shall be considered clean paper within the meaning of this by-law. It shall not be lawful for the same paper to be used more than once for such purpose.

The onus of proof in any prosecution for the breach of this by- law that such paper has been only used once shall be on the seller.

Penalties
[By-laws
3/5/1921]

12. Any person who is found guilty of any breach of the last two preceding by-laws shall be liable to a fine of seventy-five dollars.

By-laws
Gaz. 23/6/1917
3/5/1921

STREET SELLERS

BY-LAWS

approved of by the Governor on the 10th January, 1914, and published as Notice No. 676 of 1917 in the Gazette of the 23rd June, 1917, and amended on the 3rd May, 1921, deemed to have been made under section 321 of this Act

Citation.

1. These By-laws may be cited as the Street Sellers By-laws.

Licence.

2. It shall not be lawful for any person to sell foodstuffs or provisions on the streets, roads, public places or public markets unless duly licensed at the office of the Town Clerk.

[Subsidiary]

Street Sellers By-laws

Certificate of
good health.

3. Licences shall only be issued to those applicants who present a certificate of good health from a medical practitioner who shall have performed his examination within the previous three months.

Annual
licences.

4. Licences shall be renewed annually within the month of January.

Trays, etc.
[By-laws
3/5/1921]

5. Every tray, box, basket or other receptacle used for the purpose of keeping, delivering, selling, offering for sale outside of any building or on any street or public place any foodstuffs, bread, cakes, pastry or other confectionery, shall be provided by the owner of such tray, box, basket or other receptacle, with an efficient cover of wood, metal or other suitable material to protect such foodstuffs, bread, cakes, pastry or other confectionery from the contamination of flies, dust or of any matter or thing whatsoever not conducive to the health of man; and it shall not be lawful for any person to sell, offer or expose for sale, outside of any building or on any street, roadway, footway or public place, any such foodstuffs, bread, cakes, pastry or other confectionery in any tray, box, basket or other receptacle, unless the same be protected from contamination as aforesaid, by means of such cover.

Every tray, box, basket or other receptacle, and every such cover shall at all times be kept by the owner, and every person having charge of the same, in a clean and wholesome condition.

All articles of food exposed in the manner set forth in the by-laws shall be kept at a height of not less than two feet from the sidewalk, pavement, ground or place on which they are exposed for sale.

Wrappings
[By-laws
3/5/1921]

6. It shall not be lawful for any person selling or hawking any foodstuffs, bread, cakes, pastry, confectionery or other article intended for the food of man, to sell and deliver to any purchaser unless the same is wrapped in clean and unused paper, and no paper with printed or written matter on it shall be considered clean paper within the meaning of

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[Subsidiary]

Street Sellers By-laws

this by-law. It shall not be lawful for the same piece of paper to be used more than once for such purpose.

The onus of proof in any prosecution for the breach of this by- law that such paper has been only once used shall be on the seller.

Inspections
[By-laws
3/5/1917]

7. It shall be lawful for any officer of the Local Authority or any police or other constable to inspect at all reasonable times for the purposes of these by-laws any such tray, box, basket or other receptacle wherein any foodstuffs are kept or exposed for sale.

Penalty
[Gaz. 23/6/1917
3/5/1921]

8. Any person who is found guilty of any breach of these by-laws shall be liable to a fine of seventy-five dollars.
