**AMENDED**

**NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE**

**TENTH PARLIAMENT OF GUYANA (2012-2013)**

**REPORT OF**

**THE SPECIAL SELECT COMMITTEE OF THE**

**NATIONAL ASSEMBLY**

 **ON THE**

**THE MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2012 – BILL NO. 19/2012**

**PRESENTED TO THE NATIONAL ASSEMBLY**

**BY**

**MR. BASIL WILLIAMS, M.P.**

**CHAIRMAN OF THE COMMITTEE**

 **ON**

**18TH JULY, 2013**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF THE NATIONAL ASSEMBLY**

**ON THE MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2012 –**

**BILL NO. 19/2012**

**Publication**

1. The Municipal and District Councils (Amendment) Bill 2012 – Bill No. 19/2012 seeks to amend the Municipal and District Councils Act. This Bill was published on9th August, 2012.

**Introduction and First Reading**

2. The Bill was introduced in the National Assembly and read for a first time on 9th August, 2012.

**Committal to Select Committee**

3. Following its first reading, the Bill was committed to a Special Select Committee by the National Assembly for consideration.

**Members of the Committee**

4. At a meeting held on 18thOctober, 2012 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Municipal and District Councils (Amendment) Bill 2012 – Bill No. 19/2012.

**Members of the People’s Progressive Party/Civic (PPP/C) (4)**

Hon. Ganga Persaud, M.P.,

Minister of Local Government and Regional Development

Ms. Gail Teixeira, M.P., Chief Whip

Bibi S. Shadick, M.P.

Mr. Neendkumar, J.P, M.P.

**Members A Partnership for National Unity (APNU) (4)**

Ms.Amna Ally, M.P., Chief Whip

Mr. Basil Williams, M.P.

Lt. Col. (Ret’d) Joseph Harmon, M.S.M., M.P.

Mr. Ronald Bulkan, M.P.

**Member of the Alliance For Change (AFC) (1)**

Dr. VeerasammyRamayya, M.P.

**First and Second Meetings of the Committee - Election of Chairman**

5. At the first meeting held on 28th November, 2012, both the Hon. Ganga Persaud, M.P., Minister of Local Government and Regional Development and Mr. Basil Williams, M.P., were nominated as Chairperson for the Committee.

6. Since there were two nominations, a division was sought and carried with an equality of votes. The Presiding Member did not have an original or casting vote, hence, the election for the Chairmanship was deferred to another date.

7. At the second meeting held on 20th December, 2012, Mr. Basil Williams was elected as Chairman of the Committee by a majority vote.

**Other Meetings of the Committee**

8. The Committee met on sixteenother occasions. However, the Municipal and District Councils (Amendment) Bill 2012 – Bill No. 19/2012 was considered at thefollowing meetings:

13thMeeting held on 10th May, 2013;

14th Meeting held on 17th May, 2013;

17th Meeting held on 28th June, 2013; and

 18th Meeting held on 5th July, 2013.

9. The attendance record is at Appendix I.

**Procedure of the Committee**

10. At its 3rd Meeting held on 16th January, 2013, the Committee agreed to the following:

(i) thatit would commence its work on the Local Government Commission Bill 2012 – Bill No. 13/2012;

 (ii) that it would consider the Bill, Clause by Clause;

 (iii) that the Clerk of the Committee would circulate the Reports and any relevant information with regard to the previous Local Government Bills 2009 in the 9th Parliament; and

 (iv) that the Clerk of the Committee provide Members with a schedule of meetings.

**Consideration of the Bill**

11. The Committee commenced consideration of the Bill on 10th May, 2013.

12. The following Clause/Sections were amended: 1, Schedule: 2, 8A(a), 81A, 89 (1) and (2), 151 (d), 305(8) 305(A) and the Third Schedule.

13. The following Clause/Sections were accepted as presented: 2, Schedule: General Amendment, 2A, 8, 8A (b) to (h), 23(4), 29, 29A, 32(3), 35(3), 35A, 38(2), 40 (3), 70(3), 82(1) (a), 83(2), 83(2), 86, 97 -117, 118(1) and 119(1), 122(2), 157, 158, 172, 206(2), 211(3), 257(1)(a), 277(3), 286(d), 301(4), 305(4), Seventh Schedule, Eight Schedule and Appendix.

