

# **THE LOCAL GOVERNMENT BILL, 2009**

## **EXPLANATORY NOTE**

(These notes form no part of the Bill, but are intended only to indicate its general purport.)

The Bill seeks to reform and modernise the system of local government in Trinidad. The Act for which this is the Bill would come into force on such date as the President may appoint by Proclamation. The proposed Act would apply to Trinidad and to the Municipalities and Municipal Corporations established under thereunder.

By Part II, the Bill would provide for twelve Municipalities, including the City of Port-of-Spain, the City of San Fernando, the City of Arima, the City of Chaguanas and the Borough of Point Fortin. The boundaries of the Municipalities would be specified in an Order made by the President. The Order would be subject to an affirmative resolution of Parliament. Each Municipality would be classified as a city, a borough or a region.

There would be a Municipal Corporation for each Municipality. Each Corporation would be a body corporate and would have such functions and powers with respect to the local government of its Municipality as are conferred on it by the proposed Act and any other written law. The electors of a Municipality would be members of the Corporation for that Municipality.

Each Corporation would have a Municipal Council and an Executive Council. A Municipal Council would consist of one Councillor for each electoral district within its Municipality and four Aldermen elected by the Councillors, except that where the majority of the Councillors belong to the same political party, the other Councillors would elect an additional Alderman.

In the case of cities and boroughs, the Councillors and Aldermen (hereinafter referred to as “the Members”) would elect from among their number, a Mayor. In the case of regions, the Members would elect from among their number, a Chairman (hereinafter also referred to as “Mayor”). Each Mayor would nominate a Member to be Deputy Mayor.

Part II of the Bill would also provide for the qualifications, swearing-in, assumption of duty, term of office and remuneration of the Members of a Municipal Council. Provision would also be made for the filling of vacancies in the membership of a Municipal Council.

The responsibilities of Municipal Councils would be those that are set out in Schedule 4. Municipal Councils would be public bodies for the purposes of the Prevention of Corruption Act (Chap. 11:11) and their Members would be persons in public life for the purposes of the Integrity in Public Life Act (Chap. 22:01).

Part III of the Bill would provide for the functions of Municipal Corporations. The general responsibility of a Corporation would be providing and maintaining services and implementing projects consistent with Central Government policies so as to promote sustainable development in the following core areas of responsibility: (a) municipal management and corporate services; (b) public health and environment; (c) social services and community outreach; (d) facilities maintenance and physical infrastructure; (e) planning and development; (f) municipal policing; and (e) finance. In furtherance of its general responsibility, a Corporation would be responsible for the management and delivery of the services specified in Schedule 5.

The Minister would be empowered to give general and specific directions to the Executive Council of a Corporation and be required to hold regular discussions with each Mayor or Executive Council in respect of the development of the relevant Municipality. The Minister would also have the power to investigate any matter concerning the affairs of a Corporation. The Ministry responsible for local government would be responsible for the matters set out in Schedule 6. Further, each Mayor would be required to submit to the Minister annual reports reviewing the activities of, and the implementation of the work plan of, the relevant Corporation. The Minister would cause each annual report to be laid before Parliament.

Part IV of the Bill would make special provision in relation to the Executive Councils. An Executive Council would comprise the Mayor and six Secretaries appointed by the Minister on the advice of the Mayor, one of whom shall be the Deputy Mayor. Not more than two Assistant Secretaries could also be appointed from among the Members of a Municipal Council. An Executive Council would be responsible for carrying out the functions and responsibilities of its Corporation, which would include the matters specified in Schedule 7.

Each Corporation would have the following six Departments: the Department of Municipal Management and Corporate Services; the Department of Public Health and Environment; the Department of Social Services and Community Outreach; the Department of Facilities Maintenance and Physical Infrastructure; the Department of Planning and Development; and the Department of Municipal Policing. The Mayor would assign to a Secretary responsibility for finance. Each Department would be the responsibility, and under the general direction and control, of a Secretary.

The members of an Executive Council would be individually and collectively responsible to its Municipal Council and an Executive Council would be able to implement its decisions without the prior approval of its Municipal Council. Further, the Executive Council would continue to discharge its functions during any period that the terms of office of all the Members of its Municipal Council have expired.

Provision would also be made for the tenure of the members of the Executive Council, for the passing of motions of no confidence in the Mayor, and for dealing with a temporary absence of the Mayor or with a vacancy in the office of Mayor.

Part V of the Bill would provide for the meetings and proceedings of the Municipal Councils and for the making of Rules and Standing Orders with respect to such meetings and proceedings.

Part VI of the Bill would make certain financial provisions for the Corporations. Each Corporation would have a Corporation Fund. A Corporation would also be able to establish a foundation for a specified purpose or purposes. The funds of a foundation would consist of donations and other contributions received by a Municipal Council for the purposes of the foundation. All other moneys received by a Corporation, including sums appropriated to it by Parliament, would be paid into its Corporation Fund.

The Minister of Finance would be required to consider specified factors, such as the Municipality's sustainable development needs and population, in considering the draft estimates of sums to be appropriated to a Corporation.

The work plan of a Corporation would be prepared by the Secretary who is responsible for finance and be submitted for the approval of the Municipal Council and then that of Cabinet. The work plan would consist of a three-year corporate plan and a one-year business plan.

Provision would be made for Corporations to retain unexpended moneys for capital investment purposes and for a sum equal to the moneys retained to be set off against the appropriation for the following financial year. Provision would also be made in relation to the power of Corporations to borrow moneys, the accounts of the Corporations, the auditing of such accounts, the making of Financial Rules for the Corporations by the Minister of Finance and the acquisition and alienation of real property by Corporations.

Part VII of the Bill would provide for matters relating to the staff of the Corporations. Each Corporation would have a Chief Executive Officer who would be appointed on contract and would be the accounting officer for the Corporation. Each Department of a Corporation would be under the supervision of a Head of Department.

There would also be a Secretary to Council who would be responsible for matters assigned to him in the Rules and Standing Orders of the Municipal Council and for such other matters as may be assigned to him by the Mayor.

The staff establishment of each Corporation would be subject to the approval of the Minister. Provision would be made for the employment of legal officers, accountants, engineers, public health officers and other officers and employees on contract.

Part VIII of the Bill would provide for the establishment and powers of the Municipal Police Service. Part IX of the Bill would provide for the Association of Local Government Agencies, whose goal would be to promote the common interests of all local government bodies.

Part X of the Bill would provide for the establishment of Central Administrative Districts and Central Administrative District Co-ordinating Committees. The responsibilities of the Co-ordinating Committees are specified in Schedule 9.

Part XI of the Bill would make provisions in relation to legal proceedings. Part XII of the Bill would provide for the making of By-laws, Rules and Regulations. Part XIII would make certain general provisions and Part XIV would provide for the repeal of the Municipal Corporations Act (Chap. 25:04), the consequential amendment of certain written laws and for certain transitional provisions, including the transfer of powers, rights, property, liabilities and staff from the existing Municipal Corporations to the Corporations established under the proposed Act.

# **THE LOCAL GOVERNMENT BILL, 2009**

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*Clause*

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## A BILL

An Act to reform and modernise local government in Trinidad, to provide for certain Municipalities, the delineation of their boundaries, and their classification as cities, boroughs and regions, to provide for the continuation of certain Municipal Corporations and the establishment of new Municipal Corporations, to provide for a Municipal Council, an Executive Council and uniformed Departments for each Municipal Corporation, to specify the responsibilities of the Municipal Corporations, the Municipal Councils, the Executive Councils and the Departments and the role of the Government in relation to Municipal Corporations, to establish Central Administrative Districts and Central Administrative District Co-ordinating Committees, to repeal and replace the Municipal Corporations Act (Chap. 25:04) and to provide for related matters.

Enactment            ENACTED by the Parliament of the Republic of Trinidad and Tobago as follows:

### PART I PRELIMINARY

- Short title            1. This Act may be cited as the Local Government Act, 2009.
- Commencement        2. This Act comes into force on such date as the President may, by Proclamation, appoint and different dates may be appointed for the purposes of different provisions of this Act.
- Interpretation        3. In this Act, unless the context otherwise requires,
- “Alderman” means a person referred to in **section 7(1)(b)**;
- “Chief Executive Officer” means the person holding, or acting in, the office of Chief Executive Officer of a Corporation referred to in **section 60**;
- “Corporation” or “Municipal Corporation” means a Municipal Corporation continued or established under **section 6**;
- “Council” or “Municipal Council” means the Municipal Council of a Corporation referred to in **section 7**;
- “Councillor” means a person referred to in **section 7(1)(a)**;
- “Deputy Mayor” includes Deputy Chairman;
- Chap. 2:01            “elector” means a person registered under the Representation of the People Act as an elector for elections for members to serve in a Municipal Council;

“electoral district” means a constituency defined in an Order made under section 4 of the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, and constituted in the manner prescribed by the Rules set out in the Second Schedule to that Act; Chap. 25:50

“Executive Council” means the Executive Council of a Municipal Corporation referred to in **section 28**;

“former Act” means the Municipal Corporations Act repealed by this Act; Chap. 25:04

“Mayor” includes Chairman;

“Member” means a member of a Municipal Council, that is to say, a Councillor or Alderman of a Corporation;

“Minister” means the Minister with responsibility for local government;

“Ministry” means the Ministry with responsibility for local government;

“Municipality” means an area referred to in **section 5(1)**;

“oath” includes an affirmation;

“primary election” means an election referred to in **section 7(1)(a)**;

“Returning Officer” means the Returning Officer of an electoral district under the Representation of the People Act;

“Secretary to Council” means an officer of the Corporation to whom the functions of the Secretary to Council under this Act are assigned;

“Service Commission” means the Statutory Authorities Service Commission established under the Statutory Authorities Act; Chap. 24:01

“Trinidad” includes the Five Islands, the islands of Gasparee, Monos and Chacachacaree and other islands off the coast of Trinidad.

**4.** This Act applies to Trinidad, the Municipalities and the Municipal Corporations. Application

**PART II**  
**MUNICIPALITIES, MUNICIPAL CORPORATIONS**  
**AND MUNICIPAL COUNCILS**

Establishment of  
Municipalities

**5.** (1) For the purposes of local government, the island of Trinidad shall be divided into the following twelve Municipalities:

- (a) the City of Port-of-Spain;
- (b) the City of San Fernando;
- (c) the City of Arima;
- (d) the City of Chaguanas;
- (e) the Borough of Point Fortin; and
- (f) such seven other Municipalities as the President may, by Order subject to affirmative resolution of Parliament, specify.

(2) The President may, by Order subject to affirmative resolution of Parliament,

- (a) specify the boundaries of a Municipality; or
- (b) classify a Municipality as a city, borough or region.

(3) For the purposes of this Act, a Municipality includes all the lands, houses and buildings within its boundaries.

Continuation and  
establishment of  
Municipal  
Corporations

**6.** (1) For the purposes of local government, there shall be a Municipal Corporation (hereinafter referred to as “a Corporation”) for each Municipality as follows:

- (a) the Corporation continued under the former Act and known by the corporate name of “the Mayor, Aldermen, Councillors and Citizens of the City of Port-of Spain” is continued under this Act for the purposes of the City of Port-of Spain and shall henceforth be known by the corporate name of “the Port-of-Spain City Corporation”;
- (b) the Corporation continued under the former Act and known by the corporate name of “the Mayor, Aldermen, Councillors and Citizens of the City of San Fernando” is continued under this Act for the purposes of the City of San

Fernando and shall henceforth be known by the corporate name of “the San Fernando City Corporation”;

- (c) the Corporation continued under the former Act and known by the corporate name of “the Mayor, Aldermen, Councillors and Citizens of the Borough of Arima” is continued under this Act for the purposes of the City of Arima and shall henceforth be known by the corporate name of “the Arima City Corporation”;
- (d) the Corporation established under the former Act and known by the corporate name of “the Mayor, Aldermen, Councillors and Citizens of the Borough of Chaguanas” is continued under this Act for the purposes of the City of Chaguanas and shall henceforth be known by the corporate name of “the Chaguanas City Corporation”;
- (e) the Corporation continued under the former Act and known by the corporate name of “the Mayor, Aldermen, Councillors and Citizens of the Borough of Point Fortin” is continued under this Act for the purposes of the Borough of Point Fortin and shall henceforth be known by the corporate name of “the Point Fortin Borough Corporation”;
- (f) the President may, by Order subject to affirmative resolution of Parliament, establish for a Municipality referred to in **section 5(1)(f)**, a Municipal Corporation bearing such corporate name as is specified in the Order.

(2) A Corporation shall be a body corporate and shall have such functions and powers with respect to the local government of its Municipality as are conferred on it by this Act or any other written law.

7. (1) A Corporation shall have a Municipal Council consisting of

Establishment of  
Municipal  
Councils

- (a) one Councillor for each electoral district within its Municipality and each Councillor shall be elected at an election held, subject to this Act, in accordance with the Representation of the People Act; and
- (b) Aldermen elected in accordance with **section 9**.

(2) The electors of a Municipality are members of the Corporation for that Municipality.

(3) A Corporation shall have and use a common seal which shall be judicially noticed.

Swearing in of  
Councillors  
Schedule 1

**8.** The Chief Executive Officer of a Corporation shall administer the oath of office set out in Schedule 1 to the Councillors of that Corporation at a meeting held, not later than ten days after the date of the primary election, for the purposes of this section.

Election of  
Aldermen

**9.** (1) Immediately after the swearing in referred to in section 8, the Councillors shall, in accordance with **section 11**, elect four Aldermen, and where the majority of the Councillors belong to the same political party, the other Councillors shall, in accordance with **section 11**, elect one Alderman.

Schedule 1

(2) The Chief Executive Officer shall administer to each Alderman the oath of office set out in Schedule 1.

Election of  
Mayors and  
Chairmen and  
nomination of  
Deputy Mayors  
and Deputy  
Chairmen  
**Schedule 2**

**10.** (1) In the case of a Corporation for a Municipality that is a city or a borough,

- (a) the Members shall, immediately after the swearing in referred to in **section 9**, elect from among their number a Mayor in accordance with **section 11** and following such election, the Chief Executive Officer shall administer to the Mayor, the oath of office set out in Schedule 2; and
- (b) immediately after the swearing in of the Mayor, the Mayor shall nominate one of the Members to be Deputy Mayor and following such nomination, the Chief Executive Officer shall administer to the Deputy Mayor, the oath of office set out in Schedule 2.

(2) In the case of a Corporation for a Municipality that is a region,

- (a) the Members shall, immediately after the swearing in referred to in **section 9**, elect from among their number a Chairman in accordance with **section 11** and following such election, the Chief Executive Officer shall administer to the Chairman, the oath of office set out in Schedule 2; and
- (b) immediately after the swearing in of the Chairman, the Chairman shall nominate one of the Members to be Deputy Chairman and following such nomination, the Chief Executive Officer shall administer to the Deputy Chairman, the oath of office set out in Schedule 2.

**11.** (1) In the case of elections held under **section 9 or 10**, the Chief Executive Officer shall receive nominations of candidates from any Member who has already been sworn, except that no Member shall nominate more than one candidate for the same office, whether as proposer or seconder.

Procedure for elections under sections 9 and 10

(2) Where not more than one candidate is nominated for an office, the Chief Executive Officer shall declare that candidate duly elected, but where more than one is nominated, election shall be by secret ballot.

(3) The person elected to an office shall be the candidate receiving the highest number of votes, but where because of an equality of votes the election of a person is impossible, the ballot shall be retaken in respect of the relevant candidates.

(4) Where on the second ballot the equality of votes continues, the meeting shall determine by lot which of the persons obtaining such equal votes shall be elected.

**12.** As soon as practicable after the election of the Aldermen under **section 10**, the names of the Members shall be posted in a prominent place within the precincts of the Chamber of the Council and be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

Publication of names of Members

**13.** (1) No person elected to a Council shall assume the duties of his office until he is administered the relevant oath of office.

Assumption of duty

(2) Except in the case of a person who is elected to fill a vacancy under **section 21**, the term of office of a Councillor commences on the day on which he is elected to office and the term of office of an Alderman commences on the day on which he is administered the relevant oath of office.

**14.** (1) Where a person elected to serve in a Council is not present at the meeting referred to in **section 8**, he shall be administered the oath of office by the Chief Executive Officer at a meeting convened for that purpose and held not later than one month after the date of his election to office or, subject to subsection (3), at the next ordinary meeting at which he is present.

Time limit for swearing in

(2) Subject to subsection (3), where at the expiration of one month from his election, a Member has not taken the oath of office, he is disqualified from assuming the duties and responsibilities of a Member and his seat shall fall vacant.

(3) A Council may resolve before the expiration of the period of one month of the election of a Member who has not taken the oath of office, whether on its own motion or at the request of that Member, to extend the period of one

month to a period not exceeding three months, at the end of which extended period, should the Member not be sworn, his seat shall fall vacant.

(4) Any extension of time granted in accordance with subsection (3) shall be immediately notified by the Mayor of the Council to the Prime Minister.

Qualification for  
membership of a  
Council

**15.** (1) Subject to subsection (4), a person is qualified to be elected as a Councillor in a primary election or on a bye-election, if that person

- (a) is a citizen of the Republic of Trinidad and Tobago;
- (b) is qualified to be an elector under section 13 of the Representation of the People Act except that such person is not disqualified from being a candidate by reason only that
  - (i) he resides, or
  - (ii) his qualifying property is situated,  
  
in the electoral area but in an electoral district other than the electoral district for which he seeks to be a candidate;  
and
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language.

(2) In subsection (1), “electoral area” and “electoral district” have the meanings assigned to those expressions in section 2 of the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act.

(3) Except for the requirements in subsection (1)(b), Aldermen shall be persons who qualify to be Councillors and who possess demonstrated knowledge, expertise or experience in professional or vocational occupations suitable to the development focus of the Municipality.

(4) A person is disqualified from being elected as a Member if he is not a citizen of the Republic of Trinidad and Tobago, or if, being such a citizen, he

- (a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or State;

- (b) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (c) is a mentally ill person within the meaning of the Mental Health Act;
- (d) is under a sentence of death imposed on him by a Court in any country or is serving a sentence of imprisonment, by whatever name called, exceeding twelve months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him by such a Court or is under such a sentence of imprisonment, the execution of which has been suspended;
- (e) is disqualified from being elected under sections 31 and 32 of the Representation of the People Act;
- (f) holds, or is acting in, an office of a Corporation by virtue of Part VII, but a person is not disqualified by reason of
  - (i) receiving, or being entitled to receive, payment by way of travelling or subsistence allowances, or a refund of out-of-pocket expenses; or
  - (ii) his receiving fees as a medical practitioner from the Corporation as the local authority of a sanitary district, fees for the notification of cases of infectious diseases under the Public Health Ordinance or any similar written law;
- (g) is a member of the Senate, the House of Representatives, the Tobago House of Assembly or another Corporation;
- (h) is debarred from exercising that practice of his profession on account of any act of dishonesty;
- (i) has within five years before the day of the election or since his election been surcharged to an amount exceeding two thousand, five hundred dollars under the Exchequer and Audit Act or under Part VI.

(5) A Council may, by resolution, require a Member to make within three days a declaration in the form set out in Schedule 3 that he continues to be qualified to be a Member but no person shall be required to make such a

Schedule 3

declaration unless a period of at least six months has elapsed since his election as a Member or since his last declaration under this section.

(6) A Member who

- (a) makes a declaration under subsection (5) which he knows, or ought reasonably to know, to be false; or
- (b) carries out the duties of his office after he becomes aware, or ought reasonably to have become aware, that he is not qualified to be a Member,

commits an offence and is liable on conviction on indictment to a fine of five thousand dollars.

Remuneration of Members

**16.** (1) The salary, allowances and other conditions of service of a Mayor, a Deputy Mayor, a Secretary, an Assistant Secretary and other Councillors and Aldermen shall be reviewed by the Salaries Review Commission in accordance with section 141 of the Constitution.

(2) A Council shall, in accordance with Financial Rules made under section 60, establish a contributory pension scheme for its Members.

(3) The salaries and allowances payable to a Mayor, a Deputy Mayor, a Secretary, an Assistant Secretary and other Councillors and Aldermen are a charge on the relevant Corporation Fund.

(4) Section 3(5) of the Constitution applies to the offices of Mayor, Deputy Mayor, Secretary, Assistant Secretary and Member.

(5) A Mayor, Deputy Mayor, Secretary or Assistant Secretary shall not engage in any trade, business, occupation or other undertaking for profit or remuneration other than that of serving as Mayor, Deputy Mayor, Secretary or Assistant Secretary, as the case may be.

Expiration of term of office of Members

**17.** (1) The term of office of all Members of the first Council elected under this Act shall expire on the last day of the period of four years from the date of the primary election and the term of office of all Members of a subsequent Council shall expire on the last day of the period of three years from the date of the primary election.

(2) A person whose term of office as a Member has expired is eligible for re-election, unless that person is disqualified under **section 15(4)**.

Exemption from jury service

**18.** Notwithstanding any written law, a Member shall be exempt from jury service.

**19.** Subject to **section 20**, the seat of a Member becomes vacant where he

Seat of Member -  
how vacated

- (a) dies;
- (b) submits a written resignation to the Mayor or, in the case of the Mayor, where he submits a written resignation to the Council, through the Secretary to the Council;
- (c) is without leave of the Council continuously absent from the relevant Municipality for more than ninety days or from three consecutive ordinary meetings of the Council;
- (d) ceases to possess any of the qualifications required by section 15(1) or is or becomes disqualified from being a Member for any reason set out in section 15(4); or
- (e) refuses or neglects to make a declaration that he is qualified to continue to be a Member under section 15(5).

**20.** (1) A Council shall formally declare a vacancy in its membership

Declaration of  
vacancy

- (a) at the first meeting of the Council following the vacating of a seat by virtue of **section 14(2)** or **section 19**; or
- (b) on the adoption of a motion of the Members based on the recommendation of a committee appointed for the purpose of ascertaining whether the seat of a Member is vacant in accordance with **section 19(d)** .

(2) A vacancy pursuant to subsection (1) shall have effect from the date on which it is so declared.

(3) The notice of a declaration of vacancy shall be signed by the Secretary to Council and sent forthwith to the President through the Minister and a copy thereof shall be posted up in a prominent position within the precincts of the Chamber of the Council and published in at least one daily newspaper circulating in Trinidad and in Tobago.

**21.** (1) Where the President is notified that a seat of a Councillor has become vacant, the President shall, subject to subsections (2) and (3), issue a writ addressed to the Returning Officer of the corresponding electoral area for the holding of a bye-election for the election of a Councillor to fill the vacancy.

Filling of  
vacancy

(2) The Prime Minister shall advise the President of the date of a bye-election of a Councillor, which date shall not be later than the expiration of three months after the declaration of the vacancy.

(3) No bye-election for the election of a Councillor shall be held within a period of twelve months prior to the expiration of the term of office of all the Members under **section 17(1)**.

(4) Where the seat of an Alderman is vacated, an election to fill that vacancy in accordance with **section 11** shall be held within three months of the declaration of the vacancy.

(5) A person elected to a Council to fill a vacancy shall be administered the relevant oath of office by the Chief Executive Officer.

Date of primary election

**22.** A primary election shall be held within three months of the expiry of the term of office of all the Members under **section 17(1)**.

Responsibilities of Councils Schedule 4

**23.** (1) A Council shall be responsible for the matters specified in Schedule 4.

(2) A Council may appoint such committees as it thinks fit to facilitate the efficient and effective conduct of its business.

Prevention of corruption and integrity in public life  
Chap. 11:11  
Chap.22:01

**24.** (1) A Council is a public body for the purposes of the Prevention of Corruption Act.

(2) Members are persons in public life for the purposes of the Integrity in Public Life Act.

### **PART III FUNCTIONS OF MUNICIPAL CORPORATIONS**

Responsibility of Corporations

**25.** (1) Subject to section 75(1) of the Constitution, a Corporation shall, in relation to its Municipality, be responsible for

(a) providing and maintaining services and implementing projects consistent with Central Government policies so as to promote sustainable development in the following core areas of responsibility:

- (i) municipal management and corporate services;
- (ii) public health and environment;

- (iii) social services and community outreach;
- (iv) facilities maintenance and physical infrastructure;
- (v) planning and development;
- (vi) municipal policing; and
- (vii) finance; and

- (b) the management and delivery of the services set out in Schedule 5 in furtherance of its responsibilities under paragraph (a) and in accordance with any other written law.

(2) For the better performance of its functions, a Corporation is hereby empowered to do all such acts and take all such steps as may be necessary for, or incidental to the exercise of its powers or for the discharge of its duties and in particular the Corporation may

- (a) devise mechanisms to ensure the protection and security of property, buildings, or other assets under its control;
- (b) enter into such contracts as it deems fit for the efficient discharge of its functions;
- (c) obtain from international donors approved by the Government any grant, aid or technical assistance.