14. The details of the amendments made to the Bill by the Committee are reflected in the matrix attached at Appendix II.

**Amended Bill**

15. Appendix III is the amended Bill which reflects the changes detailed and outlined in Appendix II.

**Report of the Special Select Committee**

16. At its meeting held on 5th July, 2013the Special Select Committee on the Municipal and District Councils (Amendment) Bill 2012 – Bill No. 19/2012 agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.

17. The Report is hereby submitted.

**Minutes and Verbatim Records**

18. The Minutes and the Verbatim Records have been prepared and will be available at the Parliament Office.

……………………………………………

Basil Williams, M.P.

Chairman of the

Special Select Committee on the

Municipal and District Councils (Amendment) Bill 2012 –

Bill No. 19/2012

*Committees Division*

*Parliament Office*

*Public Buildings*

*Brickdam*

*Georgetown*

*5th July, 2013.*

**SPECIAL SELECT COMMITTEE ON THE**

* **LOCAL GOVERNMENT (AMENDMENT) BILL 2012 – BILL NO. 12/2012;**
* **THE LOCAL GOVERNMENT COMMISSION BILL 2012 – BILL NO. 13/2012;**
* **MUNICIPAL AND DISCTRICT COUNCILS (AMENDMENT) BILL 2012 – BILL NO. 19/2012; AND**
* **THE FISCAL TRANSFERS BILL 2012 BILL 2012 – BILL NO. 20/2012**

**ATTENDANCE RECORD (2012-2013)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **NAME** | **Nov.** | **Dec.** | **Jan** | **Feb.** | **March** | **May** | **June** | **July**  |
| **28th**  | **20th**  | **16th**  | **23rd**  | **30th**  | **8th**  | **13th**  | **20th**  | **1st**  | **7th** | **15th**  | **21st**  | **10th**  | **17th** | **31st**  | **14th**  | **28th**  | **5th**  |
| Hon. Ganga Persaud, M.P.,Minister of Local Government and Regional Development | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. | Ex. | Pr. | Ex. | Pr. | Pr. | Ex. |
| Ms Gail Teixeira, M.P., Chief Whip. | Pr. | Pr. | Ex. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. |
| Bibi Safora Shadick, M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. | Pr. | Ex. | Pr. |
| Mr. Neendkumar, J.P., M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Ex. | Pr. |
| Ms Amna Ally, M.P., Chief Whip | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. |
| Mr. Basil Williams, M.P. (Chairman) | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. |
| Lt. Col. (Ret’d) Joseph Harmon, M.S.M., M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. | Pr. | Ex. | Pr. | Pr. | Pr. | Pr. |
| Mr. Ronald Bulkan, M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. | Pr. | Pr. | Pr. |
| Dr. Veerasammy Ramayya, M.P. | Ex.  | Pr.  | Pr.  | Pr.  | Pr. | Pr.  | Pr.  | Pr.  | Pr.  | Ex.  | Pr. | Abs | Pr.  | Pr. | Ex. | Pr. | Pr.  | Pr. |

**Pr. - Present**

**Abs. - Absent**

**Ex. - Excused**

***Committees Division***

***Parliament Office***

***Public Buildings***

***Georgetown***

***31st March, 2014.***

**APPENDIX II**

**MATRIX SHOWING AMENDMENTS APPROVED BY THE COMMITTEE ON**

**THE MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2012 –**

**BILL NO. 19/2012**

|  |  |
| --- | --- |
| **THE BILL** | **AMENDMENTS** |
| **Long title** | Unaltered |
| **The Enactment** A.D. 2012 Enacted by the Parliament of Guyana:- | **A.D. 2013**Enacted by the Parliament of Guyana:- |
| **Clause 1**This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act 2012.**Clause 2**  | This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act **2013.**Unaltered |
| **SCHEDULE****General amendment** **Section 2**In the definition of –(a) “Commission” delete the word “Service” and substitute for the word “95” the words “3 of the Local Government Commission Act 2012”; (b) “council” delete paragraph (c); and (c) “councillor” delete paragraph (d).  | UnalteredIn the definition of –(a) “Commission” delete the word “Service” and substitute for the word **“97”** the words “3 of the Local Government Commission Act **2013**”; (b) “**council” delete paragraph (c) and renumber paragraph (d) as paragraph (c); and**(c) Unaltered |
| **Section 2A****Section 8****Section 8A (a)** 8A. The general duties of City Councillors shall be to -1. consider the welfare or interest of the municipality as a whole and to bring to the attention of the council anything which would promote such welfare or interest;