(3) Where a statutory authority or a State enterprise provides services in a Municipality, that authority or may enter into a Memorandum of Understanding or contract with the Corporation for the purpose of promoting the efficient and effective delivery of those services.

**26.** (1) The Minister may give general or specific directions to any Executive Council in relation to Government policy touching or concerning any matter, and it shall be the duty of the Executive Council to govern its actions in accordance with any such directions. Minister's role

(2) The Minister shall hold regular discussions with each Mayor or Executive Council in respect of the development of the relevant Municipality.

(3) The Minister may investigate any matter concerning the affairs of any Corporation and it shall be the duty of all holders of corporate office and officers and employees of the Corporation to provide their willing assistance in any such investigation.

Schedule 6

(4) Without prejudice to the generality of the Minister's responsibility for local government, the Ministry responsible for local government shall carry out the functions specified in Schedule 6.

Annual reports

**27.** (1) Each Mayor shall, no later than three months after the end of the financial year, present to the Minister, a report reviewing the implementation of the Corporation's work plan approved by Cabinet under **section 41** for that financial year and the activities of the Corporation during that financial year.

(2) A Mayor shall, no later than three months after the end of the financial year, submit a financial report on the activities of the Corporation to the Minister responsible for finance and the Minister.

(3) Within three months of the receipt of the report under subsection (1), the Minister shall cause a copy of the report to be laid before Parliament.

#### **PART IV EXECUTIVE COUNCILS**

Composition of  
Executive  
Council

**28.** (1) A Corporation shall have an Executive Council which shall comprise

- (a) the Mayor; and
- (b) six Secretaries selected from among the Members as the Minister, acting in accordance with the advice of the Mayor, may appoint, one of whom shall be the Deputy Mayor.

(2) The Minister may, on the advice of the Mayor, appoint not more than two Members to the office of Assistant Secretary.

(3) The Mayor shall consult with Members before he advises the Minister in accordance with subsection (1)(b) or subsection (2).

(4) The Chief Executive Officer shall administer the oath of office set out in Schedule 2 to

Schedule 2

- (a) a Secretary at a meeting held for that purpose within three days after the meeting referred to in **section 8**; and
- (b) an Assistant Secretary as soon as practicable after his appointment.

29. (1) An Executive Council shall be responsible for the carrying out of the functions and responsibilities of the Corporation. Responsibilities and powers of Executive Council

(2) Without prejudice to the generality of subsection (1), the Executive Council shall be responsible for the matters specified in Schedule 7. Schedule 7

(3) The Mayor shall, for the purposes of subsections (1) and (2), assign to a Secretary, responsibility for one or more of the following Departments of the Corporation:

(a) the Department of Municipal Management and Corporate Services, whose purpose, roles and responsibilities shall be as specified in Part I of Schedule 8; Schedule 8

(b) the Department of Public Health and Environment, whose purpose, roles and responsibilities shall be as specified in Part II of Schedule 8;

(c) the Department of Social Services and Community Outreach, whose purpose, roles and responsibilities shall be as specified in Part III of Schedule 8;

(d) the Department of Facilities Maintenance and Physical Infrastructure, whose purpose, roles and responsibilities shall be as specified in Part IV of Schedule 8;

(e) the Department of Planning and Development, whose purpose, roles and responsibilities shall be as specified in Part V of Schedule 8; and

(f) the Department of Municipal Policing, whose purpose, roles and responsibilities shall be as specified in Part VI of Schedule 8.

(4) In addition to responsibility for a Department mentioned in subsection (3), the Mayor shall assign to a Secretary, responsibility for finance.

(5) In the exercise of their powers, the members of an Executive Council shall be individually and collectively responsible to the Council.

(6) Subject to subsection (5), decisions of an Executive Council may be implemented without the prior approval of the Council.

(7) An Executive Council shall continue to discharge its functions during any period that the terms of office of all the Members have expired.

(8) An Executive Council may appoint such committees as it thinks fit to facilitate the efficient and effective conduct of its business.

Motions of no confidence

**30.** Where the Council, by a majority of two-thirds, passes a resolution declaring that it has no confidence in the Mayor and the Mayor does not within two days of the passing of such a resolution resign, the Minister shall revoke the appointment of the Mayor.

Tenure of office

**31.** (1) A Mayor shall vacate his office

- (a) where for any reason, other than the dissolution of the Council, he ceases to be a Member;
- (b) immediately before the administering of the oath under **section 10** to himself if he is re-elected or to his successor; or
- (c) where he resigns in writing addressed to the Minister.

(2) A Deputy Mayor, a Secretary or an Assistant Secretary shall vacate his office

- (a) when any person is appointed or reappointed as Mayor;
- (b) where for any reason, other than a dissolution of the Council, he ceases to be a Member;
- (c) where his appointment is revoked by the Minister acting in accordance with the advice of the Mayor; or
- (d) where he resigns in writing addressed to the Mayor.

Powers of Mayor and Secretary

**32.** (1) Where a Secretary is assigned responsibility for a Department of the Corporation, he shall exercise general direction and control over that Department.

(2) Nothing in this Act shall affect mutual consultation between a Minister and a Mayor or a Secretary.

Deputy Mayor to act as Mayor

**33.** (1) Subject to subsections (3), (4) and (5), a Deputy Mayor shall, in case of absence or illness of the Mayor, have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Act; and all things done, exercised, or suffered by the Deputy Mayor shall be as valid and effectual in all respects as if they had been done, exercised, or suffered by the Mayor.

(2) Whenever the Deputy Mayor discharges the duties of the Mayor for seven consecutive days or more, he shall, during that period, be entitled to be paid the salary and the allowances relating to the office of Mayor.

(3) Notwithstanding subsection (2), there shall be no abatement of the salary and allowances payable to the Mayor during his absence on official duties or where he is absent for any other reason from office where such absence does not exceed a period of thirty days in the aggregate during any term of one year.

(4) In the event of the death, resignation, removal or disqualification of the Mayor for any cause, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall continue in such office until the Council elects a Mayor, which election shall be held within thirty days of the succession of the Deputy Mayor to the office of Mayor under this subsection.

(5) If the Mayor is dead or absent or otherwise incapable of acting in the exercise of his powers and duties under this Act or any other written law, and the Deputy Mayor is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith in accordance with section 10 elect a Member to exercise those powers and duties in place of the Mayor for such term not exceeding the period after which the Mayor would have gone out of office by effluxion of time as the Council may, by resolution, determine.

**PART V  
MEETINGS AND PROCEEDINGS OF COUNCILS**

- 34.** The first ordinary meeting of a Council shall be held within fifteen days after the meeting referred to in **section 8**. First ordinary meeting
- 35.** The Mayor shall preside at all meetings of the Council at which he is present and shall have the right to vote and may also exercise the right of a casting vote. Mayor to have casting vote
- 36.** Where both the Mayor and Deputy Mayor are unable to attend a meeting of the Council, the Members present shall elect one of their number to preside at that meeting and the Member so elected shall retain the right to vote and may also exercise the right of a casting vote. Absence of Mayor
- 37.** (1) A Council shall hold an ordinary meeting as often as its business may require and at least once every month. Meetings
- (2) The Mayor shall convene a special meeting of the Council at the written request of not less than one-third of the Members.
- (3) A request for a special meeting of a Council shall be directed to the

Mayor.

(4) All meetings of a Council shall be open to the public except that the Mayor may order the removal of any person or persons for disorderly conduct or obstruction of the proceedings of the Council.

Notice of  
proceedings

**38.** (1) The Secretary to Council shall give each Member at least three clear days written notice of any ordinary meeting and the notice shall specify the business of the meeting.

(2) The Secretary to Council shall give each Member at least twenty-four hours written notice of any special meeting and the notice shall specify the business of the meeting.

Record of  
proceedings

**39.** The Secretary to Council shall keep, in proper form a record of the proceedings of each meeting of the Council.

Quorum

**40.** At a meeting of a Council, other than the meeting referred to in **section 8**, fifty percent of the Members plus one shall constitute a quorum.

Rules and  
Standing Orders

**41.** (1) Subject to this Act, a Council shall make Rules and Standing Orders to provide for

- (a) the safe custody and use of the Seal;
- (b) the regulation and conduct of the proceedings and meetings of the Council including records of proceedings of the Council;
- (c) the maintenance of order in the Chamber of the Council;
- (d) the conduct of debates in the Council;
- (e) the suspension of Members;
- (f) such other matters as the Council considers fit.

(2) Rules and Standing Orders of a Council may be made by a simple majority of Members and shall be subject to a negative resolution of Parliament.

(3) The Rules and Standing Orders of a Council may provide that the records of the proceedings of any meeting, shall, when copies thereof have been circulated to Members, be taken as read.

Freedom of  
speech

**42.** (1) Subject to the Rules and Standing Orders of a Council, there shall be freedom of speech in the Chamber of the Council.

(2) No civil or criminal proceedings may be instituted against any member or other person for words spoken in good faith before, or written in a report of, a Council or a committee thereof.

## **PART VI FINANCE**

**43.** In this Part -

Definitions

“Corporation Fund” means the fund of a Corporation established under section 44(1);

“Financial Secretary” means the member of the Executive Council to whom responsibility for finance is assigned;

“financial year” has the meaning assigned to it by section 3 of the Constitution;

“foundation” means a foundation established under **section 48**;

“Minister of Finance” means the Minister to whom responsibility for finance is assigned;

“national estimates” means the estimates of revenue and expenditure prepared and laid before the House of Representatives pursuant to section 113(1) of the Constitution;

“surplus” means moneys in excess remaining from a capital project as certified by a Corporation and verified by the Auditor General, which project has been satisfactorily completed in accordance with specifications and the national estimates.

**44.** (1) A Corporation shall establish a fund to be known by its corporate name to which all moneys received by the Corporation, other than sums received by it for the purposes of a foundation, shall be credited.

Corporation  
Fund

(2) A Corporation Fund shall consist of -

- (a) sums appropriated by Parliament for the service of the Corporation;
- (b) fees, dues or rent charged and collected by the Corporation for its services or use of its property;
- (c) moneys paid to the Corporation by way of grants, rent,

interest and other income derived from the investment of the Corporation's funds;

- (d) moneys derived from the disposal of, or dealing with, real or personal property held by the Corporation;
- (e) moneys borrowed by the Corporation in accordance with this Act; and
- (f) such other moneys as may become payable to the Corporation, other than sums received by it for the purposes of a foundation.

(3) In considering the sum to be included by the Minister of Finance in the national estimates of revenues and expenditure for the service of a Corporation in a financial year, the Minister of Finance shall take into account the following factors as they relate to the relevant Municipality and the functions and responsibilities of the Corporation:

- (a) the sustainable development needs as outlined in the development plans for the Municipality;
- (b) the size and density of the population;
- (c) the physical and social infrastructural needs;
- (d) the community services delivery coverage and needs;
- (e) the level and nature of housing development, settlement patterns and commercial and industrial development; and
- (f) the estimates of property tax projected to be collected by the Revenue Authority from within the Municipality during the financial year.

Moneys to be deposited into approved banks

**45.** All moneys belonging to, or received for, or on behalf of a Corporation shall as soon as practicable be paid into an account of the Corporation at such bank as the Minister of Finance shall approve, but a Council may, by resolution, authorise the Financial Secretary to retain a sum sufficient for the daily expenses of the Corporation.

Application of funds

**46.** (1) Moneys in a Corporation Fund shall be applied towards the payment of -

- (a) the salaries and other remuneration of the officers and employees of the Corporation;

- (b) the pensions and gratuities under any contract or any written law applicable to the Corporation;
- (c) the expenses incurred by the Corporation as a result of prosecuting persons who have committed offences against this Act or any other written law;
- (d) the expenses incurred by the Corporation in undertaking its functions and responsibilities;
- (e) the expenses incurred by the Corporation in the maintenance and preservation of all corporate property;
- (f) any sums payable by the Corporation as a result of a judgment of a court of law;
- (g) the expenses generally of and incidental to the carrying out of the provisions of -
  - (i) this Act;
  - (ii) the Public Health Ordinance or any Act repealing or replacing the same; Ch. 12 No. 4
  - (iii) any other written law imposing duties on the Corporation entailing expenditure; and
- (h) in the case of the Corporation that is responsible for the Queen's Park Savannah, the maintenance of the pitch walk, rails and benches around the Queen's Park Savannah;
- (i) any other sums which have been specifically voted by the Council and the payment of which is approved by the Executive Council.

(2) Where moneys in a Corporation Fund are more than sufficient to meet the expenses specified in subsection (1), the surplus may, with the consent of the Minister of Finance and the Minister, be applied under the direction of the Executive Council towards physical and social infrastructural development, including the erection of buildings and the acquisition of lands or buildings for any one or more of the following purposes:

- (a) recreation, cultural and sports development within the Municipality;

- (b) the erection and maintenance of monuments, foundations and heritage sites;
- (c) generally for the improvement of the Municipality and for the benefit of the inhabitants thereof.

Expenditure

**47.** All expenditure incurred by a Corporation, except for the purposes of a foundation, shall be paid out of its Corporation Fund.

Foundations.

**48.** (1) A Corporation may establish a foundation for such specific purpose or purposes as it thinks fit.

(2) The funds of a foundation shall consist of such donations and other contributions as may from time to time be received by a Corporation for the purposes of the foundation.

(3) All moneys to be expended out of the funds of a foundation shall be authorised by the Executive Council who shall submit a report to the Council.

(4) Within three months after the close of a financial year, an annual report on a foundation together with an audited statement of its revenue and expenditure shall be submitted to the Minister, who shall cause the report and statement to be laid in Parliament forthwith.

Work plan and estimates

**49.** (1) A Financial Secretary shall in each financial year, cause to be prepared for submission to the Council -

- (a) a work plan comprising a three-year corporate plan and a one-year business plan for the Corporation, that is consistent with any regional plan recommended by the Minister and approved by the Minister of Finance and the Minister with responsibility for planning; and
- (b) draft estimates setting out for the next financial year -
  - (i) the revenue estimated to accrue to the Corporation during that year; and
  - (ii) the expenditure estimated to be necessary to carry out the functions of the Corporation during that year.

(2) A Council shall approve the work plan and draft estimates submitted in accordance with subsection (1), with such modifications as it thinks fit.

(3) A Mayor shall, before the commencement of a financial year,

transmit to the Minister of Finance for consideration and approval, the work plan and draft estimates approved by the Council in accordance with subsection (2), together with any recommendations of the Minister in relation thereto.

(4) Upon the coming into force of this Act, the work plan and draft estimates shall be submitted to Cabinet pursuant to subsection (3) before the expiration of three months from the date of the first meeting of a Council held in accordance with **section 8**.

(5) All work plans and draft estimates subsequent to those referred to in subsection (4) shall be submitted to the Minister of Finance pursuant to subsection (3) before such date as the Minister of Finance may determine.

**50.** (1) Where a Council fails to approve draft estimates in time to allow the Mayor to proceed in accordance with **section 49(3), (4) and (5)**, there shall be allowed an extension for a period of one week.

Late submission of estimates

(2) Where a Mayor is unable to submit the estimates within the period referred to in subsection (1), the Minister of Finance shall proceed to prepare such draft estimates as he thinks fit and may take into account any draft estimates subsequently submitted by the Council.

**51.** (1) Subject to this Act, no sums shall be expended by a Corporation in any year save as provided in the national estimates for the use of the Corporation and contained in an Appropriation Act approved by Parliament, but the Council may from time to time, submit a supplemental estimate of expenditure to the Minister of Finance and the Minister for approval.

Compliance with approved national estimates

(2) A Council may, at any time during a financial year, utilise any saving under a sub-head of recurrent expenditure in the national estimates for the service of a Corporation, other than moneys to be expended on utilities, for the purpose of meeting expenditure in excess of the amount appropriated under another sub-head of such recurrent expenditure.

**52.** Notwithstanding section 42 of the Exchequer and Audit Act, moneys appropriated by Parliament for the service of a Corporation for a financial year which -

Retention of moneys

- (a) have been credited to the Corporation Fund during the financial year; and
- (b) remain unexpended at the end of that financial year,

shall be retained in the Corporation Fund and utilised by the Corporation for the purposes of capital investment approved by the Minister with responsibility for

planning, and an equal sum shall be set off against the moneys appropriated by Parliament for the service of the Corporation for the following financial year.

Power to borrow

**53.** A Financial Secretary may, after consultation with the Minister and with the approval of the Minister of Finance, borrow sums by way of term loans for the purposes of capital investment.

Accounts of Corporation

**54.** The accounts of a Corporation are public accounts for the purposes of section 116 of the Constitution.

Form of accounts and audit

**55.** A Corporation shall keep its accounts in a form approved by the Minister of Finance.

Payment and recovery of sums certified to be due

**56.** (1) Every sum certified by the Auditor General to be due from any person to a Corporation shall be paid by that person to the Corporation within fourteen days after it has been so certified or, if an appeal or application with respect to that sum has been made, within fourteen days after the appeal or application is dismissed, or refused, or abandoned, or withdrawn or fails by reason of the non-prosecution thereof.

(2) Any sum which is certified by the Auditor General to be due to a Corporation and has become payable shall be recoverable as a civil debt.

(3) In any proceeding for the recovery of such a sum, a certificate signed by the Auditor General shall be conclusive evidence of the fact certified, and a certificate signed by the Chief Executive Officer or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment unless it is proved that the sum certified to be due has been paid since the date of the certificate.

(4) Unless the contrary is proved, a certificate purporting to be signed by the Auditor General, or by the Chief Executive Officer, or other officer whose duty it is to keep the accounts, shall be deemed to have been signed by such Auditor General, Chief Executive Officer or other officer, as the case may be.

(5) The Chief Executive Officer shall cause proceedings before a Court for the recovery of any sum certified by the Auditor General to be due to be commenced within nine months from the date of the disallowance or charge or, in the event of an appeal or application being made to the High Court, within nine months from the date on which the appeal or application is dismissed or refused or abandoned or fails by reason of non-prosecution or is withdrawn.

(6) An appeal shall be deemed to have been abandoned or to have failed by reason of non-prosecution if it is not finally disposed of by the High Court within one year after it has been filed therein, or within such extended time as the Court may allow on application made within the said period of one year.

**57.** The Minister of Finance may make such Financial Rules as he considers to be necessary for the proper management of the finances of a Corporation and such Rules shall, when made, be laid in Parliament. Financial Rules

**58.** In any civil or criminal proceedings in respect of any moneys or other property whatsoever belonging to, or under the control of a Corporation, it shall be sufficient to describe the same as being the moneys or property of the Republic of Trinidad and Tobago. Description of property

**59.** (1) A Corporation may, with the approval of the President, purchase or otherwise acquire or lease any land for such purposes and on such terms and conditions as the President may approve. Acquisition and alienation of corporate property

(2) A Corporation may, where it acquires lands for public purposes, follow the procedure prescribed under the Land Acquisition Act for compulsory acquisition of lands. Chap. 58:01

(3) A Corporation may, with the consent of the President and under the Seal of the President, sell and demise any land vested in it.

(4) Land vested in a Corporation which is to be let, leased, rented, demised or sold shall, except where the President otherwise determines and in accordance with such scheme as may be approved by him, be let, leased, rented, demised or sold for the best rent or at the best price which can be reasonably obtained.

(5) Any capital money received in respect of any dealing in land pursuant to subsection (2) shall be applied towards the discharge of the capital debt of the Corporation or for any other purpose to which capital money may properly be applied.

## **PART VII STAFF AND RELATED MATTERS**

**60.** (1) The Permanent Secretary of the Ministry shall, with the approval of the Minister, appoint a Chief Executive Officer on contract for each Corporation. Chief Executive Officer

(2) The Chief Executive Officer shall be the accounting officer for the Corporation and shall be subject to the provisions of the Exchequer and Audit Act.

**61.** Each Department of a Corporation shall be under the supervision of an officer who is designated as the Head of the Department. Heads of Department

Secretary to Council

**62.** A Secretary to Council shall be responsible for the efficient discharge of such functions as fall to be discharged by him under the Rules and Standing Orders of the Council or as may be assigned to him by the Mayor.

Other staff

**63.** The staff of a Corporation shall include such other officers appointed on contract by the Permanent Secretary of the Ministry or the Corporation, such as legal officers, accountants, engineers, public health officers and such other officers and employees as may be required for the efficient discharge of the duties of the Corporation, provided that the establishment of a Corporation shall be subject to the approval of the Minister.

Contract appointments

**64.** The employment of persons on contract by the Corporation shall be subject to the guidelines prescribed by the Government in respect of the employment of persons on contract.

## **PART VIII MUNICIPAL POLICE SERVICE**

Municipal Police Service

**65.** (1) There shall be established for each Municipality, a Municipal Police Service for service in connection with the duties of the Corporation and the Police Service Commission may in consultation with the Commissioner of Police appoint for that purpose a sufficient number of commissioned officers and subordinate police officers.

(2) In this section,

“commissioned officer” means an officer of the rank of senior superintendent, superintendent, assistant superintendent or inspector;

“subordinate police officer” means an officer of the rank of sergeant, corporal or constable.

(3) Every person who immediately before the commencement of this Act held or was acting in office as a policeman for a Corporation shall, as from the commencement of this Act, continue to hold or act in the like office as a Municipal Police Officer in the Service established for the Corporation hereby continued by this Act on the same terms and conditions enjoyed prior to the coming into force of this Act.

(4) The President may, by Order, exempt a Corporation from the application of this Part.

<p><b>66.</b> The President may issue arms and ammunitions to a Municipal Police Service and any member thereof may carry and use the same for lawful purposes.</p>	<p>President may issue arms to service</p>
<p><b>67.</b> Every member of a Municipal Police Service shall be sworn in by the Commissioner of Police as a Municipal Police Officer.</p>	<p>Precept by Commissioner of Police</p>
<p><b>68.</b> The Commissioner of Police may, on the advice of the Police Service Commission, permit persons appointed to be Municipal Police Officers under <b>section 67</b> to wear the badges of the ranks and uniforms similar to those worn by members of the respective ranks in the Police Service.</p>	<p>Badges and uniforms</p>
<p><b>69.</b> The Commissioner of Police may at any time command any Municipal Police Officer to perform and discharge within the Municipality for which his Service was established such duties as members of the Police Service may be required to perform and discharge.</p>	<p>Authority of Police Commissioner</p>
<p><b>70.</b> Every member of a Municipal Police Service, in addition to the special powers vested in him under this Act, has in respect of the whole of Trinidad and Tobago all the powers, privileges and immunities conferred on a constable by the Common Law, and also all the powers, privileges, immunities and liabilities conferred or imposed on a constable or on a First Division or Second Division police officer of corresponding rank by the Police Service Act, 2006 and every act done by or to any member of a Municipal Police Service in the execution of his duty has the same effect and is attended with the same liabilities and other consequences and is punishable in the same manner as if done by or to a member of the Police Service in the execution of his duty.</p>	<p>General powers and immunities of Municipal Police Officers No. 7 of 2006</p>
<p><b>71.</b> (1) A Municipal Police Officer may arrest without warrant all persons found by him committing any offence against this Act or against any By-laws or Regulations made under this Act.</p>	<p>Offenders may be arrested without warrant</p>
<p>(2) Subject to subsection (3), a person so arrested may be taken to a police station within the Municipality and the police officer on duty at such station shall, on receiving a warrant signed by the Municipal Police Officer who made the arrest and purporting to show that the person arrested was liable to arrest under this Act, detain the person at the station until he can be conveniently taken before some Magistrate or Justice to be dealt with according to law.</p>	
<p>(3) A person arrested under this section may not be detained longer than is reasonably necessary for bringing him before a Magistrate or in any case for more than forty-eight hours and no action shall lie against any Municipal Police Officer or police officer on duty for anything lawfully done by him under a warrant to this section.</p>	
<p><b>72.</b> (1) Where any person who has been arrested without a warrant by a Municipal Police Officer under <b>section 71</b> and has been brought to a police</p>	<p>Power to bail</p>

station within the Municipality in which the police officer serves at any time by day or night at which a Magistrate is not actually sitting for the public administration of justice at the place used for that purpose in the Municipality, the police officer on duty at such station may, unless he has good and sufficient reason to do otherwise (which reason shall be recorded in the Station Diary), admit that person to bail by recognisance without sureties for an amount not exceeding two thousand dollars to appear before a Magistrate at a time and place specified in the recognisance.

(2) The police officer on duty shall enter in a book kept for that purpose the name, residence, and occupation of the person entering into the recognisance and of his sureties, if any, with the condition of the recognisance and the sums acknowledged and the book shall be laid before the Magistrate present at the time when and place where the recognisor is required to appear.