**Section 8A (b) to (h)****Section 23(4)** **Section 29** **Section 29A** | UnalteredUnaltered8A. The general duties of City Councillors shall be to -1. consider the welfare or interest of the municipality as a whole **and bring** to the attention of the council anything which would promote such welfare or interest;

UnalteredUnalteredUnalteredUnaltered |
| **Section 32 (3)****Section 35(3)**  | UnalteredUnaltered |
| **Section 35A****Section 38(2)** **Section 40(3)** **Section 70(3)****Section 81A**Insert after section 81 the following section as section 81A-81A. The Minister may give instructions of a general or specific nature which instructions shall take precedence over any other instructions given to an officer by any local government officer in the municipality.”.**“**Instructions by the Minister. | UnalteredUnalteredUnalteredUnalteredInsert after section 81 the following section as section 81A-81A. The Minister may give instructions of a general or specific nature **under section 81**, which instructions shall take precedence over any other instructions given **under section 81** to an officer by any local government officer in the municipality**.”.****“**Instructions by the Minister. |
| **Section 82(1)(a)****Section 83(2)** **Section 86****Section 89(1) and (2)**For the words “the Government savings” substitute the words “a commercial”.**Section 97 – 117****Sections 118(1) and 119(1)****Section 122(2)** **Section 151 (d)** For the words "two thousand" substitute the words "eight thousand". | UnalteredUnalteredUnalteredFor the words “the Government savings” **wherever those words appear** substitute the words “a commercial”.UnalteredUnaltered UnalteredSubstituteFor the words “**Section 151(d)**” substitute the words “**Section 151 paragraph (d) of the provis-o.**” Unaltered |
| **Section 157** **Section 158****Section 172****Section 206(2)****Section 211(3)****Section 257(1)(a)****Section 277(3)****Section 286(d)****Section 301(4)****Section 305(4)****Section 305(8)**For the words beginning with the word "payment" and ending with the word "determine" substitute the words "a cost recovery basis".**Section 305A****Subsection (1)****Subsection (2)** (2) A council shall consider the concerns, object or agreements indicated at the public forum and may make such changes if necessary, to the proposed alteration before it is put up for resolution by the council.**Subsections (3) – (6)**  | UnalteredUnalteredUnalteredUnalteredUnalteredUnalteredUnalteredUnalteredUnalteredUnalteredFor the words beginning with the word "payment" **where it appears for the second time**and ending with the word "determine" substitute the words "a cost recovery basis".Unaltered(2) A council shall consider the concerns, **objections** or agreements indicated at the public forum and may make such changes if necessary, to the proposed alteration before it is put up for resolution by the council.Unaltered |
| **THIRD SCHEDULE** | **Substitute -****THIRD SCHEDULE (ss.22 and 30)****Each Council may recommend an annual sum to be placed at the disposal of the Mayor payable in equal installments at the end of each quarter year**.  |
| **SEVENTH SCHEDULE****EIGHTH SCHEDULE** **APPENDIX** | UnalteredUnalteredUnaltered |

**APPENDIX III**

**GUYANA**

**BILL No. 19 of 2012**

**MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2012**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.

 2. Amendments of the Principal Act.

**SCHEDULE**

**A BILL**

**Intituled**

AN ACT to amend the Municipal and District Councils Act.

Enacted by the Parliament of Guyana:-

A.D. 20**13**.

1. This Act, which amends the Municipal and District Councils Act, may be cited as the Municipal and District Councils (Amendment) Act **2013.**

Short title. Cap.28:01.

Amendments of the Principal Act.