(3) Where the recognisor does not appear at the place and time required or within one hour afterwards, the Magistrate may, by endorsement on such recognisance, declare the same to be forfeited and may issue a warrant for the imprisonment of the recognisor and his sureties or surety, if any, for any term not exceeding six months unless the amount mentioned in the recognisance is paid.

(4) Whether the recognisor does or does not appear, the Magistrate may, if he thinks fit, enlarge the recognisance to such further time as he appoints.

Municipal police officers may lay information

**73.** Information and complaints in respect of any offences committed within a Municipality against the provisions of this Act or of any By-laws, Rules or Regulations made for a Corporation under this Act or any other written law, may be laid and made by any Municipal Police Officer appointed for that Corporation in his own name, and such Municipal Police Officer may also conduct the proceedings before the Magistrate in all cases in which he is the complainant under the powers conferred by this section.

Sale of stolen or abandoned property

**74.** (1) Where any personal property of any kind is in the possession of a Corporation or a member of the Municipal Police Service in connection with a charge of an offence under this Act or any Act administered by the Corporation or any By-laws of the Corporation or by reason of having been found abandoned in a public place and the Corporation or the commissioned officer is unable to ascertain its owner, the Corporation may cause it to be sold or otherwise disposed of as provided below and, subject to subsection (3), may retain to its own use the proceeds of such sale or disposition.

(2) Where such property is perishable or its custody involves unreasonable expense or inconvenience, the sale or disposition of it may be made at any time without notice of any kind and, with respect to other cases, the Executive Council may in the case of property other than motor vehicles, sell the same after the expiration of three months from the time it came into possession of

the Executive Council or member of the Municipal Police Service.

(3) Where the property consists of money, it shall be dealt with in all respects as is provided above with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Corporation for three months and has been advertised for ten days.

**75.** (1) Every Municipal Police Officer of the rank of Inspector or above shall *ex officio* be a Justice of the Peace in and for the whole of Trinidad and Tobago and shall take the oath as such Justice.

Certain  
Municipal Police  
Officers to be  
justices

(2) As a Justice every such Municipal Police Officer shall at all times act ministerially for the purposes of the preservation of the peace, the prevention of crime and the detection and committal of offenders, and for carrying out the other objects of this Act but he shall not in any way act judicially as a Justice, either in any Court or in any other manner, except when specially appointed so to act.

**76.** A Corporation having an interest in a building or area beyond the boundaries of the Municipality may undertake and agree to pay the whole or part of the cost of policing such building or area.

Policing beyond  
the area of the  
Municipality

**77.** The Police Service Commission may make Regulations providing for the classification of officers in a Municipal Police Service, including qualifications, duties and remuneration and providing generally for the discipline, good order and government of the Municipal Police Services and until such Regulations are made hereunder, Regulations made under the Police Service Act, insofar as the Commission deems them applicable to any matter concerning Municipal Police Services or Municipal Police Officers, shall apply *mutatis mutandis*.

Regulations for  
Municipal Police  
Force

**78.** The President may make regulations respecting the description and issue of arms, ammunition, accoutrements, uniform and necessaries to be supplied to the Municipal Police Services.

Regulations  
respecting arms

## **PART IX ASSOCIATION OF LOCAL GOVERNMENT AUTHORITIES**

**79.** (1) There is hereby established for the purposes set forth in subsection (2), an Association to be known as the Association of Local Government Authorities of Trinidad and Tobago (referred to below as “the Association”) consisting of all Members of all Municipal Councils.

Association of  
Local  
Government  
Authorities

(2) The objects of the Association are to promote the common interests of all local government bodies and more particularly

- (a) to promote the effective and efficient management of Corporations;
- (b) to act as a medium of communication, and to confer, with Government Corporations;
- (c) to provide representation on Government entities or public bodies;
- (d) to harmonise and promote policies and standards;
- (e) to promote the self-regulation of Corporations;
- (f) to facilitate inter and intra municipal cooperation and viable twinning arrangements with regional and international local government bodies.

Management

**80.** (1) The affairs of the Association shall be managed by a Chairman, a Vice-Chairman and an Executive Committee consisting of not fewer than five nor more than nine members elected by the members of the Association from among themselves.

(2) The Chairman shall be the Chief Executive Officer of the Association and shall have supervision over and direction of the work of the Association and the duties to be performed by the other members of the Executive Committee and the duties to be performed by such members of the staff.

(3) A Corporation may, subject to the approval of the Association, pay a reasonable subscription whether annually or otherwise to the funds of the Association.

(4) The staff of the Association shall consist of such public officers as may be assigned to it or such persons who may be employed by the Association.

(5) The Association may approve the establishment of one or more professional committees consisting of members of the Association who belong to the same profession.

Code of Ethics

**81.** Subject to the approval of the President, the Association shall develop, adopt and keep under review a Code of Ethics to which its members must adhere and, until a Code of Ethics is so adopted, the “Code of Ethics for Parliamentarians including Ministers” adopted by resolution of Parliament shall, in so far as it is appropriate to the conduct, functions and duties of Members of Municipal Corporations, apply *mutatis mutandis*.

**PART X  
CENTRAL ADMINISTRATIVE DISTRICTS**

**82.** (1) For the purposes of local government, the island of Trinidad shall be divided into seven Central Administrative Districts as the President may, by Order subject to affirmative resolution of Parliament, specify.

Establishment of  
Central  
Administrative  
Districts

(2) Each Central Administrative District shall comprise such Municipalities as are specified in the Order made under subsection (1).

**83.** (1) There is established for each Central Administrative District, a Central Administrative District Co-ordinating Committee which shall consist of a representative from

Co-ordinating  
Committees

- (a) each Municipal Corporation within the Central Administrative District;
- (b) such Ministries as the Minister may, by Order, specify;
- (c) the Water and Sewerage Authority;
- (d) the Trinidad and Tobago Electricity Commission;
- (e) the Regional Association of Non-Governmental and Community-Based Organizations; and
- (f) any other authority or agency that the Minister may, by Order, specify.

(2) The names of the representatives selected to serve on a Co-ordinating Committee shall be submitted to the Minister and the appointment of persons as chairman and members of a Co-ordinating Committee shall be subject to the recommendation of the Minister and the approval of Cabinet.

**84.** A Co-ordinating Committee shall be responsible for the matters specified in Schedule 9.

Responsibilities  
of Co-ordinating  
Committees  
Schedule 9  
Procedures of  
Co-ordinating  
Committees

**85.** (1) A Co-ordinating Committee shall, subject to the approval of the Minister, establish the procedure to be followed for the conduct of its business and shall meet at least once every month.

(2) A Co-ordinating Committee shall report to the Minister once every month and when requested by the Minister to do so.

(3) A Co-ordinating Committee shall have the authority to summon officers from the various agencies to attend its meetings and to require them to submit monthly, quarterly or yearly programmes or work plans of the relevant agencies for scrutiny, discussion and rationalizing to avoid duplication and ensure effective coordinating of service delivery within the Central Administrative District.

(4) Subject to the approval of the Minister, a Co-ordinating Committee may appoint officers with the relevant professional qualifications or skills and competencies to monitor, evaluate, review or certify the execution of programmes or projects undertaken by the various agencies represented on the Co-ordinating Committee.

(5) The Minister may issue general operating and policy guidelines for a Co-ordinating Committee and the Co-ordinating Committee shall comply with such guidelines.

## **PART XI LEGAL PROCEEDINGS**

Recovery of penalties

**86.** (1) Unless otherwise expressly provided, any offence under this Act or under any By-laws, Rules or Regulations made under this Act is punishable on summary conviction under the Summary Courts Act; and all such offences and all penalties, fines, forfeitures, costs and expenses under this Act or under any such By-laws, Rules or Regulations directed to be recovered in a summary manner or the recovery of which is not otherwise provided for may be prosecuted and recovered in the manner provided by the Summary Courts Act.

(2) Any information or complaint for any offence against the provisions of this Act or of any other written law, including any By-laws, Rules or Regulations made by the Council, for breach of the provisions whereof the Council may institute proceedings, may be laid or made in the name of the Corporation by any officer of the Corporation duly authorised in that behalf by resolution of the Council either generally or in respect of offences against the provisions of specified written laws; and any officer authorised in that behalf by resolution of the Council may conduct the proceedings before a Magistrate in any case in which the Corporation is either a complainant or a defendant.

(3) All penalties, fines, forfeitures, costs and expenses recovered in respect of offences committed against the provisions of this Act or under any By-laws, Rules or Regulations made by a Corporation under this Act or under any other written law administered by a Corporation shall be received by the Magistrate and paid over by him to the Corporation within whose municipal boundaries the offence took place for the use of that Corporation.

**87.** (1) Any person who does any act in contravention of any of the provisions of this Act or of any By-laws, Rules or Regulations made under any power conferred by this Act, or who fails to execute any work, or to do anything which he is required to do by virtue of any of the provisions of this Act or of any such By-laws, Rules or Regulations or of any order or notice served upon him by a Corporation by virtue of this Act is, unless some other penalty is provided therefor, liable to a fine of ten thousand dollars and in case of a continuing offence, to a further fine of one thousand hundred dollars for each day that such offence is continued after written notice thereof from the Corporation.

Penalties for offence not otherwise provided for

(2) Where the beginning of the execution of any work is an offence in respect of which the offender is liable under this Act or under any By-laws, Rules or Regulations, to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the Act or of the By-laws, Rules or Regulations shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect of such existence after the expiration of one year from the day when the offence was first discovered by the Corporation.

**88.** (1) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may be brought by any elector of the Corporation; but no action shall lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

Procedure in penal actions against corporate officers

(2) The Court or a Judge may, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(3) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs to be taxed as between attorney-at-law and client.

(4) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5) Fifty percent of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

**89.** (1) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of three months from the time when he became disqualified after election.

Quo warranto and mandamus

(2) In the case of such an application, or of an application for a *mandamus* to proceed to an election of a corporate officer other than a Councillor, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3) The notice shall set forth the name and description of the applicant and a statement of the grounds of the application.

(4) The applicant shall deliver, with the notice, a copy of the affidavits whereby the application will be supported.

(5) The respondent may show cause in the first instance against the application.

(6) When sufficient cause is not shown, the Court, on proof of due service of the notice, statement and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or *mandamus* absolute.

(7) The Court may, if it thinks fit, direct that any writ or *mandamus* issued be peremptory in the first instance.

Recovery of  
expenses from  
owners

**90.** (1) Where a Corporation has incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same were incurred is liable under any provision of this Act or under any agreement with the Corporation, such expenses may be recovered together with interest thereon at ten per cent per annum computed from the date of the service of a demand for the same to the date of payment from the owner for the time being of such premises, and, until recovery of such expenses and interest, the same shall be a charge on the premises for or in respect of which they were incurred.

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(2) Subject to subsection (3), the Corporation may, by order, or in any agreement with such owner, declare such expenses to be payable by annual instalments within a period not exceeding five years with interest on any part thereof remaining unpaid may, without prejudice to the power of sale vested in the Corporation by virtue of the Rates and Charges Recovery Act, be recovered by action in any Court of competent jurisdiction from the owner or the occupier for the time being of such premises and, if paid by or recovered from the occupier, may be deducted by him from the rent due or accruing due to the owner.

(3) Where any of the instalments or the interest or any part of either is in arrear and unpaid for a period of three months after the time appointed for the payment thereof, the whole amount of the expenses remaining unpaid and charged on such premises shall forthwith become payable to the Corporation and the power of sale vested in the Corporation for the amount shall forthwith become

exercisable for the recovery of the outstanding instalments and interest thereon at the rate of ten per cent per annum computed from the date of payment of the last instalment, or if no instalment has been paid from the date when the expenses charged on such premises first became due and payable by the owner.

(4) Where, otherwise than in the circumstances referred to in subsection (1), a Corporation incurs any expense in consequence of the breach by any person of any provision of any By-laws or Regulations made under this Act, the expense with interest computed at the rate of ten per cent each year from the date such expenses were incurred shall be recoverable in a summary manner by the Corporation from the person committing the breach.

**91.** (1) Where in any legal proceedings it becomes necessary to prove any document of a Corporation, a copy of or an extract from such document purporting to be certified to be true by the Chief Executive Officer shall be sufficient *prima facie* evidence of such document.

Certified copies of documents to be *prima facie* evidence thereof

(2) No proof shall be required of the handwriting or of the official position of the Chief Executive Officer certifying in pursuance of this section to the truth of any such copy of or extract from any document.

(3) For every certified copy of or extract from any document supplied by the Corporation in pursuance of this section, there shall be paid to the Corporation for every page or part thereof contained in such copy or extract the sum of twenty dollars.

(4) No officer of a Corporation shall in any legal proceeding be compellable to produce any document the contents of which can be proved by a certified copy under the provisions of this section except on the order of a Judge or Magistrate made for special cause.

(5) Where any officer of a Corporation is required under order of a Judge or Magistrate made for special cause in pursuance of this section to produce any original document of the Corporation for the attendance of such officer upon subpoena in Court for that purpose the sum of two hundred dollars.

(6) For the purposes of this section, "document of a Corporation" includes notices, orders and authorities given, made and issued by the Council, any record of the proceedings of the Council, any entry in any rate book, account book, register or other book of the Corporation, any resolution or other matter recorded in the minutes of the Executive Council, and all Orders, Rules, By-laws, Regulations, warrants, lists, certificates, requisitions, letters, notices, receipts and any other documents whatsoever in the custody of or proceeding from a Corporation.

(7) The provisions of this section shall be deemed to be in addition to

and not in derogation of any powers of proving documents given in any other part of this Act or by any other written law.

(8) Notwithstanding anything contained in this section, the Chief Executive Officer may grant any person desiring the same for any other purpose than as evidence in legal proceedings, a certified copy of or extract from any document of the Corporation upon payment of such fee and upon such terms as may be fixed by resolution of the Council.

Procedure for  
enforcing powers  
of entry

**92.** (1) Where any officer of a Corporation or any other person is duly authorised by a Council or by a Magistrate or Justice to enter any premises for any of the purposes of this Act, such officer or person shall, on entering such premises, if required by the occupier thereof, produce to such occupier either the original or a duly authenticated copy of his authorisation, or some other sufficient evidence of his being authorised as aforesaid.

(2) The copy of a written authorisation by a Council referred to in this section shall be deemed to be duly authenticated if it purports to be signed by the Mayor.

(3) Any person who refuses to permit any duly authorised officer or servant of a Corporation to enter any premises for any of the purposes for which its duly authorised officers or servants are authorised to enter premises by virtue of this Act, or who obstructs, hinders or delays duly authorised officers or servants of a Corporation in the execution of any of their duties under this Act or under any By-laws made hereunder is guilty of an offence and (unless a different penalty is expressly provided for the offence charged) is for every such offence, liable to a fine of one thousand dollars.

(4) In any information or complaint preferred or made by a Corporation or by any of its officers or servants against any person pursuant to subsection (3), the complainant may add a notice that he intends at the hearing to apply to the Magistrate for a warrant authorising him to enter such premises, by force if need be, for the purposes specified in the notice. In such cases the Magistrate may, either in addition to the penalty provided for such offence under this Act or, without imposing any penalty for the offence, by warrant under his hand, authorise the duly authorised officers or servants of the Corporation to enter such premises, by force if need be, and with such assistants as they may require, and there to execute their duties under this Act.

(5) A warrant issued under subsection (4) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) A person who obstructs the execution of any such warrant is, without prejudice to any other proceeding that might be brought against him, liable on summary conviction to a fine of five hundred dollars for every day that

he obstructs the execution thereof.

## **PART XII**

### **BY-LAWS, RULES AND REGULATIONS**

**93.** (1) Subject to the provisions of the Highways Act and to section 110 of the Motor Vehicle and Road Traffic Act, a Council may, subject to negative resolution of Parliament, make By-laws for - Power to make  
By-laws

- (a) declaring and limiting the use by the public of any street within the Municipality both or either as to the time of such public use or as to the character of the traffic on such street;
- (b) the control, management, construction and repair of streets within the Municipality and for the prevention and removal of any obstruction or projection thereon and for the prevention of the use of streets other than as a means of passage;
- (c) prohibiting the use upon any street within the Municipality of any vehicle and for regulating and declaring the manner in and the conditions under which the same may be used or driven over a street;
- (d) carrying out the provisions of Regulations made under **section 112(1)(a)** and for providing for the manner in which and the persons from whom the expenses of carrying out the provisions of such By-laws are to be recovered.

(2) A Council may make By-laws with respect to the management of sanitary conveniences provided by it in any street or public place vested in the Corporation and for the proper conduct of persons using such conveniences.

(3) A Council may make By-Laws for -

- (a) regulating the use of public markets within the Municipality and directing the manner of occupying and using the stalls, stands, tables, sheds and places therein;
- (b) prescribing the conditions subject to which the stalls, stands, tables, sheds and places shall be held, occupied or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council considers necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them and all blocks,

axes, saws and other implements or instruments and all scales used by them are properly cleaned and kept clean;

- (c) regulating the use of weighing instruments belonging to the Corporation and used in public markets, and preventing the use of false or defective weights, scales or instruments by any person selling in any such market;
- (d) restricting the sale or display of certain classes or kinds of marketable commodities to designated areas in any public market or prohibiting the introduction of such marketable commodities to any public market;
- (e) preventing nuisances or obstructions in any public market or in the immediate approaches thereof;
- (f) maintaining order and prohibiting any disorderly behaviour;
- (g) excluding and removing from any public market, persons suffering from any infectious or contagious disease;
- (h) prescribing measures to be taken by vendors of marketable commodities in any public market to protect such commodities from contamination by flies and dust or otherwise;
- (i) prohibiting, restricting or controlling the introduction of fresh meat for sale in the Municipality;
- (j) the good government of public markets;
- (k) carrying out the provisions of Regulations made under **section 112(1)(b)** that relate to public markets.

(4) All By-laws made under subsection (3) shall be printed, and a copy thereof exhibited in a conspicuous part of every public market to which such By-laws apply and the By-laws shall also be published in the *Gazette* and in one newspaper circulating within the Municipality.

(5) A Council may make By-laws for -

- (a) enforcing cleanliness in all cold stores within a Municipality;

- (b) fixing the hours during which fresh meat or fresh fish may be delivered from any cold stores;
- (c) imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and description of any fresh meat or fresh fish received into such cold stores and the destination of any fresh meat or any fresh fish delivered therefrom;
- (d) carrying out the provisions of Regulations made under **section 112(1)(c)** that relate to cold stores.

(6) A Council may make by-laws with respect to the management, good government and use of any slaughterhouse and detention station under the control of the Corporation and the feeding and the watering of animals taken there, and it may by such By-laws fix the charges to be made for the lairage, slaughtering and where necessary, the destruction of animals.

(7) In addition to any other By-laws, Rules, or Regulations which a Council is expressly authorised to make under this Act, a Council may make such By-laws, Rules and Regulations as to it seems proper for the good rule and government of the Municipality and also for the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any written law.

**94.** A Council may by any By-laws, Rules, or Regulations made by it under this Part impose penalties not exceeding ten thousand dollars for each offence and, in the case of a continuing offence, a further penalty not exceeding one thousand dollars for each day during which such offence continues after written notice thereof from the Corporation and, in default of payment of such penalties, imprisonment for any term not exceeding three months.

Penalty for breach of By-law

**95.** (1) All By-laws, Rules, or Regulations made by a Council shall not take effect unless and until they have been confirmed by the President.

By-laws to be confirmed by the President

(2) All By-laws, Rules, or Regulations made by a Council shall, when confirmed by the President, be published in the *Gazette* with a statement of the confirmation by the President and of the date on which they will come into force.

(3) This section does not apply to any Rules or Regulations made by a Council relating to the duties, rights, or conduct of its officers or servants, or with respect to the proceedings at meetings of the Council, the Executive Council or of any committee of the Council or the Executive Council and the form or order of their debates; and all such Rules and Regulations have effect without being confirmed by the President or otherwise.

By-laws may apply to the whole or part of the Municipality

**96.** Where a Council is empowered to make By-laws, Rules, or Regulations affecting premises or imposing any duties on the owners or occupiers thereof, the Council may make such By-laws, Rules or Regulations for the whole or for any part of the area under its jurisdiction and may make separate and different By-laws, Rules or Regulations for different parts of such area.

### **PART XIII GENERAL PROVISIONS**

Form, authentication and service of notices etc.

**97.** (1) Notices, orders, accounts, demands and any other documents required to be served, given or delivered by the Corporation under this Act or any other written law, or under any By-laws, Rules or Regulations of the Council, may be in writing or print, or partly in writing and partly in print; and, if the same require authentication, it shall be sufficiently authenticated by the name of the Mayor, the Secretary to Council or any other duly authorised officer of the Corporation being affixed thereto in print or in writing.

(2) Service of any notice under this Act or any By-laws, Rules or Regulations made hereunder, on any owner or occupier shall be effected by handing the same to him or leaving the same at his usual place of abode, or, where the owner or occupier is absent from Trinidad and Tobago, or is unknown, or cannot be found, by posting a copy of such notice on the premises to which it is related.

(3) Any notice, order, or document required or authorised to be served upon any body or person under this Act or any By-laws, Rules or Regulations made hereunder, may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:

- (a) in the case of the President, the office of the Cabinet Secretariat;
- (b) in the case of the TTPOST, the Office of the General Manager;
- (c) in the case of the Technical Officer (Local Government), the Permanent Secretary, Ministry of Local Government;
- (d) in the case of any company having a registered office, the registered office of such company;
- (e) in the case of a company having an office or offices, but no registered office, the principal office of such company; and

(f) in the case of any other person, the usual or last known place of abode of such person.

(4) Any notice, order or document by this Act required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises (naming the premises) without further name or description.

**98.** (1) Where a Corporation is authorised under this Act or any other written law or any By-laws, Rules or Regulations made by the Council to refuse its consent to the execution of any work or the doing or omitting to do any act or thing by the owner of any premises, the Corporation may, instead of refusing such consent, grant the same, subject to such terms and conditions in relation to the subject matter of such consent as the Executive Council thinks fit, and any breach of any such terms or conditions shall be deemed, as regards liability to penalties and other consequences, equivalent to the doing or omitting to do such act or thing without the required consent.

Power to attach conditions to consent

(2) All consents given by the Corporation under this Act or any other written law shall be given in writing, and, unless otherwise prescribed, shall be under the hand of the Chief Executive Officer or any other officer of the Corporation duly authorised in that behalf.

**99.** (1) No error, misnomer, or inaccurate description of any person, body corporate or place in any notice, list, register, roll or rate book required by this Act shall in any way hinder the full operation of this Act with respect to that person, body corporate or place, or affect the liability of any premises to any rate or charge payable in respect thereof.

Misnomer or misdescription

(2) The Chief Executive Officer may at any time correct any such errors, misnomers or inaccurate descriptions, and make such amendments in any such notices, lists, registers, rolls or rate books as may be necessary to correct any such errors and to make the entries conformable to fact, to any resolutions of the Council or Executive Council relating to such entries and to the provisions of this Act.

**100.** (1) Every rate, charge or sum of money due to a Corporation under or by virtue of any of the provisions of this Act or of any other written law, if unpaid for a period of three months after becoming due, shall be increased by a sum equal to ten per cent of the rate, charge or sum so unpaid.

Statutory increase

(2) This section shall not apply to sums due to a Corporation in respect of which interest after the date on which they become due is payable to the Corporation under this or any other written law for the time being in force, nor to any rate or charge to which any other period of time is herein prescribed for the imposition of the said increase.

Remission of  
statutory increase

**101.** Where the Council is satisfied that, by reason of special circumstances, it would be inequitable to require payment of any statutory increase, it may remit such increase and refund the same if it has been paid.

Computation of  
time

**102.** (1) Where, by this Act, any payment, act or proceeding is required, directed or allowed to be made, done or taken on a certain day, then if that day happens upon a Sunday, Good Friday, Christmas Day or any other day declared by any written law or by any proclamation by the President issued under any written law to be a close holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time if it is made, done or taken on the next day following, not being one of the days in this section specified.

(2) Where, by this Act, any payment, act or proceedings is required, directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Authentication of  
licence

**103.** (1) All licences which the Corporation may be authorised to grant under this Act or any other written law for the time being in force may, unless otherwise expressly provided, be granted by and under the hand of the Chief Executive Officer or any other officer of the Corporation duly authorised in that behalf.

(2) If any person to whom a licence has been granted by the Corporation under this Act or under any other written law satisfies the Chief Executive Officer that such licence has been lost or defaced, the Chief Executive Officer may, on payment of a fee of five dollars, order the issue to him of a duplicate licence, and the duplicate so issued shall have the same effect as the original licence.

(3) This section shall not apply to any other written law wherein it is expressly otherwise provided.