2. The sections specified in the first column of the Schedule are amended in the manner specified in the corresponding entry in the second column of the Schedule.

**SCHEDULE (s.2)**

|  |  |
| --- | --- |
| **Provision** | **Amendments**  |
| **General amendment****Section 2** **Section 2A****Section 8** **Section 8A****Section 23(4)****Section 29****Section 29A****Section 32 (3)****Section 35 (3)****Section 35A****Section 38 (2)** **Section 40 (3)****Section 70 (3)****Section 81A****Section 82 (1) (a)****Section 83 (2)****Section 86****Section 89 (1)****and (2)****Sections 97 to 117****Sections 118(1)****and 119 (1)****Section 122 (2)****Section 151****Paragraph (d) of the proviso****Section 157****Section 158****Section 172****Section 206 (2)****Section 211 (3)****Section 257 (1) (a)****Section 277 (3)****Section 286 (d)****Section 301 (4)****Section 305 (4)****Section 305(8)****Section 305 A****Third Schedule****Seventh Schedule** **Eighth Schedule****Appendix** | For the word “town” or “towns” substitute the word “Town” or “Towns”, wherever it occurs. In the definition of –(a) “Commission” delete the word “Service” and substitute for the word **“97”** the words “3 of the Local Government Commission Act **2013**”; (b) **“council” delete paragraph (c) and renumber paragraph (d) as paragraph (c); and**(c) “councillor” delete paragraph (d). Insert after section 2, the following section as section 2A-2A. The purposes of the municipality are to –**“**Objects of a municipality. (a) provide good governance;  (b) provide services, facilities or other things that, in the opinion of the council, are necessary or desirable for the whole or part of the municipality; and(c) develop and maintain safe and viable communities.**”.**Substitute the following for subsection (2)-**“(**2) The number of councillors, including the Mayor and the Deputy Mayor, shall be as prescribed by the Minister by order**.”.**Insert after section 8, the following section as section 8A -8A. The general duties of City Councillors shall be to -**“**General duties of City Councillors.(a) consider the welfare or interest of the municipality as a whole **and bring to** the attention of the council anything which would promote such welfare or interest;(b) develop and evaluate policies and programmes for the municipality;(c) participate in council meetings and meetings of other bodies to which they are appointed by the council;(d) obtain information pertaining to the municipality from the Town Clerk or a person designated by the Town Clerk to provide such information;(e) keep in confidence any matters discussed in private at a council or a council meeting, until such matters are properly disclosed at a meeting held in public;(f) make efforts to raise the level of civic consciousness of the residents of the municipality;(g) ensure that the municipality is managed in a professional and competent manner by a qualified Town Clerk; and(h) perform any other duties or functions imposed on councillors by this or any other law or by the council**.”.**For the words "five hundred" substitute the words "forty thousand" and for the words "fourteen thousand" substitute the words "one million".Substitute the following subsection for subsection (2) -"(2) The number of councillors, including the Mayor and Deputy Mayor, shall be as prescribed by the Minister by order."Insert after section 29 the following section as section 29A -29A. Town Councillors shall have the same general duties as those stipulated for City Councillors in section 8A.**”.****“**General duties of Town Councillors.**For the word "fifty" substitute the words "one hundred " and for the word “sixty” substitute the words "one hundred and ten".** **For the word "fifty" substitute the words "one hundred" andfor the word "sixty" substitute the words "one hundred and ten".** Insert after section 35 the following section as section 35A –35A. Councillors of Town Councils established under section 34 shall have the same general duties as those stipulated for Town Councillors and City Councillors in section 8A**.”.****“**General duties of councillors of Town established under section 34.Substitute the following subsection for subsection (2) -**“**(2) The number of councillors, including the Chairman and the Vice Chairman, shall be prescribed by the Minister by order**.”.**For the words **“**five hundred**”** substitute the words **“**forty thousand**”** and for the words “three thousand” substitute the words **“**two hundred and forty thousand**”**.For the words **“**five hundred**”** substitute the words **“**forty thousand**”**.Insert after section 81 the following section as section 81A-**“**Instructions by the Minister.81A. The Minister may give instructions of a general or specific nature **under section 81**, which instructions shall take precedence over any other instructions given **under section 81** to an officer by any local government officer in the municipality**.”