Power to  
withhold,  
suspend or  
revoke licence

**104.** (1) Where a Council is authorised under this Act or any By-laws, Rules or Regulations made hereunder to grant a licence for any purpose, it may refuse to grant any such licence whenever it considers such refusal to be necessary or desirable in the interest of the public, and it may suspend for such time as it thinks fit or revoke, any licence granted by it upon breach by the licensee of any of the terms and conditions subject to which the licence was granted or for any other reason which in its opinion renders such suspension or revocation necessary or desirable in the interests of the public; but the Chief Executive Officer may at any time, if it appears advisable to him suspend any licence pending the decision of the Council.

(2) Any person who considers himself aggrieved by the withholding, suspension or revocation of any licence granted under this Act or any By-laws, Rules or Regulations made hereunder, may within thirty days appeal to a Magistrate; but 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 seems just and proper and to award costs to the successful party.

**105.** Where, under this Act or any By-laws, Rules or Regulations made hereunder, any work of any kind is required to be executed or carried out by the owner of any premises within a Municipality and default is made in the execution of such works within the prescribed time, the Executive Council may in its discretion cause such work to be executed or carried out; and the expense incurred in respect thereof, with ten per cent added thereto, shall be a debt due to the Corporation by the owner for the time being of such premises and, until paid to the Corporation, shall be a charge on the premises in or in respect of which such work was executed.

Execution of works on default of owner

**106.** Where any rate, charge or sum of money payable to a Corporation under this Act or any other written law is declared to be a charge on any premises, such charge shall be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to the State and charges thereon in respect of other rates and charges or sums of money due to the Corporation.

Charges on premises to be preferential to other encumbrances

**107.** Where, under any provision of this Act or any By-laws, Rules or Regulations made hereunder, the Corporation constructs, carries out or does any works which are for the common benefit of two or more premises belonging to different owners, the expenses which are recoverable from the owners shall be paid by the owners of such premises in such proportions as shall be determined by an engineer or other officer of the Corporation duly authorised in that behalf and, until payment, the sum apportioned to each of such premises shall be a charge on the premises.

Appointment of expenses of works between different owners

**108.** All applications, notices, plans and other documents delivered at the office of a Chief Executive Officer, a Head of Department or an engineer in pursuance of this Act or of any other written law or of any By-laws, Rules or Regulations made thereunder, shall, on delivery, become the property of the Corporation.

Plans etc. deposited to become property of the Corporation

**109.** All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on a Corporation by any other written law or custom.

Power conferred by written law to be cumulative

Power to alter or amend

**110.** The Council may, by resolution, alter or amend any prescribed forms or tables of articles or fees but no such resolution shall come into force until it has been approved by the President, and published in the *Gazette*.

Power to dissolve a Corporation and appoint Commissioners

**111.** (1) Subject to subsections (2) and (3), on receipt of an address from the House of Representatives on a petition signed by not less than one-half in number of the electors in the lists of electors for the electoral area of a Corporation, the President may, by an Order published in the *Gazette*, dissolve the Council.

(2) An Order for the dissolution of a Council shall not be valid, unless in and by such Order a time is fixed for the election of a new Council under the provisions of this Act in lieu of the Council so dissolved, not more than two years from the date of such Order.

(3) The President may at any time vary such Order to the extent of diminishing the time fixed for the election of a new Council and substituting an earlier date for such election; but notice of such change of date shall be given by publication in the *Gazette* at least one calendar month in advance.

(4) When a Council is dissolved, the following consequences shall ensue:

- (a) the Mayor, Deputy Mayor, Secretaries, Assistant Secretaries, Councillors and Aldermen shall, as from the date specified in the Order, vacate their offices as such;
- (b) all powers, duties and liabilities of the Corporation shall as from such specified date and until a new Council is constituted under this Act, be exercised, performed and discharged by such persons not less than three in number as the President may from time to time appoint in that behalf to be designated Commissioners for the Corporation; one of the Commissioners shall be appointed by the President as Chief Commissioner on whom shall devolve all the powers and duties assigned to the Mayor under this Act;
- (c) all property, real and personal, dues, chattels and valuable securities belonging to or vested in the Corporation, or in its occupation, control or management shall, during the period aforesaid, vest in the Commissioners aforesaid, or be in their occupation, control and management;
- (d) all monies, funds, tolls, dues, charges, rents, fines, profits and advantages, claims and demands to which the Corporation is entitled shall also be transferred to and vest

in the Commissioners;

- (e) all debts and claims then due or thereafter to become due from and payable by the Corporation shall be discharged and paid by the Commissioners in the same manner at the same time and subject to the same conditions, as the same respectively would have been due and payable if the Council had continued to exist.

(5) The Commissioners may in respect of their duties as such receive from the revenues of the Corporation such remuneration as the President may from time to time prescribe.

(6) A Commissioner shall be removed from office for any cause deemed sufficient by the President.

**112.** (1) The President may make regulations in respect of the following matters: Regulations

- (a) streets and buildings;
- (b) markets and slaughterhouses; and
- (c) local traders.

(2) Until Regulations are made, Parts VII, VIII and IX of, and the written laws mentioned in the Eighth Schedule to, the Municipal Corporations Act, repealed by this Act, shall continue to apply to street and buildings, markets and slaughterhouses and pedlars, hawkers and hucksters.

(3) Regulations made under this section may provide for a fine of ten thousand dollars for any breach thereof and may also provide a penalty of five hundred dollars for every day during which such breach continues after conviction.

#### **PART XIV REPEAL AND TRANSITIONAL PROVISIONS**

**113.** (1) All powers, authorities, interests, rights and privileges vested in a Corporation under the Municipal Corporations Act, repealed by this Act (hereinafter referred to as “a former Corporation”) and all property real or personal belonging to a former Corporation shall continue to exist and shall, on the coming into force of this Act vest in such Corporation as is specified in a Vesting Order made, subject to negative resolution of Parliament, by the Minister between the enactment and the commencement of this Act. Continuation and transfer of powers, rights, property and liabilities of former corporations

(2) All liabilities and obligations of a former Corporation and all claims against its property, rights and assets are unimpaired by the coming into force of this Act and all debts, contracts, liabilities, and duties of the Corporation existing immediately prior to the coming into operation of this Act shall, on the coming into force of this Act vest in the Corporation specified in a Vesting Order made, subject to negative resolution of Parliament, by the Minister between the enactment and the commencement of this Act.

(3) Where there is doubt as to the vesting of any power or other thing in a Corporation under subsections (1) or (2), a certificate under the hand of the Minister declaring the Corporation in which power or other thing is vested shall be final.

Transfer of staff

**114.** Between the enactment and the commencement of this Act,

- (a) the staff of the former Corporations shall be have the option of remaining in, or being transferred to, positions where their terms and conditions of service will be no less favourable than those enjoyed by them with the former Corporation, subject to availability, or of exercising a severance option mutually agreed to with their respective employers and unions; and
- (b) the Minister shall appoint a committee to advise on, manage and coordinate all transitional arrangements relating to the staff of the former Corporations, including the deployment of such staff and the exercise of severance and other options in consultation with their respective employers and unions.

Continuation of collective agreements and union representation

**115.** Until all transitional arrangements under **section 114** are settled,

- (a) any collective agreement that immediately prior to the enactment of this Act affected workers who were on the staff of a former Corporation shall continue to have effect in relation to such workers and shall bind the successor Corporation by which such workers are employed;
- (b) a trade union which immediately prior thereto represented workers on the staff of a former Corporation shall continue to represent such workers in their industrial relations with any successor Corporation by which such workers are employed.

Repeal  
Chap. 25:04

**116.** The Municipal Corporations Act is repealed.

117. The written laws mentioned in the First Column of Schedule 10 are amended to the extent specified in the Second Column of that Schedule.

Consequential  
amendments  
Schedule 10

**SCHEDULE 1**

[Section 8 and 9(2)]

**Oath / Affirmation of Office for Councillors and Aldermen**

I, ....., having been elected an Councillor (appointed an Alderman) of the ..... Corporation do swear by..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially discharge my duties and responsibilities of Councillor (Alderman) that I am now about to assume.

**SCHEDULE 2**

[Section 10(1) and (2) and 28(4)]

**Oath / Affirmation of Office for Mayors / Chairmen, Deputy Mayors / Deputy Chairmen, Secretaries and Assistant Secretaries**

I, ....., do swear by ..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially and to the best of my ability discharge my duties as Mayor (Chairman / Deputy Mayor / Deputy Chairman / a Secretary / an Assistant Secretary) of the ..... Corporation and do right to all manner of people without fear or favour, affection or ill-will.

**SCHEDULE 3**

[Section 15(5)]

**Declaration of Qualification to be a Member of a Municipal Council**

I ..... hereby solemnly declare that I am, to the best of my knowledge, qualified to be a Member of a Municipal Council and that I am not aware of any grounds for my disqualification as such a Member.

.....  
Member of Municipal Council

Before me

.....  
Commissioner of Oaths

## **SCHEDULE 4**

[Section 23(1)]

### **Responsibilities of Municipal Councils**

1. To make standing orders for the good governance of the Council;
2. To make by-laws and regulations for the good governance of the Corporation;
3. To formulate broad strategies for implementation by Executive Council in accordance with Government policy;
4. To review the operations of the Executive Council;
5. To debate matters pertinent to development of the Corporation;
6. To represent the interests and concerns of the citizens, burgesses or residents of the municipality, as the case may be;
7. To bring the grievances and service delivery requests of the public to the attention of the relevant Departments of the Corporation;
8. To exercise oversight over the activities of the Corporation and its Executive Council;
9. To regulate the conduct of its members;
10. To enquire into the operations of the Corporation;
11. To approve the budget of the Corporation for consideration by Central Government;
12. To question officials on matters pertaining to the operations of the Corporation;
13. To review reports on the operations and activities of the Corporation;

14. To seek redress on behalf of members of the public who present legitimate claims of maladministration against the Corporation.

## **SCHEDULE 5**

[Section 25(1)]

### **Responsibilities of Municipal Corporations**

The matters for which a Corporation is responsible are as follows:

1. Maintenance of all public sector buildings not under the control of other state agencies;
2. Monitoring the execution of works by state enterprises, statutory corporations and public sector agencies as prescribed;
3. Provision and maintenance of local recreational facilities;
4. Landscaping and beautification of communities;
5. Establishment and management of burial grounds, crematoria and cremation sites;
6. Ensuring the distribution of water in areas where there is no pipe-borne supply;
7. Provision of community policing;
8. Waste management;
9. Management and control of insect vector and rodents;
10. Provision and management of public markets and abattoirs;
11. Promotion and preservation of environmental sanitation;
12. Promotion of, and in special circumstances, undertaking local, cultural community events and sporting activities;
13. Monitoring of planning and development activities within the Municipalities;
14. Naming of streets and numbering of houses;
15. Disaster preparedness and management;

16. Issuing approvals for applications for full planning permission not requiring a certificate of environmental clearance from the Environmental Management Authority for residential and small building development and additions of any type not exceeding five hundred square metres and minor engineering operations as specified by law.

## **SCHEDULE 6**

[Section 26(4)]

### **Functions of the Ministry responsible for Local Government**

1. To advise the Cabinet on the charting of the strategic direction for local governance and democracy;
2. To develop policy and standards consistent with national and international best practices;
3. To modernise local government structure and organisational systems to promote efficacy;
4. To facilitate and collaborate with other agencies to coordinate effective delivery of public goods and services;
5. To monitor, evaluate and review continuously the operations of Municipal Corporations;
6. To provide financial and technical support to Municipalities;
7. To review and approve annual operating and capital budgets of Municipal Corporations;
8. To ensure compliance by Municipal Corporations with accounting policies and procedures;
9. To participate in the evaluation of capital and infrastructure projects;
10. To monitor capital and other expenditure;
11. To conduct periodic audits and cost reviews;
12. To ensure the integrity of all business processes and accounting systems;

13. To compile, process, interpret and disseminate financial and operational information to internal and external users;
14. To provide cash flow projections for capital and infrastructural projects;
15. To exercise oversight over and monitor state companies / enterprises under its purview in accordance with the Ministry of Finance project management policy guidelines;
16. To monitor regional and local planning activities;
17. To prepare local area and regional development plans and policies for the Municipalities in collaboration with the Municipal Corporations.