.**For the word “twenty-one” substitute the word “eighteen”.For the words "four hundred and eighty" substitute the words "three hundred thousand".Insert after subsection (2) the following subsection as subsection (3) -**“**Power to resolve difficulty.(3) The Minister shall have power by order to resolve anydifficulty arising from the implementation of this section.**”.**For the words “the Government savings” **wherever those words appear** substitute the words “a commercial”.Repeal.For the words **“**eighteen thousand**”** substitute the words **“**three hundred and eighty-four thousand**”**, wherever they appear.For the words "eighteen thousand" substitute the words **“**three hundred and eighty-four thousand**”**.For the words "two thousand" substitute the words "eight thousand".DeleteDelete.For the words "not be estimated at a higher rate than five per cent per annum" substitute the words “be estimated at a rate commensurate with the rate of interest per annum, payable on such funds in a reputable commercial bank”.Substitute for the colon, a full stop and delete the proviso.For the words "six thousand five hundred" substitute the words "ten thousand".Insert after the words “adjoining land” the words ''anytime between the hours of 8 o'clock in the morning and 4 o'clock in the afternoon”.For the words “one thousand six hundred and twenty-five” substitute the words "two thousand" and for the words “sixteen thousand two hundred and fifty” substitute the words “twenty thousand".For the word “or” appearing immediately after the words "the water" substitute the word “from”.For the words “a fee of sixty-five dollars shall be paid” substitute the words “a fee shall be paid on a cost recovery basis”.For the words beginning with the word “payment” and ending with the word "determine" substitute the words "a cost recovery basis".For the words beginning with the word "payment" **where it appears for the second time** and ending with the word "determine" substitute the words "a cost recovery basis".Insert after section 305 a new section as section 305 A -305 A. (1) Where a by-law provided for a council to alter its fees or the opening and closing hours of its facilities, which have been prescribed for in a by-law or a Scheduleto a by-law, the council may before passing any resolution to do so, host a public forum, at which the proposed alteration is presented for discussion, with all parties to be affected by the proposed alteration thus provided with an opportunity to indicate their concerns, objections or agreements.“Altering of fees by council.(2) A council shall consider the concerns, **objections** or agreements indicated at the public forum and may make such changes if necessary, to the proposed alteration before it is put up for resolution by the council.(3) The resolved alteration shall be published in the *Gazette* and a daily newspaper circulating in Guyana, at least one month before the said alteration becomes effective.(4) The council shall on application furnish to any person, a copy of the by-laws as altered, or any part thereof on a cost recovery basis.(5) A council before publicationof any alteration shall submit to the Minister -(a) a copy of the proposal for alteration discussed at the public forum;(b) a copy of the minutes or other records of the public forum;(c) a copy of the minutes or other records of the meeting of the council at which the alterations were adopted;(d) a certificate by the clerk that the provisions in paragraphs (a), (b) and (c) above were complied with; and(e) copies of any objections to the alterations which have been lodged in writing with the clerk, or if no such objection has been lodged, a certificate by the clerk to that effect.(6) Nothing in this section shall apply to by-law 44 of Georgetown (Abattoir) By-Laws.**\*****\***Subsidiary legislation Cap 28:01.**Substitute -****THIRD SCHEDULE****Each Council may recommend an annual sum to be placed at the disposal of the Mayor payable in equal installments at the end of each quarter year**. For the word "19" substitute the word "20".In paragraph 10 (2) for the words “six thousand five hundred” substitute the words “twenty thousand”.Substitute for the word “19” wherever it appears, the word “20”. |

**EXPLANATORY MEMORANDUM**

The main purpose of this Bill is to amend the Municipal and District Councils Act, Cap.28:01, so as to revise the provisions pertaining to municipal councils. During the course of this revision no distinction is made between individual councils and towns.

The Bill seeks to update various fines, fees and charges in order to make them meaningful in view of current currency values and present day market prices for goods and services.

 …………………….……………

**Minister of Local Government**

**and Regional Development**