## **SCHEDULE 7**

[Section 29(2)]

### **Responsibilities of an Executive Council**

1. To determine the broad strategies for implementation consistent with Government Policy;
2. To approve the plans and programmes of the various Departments;
3. To formulate policy relating to the functions of the Corporation and consistent with Central Government Policy;
4. To allocate financial and other resources to the various Departments;
5. To review the operations of the various Departments to ensure compliance;
6. To coordinate the operations of the various Departments and to rationalise the divisional operations;
7. To review By-laws and other Regulations for submission to the Municipal Council;
8. To collectively exercise responsibility and accountability for the effective and efficient management of the Corporation;
9. To determine the appropriate Department (Municipal Management and Corporate Services or Planning and Development) where Finance should be placed.

## **SCHEDULE 8**

[Section 29(3)]

### **Purposes, Roles and Responsibilities of Departments**

#### **PART I PURPOSE, ROLES AND RESPONSIBILITIES OF THE DEPARTMENT OF MUNICIPAL MANAGEMENT AND CORPORATE SERVICES**

##### **Purpose**

To provide leadership and management support for effective co-ordination of quality service delivery.

##### **Roles and Responsibilities**

1. To ensure that the directives, decisions and policies of the Executive Council are implemented;
2. To coordinate and determine the activities of the various Departments of the Corporation;
3. To recommend the financial and other resources to be allocated to the various Departments;
4. To coordinate budget submissions from the various Departments;
5. To implement performance management systems;
6. To promote capacity building initiatives in order to continuously improve quality service delivery;
7. To provide administrative and management support services for the effective functioning of the various Departments.

#### **PART II PURPOSE, ROLES AND RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

##### **Purpose**

To ensure a healthy, safe and sanitary environment thereby promoting community sustainability and well being while enhancing the quality of life.

### **Roles and Responsibilities**

1. To ensure that public health and environmental safety standards are observed in the maintenance of burial grounds, crematoria and cremation sites;
2. To ensure the distribution of water in areas where there is no pipe borne supply as prescribed;
3. Waste resource management;
4. Management and control of insect vector and rodents;
5. Provision and management of public markets and abattoirs;
6. Promotion and preservation of environmental sanitation;
7. Disaster preparedness and management;
8. Prevention of the spread of food borne diseases.

### **PART III PURPOSE, ROLES AND RESPONSIBILITIES OF THE DEPARTMENT OF SOCIAL SERVICES AND COMMUNITY OUTREACH**

#### **Purpose**

To harmonise diversity and be the first responder to support persons in special circumstances.

#### **Roles and Responsibilities**

1. To promote and, in special circumstances, undertake local, cultural community events and sporting activities;
2. Disaster preparedness and management;
3. Cultural services;
4. Grant support and awards;
5. Community art and festivities;

6. Civic sponsorship initiative;
7. Implementation of Government's social policies;
8. To establish linkages with social development, community development and sport;
9. Facilities Administration.

PART IV  
PURPOSE, ROLES AND RESPONSIBILITIES OF  
THE DEPARTMENT OF FACILITIES  
MAINTENANCE AND PHYSICAL INFRASTRUCTURE

**Purpose**

To ensure provision and maintenance of high quality facilities and infrastructure.

**Roles and Responsibilities**

1. Provision and management of public markets and abattoirs;
2. Monitor planning and development activities within the Municipalities;
3. Disaster preparedness and management;
4. Naming of streets and numbering of houses;
5. Maintenance of all public sector buildings not under the control of other state agencies;
6. Monitoring the execution of the development programme of state enterprises and statutory corporations as prescribed;
7. Provision and maintenance of squares, parks, open spaces and local recreational facilities;
8. Landscaping and beautification of communities;
9. Establishment and management of burial grounds, crematoria and cremation sites;
10. Maintenance of recreation grounds working in collaboration with the Ministry responsible for sports.

PART V  
PURPOSE, ROLES AND RESPONSIBILITIES OF  
THE DEPARTMENT OF PLANNING  
AND DEVELOPMENT

**Purpose**

To create and build an environment for sustainable, resilient communities.

**Roles and Responsibilities**

1. Strategic planning and developmental review at regional and local levels;
2. To develop regional and local area plans for the Municipalities;
3. To identify and promote activities pertaining to economic self sufficiency for individuals, groups and organizations;
4. To facilitate and encourage commercially viable options suitable to the developmental focus of the Municipality;
5. To issue approvals for applications for full planning permission not requiring a certificate of environmental clearance from the Environmental Management Authority for residential and small building development and additions of any type not exceeding five hundred square metres and minor engineering operations as specified by law.

PART VI  
PURPOSE, ROLES AND RESPONSIBILITIES OF  
THE DEPARTMENT OF MUNICIPAL POLICING

**Purpose**

To ensure public safety, law and order by creating and maintaining a secure community environment of increased public safety and enhanced individual and community capacity for peace and civil existence, and to improve the quality of life for those who live and work in the Municipality.

1. To facilitate the maintenance of law and order within the Municipality;
2. To provide security at municipal corporation meetings and ensure the safety and protection of members and individuals as well as of the municipal corporation's property and assets;

3. To adequately enforce the municipal corporation's By-laws and Regulations;
4. To facilitate the prevention of crime and infraction against the law in collaboration with the Central Police;
5. To facilitate the regulation and control of local traffic within communities;
6. To establish, implement and supervise programmes to promote cooperative and productive relationships between the police and the public;
7. To deliver fair, impartial and effective policing to communities;
8. To implement strategies for reducing the incidence of robberies, gang violence, drug use, domestic violence and juvenile delinquency in communities;
9. To foster the development of strategies in partnership with the community in order to design and implement solutions for building safer communities and trust and confidence between the police and communities;
10. To increase the cooperation between the municipal police and community members to determine and address the root causes of crime, decrease the number of recurring crimes and allocate policing resources to meet community policing needs;
11. To promote strategies and programmes for public safety and solving neighbourhood problems;
12. To carry out regular patrols in order to reduce the incidence of infractions against the law, bye-laws and regulations, including vandalism and destruction of property, as well as to detect, arrest and charge offenders;
13. To facilitate the prosecution of offenders of the law in the courts;
14. To carry out investigations with a view to determining infractions against the law and charging offenders.

**SCHEDULE 9**

[Section 84]

**Responsibilities of a Central Administrative District  
Co-ordinating Committee**

1. To develop broad strategies consistent with national policies and priorities for the effective coordination of service delivery among the various bodies represented on the Co-ordinating Committee;
2. To monitor, evaluate and review the execution of work plans, programmes and projects of the various bodies represented on the Co-ordinating Committee to avoid duplication, improve managerial efficiency and expand service delivery coverage;
3. To develop broad strategies to avoid duplication of projects and service delivery among the various bodies represented on the Co-ordinating Committee;
4. To recommend corrective action to be taken by the various bodies represented on the Co-ordinating Committee in order to avoid duplication, ensure managerial efficiency and expand service delivery coverage;
5. To establish service delivery and work performance standards consistent with national and international best practices.

**SCHEDULE 10**

[Section 117]

**First Column**

***Laws to be Amended***

**Second Column**

***Amendments to be made***

Public Health Ordinance  
Ch. 12 No. 4  
(1950 ed.)  
Section 2(1)

- (a) In the definition of “constable”, delete the words “Municipal Corporations Act (1990)” and substitute the words “Local Government Act, 2009”;
- (b) In the definition of “local authority”, delete the words “the Council of”.

**First Column**  
*Laws to be Amended*

**Second Column**  
*Amendments to be made*

Representation of the  
People Act  
Chap. 2:01  
Section 2

- (a) For the definition of “Municipality”,  
substitute the following:  
  
““Municipality” means a Municipality  
within the meaning of the Local  
Government Act, 2009;”;
- (b) For the definition of “Municipal Council”,  
substitute the following:  
  
““Municipal Council” means the Municipal  
Council of a Municipal Corporation  
within the meaning of the Local  
Government Act, 2009;”.

Interpretation Act  
Chap. 3:01  
Section 82

- (a) For the definition of “Municipality”,  
substitute the following:  
  
““Municipality” means a Municipality  
within the meaning of the Local  
Government Act, 2009;”;
- (b) For the definition of “Municipal Council”,  
substitute the following:  
  
““Municipal Council” means the Municipal  
Council of a Municipal Corporation  
within the meaning of the Local  
Government Act, 2009;”;
- (c) Insert in appropriate alphabetical sequence  
the following definition:  
  
““Municipal Corporation” or “municipal  
corporation” means a Municipal  
Corporation within the meaning of  
the Local Government Act, 2009;”.

Section 83

In the definition of “constable”, delete the words  
“Part III of the Municipal Corporations Act”  
and substitute the words “the Local  
Government Act, 2009”.

**First Column**  
***Laws to be Amended***

**Second Column**  
***Amendments to be made***

Firearms Act  
Chap. 16:01  
Section 7(1)(a)

Delete the words “Part III of the Municipal Corporations Act” and substitute the words “the Local Government Act, 2009”.

Statutory Authorities Act  
Chap. 24:01  
Section 2

For the definition of “local authority”, substitute the following:

““local authority” means a Municipal Corporation within the meaning of the Local Government Act, 2009;”.

Mental Health Act  
Chap. 28:02  
Section 2

In the definition of “police officer”, delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.

Town and Country Planning Act  
Chap. 35:01  
Section 2

For the definition of “local authority”, substitute the following:

““local authority” means a Municipal Corporation within the meaning of the Local Government Act, 2009, or the Tobago House of Assembly;”.

Section 3

Re-number as section 3(1) and insert thereafter the following new subsection:

“(2) Notwithstanding the provisions of this Act,

(a) the Minister with responsibility for local government shall be responsible for the preparation of local area and regional development plans and policies for Municipalities in collaboration with Municipal Corporations; and

(b) a Municipal Corporation shall, in relation to its

Municipality, be responsible for issuing approvals for applications for full planning permission not requiring a certificate of environmental clearance from the Environmental Management Authority for residential and small building development and additions of any type not exceeding five hundred square metres and for such minor engineering operations as are specified by law.”.

Recreation Ground and  
Pastures Act  
Chap. 41:01  
Section 3

Delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.

Highways Act  
Chap. 48:01  
Section 2

(a) For paragraph (a) of the definition of “engineer”, substitute the following:

“(a) in relation to a Municipal Council, a person employed as an engineer or any subordinate officer designated for specific purposes relating to highways;”;

(b) For the definition of “Municipal Council”, substitute the following:

““Municipal Council” means the Municipal Council of a Municipal Corporation within the meaning of the Local Government Act, 2009;”;

Litter Act  
Chap. 30:52  
Section 2

For the definition of “local authority”, substitute the following:

““local authority” means a Municipal Corporation within the meaning of the Local Government Act, 2009, or the Tobago House of Assembly;”.

**First Column**  
***Laws to be Amended***

**Second Column**  
***Amendments to be made***

Section 16A(6)(b)	Delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2006”.
Motor Vehicle Insurance (Third Party Risks) Act Chap. 48:51 Section 3(4)(b)	Delete the words “Municipal Corporations Act (1990)” and substitute the words “Local Government Act, 2006”.
Valuation of Land Act Chap. 58:03 Section 2	In the definition of “local authority”, delete the words “the Council of”.
Section 4(2)	Delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.
Dogs Act Chap. 67:54 Section 2	For the definition of “local authority”, substitute the following:  ““local authority” means a Municipal Corporation within the meaning of the Local Government Act, 2009, or the Tobago House of Assembly;”.
General Local Loan (Municipal Government) Act Chap. 71:00 Section 2	Delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.
Industrial Relations Act Chap. 88:01 Section 2	In the definition of “Municipal Council”, delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.
Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act Chap. 25:50 Section 2	In paragraph (a) of the definition of “electoral area”, delete the words “any Municipality mentioned in the First Schedule” and substitute the words “a Municipality within the meaning of the Local Government Act, 2009”.

**First Column**  
*Laws to be Amended*

**Second Column**  
*Amendments to be made*

In the definition of “Municipal Council”, delete the words “Municipal Corporations Act” and substitute the words “Local Government Act, 2009”.

Section 3

Repeal the whole section 3.

First Schedule

Delete Parts I and II.

Occupational Safety  
and Health Act, 2004  
No. 1 of 2004  
Section 4(1)

For the definition of “municipal corporation”,  
substitute the following definition:

““municipal corporation” means a  
Municipal Corporation within the  
meaning of the Local Government  
Act, 2009;”.

Passed by the House of Representative this            day of            , 2009.

Clerk of the House

I confirm the above.

Speaker

Passed by the Senate this            day of            , 2009.

Clerk of the Senate

I confirm the above.

President of the Senate.